

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

JOAQUIN AGUILAR MENDEZ,) Case No. BC 358 718
))
Plaintiff,))
))
vs.))
))
CARDINAL ROGER MAHONY, THE)
ROMAN CATHOLIC ARCHBISHOP OF)
LOS ANGELES, a corporation sole,)
et al.,)
))
Defendants.))

**CERTIFIED
COPY**

Full Caption on Page 3.

VIDEOTAPED DEPOSITION OF BISHOP THOMAS CURRY
Los Angeles, California
Thursday, September 13, 2007
(Pages 1 through 110)

Reported by:
Janet M. Taylor, RMR, CSR No. 9463
Certified Realtime Reporter

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Videotaped deposition of BISHOP THOMAS CURRY,
taken on behalf of plaintiff, at Cathedral of Our Lady
of the Angels, 555 West Temple Street, Los Angeles,
California, beginning at 3:34 p.m. and ending at
6:09 p.m., on Thursday, September 13, 2007, before
Janet M. Taylor, Certified Shorthand Reporter No. 9463.

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CARDINAL ROGER MAHONY, THE)
ROMAN CATHOLIC ARCHBISHOP OF)
LOS ANGELES, a corporation sole,)
CARDINAL NORBERTO RIVERA, THE)
DIOCESE OF TEBUACAN, FATHER)
NICHOLAS AGUILAR, DOES 1-100,)
))
Defendants.))

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For Cardinal Roger Mahony, The Roman Catholic Archbishop
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(Appearances Continued . . .)

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1 Los Angeles, California; Thursday, September 13, 2007

2 3:34 p.m. - 6:09 p.m.

3
4 P R O C E E D I N G S

5
6 THE VIDEOGRAPHER: The date is September 13th,
7 2007. The time is 3:34 p.m. We are taking the
8 deposition of Monsignor Thomas Curry in the matter of
9 Joaquin Aguilar Mendez versus Cardinal Roger Mahony,
03:34:25 10 et al., for the Superior Court of the State of
11 California, for the County of Los Angeles, case number
12 BC358718.

13 My name is Scott LaClair. I represent Hahn &
14 Bowersock, which is located in Costa Mesa, California.
03:34:38 15 This deposition is being taken at Cathedral of Our Lady
16 of the Angels, located in Los Angeles.

17 At this time, could all parties please
18 introduce themselves, starting with the witness.

19 MR. WOODS: Okay. Let me first correct
03:34:50 20 something. You said -- it's now Bishop Curry -- Thomas
21 Curry, so -- and I'll let him introduce himself.

22 THE WITNESS: My name is Thomas Curry.

23 MR. WOODS: And I'm Don Woods with the firm of
24 Hennigan Bennett & Dorman, representing the witness.

03:35:07 25 MR. HABEL: Jim Habel, Hennigan Bennett & Dorman,

9
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03:35:08 1 for the witness.

2 MR. SELSBERG: Steve Selsberg, Mayer Brown, for
3 Cardinal Rivera and the Diocese of Tehuacan.

4 MR. WOOTEN: Evan Wooten, Mayer Brown, for the
03:35:17 5 Diocese of Tehuacan and Norberto Rivera, defendants.

6 MR. GROSS: Martin Gross for the plaintiff.

7 MR. ANDERSON: Jeff Anderson, for plaintiff.

8 MR. WATERS: Rob Waters, The Driven Law Firm, for
9 plaintiff.

03:35:30 10 MR. SELSBERG: It's likely that Claudio Jimenez
11 will join us in probably 30 to 60 minutes. He's from
12 Mayer Brown.

13 THE VIDEOGRAPHER: Would the court reporter
14 please swear in the witness.

03:35:39 15 BISHOP THOMAS CURRY,
16 called as a witness, having been first duly administered
17 an affirmation to tell the truth by the Certified
18 Shorthand Reporter, was examined and testified as
03:35:39 20 follows:

21
22 - EXAMINATION -

23 BY MR. WATERS:

03:35:48 25 Q Good afternoon.

10
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03:35:51 1 MR. WOODS: I just want to make a preliminary
2 statement. At the beginning of Cardinal Mahony's
3 deposition, I read a fairly detailed statement to the
4 effect that that deposition and this deposition are
03:36:06 5 limited to jurisdictional facts relevant to jurisdiction
6 by the court of L.A., California, over the defendant
7 Mexican nationals.

8 Rather than waste any time reading that
9 again, I will simply refer to the statement and note
03:36:28 10 that this deposition -- this statement applies to this
11 deposition equally and as fully as to the deposition of
12 Cardinal Mahony.

13 MR. SELSBERG: And Rob, could I have the same
14 stipulation Mr. Anderson offered? Interpretations that
03:36:43 15 you proffer that are in English may -- may or may not be
16 correct, so we reserve the right to -- we object to all
17 questions based on those interpretations in the event
18 that they're not correct.

19 MR. WATERS: I have no problem with that same
03:36:56 20 stipulation --

21 MR. SELSBERG: Okay.

22 MR. WATERS: -- that we entered during Cardinal
23 Mahony's deposition.

24 MR. SELSBERG: Then we won't have to disrupt your
03:37:03 25 questions for that.

11
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03:37:03 1 MR. WATERS: Thank you.

2 BY MR. WATERS:

3 Q Now, good afternoon Bishop.

4 A Good afternoon.

03:37:06 5 Q Your attorney advised everybody that you have
6 been appointed bishop. Is that correct?

7 A That's correct.

8 Q All right. Could I get you to -- how would
9 you like me to refer to you? As Bishop?

03:37:15 10 A Bishop Curry.

11 Q Okay. Bishop Curry, could you please spell
12 your name for the record?

13 A It's first and last?

14 Q Sure, please.

03:37:22 15 A T-h-o-m-a-s, Thomas, C-u-r-r-y.

16 Q Thank you.

17 Bishop, have you ever had your deposition
18 taken before?

19 A Very briefly once.

03:37:33 20 Q Okay. I'm sure that you had an opportunity
21 to discuss this proceeding with your attorneys, but I
22 would like to go over something, just one thing I want
23 to make sure you're crystal-clear on.

24 If at any time today during the interrogation
03:37:46 25 I ask a question which you don't understand, you need to

12
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03:37:49 1 let me know. And if you provide a response to that
2 question, myself, as well as anybody that reads the
3 transcript, is going to assume a couple things. They're
4 going to assume you understood the question and that
03:37:59 5 your response was responsive to the question asked.
6 Does that make sense?
7 A Yes.
8 Q In addition, they're also going to assume
9 that your response was true and correct because you just
03:38:09 10 took the oath administered by the court reporter. Does
11 that make sense?
12 A Yes.
13 Q Okay. And so the oath is the same oath that
14 we would take if you're testifying in court. So
03:38:18 15 although we are in the palatial confines of the
16 Archdiocese of Los Angeles Cathedral today, the -- the
17 testimony you are giving is sworn testimony under
18 penalty of perjury. Do you understand that?
19 A Yes.
03:38:30 20 Q All right.
21 MR. WOODS: You say "the palatial confines"?
22 MR. WATERS: Yes.
23 MR. WOODS: Okay. Just sounds like an oxymoron,
24 but, you know --
03:38:39 25 BY MR. WATERS:

13

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03:38:39 1 Q All right. I've had marked as Exhibit A the
2 deposition notice.
3 (Whereupon, Exhibit A was introduced and
4 marked for identification by the Certified Shorthand
03:38:48 5 Reporter, a copy of which is attached hereto.)
6 BY MR. WATERS:
7 Q My first question to you, Bishop, is have you
8 ever seen this document before me handing it to you?
9 A Yes.
03:39:04 10 Q In the -- on page 3 of this document -- what
11 this document is is basically it's the invitation to
12 today's party. And on this invitation, we requested
13 various documents be brought.
14 Have you brought any documents responsive to
03:39:19 15 this deposition notice?
16 MR. WOODS: Let me just -- let me just say on
17 behalf of the witness that the documents we presented
18 this morning at the deposition of Cardinal Mahony are
19 the documents that, as he testified, Bishop Curry pulled
03:39:38 20 from the file. And everything I said about those
21 documents would apply here, as well.
22 MR. WATERS: Okay. And then our objection to the
23 fact the entire file wasn't produced here today for our
24 inspection, you understand that that's still an issue?
03:39:52 25 MR. WOODS: We assert all the same objections.

