

1 STATE OF MINNESOTA IN DISTRICT COURT
2 COUNTY OF RAMSEY SECOND JUDICIAL DISTRICT

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5 DOE 1,

6 Plaintiff,

7 vs.

8 ARCHDIOCESE OF ST. PAUL AND
9 MINNEAPOLIS, DIOCESE OF WINONA
and THOMAS ADAMSON,

10 Defendants.

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13 Videotape deposition of FATHER PETER
14 LAIRD, taken pursuant to Notice of Taking
15 Deposition, and taken before Gary W. Hermes, a
16 Notary Public in and for the County of Ramsey,
17 State of Minnesota, on the 12th day of May,
18 2014, at 30 East 7th Street, St. Paul,
19 Minnesota, commencing at approximately 9:35
20 o'clock a.m.

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**AFFILIATED COURT REPORTERS
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1 APPEARANCES:

2 JEFFREY R. ANDERSON, ESQ., MICHAEL G.
3 FINNEGAN, ESQ., Attorneys at Law, 366 Jackson
4 Street, Suite 100, St. Paul, Minnesota 55101,
5 appeared for Plaintiff.

6 DANIEL A. HAWS, ESQ., Attorney at
7 Law, 30 East 7th Street, Suite 3200, St. Paul,
8 Minnesota 55101, appeared for Archdiocese of
9 St. Paul and Minneapolis.

10 THOMAS B. WIESER, ESQ., Attorney at
11 Law, 2200 Bremer Tower, 445 Minnesota Street,
12 St. Paul, Minnesota 55101, appeared for
13 Archdiocese of St. Paul and Minneapolis.

14 THOMAS R. BRAUN, ESQ., Attorney at
15 Law, 117 East Center Street, Rochester,
16 Minnesota 55904, appeared for Diocese of
17 Winona.

18 RICHARD H. KYLE, JR., ESQ., Attorney
19 at Law, 200 South 6th Street, Suite 4000,
20 Minneapolis, Minnesota 55402-1425, appeared
21 for Father Peter Laird.

22 ALSO PRESENT:

23 Paul Kinsella, videographer

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I N D E X

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1 P R O C E E D I N G S

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3 MR. KINSELLA: Today's date is May
4 12th, 2014, the time is 9:35 a.m. This is the
5 videotape deposition of Father Peter Laird.
6 Will counsel please identify themselves for
7 the video record?

8 MR. ANDERSON: For the plaintiff,
9 Jeff Anderson.

10 MR. FINNEGAN: For the plaintiff,
11 Mike Finnegan.

12 MR. HAWS: Dan Haws for the
13 archdiocese.

14 MR. BRAUN: Thomas Braun on behalf
15 of the Diocese of Winona.

16 MR. WIESER: Tom Wieser on behalf of
17 the archdiocese.

18 MR. KYLE: And Richard Kyle for
19 Father Peter Laird.

20 MR. KINSELLA: Will the reporter
21 please swear the witness?

22 FATHER PETER LAIRD,
23 called as a witness, being first duly sworn,

24 was examined and testified as follows:

25 EXAMINATION

1 BY MR. ANDERSON:

2 Q. Father, would you please state your full name
3 for the record and spell your last?

4 A. Father Peter Anthony Laird, L-a-i-r-d.

5 Q. We went through some of the basic ground rules
6 of this process before we began. What is your
7 current assignment status?

8 A. Currently, I'm -- I don't have an assignment.
9 I have some shoulder issues that I've been
10 working through since I resigned, which -- it
11 required extensive physical therapy, and aware
12 that the assignment schedule for the
13 archdiocese is in June, I would expect that
14 there would be something at that time.

15 Q. When did you resign?

16 A. I don't know the exact date, but early
17 October, late September of this past year.

18 Q. And was that a resignation as vicar general of
19 the archdiocese?

20 A. That's correct, as vicar general, moderator of
21 the Curia.

22 Q. And why did you resign, Father?

23 A. I resigned for essentially two reasons. One,
24 first, because I thought it was essential in
25 light of the questions that had been raised

1 that the archdiocese signal to its various
2 constituencies, primarily victims, but others
3 as well, that we understand this issue, that
4 this is a -- a painful issue for many people
5 and that leadership needed to be accountable
6 and that the first thing is to re-establish
7 trust. I was confident of the work that I
8 did. I think I gave good advice and we took
9 great steps over the years that I was in my
10 position. But I thought it was essential to
11 signal our accountability and to let a process
12 of fact-finding to go forward.

13 Q. You said two reasons, but I think I heard
14 three, so let me break it down.

15 A. Sorry. I don't count well sometimes.

16 Q. That's okay. And they may -- they may blend.
17 The first, I think, I heard you say was you
18 thought it was essential in light of questions
19 raised. When you say "questions raised," what
20 are you referring to?

21 A. Well, I think there were some reports in the
22 media about how the archdiocese had handled
23 issues, and because that is an important issue
24 and one that's not easily resolvable in five
25 minutes and because I thought it was necessary

1 for fact-finding to take place, that that
2 would be the reason.

3 Q. And I presume when we're talking about the
4 reports in the media, that's about how the
5 archdiocese, not just you, but the archdiocese
6 officials had handled certain accused
7 offenders, is that what you're talking about?

8 A. You know, I -- I can't recall my state of mind
9 at that particular time. I would not have
10 broken it out in the way in which you're
11 breaking it out now. I just thought it was
12 very important to signal our accountability,
13 our willingness to engage this issue and that
14 there needed to be a process by which that
15 would take place and I recommended a number of
16 processes.

17 Q. And when you say "our accountability," who is
18 the "our" referring to?

19 A. The leadership of the archdiocese.

20 Q. That's the archbishop and the top officials?

21 A. Yes.

22 Q. And when you say that the resignation was
23 motivated in part by a desire to send a signal
24 that the leadership would be accountable, I
25 think that was the word you used.

1 A. (Nods head).

2 Q. Is that correct?

3 A. Correct.

4 Q. Accountable for what, Father?

5 A. I think any leader in any organization has a
6 responsibility to be accountable for the work
7 that they've done, whether they -- it happened
8 under their tenure or not.

9 Q. And what happened under your tenure that
10 caused you to believe that your resignation
11 would be -- should be made for accountability
12 purposes?

13 A. As -- as I mentioned, I was very much at peace
14 and content with -- with the advice and
15 counsel I gave, but I was part of that
16 leadership that you had referenced.

17 Q. And who else was a part of that leadership?

18 A. I would imagine that, from my point of view,
19 that would be Archbishop Nienstedt, Bishop
20 Piche and myself is the -- is the three senior
21 members of the organization.

22 Q. Kevin McDonough was also involved in a lot of
23 those things that led to your resignation, was
24 he not?

25 A. He was the delegate for safe environment, I

1 think up until maybe even this year.

2 Q. And did you volunteer to resign or were you
3 asked by somebody to?

4 A. No. I -- I believe I had two conversations
5 with the archbishop and I tendered my
6 resignation.

7 Q. At the time that you had the conversations
8 with the archbishop leading to the tendering
9 of your resignation, did you believe that
10 others besides yourself should also tender
11 their resignation so that they, as top
12 officials, would also -- as top officials
13 would also be accountable?

14 A. I can't speak to what others should or
15 shouldn't do. I do think that leaders should
16 consider how they continue to lead and
17 sometimes leadership leads by being
18 accountable and offering a resignation.

19 Q. And I appreciate what you said about
20 accountability and leadership. Did you
21 express the view to any other leaders that you
22 were going to resign in the interest of
23 accountability and to establish trust and that
24 others should? Did you express that opinion
25 to anybody else?

1 A. Yes.

2 Q. To whom?

3 A. Among a number of different options that I set
4 forth for Archbishop Nienstedt, I listed as
5 one of those options resignation.

6 Q. Was that in the first or second or both
7 conversations you had with him leading up to
8 your resignation?

9 A. My recollection is -- I'm not sure when, but I
10 believe my -- that I spoke to the archbishop
11 twice about that.

12 Q. In the first instance you spoke to him about
13 the issue of resignation, tell us about
14 that --

15 (Discussion out of the hearing of
16 the court reporter)

17 BY MR. ANDERSON:

18 Q. So that I just understand what I think I may
19 have heard, did you say that the option was
20 listed for you to resign or him to resign, it
21 was an either/or --

22 A. No. I didn't state that.

23 Q. -- or did I misstate that? Okay. Okay.

24 (Discussion out of the hearing of
25 the court reporter)

1 BY MR. ANDERSON:

2 Q. Were you suggesting Archbishop Nienstedt
3 resign?

4 A. In the options that I set out for the
5 archbishop, I listed a number of them, some of
6 which have in fact been taken. But I can't
7 make that judgement or decision for the
8 archbishop.

9 Q. Okay.

10 (Discussion out of the hearing of
11 the court reporter)

12 BY MR. ANDERSON:

13 Q. Was one of those options for Nienstedt to
14 resign?

15 A. I mentioned that, I think, on two occasions.
16 I listed among options that -- that he should
17 consider is resignation.

18 Q. Why did you think he should consider such an
19 option?

20 A. For the same reason that I resigned, which is
21 I think leaders have a responsibility to be
22 accountable for decisions whenever they take
23 place in an organization and -- and to signal
24 trust and that the most important thing is, is
25 that the archdiocese doesn't have anything to

1 hide and let -- let transparency work its
2 course.

3 Q. Did you put the options as you set them forth
4 to the archbishop in writing?

5 A. No. They were verbal conversations.

6 Q. And what specifically had --

7 THE WITNESS: Excuse me.

8 MR. ANDERSON: Sure.

9 (Discussion out of the hearing of
10 the court reporter)

11 A. I -- I did -- I -- at one time I may have set
12 forth, for example, an independent review of
13 files, that may have been in writing.

14 BY MR. ANDERSON:

15 Q. Okay.

16 A. I don't believe I ever put -- so I believe
17 that was in writing.

18 Q. Okay. We're specifically addressing the
19 resignation issue here.

20 A. Yeah. Okay.

21 Q. And in the option that was posited that the
22 archbishop resign, you said that, you know, to
23 take responsibility for decisions. What
24 decisions, in your mind, had he made or failed
25 to make for which responsibility needed to be

1 taken by him as that option was discussed?

2 A. Again, I don't know if I was thinking at that
3 time of any specific situation. More
4 generally about what leaders do when their
5 actions are called into question because it
6 often takes a long time for the fact-finding
7 to take place and the most important thing is
8 the organization.

9 Q. And any particular actions that you thought
10 about or had in mind when you had this
11 discussion that he had taken that led you to
12 the consideration of that option that he
13 resign?

14 A. I -- I don't recall at the time what was the
15 motivating factor for that.

16 Q. Do you recall if it was specific to one
17 particular priest about which whom there had
18 been public disclosures or was it a number of
19 revelations that had unfolded at that time?

20 A. Could you be more specific?

21 Q. Well, in discussing with Archbishop Nienstedt
22 him resigning to take responsibility for
23 decisions made as the top leader, did you have
24 in mind at that time a number of revelations
25 that had been made public concerning a number

1 of priests or one particular priest who had
2 been handled or mishandled by leadership?

3 A. Well, surely, interactions or decisions
4 historically or contemporaneously with respect
5 to priest personnel may well be part of that.
6 I'm just not sure that there was at that
7 moment any particular reference that I had in
8 mind.

9 Q. The conversations that you referenced with
10 Archbishop Nienstedt, two in number where this
11 was posited, anybody else present besides you
12 and he?

13 A. You know, I don't recall one -- I don't
14 recall.

15 Q. Do you know if Archbishop Nienstedt or did you
16 see if he took any notes of that meeting or
17 conversation as you had it?

18 A. I don't believe he did.

19 Q. Let's talk, then, about the first time you had
20 such a discussion with him, and tell us where
21 that was first.

22 A. To my recollection, the first conversation we
23 had was in the residence, in the archbishop's
24 residence.

25 Q. And approximately when would that have been?

1 A. Okay. I -- I'm sorry, I can't put a specific
2 -- there was a lot of fluidity in those times
3 and those days at the end of September,
4 beginning of October move, so it would be in
5 that time frame.

6 Q. So it would be September or October --

7 A. Prior to my resignation.

8 Q. And your resignation was in what year?

9 A. This past -- this past October or September.

10 Q. 2013?

11 A. Yeah.

12 Q. And the conversation in the residence, I'd
13 like you to just recount for us how that came
14 about. Did you initiate it or did he call you
15 to the residence first? How did that come
16 about?

17 A. I believe I initiated that conversation.

18 Q. So you went to the residence to meet with him
19 with a particular notion in mind to discuss
20 something with him that you felt was
21 important?

22 A. Yes.

23 Q. And what was that notion that you felt
24 important?

25 A. Just to try to set out the options of how I

1 thought -- or to offer options that he would
2 want to consider to respond to this situation.

3 Q. Did you feel that the public revelations at
4 that time had been such that it really
5 required leadership to take some definitive
6 actions to demonstrate to the community that
7 the archdiocese was serious about addressing
8 the problem?

9 A. Yes, I think an awful lot of very good work
10 had been done by what I would call the
11 leadership team there, by this I mean Andy
12 Eisenzimmer, Jennifer Haselberger, myself in
13 -- in being proactive in many cases. But
14 that's not something that can come to light in
15 the -- in a news cycle. And so the first
16 priority is the organization, the people who
17 had been affected historically by these
18 situations and the larger community of the
19 Twin Cities.

20 Q. And so when you met with him in that first --
21 first occasion at the residence with this in
22 mind to express, tell us how that conversation
23 went. I trust you began it and told him why
24 you were there; and why don't you just tell
25 us, as best you can recall, what happened and

1 what was said by you and he?

2 A. I believe my recollect -- I believe I stated
3 that I thought this was a -- a very important
4 issue that can't be minimalized in any way, in
5 fact, it can't be overstated is a better word,
6 and that while a lot of good work had been
7 done, this is not going to be the time in
8 which that good work is going to be
9 acknowledged, and so here are different
10 options that I think you need to consider.

11 Q. When you use the term, "I stated this is a
12 very important issue," when you refer to the
13 "this," what was the "this" referring to?

14 A. It would be allegations that the archdiocese
15 was lax on child sex abuse claims.

16 Q. Did you believe at that time the archdiocese
17 leadership had been lax?

18 A. Well, historically, I think there was -- this
19 has been an evolving issue for the church.
20 And so looking back from 2013, one could say,
21 "Gee, that might have been better done, this
22 could have better done." But it's such an
23 emotional issue, and rightly so because of the
24 pain that it causes individual persons, it
25 can't be overstated. And so there has to be a

1 constant movement toward innovation and best
2 practice.

3 Q. So thinking back to that meeting and the time
4 you went to the residence and your state of
5 mind at that time, did you believe and have
6 the opinion that there had been or that the
7 archdiocese leadership had been lax in
8 handling child sex abuse allegations?

9 A. My state of mind or what I believed that we
10 needed to do is continuously get better. I'm
11 a believer that you want to continually get
12 better, you want to continually bring in best
13 practice. So I think a lot of good work had
14 been done, and without making a judgment, I do
15 think there are also mistakes that were made,
16 but how do we continue to get better? Because
17 nothing is more important than the safety of
18 our children.

19 Q. At that point in time, where did you think
20 mistakes had been made and by whom?

21 A. Well, I -- I certainly -- I disagreed, for
22 example, with an assignment that had been made
23 of a priest. I didn't have assignment
24 responsibilities or supervision, but I brought
25 that -- and I think that was a bad decision.

1 Q. Which priest are you referring to?

2 A. Father Curt Wehmeyer. So I think so that was
3 a concrete example. But I think it was more
4 that effort of just, we wanted to demonstrate,
5 I think it's important for the church to
6 demonstrate an urgency and in constantly
7 innovating and getting as good as we can, and
8 I think by and large that was what we did over
9 the last three-and-a-half years.

10 Q. You identified Wehmeyer and having
11 disagreement about the assignment of him as
12 one of the mistakes. What other mistakes at
13 that time did you have in mind that had been
14 made?

15 A. I don't think I gave a number of mistakes.
16 That's a concrete example of a mistake. I do
17 think sometimes there was a challenge between
18 what canon law would expect and what the --
19 the chancellor for canonical affairs suggested
20 in order for us to be germane or following
21 canon law and what I thought we might want to
22 do just from the perspective of best practice.
23 There's a tension there.

24 Q. And the tension has been, at least would you
25 fairly describe as, canon law has a tendency

1 to want to handle problems of sexual abuse
2 internally oftentimes versus the civil law,
3 which requires sometimes the deployment of
4 external resources, is that the tension you're
5 referring to or something else?

6 A. You know, certainly canon law is only a -- a
7 law for the internal workings of the church.
8 As the vicar general, moderator of the Curia,
9 I was well aware that we operated in two
10 fields of action; the civil law and canon law.
11 And I do think historically, you know, there's
12 a sense of rights in the church in canon law
13 that my preference, and I think an emerging
14 preference in the archdiocese, was to give the
15 benefit of the doubt not to those rights
16 because of the tension and the hesitation that
17 they sometimes caused.

18 Q. So when you used the reference to challenge in
19 the canon law, what specifically were you
20 referring to as it pertains to the issue of
21 childhood sexual abuse?

22 A. Well, I -- first I would state that my -- my
23 concerns would be much broader than child
24 sexual abuse, but certainly incorporate child
25 sexual abuse.

1 Q. Okay.

2 A. So we would never get to a case of child
3 sexual abuse because we would want to be
4 proactive in addressing a number of issues.
5 And so, for example, a pastor has rights, and
6 once he's assigned, he's -- it's very
7 difficult to remove a pastor, unless you go
8 through a deliberative process. That would be
9 an example of the tension that I think
10 existed.

11 Q. If a priest is assigned as administrator
12 versus a pastor, it's a lot easier to remove
13 him?

14 A. That's correct.

15 Q. Okay. Let's go back, then, Father, to the
16 conversation you began to describe between
17 yourself and the archbishop in that first
18 conversation. And it sounds like you laid out
19 several options and one was his resignation,
20 correct?

21 A. I placed before the archbishop a number of
22 options, one that -- that he might wanna think
23 about is resignation.

24 Q. And what was his reaction when you put that to
25 him?

1 A. I believe it was more of listening at that
2 time. I'm not sure I got a specific reaction.
3 I think it was the first blush of me bringing
4 these things to the archbishop.

5 Q. Did you notice any change in his demeanor in
6 you posing that option to him?

7 A. I don't recall.

8 Q. It's kind of a -- in your experience, is that
9 kind of a bold thing for one of the officials
10 to express to the top superior, the
11 archbishop?

12 A. I -- I -- I don't know how it's to be
13 characterized. I thought I fulfilled my
14 responsibilities by saying and give the
15 counsel that I earnestly thought was the right
16 course, regardless of how people might receive
17 it, whether it was deemed by them appropriate
18 or inappropriate.

19 Q. And when you posed that option to him, do you
20 recall if he had a verbal response to that at
21 all?

22 A. I do not.

23 Q. Did he -- do you recall if he signaled to you
24 that he didn't consider that a realistic
25 option?

1 A. I do not.

2 Q. Did he ever signal to you at that time that he
3 was -- he had rejected that as an option?

4 A. No. Again, it was me simply putting options
5 before and not necessarily looking for, at
6 that moment, a decision, but just to present
7 those options.

8 Q. Did he challenge you, say such as, "Well,
9 Father Laird, as my vicar general and
10 moderator of the Curia, why would you even put
11 that as an option for me to resign? Why would
12 you say or think or even suggest that?" Did
13 he challenge that assertion in any way?

14 MR. KYLE: Objection, asked and
15 answered.

16 A. Yeah, I -- I was simply informing him of
17 options.

18 BY MR. ANDERSON:

19 Q. And then so my -- my interpretation of what
20 you just told us is, he really didn't react
21 strongly to that suggestion as an option or
22 that option one way or another, is that a
23 correct characterization?

24 A. I -- I don't recall at that time. And I'd
25 have to be interpreting -- I -- I -- I didn't

1 get any verbal response.

2 Q. Okay. And what other option, options did you
3 put to him at that time in addition to his
4 resignation for the reasons you stated?

5 A. An outside review of our files. A task force
6 to look at the work that had been done,
7 composed of -- cross-fertilized from the
8 community. Those are --

9 Q. Is outside review and task force the same, is
10 that what you're referring to --

11 A. No. I --

12 Q. -- or are they two different components?

13 A. They're two different components.

14 Q. Okay. Let's do the outside review piece
15 first. When you expressed the outside-review-
16 of-our-files option, what specifically were
17 you expressing to the archbishop? What was
18 that?

19 A. That I thought it was important, again, in
20 light of the dynamic that had been created, to
21 have people who are skilled in law enforcement
22 and other things to review our files. Because
23 part of the issue that had been raised at that
24 time was that the archdiocese wasn't
25 forthcoming. And -- and so I thought it was

1 important that we be able to say that.

2 Q. And when you're saying -- when you're
3 referring to the files in this suggestion or
4 this option, you're referring to the priests
5 who had been accused and whose files had been
6 retained by the archdiocese in various
7 locations, correct?

8 A. I'm referring to every priest file in the
9 archdiocese. I was referring.

10 Q. Okay. And when you --

11 A. Mine as well.

12 Q. Okay. And what led you to the belief that
13 that was a good option -- did you consider
14 that to be a good option at that time?

15 A. That -- yes, that's why I recommended it.

16 Q. Do you still consider that to be a good option
17 for this archdiocese?

18 A. Yes, I'm -- and I believe the archdiocese has
19 gone through a process similar to that.

20 Q. And why did you consider that to be, then, a
21 good option?

22 A. Because questions had been raised and because
23 every child counts. And if that -- if there
24 had been something that had been missed, it
25 needs to be found and it needs to be corrected

1 and people need to be held accountable.

2 Q. And what was the archbishop's response to that
3 suggestion?

4 A. Again, when I first brought it to the
5 archbishop, I think it was him downloading or
6 listening to the options that I had provided.

7 Q. Were you aware at that time that the
8 archbishop had been resisting efforts made by
9 us to disclose names of offenders as well as
10 files pertaining to offenders in the
11 archdiocese?

12 A. I'm sorry, I was distracted. Could you repeat
13 that question?

14 Q. That's okay. Were you aware at the time that
15 you made this suggestion or option that the
16 archbishop, Nienstedt, had been resisting
17 efforts by us to disgorge that information and
18 create a process where files would be turned
19 over to law enforcement?

20 A. I -- I'm aware that certainly requests had
21 been made for that to take place. I was
22 aware.

23 Q. Okay. And anything else you recall saying
24 about that topic or Archbishop Nienstedt
25 responding specifically to that topic today

1 that you haven't described?

2 A. Not that I can recall.

3 Q. Did he say that, "That's something I would
4 consider," or did he suggest that to you by
5 body language or verbally that was something
6 he would not consider?

7 A. Once again, he was in a listening mode. And I
8 found in general when I spoke to the
9 archbishop it was best to bring something to
10 him once, let him absorb it and come back to
11 -- to find out how we were gonna move forward.

12 Q. I think, then, the third thing that you
13 mentioned is formulation of a task force.

14 A. (Nods head).

15 Q. Tell us what you said to him about that first.

16 A. I believe I said to the archbishop, "I think
17 an awful lot of good work has been done in the
18 last few years and -- but we need an outside
19 group to assess whether that's good work and
20 whether anything has been missed and what more
21 could be done."

22 Q. Did he ask you why do you think -- "Why do you
23 think that, Father, as my vicar general?"

24 A. No. He didn't ask that question of me. It
25 would be my standard approach to want

1 transparency and want others to help us be the
2 best we could be.

3 Q. And can -- and on your suggestion that we,
4 that is, the archdiocese, need an outside task
5 force, how did you read his response to that?
6 What did he say or do?

7 A. There was no verbal response in that first --
8 I presume we're still speaking about that
9 first time.

10 Q. Yes. Okay. And what other discussion was had
11 and any other suggestions made at that first
12 meeting that you haven't already described?

13 A. I think I outlined some themes that it would
14 be necessary in any sort of public response by
15 the archdiocese.

16 Q. What did you say?

17 A. Well, first and foremost, that we take these
18 reports very seriously because the protection
19 of children is the highest priority for the
20 church, having safe environments, and I think
21 the record demonstrates that a lot of training
22 has been done in that area and a lot of
23 wonderful things have taken place, but it's
24 the first sort of priority. And so we're not
25 going to brush off these questions or

1 concerns, we should engage them, so that --
2 that would be the first kind of blush at that
3 effort.

4 I think secondly, I encouraged the
5 archbishop to be proactive in terms of telling
6 the good work that had been done with Andy --
7 Andy Eisenzimmer and Jennifer Haselberger and
8 a working group that had been in existence for
9 a year-and-a-half about updating everything
10 related to priest misconduct. You know, there
11 may have been one or two other sort of things,
12 but those would be -- and certainly that we
13 would want anyone who's been affected in this
14 way to come forward.