14

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03:39:53 1 Everything I said this morning applies, we understand
2 everything you said applies, and we will seek guidance
3 from the judge.
4 MR. WATERS: Excellent.
03:40:01 5 And just for sake of the record, the exhibits
6 which you produced this morning at Cardinal Mahony's
7 deposition are Exhibit B.
8 MR. WOODS: Yeah.
9 MR. WATERS: And they will be attached here today
03:40:12 10 to your deposition as Exhibit B.
11 (Whereupon, previously marked Exhibit B was
12 introduced for the record.)
13 BY MR. WATERS:
14 Q Prior to coming here this afternoon, did you
03:40:20 15 review any documents in preparation for your testimony?
16 A Yes. I reviewed these documents that are
17 here.
18 Q Okay. Did you review only those documents
19 which are Exhibit B, or did you review the entire
03:40:33 20 personnel file or clergy file on Nicolas Aguilar Rivera?
21 A We went through the clergy file and the
22 confidential file to select documents that had to
23 pertain to the jurisdictional matters.
24 Q And when you say "confidential file," are you
03:40:56 25 referring to the sub secreto files as prescribed by

15

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03:41:02 1 Canon 489?
2 A Yes.
3 Q Can you go through Exhibit B and identify by
4 Bates number the documents which were pulled from the
03:41:11 5 clergy file and also identify the documents which were
6 pulled by the -- from the sub secreto file?
7 MR. WOODS: I don't want to waste a lot of time.
8 The clergy file is the junior term. In this
9 Archdiocese, there are two subparts. It's called P
03:41:29 10 file, personnel file. That's the normal stuff you'd see
11 in a corporation's personal file. And C file, a
12 confidential file, is what you're referring to as the
13 canonical file which is, you know, limited access file.
14 BY MR. WATERS:
15 Q Okay. Can you identify for me the documents
16 which were pulled from the P file?
17 A I would be guessing, okay, because I --
18 Q I understand. Nobody here wants you to
19 guess. If you guess, it's called speculation.
03:42:05 20 If I were to ask you to identify for me the
21 documents pulled from the C file, would you be able to
22 do that?
23 A Since we reviewed both files at the same
24 time, I'm not sure that I can state with certainty that
03:42:20 25 one was in one and one was in the other.

16

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03:42:23 1 Q Okay. But you can confirm for us here today
 2 that there is a sub secreto file maintained on Father
 3 Nicolas Aguilar Rivera?
 4 A It was called a confidential file.
 03:42:41 5 Q Can I get -- I know this is jurisdictional
 6 discovery. But as far as foundation and for some
 7 background, could I get you to summarize for me your
 8 appointment history up to your present assignment as
 9 bishop?
 03:42:54 10 A My appointment in this Archdiocese?
 11 Q From the date of ordination forward.
 12 A I was ordained in 1967 in Ireland, and I came
 13 for this diocese, and I came here. I spent three years
 14 as a parish priest at St. Bernardine's in Woodland
 03:43:11 15 Hills. From 1970 to 1975, I was a teacher at Pius X
 16 High School in Downey. From 1975 to 1978, I studied at
 17 Claremont Graduate School in Claremont, California.
 18 And then I spent a year teaching at
 19 St. Paul's High School in Santa Fe Springs, and then
 03:43:41 20 19- -- from late 1979 to early 1981, I finished my
 21 studies at Claremont Graduate School. And from 1981
 22 until 1986, I was in charge of the continuing education
 23 for the clergy in this Archdiocese.
 24 And from 1986 to '90, I was the vicar for
 03:44:06 25 clergy in the Archdiocese, and then from -- then I spent

17

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03:44:10 1 a year as an associate pastor in St. Catherine's in
 2 Redondo Beach.
 3 And then in 1992, I returned to the
 4 Archdiocese as the secretary for church ministerial
 03:44:23 5 services. In 1994, I was appointed the regional bishop
 6 of the Santa Barbara region, and I've been there since.
 7 Q Thank you.
 8 You were ordained in Ireland; is that
 9 correct?
 03:44:39 10 A Yes. That's correct.
 11 Q And your first United States diocese that you
 12 worked for has -- was the Archdiocese of Los Angeles,
 13 correct?
 14 A That's correct.
 03:44:47 15 Q And the Archdiocese of Los Angeles is where
 16 you have served your entire professional career as a
 17 priest, correct?
 18 A Yes.
 19 Q And from '81 to 1986, you were involved with
 03:45:00 20 the continuing education of priests in the Archdiocese;
 21 is that correct?
 22 A Yes.
 23 Q Did any of your curriculum for the continuing
 24 education of priests in the Archdiocese include the
 03:45:11 25 issue of childhood sexual abuse by Catholic clergy?

18

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03:45:21 1 A I don't remember that it did.
 2 Q Do you remember if it didn't?
 3 A I just don't remember where it would have
 4 come up.
 03:45:33 5 Q Okay. You were vicar of clergy from 1986 to
 6 1990?
 7 A That's right.
 8 Q And could you briefly describe for me what
 9 the duties were that you had as vicar of clergy?
 03:45:46 10 A It was to act as the Cardinal's
 11 representative to the clergy in dealing with
 12 appointments, overseeing continuing education, dealing
 13 with issues -- dealing with all issues that arose in
 14 connection with the clergy.
 03:46:03 15 Q Did you have authority to grant faculties to
 16 priests within the Archdiocese of Los Angeles?
 17 A Yes.
 18 Q And your authority to grant faculties to the
 19 priests -- to various priests within the Archdiocese of
 03:46:20 20 Los Angeles was delegated authority from the Archbishop?
 21 A Yes.
 22 Q Prior to granting authority -- or faculties
 23 to a priest in Archdiocese, would you have to get
 24 authority each time by the Archbishop?
 03:46:37 25 A No.

19

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03:46:41 1 Q Is there a writing or written document which
 2 memorializes a delegated authority to grant faculties to
 3 priests?
 4 A That is part of being a vicar. It comes with
 03:46:57 5 the appointment of being a vicar.
 6 Q Okay. And -- and -- and so when you say "It
 7 comes with the appointment of being a vicar," would
 8 those -- that authority be described in the Canon Law?
 9 A I'm not a Canon lawyer, so I can't say for
 03:47:14 10 definite.
 11 Q Okay. Have you ever held yourself as an
 12 expert in Canon Law?
 13 A No.
 14 Q You're aware that the priest we're here to
 03:47:34 15 talk about today is Father Nicolas Aguilar Rivera,
 16 correct?
 17 A Yes.
 18 Q During the -- how would you describe Father
 19 Nicolas Aguilar Rivera's relationship while he was with
 03:47:54 20 the Archdiocese of Los Angeles?
 21 A It would depend.
 22 Q This morning, Father Mahony referred to him
 23 as an extern priest with faculties to serve in the
 24 Archdiocese.
 03:48:13 25 A Oh, yes. That's correct.

20

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03:48:14 1 Q Okay. And so if I use the term "extern
2 priest," you'll understand --
3 A Yes.
4 Q -- to what I'm referring?
03:48:20 5 A Yes.
6 Q When is the first time you met Father Nicolas
7 Aguilar Rivera?
8 A I met him when he came to ask for an
9 assignment in the Archdiocese.
03:48:36 10 Q When was that?
11 A That would be -- I have a letter dated from
12 March 4th in which he writes me a letter. So it was
13 around that time. I'm not sure of the exact date.
14 Q And the letter to which you're referring to
03:49:03 15 is included in Exhibit B; is that correct?
16 A Yes. It is number 2.
17 Q So B-2.
18 MR. WOODS: I don't know if you picked up on it,
19 but what they've done is they've taken this whole group
03:49:15 20 that we culled out of the clergy file for production,
21 and they want to refer to them in the deposition as
22 Exhibit B and then, dash, the number on the bottom
23 right-hand corner.
24 BY MR. WATERS:
03:49:29 25 Q Do you speak Spanish?

21

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03:49:32 1 A Reasonably well.
2 Q Okay. Do you read Spanish?
3 A Yes.
4 Q Okay. Are you able to read this March 4th,
03:49:39 5 1987, letter?
6 A Yes.
7 Q Unfortunately, I do not speak nor read
8 Spanish. Do -- to your knowledge, is there a
9 translation of this letter?
03:49:51 10 A I don't have one.
11 Q Have you -- when this letter came in on
12 March 4th of 1987, did you request that it be translated
13 into English?
14 A No.
03:50:00 15 Q At any time, have you or anybody associated
16 with the Archdiocese besides your attorney requested
17 that this letter be translated from English -- or from
18 Spanish into English?
19 A I don't know that.
03:50:11 20 Q Can you tell me how you perceived the gist of
21 this March 4th, 1987, letter?
22 A He's introducing himself and saying that he
23 has permission to be here, to come to Los Angeles, where
24 his family is, and that he is requesting appointment and
03:50:40 25 that he said that he has done his work -- priestly

22

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03:50:47 1 worked in the parish in Mexico and that there was an
2 accident, that two persons attacked him for preaching
3 the Word of God.
4 Q Was this letter sent by U.S. mail?
03:51:08 5 A I -- I believe so.
6 Q Had you -- did you meet with Father
7 Nicolas -- excuse me -- Father Nicolas Aguilar Rivera
8 prior to receiving this March 4th letter?
9 A Not that I remember.
03:51:24 10 Q Did you meet with Father Nicolas Aguilar
11 Rivera after receiving this March 4th --
12 A I believe I did.
13 Q Do you recall the date of that meeting?
14 A No.
03:51:32 15 Q Is this the first contact which you, as vicar
16 of clergy, received regarding Nicolas Aguilar Rivera?
17 A I believe it is.
18 Q Okay. You -- you testified that in this
19 letter, he indicates he has permission to come to L.A.?
03:51:51 20 A Yes.
21 Q To your knowledge, from whom does he have
22 this permission?
23 A From his bishop, Reverend Norberto Rivera
24 Carrera.
03:52:02 25 Q And to your knowledge, is it mandatory that

23

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03:52:04 1 an extern priest receive permission from his superior to
2 come to a foreign jurisdiction?
3 A Yes.
4 Q You also indicate in this letter that he is
03:52:19 5 requesting appointment for faculties, correct?
6 A Yes.
7 Q Does anything in the -- did he request the
8 duration for appointment of faculties? Was it a
9 temporary appointment, or was he seeking permanent
03:52:33 10 faculties in the Archdiocese of Los Angeles?
11 A For an extern priest, the faculties were
12 renewed every year.
13 Q When were they renewed every year?
14 A October of each year.
03:52:52 15 Q In this letter, Father Nicolas Aguilar Rivera
16 identifies a parish with -- where he's working in
17 Mexico, correct?
18 A Yes.
19 Q Is it your understanding on March 4, 1987, he
03:53:04 20 was currently working or on assignment in a church for
21 the diocese in Mexico?
22 A No.
23 Q What's your understanding as to his current
24 status, appointment status, regarding the Diocese of
03:53:22 25 Mexico?

24

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03:53:23 1 A Pardon?
 2 Q What's your understanding -- when you
 3 received this letter, what was your understanding
 4 regarding his current, meaning March '87, assignment in
 03:53:32 5 the Diocese of Tehuacan?
 6 A Oh, that he was a priest in good standing who
 7 had received permission to be working in another
 8 diocese.
 9 Q Okay. But -- but you had no -- did you have
 03:53:43 10 any idea as to what his assignment currently was in
 11 March of '87?
 12 A No. The letter says that he was living in
 13 Venice, California.
 14 Q Does the letter say as to why he was living
 03:53:53 15 in Venice?
 16 A Well, it says that he has family here, so --
 17 Q As -- and this letter also, from your prior
 18 testimony, indicates that two people attacked him for
 19 preaching the Word of God?
 03:54:15 20 A Yes.
 21 Q Does it give you any other facts or
 22 information regarding this attack?
 23 A No.
 24 Q Does it tell you the date of the attack?
 03:54:22 25 A No.

25

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03:54:24 1 Q As a result of receiving this March 4th,
 2 1987, letter identified in Exhibit B-2, did you schedule
 3 a meeting with Father Nicolas Aguilar Rivera?
 4 A I believe I did.
 03:54:37 5 Q Do you recall the date of that meeting?
 6 A No.
 7 Q Do you recall -- do you have -- as you sit
 8 here today, do you have any personal recollection
 9 regarding the meeting you had with Father Nicolas
 03:54:54 10 Aguilar Rivera?
 11 A No, I don't.
 12 Q Can you provide me an estimate -- now, I
 13 don't want you to guess, but I would like you to provide
 14 me an estimate as to when the meeting took place. And
 03:55:05 15 the difference between a guess, Bishop, and an estimate
 16 is best described -- we attorneys use the example if I
 17 were to ask you the length of this table, you could
 18 eyeball it and give me an estimate. You don't have a
 19 tape measure, so that's why it would be an estimate.
 03:55:20 20 If I were to tell you that I have a table at
 21 my office, that would be a guess because you've never
 22 been in my office, right? So an estimate is something
 23 on personal knowledge, whereas, a guess is a shot in the
 24 dark.
 03:55:31 25 So could you please provide me an estimate as

26

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03:55:33 1 to when the meeting you had with Father Nicolas Aguilar
 2 Rivera took place in relation to this March 4th, 1987,
 3 letter?
 4 A Probably soon after the letter arrived.
 03:55:45 5 Q Do you think it was within a week?
 6 A Well, probably less.
 7 Q Okay. Less than a week. And I presume,
 8 being vicar of clergy for the Archdiocese of
 9 Los Angeles, you meet with extern priests seeking
 03:56:03 10 faculties in Los Angeles frequently?
 11 A Yes. Yes.
 12 Q And so this wasn't an out-of-the-ordinary
 13 occurrence?
 14 MR. WOODS: Let me say if you're troubled by the
 03:56:17 15 word "frequently" as to what the real parameters of a
 16 vague term like that are, just say you're uncertain.
 17 Okay?
 18 THE WITNESS: Okay.
 19 BY MR. WATERS:
 03:56:25 20 Q So this meeting with Father Nicolas Aguilar
 21 Rivera wasn't out of the ordinary?
 22 A No.
 23 Q And do you recall specifically what you and
 24 he spoke about at this meeting?
 03:56:37 25 A No, I don't.

27

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03:56:38 1 Q Can you tell me typically what your procedure
 2 was when meeting with an extern priest who is seeking
 3 faculties in the Archdiocese of Los Angeles?
 4 A I would just ask him where he was, what his
 03:56:56 5 experience was, and whether he had experience in
 6 pastoral ministry, what he wanted to do, what he thought
 7 he could do here, and how he could serve.
 8 Q The last sentence --
 9 A How he could serve.
 03:57:10 10 MR. WOODS: How he could serve.
 11 MR. WATERS: Oh.
 12 BY MR. WATERS:
 13 Q Was it your procedure to inquire as to his
 14 fitness to serve as a priest in the Archdiocese of
 03:57:34 15 Los Angeles?
 16 A Yes.
 17 Q And how would you inquire as to an extern --
 18 prospective extern priest's fitness to serve in the
 19 Archdiocese of Los Angeles?
 20 A If he had recommendation from his bishop.
 21 Q Would -- was it the policies and procedures
 22 of the Archdiocese of Los Angeles in 1987 to require a
 23 prospective extern priest to present a letter of
 24 recommendation from his superior?
 03:58:02 25 A Yes.

28

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03:58:03 1 Q Prior to faculties being granted, correct?
2 A Yes.
3 Q If an extern priest's superior did not
4 provide this recommendation, would the Archdiocese of
03:58:14 5 Los Angeles grant faculties to that prospective extern
6 priest?
7 A No.
8 Q During the meeting you had with Father
9 Nicolas Aguilar Rivera which took place within a week of
03:58:28 10 this March 4th, 1987, letter, did you inquire to him
11 regarding the attack he speaks about in Exhibit 2B or --
12 sorry -- B-2 for preaching the Word?
13 A I don't --
14 MR. WOODS: Let me -- let me interpose. That was
03:58:49 15 a very long question. And what you have incorporated in
16 that question is a qualified answer. You've now made it
17 a firm answer as a preamble to asking him something
18 else. He said he believed or he thought that he
19 probably met with Aguilar Rivera a short time after this
03:59:11 20 letter, perhaps within a week.
21 You then began with a preamble that since you
22 did meet with him within a week, so I object to that.
23 MR. WATERS: I'm not trying to put words --
24 MR. WOODS: And I think we'll do better if you
03:59:24 25 just ask a question. Skip all the preamble.

29

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03:59:27 1 MR. WATERS: I will try.
2 MR. WOODS: We already know what you asked up to
3 that point.
4 MR. WATERS: I'm just trying to lay a foundation
03:59:32 5 for the question. I understand.
6 MR. WOODS: We don't need it. We're --
7 MR. WATERS: I appreciate that.
8 BY MR. WATERS:
9 Q Did you discuss with Father Nicolas Aguilar
03:59:38 10 Rivera the attack which is referenced in the March 4th,
11 1987, letter at your first meeting?
12 A I don't remember.
13 Q At any time, did you -- do you recall
14 requesting information from anybody regarding this
03:59:53 15 attack referenced in the March 4th, 1987, letter?
16 A No.
17 Q At any time, did you contact his superior in
18 Mexico regarding this attack?
19 A No.
04:00:08 20 Q Have you ever come to learn any information
21 regarding this attack?
22 A Yes.
23 Q When -- when did you become -- become aware
24 of information regarding the attack?
04:00:19 25 A Because Cardinal Rivera wrote a letter later

30

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04:00:24 1 saying that -- giving some explanation about the attack.
2 Q Do you recall the date of that letter?
3 A Yes. It's in March of the following year,
4 March 1988, in which he says that he wrote a letter
04:00:43 5 directly to the Archdiocese, which we never received and
6 did not have a copy, but he referenced the attack in
7 that letter.
8 Q So prior to the March 1988 letter, am I
9 correct in understanding that you received no
04:00:59 10 information -- additional information regarding the
11 attack?
12 A No.
13 Q Nor did you request any information?
14 A No.
04:01:10 15 MR. SELSBERG: I think it's March 1987.
16 MR. WOODS: No.
17 MR. ANDERSON: '88.
18 MR. WOODS: No. He's got it right.
19 MR. WATERS: Shocker.
04:01:21 20 BY MR. WATERS:
21 Q After your meeting in March of '87 with
22 Father Nicolas Aguilar Rivera, did you grant him
23 faculties to minister within the Archdiocese of
24 Los Angeles?
04:01:31 25 A Yes.