15 Q. In this fourth option or suggestion that
16 you're making, did you suggest that the
17 archdiocese be more truthful and transparent
18 in acknowledging the mistakes that had been
19 made?

20 A. I wouldn't characterize it as more transparent
21 and truthful, just to continue to be
22 transparent and truthful. I can't
23 characterize what had been done prior to me
24 coming, but I think sunlight is a good thing
25 and I think the archbishop and certainly the

1 others, Andy and Jennifer, would agree.

2 Q. Anything else that you put to him by way of
3 options at that first meeting that you have
4 not already described?

5 A. Not that I can recall.

6 Q. And did you ever notice if Archbishop
7 Nienstedt made any notes of anything that you
8 had told him at that time?

9 A. No. He -- he was just listening.

10 Q. And how did the meeting, then, conclude and --
11 just how did the meeting conclude then?

12 A. That we're certainly gonna need to make a
13 statement and -- on this issue and I'm gonna
14 work with communications to prepare a
15 statement.

16 Q. And at that time did you put to him your
17 resignation or just his?

18 A. I -- I believe I just talked about options
19 that leadership needed to continue -- to
20 consider.

21 Q. And he was the top leader, so that's where you
22 felt the accountability ultimately rests?

23 A. Well, I believe I had accountability as well.

24 Q. If I'm hearing you correctly, however, you did
25 not offer your resignation at that meeting,

1 correct?

2 A. Not at that meeting.

3 Q. Okay. And as you concluded the meeting, was
4 there a follow-up plan discussed about where
5 that conversation would go or a suggestion
6 that it needed to end there or it needed to be
7 followed up or anything like that?

8 A. I think there was the understanding that we
9 would be following up, if only because I would
10 be bringing that communication draft to the
11 archbishop, but also as an -- as an operations
12 person, we're gonna have to execute a plan and
13 so I would be coming back to the archbishop.

14 Q. So it sounds like there was a verbal or -- and
15 nonverbal consensus between you that something
16 would be done and these were options that you
17 put to him to be done and that something would
18 be communicated about what would be done, is
19 that a fair characterization?

20 A. Yes.

21 Q. Could we call that an action plan to be
22 descriptive or what would you call it, Father?

23 A. An initial conversation to set out options.

24 Q. Okay.

25 A. That would be followed up on.

1 Q. Fair enough. Before you had this initial
2 conversation -- anything else described by you
3 or he at that meeting that we haven't -- that
4 you haven't recounted?

5 A. Not that I recall.

6 Q. Before you had this initial conversation to
7 set out options, did you discuss with any of
8 your colleagues, other officials or anybody
9 the fact that you were going to the archbishop
10 to have an initial conversation to set out
11 options about dealing with these issues?

12 A. Not that I recall.

13 Q. So what action -- after you had the meeting,
14 then, did you share the fact that you had such
15 a meeting and set forth these options with
16 anybody?

17 A. I believe my next step was to follow up with
18 communications staff to frame a draft. I
19 don't recall if I shared with them all of
20 those options because our first communication
21 was simply going to be a communication about
22 the fact that questions had been raised.

23 Q. Was this meeting on the heels of a large MPR
24 report that had just been made?

25 A. I believe it -- I believe it was, yes.

1 MR. KYLE: And just for the record,
2 are you referring to the meeting with the
3 archbishop or the meeting with communications?

4 MR. ANDERSON: The meeting with the
5 archbishop.

6 BY MR. ANDERSON:

7 Q. Does your answer stand?

8 A. Yes.

9 Q. Okay. The meeting with the communications
10 staff, who on the communications staff did you
11 meet and discuss this topic with?

12 A. I would have met with our communications
13 director at the time, Sarah Mealy, and I asked
14 her to begin to prepare a draft responding to
15 the news that had been in the media.

16 Q. Did you give her direction as to content?

17 A. Only with respect to those themes for an
18 initial conversation.

19 Q. What did you say to her?

20 A. That the protection of children is a very high
21 priority -- is the highest priority for the
22 archdiocese, that these reports raised
23 questions that will need to be responded to
24 and that the archdiocese is committed to
25 accountability and continuing to develop best

1 practices and innovation. Again, for me the
2 standard was, how can we constantly improve?

3 Q. Did you discuss it with anybody else besides
4 Sarah Mealy in communications?

5 A. You know, I -- no. I think at that time that
6 was it. I may have briefly had a conversation
7 with Bishop Piche, but in those fast-moving
8 events, the first thing is, is let's get a
9 response. I may have also spoke to Andy
10 Eisenzimmer.

11 Q. And what did you say to Bishop Piche?

12 A. Again, I don't recall exactly. My -- my state
13 of mind or those questions, there's -- there
14 -- there are questions that we need to respond
15 to.

16 Q. And did you tell him that you had actually
17 laid out options for the archbishop?

18 A. You know, I don't recall whether I did at that
19 time.

20 Q. And Andy Eisenzimmer, did you speak to him
21 about the same time you spoke to Bishop Piche
22 and the communications staff?

23 A. Excuse me. It would not have been Andy
24 Eisenzimmer at that time because he was no
25 longer in the organization. It would have

1 been Joe Kueppers. Sorry.

2 Q. Sure. What did you say to Joe Kueppers?

3 A. Just that these questions had been raised and
4 that we need to respond to them.

5 Q. What was his response?

6 A. I think he agreed.

7 Q. And what was then done responsive to the
8 meeting and the follow-up that you've already
9 described? What happened?

10 A. Could you -- I'm sorry, could --

11 Q. After the initial meeting with the archbishop,
12 you met and discussed it with Sarah Mealy,
13 made mention to Bishop Piche and to Joe
14 Kueppers. What additional -- what happened
15 from there responsive to the meeting that had
16 been had and what was being done concerning
17 the issue?

18 A. That's a long question. What -- what I
19 would --

20 Q. Yeah. What did you do?

21 A. What -- what I did was asked for as soon as
22 possible a draft, so after that to ask as soon
23 as possible for a draft that could be taken
24 back to the archbishop.

25 Q. Okay. Did you receive such a draft?

1 A. Yeah, I believe there had been some effort put
2 together that -- that we could take to the
3 archbishop.

4 Q. And is that -- was that draft a plan or a
5 communication -- a public -- a public -- a PR
6 release?

7 A. That was a statement.

8 Q. A PR release?

9 A. Yes.

10 Q. Was that draft adopted and released to the
11 public in its original form?

12 A. I don't believe so.

13 Q. Okay. What did the -- what was the gist of
14 the initial draft first brought forward?

15 A. When was the draft first --

16 Q. What was the gist of it, yeah. Do you know
17 when that draft was --

18 A. The gist -- well, my recollection would be
19 that whether the archbishop would be making
20 statements in that initial release or whether
21 the archdiocese would be speaking as a
22 corporate person.

23 Q. And do you know which way -- what was the
24 tension between the two and why was those two
25 options being considered, one versus the

1 other, whether Nienstedt should make the
2 statement or the arch --

3 A. Well, he's -- he's the leader of our
4 organization and I think it's important to be,
5 you know, demonstrating that. I also recall
6 that there are -- there were questions about
7 assignments or -- and so is a bishop who has
8 that responsibility going to speak in his own
9 voice?

10 Q. Were you urging him to come out personally on
11 this issue strongly?

12 A. I was presenting options and -- and -- and,
13 yes, I -- I -- I think that a direct response
14 from the leader of the organization would be
15 the best approach.

16 Q. And was there anybody among the top advisors
17 urging against him making statements on his
18 own behalf in the first person?

19 A. I don't recall at the time, no.

20 Q. And the ultimate draft that was re -- and the
21 ultimate release that was made to the public,
22 was it in the first person by the archbishop
23 or on behalf of the corporate entity?

24 A. I think it was more of a corporate entity
25 response.

1 Q. Did you agree with that?

2 A. Again, my role was to present options and to
3 offer them, you know.

4 Q. It was actually the archbishop's call to make,
5 wasn't it, his decision?

6 A. That's right.

7 Q. Do you know how long after the MPR story that
8 you referred to broke that this public
9 relations or public statement was actually
10 released?

11 A. You know, I would imagine -- I would -- I
12 don't recollect for certain. I would imagine
13 within the first 24 hours.

14 Q. Okay.

15 A. If I recall, we had been notified five hours
16 before it was gonna be released by MPR or
17 something and so we needed to get a response.

18 Q. Had you been interviewed by MPR --

19 A. No.

20 Q. -- to that point? Who else was engaged in
21 formulating the response to the MPR story
22 and/or the preparation of the draft besides
23 yourself and the -- and I think the
24 communications person you identified?

25 A. I'm not sure when the -- the -- the MPR story

1 was. I think it was at the end of September.
2 But that first draft, it would have been --
3 and I think it was certainly Sarah Mealy, it
4 may have been shown to Joe Kueppers, the
5 archbishop, it may have been shown to Bishop
6 Piche as well.

7 Q. There is an MPR story that I'll show you later
8 as an exhibit that's entitled "Archdiocese
9 Knew of Priest's Sexual Misbehavior, Yet Kept
10 Him in Ministry," by Madeleine Baran, dated
11 September 23rd, 2013. Does that sound like
12 the MPR story you're talking about?

13 A. That -- I believe so.

14 Q. Okay. After the statement went out -- on the
15 approval of the archbishop, I presume,
16 correct?

17 A. Correct.

18 Q. -- am I hearing you correctly that you had a
19 second meeting with the archbishop where
20 options were laid out somewhat like the first
21 you already discussed?

22 A. Yes.

23 Q. And so if we tag the MPR story as September
24 23rd, as it's dated in the exhibit --

25 A. Is that a Friday?

1 Q. I -- I don't have that immediately available,
2 but I'll just show you --

3 MR. FINNEGAN: Here, I can get it,
4 Jeff.

5 BY MR. ANDERSON:

6 Q. Yeah, we can pull it out, but I'm just showing
7 you the first page of the printed version
8 where it shows that Curtis Wehmeyer's eight
9 years in a St. Paul parish, looks like Blessed
10 Sacrament or something, I don't know. Does
11 that look like the story?

12 A. You know, I don't -- I -- I can't say that
13 that's the story. There -- there was
14 certainly a story that Father McDonough had
15 been interviewed on briefly and, again, I
16 thought it was essential for us to be
17 proactive in responding to it.

18 Q. All right. Why don't we just mark the
19 exhibit, show it to you and see if that
20 refreshes your memory if this is the story
21 you're referring to. We've marked this
22 Exhibit Number --

23 MR. ANDERSON: What is it?

24 MR. FINNEGAN: 189.

25 BY MR. ANDERSON:

- 1 Q. -- 189, Father, for identification, and it's a
2 printed version of a story dated, it looks
3 like, September 23rd. At the second page
4 there's a picture of Father McDonough.
- 5 A. Yeah, I think this is -- this is -- if this is
6 the first MPR story, this is -- this would be
7 the story.
- 8 Q. Okay. The initial meeting that you had with
9 Archbishop Nienstedt that I walked you through
10 in some detail, was that meeting before or
11 after this MPR story broke?
- 12 A. It was -- it was after.
- 13 Q. Okay.
- 14 A. And -- it was after.
- 15 Q. Okay.
- 16 A. If -- if I can correct something, I -- what I
17 would say is that I probably brought this to
18 the archbishop's attention first to say,
19 "We're gonna have to respond to it." So the
20 meeting that we discussed would have happened
21 sometime after that.
- 22 Q. Okay. And you did get a heads-up from MPR, it
23 sounds like, that they were running a story,
24 but you didn't know what was gonna be in it,
25 is that -- or did you know what was gonna be

1 in it?

2 A. You know, I believe MPR gave us the courtesy
3 of knowing about it five hours before they
4 were going to run it --

5 Q. Oh.

6 A. -- and -- and asked for some statement.

7 Q. Okay. Do you know if a statement was issued
8 within that five hours before they ran it or
9 not?

10 A. I -- I believe Father McDonough was
11 interviewed.

12 Q. Okay. So let's turn, then, if -- we now know
13 that you met -- you had the initial meeting
14 with Archbishop Nienstedt after the September
15 23rd MPR story broke and you made a reference
16 to a second meeting with him where options
17 were either laid out or discussed, is that
18 correct?

19 A. Yes. And just to be clear, knowing whether it
20 happened on a Friday -- you know, whether this
21 was a Friday or what time it would have been
22 would be helpful because, obviously, there
23 would be time that would take place. And so
24 we got news of this story, my first
25 communication with the archbishop is, "We're

1 gonna have to respond. We're gonna prepare a
2 draft and get it back to you." That meeting
3 we talked -- or I talked about four options
4 would have happened well -- well, not well
5 after, but after this initial story.

6 Q. We're looking to see what date that is --

7 A. Sure.

8 Q. -- so I can kind of anchor that for you --

9 A. Sure.

10 Q. -- if that helps.

11 A. Thank you.

12 Q. How long would you estimate your second
13 meeting with the archbishop concerning options
14 was had after the first one you have described
15 to us?

16 A. You know, again, knowing the timeline there
17 would be very helpful. I believe that --

18 (Discussion out of the hearing of
19 the court reporter)

20 BY MR. ANDERSON:

21 Q. I've just whispered -- Mike Finnegan just
22 whispered to me that the 23rd of September was
23 a Monday.

24 A. So, great. I believe we got, then, a call on
25 Friday from MPR saying they were gonna run the

1 story. Father McDonough was graciously
2 available to speak to them. It would have
3 been great to have had more time to speak to
4 MPR, but we had those few hours. The story
5 ran on Monday. I believe that on Friday I
6 would have spoke to the archbishop saying,
7 "We're gonna need to response to a story.
8 I'll get you a draft." I think we had a draft
9 for him on Monday morning. After that I would
10 have had the larger conversation about
11 options.

12 Q. Okay. And days after, hours of after, a week?

13 A. You know, I think there's a lot of movement
14 during that time. It was certainly within the
15 next 24 or 36 hours.

16 Q. Fair enough. And within that time frame,
17 then, as you've just described it, I want to
18 direct your attention to the meeting with
19 Archbishop Nienstedt where options are now
20 being discussed for the second time. The news
21 has broken and the archdiocese has issued some
22 statement, all those things have happened,
23 correct?

24 A. Correct.

25 Q. Okay. This second meeting, then, was held

1 where?

2 A. You know, I believe the second meeting would
3 have been in my office.

4 Q. And was it something that the archbishop
5 convened or something that you had requested?
6 How did it come about? What was the
7 precipitating factor for it?

8 A. I think the precipitating factor for it was my
9 saying to him that I would be resigning.

10 Q. Tell me about that. When did you say that to
11 him first?

12 A. You know, I don't recall. I think it -- the
13 -- I think I just communicated that I would be
14 resigning, not that I was thinking of
15 resigning. In that first meeting where we
16 talked about options, I talked about
17 leadership thinking about this as an option.
18 You know, certainly over the course of that
19 time, and I would imagine it was within a
20 week, you know, I came to the conclusion that
21 we needed -- personally I came to the
22 conclusion that we needed to do more to
23 respond to what was going on and -- and so I
24 let the archbishop know that I would be
25 resigning.

1 Q. Was that a face-to-face?

2 A. Yes. And it was in that context that I re-
3 again -- I again set out options.

4 Q. Was that in the second meeting, then, that we
5 had just begun to --

6 A. Exactly.

7 Q. Okay.

8 A. So this would have been the --

9 Q. So let's direct our joint attention to that
10 second meeting then.

11 (Discussion out of the hearing of
12 the court reporter)

13 BY MR. ANDERSON:

14 Q. And directing our attention to that second
15 meeting shortly after the story has now
16 broken, you've expressed to us that you said
17 you would be resigning and you expressed that
18 to the archbishop, is that correct?

19 A. Correct.

20 Q. Before you expressed that to him, had you
21 received any information from him or anybody
22 else suggesting that you should resign?

23 A. No one ordered me to resign. I was thinking
24 about what I and the organization needed to
25 do.

1 Q. When you expressed to the archbishop that you
2 would resign, did you formulate that decision
3 because you felt you had done something worse
4 or been the one more responsible than anybody
5 else for the problems presented?

6 A. No.

7 Q. Well, then, why did you take the hit?

8 A. I wouldn't describe it as a hit. I'd describe
9 it as -- as a step that I thought needed to be
10 taken to demonstrate to our various
11 constituents, especially people who have been
12 abused by priests, I've known people who have
13 experienced that in their life, not -- by
14 priests and others, and -- and that the most
15 important thing was going to be able to move
16 forward in a way that would be transparent and
17 that would be accountable. So that was my own
18 thinking.

19 Q. It sounds to me, Father, like it was a -- it
20 was a decision made of your conscience, your
21 own conscience?

22 A. Well, certainly I think that was involved.

23 Q. And it sounds like you felt that somebody
24 doing what you proposed you were going to do,
25 resigning, would be a powerful message sent to

1 the community that there was going to be more
2 accountability --

3 A. Yes.

4 Q. -- is that fair?

5 MR. KINSELLA: Excuse me, off the
6 video record to change tapes.

7 MR. ANDERSON: Let's take a break.

8 (Recess taken)

9 MR. KINSELLA: Back on the video
10 record, 10:44 a.m.

11 BY MR. ANDERSON:

12 Q. So let's direct your attention, Father, to
13 that second meeting with the archbishop. I
14 think you said that was in your office.
15 Anybody else in attendance?

16 A. No.

17 Q. And how long was the first meeting, by the
18 way -- I never asked -- would you estimate?
19 Just --

20 A. It was an informational meeting, five minutes.

21 Q. Okay. Let's talk about the second meeting.
22 How long was that?

23 (Discussion out of the hearing of
24 the court reporter)

25 BY MR. ANDERSON:

1 Q. How long was the second meeting, would you
2 say?

3 A. You know, I would imagine it was a similar
4 length.

5 Q. Any other conversations with Archbishop
6 Nienstedt or communications with him directly
7 between the first and second meeting that
8 we've identified?

9 A. Sure. You know, just communicating with him
10 about developments or other sorts of things.

11 Q. At that time, was most of your communication
12 with him verbal, face-to-face, telephonic,
13 e-mail or what?

14 A. Most of my information or communication with
15 the archbishop, certainly during this time,
16 would have been face-to-face. I needed to --
17 the urgency of the situation and -- and -- and
18 just that engagement, personal engagement was
19 important.

20 Q. At that time there wasn't notes being taken by
21 him or memos being prepared by you, as I look
22 at the records I've seen. Is that correct?

23 A. That's correct.

24 Q. And was there like a decision made that it
25 would be best not to take notes and put these

1 things in memo form --

2 A. No.

3 Q. -- or any discussion of that?

4 A. I think it was a fast-moving, fluid situation
5 where we wanted to be as proactive as we could
6 be.

7 Q. Do you have any recollection of Archbishop
8 Nienstedt ever telling you or having
9 discussions with any of the top officials,
10 such as Kevin McDonough or others, that at
11 that time it might be best not to put certain
12 things in writing because there was a
13 likelihood that we might get that in
14 litigation --

15 A. No.

16 Q. -- or discovery? Any discussion of that at
17 all ever --

18 A. No.

19 Q. -- that you recall?

20 A. No.

21 Q. So the second meeting, then, is -- why don't
22 you describe for us how it began and what was
23 said?

24 A. I think it was within the -- well, I think it
25 was within the context of me communicating

1 that I would be resigning. And so this would
2 have been probably at the end of the week, you
3 know, there had -- there had obviously been
4 points of contact in between, keeping the
5 archbishop up to date on events or things that
6 were happening, but this would be toward the
7 end of the week or the first part of that very
8 next week.

9 Q. When you made the decision, how long before
10 that meeting had you actually made the
11 decision you were going to resign for the
12 reasons I think you suggested?

13 A. Well, I certainly had been contemplating about
14 -- contemplating it, you know, for several
15 days, again, about the response that would be
16 appropriate, and so it would be several days
17 that I was thinking about it.

18 Q. Did you seek the counsel of anybody else or
19 advise anybody else in the archdiocese that
20 you were considering it or had made the
21 decision to resign before you met with the
22 archbishop and told him?

23 A. No. I didn't see it necessary to speak to
24 other people in the organization about my
25 decision prior to communicating that to the

1 archbishop.

2 Q. So tell us about the meeting then. What was
3 said and by whom?

4 A. If I recall, I communicated that I would be
5 resigning and then, again, looking -- walking
6 through those options that I had previously
7 mentioned, and so that was what I had said at
8 that -- at that meeting.

9 Q. I'd like you to instead of referring back to
10 what was said before, tell us as best you can
11 what was said in the meeting by you to the
12 archbishop, him in response to whatever you
13 said to him in the second meeting. Just
14 reconstruct it as best you can.

15 A. It had become clear and apparent to me that
16 this was going to be -- how the archdiocese
17 responded to this situation was going to be a
18 defining moment for the archdiocese. And not
19 because there had ever been an effort to do
20 anything criminal or -- in fact, I think that
21 a lot of good work had been done over the last
22 three years. But this renews those worries
23 and concerns and most especially among the
24 people who have been victimized. And -- and
25 so you can't get more important or more

1 serious than the events that the archdiocese
2 was dealing with. So that would have been my
3 sort of sense.

4 Q. And are those the kinds of words you
5 communicated to Archbishop Nienstedt in the
6 second meeting --

7 A. Yeah.

8 Q. -- or your thought process or both?

9 A. Yeah, I mean, I think I either at that point
10 in time or in a conversation in between those
11 first meetings and that second meeting
12 clarifying, again, not that I had thought just
13 in light of the situation that this is very
14 important about how we respond to it. It will
15 demonstrate our credibility and our, you know,
16 accountability.

17 Q. What was the archbishop's response to your
18 expression of the decision that you had made
19 to resign?

20 A. I -- his first was to ask me to reconsider.

21 Q. Why did he want you to reconsider?

22 A. I don't know.

23 Q. He expressed to you, then, it wasn't necessary
24 for you to do that in his view because he
25 asked you to reconsider it, correct?

1 A. Again, I don't know why, but he certainly
2 asked me to reconsider. And I -- I hope it
3 was because he appreciated my counsel, but I
4 can't speak to why he --

5 Q. Tell us what he said when he -- and how he
6 said it when he asked you to reconsider. What
7 words did he use?

8 A. "This is not the time," I think there was a
9 reference to this. Beyond that, to be
10 entirely honest, there was so much kind of
11 going on and I had come to a decision, there's
12 not a lot of his response to me that I recall.

13 Q. Okay. Was this an emotional meeting for you?

14 A. It was a peaceful meeting, I mean, in the
15 sense of I had come to the conclusion this was
16 the right course of action, so I suppose peace
17 is an emotion of sorts, so that -- that would
18 be my disposition, I think.

19 Q. At the time you made the decision and
20 expressed to the archbishop that you intended
21 to resign, did you consider what that meant
22 for your own career in the priesthood?

23 A. I'm -- I've never been concerned about my
24 career in the priesthood. It wasn't part of
25 my thinking.

1 Q. And when the archbishop expressed to you that
2 he wanted you to reconsider and this wasn't
3 the time, what did he say about why this
4 wasn't the time and, if so, when would be the
5 time, if there was?

6 A. He didn't venture, to my recollection, any
7 suggestion about when would be the right time.

8 Q. Did he suggest to you that that was rash, it
9 was unnecessary, that it was, you know,
10 anything like that, try to talk you out of it?

11 A. Again, apart from the archbishop communicating
12 to me that now wasn't the time, I -- you know,
13 I don't --

14 (Discussion out of the hearing of
15 the court reporter)

16 BY MR. ANDERSON:

17 Q. Did he say to you that it might look bad and
18 the perception or the optics, you know, public
19 relations-wise could be negatively
20 interpreted?

21 A. I don't recall the archbishop speaking about
22 that at all.

23 Q. Was it your belief that the archdiocese public
24 relations would be improved by your
25 resignation or be in some way diminished?

1 A. I don't think I was thinking in terms of
2 public relations. I was thinking in terms of
3 how we're all accountable and that the most
4 important thing is re-establishing trust and
5 having this ability to have people looking
6 over our shoulder and saying either you did do
7 good work or you didn't do good work and
8 here's what needs to be improved about that
9 work. And since I had worked with Jennifer
10 and Andy on a lot of that good work, I think
11 it was time to get an independent outside
12 person to look at it and as a leader in the
13 organization, I wanted to signal, especially
14 to victims, that -- that this is taken
15 seriously.

16 Q. Had the archbishop communicated -- before you
17 communicated your decision to resign, had the
18 archbishop communicated to you that he was not
19 going to follow one of the options that you
20 had posited to him earlier that he resign, in
21 other words, he had made a decision he wasn't
22 gonna resign?

23 A. No. We never had that conversation.

24 Q. Anything else said in the meeting, the second
25 meeting where you did tell the archbishop that

1 you had made the decision to resign that
2 hasn't been described?