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04:01:32 1 MR. WOODS: Okay. But you did it again. You
2 said "at the meeting you had with him in March of 1987."
3 He never said he had a meeting in March. He said he
4 probably had a meeting shortly after this.
04:01:43 5 Okay. So when you summarize his testimony,
6 I'm going to always object if you start out with some
7 preliminary. Just ask him the question.
8 BY MR. WATERS:
9 Q Did you have a meeting with Nicolas Aguilar
04:01:52 10 Rivera?
11 A I believe I did.
12 MR. WATERS: Okay. So I'm not sure I understand
13 your objection, but that's fine.
14 MR. WOODS: Well, you will by the time we finish.
04:02:19 15 BY MR. WATERS:
16 Q And do you recall the information which
17 Nicolas Aguilar Rivera presented to you in order for you
18 to make your determination as to whether faculties
19 should be granted for him to serve as an extern priest
04:02:38 20 in the Archdiocese of Los Angeles?
21 A He presented a letter from his bishop.
22 Q Did he personally present that to you, or did
23 it come by U.S. mail?
24 A I believe he presented it.
04:02:52 25 Q And this would be presented at the meeting?

32

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04:02:56 1 A Probably.
2 Q At any time, did you request Father Nicolas
3 Aguilar Rivera to provide you any additional information
4 so you could make a determination as to whether to grant
04:03:15 5 faculties to minister in the Archdiocese of Los Angeles?
6 A There are two questions there. I gave him
7 faculties. I may have asked him for additional
8 information.
9 Q So do you recall the date that you granted
04:03:35 10 him faculties to minister in the Archdiocese of
11 Los Angeles?
12 A Yes. March 25th is the letter.
13 Q So March 25th, 1987, was the date --
14 A It was -- the letter is March 25th. The date
04:03:51 15 is effective March 16th.
16 Q So he had faculties to minister in the
17 Archdiocese of Los Angeles as of March 16th, 1987?
18 A Yes.
19 Q Do you recall ever requesting Father Nicolas
04:04:10 20 Aguilar Rivera to provide you additional information so
21 a determination as to whether to grant faculties could
22 be made?
23 A Granting faculties was not conditioned on
24 getting more further information.
04:04:57 25 MR. WATERS: Exhibit 23.

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04:04:58 1 (Whereupon, previously marked Exhibit 23 was
2 introduced for the record.)
3 (Discussion held off the record from
4 4:04 p.m. until 4:05 p.m.)
04:04:59 5 MR. WOODS: Okay. This gets confusing. They
6 have some documents that were produced by the Diocese of
7 Tehuacan. And generally, they've been good about
8 referring to those with the Alpha prefix of RIV, RIV 23
9 or RIV 30. Sometimes they forget and just give the
04:05:19 10 number. So we've got to make sure we're not talking
11 about the number in Exhibit B versus these other
12 numbers. Okay?
13 THE WITNESS: Yes.
14 BY MR. WATERS:
04:05:26 15 Q I'm showing you what's been marked as
16 Exhibit 23.
17 MR. WOODS: This is RIV 23.
18 BY MR. WATERS:
19 Q And behind the Spanish interpretation or
04:05:42 20 behind the Spanish is an English interpretation, which
21 would be 23a. And behind the English interpretation --
22 or English interpretation is a certificate of
23 translation.
24 My first question to you, Bishop, is have you
04:06:06 25 seen this document before today?

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04:06:08 1 A Yes, I have.
2 Q And when have you seen this document?
3 A My understanding is that Nicolas Aguilar
4 Rivera brought it with him.
04:06:18 5 Q Okay. And during today's deposition of
6 Cardinal Mahony, he testified that this is a letter of
7 recommendation from Father Nicolas Aguilar Rivera's
8 superior Norberto Rivera. Is that your understanding of
9 this document?
04:06:37 10 A Yes, it is.
11 Q And have you seen this type of document in
12 dealing with other extern priests where they're seeking
13 faculties with the Archdiocese of Los Angeles?
14 A I have seen letters from other bishops.
04:06:56 15 Q And are those letters similar to this letter?
16 A Oh, I couldn't say that. I haven't reviewed
17 them.
18 Q Is -- when -- you received this letter in
19 your official capacity as a vicar clergy, correct?
04:07:11 20 A Yes.
21 Q Is there anything in this letter that informs
22 you that Father Nicolas Aguilar Rivera's superior,
23 Norberto Rivera, believes he is not fit for service with
24 the Archdiocese of Los Angeles?
04:07:31 25 A No.

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04:07:32 1 Q Is there anything in -- contained in this
2 letter, Exhibit 23, which leads you to believe that, in
3 fact, Father Nicolas Aguilar Rivera's superior, Norberto
4 Rivera, is asserting that Father Nicolas Aguilar Rivera
04:07:49 5 is fit for service in the Archdiocese of Los Angeles?
6 A Yes, there is.
7 Q And what is that information?
8 A Shall I read it in English?
9 Q Sure. I mean what is -- how is this document
04:08:03 10 telling you that Father Norberto Rivera believes that
11 Nicolas Aguilar Rivera is fit for service in the
12 Archdiocese?
13 A Because he says he doesn't have any concerns
14 in granting permission.
04:08:17 15 Q So when you received this letter in your
16 official capacity as vicar for clergy, it was your
17 understanding that Norberto Rivera is affirming Nicolas
18 Aguilar Rivera is fit for service in the Archdiocese of
19 Los Angeles?
04:08:38 20 A Yes.
21 Q In the letter, Exhibit 23, it states "due to
22 health and family reasons." Does that term, "health and
23 family reasons," serve as a warning to you that Nicolas
24 Aguilar Rivera is unfit for service?
04:09:02 25 A Not at all.

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04:09:04 1 Q Have you ever heard that the term "health and
2 family reasons" is a cautionary term to advise someone
3 in the church that there's a problem with this priest?
4 A Never.
04:09:18 5 Q Upon reviewing and receiving Exhibit 23 in
6 your official capacity, when you saw "health and family
7 reasons," did that cause you any concern as to his --
8 Aguilar Rivera's fitness?
9 A No.
04:09:31 10 Q Did it cause you to request any additional
11 information from Aguilar Rivera?
12 A No.
13 Q Did it cause you to request any additional
14 information from Norberto Rivera?
04:09:42 15 A No.
16 Q If you desired to have received more
17 information to make a determination as to whether or not
18 an extern priest should be granted faculties in the
19 Archdiocese of Los Angeles, would you request that
04:10:19 20 information yourself? Was it your policy to request
21 that information yourself with the extern priest's
22 superior, or would you request that the extern priest
23 provide you additional information from his superior?
24 A I could very well have asked the priest to
04:10:35 25 have the bishop write to me.

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04:10:39 1 Q Did you -- back in 1987, did you have a
2 policy which you adhered to as to obtaining that
3 information? Like if you wanted further information,
4 would you write or call the superior, or would you say
04:10:54 5 "Priest, please write your superior and ask him to give
6 you that information"? I mean did you have one that you
7 did more than another, or was it just happenstance case
8 by case?
9 MR. WOODS: Okay. That's -- I don't know how
04:11:06 10 many questions that is, four or five different
11 questions, so I'm going to instruct him not to answer.
12 It's just too confusing. Give him a nice, clean
13 question.
14 BY MR. WATERS:
04:11:17 15 Q Did you have one policy which you adhered to
16 as your standard policy in requesting additional
17 information from a prospective extern priest's
18 superiors?
19 A Not that I remember.
04:11:31 20 Q I'll show you what's been marked as
21 Exhibit 24.
22 (Whereupon, previously marked Exhibit 24 was
23 introduced for the record.)
24 BY MR. WATERS:
04:11:49 25 Q Same thing, Bishop, with the front is the

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04:11:52 1 Spanish letter -- or the letter in Spanish -- I'm sorry.
2 Behind it is the translation into English with behind
3 that the certification of the translation.
4 My first question to you, Bishop, is have you
04:12:05 5 ever seen what's been marked as number 24?
6 A Yes, I have.
7 Q When is the first time you saw this document?
8 A I saw it when I was reviewing the documents
9 in preparation for this.
04:12:25 10 Q Okay. And was this -- was this letter
11 contained in the confidential C file?
12 A It was contained in the --
13 MR. WOODS: No. Check carefully, would you
14 please. This is from Cardinal Rivera's file.
04:12:46 15 THE WITNESS: Yes. I -- I have read many
16 documents, and I'm not absolutely sure that I can
17 identify what I have reviewed and what is in these
18 documents.
19 BY MR. WATERS:
04:12:54 20 Q Okay. Let me ask you --
21 MR. WOODS: I can tell you this document was not
22 in our files.
23 MR. WATERS: That's -- that's what I was going to
24 ask.
04:12:59 25 MR. WOODS: Okay.

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04:12:59 1 BY MR. WATERS:
2 Q To your knowledge, was Exhibit 24 in the
3 Archdiocesan files, either the P file or the C file?
4 MR. WOODS: I can assure you it was not.
04:13:08 5 MR. WATERS: Okay. I -- I --
6 MR. WOODS: Okay.
7 MR. WATERS: I'm happy with your -- with your
8 representation, but I want to ask him.
9 THE WITNESS: Apparently, it was not.
04:13:18 10 BY MR. WATERS:
11 Q But you do recall reviewing this document
12 before today?
13 A I have seen it, yes.
14 Q Okay. And it may have been as an attachment
04:13:27 15 to --
16 A Yes.
17 Q -- a deposition?
18 A Yes. It may have.
19 Q Because you have in front of you --
04:13:31 20 A Yes, I do.
21 Q -- some other documents which you reviewed,
22 correct?
23 A Yes.
24 Q And could you please read those documents
04:13:36 25 into the file -- into the record, please?

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04:13:37 1 A The collection of documents that I have?
 2 MR. WOODS: Let me do it. Okay?
 3 MR. WATERS: Okay.
 4 MR. WOODS: He has the deposition of Bishop
 04:13:44 5 Rodrigo Aguilar Martinez of August 9, 2007, and the
 6 deposition of Cardinal Roberto Rivera, taken August 8th,
 7 2007, and he has a copy of Plaintiff's Amended Notice of
 8 Taking Deposition of Monsignor Thomas Curry.
 9 MR. WATERS: Excellent.
 04:14:05 10 BY MR. WATERS:
 11 Q In this letter, number 24, it's a letter from
 12 Father Nicolas Aguilar Rivera to Norberto Rivera, the
 13 bishop of Tehuacan, correct?
 14 A Yes.
 04:14:19 15 Q And this is dated March 12th, 1987, correct?
 16 A Yes.
 17 Q In this letter, Cardinal -- excuse me.
 18 Strike that.
 19 In this letter, Nicolas Aguilar Rivera,
 04:14:32 20 informs Cardinal Rivera that he has been to the
 21 chancellery office in Los Angeles and had a meeting with
 22 you, Thomas Curry, vicar of clergy.
 23 Do you recall -- you don't specifically
 24 recall a meeting with Nicolas Aguilar Rivera, do you?
 04:14:53 25 A I don't, no.

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04:14:54 1 Q But it wouldn't be against your policies to
 2 have --
 3 A No.
 4 Q -- a meeting?
 04:14:58 5 A No.
 6 Q In fact, it would be conforming with your
 7 policies to have such a meeting, correct?
 8 A Yes.
 9 Q Okay. "I delivered to him the letter that
 04:15:07 10 you, the bishop, sent to him." And based upon your
 11 testimony, that would be Exhibit 23, which we have
 12 already discussed, correct?
 13 A Yes.
 14 Q In this letter, Nicolas Aguilar Rivera goes
 04:15:23 15 on to say, "Now Monsignor Thomas Curry wants another
 16 letter that would include the following. Monsignor
 17 Curry himself dictated it to me, and I will transcribe
 18 it as follows."
 19 And my question, Bishop, is does that
 04:15:37 20 statement refresh your recollection as to any meeting
 21 you had with Nicolas Aguilar Rivera?
 22 A No.
 23 Q Okay. Does -- as you sit here today, do you
 24 recall dictating to Nicolas Aguilar Rivera certain
 04:15:52 25 information you would like from his superior Norberto

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04:15:56 1 Rivera?
 2 A No, I don't.
 3 Q Okay. According to Nicolas Aguilar Rivera,
 4 you are requesting "a confidential letter from the
 04:16:06 5 Ordinary of your place, addressed to Archbishop Rogelio
 6 Mahony with a copy to Monsignor Thomas Curry, general
 7 vicar of the clergy, providing your estimations of the
 8 priest in question, stating the reasons why he's coming
 9 to work here and recommending him for the parish work at
 04:16:26 10 this Archdiocese."
 11 My question, Bishop, is was it your policy
 12 and procedure to request such a confidential letter from
 13 extern priests seeking faculties in the Archdiocese of
 14 Los Angeles?
 04:16:39 15 MR. WOODS: Okay. I'm going to object. It's
 16 compound, "policy and procedure." That's two different
 17 questions.
 18 You can answer.
 19 THE WITNESS: I don't really recall it from 1987
 04:16:52 20 what the policies were. They changed later on, but they
 21 were in development at that time.
 22 BY MR. WATERS:
 23 Q Okay. It's my understanding from listening
 24 to Mon- -- sorry -- Cardinal Mahony testify this morning
 04:17:08 25 that if the letter of recommendation from the superior

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04:17:11 1 was in order, faculties could be granted. Is that your
 2 understanding --
 3 A Yes.
 4 Q -- of the policies in the Archdiocese of
 04:17:20 5 Los Angeles, correct?
 6 A At that time.
 7 Q At that time.
 8 In 1987, correct?
 9 A Yes.
 04:17:26 10 Q And so that according to Exhibit 24, that
 11 letter had already been provided, correct?
 12 A Yes.
 13 Q And so can -- as you sit here today, do you
 14 have any recollection as to whether you actually
 04:17:39 15 requested this information from Nicolas Aguilar Rivera?
 16 A I don't specifically remember that.
 17 Q As you sit here today, can you think in your
 18 mind as to why you would need that additional
 19 information from his superior Norberto Rivera?
 04:17:54 20 A Probably because he presented the letter
 21 himself, and I just wanted the bishop to write a letter
 22 directly to the Archdiocese.
 23 Q You request that the letter -- letter be sent
 24 to an address. Do you -- do you recognize this address?
 04:18:11 25 A Yes.

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04:18:11 1 Q And what is this address?
2 A It was the offices of the Archdiocese of
3 Los Angeles.
4 Q Okay. Now, if -- was it commonplace in 1987
04:18:22 5 if a superior from another jurisdiction was writing a
6 confidential letter to the Archbishop, that the vicar
7 for clergy would be cc'd on that letter?
8 MR. WOODS: I'm going to object that it's overly
9 broad, vague. I think you mean a letter relating to a
04:18:50 10 recommendation for an extern as opposed to any other
11 kind of letter of which there could be millions.
12 THE WITNESS: As far as appointing a priest to
13 us -- to -- as an assignment of this Archdiocese, yes.
14 BY MR. WATERS:
04:19:04 15 Q So it was commonplace for you to be cc'd on
16 confidential letters dealing with the appointment of
17 extern priests?
18 A Not if the bishop had written previously a
19 letter to the Cardinal. He would not have known of my
04:19:22 20 existence.
21 Q Okay. So is it your testimony that it was
22 not commonplace to be cc'd on confidential letters
23 regarding the appointment of priests -- extern priests
24 for faculties in the Archdiocese of Los Angeles?
04:19:36 25 A It would depend.

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04:19:37 1 Q Okay.
2 A If we asked a priest, as in this case, to
3 provide -- to get to seek the letter, then it would be.
4 Q Okay. Do you know if Cardinal Mahony was
04:19:56 5 aware that you were requesting this additional
6 information?
7 A No, I do not.
8 Q Do you specifically -- or do you have any
9 personal recollection of making this request?
04:20:11 10 A No.
11 Q Do you recall receiving any information in
12 response to this request?
13 A No.
14 Q And the first -- just so I'm clear, the first
04:20:35 15 time you saw this document, number 24, was within the
16 last year?
17 A Yes.
18 Q I'm handing you what's been marked as number
19 26.
04:21:15 20 (Whereupon, previously marked Exhibit 26 was
21 introduced for the record.)
22 BY MR. WATERS:
23 Q Again, Bishop, the Spanish letter is up front
24 with 26A being the English translation, and behind is
04:21:25 25 the certification of translation.