3 A. Just restated those options, you know, and
4 here's what I think needs to happen next and
5 that I would be following up with at that --
6 at that time the civil counsel to let them
7 know about what next steps I thought were
8 important for the organization to take.

9 Q. And when you say "the civil counsel," are you
10 referring to --

11 A. Joe Kueppers, chancellor, civil chancellor.

12 Q. Chancellor for civil affairs?

13 A. Correct.

14 Q. How long after that meeting did you actually
15 announce your resignation?

16 A. You know, I think it was with -- it's not my
17 job to announce my resignation. I think that
18 took place that same day as that conversation.

19 Q. And there was some -- a public statement, I
20 trust, released by the archdiocese concerning
21 your resignation, correct?

22 A. I believe there was.

23 Q. Did you approve or read it before it was
24 released?

25 A. I -- I believe I was invited to offer a

1 suggestion.

2 Q. And were your suggestions heeded?

3 A. You know, I -- I -- I presume so, but I don't
4 recall.

5 Q. So as you look back at it, was there anything
6 in it that you saw to be objectionable or
7 misleading or did you effectively say, "It's
8 okay"?

9 A. Yeah, again, I don't recall.

10 Q. Okay.

11 A. Didn't spend a lot -- the decision had been
12 made, it's not my job to communicate it.

13 Q. So after you told the archbishop, who -- is
14 Joe Kueppers, then, the next person you
15 discussed your resignation with?

16 A. You know, I think I may have mentioned it to
17 Joe, but, again, the more -- the larger
18 priority for me at the time was here are some
19 action steps that I think are really
20 important.

21 Q. And those steps were?

22 A. That there be a -- a review of the files; that
23 the archdiocese find someone to review those
24 files in a way that can be transparent; that
25 there be a task force to review what's going

1 on and that -- I think those were the two
2 primary things that I had mentioned to Joe at
3 the time.

4 Q. Sounds a lot like the same options you put to
5 the archbishop in that first meeting we
6 described in some detail.

7 A. Yeah, I believe very close to those, yeah.

8 Q. And was your resignation effective
9 immediately?

10 A. It was.

11 Q. Have you been in ministry since then?

12 A. Well, I -- I still retain the faculties and
13 the good standing of the archdiocese, sure.

14 Q. What have you been doing then since?

15 A. As I mentioned, I -- I -- I mean, it was from
16 golf, but tore my rotator cuff, so I've been
17 doing a lot of physical therapy and using some
18 time to reflect. And -- and then, as I said,
19 aware that the assignment process begins again
20 in June, that's the way -- the way that 90
21 percent, 95 percent of the assignments are
22 made, that that would be the next time to
23 engage that process.

24 Q. You could have requested another assignment,
25 you could have resigned as attorney -- as

1 vicar general and requested another
2 assignment, could you not have?

3 A. Yeah, and in those early days, I had done some
4 work at -- there was a parish Father Huberty
5 was at that I had gone and -- and done it,
6 but, you know, I think there was a cloud and I
7 -- I just think it's important that, again, I
8 was very confident and very proud of the work
9 that we were able to do, but until such time
10 as there's clarity, I -- I think the people
11 have a right to have that clarity and this was
12 gonna be something that would take time.

13 Q. In the statement that was released, do you
14 know if it expressed to the public that the
15 archbishop had made the decision or you had
16 made the decision --

17 A. I don't --

18 Q. -- for your resignation?

19 A. -- recall. But the archbishop at no time
20 asked for me to resign.

21 Q. Is it, then, your choice to have not requested
22 to be re-assigned in active ministry from the
23 point of your resignation to today?

24 A. You know, as I mentioned, in the
25 conversations, I am well aware that the main

1 assignment time is in June. I was probably
2 spending two-and-a-half hours a day in
3 physical therapy, either with the therapist or
4 on my own. And it was something that happened
5 over Labor Day and I neglected it and it just
6 got to the point where I needed to address it.

7 Q. When you told Archbishop Nienstedt you had
8 made the decision to resign in that second
9 meeting, what was his reaction?

10 A. I believe I stated, his first was, "This isn't
11 the time."

12 Q. And then what?

13 A. I'm not so sure there was any further -- I was
14 at peace, I had made the decision. This
15 wasn't a conversation. It was a
16 communication.

17 Q. Was there any expression of emotion around it
18 by him to you or you to him?

19 A. Not that I recall.

20 Q. It's kind of a big deal. How did you feel
21 emotionally about it?

22 A. Just that this is what I thought was important
23 to do for the good of the organization and I
24 had come to that conclusion personally.

25 Q. You felt that way in your heart, didn't you?

1 A. I -- I -- I thought that way and -- and was at
2 peace about that decision.

3 Q. Well, sometimes our heart makes us feel some
4 things and our head makes us think some
5 things. And it's kind of a concrete analysis,
6 but is this a decision that came from your
7 heart or from your head?

8 A. I think this -- hopefully it was an integrated
9 decision of my head and my heart.

10 Q. Which one led?

11 A. I -- I think about it as a decision of my head
12 and my heart.

13 Q. Okay. Fair enough. You had made mention that
14 Andy Eisenzimmer and Jennifer Haselberger --
15 Andy Eisenzimmer had been the chancellor
16 preceding Joe Kueppers and Jennifer
17 Haselberger the chancellor for canon affairs,
18 who had been doing some work with you, had
19 been doing some good work. At the time of
20 your resignation, had you -- had you believed
21 that Jennifer Haselberger had been doing good
22 work?

23 A. Yeah, I think Jennifer Haselberger did an
24 awful lot of good work in the organization. I
25 had disagreements with her from time to time,

1 as I had with others in the organization, but
2 I think she's very bright and -- and certainly
3 sought to make sure that we were following
4 canon law.

5 Q. And did you request her resignation?

6 A. No.

7 Q. Who did?

8 A. No one. I believe Jennifer -- well, Jennifer
9 decided to retire -- resign on her own terms.

10 Q. When was that?

11 A. You know, I think it was sometime -- again,
12 forgive me for not knowing exactly -- Aprilish
13 of 2013, maybe May. But mid- to late April,
14 early May.

15 Q. How did you learn -- did you ever suspend her?

16 A. I did suspend her based upon our own internal
17 policies called justice in employment because
18 an employee had filed a grievance. And I had
19 asked Jennifer -- I had made no judgment about
20 the grievance of that individual, but our
21 policy requires fact-finding. I had asked
22 Jennifer to respond in writing to the concern
23 and Jennifer refused.

24 Q. And when did you suspend her?

25 A. That would have been sometime around December

1 of '12 and then she was reinstated, but
2 obviously now we had a -- a work conflict that
3 we needed -- between her and another employee
4 that needed to be addressed.

5 Q. Did the other employee, did that pertain to
6 matters related to sexual abuse and the
7 handling of it?

8 A. No. It pertained to staffs' in totally
9 separate fields sense of the way that Jennifer
10 would engage them with work and -- am I able
11 to speak concretely?

12 MR. KYLE: You can if there's a
13 question before you.

14 A. Yeah, so --

15 BY MR. ANDERSON:

16 Q. What did it pertain to then?

17 A. It pertained to the fact that Jennifer did not
18 want to work with some individuals in -- on
19 the staff and this person.

20 Q. What reason was given for not wanting to?

21 A. I think Jennifer found -- found that work to
22 be tiresome.

23 Q. Anything else that you're aware of?

24 A. No. As I said, at that point in time I was
25 simply doing fact-finding.

1 Q. Did it have anything to do with how officials
2 were handling sexual abuse or suspicions of it
3 by priests and her concerns about that?

4 A. No. In fact, I gave Jennifer fact-finding
5 responsibilities around priest misconduct even
6 up until March of 2013, or April, which would
7 have been, you know, within weeks of her
8 voluntary resignation.

9 Q. You were vicar general, it looks like, for --
10 was it four years? December of 2009 to --
11 let's see, it was -- what was your resignation
12 date?

13 A. You know, I believe it was October -- late
14 September, early October 2013.

15 Q. 2013, okay. So approximately four years as
16 vicar general?

17 A. That's correct.

18 Q. Right before you had been -- became appointed
19 vicar general, what assignment did you have?

20 A. I was the vice-rector and a professor at the
21 University of St. Thomas, at the seminary, the
22 University of St. Thomas, so vice-rector would
23 be kind of like the operations person.

24 Q. And how long had you been there as
25 vice-rector?

1 A. You know, I -- I had -- as vice-rector?

2 Q. Yeah.

3 A. I had been there from -- I think I was
4 assigned in 2000, sent away to do a Doctorate
5 and then came back full-time in 2004 until
6 beginning my work at the Chancery.

7 Q. At the time that you were appointed by
8 Archbishop Nienstedt to be vicar general, it
9 looks like the appointment was in October, but
10 the actual installation was a few months later
11 of 2009, does that sound correct?

12 A. I believe I had to complete my course --
13 courses that I was teaching.

14 Q. At the time you became appointed, then, in
15 late 2009 as vicar general by Archbishop
16 Nienstedt, did you believe that the
17 archdiocese had been adhering to its promise
18 to the people of zero tolerance of sexual
19 molestation by clerics?

20 A. I had no reason to doubt that.

21 Q. Did you believe that the archdiocese at the
22 time you were appointed was doing everything
23 it could to keep the children safe?

24 A. Presumably so.

25 Q. Did you believe that there were no priests who

1 had been continued in ministry by the
2 archbishop who had been convicted of or
3 credibly accused of having molested children
4 who were still in ministry at the time you
5 were appointed vicar general?

6 A. I had no knowledge that -- so --

7 Q. Were you aware that the archbishop had made
8 such a promise to the people that there were
9 no people -- no priests in active ministry who
10 had offended?

11 A. Yeah, I understood that the charter from 2002,
12 that every bishop and diocese in the country
13 had agreed to that.

14 Q. Okay. When you resigned as vicar general four
15 years later, approximately, did you believe at
16 that time the archdiocese had fulfilled its
17 promise of zero tolerance?

18 A. So, yes, that there was not any effort to
19 keep -- that I'm aware of, to keep priests in
20 ministry who had offended. Are there
21 decisions that people would have wanted to
22 make differently now in light of the
23 situation? Yes. But I think the zero
24 tolerance policy pertained to charter
25 violations, which is a credible accusation of

1 abuse against a child.

2 Q. At the time that you resigned as attorney
3 general (sic), did you become aware that there
4 had been --

5 A. You promoted me.

6 Q. I said "attorney general," I'm sorry. Vicar
7 general.

8 At the time that you resigned as
9 vicar general, did you come to believe that
10 there had in fact been priests continued in
11 ministry who had engaged in charter
12 violations, and charter violations being the
13 sexual abuse of minors?

14 A. I believe that was one of the first questions
15 that I'd asked when I came into the
16 organization -- not the first, but, you know,
17 and -- and it was certainly communicated to me
18 several times, because I asked the question
19 several times, that we did not have anyone in
20 full-time, active ministry that -- in an
21 assignment that had an accusation against
22 them, credible accusation.

23 (Discussion out of the hearing of
24 the court reporter)

25 BY MR. ANDERSON:

1 Q. Did you have -- who did you ask that question
2 of, by the way?

3 A. I believe I would have asked that -- I've
4 asked that question to Archbishop Nienstedt,
5 to at that time Andy Eisenzimmer. I may have
6 even asked that question to Father Kevin
7 McDonough.

8 Q. And is it correct to say that you were led to
9 believe by all of them that there were no
10 priests in active ministry who had had a
11 charter violation?

12 A. That we maintained a zero tolerance as the
13 charter, 2002 charter, expected.

14 Q. And is it correct to say that the zero
15 tolerance means that no priest who had
16 committed abuse of a minor was in active
17 ministry, correct?

18 A. That's what I understood that to mean.

19 (Discussion out of the hearing of
20 the court reporter)

21 BY MR. ANDERSON:

22 Q. Were you informed by any of those individuals
23 when you posed the question that there were in
24 fact some priests who had committed charter
25 violations that were doing part-time ministry,

1 supply work or doing other things as ministers
2 in the archdiocese?

3 A. No. People were -- I was aware that people
4 were working in non-ministry settings, that
5 had gotten a job.

6 Q. What were you told about who those were and
7 what they were doing?

8 A. You know, they would only come up from time to
9 time in this working group setting that we had
10 with -- and so -- and sometimes they were
11 things that would be reported to the
12 archdiocese.

13 Q. Who are you referring to? Who was that?

14 A. In terms of working?

15 Q. Yes.

16 A. I was aware of Michael Stevens, who was
17 working at the archdiocese at the time, he is
18 a computer person.

19 Q. How did you become aware of the fact that he
20 had -- did you become aware that he committed
21 a charter violation?

22 A. I became aware that either it was a charter
23 violation or credible accusation, I don't know
24 -- I believe it was in the papers and -- and
25 that a criminal judgment had been rendered

1 against him and that whether he was on POMS or
2 not on POMS, but he was working as a computer
3 specialist.

4 Q. How did you learn that he had had a history of
5 having committed a charter violation? How did
6 you learn that and when?

7 A. You know, I think I learned that, gee, 2011 or
8 2012 and, then again, I was informed, asked
9 the questions, he doesn't practice as a
10 priest, doesn't carry on as a priest, he works
11 in a job and that there had been -- so --

12 Q. It sounds like you did become aware that he
13 had been convicted of molesting a child?

14 A. Yeah, a charter violation or a conviction for
15 me, it doesn't have to be criminal -- there
16 doesn't have to be a criminal judgment before
17 the -- for my mind before the charter would be
18 invoked.

19 Q. Were you aware the archdiocese allowed him to
20 work in the archdiocese offices as an IT
21 consultant?

22 A. Yes, I was informed that he was working as an
23 IT consultant in the archdiocesan -- in what
24 would have been the Hayden Building, where he
25 was interacting only with adults and that at a

1 point in time there had been disclosure.

2 Q. Are you aware if there was disclosure of his
3 history to the staff at the Hayden Center and
4 those that brought their kids to work there?

5 A. That's the question that I asked and the
6 answer that I received.

7 Q. Who did you ask that question of?

8 A. I would have asked that answer -- that
9 question either to Father Kevin McDonough or
10 Andy Eisenzimmer.

11 Q. And they assured you that the staff had been
12 informed of his history?

13 A. That disclosure had been made.

14 Q. To whom?

15 A. To members of the staff.

16 Q. Did they identify what members of staff or did
17 you assume all or some or --

18 A. I had -- I had no reason to doubt that -- you
19 know, I asked the question and that -- that
20 they had exercised their good judgment in
21 disclosing that information.

22 Q. Were you -- did you become aware that Stevens
23 had also done work at various parishes?

24 A. I'm not aware of that. Or at least I don't
25 recall it ever being brought to my attention,

1 and, if so, there should have been disclosure
2 to those parishes.

3 Q. Did you become aware that Stevens was removed
4 from having done the work that he had been
5 allowed to do in 2013 or do you know anything
6 about that?

7 A. I don't.

8 Q. Any other names known to you who had committed
9 charter violations and had been permitted to
10 work part-time in parishes or in some capacity
11 with the archdiocese besides Stevens?

12 A. Not that I'm aware of; that -- that the
13 archdiocese sought to maintain its obligations
14 under the charter.

15 Q. Did you become aware at all, Father, that Ken
16 LaVan had been working, although retired, in
17 parishes in the archdiocese until 2013?

18 A. I've heard the name Ken LaVan. I haven't
19 heard anything about Ken LaVan in this
20 context.

21 Q. There is testimony and records that reflect
22 that he had been accused, I believe credibly,
23 of having abused two girls in 19 -- teenage
24 girls in 1988. Did you know that?

25 A. Are we speaking now whether it was a charter

1 violation?

2 Q. Well, abuse of a teenage girl by Ken LaVan as
3 a priest is a charter violation, correct?

4 A. Well, a charter violation in -- in -- in a
5 criminal act would be, you know, any minor,
6 which is -- the law defines up to 18.

7 Q. Yeah, this would be a charter violation,
8 15-year-old girls?

9 A. Yeah, I'm -- I was not aware of -- first time
10 I've heard of LaVan in this context is when
11 you're raising that issue.

12 Q. Gilbert Gustafson, were you aware that he was
13 doing consulting work at the archdiocese?

14 A. Certainly not at the Chancery, to my
15 knowledge. And --

16 Q. Were you aware that he was doing consulting
17 work for religious organizations in the Twin
18 Cities, including Cristo Rey High School as
19 recently as 2013?

20 A. I was -- I was not.

21 Q. The archdiocese reported that they removed
22 Joseph Gallatin from ministry in 2000 --
23 December of 2013 for "boundary violations."
24 Do you know anything about that removal, the
25 reasons for it and what those boundary

1 violations are alleged to have been?

2 A. Well, in the first question, Father Gallatin
3 was removed after my time at the archdiocese.

4 Q. Right. But my question is, do you know
5 anything about it?

6 A. About the removal?

7 Q. About Gallatin's boundary violations.

8 A. So in a conversation, I believe, again, with
9 Andy and Jennifer, a question had been raised
10 about Gallatin. I asked what was done at the
11 time, what was the conclusion. And it was
12 very clear from what was reported to me that
13 it wasn't a charter violation, or that's what
14 had been reported to me, it wasn't a charter
15 violation, and that Father Gallatin had
16 received some training, again around
17 appropriate boundaries and then maybe even had
18 received some counseling.

19 Q. What was reported to you, Father, about what
20 violation had occurred and by whom?

21 A. You know, I don't know who the -- who the
22 person was that brought it to my attention.
23 What had been communicated to me was sometime
24 early in the 2000s, I believe it was, I don't
25 know when, but it wasn't a recent occurrence

1 because my -- my position would be to ask
2 questions, so what do we do? What is the
3 situation? What was the policy? Understood
4 that Father Gallatin had put his hands on the
5 sternum of somebody or (Indicating) -- sorry
6 about that, and that was what he had done.

7 Q. And your source of that information --

8 A. I -- I don't recall.

9 Q. -- do you recall?

10 A. No.

11 Q. Was it a colleague or was it somebody outside
12 of the archdiocese?

13 A. Yeah. No. It would have been a colleague --
14 it would have been a colleague.

15 Q. Okay. And do you know if -- did you look at
16 Gallatin's file at the time this was being
17 discussed?

18 A. No.

19 Q. Do you know if any official of the archdiocese
20 reviewed his file to see in fact what history
21 was reflected by it at the time this was being
22 discussed?

23 A. Not at the time it was being discussed. I
24 believe that I understood from the reports
25 that I received that it had been amply

1 discussed, I believe Father McDonough had
2 worked on that situation, and that an
3 appropriate resolution had been found at that
4 time.

5 Q. So do you believe that Father McDonough was
6 the likely source of the information that you
7 had concerning Gallatin?

8 A. Perhaps as the originator of that information.

9 Q. Do you have any recollection of any other
10 source of information concerning Gallatin
11 besides McDonough?

12 A. At these working groups where we would discuss
13 matters, I or Bishop Piche or Andy Eisenzimmer
14 or Jennifer Haselberger would from time to
15 time mention different priests. It was -- it
16 was one of our action steps to try to make
17 sure information was not siloed so that we
18 could be as proactive and responsive to
19 situations as possible.

20 Q. And so do you know if anybody interviewed
21 father Joseph Gallatin and specifically asked
22 him if he had engaged in a charter violation,
23 that is, the attempted or sexual abuse or
24 sexual abuse of any minor?

25 A. Sorry, can you restate your question?

1 Q. Do you know if anybody asked Gallatin if he
2 had been -- had committed a charter violation?

3 A. I understood that Father McDonough had done so
4 as part of his fact-finding.

5 Q. What led you to that understanding, is that
6 something that --

7 A. Because when the -- when the Gallatin question
8 had come up, I asked what did we do about
9 that? Are we clear that this was? And then
10 if it's just a boundary violation, how do we
11 make sure that Father Gallatin is aware of
12 boundaries and that that work is appropriately
13 done?

14 Q. Did you or anyone at your request ask Gallatin
15 if he was sexually attracted to minors?

16 A. No.

17 Q. Why not? Isn't that a question that one would
18 need to know or want to know before --

19 A. There had been --

20 Q. -- continuing?

21 A. -- there had been no evidence of that. You
22 know, you asked if there are other -- are
23 there other factors that we don't know about
24 besides this instance? There had not been any
25 other occasions beside this instance. And so

1 a logical conclusion was to trust the process
2 that had gone on some years before.

3 Q. To trust the process; do you know if in the
4 process anybody had ever asked him if he was
5 sexually attracted to minors?

6 A. I don't know at the time that that was a
7 question. What I asked is, "Is this a charter
8 violation? Is there any other evidence that
9 Father McDonough is a threat to children?"
10 "No."

11 MR. HAWS: Father McDonough or do
12 you mean --

13 A. Excuse me, thank you.

14 BY MR. ANDERSON:

15 Q. Father Gallatin?

16 A. Father Gallatin.

17 Q. And you were told that by McDonough?

18 A. McDonough or the consensus of this group.

19 Q. Father Mark Wehmann was publicly reported to
20 have been removed from ministry for -- in
21 December of 2013, again, after you resigned,
22 but nonetheless, had been in ministry and that
23 removal was reported to have been for boundary
24 violations with children. What do you know
25 about Wehmann's history and when it was first

1 vetted concerning children?

2 A. I would imagine sometime in late 2011, early
3 2012. The concerns initially were around
4 Father Wehmann's sort of leadership ability,
5 so he's a pastor, and his leadership ability.
6 And that was where the -- the first questions
7 about Father Wehmeyer (sic), to my
8 recollection, came up. It was in a
9 conversation again in our working group to
10 triage this and to share information. That I
11 believe it was reported that Wehmann had, I
12 don't know, in a public setting, interacting
13 with some young people, gave him some sort of
14 affection, I forget what it was, so, again,
15 the question, what do we do about that? What
16 was the situation? I understood no accusation
17 of child sexual abuse had been made, but,
18 obviously, this would be behavior that one
19 would want to investigate and that Father
20 Wehmann was educated again as to boundary
21 violations and I believe had counseling.

22 Q. And what is the source of your information as
23 you reported it to us today?

24 A. That would be the information that would be
25 gleaned -- in fact, I think that would have

1 been probably either Jennifer or Andy who
2 brought that to my attention in the context of
3 this conversation about Father Wehmann's
4 leadership.

5 Q. Do you know if Father Wehmann was ever asked
6 the question by Father McDonough or any other
7 official of the archdiocese if he was sexually
8 attracted to children?

9 A. I do not. Most people don't answer that
10 question, but I -- I don't know.

11 Q. What makes you say most people don't answer
12 that question? First, people don't answer
13 questions that are not asked, so if you're not
14 asked that question, you can't answer it. My
15 -- my question to you, Father, is, why do you
16 make the observation that most people aren't
17 asked that question?

18 A. It's a fair point. It was an offhanded remark
19 that I made.

20 Q. Because we're talking about Father Wehmann
21 here or Father Gallatin and we're talking
22 about boundary violations and we know that
23 they're involving something that is causing
24 concern about the safety of others, correct?

25 A. Correct.

1 Q. And if we're really concerned about the safety
2 of others, and in particular minors, wouldn't
3 we -- wouldn't those doing the investigation
4 and looking into that want to know what is
5 your sexual attraction and do you have one to
6 youth to see if there is truly a risk posed?

7 A. I suppose that could be a course if one had
8 other data points that suggested that. We had
9 done a very good job of educating laity around
10 right boundaries and -- and so here's the good
11 work of the archdiocese coming to the fore and
12 someone saying, "Hey, this is not an
13 appropriate thing to be doing."

14 Q. Would you agree that it is a grave or serious
15 risk to allow a priest who is sexually
16 attracted to children to continue in ministry?

17 A. Sure.

18 Q. Michael Keating is a priest you know through
19 St. Thomas, I trust?

20 A. Professionally, certainly.

21 Q. Is he a friend?

22 A. No -- I mean, yeah, no. Not a personal
23 friend.

24 Q. There were accusations made against him that
25 ultimately were brought to the clergy review

1 board concerning a minor who's identified in
2 legal proceedings --

3 MR. ANDERSON: I think it's Jane Doe
4 20, isn't it, Mike?

5 MR. FINNEGAN: Yes.

6 BY MR. ANDERSON:

7 Q. Jane Doe 20. Do you know anything about that,
8 what happened and did you in any way become
9 involved in viewing that or reviewing that as
10 vicar general?

11 A. In 2000 and, I believe it was, 11 or 2012, I
12 -- I first became aware of an accusation
13 against Father Keating, so, again, in -- in
14 our working group, as an effort to be
15 proactive, that's when I learned about the
16 Keating situation in 2011 or 2012.

17 Q. What did you learn and from whom?

18 A. I think this would have been reported to me by
19 Andy Eisenzimmer or Jennifer Haselberger that
20 an accusation of a bind -- boundary violation
21 had been made against Father Keating; that it
22 involved a friend's family; that there were
23 differing accounts; that Father Keating denied
24 any sort of sexual activity because then it
25 would have obviously been a boundary -- or a

1 charter violation; that I believe that was
2 reported, I believe that's what I was told,
3 that it was reported to authorities; and that
4 there had been disclosure around Father
5 Keating.