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04:21:52 1 A Yes.
2 Q Before I get to this document, let me ask you
3 this question.
4 Do you -- as you sit here today, do you have
04:22:00 5 a personal recollection regarding granting faculties to
6 Father Nicolas Aguilar Rivera to minister in the
7 Archdiocese of Los Angeles?
8 A A personal recollection, no.
9 Q Have you ever seen what's been marked as 26?
04:22:22 10 A Yes.
11 Q When was the first time that you saw what's
12 been marked as 26?
13 A This was a letter that the Cardinal sent --
14 said he sent, but we did not receive this letter.
04:23:25 15 Q Okay. Has the Archdiocese of Los Angeles
16 ever received this letter?
17 MR. WOODS: To your knowledge.
18 THE WITNESS: To my knowledge, has the
19 Archdiocese of Los Angeles ever received this letter?
04:23:37 20 Not while I was the vicar for clergy.
21 BY MR. WATERS:
22 Q Okay. And you say this is a letter that the
23 Cardinal sent. And when you said "Cardinal," you're
24 referring to Cardinal Norberto Rivera, right?
04:23:49 25 A Yes.

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04:23:49 1 Q Because at some point, he was elevated to the
2 status of Cardinal, correct?
3 A That's right.
4 Q Okay. And that was in 1995, correct?
04:23:58 5 A I'm not sure.
6 Q Okay. Well, this appears to be a letter
7 dated March 23rd, 1987, from Norberto Rivera, Bishop of
8 Tehuacan, to Roger Mahony, Archbishop of Los Angeles.
9 A Yes.
04:24:14 10 Q And this appears to be a letter in response
11 to the letter we just reviewed, number 24, authored by
12 Nicolas Aguilar Rivera to Norberto Rivera, correct?
13 MR. WOODS: I'm going to object that it calls for
14 speculation. He didn't write either of the letters. He
04:24:39 15 didn't get either of the letters. So it's pure
16 speculation as to whether it's a response to that letter
17 or not. I'll instruct him not to answer.
18 BY MR. WATERS:
19 Q And you're going to follow that instruction?
04:24:57 20 A Yes.
21 Q Okay. When is the first time you ever
22 reviewed this letter which has been marked as 26?
23 A I believe that it is in connection with this
24 deposition.
04:25:20 25 Q Okay. So it's sometime contemporaneous with

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04:25:23 1 this pending lawsuit, correct?
 2 A I believe so.
 3 Q And -- but you're certain that it wasn't back
 4 in the 1980s, late '80s, when you were vicar of clergy?
 04:25:34 5 A Yes.
 6 Q If the Archdiocese -- while you were vicar of
 7 clergy, if the Archdiocese had received this letter, and
 8 you'll note you're cc'd on this letter --
 9 A Yes.
 04:25:47 10 Q -- where would this letter have gone in the
 11 Archdiocesan filing system?
 12 A It would probably have gone into the
 13 confidential file for this priest.
 14 Q Okay. And you searched the confidential file
 04:26:01 15 for this priest, correct?
 16 A Yes.
 17 Q And this letter was not there?
 18 A No.
 19 MR. WOODS: I just want to make sure. It's
 04:26:07 20 there, but it's attached to the letter from Bishop
 21 Contreras Espinosa Contreras of 2004.
 22 MR. WATERS: That's fine.
 23 MR. WOODS: Okay.
 24 MR. WATERS: I appreciate that.
 04:26:20 25 MR. WOODS: It's not in --

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04:26:21 1 MR. WATERS: Contemporaneous with him serving,
 2 "him" being Nicolas Aguilar Rivera serving in the
 3 Archdiocese of Los Angeles.
 4 MR. WOODS: Right.
 04:26:27 5 MR. WATERS: Thank you for pointing that out.
 6 BY MR. WATERS:
 7 Q You'd agree with me, Bishop, that this letter
 8 puts forth some pretty serious accusations regarding
 9 Nicolas Aguilar Rivera's fitness to serve as a priest
 04:26:46 10 for the Catholic church, correct?
 11 MR. WOODS: I'm going to object to the question
 12 as irrelevant to the jurisdictional issues involved.
 13 It's calling for speculation and opinion, not relevant
 14 to this proceeding, and instruct the witness not to
 04:27:05 15 answer.
 16 BY MR. WATERS:
 17 Q Are you going to follow that instruction?
 18 A Yes.
 19 Q Had you been aware of this information in
 04:27:14 20 March of 1987, would you, as vicar for clergy, have
 21 granted Father Nicolas Aguilar Rivera faculties within
 22 the Archdiocese of Los Angeles?
 23 A No.
 24 MR. SELSBERG: Objection; calls for speculation.
 04:27:29 25 MR. WOODS: Same objection, and it's irrelevant

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04:27:31 1 to this proceeding. He's already answered it.
 2 BY MR. WATERS:
 3 Q And you wouldn't have granted him faculties
 4 to serve in the Archdiocese of Los Angeles because,
 04:27:42 5 based upon the information in this letter, it appears
 6 he's unfit for service as a priest, correct?
 7 MR. WOODS: Okay. Object.
 8 MR. SELSBERG: Objection; calls for speculation.
 9 MR. WOODS: Calls for speculation, beyond the
 04:27:50 10 subject matter of this deposition, and I will instruct
 11 the witness not to answer.
 12 BY MR. WATERS:
 13 Q Had you received this March 23rd, 1987
 14 letter, number 26, would you have questioned --
 04:28:07 15 questioned Nicolas Aguilar Rivera regarding its
 16 contents?
 17 MR. WOODS: Calls for speculation, it's a
 18 hypothetical, not relevant to the jurisdictional issues,
 19 and I instruct him not to answer.
 04:28:18 20 BY MR. WATERS:
 21 Q Would you have investigated into the
 22 accusations put forth in the March 23rd, 1987 letter had
 23 you received it?
 24 MR. WOODS: Same objection, same instruction.
 04:28:29 25 BY MR. WATERS:

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04:28:29 1 Q As you sit here today, do you believe that
 2 Father -- strike that.
 3 As you sit here today, do you believe that
 4 Norberto Rivera wrote this letter and had it transmitted
 04:28:39 5 to the Archdiocese of Los Angeles in March of 1987?
 6 MR. WOODS: Calls for speculation and beyond the
 7 scope of this deposition. I instruct him not to
 8 answer.
 9 BY MR. WATERS:
 04:28:50 10 Q Are you going to follow that instruction?
 11 A Yes.
 12 MR. WOODS: I need to take a break soon.
 13 MR. WATERS: Let's take one now.
 14 THE VIDEOGRAPHER: Off the record. The time is
 04:29:19 15 4:29.
 16 (Recess taken from 4:29 p.m. until
 17 4:36 p.m.)
 18 THE VIDEOGRAPHER: On the record. The time is
 19 4:36.
 04:36:49 20 BY MR. WATERS:
 21 Q Bishop, back to Exhibit 23, this is what you
 22 had referred to, I believe, as the letter of
 23 recommendation regarding Father Nicolas Aguilar Rivera's
 24 service in the Archdiocese by Norberto Rivera, his
 04:37:02 25 superior.

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04:37:03 1 The question is do you have any -- as you sit
2 here today, do you have any personal knowledge regarding
3 the health and family reasons for which Nicolas Aguilar
4 Rivera was seeking to remain in Los Angeles for a year?
04:37:17 5 A No.
6 Q At the time that you made your determination
7 to grant faculties to Nicolas Aguilar Rivera to minister
8 in the Archdiocese of Los Angeles, were you aware that
9 he had resigned from his prior parish?
04:37:41 10 A I don't remember that.
11 Q In 1987, did the Archdiocese of Los Angeles
12 have a policy of not accepting priests with homosexual
13 issues as extern priests?
14 A The Archdiocese wouldn't -- sorry.
04:38:08 15 MR. WOODS: I'll object to the form of the
16 question. "Homosexual issues" is very vague and
17 ambiguous, calls for an expert opinion.
18 I'll let him answer. Just generally.
19 THE WITNESS: Generally speaking, that if priests
04:38:24 20 were involved in homosexual activity, we would not have
21 accepted him.
22 BY MR. WATERS:
23 Q And that would be based upon the
24 determination that it would be unfit to minister to the
04:38:35 25 community of faithful within the Archdiocese of

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04:38:36 1 Los Angeles, correct?
2 A Yes. Yes.
3 Q I'm going to show you what's been marked as
4 27.
04:39:47 5 MR. WOODS: Let me help you out. It's
6 Exhibit B-4. B-4. The Diocese of Tehuacan's copy of
7 Exhibit B-4, I believe.
8 MR. WATERS: I'm just a little perplexed because
9 the exhibit seems to be missing, so we'll have to locate
04:40:16 10 that.
11 BY MR. WATERS:
12 Q My question, Bishop, is do you recognize this
13 letter?
14 A The letter of March 25th, 1987?
04:40:27 15 Q Yes.
16 A Yes, I do.
17 Q What is this letter?
18 A This is his appointment as associate pro tem
19 to a parish in Los Angeles.
04:40:33 20 Q Okay. And was this a letter which you
21 endorsed in your official capacity as vicar for clergy?
22 A Yes.
23 Q And with this letter, you are granting him a
24 position as an associate pro tem of Our Lady of
04:40:48 25 Guadalupe Church, correct?