6 Q. Did you know that the accusation against
7 Father Keating had been made before you became
8 vicar general?

9 A. Yeah, so the -- the name had surfaced, the
10 question is, "Well, when did this happen?" It
11 happened before.

12 Q. And what made it surface, then, during your
13 tenure as vicar general?

14 A. One of the action steps that we had taken was
15 being very clear or trying to get clear around
16 who would get essential -- essentially letters
17 of testimony to go to other places to do
18 things.

19 Q. And he was given some letters of testimony,
20 effectively permission to do certain things as
21 a priest of the archdiocese, correct?

22 A. Yeah, out -- outside the diocese.

23 Q. Okay. But operate as a priest of the
24 archdiocese working outside the geographical
25 limits of the archdiocese?

1 A. That's -- that's correct. And so if we needed
2 to clarify something there, let's clarify it.

3 Q. Were there any provisions made to warn those
4 working with him as a priest outside the
5 archdiocese?

6 A. I believe there were.

7 Q. Tell us what you believe to have been.

8 A. I -- we had a conversation -- I had a
9 conversation with Jennifer and agreed with
10 that judgment that we should be not giving
11 blanket letters of testimony to other places
12 and that would have been in 2000, I would
13 imagine, 12.

14 Q. And so who's -- you said disclosure was made
15 about Keating. To whom was disclosure made
16 and what disclosure was made?

17 A. Again, I -- I'm not on the clergy review
18 board, don't -- but I was informed disclosure
19 was made, that's what I knew at the time.

20 Q. And your source of that information is or was?

21 A. Again, either Andy or Father McDonough.

22 Q. And as you testified today, you can't recall
23 to whom that disclosure was made and you can't
24 recall specifically what disclosure was made,
25 just that it was made at some time, is that

1 fair?

2 A. That -- that disclosure had -- I -- I
3 essentially believe I asked, "Has a disclosure
4 been made?" "Yes, disclosure's been made."

5 Q. Did you work with Keating at St. Thomas?

6 A. No. I didn't teach with him. He was in a
7 different faculty from me.

8 Q. As a colleague in -- you were teaching and he
9 was teaching in a different department,
10 correct?

11 A. Correct.

12 Q. Do you know if anybody at St. Thomas, yourself
13 included, had been the recipient of this
14 disclosure you believe to have been made?

15 A. Sorry, can you restate the question?

16 Q. Had you been -- prior to you having become
17 vicar general --

18 A. Oh, no.

19 Q. -- when you were at St. Thomas, did anybody
20 tell you about Keating --

21 A. No.

22 Q. -- or give you any disclosure about Keating as
23 something you needed to know?

24 A. No. The only thing that -- that -- just --
25 just to be clear, I had been asked at one

1 point in time about Keating because I had made
2 a -- a comment to Father Cousins that in -- in
3 Rome in 2000 and, I don't know, three or four,
4 I had seen Father Keating walking down the
5 street with a college-age woman.

6 Q. How do you know it was a college-age woman
7 versus a high school age?

8 A. Well, fair -- I thought it was a young adult.

9 Q. Okay. And that would range in the possible
10 ages, then, from 16 to 20 or what?

11 A. Yeah, I -- I wouldn't have imagined --
12 16-year-olds are not usually in college and --
13 and I think most of the -- so I thought it was
14 a young adult.

15 Q. Did you have any information that it actually
16 was a young woman who was in college or of
17 college age?

18 A. Nope. I saw it, I communicated to Father
19 Cousins.

20 Q. And when was that, Father?

21 A. You know, again, it would have been in -- in
22 2003, 2004, somewhere in that area.

23 Q. And you were studying in Rome, then, and was
24 that to become a canon lawyer or what was
25 your --

1 A. No. I did a -- I did a Doctoral in moral
2 theology.

3 Q. And did you confront Keating with the
4 information, what you saw, and ask him, "Who
5 is this young person and young woman and what
6 are you doing with her," or anything like
7 that?

8 A. Yes, the first person I spoke to was Father
9 Cousins, who was living at the same place I
10 was living at the time. And then I would
11 imagine three or four days later or maybe a
12 week later, I had seen Father Keating, he was
13 studying to be a priest, I was already a
14 priest, so we were in two different parts of
15 the city, I had seen him and I had mentioned
16 this to him.

17 Q. And Father Keating?

18 A. Yeah, then he would have just been Michael
19 Keating.

20 Q. Okay. And what did you say to Michael
21 Keating?

22 A. Just, "Hey, saw you walking down the street,
23 don't" -- you know, "don't think that was
24 appropriate or could have been misunderstood."
25 You know, all I saw them was walking down the

1 the street.

2 Q. Right. And so how did he react to your --

3 A. Just that -- that there was nothing, it was a
4 family friend or was a friend and that was
5 that.

6 Q. Was Keating holding hands with her?

7 A. No. I don't -- they weren't holding hands.

8 Q. Do you recall telling Father Cousins that they
9 were?

10 A. No. I don't think they were holding hands.
11 The Italian way of walking is sometimes with
12 your arm around, but guys do that in Italy
13 with guys, so -- (Indicating).

14 Q. Okay. That was my next question, was he
15 walking with his arm around her?

16 A. Yeah, again, not around the arm (sic). I
17 think it was her arm around his arm
18 (Indicating).

19 Q. Did you see him kiss her?

20 A. No.

21 Q. What did you tell Father Cousins that you saw?

22 A. Essentially, the same events that I've
23 recounted to you.

24 Q. What was Father Cousins' reaction or response
25 to you when you told him?

1 A. He thanked me for the information.

2 Q. Did he tell you that he intended to do
3 anything with it or not?

4 A. No. I think Father Keating was in the
5 Companions of Christ at that time or -- and I
6 just -- struck me as a good step to take just
7 to let another companion know.

8 Q. Did you make any memorandum or recording of
9 what you either saw or reported to Father
10 Cousins?

11 A. I was subsequently asked to put my
12 recollections down in paper -- on paper.

13 Q. Who asked you to do that?

14 A. I believe Father Cousins at the request of
15 someone in the Chancery.

16 Q. When was that?

17 A. I'm sorry, I -- I was back -- I believe I was
18 back now in the Twin Cities, so would have
19 been sometime after the summer of 2004.

20 Q. So during your time as vice-rector?

21 A. Correct.

22 MR. KINSELLA: Excuse me, off the
23 video record to change tape.

24 (Recess taken)

25 MR. KINSELLA: Back on the video

1 record, 12:41 p.m.

2 BY MR. ANDERSON:

3 Q. Father, we're going to continue with some more
4 questions into the afternoon, and you had made
5 mention of a working group as we were talking
6 about some of these things, and could you
7 identify what you're referring to there and
8 who's on that working group?

9 A. Sure. In 2010, to be more proactive in
10 responding to any sort of issue surrounding
11 priests, we gathered the civil chancellor, the
12 canonical chancellor, myself and Bishop Piche,
13 generally speaking, on a bi-weekly basis.

14 Q. And that was to be more proactive in the area
15 of dealing with safety and particularly sexual
16 abuse issues?

17 A. On any issue related to priest conduct.

18 Q. Okay. And was it a designated time and place
19 for the working group to have met or just to
20 do it on a bi-weekly basis?

21 A. To do it on a bi-weekly basis. On occasion,
22 you know, we'd change places and some people
23 would be able to be there, but a standing sort
24 of opportunity.

25 Q. And is it fair to say, then, there were

1 regular meetings relating to whatever the
2 issues were that emerged from 2010 till your
3 resignation, as far as you know, or did that
4 stop?

5 A. You know, I believe that -- that it -- it was
6 just a -- a step to try to help the flow of
7 communication better and it was a -- it was a
8 regular step. It wasn't so much on the things
9 that we're talking about today, although on
10 occasion some of those things might end up
11 there.

12 Q. Was the archbishop advised of or reports
13 prepared that came out of the working group
14 meetings for the archbishop?

15 A. There would certainly be communications to the
16 archbishop about the substance of that in the
17 sense of being able to keep the archbishop
18 apprised of what was going on.

19 Q. During that period of time, 2010 to 2013, is
20 it fair to say that the primary advisors to
21 the archbishop as it pertains to the topic of
22 clergy and misconduct would have been
23 yourself, Andy Eisenzimmer, Bishop Piche and
24 chancellor for civil affairs -- I mean, canon
25 affairs, Jennifer Haselberger?

1 A. Yes, I think that's fair.

2 Q. Okay. When's the first time in the working
3 group context you remember the question of the
4 topic of sexual abuse coming up and some
5 attention being given to that issue by the
6 working group?

7 A. You know, again, the specific purpose of the
8 working group wasn't around charter issues.
9 The purpose of the working group was how do we
10 be responsive to concerns and complaints or
11 issues that have come to our attention. So I
12 -- I don't know when the first instance would
13 have been.

14 Q. Okay. Do you remember in terms of who first
15 -- who came onto the radar of the working
16 group by way of priests and some discussions
17 or actions being developed around any one of
18 the priests, whether it be Shelley, Wehmeyer,
19 anybody else? Do you remember anything about
20 the working group addressing any of the
21 misconduct issues relating to any of the
22 priests?

23 MR. HAWS: You're referring to
24 sexual abuse, misconduct --

25 MR. ANDERSON: Yes.

1 MR. HAWS: -- child sexual abuse?

2 MR. ANDERSON: Yes.

3 A. And, again, you know, until the time when the
4 archdiocese received a complaint about Father
5 Wehmeyer, there had not been any issue of
6 child sexual abuse that -- or an accusation of
7 child sexual abuse had ever been discussed or
8 communicated to that group between 2010 and 20
9 -- when I left the organization.

10 BY MR. ANDERSON:

11 Q. When did the archdiocese receive that first
12 complaint concerning Wehmeyer and childhood
13 sexual abuse?

14 A. You know, it would have been in June, I think.
15 My recollection is, is that it -- it -- it
16 came to the organization around the 20th or
17 21st. I think it came first as a -- yeah, I
18 learned about it, I believe, on the 20th.

19 Q. June 20th; and what time on the 20th?

20 A. I believe it -- I don't know the time. I
21 believe it was in the early afternoon.

22 Q. And how did you learn about that?

23 A. The -- the chancellor for civil affairs, I
24 believe it was, or maybe the chancellor for
25 canonical affairs --

1 Q. Do you remember which it was? Now, that would
2 have been Haselberger or --

3 A. Eisenzimmer.

4 Q. -- Eisenzimmer. And do you remember which
5 today?

6 A. I don't recall which it was.

7 Q. Okay.

8 A. Mentioned that we had a situation or a
9 possible situation, that it was a -- and we
10 needed to be able to communicate that as
11 quickly as possible.

12 Q. What leads you to believe that you received
13 that information from Eisenzimmer or
14 Haselberger on June 20th, that day? What
15 leads you to that date?

16 A. Because we had a -- well, it's -- it's
17 certainly somewhere in that time frame. My --
18 we would have had a meeting to discuss all the
19 things that needed to happen.

20 Q. And "we," is that the working group?

21 A. I think at that time it would have been
22 Jennifer Haselberger, Andy Eisenzimmer, and
23 myself initially. And then that same time or
24 shortly thereafter, McDonough and Vomastek.

25 Q. And do you know the date of that meeting?

1 A. Again, I think it was in that -- my first
2 response was to pull people together: "What
3 do we know and what steps have we taken?"

4 Q. Okay. So that's something you did after
5 having gotten the first report from the
6 chancellor, either Haselberger or Eisenzimmer?

7 A. Yeah, because prior to that I didn't know
8 about it.

9 Q. Right.

10 A. And my -- I walked down the hall, come into my
11 office or I get in their office and --

12 Q. Okay. Let's back up because I'm going to walk
13 you through the chronology here.

14 A. Okay.

15 Q. In any case, when you use the date June 20th,
16 is there any -- you're not certain that was
17 the date or you just believe it on
18 reconstruction or what gives you the reason to
19 give us that date today?

20 A. Because I was well aware that we had an
21 obligation to report. And independent of the
22 law, I wanted to do that as an individual to
23 to be as proactive as we possibly can be. I'm
24 almost 100 percent sure that on the 21st,
25 Wehmeyer was removed and I think subsequently

1 arrested or shortly thereafter.

2 Q. Okay.

3 A. So that's -- I would back -- you know.

4 Q. Okay. Fair enough. Let's go back, then, to
5 Eisenzimmer or Haselberger giving you the
6 first report, at least that you had gotten or
7 received, that Wehmeyer had abused a child.

8 What were you told by the chancellor that he
9 or she had learned?

10 A. That we had a possible credible accusation and
11 that we're trying to get the permission to
12 communicate that.

13 Q. And when you got that information, where were
14 you and this person --

15 A. There again, it was either --

16 Q. -- at the office?

17 A. -- my office or in that sort of executive area
18 there.

19 Q. We have some -- we have some information that
20 leads us to believe or to think it was Andy
21 Eisenzimmer. Do you have any reason to think
22 it was Andy Eisenzimmer that made this report
23 to you?

24 A. You know, I think it -- it -- it could well
25 have been Andy. I think Andy and Jennifer

1 would share information or they worked so
2 closely together, they're like a left -- so --
3 but that could well have been Andy.

4 Q. Okay. One was a left hand, one was a right
5 hand in a lotta ways?

6 A. Yeah.

7 Q. In any case, when you received the report,
8 what were you told beyond it was a possible
9 credible accusation? Were you told who it was
10 against?

11 A. No. Because I asked -- well, first I asked
12 have we reported it, and we weren't in a
13 position to because it was privileged or
14 that's what -- so we were establishing that
15 question.

16 Q. Privileged by -- who told you it was
17 privileged, the person that told you there was
18 an accusation?

19 A. Yes, and that we're trying to clarify that so
20 we can execute our --

21 Q. What was it about the communication that made
22 it subject to some possible privilege?

23 A. I didn't ask that. I had full trust in my
24 co-workers.

25 Q. Okay. Well, you're a civil attorney, trained

1 as a civil attorney, so you know there's what
2 we call an attorney/client privilege, right?

3 A. Yup.

4 Q. Okay. And you're also a cleric that's well
5 familiar with what we call the priest/penitent
6 privilege, correct?

7 A. That's correct.

8 Q. Okay. Do you know when this conversation was
9 first had and the mention of privilege was
10 made if it was identified as priest/penitent
11 or attorney/client?

12 A. I can't -- I don't know.

13 Q. Okay. Did you ultimately learn -- soon learn
14 when you met the next day or as soon as you
15 did if there was a privilege in play and, if
16 so, what kind, priest/penitent or
17 attorney/client?

18 A. I didn't because we were already to the point
19 where we were reporting it.

20 Q. Okay.

21 A. So that privilege had been relaxed for
22 whatever reason by who -- whoever asserted it
23 and now we could go forward.

24 Q. Okay. To this day, do you know what privilege
25 was of concern at least at that time?

1 A. I don't know the exact nature of that
2 privilege, apart from that it -- it is -- it
3 is a priest/penitent privilege or at least
4 that's what my recollection is, it was a
5 priest/penitent privilege.

6 Q. And do you remember what leads you to that
7 recollection, in other words, the source of
8 that?

9 A. Well, because I'm a mandated reporter,
10 obviously, under the law, I tried to cultivate
11 a culture at the archdiocese that said, "Even
12 if we're not mandated reporters, we should
13 report -- we should all report." And -- but
14 the law specifically foresees a relationship
15 that's a privileged relationship, in this case
16 between a clergy and -- and a penitent, as you
17 were mentioning.

18 Q. Do you know to whom the report was first made,
19 what clergy?

20 A. I -- I don't. I got that first report again,
21 I think, on the 20th.

22 Q. Didn't you ask questions like, "Well, who got
23 this report?" "Who is the offender who's
24 being reported as a potential offender?" And
25 in order to discern what needed to be done?

1 A. I knew exactly what needed to be done. If the
2 privilege would be relaxed, we were gonna
3 report it as soon as we possibly could. If
4 there had not been a privilege, it would have
5 been reported the very time -- and I would
6 assume my staff, who -- who all desire to make
7 sure that we have safe environments would have
8 made the report.

9 Q. So I'm going to walk you through, then, after
10 you got this initial information. The
11 information is that there's a possible
12 credible accusation of childhood sexual abuse
13 by a priest, at that point in time you don't
14 know it's Wehmeyer, correct?

15 A. Don't, no.

16 Q. How soon after you first received that
17 information in the afternoon did you learn it
18 was Wehmeyer?

19 A. You know, either later that day on the 20th or
20 on the 21st.

21 Q. Instead of just walking you through every
22 detail of what happened, why don't I just from
23 the point at which you received the
24 information you've described as the first
25 report, first indicator that Wehmeyer had

1 abused a child, is there anything else you
2 remember about that first report that you
3 haven't testified to?

4 A. (No response).

5 Q. You know it came from Jennifer or Andy, you
6 know it came to you, you know it was of
7 childhood sexual abuse; anything else you
8 remember about it?

9 A. Well, what -- we're talking once the privilege
10 now had been gone and now I know that we've
11 got an accusation, that the first question is,
12 have we reported it?

13 Q. Right.

14 A. And I've been told that -- that yes, that's
15 either done or it's imminently done and that
16 Vomastek -- because from my point of view, how
17 do we coordinate to make this happen like
18 clockwork?

19 Q. Right. I have to break this down a little bit
20 more and ask you to break it down in terms of
21 chronology now. Because first the focus is on
22 the first time you received the information,
23 so the question is, is there any more
24 information you received on that first report
25 from either Jennifer or Andy, that you haven't

1 identified, as to who the offender was, the
2 nature of the offense and how that person got
3 that information?

4 A. But, again, the first report would have been
5 that we have a possible accusation, that it --
6 privilege has been asserted and we're trying
7 to move through that issue to report.

8 Q. Okay. And anything else that you learned at
9 that moment in time from that individual?

10 A. Nope.

11 Q. Okay. Then tell me in time the next thing
12 that was done that you're aware of responsive
13 to the information given you at that time.

14 A. That there's a meeting taking place, I don't
15 know when that was, but there was a prior
16 meeting taking place to specifically answer
17 the question of privilege, so it had been
18 arranged. And what I was doing is animating
19 the staff, letting everybody know, "Clear your
20 schedule, this is the most important thing, as
21 soon as we can do this, we're gonna do this."

22 Q. And do you know who had arranged the prior
23 meeting?

24 A. You know, I don't -- I don't know who arranged
25 that meeting. Historically in the past those

1 things would have gone to Greta.

2 Q. At the time at which you re -- at the same
3 time that you received the report, did you
4 report to Nienstedt or, to your knowledge, had
5 Archbishop Nienstedt received any information?

6 A. You know, I don't know if -- if he had
7 received information from Andy or Jennifer,
8 but I certainly communicated with the
9 archbishop on the information I had.

10 Q. And how soon after you got that did you report
11 it to the archbishop?

12 A. I -- as soon as humanly -- as soon as
13 possible, I mean, provided he's in the
14 building and --

15 Q. And do you recall having done that?

16 A. Yes, I would have because -- because this is
17 one of the most serious issues that we would
18 have.

19 Q. And so if you recall having done it, then, did
20 you go to his office to tell him, "Archbishop,
21 I just got this information, we have a
22 possible credible accusation"?

23 A. I believe it was in his office. I believe I
24 went to the residence. He wasn't there. He
25 had been out on a meeting. Came back in and

1 communicated that.

2 Q. And when you did, what did you say to him?

3 A. The same thing, that we have a possible
4 accusation, that we need to clarify our
5 ability to report it. I put the staff on
6 notice that as soon as we're able, we need to
7 report this.

8 Q. Did he respond in a manner that indicated to
9 you he had already received information about
10 this or did he lead you to believe that you
11 were the first to tell him of a report having
12 been made?

13 A. That I -- I don't recall.

14 Q. Did he ask who the accused priest was?

15 A. I don't recall that, either. I -- because I
16 had said it's under -- we're working through a
17 question of privilege.

18 Q. So do you have a recollection of him having
19 not pressed that issue or not asked or asked
20 and you saying you couldn't answer or what?
21 What can you tell us about that?

22 A. That there was a meeting later to --
23 specifically to address this issue, i.e.,
24 whether the privilege could be waived or that
25 we could actually report this and that I'd

1 follow up as soon as I knew.

2 Q. But if the privilege -- the privilege is held
3 by the penitent. The name of the offender is
4 not privileged in any way --

5 A. Well, under the --

6 Q. -- is it? I mean, I --

7 A. Under the privilege -- under the
8 priest/penitent privilege, anything that's
9 said within that context is privileged.

10 Q. So were you under the belief that you couldn't
11 ask who the offender, accused offender was
12 that was being reported and you couldn't
13 similarly report that to the archbishop?

14 A. It didn't occur to me at the time. I have
15 full trust in Andy Eisenzimmer, I have full
16 trust in Jennifer Haselberger, this is the
17 number one priority for them. We've got a
18 meeting arranged for later that afternoon to
19 clarify this issue, we're gonna report it as
20 soon as we possibly can.

21 Q. All right. So you do bring it immediately to
22 Archbishop Nienstedt given the gravity of it,
23 correct?

24 A. Correct.

25 Q. You still don't know the name of the offender

1 that is the subject of the report; and what
2 was Archbishop Nienstedt's response? Did he
3 press you, was he startled, was he alarmed,
4 was he emotional? How would you describe his
5 response?

6 A. It was an informational communication on my
7 behalf and -- and -- and I mentioned that I
8 would be following up and he said, "Okay."

9 Q. Okay.

10 A. I would imagine these are very serious matters
11 and he took it very seriously.

12 Q. Did you make any recording or memorandum of
13 when in time you made this report to
14 Archbishop Nienstedt or received it and what
15 was said by either of you?

16 A. No.

17 Q. Okay. So after you reported to Archbishop
18 Nienstedt what you have just described for us,
19 what action did you take responsive to this?

20 A. That was the point about letting senior people
21 know, this is the number one priority for us,
22 and that would have been, as I mentioned,
23 Haselberger, Eisenzimmer, Vomastek.

24 Q. How could a chancellor, whether it be
25 Haselberger or Eisenzimmer, know about it if

1 there was a priest/penitent privilege? The
2 priest/penitent privilege requires the priest
3 to keep confidential anything said in that
4 context and not subject to reporting it to
5 anybody, correct?

6 A. I'm pretty clear on what the priest/penitent
7 privilege is. The question you asked me is a
8 question that other people would have to
9 answer. I would only be engaging in
10 conjecture or surmising or --

11 Q. Well, you know the priest/penitent privilege
12 requires that the priest who is receiving the
13 information, be it confession or otherwise,
14 cannot under any circumstances share that
15 information with anybody else, correct?

16 A. Correct.

17 Q. Absolute waiver, correct?

18 A. I think that's -- it's pretty inviolate.

19 Q. So understanding the nature of that privilege
20 today, do you have any idea how one of the
21 chancellors --

22 A. I don't.

23 Q. -- let -- okay. Fair enough. But you
24 understand me asking?

25 A. No. Yeah, sure.

1 Q. Okay. You said that you learned that a
2 meeting had already been arranged, you thought
3 with Greta Sawyer, and if I heard you
4 correctly, Greta Sawyer was an advocate or is
5 an advocate at the archdiocese, correct?

6 A. Correct.

7 Q. And from whom did you learn such a meeting had
8 been pre-arranged before you actually received
9 this information and reported it to the
10 archbishop?

11 A. Well, I -- I should be clear. I -- I assumed
12 it's Greta Sawyer because the victim's
13 advocate would generally be a person who
14 historically in the organization met with a
15 victim or potential victim. But I -- I knew
16 that a meeting was taking place to see if we
17 could move forward on this.

18 Q. Do you know if that meeting was taking place
19 contemporaneous to having received the report
20 or before you received the report?

21 A. The one that I'm speaking of with respect to
22 privilege, you know, waiving the privilege or
23 being able to communicate, was taking place a
24 few hours after I had been notified about the
25 possible accusation.

- 1 Q. Okay. And who told you that?
- 2 A. Again, that's what I'm referring to,
3 Eisenzimmer, Haselberger --
- 4 Q. Okay. That's when you called the meeting and
5 said, "This is important," and so there was
6 then a meeting with Haselberger, Eisenzimmer,
7 initially was it --
- 8 A. I think it would have been certainly those two
9 and myself initially. So sometime on that
10 20th or whatever it was, how -- "Okay. Is
11 everybody ready to execute what they need to
12 execute as soon as we can execute this?"
- 13 Q. Okay. So the meeting, then, was held where?
- 14 A. I believe that was either in my office or in
15 Eisenzimmer's office.
- 16 Q. And by the time of the meeting -- was that
17 meeting in the morning, afternoon or evening?
- 18 A. No. I think it might have been late morning
19 or early afternoon.
- 20 Q. And to your knowledge, was Archbishop
21 Nienstedt informed of the fact of such a
22 meeting and a plan to execute?
- 23 A. That I don't recollect.
- 24 Q. Okay.
- 25 A. I --

1 Q. And if I heard you correctly earlier, you said
2 it began with yourself, Andy Eisenzimmer,
3 Jennifer Haselberger; anybody else at the
4 initial part of the meeting?