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04:40:49 1 A Yes.
2 Q And in this letter, it states that "your
3 proper Ordinary has given his permission for your
4 presence in this jurisdiction for a specified time."
04:41:07 5 A Yes.
6 Q Okay. And were there -- are there any
7 documents which show or support your statement that the
8 Ordinary has given his permission for his presence in
9 this jurisdiction for this specified time?
04:41:20 10 A Yes.
11 Q And which document is that?
12 A It would be the -- the document of
13 January 27, 1987.
14 Q Which is Exhibit 23, correct?
04:41:28 15 A Twenty-three, yes.
16 Q Any other documents, to your knowledge?
17 A Not at this time, no.
18 Q Okay. In Exhibit B, is there a document
19 which shows the date that Nicolas Aguilar Rivera was
04:41:47 20 first granted faculties in the Archdiocese of
21 Los Angeles?
22 A Yes.
23 Q And which document is that?
24 A It is B-4.
04:42:00 25 Q Okay. So this is the document which

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04:42:04 1 references faculties had been granted to Nicolas Aguilar
2 Rivera to serve as a priest -- extern priest in the
3 Archdiocese of Los Angeles?
4 A Yes.
04:42:29 5 Q At some point, did you become aware that
6 there were allegations of misconduct committed by -- or
7 made against Father Nicolas Aguilar Rivera?
8 A Yes.
9 Q And when did you first become aware of the
04:42:42 10 allegations of misconduct?
11 A I believe it was January of the following
12 year.
13 Q So it would be January 1988?
14 A Yes.
04:42:52 15 Q And do you recall the date in January of 1988
16 that you were first aware of allegations of misconduct?
17 A It was probably, the best of my knowledge, on
18 a Friday early in January, which was the 7th or 8th of
19 January. I don't exactly know which -- what date it
04:43:09 20 was.
21 Q Can you recall, as you sit here today, how
22 you became aware of the allegations of misconduct?
23 A I can't.
24 Q Can you -- as you sit here today, can you
04:43:18 25 recall what you did once you became aware of the

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04:43:21 1 allegations of misconduct?
2 A Yes. Okay.
3 MR. WOODS: I would object that the response of
4 the Archdiocese to the allegations of misconduct other
04:43:34 5 than communications to and from the Mexican defendants
6 involved in this case are beyond the scope of the
7 jurisdictional issues, and I would instruct the witness
8 not to answer.
9 And in order to make it a little simpler, if
04:43:50 10 you could narrow your question, I'll let him answer it,
11 if you narrow it to what I'm not objecting to.
12 BY MR. WATERS:
13 Q Are you going to follow his instruction?
14 A Yes.
04:43:58 15 Q After becoming aware of the allegations of
16 misconduct on that Friday in early January of '88, did
17 you immediately go speak to Roger Mahony regarding the
18 information that was presented to you?
19 MR. WOODS: I'm going to object to the question
04:44:16 20 as beyond the scope of the jurisdictional issues
21 involved and instruct the witness not to answer.
22 BY MR. WATERS:
23 Q You're going to follow that instruction?
24 A Yes.
04:44:25 25 MR. WOODS: I'll stipulate that he'll follow all

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04:44:27 1 instructions not to answer.
2 MR. WATERS: Okay. Is that --
3 MR. WOODS: You don't need to ask him.
4 THE WITNESS: Yes.
04:44:34 5 MR. WATERS: Okay. Thank you.
6 BY MR. WATERS:
7 Q It's my understanding that back in January of
8 1988, your office was in close proximity to the office
9 of the Archbishop; is that correct?
04:44:43 10 A Yes.
11 Q Was it your policy and procedure to
12 immediately notify the Archbishop if there was a fitness
13 issue regarding a priest in the Archdiocese of
14 Los Angeles?
04:44:54 15 A Yes. Yes.
16 Q Is there any reason, as you sit here today,
17 to believe that you didn't follow that policy and
18 procedure upon becoming aware of the allegations of
19 misconduct made against Father Nicolas Aguilar Rivera?
04:45:11 20 A I can't remember.
21 Q After becoming aware of the allegations of
22 misconduct against Father Nicolas Aguilar Rivera, did
23 you at any time contact his superior, Norberto Rivera?
24 A Yes.
04:45:30 25 Q When did you contact his superior, Norberto

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04:45:33 1 Rivera?
2 A I wrote him a letter.
3 Q Prior to writing him a letter, did you have
4 any telephone conversations with Cardinal Norberto
04:45:43 5 Rivera?
6 A No.
7 Q Prior to -- to your knowledge, did Cardinal
8 Mahony have any conversations with Cardinal Norberto
9 Rivera regarding the allegations of misconduct?
04:45:55 10 A I don't know that.
11 Q When did you write the letter to Cardinal
12 Norberto Rivera?
13 A The letter is right in here. May I go check
14 the date?
04:46:05 15 Q Okay. Sure. You're referring to Exhibit B?
16 A Yes. Yes. I wrote the letter on January the
17 11th, 1988.
18 Q I'll make the representation to you that
19 January 8th is a Friday.
04:46:28 20 A Right.
21 Q And January 11th would be a Monday.
22 A Yes.
23 Q It's your testimony that you first received
24 the report on January 8th or the Friday, correct?
04:46:40 25 A To the best of my knowledge.

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04:46:41 1 Q Yet, you don't inform the superior until the
2 following Monday, correct?
3 A That's right.
4 Q Is there a reason as to why you waited from
04:46:51 5 the Friday to the following Monday to inform the
6 superior of the allegations of misconduct?
7 A I don't know. This was just a normal
8 business time. I was not in phone contact with him, so
9 the letter would have been written just on the Monday
04:47:10 10 following the action that we took.
11 Q Is there a reason -- as you sit here today,
12 can you recall a reason as to why you didn't immediately
13 call the superior in Mexico regarding these allegations
14 of misconduct?
04:47:23 15 A No. I don't remember.
16 Q The allegations of misconduct against Father
17 Nicolas Aguilar Rivera were not the first allegations of
18 misconduct that you have ever received on a priest in
19 the Archdiocese of Los Angeles, correct?
04:47:38 20 MR. WOODS: I'm going to object to the question.
21 It calls for information beyond the scope of the
22 jurisdictional issues and instruct the witness not to
23 answer.
24 BY MR. WATERS:
04:47:48 25 Q If -- did you have a policy or procedure in

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04:47:50 1 place regarding contacting the superiors of extern
2 priests if allegations of misconduct arose as to those
3 priests?
4 A It was the custom to do so.
04:48:02 5 Q Okay. And what was the time line regarding
6 the custom to contact the superiors of these extern
7 priests regarding the allegations of misconduct?
8 A Very soon.
9 Q Upon receiving the allegations of misconduct,
04:48:26 10 did you meet with Father Nicolas Aguilar Rivera?
11 A Yes.
12 Q When did this meeting take place?
13 A It took place on Saturday morning.
14 Q So that would be the 9th, correct?
04:48:37 15 A Yes.
16 Q Where did this meeting take place?
17 A I believe it took place at a parish, but I
18 don't remember which.
19 Q Do you believe it took place at the parish at
04:48:51 20 which Father Nicolas Aguilar Rivera was assigned?
21 A I just don't remember.
22 Q Do you recall where it took place in the
23 parish, for example, was it in the rectory in the
24 church?
04:49:05 25 A I don't remember where it took place.