5 A. No. And -- and I guess this meeting is when
6 I'm being communicated about this possible
7 thing: "Okay. This is our first priority,
8 you know, make sure you're clear so that we
9 can move forward on this."

10 Q. And so who said what at this meeting?

11 A. Again, I got essentially two important pieces
12 of data at that meeting.

13 Q. Okay.

14 A. One, that we have a possible credible
15 accusation; two, that there's a privilege
16 that's been asserted and needs to be revoked,
17 removed, relaxed, whatever the proper
18 terminology would be. What I said was, "Had
19 it been reported?" "No. There's a
20 privilege." "Okay. This is our first
21 priority. I wanna be as proactive and as
22 diligent we can be." I think the last thing I
23 asked was where is -- "When are we gonna next
24 meet on this?"

25 Q. And who answered those questions?

1 A. I would -- my recollection is that both Andy
2 and Jennifer, it was a shared response.

3 Q. And any other information given you beyond
4 those two important data points --

5 A. No.

6 Q. -- at that initial meeting?

7 A. Nope.

8 Q. What transpired from there?

9 A. I canceled meetings that I had so that I could
10 be as available. I believe I spoke to
11 Vomastek, who -- Deacon John Vomastek and
12 said, "We have a possible accusation. I'll
13 know more, there's a meeting and we're gonna
14 know more in a few hours. I need -- I -- I'd
15 like you to be involved." Obviously, he was a
16 decorated and retired St. Paul police officer.

17 Q. Do you know what time you contacted Vomastek?

18 A. Vomastek.

19 Q. Vomastek.

20 A. This would have been, you know, after that --
21 sometime on that midmorning, early afternoon
22 of the 20th.

23 Q. At this point in time, the point at which you
24 contacted Vomastek, did you know the identity
25 of the priest who was the subject of the

1 report?

2 A. I did not. Or not to my recollection. I
3 encouraged him that Jennifer and Andy, you
4 know, are working on this matter and that he
5 would need to be working with them.

6 Q. What next happened, then, after having
7 contacted Deacon Vomastek?

8 A. I believe that Vomastek -- so he's in the
9 loop. I think I -- I called another meeting
10 as soon as or as close as that privilege was
11 relaxed, waived, remitted, whatever the proper
12 term is, and that was in that afternoon, late
13 that -- later that afternoon.

14 Q. And who imparted that information to you?

15 A. Again, that would have either been Eisenzimmer
16 or Haselberger. And as soon as that was
17 brought back to me, "Okay. Let's get the
18 people back at the table so that we can make
19 assignments."

20 Q. So there was a second meeting?

21 A. That's correct. And that's when I knew who
22 was accused.

23 Q. Okay. Before that meeting was convened by, it
24 sounds like at this point, were you aware that
25 Archbishop Nienstedt had empowered you to be

1 the canonical investigator of this and, thus,
2 in charge of executing a plan to do what's
3 required?

4 A. No. I -- again, as an officer of the
5 organization, I'm gonna take these steps
6 because they make good sense and I think the
7 law requires them independent of what canon
8 law might do. I believe the document you're
9 referring to is one that Jennifer drafted with
10 the understanding clearly that, once the
11 police are involved, our investigation would
12 stop pending the outcome of the police
13 investigation. So I never became an
14 investigator of Curt Wehmeyer because the
15 police had done all of that work.

16 Q. Okay. Let's make sure we're referring to the
17 same document. Let's look at -- I'm going to
18 pull up what I think is a decree. We're going
19 to show you Exhibit 18. We'll give a copy to
20 counsel here.

21 MR. FINNEGAN: (Handing documents).

22 THE WITNESS: Thank you.

23 BY MR. ANDERSON:

24 Q. And, Father, you made reference to a document
25 you thought I was referring to, and showing

1 you what I've marked for identification as
2 Exhibit 18 --

3 A. Are there any other documents that refer to
4 the -- that you had in mind?

5 Q. Well, this is the only one that has a decree.
6 There are some other documents referring to
7 later events --

8 A. Okay.

9 Q. -- but this is the decree, the only one that
10 I've seen that kind of answers that
11 description. Did you have something else in
12 mind beyond this that you've seen that could
13 be --

14 A. No. You were referring that you didn't think
15 it was this, and so I was just clarifying
16 whether you --

17 Q. Okay.

18 A. -- thought there were other things.

19 Q. Okay. First let's just talk about this one,
20 Exhibit 18. It is a decree on the signature
21 of Archbishop Nienstedt, correct?

22 A. It looks like his signature.

23 Q. At the bottom it says it's given on June 20th,
24 2012, correct?

25 A. It does.

1 Q. At the top it states, "On June 18, 2012, the
2 Archdiocese of St. Paul and Minneapolis
3 received a complaint that Reverend Curtis
4 Wehmeyer, a priest of this archdiocese,
5 supplied alcohol and sexually explicit images
6 to a minor, and fondled or attempted to fondle
7 the minor's genitals." Do you know where that
8 information that I just read came from?

9 A. I don't. I -- I presume it's accurate. I
10 just don't know where it came from.

11 Q. Okay.

12 A. I saw this probably on the 21st or 22nd.

13 Q. Okay. It goes on to state, "I have concluded
14 that this constitutes information which 'at
15 least seems to be true.'" The second
16 paragraph states, "Therefore, in accordance
17 with the aforementioned canon, I decree that
18 an inquiry be done into the facts and
19 circumstances of this accusation, as well as
20 its imputability to Father Wehmeyer." So
21 Wehmeyer is identified here, correct?

22 A. Correct.

23 Q. And the next paragraph states, "Since my other
24 duties prevent me from conducting this
25 investigation personally, I hereby appoint

1 Very Reverend Peter Laird, vicar general and
2 moderator of the Curia, to act as the
3 investigator in this matter." When did you
4 learn you had been appointed investigator in
5 this matter?

6 A. When I received a copy of this document.

7 Q. And do you have a date of that?

8 A. Again, I think the first time I saw it was the
9 21st, 22nd, maybe even the 23rd.

10 Q. How did you get or receive it or obtain
11 knowledge of your appointment as investigator?

12 A. I believe this would either have been in my --
13 I don't know how I received it, either in my
14 mailbox or I'm given it by hand and my --
15 Jennifer would have composed this. It would
16 have come back to her after the archbishop
17 signed it.

18 Q. It's also notarized by Reverend Daniel Bodin
19 or Bodin, he's an ecclesiastical notary. Is
20 it customary for like decrees to be notarized
21 like that?

22 A. You'd have to ask someone with training in
23 canon law.

24 Q. Okay. When you learned of the decree and
25 having -- being appointed investigator, at

1 that point in time, having learned of this
2 decree and your instruction from the
3 archbishop --

4 A. Yup.

5 Q. -- to investigate it --

6 A. Yup.

7 Q. -- had it been reported to law enforcement?

8 A. Absolutely. It had been reported to law
9 enforcement within hours, maybe even within
10 the hour of the privilege being revoked.

11 Q. What leads you to that belief?

12 A. Because this is the most serious thing that we
13 do. And when we gathered together, I think
14 that day went on a little bit longer, "Has
15 this been reported?" "Yes, this has been
16 reported." So it was clear to us that the
17 canon case was gonna -- I made the decision
18 that the canon law case was gonna be on the
19 back burner until the civil/criminal
20 possibilities were fully exhausted.

21 Q. You believed the canon law case investigation
22 should cease as soon as it got reported to
23 police?

24 A. Absolutely. I -- I -- our -- we're not gonna
25 do anything that's going to jeopardize what

1 the police need to be doing. I -- I don't --
2 sorry, I was gonna add, I don't know if other
3 people in the church would agree with that
4 point of view, but that's where we were at.

5 Q. You're talking about your state of mind?

6 A. Yeah.

7 Q. Did you, yourself, make the report to law
8 enforcement people?

9 A. I did not.

10 Q. Who did?

11 A. I believe that was Deacon Vomastek and Andy
12 Eisenzimmer.

13 Q. And what leads you first to the belief that
14 Vomastek made such a report?

15 A. Because when the -- you know, after we --
16 we've had this meeting and the next time that
17 I think that I engaged -- I think Vomastek had
18 been already in touch with the police, and in
19 order to make sure that we were doing
20 everything in accord with police procedure,
21 that it made sense that Andy and Vomastek work
22 together to make that report.

23 Q. So what makes sense on how you learned
24 something might be different things, so I
25 guess my question to you is, is what is the

1 source of your information that Vomastek made
2 a report?

3 A. My -- my source is my recollection of sitting
4 around the table, you know, we've got a very
5 fluid movement, our highest priority is that
6 we made our report, that we're doing what we
7 can to make sure that that environment is safe
8 and that we're not gonna allow Father Wehmeyer
9 to go back into that situation. So there was
10 a number of people adding -- you know, it was
11 a fluid conversation.

12 Q. Vomastek was not at the second meeting that
13 you talked about, however, was he?

14 A. You know, he may have been or consulted in the
15 middle of the meeting.

16 Q. I think at one point you said that McDonough
17 and Vomastek came in the end, towards the end
18 of the meeting, but it was originally convened
19 by you with Jennifer, Andy and --

20 A. I -- I believe I said they may have. I know
21 for a certain we had a meeting the morning
22 that Father Wehmeyer was removed from the
23 parish.

24 Q. That's a -- that would be a third meeting?

25 A. That's correct.

1 Q. Okay. Let's focus on the second meeting.

2 A. Okay. Then my -- then I don't think that
3 McDonough was there. I do think Vomastek
4 either sat in for part of that meeting or was
5 consulted during that meeting.

6 Q. And so who was there on the second meeting
7 then?

8 A. Haselberger, Eisenzimmer and myself and that's
9 when I'm getting the news that this is --
10 privilege has been relaxed.

11 Q. And you now know that it's Wehmeyer?

12 A. Now I know it's Wehmeyer.

13 Q. And do you know what was done to have had the
14 privilege, to use your term, relaxed?

15 A. As I mentioned, that this meeting had taken
16 place and that permission had been given.

17 Q. So Greta Sawyer had met with the -- presumably
18 the person that had the privilege?

19 A. I -- I believe -- I believe that was the case.

20 Q. We know the name of the individual, the
21 family, the mother and the child, we're not
22 using it here, and they're identified as --
23 they're identified by Doe, we'll just call him
24 Doe here --

25 A. Okay.

1 Q. -- we're not gonna use their name.

2 So I'm sorry if you answered this
3 and I'm repeating it, but I just needed to ask
4 the next question, make sure I understood the
5 answer, if you had, so I apologize. Can you
6 tell me who told you the report had been made?

7 A. You know, again, that would have been in that
8 second afternoon meeting that Vomastek either
9 came in at or was out, you know, or was at for
10 part of the meeting and -- and I think, you
11 know, by now it's late afternoon, maybe early
12 evening and we were setting out -- proposing
13 action steps.

14 Q. So the question is, can you tell me who it was
15 that told you --

16 A. I -- I --

17 Q. -- in that second meeting the report had been
18 made?

19 A. It would -- it would have been either Andy
20 Eisenzimmer or Vomastek, conceivably it could
21 have also been Jennifer Haselberger, who I
22 presume would have known by that time.

23 Q. So you're not certain among those candidates
24 who it was that told you, correct?

25 A. That's correct.

1 Q. Okay. Did you become aware that Greta Sawyer
2 had interviewed the mom and the alleged victim
3 before this second meeting?

4 A. No.

5 (Discussion out of the hearing of
6 the court reporter)

7 BY MR. ANDERSON:

8 Q. Have you ever become aware of that?

9 A. You know, we debrief -- or my practice was to
10 debrief after any incident to see how we could
11 improve. That may have come up, I'm not a --
12 I'm not sure if that came up. But as soon as
13 the privilege had been waived, it needs to go
14 to the police.

15 Q. When it came to your -- did it come to your
16 attention that the mom and the child had been
17 interviewed by Greta?

18 A. Again, I don't -- in the timeline that we're
19 talking about, no. I don't believe so.

20 Q. Okay.

21 A. I -- I was focused on, is the privilege
22 waived? Can we make the report?

23 Q. Did that come to your attention at any time?

24 A. The what?

25 Q. That the mom and the child had been actually

1 interviewed by --

2 A. No. I --

3 Q. -- a representative of the archdiocese?

4 A. No. I knew that the parent had been met with
5 by a representative of the archdiocese.

6 Q. This is common, especially when we get going
7 in the afternoon, but we have a tendency to
8 talk over one another, so I'll just try not to
9 talk over your answers, you have to try to
10 wait for me to finish my question, out of
11 consideration to him.

12 A. Sorry.

13 Q. Did you tell Archbishop Nienstedt anything
14 about the second meeting and that it was
15 Wehmeyer who had been the subject of the
16 report?

17 A. Yes, I believe, again, because of the
18 seriousness of what's taking place, that I
19 communicated to the archbishop that we are --
20 or we are imminently or have, you know,
21 reported Wehmeyer.

22 Q. Okay.

23 (Discussion out of the hearing of
24 the court reporter)

25 BY MR. ANDERSON:

1 Q. What was the archbishop's response or reaction
2 to that?

3 A. You know, I don't recall anything about Father
4 Wehmeyer. He certainly was concerned about
5 possible abuse.

6 Q. How did he lead you to believe or make that
7 observation that he was concerned about
8 possible abuse?

9 A. I believe he said, "I hope it's not true."

10 Q. Did he express concern about Wehmeyer's safety
11 and a possibility of Wehmeyer doing something
12 to hurt himself, like --

13 A. He did not.

14 Q. Okay. Was that right after the second meeting
15 that you made that report to the archbishop?

16 A. It -- it -- it would either -- yes, I believe
17 that would have been at that time.

18 Q. And at that time, you did not know that a
19 decree of appointing you investigator had been
20 issued?

21 A. It had been talked about. In those meetings,
22 Jennifer Haselberger, who -- who does have the
23 responsibility for executing canonical things,
24 noted that an investigator would have to be
25 appointed. Again, I think there was a

1 consensus around the table, nothing's gonna
2 happen canonically until the civil/criminal
3 case -- or the criminal case has walked its --
4 exhausted its process. I would -- I would
5 characterize this as crossing i's and dotting
6 t's (sic).

7 Q. In other words, the memorialization or
8 formalization of the appointment?

9 A. I -- yeah, so that if -- if Wehmeyer was not
10 found guilty or did not confess, we could
11 still proceed on a canonical case against him,
12 so we had to dot that i. That's what I was
13 informed by Jennifer.

14 Q. Have you reviewed the testimony of any other
15 witnesses that have given depositions
16 concerning this?

17 A. I reviewed, I think, four or five pages of
18 Andy Eisenzimmer's and stopped largely because
19 I didn't review Nienstedt or McDonough at the
20 recommendation of my counsel.

21 Q. And I don't want to know what your counsel
22 told you, but I do want to know what you
23 reviewed in the Eisenzimmer deposition. What
24 part of his testimony content-wise did you
25 review?

1 A. And, again, I think what -- whatever would be
2 contained in the first -- I didn't find it
3 particularly helpful.

4 Q. What was the subject of the portions you did
5 review?

6 A. In the pace where it begins just like we began
7 today, you know, here -- here are the things
8 that are happening, everyone names themselves
9 and I think -- I don't know what the first
10 questions out of the box were on Eisenzimmer.

11 Q. So you didn't review any of the substantive
12 answers about what happened concerning
13 Wehmeyer or when it was or how he received it
14 or anything like that?

15 A. No.

16 Q. I don't want to hear or have you talk about
17 what your attorney may have communicated with
18 you or you with him, but apart from him, have
19 you discussed the timeline of the report made
20 to law enforcement, the timeline of the decree
21 as it was issued or the timeline of when the
22 mom and/or the child were interviewed by Greta
23 Sawyer with anybody -- with anybody at all?

24 A. You know, the only time -- and we didn't
25 construct a timeline, but we certainly, as I

1 mentioned, in order to get better at what we
2 do, we debriefed after anything that took
3 place. And everyone, Haselberger,
4 Eisenzimmer, McDonough, Vomastek, were pleased
5 with the way that we walked through this
6 scenario and made that report.

7 Q. Okay. And so the second meeting that you just
8 described to us, was there any recording made
9 to that meeting contemporaneous to it or
10 shortly after by you?

11 A. Not by me.

12 Q. By anybody, to your knowledge, in attendance
13 at it?

14 A. I think it was simply a matter of clarifying
15 who had lead on what.

16 Q. Okay.

17 A. And I would imagine the people who had lead
18 memorialized their steps and that would be
19 part of Wehmeyer's record.

20 Q. Have you seen any memo pertaining to that
21 first --

22 A. No.

23 Q. -- second meeting?

24 A. No.

25 Q. Have you seen any memo pertaining to the first

1 meeting?

2 A. No. The first meeting, as I mentioned, was a
3 very quick meeting, just advising me of the
4 fact that we had a potential case.

5 Q. Did you review anything else, other than the
6 few pages of the Eisenzimmer deposition, in
7 preparation for this deposition?

8 A. No.

9 Q. And have you consulted with or discussed the
10 contents of their testimony or their view as
11 it pertains to your view and testimony with
12 anybody besides -- excepting your lawyer?

13 A. The person I've spoken to is my lawyer.

14 Q. Okay. Have the police spoken to you?

15 A. No.

16 Q. To your knowledge, have they made any effort
17 to --

18 A. I -- excuse me. About this --

19 Q. Yes.

20 A. -- since I left the organization?

21 Q. Well, since this whole matter emerged at any
22 time, have the police interviewed you or tried
23 to interview you?

24 A. No.

25 MR. KYLE: Mr. Anderson, can you be

1 more specific in the matter? And I know we're
2 talking roughly. We've gone through a bunch
3 of, you know, subjects here. I just want to
4 make sure that we're clear here.

5 BY MR. ANDERSON:

6 Q. Well, let's just -- let's be general. First,
7 have the police interviewed you on the topic
8 of --

9 A. During my tenure as -- as vicar general?

10 Q. Yes.

11 A. They have not interviewed me, but I think you
12 asked have I been contacted by the police. I
13 think I was contacted on two occasions, one
14 with respect to Chris Wenthe, notifying us on
15 this; and the second would have been, I
16 believe, in the case of Huberty. I just
17 wanted to be clear so you knew I wasn't --

18 Q. Oh, I was gonna follow up on it so it would be
19 clear to me and allow you to be clear to us,
20 so I appreciate that.

21 A. But not on the Wehmeyer.

22 Q. Then following your resignation -- those are
23 the only two police contacts during your
24 tenure as vicar general, correct?

25 A. I believe there may have been one or two

1 others, but those are the ones that come to
2 mind.

3 Q. Okay. In any case, then, following your
4 resignation as vicar general, have the police
5 made any attempt to contact you to get
6 information --

7 A. No.

8 Q. Were you -- did you become aware that the
9 police were investigating the archdiocesan
10 officials' involvement in Wehmeyer, Shelley
11 and other clerics who may have engaged in
12 sexual abuse and how it has been handled?

13 A. You know, I was certainly aware, I don't know
14 how I became aware, that there -- questions
15 had been raised around Wehmeyer. At the time,
16 I think the police were pleased with the way
17 we handled the Wehmeyer, and then other
18 questions had arisen and they were taking a
19 new look at that.

20 Q. And when you learned they were taking a second
21 look at it, did you make -- did they make any
22 effort to contact you?

23 A. No.

24 Q. Have you ever made any effort to contact them
25 to --

1 A. No.

2 Q. Why not?

3 A. I'm at liberty and here in the Twin Cities, I
4 -- people know, so if they had contacted me
5 and thought my contact would be helpful, I
6 would -- I would certainly speak to the
7 police.

8 Q. The archbishop impaneled and an internal-type
9 investigation and they made a report.

10 A. Uh huh.

11 Q. And are you aware of that report and have you
12 seen it?

13 A. I -- I haven't read the report. I think I
14 looked at the recommendation.

15 Q. Okay. It was reported publicly and included
16 in the report that you were not interviewed --

17 A. That's correct.

18 Q. -- for that internal investigation.

19 A. That's correct.

20 Q. Did you refuse to be interviewed for that
21 internal investigation?

22 A. No.

23 Q. Why do you think you weren't interviewed if
24 they were doing an internal investigation and
25 you had been vicar general for four years?

1 A. I can't -- I -- I don't know.

2 Q. Before you learned that the report was under
3 way -- excuse me, before you learned that a
4 report had been made, did you know that they
5 were doing an internal investigation and
6 Father Witt had been impaneled --

7 A. Again, I --

8 Q. -- to do this thing?

9 A. Yes, I had -- it was one of those
10 recommendations that I had made to the
11 archbishop, I was aware that it was going
12 forward, I fully expected to be called.

13 Q. The report indicates, if I recall correctly,
14 that the archdiocese investigators or those
15 hired by the archdiocese said they didn't know
16 your whereabouts. Did you -- let me -- I've
17 got the report and it says --

18 (Discussion out of the hearing of
19 the court reporter)

20 BY MR. ANDERSON:

21 Q. Okay. It states at page 44, paragraph C, I'll
22 just read it and then ask you the question.

23 A. Okay.

24 Q. It states under other individuals contacted,
25 "The task force wanted to talk to Father Peter

1 Laird, the former vicar general and moderator
2 of the Curia and attempted to contact him
3 through the archdiocese. However, the
4 archdiocese informed the task force that
5 Father Laird was on leave and that it did not
6 have contact information for him." What do
7 you know about that?

8 A. You'd have to ask the archdiocese.

9 Q. Well, did they know where you were?

10 A. Yes, I -- I -- I -- again, in the community,
11 my -- I still have a residence at the
12 Cathedral.

13 (Discussion out of the hearing of
14 the court reporter)

15 BY MR. ANDERSON:

16 Q. Has your phone number always been the same?

17 A. Yes, I had a -- an archdiocesan cell phone
18 number.

19 Q. And your e-mail was the same?

20 A. I have an archdiocesan e-mail address.

21 Q. You also have -- do you have more than one
22 e-mail address?

23 A. Not that I conduct business on for the
24 archdiocese.

25 Q. But you have one private e-mail?

- 1 A. (Nods head).
- 2 Q. And then one archdiocese e-mail?
- 3 A. That's correct.
- 4 Q. What is your archdiocese e-mail address?
- 5 [REDACTED]
- 6 [REDACTED]
- 7 [REDACTED]
- 8 Q. But that's the only archdiocese e-mail that
- 9 you conducted archdiocese business on?
- 10 A. That's correct.
- 11 Q. And so your archdiocese e-mail remained intact
- 12 at the time of this investigation and your
- 13 phone number remained intact at the time of
- 14 this investigation --
- 15 A. Yes.
- 16 Q. -- if I hear you correctly?
- 17 A. Yes.
- 18 Q. And your cell phone was the same?
- 19 A. Yes.
- 20 Q. Have you ever gone back and asked anybody at
- 21 the archdiocese why the task force reported
- 22 this information that you couldn't be
- 23 contacted when you have the same e-mail, the
- 24 same phone number, the same address?
- 25 A. I -- I -- I haven't had the opportunity to

1 maybe ask that. I have -- so I was surprised
2 when the -- the report had come out because I
3 always thought I'd -- I'd have an opportunity
4 to speak, again, because so much good work had
5 been done, most of the recommendations had
6 already been beginning to be addressed.

7 Q. Okay. So you had the second meeting that has
8 been discussed. After the second meeting,
9 you're under the belief and it's been reported
10 to you that a report has either been made to
11 law enforcement or is imminent at that time,
12 correct?

13 A. Correct.

14 Q. What happened from there?

15 MR. HAWS: We're back on the
16 Wehmeyer subject?

17 MR. ANDERSON: Yes, I'm sorry, yes.

18 MR. HAWS: I just want to be clear
19 for the record.

20 MR. ANDERSON: Thank you, Dan.

21 THE WITNESS: Thank you.

22 A. Again, I -- I believe we assigned
23 responsibilities and, obviously, Jennifer
24 would be taking care of canonical matters, but
25 they were a second seat to our duty to report

1 and to make sure that Father Wehmeyer did not
2 go back to the parish.

3 BY MR. ANDERSON:

4 Q. And what was McDonough's charge and Deacon
5 Vomastek's charge to do? What were they to do
6 as you understood it at that point in time?

7 A. So I believe at that meeting there was some
8 consensus that the police had agreed we could
9 go and talk, you know, remove Wehmeyer and let
10 him know this is not a place for him to be.

11 Q. Who led you to that belief that the police had
12 agreed to such a thing?

13 A. Now I think we're at that -- so the morning
14 and --

15 Q. Is this before or after this second meeting
16 now?

17 A. No. This would -- this would have been
18 followed on, we made the report, he's on
19 vacation, he's coming back, we're gonna remove
20 him at the first instance we can. So the
21 first morning we had a meeting, so this would
22 be by the third meeting, in that count, where
23 McDonough -- McDonough, Vomastek, Haselberger,
24 Eisenzimmer and myself. And that's where we
25 -- that's where we made the definitive action

1 plan that was gonna unfold within the next
2 hour-and-a-half.

3 MR. KINSELLA: Excuse me. Off the
4 record to change media.

5 MR. ANDERSON: Sure.

6 (Recess taken)

7 MR. KINSELLA: Back on the video
8 record, 1:50 p.m.

9 BY MR. ANDERSON:

10 Q. Father, I was asking some questions about
11 chronology, and I think I was on now what we
12 call the third meeting. And at the point at
13 which you had the third meeting, and I think
14 that's a -- that's where I think you described
15 the plan as being executed and duties were
16 being delegated, is that --

17 A. That's -- that's correct. It's the -- we're
18 going to remove Wehmeyer and that, to my
19 recollection, we have the police go ahead to
20 do so.

21 Q. Okay. And you don't know who told you that
22 you had the police go ahead to do that, but
23 you came away from that meeting with that
24 belief, is that a fair statement?

25 A. Well, surely.

1 Q. Okay. At the time of that third meeting, how
2 many times did you discuss this topic with the
3 archbishop?

4 A. I believe twice.

5 Q. And you've told us about both of those
6 instances?

7 A. That's correct.

8 Q. And in the second instance -- was it at this
9 third meeting that you learned the identity of
10 Wehmeyer or before that meeting?

11 A. You know, I believe it's -- was before that
12 meeting. It was as soon as the privilege had
13 been waived and now we were gonna inform
14 police and we had to give 'em a particular
15 name.

16 Q. And what was the name of the person, the
17 priest to whom the initial report had been
18 made?

19 A. That -- that I didn't know.

20 Q. Do you know if it's John Erickson, John Paul
21 Erickson?

22 MR. KYLE: If you know.

23 A. Yeah, I've seen it in the press, but --

24 BY MR. ANDERSON:

25 Q. But from your own experiences as the then

1 vicar general, did you learn that it had been
2 Erickson?

3 A. You know, it may have been something that came
4 out in the debrief.

5 Q. But do you recall receiving it in the second
6 or third meeting?

7 A. No.

8 Q. Okay. Neither?

9 A. No. We were focused on reporting.

10 Q. So how long does the third meeting last?

11 A. It's in the morning, first thing in the
12 morning, that may have been 25 to 30 minutes,
13 which was to firm up what we're gonna do.

14 Q. And what were you gonna do?

15 A. McDonough and Vomastek were going over to
16 Blessed Sacrament with the permission of the
17 priests -- or of the police, excuse me, to let
18 Wehmeyer know that a substantial accusation
19 had been made and that he was no longer -- the
20 police had been informed and he was no longer
21 welcome on the property.

22 Q. Do you know who at the police department had
23 given what you believe to have been
24 permission --

25 A. I don't.

1 Q. -- for Vomastek and McDonough to go and
2 contact Wehmeyer?

3 A. I don't.

4 Q. At that meeting, did McDonough push back on
5 him having to go and meet Wehmeyer given his
6 experience with Montero?

7 A. You know, I believe Father McDonough did ask a
8 question about that. I think Andy and
9 Jennifer both responded that it had been
10 cleared with the police. I believe also
11 Jennifer emphasized how important that that is
12 from a canonical point of view.

13 Q. And recount for us, as best you can, what was
14 said at that meeting, what we've referred to
15 as the third meeting, and then by whom, beyond
16 what you've already told us.

17 A. Again, I -- I -- I'm not going to be accurate
18 in terms of who said what. The consensus out
19 of that meeting was, we had coordinated with
20 the police, we were ready to act, we didn't
21 want that church to open for business and --
22 and Father Wehmeyer to be there. And so
23 McDonough and Vomastek were going to go and
24 execute that plan.

25 Q. And there is some indications that McDonough

1 was under instructions from the archbishop to
2 retrieve the gun because there was some
3 concerns about safety of Wehmeyer, safety from
4 doing something to himself. Do you know
5 anything about that? Was that discussed?

6 A. I don't. I think it would be highly unlikely
7 that the archbishop directed him to take the
8 gun. The archbishop wasn't at that meeting.

9 Q. Did he know the meeting was being -- was
10 convened and a plan to be executed?

11 A. When -- we had talked about in my second visit
12 with him, "It's Father Curt Wehmeyer, here's
13 what we're planning to do and we've
14 coordinated with the police to do so."

15 Q. And so tell me, then, what else you recall
16 about what was said in the third meeting that
17 has not been recited so far.

18 A. My only other recollection of that meeting is
19 that some -- someone had said, "We need to get
20 his computer." That wasn't on my radar
21 screen. I think that was on Jennifer's radar
22 screen. I think there was some agreement
23 about -- about that precisely because we
24 wanted to maintain as much evidence as
25 possible. And -- and so I think that was

1 added to the list of -- of to-dos.

2 Q. Well, at that time you're, you know, you're
3 the vicar general and you're also trained as a
4 civil lawyer. Doesn't it sound like the
5 getting his computer is a police function, not
6 that of Father McDonough?

7 A. I think it's a fair -- it's a fair
8 observation. I think what had come out of
9 that meeting is that the police would be by,
10 but they weren't going to be there exactly at
11 the point we were there. We wanted to be
12 there (Snaps fingers) first thing. And so you
13 had a gap in time. And we don't want bad
14 guys, I certainly don't want bad guys in
15 ministry, we want to preserve evidence. So
16 when it was suggested, almost certain it was
17 Jennifer who suggested it, I don't think
18 anybody at that time was saying, "No. Don't
19 do that."

20 Q. Isn't it, from a child safety standpoint, the
21 first priority is getting them behind bars and
22 arrested so they can't access to any kids,
23 much less in ministry?

24 A. Yes, I believe that's the priority of
25 everyone, but, as you know, it takes time

1 between when an accusation's made and that can
2 happen when we wanted to be diligent servants.

3 Q. I'm not questioning your motives here, Father,
4 so don't think that I am, but what makes you
5 think that takes time once the police are
6 called for them to go and seize the computer,
7 interview the suspect, in this case Wehmeyer,
8 and/or arrest him on the strength of the
9 report made? What --

10 A. Because my recollection was, is that we wanted
11 the police to be there at the very time we
12 wanted to be there. The police weren't gonna
13 be able to be there at that time. We didn't
14 wanna open for business with a potential sex
15 abuser in that place and the police gave us
16 the green light to do it.

17 Q. And who led you to that -- those beliefs that
18 you just expressed?

19 A. Again, that would be in that conversation
20 that's taking place, Eisenzimmer and Vomastek
21 had that interaction with the police.

22 Q. So either Eisenzimmer and/or Vomastek led you
23 to believe what you just recited?

24 A. Yes.

25 Q. And they led you to believe that in that third

1 meeting that you just recounted?

2 A. Yeah -- that's when I came aware of --
3 because, of course, I don't want to do this if
4 the police don't want us doing this.

5 Q. And did McDonough and Vomastek then go
6 directly from that meeting to the parish at
7 Blessed Sacrament?

8 A. I believe they did.

9 Q. And then did you report this to the
10 archbishop?

11 A. I would -- I don't know where, but, yes, I
12 would imagine that my next step after they
13 departed, the plan is afoot, you know, we've
14 taken these steps, that would be my standard
15 way of acting.

16 Q. And do you have recollection today of having
17 reported to the archbishop and his reaction or
18 response to that report?

19 A. I think he said, "Good." And --

20 Q. And what's the next thing, then, that you did
21 or heard about in connection with the
22 execution of the plan and Wehmeyer's status?

23 A. Just that we had communicated that to
24 Wehmeyer, again, there was a brief debrief
25 after they had completed that. In that

1 conversation I believe it came out that there
2 had been a gun. And I think it was very
3 reasonable to ask for the gun. While -- if I
4 recall correctly, while they were at the
5 site --

6 Q. Did they report back that they were at the
7 site and they knew there was a gun or --

8 A. My recollection is, is that in the course of
9 them engaging Wehmeyer, it came to be known
10 that he had a handgun. Our -- our first
11 priority is the safety of everyone around
12 physically and -- and I think that's when, I
13 think, McDonough asked for the gun. So I
14 learned of that, I believe, at that time.

15 Q. While McDonough's on the site of Blessed
16 Sacrament with Wehmeyer or after he returned
17 with it, which?

18 A. Yeah, I -- I would have only come to know that
19 afterwards.

20 Q. After his return?

21 A. That's correct.

22 Q. With the gun. Did you also learn that he had
23 the computer?

24 A. I learned at that time as well that -- that
25 the computer had been taken.

1 Q. Okay. And what did McDonough tell you about
2 his encounter with Wehmeyer?

3 A. You know, I don't recall any characterization,
4 other than that Wehmeyer was emotional.

5 Q. So what action, then, if any, were you
6 involved in or became aware of concerning
7 Wehmeyer and what unfolded next?

8 MR. KYLE: Jeff, are you referring
9 to that day or at the time?

10 BY MR. ANDERSON:

11 Q. Yeah, I mean, we've got -- he now learns that
12 they've got the gun, they've interviewed --
13 they've gone out there and interviewed
14 Wehmeyer and done what they're supposed to do,
15 you've got the computer, you're back at the
16 Chancery, you're engaged in some way. How are
17 you engaged? What's happening and who's doing
18 and saying what?

19 A. That I think the simple next steps were that I
20 want to know as soon as the police get to the
21 parish, so please call the parish and find out
22 when the police come. And -- and then,
23 essentially, we were gonna stand down so as to
24 allow the police investigation to move
25 forward.

1 Q. At some point in time, there's an indication
2 that Andy Eisenzimmer issues a "litigation
3 hold." Well, no. Excuse me, "is going to
4 issue a litigation hold for Father Curtis
5 Wehmeyer's personnel file that nothing in the
6 file can be destroyed." Do you know anything
7 about that?

8 A. No. I'm familiar with the term "litigation
9 hold." I would only be offering conjecture
10 about why Andy did that.

11 Q. It's also written that at the same time that
12 is said, it says, "As always, please keep this
13 quiet." Do you recall having seen such an
14 e-mail or communique concerning Wehmeyer and
15 instructions given by Eisenzimmer or any other
16 official?

17 MR. HAWS: Well, first of all --

18 A. Can you show me where the "this" is and what
19 the document is? And I'd be happy to try to
20 respond to it.

21 MR. HAWS: And I would object to the
22 form because it is out of context without
23 showing Father the document.

24 BY MR. ANDERSON:

25 Q. Well, I'm referring to an e-mail and asking if

- 1 you're familiar with that.
- 2 A. I haven't seen the e-mail.
- 3 Q. Okay.
- 4 A. I'm not aware of the e-mail.
- 5 Q. Have you heard anything like that --
- 6 A. No.
- 7 Q. -- that Wehmeyer was put on litigation hold?
- 8 A. No.
- 9 Q. Okay.
- 10 A. I can give you a reason why I think it would
11 have been.
- 12 Q. Well, if you had knowledge of it, I just need
13 to know if you do, if you don't --
- 14 A. Nope.
- 15 Q. -- that's all I need to know. Had you heard
16 about Wehmeyer and him having used the camper
17 parked at Blessed Sacrament to transport
18 and/or commit any of the crimes?
- 19 A. After the fact?
- 20 Q. At the time this plan was being executed, to
21 preserve evidence, to do whatever you think
22 you needed to be done and the like.
- 23 A. I think the first time that I learned about
24 the camper was in those initial conversations.
- 25 Q. From whom?

- 1 A. Again, it would be either Andy or Jennifer.
- 2 Q. Okay. And that was at, then, the third
3 meeting?
- 4 A. Yeah, either that second meeting or the third
5 meeting, which is, you know, eight, nine hours
6 apart, I would imagine.
- 7 Q. What did you learn about the camper?
- 8 A. Only that he had a camper that was on the
9 property of -- of Blessed Sacrament.
- 10 Q. I think the decree referred to the camper as
11 being an instrument of part of the scenario,
12 if I recall, there was pornography, camper,
13 marijuana and abuse. Do you recall who you
14 received the information about the camper
15 from?
- 16 A. You know, again, I personally saw the decree
17 after, I believe, we had already gone over and
18 done that work, so, again, I believe it was
19 either Andy or Jennifer, but in real time, as
20 you're learning information, all I know is
21 there's a camper on -- on the property.
- 22 Q. McDonough did return with the gun and the
23 computer. Do you know why he didn't get the
24 camper?
- 25 A. I don't.

1 Q. Did you receive information about what
2 happened to the camper and/or what Wehmeyer
3 may have done or did do?

4 MR. KYLE: At that time?

5 MR. ANDERSON: Yes.

6 A. At that time, no.

7 BY MR. ANDERSON:

8 Q. Okay. Before the first report was made to you
9 about Wehmeyer and you learned -- before the
10 first report was made that there was a sex
11 abuse, a charter offense, and then you learned
12 it was Wehmeyer, okay, let's go back in time
13 now from that point in time; what, if
14 anything, did you know, Father, about
15 Wehmeyer's history of, you know, of difficulty
16 with sexual impulses or sexual addiction or
17 anything like that? What did you know about
18 his history and whether it posed any risk in
19 the past of harm?

20 A. Well, there was nothing raised about him being
21 a child predator. What there was, is that he
22 may well have had a same-sex attraction, that
23 he had a drinking -- or there was a question
24 of whether he had a drinking issue. And then,
25 you know, we had received some comments about

1 Father Wehmeyer's way of interacting with --
2 with parishioners or staff.

3 Q. Anything else that you recall about him that
4 raised any concerns or any other information?

5 A. You know, I would put those would be the --
6 the categories and -- and they were certainly
7 sufficient for me to be concerned about Father
8 Wehmeyer.

9 Q. Okay. So let's talk about concern number one
10 then. You said he had a same-sex attraction.
11 My question to you is, when and how did you
12 the receive that information?

13 A. That may have been Jennifer's, who's the
14 archivist, who had control and responsibility
15 for the files, or Andy mentioning that he had
16 engaged in questionably propositioning sort of
17 behavior of other adult males.

18 Q. When did she bring that information to you?

19 A. You know, I would imagine that probably
20 surfaced in -- in 2011, maybe 2012, I wanna
21 say, perhaps more 2011.

22 Q. And was he being considered for promotion at
23 that time or a question raised about him being
24 administered -- administrator versus pastor?

25 A. So I believe, and I'm not certain about this,

1 but I believe he was already pastor of a
2 parish and now the question became, we're
3 gonna merge two parishes, should we make him
4 pastor of that parish? Or maybe he wasn't a
5 parish (sic) of the first, so this was gonna
6 be the first time. And -- and she was right
7 to bring those concerns. And it was
8 homosexuality as the concern, it was all of
9 those -- it was the three taken together.

10 Q. Okay. Yeah, I'm going to break them down a
11 little bit because -- so we get the full
12 understanding of what you had at that time --

13 A. Sure.

14 Q. -- and/or the source of it. So the same-sex
15 attraction, propositioning males, was brought
16 to you by Jennifer Haselberger and she is the
17 one -- she is the source of your having heard
18 that, correct?

19 A. It -- it -- it was, again, either Jennifer or
20 Andy. They shared a lot of information, they
21 -- and so I come to learn that he has
22 apparently a same-sex attraction and that he
23 is soliciting or engaging in suggestive
24 conversation with other adult males.

25 Q. Did Jennifer and/or Andy raise that to you

1 with a great deal of alarm saying, "He's not
2 fit to be in a ministry much less promoted to
3 pastor"?

4 A. So in and of itself, the singular issue is an
5 important issue that we'd wanna follow up on,
6 but may not be in and of itself reason to
7 disbar someone from ministry. That's why
8 we're saying it's -- it's all of those issues
9 taken together.

10 Q. Okay. So let's take the second issue then.
11 You said there was a question about whether
12 there was a drinking issue, whether he had an
13 alcohol problem, right?

14 A. (No response).

15 Q. Correct?

16 A. Correct.

17 Q. And you learned that from whom and when?

18 A. Again, I think that would have been around the
19 same time that I learned of the first.

20 Q. Okay. And the first was the propositioning of
21 males?

22 A. That's correct.

23 Q. Did you know the propositioning of males was
24 18- or 19-year-olds?

25 A. That's the way it was communicated to me, that

1 it was adults.

2 Q. But did you know it was 18- or 19-year-olds?

3 A. You know, whether or not -- I -- I didn't ask
4 for an age, I asked, "What was it?" "It was
5 adults." What I was told is it was adults.

6 Q. If you had heard that it was actually 18- and
7 19-year-olds, would that have raised more
8 alarm than what you remember having?

9 MR. KYLE: Objection, hypothetical.

10 BY MR. ANDERSON:

11 Q. You can answer, I think.

12 A. I think taken together there was already
13 reason to be alarmed.

14 Q. And then the third concern that you identified
15 as having received information about Wehmeyer
16 was comments about interacting with
17 parishioners?

18 A. Correct.

19 Q. Is that -- is that him having taken kids on
20 camping trips or what is that concern that
21 you're referring to?

22 A. That's outbursts of anger, seeming to show
23 some parishioners more time than other
24 parishioners and -- and so that -- you know,
25 not -- not exercising good judgment in the

1 leadership and operational decisions that he
2 was entrusted with.

3 Q. Any other concerns that came to your attention
4 before Wehmeyer was identified as the person
5 that was reported?

6 A. To my recollection, those are the pieces that
7 I knew about Wehmeyer before he was reported.

8 Q. Were you ever told that Wehmeyer had taken a
9 child alone camping overnight before he was
10 reported or you received that first report you
11 talked about?

12 A. The only piece that I recall with respect to
13 camping was when he had propositioned some
14 adults, I believe, around a party or where a
15 party was. There may have been some question
16 about whether Father had taken family members
17 camping, but I -- I -- that's what I would
18 recall.

19 Q. And when did you receive that information?

20 A. Again, I think it would be around that same
21 time that I'm talking to, the 2011 sort of
22 time frame.

23 Q. Did you receive from Father Scerbo any
24 information that he had received a report that
25 Wehmeyer was taking kids camping and the

1 mother of the children was going to be
2 contacted about that concern?

3 A. I learned about that in the debrief, you know,
4 that we had done after that, after the
5 Wehmeyer situation.

6 Q. But you did not know anything about that
7 before?

8 A. No.

9 Q. You made mention that he was proposition --
10 did you know anything or hear anything that he
11 was propositioning people while camping and
12 that was in connection with his DUI arrest?

13 A. You know, I'm not exactly sure what the term
14 -- you know, what that timeline was. I
15 certainly -- I knew after the fact that there
16 had been a DUI. Whether I knew before the
17 fact, I don't recall. It's one of the things
18 we were fixing is trying to get annual
19 background checks, one of the initiatives that
20 we had under way. So I'm not sure when I
21 received that information about a DWI.

22 Q. Did you, in connection with the propositioning
23 issue, receive information at any time that it
24 was teenagers that he was trying to bring back
25 to the campground when he was arrested for the

1 DUI?

2 A. Again, the way it had been presented to me was
3 young adults or adults and the law makes a
4 clear division there.

5 Q. Was Wehmeyer ever identified by you, by anyone
6 or any source prior to his report and arrest
7 as a sex addict?

8 A. You know, again, I think that may have been
9 part of the information that was shared about
10 Wehmeyer and I think that would have probably
11 come from Jennifer, if in fact he was or is or
12 had been diagnosed as a sex addict.

13 Q. Did you know that he was on monitoring in
14 2009?

15 A. I don't recall, but in light of what I've
16 learned about those behaviors in 2011, he
17 would certainly have been a candidate for
18 monitoring.

19 Q. But did you have any personal knowledge or
20 receive any report that he had been?

21 A. At that time I had -- I had not, no.

22 Q. Did you ever look at the file of Wehmeyer when
23 you're receiving these reports in 2009, '10 or
24 '11 to see exactly what his history reflected
25 in the file?

1 A. No. I had no reason to doubt Jennifer or Andy
2 and the things that they were communicating to
3 me and they helped me form my own judgment.

4 Q. When Jennifer Haselberger brought these
5 cumulative concerns to you and he was being
6 considered for an appointment to Blessed
7 Sacrament, she urged against his appointment,
8 did she not?

9 A. She did.

10 Q. And what position did you take?

11 A. I had already come to that conclusion.

12 Q. What, that he should or should not be
13 appointed?

14 A. He should not be appointed.

15 Q. And did you communicate that to Archdiocese
16 Nienstedt?

17 A. I did.

18 Q. When?

19 A. Again, it would have been ahead of that
20 appointment, I'm not so sure when, and that
21 may have been something that Jennifer brought
22 to my attention because of the way in which
23 the assignment process worked and I wasn't
24 directly involved in that.

25 Q. And so both you and Jennifer Haselberger had

1 come to the belief, based on the information
2 you had, that he should not be made pastor of
3 Blessed Sacrament, correct?

4 A. I can't -- again, I didn't talk to Jennifer
5 about what her conclusion was, but from the
6 information that I had received, I -- I had
7 come to that conclusion.

8 Q. Did you in fact recommend to Archbishop
9 Nienstedt that he not be in ministry, given
10 the history that had now been made known to
11 you?

12 A. Yes, I --

13 Q. What was Archbishop's response to you when you
14 made that known to him?

15 A. I think he took it under advisement. I --
16 he --

17 Q. He didn't follow your guidance, did he? And
18 he appointed Curtis Wehmeyer to be pastor of
19 Blessed Sacrament, correct?

20 A. He -- he did. I wanna -- I wanna be clear, I
21 didn't reach my conclusion thinking there was
22 anything in there about child predatory
23 behavior. It was just a line of what I didn't
24 think would be appropriate for ministry and
25 that's what I communicated to the archbishop.

1 Q. And you thought him not to be appropriate for
2 ministry because there could be a risk at
3 keeping him in ministry, correct?

4 MR. HAWS: Well, object to the
5 extent you're implying it's a risk to
6 children. Father's already testified, so --

7 MR. ANDERSON: Well, I'm talking
8 about a risk.

9 MR. HAWS: Well, let's not take it
10 out of context of what Father's testified to.

11 BY MR. ANDERSON:

12 Q. By reason of his sexual history, correct?

13 A. So not a risk to children, but not the sort of
14 person who should be comporting themselves as
15 a Catholic priest.

16 Q. At the same time that you made the
17 recommendation that he should not be in
18 ministry and as pastor at Blessed Sacrament,
19 did you become aware that others advising the
20 bishop -- archbishop took a different view --

21 A. I did not.

22 Q. -- contrary view? Okay. Did you become aware
23 that there was a discussion about
24 consideration about whether or not the
25 employees and the staff at Blessed Sacrament

1 should be told anything about the history
2 known to the archdiocese and a decision was
3 made not to tell them?

4 A. Well, a standard expectation for someone on
5 POMS is that there would be some level of
6 disclosure. So I was certainly aware of that
7 reality. I think in -- I -- so I was
8 certainly aware of that. I think there was a
9 question about in 2011 or something like that,
10 or early '12, had that disclosure actually
11 taken place.

12 Q. In 2011, did you become aware that a choice
13 was made and Kevin McDonough was involved in
14 it to not disclose to the parish employees the
15 the history known about Wehmeyer, but, rather,
16 to just a few of his close friends?

17 MR. HAWS: Objection, misstates the
18 evidence. Go ahead.

19 A. You know, I think --

20 (Discussion out of the hearing of
21 the court reporter)

22 A. I think it was a, again, a conversation I
23 would have had at the priest working group,
24 has disclosure been made, and I think a
25 follow-up, Andy following up with -- with

1 McDonough about whether disclosure has been
2 made. That was the first time that, again,
3 the common understanding was, if someone's on
4 POMS, there is some form of disclosure, at
5 least that's the way I understood this.

6 Q. Okay. I'm going to show you what we marked
7 Exhibit 17 and it's dated May 9th, 2011.

8 A. Uh huh.

9 Q. It's from Father McDonough because it's on St.
10 Peter Claver Catholic Church stationery. You
11 are cc'd on it. It's regarding "To Tim
12 Rourke." You knew him to be one of the
13 monitors at that time?

14 A. That's correct.

15 Q. And it's from Kevin McDonough regarding Curtis
16 Wehmeyer and disclosure, correct?

17 A. (Examining documents).

18 Q. At the top you can see under the "Re" line.

19 A. Yeah, okay.

20 Q. Look at the last paragraph, and I'm going to
21 ask you a question after I read it. It
22 states, "My recommendation is that we would
23 encourage or even require Father Wehmeyer to
24 disclose his pattern of self-destructive
25 behavior to a small circle of trusted friends.

1 I am sending a copy of this memo to Father
2 Laird so that he can weigh in on the matter as
3 well." First question is, did you receive a
4 copy?

5 A. Yeah, I'm obviously cc'd there. I think I
6 received a copy of this, yes.

7 Q. Did you weigh in?

8 A. I think at the next working group, "Our policy
9 is to disclose, we should disclose."

10 Q. Do you know why, then, this is reflected to be
11 disclosure not to the parish or the employees,
12 but, rather, to a small circle of his trusted
13 friends only? Why is that limited?

14 A. I -- I don't --

15 MR. HAWS: First of all, let me
16 object that this is a memo from Father
17 McDonough directed to Tim Rourke dated May 9,
18 2011, and the document speaks for itself with
19 that information, but if there's a question to
20 Father Laird, go ahead.

21 A. I -- I -- I can't divine Father McDonough's
22 mind. Certainly we were looking at a -- this
23 would be the sort of thing that we'd want to
24 disclose to people at the parish.

25 BY MR. ANDERSON:

1 Q. Well, you're asked to weigh in by this memo,
2 correct? And it sounds like at the working
3 group you did. And it sounds like the
4 conclusion was reached to make a limited
5 disclosure and a full disclosure, is that a
6 fair characterization --

7 A. Well, I --

8 Q. -- characterization or not?

9 A. I -- I'll -- I'll probably accept some
10 responsibility of not clarifying what that
11 disclosure should have been. We were in
12 broader conversations about how we become
13 systematic and repetitive about who gets
14 disclosed on what topics. And I certainly
15 think that was informing my thoughts at this
16 time.

17 Q. And when your thoughts were informed and asked
18 to weigh in, you had not reviewed the Wehmeyer
19 file, correct?

20 A. I had not, no. I had that -- I think it was
21 relatively the same at the time.

22 Q. Do you think McDonough did a responsible job
23 or good job in handling this?

24 MR. HAWS: Again, objection, vague,
25 handling what?

1 BY MR. ANDERSON:

2 Q. The Wehmeyer disclosure or nondisclosure.

3 A. I think Father McDonough did a lot of very
4 fine work. This might be an area where I
5 would disagree if in fact the disclosure had
6 not taken place or the way in which it's
7 characterized.

8 (Discussion out of the hearing of
9 the court reporter)

10 BY MR. ANDERSON:

11 Q. There has been a lot of discussion about a
12 list of credibly accused offenders and whether
13 it should be disclosed publicly. Did you ever
14 advocate to the archbishop or any of the
15 officials that the list of offenders credibly
16 accused be publicly disclosed?

17 A. I believe, yes, on perhaps two occasions. I
18 just thought a lot of these things are known,
19 you know, events in the press, I think that
20 was part of the John Jay effort, other
21 dioceses have done so.

22 Q. And when did you first advocate a public
23 disclosure of the list of credibly accused
24 offenders identified by number to have been 33
25 in the Archdiocese of St. Paul and

1 Minneapolis?

2 A. You know, again, I think it was an evolving
3 issue and the -- and the sensitivity and
4 awareness of that, it certainly would not have
5 been before -- on this issue before 2010, but
6 I would imagine in 2011.

7 (Discussion out of the hearing of
8 the court reporter)

9 BY MR. ANDERSON:

10 Q. Did you tell -- did you advocate that or
11 express that view to Archbishop Nienstedt?

12 A. Yes.

13 Q. How many times?

14 A. Again, I think it was once or twice.

15 Q. And the first time was when in time?

16 A. Again, it wouldn't have been before 2010, so I
17 would imagine sometime in 2011.

18 Q. And what did you say to him and what reason
19 did you give why you thought that was the best
20 practice, if you did?

21 A. That we wanted to be as transparent as we
22 could be, that others disagreed with us in not
23 doing this and it wasn't worth not disclosing
24 that information.

25 Q. And what was his response to you?

1 A. I think he took it under advisement.

2 Q. And you did learn that he chose not to make
3 public disclosure of that list until two years
4 later, correct?

5 A. That's correct.

6 Q. The second time you brought this matter and
7 recommendation to him was when?

8 A. Perhaps around the issue of the events that we
9 began talking about this afternoon or this --
10 I mean, this morning, I mean, the fall of
11 2013.

12 Q. Okay. Tell us the circumstances that
13 precipitated your recommendation to him, what
14 had happened and that caused you to bring it
15 to him and then what you said.

16 A. I -- I -- I would say the same thing, that I
17 -- this is a step that we can take of
18 information that in some respects is already
19 public, let's acknowledge that and put that,
20 you know, front and center.

21 Q. And how did he respond to that?

22 A. Again, at that time I think he took it under
23 advisement.

24 Q. And he did not do it as promptly, then, as you
25 had urged, correct?

1 A. Not -- not the day after that I -- we talked
2 about.

3 (Discussion out of the hearing of
4 the court reporter)

5 BY MR. ANDERSON:

6 Q. I'm going to turn your attention to Father
7 Shelley for a moment. And when in time,
8 Father, did he come onto your radar as a
9 source of some concern?

10 A. Again, this would probably have been in the
11 2011, early 2012, somewhere in that time
12 frame.

13 Q. And how did that come to you that caused it to
14 be a source of concern? What happened?

15 A. I recall that Jennifer Haselberger brought
16 some concerns that she had come to realize to
17 my attention.

18 Q. And is this before or after Wehmeyer has been
19 -- she's brought Wehmeyer to your attention?

20 A. You know, I don't recall that. I believe it
21 was before --

22 Q. Okay.

23 A. -- or maybe coterminous with.

24 Q. And what did she bring to your attention?
25 What information did you learn from her?

1 A. She raised concerns about some computer disks
2 or images that Father -- that apparently
3 belonged to Father Shelley.

4 Q. What did she tell you?

5 A. She advanced her judgment that they could
6 possibly be pornographic.

7 Q. Child born or adult porn?

8 A. Possibly child porn.

9 Q. And did she tell you on what she based that?

10 A. Her judgment.

11 Q. Did she tell you that she looked at it?

12 A. Yes.

13 Q. Did she ask you to look at it?

14 A. She did ask me to look at it.

15 Q. And what was your response?

16 A. I said, "Let me do some fact-finding."

17 Q. Why did you -- what did you -- why did you
18 respond that way?

19 A. I myself am not a judge or trained to be able
20 to deliberate what constitutes child
21 pornography and I want to know the context for
22 this concern that she has.

23 Q. As a trained lawyer, don't you know that
24 that's really the job of the police, to find
25 those facts?

1 A. Surely.

2 Q. So when you said to her you want to do some
3 fact-finding, what fact-finding did you do?

4 A. I believe I immediately went and engaged Andy
5 Eisenzimmer, and whether he was able to share
6 with me the back story on that or do some
7 investigating -- and I told Jennifer, "I'll
8 get back to you." And I learned the back
9 story.

10 Q. And what was that?

11 A. That these -- in early 2000, a computer -- a
12 parishioner or someone in the community had
13 raised concerns about a computer, that, I
14 believe it was Father McDonough, received that
15 computer, sent it away for analysis to at
16 least two different, maybe one different
17 entity, specifically with the question of
18 possible child pornography. That the judgment
19 of those investigators was no. That Father
20 Shelley had been sent away for assessment.
21 And that restrictions were being placed on his
22 computer use. And, finally, that there had
23 been no other allegations against Father
24 Shelley since that time of misconduct of any
25 kind.

1 Q. Did you also learn that when that
2 investigation was done, experts were retained,
3 Setter?

4 A. That -- that and I believe someone else was
5 retained as well.

6 Q. Johnson?

7 A. I -- that -- that -- I didn't ask for the
8 names, but that outside entities had reviewed
9 this material.

10 Q. Did you learn that their findings indicated
11 that they were borderline child pornography?

12 A. I don't recall if it was borderline or no
13 child pornography, no reason to suspect child
14 pornography.

15 Q. Did you also learn that when this first
16 emerged and this event -- investigation was
17 done, that nothing about it, including the
18 Shelley file, was reported to law enforcement
19 at that time? That was under Archbishop
20 Flynn.

21 A. Okay. I don't know -- can you restate your
22 question?

23 Q. Did you learn at the time --

24 A. No.

25 Q. -- what you did about this history, that it

1 had not been reported when investigated by the
2 archdiocese?

3 A. I -- well, fair enough, that it had not raised
4 to the standard of reporting.

5 Q. So you knew that?

6 A. (Nods head).

7 Q. Yes?

8 A. Yes.

9 Q. After you did learn that and you did say that
10 Jennifer had asked -- urged you to in fact
11 look at the images because she believed them
12 to be illegal and, thus, requiring a report,
13 did you go back and say, "We better take a
14 look at those to make sure they're not"?

15 A. I communicated my fact-finding with Jennifer,
16 and in 2011, that seemed to -- that was
17 information that she didn't have and it seemed
18 to satisfy her concerns.

19 Q. Was this at a time where Shelley was being
20 considered to be made pastor at merged
21 parishes?

22 A. I think that question was now coming onto the
23 horizon because of a merger that was taking
24 place.

25 Q. Did you learn through discussions from her or

1 your own fact-finding that the search terms
2 reflected in Shelley's history of computer use
3 were "free naked boys"?

4 A. I don't believe I was aware of that at the
5 time.

6 Q. Why didn't you go back and look at the images
7 themselves as she had urged you to do to see
8 if they were in fact boys or kids or children?

9 A. Because I thought there were reasonable steps
10 that had been reported to me that -- that had
11 been -- that had been taking place and -- and
12 that when I communicated to her that first
13 time, it did seem to satisfy her concerns.

14 (Discussion out of the hearing of
15 the court reporter)

16 BY MR. ANDERSON:

17 Q. It sounds like this is all happening in 2011.
18 In 2012, there are more concerns that emerged
19 about Shelley and child pornography, correct?

20 A. Well --

21 MR. KYLE: Just to clarify, concerns
22 by any particular person?

23 MR. ANDERSON: Well, just, I think
24 from just Jennifer Haselberger.

25 BY MR. ANDERSON:

1 Q. But I'll ask you that. So are you aware that
2 in 2012, more concerns emerged?

3 A. Well, I wouldn't say more concerns. I think
4 that's not accurate.

5 Q. What would you say?

6 A. Again, our conversations were 2011, 2012.
7 Jennifer then raised the idea of taking the
8 material to Rome. And so she was a proponent
9 that, okay, if it doesn't rise to the standard
10 of the civil law, it may never -- it may
11 nevertheless bar someone from ministry
12 according to canon law, and apparently there
13 were faculties in Rome to do that. And so
14 that was another suggestion that she had made,
15 to send the material to Rome.

16 Q. And so in February of 2012, there was really
17 -- was there a disagreement about whether this
18 was actually child pornography?

19 A. I think there was --

20 MR. HAWS: First of all, let me
21 object. Father, if you know it was February
22 of 2012, I thought you said it's all around,
23 so --

24 MR. ANDERSON: Just --

25 MR. HAWS: I don't think it's you,

1 counsel. You can't put in words that the
2 father hasn't said. If that's the date, then
3 that's fine, but I just want to be clear, let
4 the father --

5 MR. ANDERSON: I'm asking the
6 question. I'm asking --

7 MR. HAWS: No. You're giving
8 statements and asking him to agree, some of it
9 which he's talked about, some of it is your
10 facts. Just let him -- ask a question rather
11 than --

12 MR. ANDERSON: I just asked a
13 question.

14 BY MR. ANDERSON:

15 Q. Okay. Father, let me just ask you the
16 question. In February of 2012, do you recall
17 there being a disagreement between yourself
18 and Jennifer Haselberger on whether or not
19 this was child pornography?

20 A. You know, I don't know anything about --
21 there's nothing in my mind about February of
22 2012. I think there was continuing
23 conversations of what we might do to respond
24 in a proactive manner to this situation.

25 (Discussion out of the hearing of

1 the court reporter)

2 BY MR. ANDERSON:

3 Q. And this was -- was this a time in which you
4 knew ad limina visit was going to be coming
5 soon?

6 A. Well, certainly that was a time when -- when
7 the archbishop would be going for his visit.

8 Q. Did you become aware that Archbishop Nienstedt
9 -- was Archbishop Nienstedt engaged with you
10 in discussing what to do with Shelley and that
11 whole issue?

12 A. I -- again, Jennifer had suggested about the
13 canonical faculties in Rome. I think I
14 encouraged her to bring that possibility to
15 the archbishop. I think there was some real
16 conversation about whether that would take
17 place.

18 Q. Do you know if she brought it to the
19 archbishop and there was contention between
20 her and the archbishop?

21 A. I -- I wouldn't know.

22 Q. Okay. Did you become aware that she actually
23 pasted -- cut and pasted some of the images --

24 A. No. I was not.

25 Q. -- that concerned her and placed them on the

1 archbishop's desk?

2 A. No. I was not.

3 Q. Had you ever heard that before I made --

4 A. Nope.

5 Q. -- that assertion today?

6 A. You're the first time.

7 Q. Okay. Did you at any time ever view any of
8 the images on Shelley's computer?

9 A. No. She brought the computer -- or I don't
10 know whose computer it was, but that initial
11 time, brought those concerns and I said,
12 "Before I look, I want to do some fact-
13 finding."

14 Q. So is your answer you never did look?

15 A. That's correct.

16 Q. And you chose not to look because your fact-
17 finding led you to believe you didn't need to
18 or what?

19 A. I chose not -- at that time not to look
20 because I -- I don't have any ability to
21 determine what is or what is not child
22 pornography. This is a serious concern that a
23 fellow staff member has brought to my
24 attention. I'm going to investigate it. I
25 brought that information back to the staff

1 member and when I first did, that seemed to
2 ameliorate her.

3 Q. You did say that you consider yourself a
4 mandated reporter?

5 A. That's correct.

6 Q. And if so, then, why did you choose not to
7 report it as -- to law enforcement to make
8 that determination?

9 A. Well, first, it -- it stemmed from 2004, but
10 even apart from the question of the time, that
11 due diligence had been done by the archdiocese
12 and outside entities have made a determination
13 about this being adult male erotic images.

14 Q. Did you learn from Archbishop Nienstedt that
15 he had consulted a classmate formerly at the
16 CDF about this issue and what to do?

17 A. I believe at one point in time he shared that
18 information with me.

19 Q. What did he tell you?

20 A. Other than the fact that he had consulted, I'm
21 not so sure if he followed up in a
22 conversation with Jennifer, but that he had
23 consulted a -- someone who had worked at the
24 CDF.

25 Q. Did Archbishop Nienstedt tell you that it was

1 a matter serious enough to be reported to the
2 CDF?

3 A. I believe so. Whether he reported that to me,
4 I believe that's what eventually happened
5 because the CDF looks at cases at a much lower
6 scale than child pornography.

7 Q. Tell me, then, what you understand about what
8 happened at the CDF and your involvement was
9 in the process.

10 A. That would have been a process that Jennifer
11 would have been shepherding with the care of
12 the archbishop to the extent to which -- I
13 don't -- I don't know exactly how that
14 unfolded. I do recall at a particular time
15 there needed to be a more -- a final report by
16 the initial investigation.

17 Q. And you did become aware that Archbishop
18 Nienstedt had a meeting with representatives
19 at the CDF concerning Shelley at his ad limina
20 visit or not?

21 A. Maybe it was just a report that I had this
22 meeting, that wouldn't necessarily be
23 something that he would share the content of
24 that meeting with me.

25 Q. Did you learn there was to have been a

1 follow-up to the CDF?

2 A. Yes, which was the closing of the canonical
3 investigation, of the original investigation.

4 Q. Did you have any role in the preparation of a
5 letter on Archbishop Nienstedt's signature to
6 then Prefect Levada --

7 A. No.

8 Q. -- concerning the Shelley matter?

9 A. No.

10 Q. Have you ever reviewed such a letter?

11 A. I have maybe glanced at that. I didn't -- I
12 haven't spent any time with it.

13 Q. In 2012, did you become aware that Shelley was
14 permitted to take a sabbatical?

15 A. I -- I was aware of that.

16 Q. Were you aware that the people in the parish
17 were told -- what were the reasons the people
18 were told -- the people in the parish told for
19 his sabbatical?

20 A. That I'm not aware of.

21 Q. Do you know if any of the people in the
22 parish, including the employees as well as the
23 the parishioners, were told about any of the
24 concerns that you, Haselberger and Archbishop
25 Nienstedt had that caused this to go to the

1 CDF and that predated his sabbatical?

2 A. I'm sorry, can you restate the question?

3 Q. Did anybody in the parish get -- were any
4 disclosures made to the parish about -- at the
5 time of his sabbatical about the concerns that
6 you, Archbishop Nienstedt or other officials
7 of the archdiocese had about Shelley and child
8 pornography?

9 A. I believe --

10 MR. HAWS: Also object to the form.

11 I don't think any of those members has
12 indicated there was a concern of child
13 pornography, but go ahead.

14 BY MR. ANDERSON:

15 Q. Well, wouldn't you agree that there were
16 concerns raised about this being child
17 pornography?

18 A. I think there -- I think the concerns were
19 not, Mr. Anderson, about child pornography,
20 but certainly about pornography, and that what
21 Jennifer had argued was, that even something
22 short of child pornography could be a reason
23 why a priest could have discipline.

24 MR. KINSELLA: Excuse me, off the
25 video record to change media.

1 (Recess taken)

2 MR. KINSELLA: Back on the video

3 record, time is 2:52 p.m.

4 BY MR. ANDERSON:

5 Q. When you say this is just related to
6 pornography, were you aware that the Setter
7 report, the findings made by the investigators
8 found the search terms to be on that computer
9 possessed by Shelley, "first, many could be
10 borderline illegal," were you aware of that?

11 A. I wasn't aware of that specific language.

12 Q. Were you aware that they found the search
13 terms used by Shelley were "free naked boy
14 pictures"?

15 A. I was not aware of that.

16 Q. Were you aware that one of the search terms
17 found to have been listed was "hardcore teen
18 boys"?

19 A. No.

20 Q. Were you aware that one of the search terms
21 found in the report to have been listed was
22 "European teen boys"?

23 A. No.

24 Q. Were you aware that one of the search terms
25 found to have been listed on Shelley's

1 computer was to be "helpless teen boys"?

2 MR. HAWS: Object to the form. You
3 never asked the witness if he read any of the
4 report, plus you haven't shown him the report
5 to see what it say in its entire context.

6 BY MR. ANDERSON:

7 Q. I'm asking you if you're aware of that.

8 A. If -- if -- I'm relying on your word about
9 that. I haven't seen the report.

10 Q. None of those things sound like adult
11 pornography, do they? They sound like child
12 pornography, don't they?

13 MR. KYLE: Objection, form, asks for
14 a legal conclusion.

15 BY MR. ANDERSON:

16 Q. You can answer that.

17 A. Again, I am not an adequate judge of what that
18 is. I think those materials have subsequently
19 been handed over to authorities and I think
20 they've reached a conclusion about those
21 materials, which seems to sustain the work
22 that had been done earlier by the archdiocese.

23 Q. Do you agree or disagree that those terms
24 themselves are indicative of an interest in
25 child pornography versus adult pornography,

1 yes or no?

2 A. I'm -- I'm not able to answer that as a yes or
3 no because I'm not a psychologist or someone
4 who's trained in this particular area.

5 They're certainly troubling, but --

6 Q. You're a mandatory reporter, aren't you?

7 A. Of course I'm a mandatory reporter.

8 Q. If you get information that he's possessed of
9 images with search terms such as that, is that
10 a mandated report?

11 MR. HAWS: Object to the form,
12 speculation. Go ahead.

13 MR. KYLE: I'll join the objection.

14 A. You know, I think it's -- I think the statute
15 is "knowledge or reason to believe," and I
16 think the archdiocese did good work in 2003
17 and I relied upon that work.

18 BY MR. ANDERSON:

19 Q. If the report reflects those search terms were
20 known in 2003 or four, if that was not
21 reported, do you consider that good work,
22 Father?

23 A. Well, I would certainly, if I received a
24 computer today that had concerns, well, I
25 think we'd be very proactive about sharing

1 that computer.

2 Q. Well, you were just extolling the good work
3 done in 2003. I'm asking you, if those were
4 terms known in 2003 to the archdiocese
5 officials and not reported, do you consider
6 that good work?

7 A. Again, in -- I can only speak to the work that
8 -- that we tried to do and -- and I think
9 there's an evolving understanding of those
10 things and it's not the way I would want to do
11 business today.

12 Q. Did you learn that he had been living with an
13 18-year-old boy in his rectory in 2009?

14 A. Not in 2009. I think that information came to
15 light in 2011 and we immediately authored an
16 internal policy that forbade non-family
17 members from living in rectories.

18 Q. When Jennifer Haselberger found these computer
19 disks in the Shelley file, do you recall her
20 bringing them to you to say, "You gotta look
21 at this"?

22 A. You know, she didn't show disks to me. She
23 brought a laptop.

24 Q. And she asked you to look at the images on the
25 laptop and that's when you said, "I want to do

1 some fact-finding"?

2 A. "Let me do some fact-finding and contextualize
3 the situation."

4 Q. Did you tell her or order her or suggest to
5 her she put them back in the file?

6 A. Not at that time. She's the archive -- she
7 was at that time the archivist and at no time
8 would I limit what she would do.

9 Q. Did you at some later time order her to put it
10 back in the file and leave it alone?

11 A. At some later time?

12 Q. Yes.

13 A. This would have been in 2013 when she renewed
14 the issue, I reminded her, as I had in 2009,
15 that I want all of us to act as reporters,
16 whether we're mandated or not. And if she
17 still thought this was an issue, she should
18 report it.

19 She reported it, I believe, and
20 subsequently came back and said that she was
21 concerned that she had this material in her
22 possession. I asked for the civil chancellor,
23 his advice on this matter, and at that time I
24 -- I said to her, "Jennifer, if you're
25 concerned -- you're not gonna take this to the

1 the court reporter)

2 BY MR. ANDERSON:

3 Q. Did you have a phone conversation with him
4 about that?

5 A. I may have had a phone conversation with
6 Father Shelley.

7 Q. Tell us about that and what was said by you to
8 him and the purpose for it.

9 A. Again, I don't have a clear recollection.
10 It's plausible that I had a phone call with
11 Father Shelley, but I did not interact with
12 him regularly in -- about these matters.

13 (Discussion out of the hearing of
14 the court reporter)

15 BY MR. ANDERSON:

16 Q. I can show you this if you want, but it's so
17 brief, I'll just read it to you and see if it
18 refreshes your recollection. On May 31st,
19 2012, there's a memo to Archbishop Nienstedt
20 from you regarding Father Shelley and
21 sabbatical, where it states, "I spoke with
22 Father Shelley as discussed and he accepted
23 the assignment of a sabbatical effective on
24 his transition from St. John's. As they are
25 holding a thank you celebration, I gave him

1 permission to announce as I did not have the
2 letter which you dictated on that assignment."
3 Does that refresh you on having a conversation
4 with him?

5 A. Can I just see it real quick?

6 Q. Sure. Sure. It's Exhibit 191.

7 MR. FINNEGAN: (Handing documents).

8 A. (Examining documents) That's certainly a memo,
9 yup.

10 BY MR. ANDERSON:

11 Q. So we know what the memo says, my question is,
12 what's your memory of this conversation and
13 your purpose for it?

14 A. I think I had been tasked to communicate that
15 to Father Shelley, a decision -- assignment
16 decision that had been made because of the
17 time frame in which we were and I carried out
18 that responsibility.

19 Q. If you look at the exhibit, the last sentence
20 in the memo from you to the archbishop and
21 Bishop Piche is, "I have asked Father
22 McDonough, as vicar for clergy, to clarify any
23 outstanding issues and report to you," that
24 is, to the archbishop, I trust. What were the
25 outstanding issues?

1 A. If I recall correctly, this was the time when
2 that work with the Roman process was going
3 forward and that Father McDonough had work to
4 do on that issue.

5 (Discussion out of the hearing of
6 the court reporter)

7 BY MR. ANDERSON:

8 Q. Did you at any time or, as far as you know,
9 any official of the archdiocese ever tell any
10 of the parishioners or the people that there
11 had been stuff going on with the CDF and any
12 of these concerns that had been had about
13 Shelley?

14 A. Am I aware of any communication?

15 Q. Any, yes.

16 A. Not about the CDF, no.

17 Q. Well, about Shelley and any concerns in his
18 past at all?

19 A. Again, I believe that the disclosure -- he was
20 on POMS, the disclosure had been made at that
21 initial time.

22 Q. Well, POMS was the monitoring program, but was
23 any of the -- was anybody in the parish
24 informed that he was on monitoring or the
25 reasons for it?

1 A. Again, I wasn't there in 2004 or 2005. We had
2 certainly gotten to a point during my tenure
3 where we would disclose events that happened
4 during that time to trustees and -- and others
5 what the extent of the monitoring was.

6 Q. And when it pertains to Shelley and the
7 disclosure made about the fact that he was on
8 POMS or monitoring, that was made only to the
9 pastor where he worked or the associate
10 pastors where he worked, to the monitors
11 involved and known only to the officials in
12 the archdiocese who knew it, correct?

13 A. I wasn't there at the time and can't answer
14 that question.

15 Q. Can you identify any people beyond those I
16 just identified that would have known that
17 Shelley was being monitored by the archdiocese
18 and on the POMS program beyond those in the
19 POMS program?

20 A. Again, I -- I don't know what -- what was done
21 in -- in 2004 and 2005.

22 Q. So you can't say that the parishioners were
23 told he was on POMS or on monitoring, correct?

24 A. I can't either say that they were or -- or say
25 that they weren't.

1 MR. ANDERSON: Let's take a break.

2 MR. KINSELLA: Off the video record.

3 (Recess taken)

4 MR. KINSELLA: Back on the video
5 record, 3:21 p.m.

6 BY MR. ANDERSON:

7 Q. Okay, Father. I'm trying to wind down here,
8 doing my best, and you are, too. Thank you.

9 When it comes to Father Shelley, at
10 the time that he was permitted to take
11 sabbatical and the folks had a party for him
12 there, did you believe that he shouldn't be
13 allowed to continue in ministry?

14 A. At that time I don't recall what my opinion
15 was of -- of Father Shelley. What was clear
16 is, we needed to come to clarity and a
17 decision point of transparency about what --
18 what would happen with Father Shelley.

19 Q. Do you think the archdiocese was transparent
20 about Shelley's history?

21 A. Again, I think in 2004 or five when that
22 disclosure was done, it certainly met the
23 expectations of what was required at the time,
24 and that there had been no new allegations
25 about Father Shelley since then and he was

1 under monitoring, certainly I think that was
2 good work, but you had to, in light of the
3 current situation, take a look at that again.

4 Q. And do you know how the information about
5 Shelley's history did become public --

6 A. I don't.

7 Q. -- and known? Knowing what you have now read
8 and heard spoken today about Shelley's
9 history, do you believe he is fit to be
10 continued in ministry?

11 A. I'd want to review everything that's been said
12 and I'd want to substantiate those pieces. I
13 do think over the last three years a lot of
14 very good work was being done to make sure
15 that we would have the best practice of any
16 diocese in the country and systematically be
17 able to answer the question you're asking.

18 Q. And if any of all those things that I told you
19 were both in the record and the files of
20 Shelley are so reflected, do you believe today
21 that those make him a risk to be continued in
22 ministry?

23 MR. HAWS: Object to the form again,
24 implying some kind of risk, other than what --
25 regarding child sexual abuse.

1 A. So there wasn't evidence of child sexual
2 abuse, but there was obvious evidence that
3 needed further ongoing monitoring and review
4 on regular occasions.

5 BY MR. ANDERSON:

6 Q. The viewing of child pornography by a priest
7 you do understand to be child sexual abuse, do
8 you not?

9 A. Absolutely.

10 Q. Okay. There was obviously an allegation of
11 some kind made public about Archbishop
12 Nienstedt where he took a leave. When in time
13 did you -- did you ever hear anything about
14 that allegation before it was made public by
15 the archdiocese?

16 A. That happened after I had left my
17 responsibilities as vicar general and
18 moderator of the Curia.

19 Q. Had you ever heard anything about that while
20 you were vicar general, talk about it in the
21 Chancery among anybody or anyone?

22 A. At -- at no time during my time or my tenure
23 was there any concern raised about Archbishop
24 Nienstedt's interaction with minors in a way
25 that could be interpreted as abuse.

1 Q. We've -- or that incident at all. I mean --

2 A. Oh, no.

3 Q. -- I'm not saying it was abuse, I'm just
4 saying that incident.

5 A. No.

6 Q. Okay. We've been -- obviously received a lot
7 of documents and have gone through those
8 documents, a couple of which we showed you
9 here today, and we talked about a number of
10 your conversations and I'd like to ask first
11 about your practices concerning documenting
12 meetings and/or conversations. Was it
13 generally your practice not to document by way
14 of memorandum most conversations or meetings
15 you had?

16 A. There's certainly a lot of meetings and
17 conversations that have been documented. Has
18 every conversation been documented? No. To
19 the extent to which I'm only animating or
20 furthering the work of others who are charged,
21 I would expect that their memorandum would
22 reflect that.

23 Q. When a memorandum would be prepared and it
24 pertains to a suspicion of sexual abuse or a
25 meeting concerning a suspicion or a concern

1 about it and such a document would be
2 prepared, where would it go once prepared?

3 A. It would go likely to Jennifer Haselberger and
4 then a determination would be made, I would
5 imagine there, where it would go in the file.

6 Q. And when you say "the file," what file are you
7 referring to?

8 A. The priest file.

9 Q. You're aware there's a priest file maintained
10 at the Chancery, correct?

11 A. Yes.

12 Q. And are there other files that are maintained
13 apart from the ordinary priest file?

14 A. I am not aware of that. Jennifer, and now her
15 successor, are the ones empowered to maintain
16 and have access to those files.

17 Q. And are you aware of any files being
18 maintained that are called "restricted access
19 files"?

20 A. It may have been Jennifer who mentioned it to
21 me as part of my onboarding into the
22 archdiocese, that there was this -- a set of
23 files or -- I don't know how many, but that
24 they were kept in a separate place in a -- and
25 she showed me and that's the one time that I

1 had interaction with that. She maintained, I
2 think, the access to them.

3 Q. When was that, Father, that she showed you?

4 A. That would have probably been in 2009 or 2010,
5 early 2010.

6 Q. Early in your tenure as the vicar general?

7 A. Correct.

8 Q. And she showed you. Was that in a vault?

9 A. You know, I'm not so sure where it was. I
10 think it was in a file cabinet.

11 Q. Okay.

12 A. A locked file cabinet.

13 Q. Was that in what had been -- is that in the
14 office of the secretary for the vicar general,
15 Judy Delaney?

16 A. I believe that that is exactly -- I think
17 that's the words, in fact, Jennifer used,
18 that, "These are restricted files that -- that
19 were in Judy -- Judy Delaney's office." She
20 was no longer in the organization at the time.

21 Q. But it was in her office that they were
22 located?

23 A. Yeah, it was more of a work station than
24 office, but it was a locked and secure file.

25 Q. And were you given access to it or just shown

1 it?

2 A. I was shown it. I never had occasion to open
3 it, remove anything, look at anything,
4 whatever it would be.

5 Q. I think you just answered my next question.
6 Did you ever have occasion to look at it, open
7 it or for any reason view any of the files in
8 it?

9 A. No.

10 Q. Did you ask her what the contents of those
11 files were and why they were restricted, apart
12 from the ordinary priest files?

13 A. It certainly wouldn't -- it certainly didn't
14 occur to me in 2009 to ask that question. By
15 2010, we made a decision to begin the process
16 of trying to make electronic all of our files,
17 purchasing a software program for that, but,
18 obviously, that's a work that I believe is
19 still in progress.

20 Q. And whom did you use to create electronic
21 databases around files?

22 A. I believe on Jennifer's recommendation, I
23 encouraged the archbishop to purchase a
24 software system from one of the vendors, and
25 that as our go-forward -- that would be part

1 of our go-forward approach.

2 Q. And do you know, was that implemented and if
3 so, who's the manager of that program and
4 creator of the program?

5 A. I -- when I left the organization, I believe
6 we were in the process of -- of testing,
7 probably making sure certain fields could be
8 restricted so that not everyone could see the
9 information. I'm not so sure that had been
10 populated yet because the kinks had not been
11 worked out.

12 Q. Who managed it?

13 A. Jennifer would have been originally the
14 project manager of that and then it was rolled
15 into IT.

16 Q. And who in IT?

17 A. I think the lead in IT would have been Mike
18 Rubio.

19 Q. And are there archives maintained in a locked
20 room in the basement of the Chancery?

21 A. Again, our chancellor of canon -- canonical
22 affairs is the archivist or has that
23 responsibility, so to be truthful, they would
24 know where the files are more than me.

25 Q. What was the name of the program called that

1 was deployed for transfer from hard and paper
2 to electronic?

3 A. I don't know if it ever had a name and I can't
4 -- I'm not thinking right now of what the
5 industry software name of the program was.
6 But it's, again, trying to be as progressive
7 as we could be and looking to the future, we
8 want real-time, accurate information, we need
9 an electronic file system. It had just not
10 been populated by the time I left the
11 organization.

12 Q. To your knowledge, were all the files
13 intended, all of the paper files intended to
14 be integrated into the electronic system?

15 A. That would have been my aspiration.

16 Q. Were there discrete files for sexual
17 misconduct maintained separate and apart from
18 ordinary personnel files for priests?

19 A. I would not know directly that information.

20 Q. Do you know if the archbishop at any time
21 during your tenure at any time kept separate
22 files pertaining to sexual misconduct by
23 priests?

24 A. Not that I'm aware of.

25 Q. Are you aware that Father McDonough, one of

1 your predecessors and also the delegate for
2 safe environment, kept any files separate and
3 apart?

4 A. I'm not aware of -- of that, except -- and
5 this would be in the role of delegate of safe
6 environment.

7 Q. When a victim or a victim's parents or
8 somebody like that would call the archdiocese
9 and/or make a report to the archdiocese that
10 they had been abused or a family member had
11 been abused, I assume there was a protocol in
12 place when you took over as vicar general and
13 continued as vicar general for those reports
14 to be relegated to someone, correct?

15 A. When I came to the organization, I think the
16 standard way, but not the exclusive way, and I
17 don't -- I can't know the -- I don't know the
18 last time a report was made. The one that was
19 made while I was there with respect to child
20 sexual abuse was Father Curt Wehmeyer. But
21 there had been a practice of it coming in
22 through the victim's assistance coordinator.
23 That was something that was being reviewed.

24 Q. I think Andy Eisenzimmer reported that, if a
25 report came in, he would usually often be --

1 could have been McDonough, too, but let me
2 just ask you if you are familiar with it; a
3 call comes in, were there protocols in place
4 that you were aware that it should go to
5 Father McDonough as the delegate for safe
6 environment or former vicar general or Andy
7 Eisenzimmer to be processed appropriately?

8 A. I'm not sure what the pro -- whether there
9 were protocols. Certainly Father McDonough
10 would have been notified as the delegate for
11 safe environment. And I would presume, I
12 mean, as it happened in Father Wehmeyer, that
13 was communicated to the rest of the
14 organization. This was also something we were
15 in the process as part of an overall approach
16 to bringing a new focus to that issue.

17 Q. And so I presume intakes are made or some
18 memorandums are recorded of reports made by
19 victims and their families concerning priests,
20 correct?

21 A. The only one that I'm aware of during my time
22 was -- was Father Curt Wehmeyer.

23 Q. And so where are such reports by victims
24 and/or their families housed or filed?

25 A. I would imagine they would be part of that

1 priest file. In the Wehmeyer case, within a
2 very short time after getting the permission
3 to report that, we reported it and then
4 essentially stepped back to allow the police
5 to carry out their investigation.

6 Q. Did you keep any documents or files of your
7 own pertaining to this topic of sexual abuse?

8 A. Not with respect to -- no.

9 Q. Is there a list of victims kept somewhere?

10 A. I'm not aware of a list of victims kept
11 somewhere.

12 Q. Is there a list of -- I may have asked you
13 this, but I can't remember the answer. When
14 did you first see a list of people -- of
15 priests who had been either accused or
16 credibly accused of abuse of minors?

17 A. You know, I don't -- I don't recall. I
18 certainly believe there was something, and I
19 may have glanced at it, in the news about it.
20 I know there was a report provided for John
21 Jay, so -- but I never saw that.

22 (Discussion out of the hearing of
23 the court reporter)

24 BY MR. ANDERSON:

25 Q. As the vicar general, when you came in in 2009

1 and continued through, well, actually for four
2 years, didn't you want to know who it was that
3 had been determined to have been a credibly
4 accused offender?

5 A. That was something that -- it was clear to me
6 about my job responsibilities. I was not
7 going to be the delegate for safe environment
8 and I was not gonna be involved in assignment
9 or supervision of priests. So to do due
10 diligence, do we have any people credibly
11 accused in full-time, active ministry? No. I
12 do think we can always get better at the way
13 we handled misconduct of priests and that's
14 what we were about for three years, I think 14
15 or 15 different action steps in that regard.

16 Q. Did you feel that as vicar general it was not
17 your job to know and/or monitor that?

18 A. I certainly didn't have a monitoring
19 responsibility. And, again, my
20 responsibilities as vicar general and
21 moderator of the Curia were largely
22 operational and relational with our parishes
23 and to animate the work of the staff. To the
24 extent to which staff brought up concerns, I
25 wanted the appropriate people to hear about

1 them.

2 Q. Final analysis, it's the archbishop's
3 responsibility to make sure that priests who
4 have become known to be offenders not continue
5 in ministry, correct?

6 A. In the end, it's the archbishop's, I would
7 say, one of his most important
8 responsibilities.

9 Q. Did you become aware that the case of John Doe
10 76C, case against Tom Adamson and the
11 archdiocese, wound its way through the courts
12 and went to the Supreme Court and at some
13 point in time the archdiocese made a decision
14 to tax Jim Keenan, the victim who had brought
15 the case, for costs of, I think it was,
16 \$67,000? Did you become aware of that
17 decision made by the archdiocese?

18 A. I learned about that decision at some point, I
19 don't -- I can't recall when.

20 Q. And when did you learn of that decision?

21 A. I -- I don't recall, but it's -- it's -- it's
22 resonating.

23 Q. And did you learn that that was a decision
24 made by the archbishop to tax those costs?

25 A. I would -- ultimately, I would presume it

1 would be the archbishop's decision.

2 Q. Did you become aware as vicar general that --
3 and during your tenure as vicar general that
4 certain priests who had offended were
5 receiving extra monthly payments from the
6 archdiocese?

7 A. Could you be more specific or could you
8 rephrase your question?

9 Q. Did you become aware that Father Robert
10 Kapoun, for example, who had been adjudicated
11 to have been an offender, was receiving
12 payments in addition to the ordinary stipends
13 priests receive and those payments were being
14 made on a monthly basis and authorized by the
15 archbishop?

16 A. Yes, I was aware of that.

17 Q. What do you know about that and why those were
18 being made?

19 A. I think that happened as a result of a renewed
20 focus on internal controls in the archdiocese
21 in 2010 or '11, that some questions were being
22 asked about why are certain people still --
23 why are checks being sent. And as these
24 issues came to the fore and as we did fact-
25 finding on them, we took steps and -- and I --

1 Jennifer certainly did good work on this, to
2 -- to move people off the payments who had
3 been on payments, or at least presumably.
4 There was that internal control issue at the
5 archdiocese and whether those payments went, I
6 don't know, but --

7 Q. What were those payments called internally?

8 A. You know, I -- I don't know. All I know is
9 that, again, that was something that Jennifer
10 brought to my attention, and as soon as we
11 did, we tried to take steps to move through
12 those situations.

13 Q. Were you aware that Kern, Jerome Kern, was
14 receiving payments such as that?

15 A. You know, I'm gonna be -- I -- I -- Kapoun or
16 Kapoun's name is familiar to me. I -- I'm
17 sure there were others and we wanted to treat
18 them all the same way, let's move this off if
19 in fact they're still receiving payments.

20 Q. Is Father Thurner, spelled with a
21 T-h-u-r-n-e-r, one of those you know to have
22 been receiving such payments?

23 A. You know, again, anyone who was receiving a
24 payment, we should move them off of that.

25 Q. But my question is, do you know Father Thurner

1 to have been one of those included in --

2 A. Do I know for certain? No.

3 Q. Do you know Brown to have been?

4 A. Don't know for certain.

5 Q. Do you know Kampa to have been?

6 A. Kampa. I'm trying to think of -- of cases or
7 situations that would have been raised. I
8 don't -- Kampa. Perhaps.

9 Q. Do you know Krautkremer to have been?

10 A. I don't.

11 Q. Do you know Stevens to have been?

12 A. Stevens?

13 Q. Yes.

14 A. I don't know if that payment was the same
15 payment or a payment for the services that he
16 had provided to the archdiocese.

17 Q. What do you know about payments being received
18 by Father Gil Gustafson while you were vicar
19 general?

20 A. I -- apart from pension payments that priests
21 would have a -- a right to and then any of
22 these other payments that you're talking
23 about, I'm not aware of.

24 Q. Did you become aware of, Father, that Gil
25 Gustafson was receiving disability payments

1 for the diagnosis of pedophilia?

2 A. I wasn't aware of that, if that's the case.

3 Q. If that's the case, is that a disturbing piece
4 of information?

5 A. As I already mentioned, any -- we wanted to
6 clean up everything we were doing in the
7 archdiocese.

8 Q. Did you know that the archdiocese had a
9 segregated separate account, the 1-515 for
10 payments to priests who had offended and for
11 other payments to -- related to childhood
12 sexual abuse?

13 A. I can't be certain, but I think that's the
14 same thing we were just talking about.

15 Q. During your work as the vicar general, did you
16 and other officials of the archdiocese utilize
17 treatment centers for purposes of evaluation
18 of whether priests, certain priests posed a
19 risk of harm and their fitness to be in
20 ministry and whether they posed a risk of harm
21 to children?

22 A. During my time, no, not for that purpose.

23 Q. Did you have any involvement in sending any
24 priest for purposes of an assessment or
25 evaluation for risk assessment?

1 A. Yes.

2 Q. For risk assessment pertaining to childhood
3 sexual abuse?

4 A. No. I mentioned -- yeah.

5 Q. Are there any priests who you now have learned
6 by reason of public revelations or other
7 sources that you should have sent for
8 assessment of risk for childhood sexual abuse
9 that weren't?

10 A. Not during my tenure as vicar general.

11 Q. If I can just ask this guy, I'm almost done.

12 (Discussion out of the hearing of
13 the court reporter)

14 BY MR. ANDERSON:

15 Q. Before you became vicar general, did you have
16 any experience with childhood sexual abuse by
17 adults or priests?

18 A. You know, apart from life experience of
19 people, I'm aware of how damaging and
20 crippling that can be in people's lives and
21 the violation of trust that takes place.

22 Q. As a member of the clergy or having been
23 ordained for many years -- I can't remember
24 the date of your ordination. What was it?

25 A. About 15 years ago.

1 Q. Okay. Let's say in the 15 years that you've
2 been a priest, have you yourself ever received
3 reports or had suspicions of other priests
4 committing sexual abuse of minors beyond what
5 has been discussed today?

6 A. Not that I can recall or I certainly would
7 have encouraged them to come forward.

8 Q. Have you ever reported to law enforcement any
9 suspicions of childhood sexual abuse yourself?

10 A. Of child sexual abuse?

11 Q. Yes.

12 A. No. But I would do it whether I was a
13 mandated or a voluntary reporter.

14 Q. Because it's the right thing to do?

15 A. That's right.

16 (Discussion out of the hearing of
17 the court reporter)

18 BY MR. ANDERSON:

19 Q. We're going to go into a part of the
20 deposition that we call sealed now, that means
21 that it's not a part of any public record, and
22 I have a few questions for you pertaining to
23 it. [REDACTED]

24 [REDACTED]

25 [REDACTED]

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16 Q. Okay. I'm going to go off the sealed record
17 and back onto the record and I'm about ready
18 to conclude, so I'm showing you now as a part
19 of the unsealed record, Father, what we've
20 marked Exhibit 28. And what is this?

21 A. Well, it seems -- it's -- it's a memo from me
22 to the archbishop, it's essentially stating
23 the things and the concerns that I had brought
24 to the archbishop about why I didn't think
25 Father Wehmeyer should be in active ministry.

1 Q. Now, you dated this September 28th, 2013, and
2 what had happened that precipitated your
3 having written this memo to the archbishop?

4 A. You know, apart from the events that we've
5 already spoken about, I can't think of
6 anything in particular.

7 Q. Well, let's break it down. It states, you
8 wrote -- why don't you read what you wrote,
9 then I'll ask you a question?

10 A. (Examining documents) Okay.

11 Q. Just read it out loud and do it slowly so he
12 can record it.

13 A. You want me to read it?

14 Q. Yes, please, you wrote it.

15 A. "Unless you are planning to publicly clarify
16 what advice you received" -- that should be
17 "from me regarding Wehmeyer, I would like, for
18 my personal files, a written acknowledgement
19 from you on my role; that I counseled against
20 Wehmeyer being in active ministry much less
21 serving as a pastor. I believe it is in
22 accord with justice as many believe I was
23 complicit in your decision. Thank you."

24 Q. Why did you write this to him?

25 A. You know, I think, as I said, that I wasn't

1 particularly -- I wasn't foreseeing this
2 situation. If I was seeing this situation, I
3 probably would have never written this
4 document. But I -- we just need all to -- to
5 take responsibility for -- for things that --
6 that we do and I thought it was important
7 that, you know, Father Wehmeyer -- we had
8 nothing to know and -- and I would agree
9 certainly with the archdiocese on this,
10 nothing to know that Wehmeyer, or at least in
11 real time, that Wehmeyer was a threat to
12 children. But, obviously, as you look back on
13 it, when you find out that a woman's coming in
14 and making that accusation, but, again, for me
15 the standard had been met well before any of
16 that and I just thought that should be in my
17 record.

18 Q. Did you get a response from the archbishop to
19 this?

20 A. Not that I'm aware of.

21 Q. Well, you wrote to him; if anybody was made
22 aware of it, it should be you, shouldn't it?
23 You asked for it, right?

24 A. I did.

25 Q. So the answer is no, you got no response?

1 A. I think very closely after that I may have
2 moved, you know, resigned and moved out of the
3 organization.

4 Q. So you were -- were you a vicar general at the
5 time of this?

6 A. Yes, I believe. I don't --

7 Q. This is September 28th, 2013.

8 A. I -- I -- I believe so, yeah.

9 Q. When you state, "I would like, for my personal
10 files, a written acknowledgement from you on
11 my role; that I counseled you against Wehmeyer
12 being in active ministry much less serving as
13 pastor," did you counsel him as you wrote
14 here?

15 A. Yes, that would be the advice that I had given
16 him back at the time when it became known to
17 me, and I encouraged Jennifer to write what
18 she knew to the archbishop.

19 Q. Did you feel that you were, at the time you
20 wrote this memo to the archbishop, being
21 scapegoated for the Wehmeyer situation that
22 emerged?

23 A. No. I did not.

24 Q. Are you planning on staying with the
25 archdiocese?

1 A. I -- the new cycle of assignments is -- is
2 happening and -- and that's something that I'm
3 very much considering, yeah.

4 Q. Do you feel like you've been burned?

5 A. No. I think the -- the church does an
6 enormous good and I think one of the things it
7 needs to continue to do is get better and
8 better and better and -- and misconduct is
9 certainly one of those areas, all of human
10 relations, human resources.

11 (Discussion out of the hearing of
12 the court reporter)

13 BY MR. ANDERSON:

14 Q. The archbishop is reported to have been
15 recorded by audio and by MPR as having said to
16 fellow priests that he feels the worst for
17 you. Do you recall hearing that --

18 A. No.

19 Q. -- news and that account as reported by MPR?

20 A. No.

21 (Discussion out of the hearing of
22 the court reporter)

23 BY MR. ANDERSON:

24 Q. If you are given an assignment in June when
25 they are routinely handed to priests, is it

1 your intention to accept it?

2 A. I -- I -- yes, I very seriously want to be
3 considerate of that opportunity.

4 MR. ANDERSON: That's all I have.

5 Thanks, Father.

6 THE WITNESS: Thank you.

7 MR. KINSELLA: Off the video record.

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1 I, FATHER PETER LAIRD, do hereby certify that
2 I have read the foregoing transcript of my
3 deposition and believe the same to be true and
4 correct, except as follows: (Noting the page
5 number and line number of the change or
6 addition and the reason for it)

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22 Subscribed to and sworn

23 before me this ___ day

24 of ____, 2014.

25

1 **STATE OF MINNESOTA**

ss

2 **COUNTY OF RAMSEY**

3

I hereby certify that I reported the deposition of FATHER PETER LAIRD, on the 12th day of May, 2014, in St. Paul, Minnesota, and that the witness was by me first duly sworn to tell the whole truth;

6

That the testimony was transcribed under my direction and is a true record of the testimony of the witness;

7

8

That the cost of the original has been charged to the party who noticed the deposition, and that all parties who ordered copies have been charged at the same rate for such copies;

9

10

11

That I am not a relative or employee or attorney or counsel of any of the parties, or a relative or employee of such attorney or counsel;

12

13

That I am not financially interested in the action and have no contract with the parties, attorneys, or persons with an interest in the action that affects or has a substantial tendency to affect my impartiality;

14

15

16

That the right to read and sign the deposition by the witness was not waived, and a copy was provided to him for his review;

17

18

 WITNESS MY HAND AND SEAL THIS 14th day of May, 2014.

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Gary W. Hermes

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