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04:49:07 1 Q What was -- what did you say to Father
2 Nicolas Aguilar Rivera during this meeting?
3 MR. WOODS: I'm going to object to the question
4 unless it's more narrowly circumscribed in that it goes
04:49:24 5 way beyond issues of jurisdiction and instruct him not
6 to answer that question as phrased.
7 I invite you to narrow it to issues relating
8 to contacts with his superior or other officials in
9 Mexico or something that is a jurisdictional issue.
04:49:44 10 BY MR. WATERS:
11 Q What did Father Nicolas Aguilar Rivera tell
12 you during this meeting?
13 MR. WOODS: Same objection, same instruction.
14 BY MR. WATERS:
04:49:54 15 Q How long did this meeting last between you
16 and Father Nicolas Aguilar Rivera?
17 A I don't remember that.
18 Q Did you take any notes regarding this meeting
19 with Father Nicolas Aguilar Rivera?
04:50:07 20 A Not that I remember.
21 Q After the meeting with Father Nicolas Aguilar
22 Rivera, did you memorialize the meeting in any manner?
23 A I don't remember that I did.
24 Q After the meeting with Father Nicolas Aguilar
04:50:24 25 Rivera, did you discuss the subject matter with Cardinal

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04:50:34 1 Mahony?
2 MR. WOODS: I'm going to object to the question
3 as beyond the scope of the jurisdictional issues unless
4 it's more carefully crafted and instruct the witness not
04:50:43 5 to answer.
6 BY MR. WATERS:
7 Q At any time, have you discussed the subject
8 of the meeting -- January 9th meeting with Father
9 Nicolas Aguilar Rivera with Bishop Rivera?
04:50:58 10 A No.
11 Q During your meeting with --
12 Are you going to block all the questions
13 regarding the meeting with -- between the Bishop and
14 Nicolas Aguilar Rivera?
04:51:14 15 MR. WOODS: No. I think you can craft some
16 questions that I think I would permit him to answer if
17 they relate to jurisdictional issues, not if they relate
18 to what he did or didn't do in terms of molestation.
19 MR. WATERS: Don -- Don, here's -- here's my
04:51:32 20 problem. I mean you've been doing this longer than I
21 have, and so you understand in depositions you
22 necessarily -- the scope is you start out broad and,
23 therefore, whittle down your questions.
24 MR. WOODS: I know, but this isn't a usual
04:51:43 25 deposition. This is a very circumscribed deposition by

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04:51:47 1 order of the court --
2 MR. WATERS: Okay.
3 MR. WOODS: -- limited to a very narrow issue and
4 represented to the court would be done very quickly.
04:51:55 5 And so it's not a normal deposition where you're making
6 inquiry into all the facts relevant to a lawsuit. This
7 is just facts relating to jurisdiction. So if you ask a
8 general question that's not limited to jurisdictional
9 issues, then I have to object.
04:52:13 10 MR. WATERS: I --
11 MR. WOODS: But I'm inviting you to narrow your
12 question to a jurisdictional fact, and I'll let him
13 answer.
14 MR. WATERS: I understand. But I mean this would
04:52:22 15 be a quick deposition if you would allow him to answer
16 the relevant questions.
17 MR. WOODS: I --
18 MR. WATERS: And you understand that we don't
19 know -- we don't -- we don't know if the answers or
04:52:29 20 responses to the question are going to lead to
21 information important to the jurisdictional issue unless
22 we ask them. And with you instructing him not to
23 answer -- I mean you can make your objections and let
24 him answer the questions. And then everybody's happy,
04:52:42 25 and we'll be out of here a lot quicker.

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04:52:45 1 But I mean when you -- when you make your
2 objections and instruct him not to answer, it's impeding
3 us to have a full and complete interrogation regarding
4 the relevant issues.

04:52:55 5 MR. ANDERSON: Look, I don't think either of you
6 agree on this.

7 Don, why don't you specifically tell us what
8 questions you will allow him to answer regarding this.
9 We think these are probative, but you don't, to the

04:53:08 10 jurisdiction. What is it that you specifically will
11 allow him to answer concerning these conversations
12 between Monsignor, now Bishop, and -- and Nicolas
13 Aguilar Rivera?

14 MR. WOODS: Any discussion they may have had
04:53:23 15 about facts supporting general jurisdiction, which would
16 be, you know --

17 MR. WATERS: I understand what you're saying.

18 MR. ANDERSON: Let -- let him talk. Okay.

19 MR. WOODS: Would be the presence of Cardinal
04:53:36 20 Rivera in California, specifically in Los Angeles, the
21 presence of the Diocese of Tehuacan in Los Angeles or
22 California. Any questions about, you know, their doing
23 business here or their being present here physically,
24 that would go to general jurisdiction.

04:53:56 25 On specific jurisdiction, any questions

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04:53:58 1 relating to sending Aguilar Rivera here and any injury
2 of your plaintiff here, any questions or discussion
3 about your plaintiff being here, those would be
4 questions that go to jurisdiction, in my opinion.

04:54:24 5 And if you say, for example, "Did you have
6 any discussion about plaintiff Mendez being in
7 Los Angeles with Aguilar Rivera," I'd let him answer
8 because I think that goes to jurisdiction.

9 But asking him, for example, "Did you abuse
04:54:43 10 one of the altar boys at a parish in Los Angeles other
11 than the plaintiff," I wouldn't let him answer that.

12 MR. SELSBERG: Just so you understand our
13 position --

14 MR. WOODS: -- the jurisdiction in this case.

04:54:56 15 MR. SELSBERG: He misspoke. So there's no
16 confusion, our position is that Nicolas Aguilar Rivera
17 was not sent here, that he elected to go here on his own
18 and obtained permission, and that's consistent with the
19 Cardinal's --

04:55:12 20 MR. WOODS: Discussion about that fact I would
21 let him answer.

22 BY MR. WATERS:

23 Q During your meeting with Nicolas Aguilar
24 Rivera, did he at any time inform you that he was

04:55:20 25 planning on leaving the United States?

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04:55:27 1 MR. WOODS: Hold on. I'm going to object to that
2 question as beyond the scope of jurisdiction and
3 instruct the witness not to answer.

4 BY MR. WATERS:

04:55:34 5 Q During your conversation with Nicolas Aguilar
6 Rivera, did he ever -- did the name Norberto Rivera come
7 up?

8 A No.

9 Q During the conversation with Nicolas Aguilar
04:55:48 10 Rivera on January 9th, 1988, did you discuss his
11 Ordinary in any manner?

12 A No.

13 Q Or his superior in any manner?

14 A No, not that I remember.

04:56:04 15 Q At any time prior to January 9th, 1988, did
16 Nicolas Aguilar Rivera tell you that he elected to come
17 to the United States and seek temporary faculties in the
18 Archdiocese of Los Angeles on his own?

19 A My understanding from the letter of
04:56:28 20 January 27th was that it was his desire to come to
21 Los Angeles.

22 Q And his desire made with the consent and
23 authorization of his superior, correct?

24 MR. SELSBERG: Objection; assumes facts not in
04:56:39 25 evidence.

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04:56:41 1 MR. WOODS: Okay. And it's also compound, and
2 he's using two -- "consent" and "authorization." I
3 don't know if he means them to be the same or to be
4 different, so I just point that out. I think it's two
04:56:54 5 questions.

6 You can answer.

7 THE WITNESS: He received consent to his -- to
8 his request to come to the Archdiocese of Los Angeles.

9 BY MR. WATERS:

04:57:05 10 Q And, in fact, his -- pursuant to Exhibit 23,
11 his superior recommended him to the Archdiocese of
12 Los Angeles, correct?

13 A Yes.

14 MR. SELSBERG: Objection; assumes facts not in
04:57:14 15 evidence.

16 THE WITNESS: I accepted his letter as a
17 recommendation.

18 BY MR. WATERS:

19 Q I'll make the representation that the police
04:57:31 20 report seems to indicate that your January 9th, 1988,
21 meeting with Nicolas Aguilar Rivera took place at St.
22 Agatha's. Does that refresh your recollection as to
23 where the meeting took place?

24 A No. But he was assigned at St. Agatha's, so
04:57:47 25 it would make sense.

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04:57:51 1 Q Did you ever meet with Nicolas Aguilar Rivera
2 at his sister's house?
3 A No.
4 Q To your knowledge, where was Nicolas Aguilar
04:58:02 5 Rivera residing on January 9th, 1988, when you met with
6 him?
7 A January 9th, 1988?
8 Q 1988.
9 MR. WOODS: That's a Saturday.
04:58:13 10 THE WITNESS: That's a Saturday. He was residing
11 at the rectory, I think. I'm not sure.
12 BY MR. WATERS:
13 Q And during this meeting on January 9th, 1988,
14 did you revoke Nicolas Aguilar Rivera's faculties to
04:58:24 15 minister in the Archdiocese of Los Angeles?
16 A Yes.
17 Q And did you revoke those faculties on the
18 express request of Cardinal Mahony?
19 A I would have done that on my own authority.
04:58:41 20 Q And why would you have done that on your own
21 authority?
22 A Because I didn't think he was fit to continue
23 to serve here.
24 Q And the reason why you didn't think he was
04:58:50 25 fit to continue to serve here was why?

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04:58:53 1 MR. WOODS: Okay. I'm going to object to any
2 further inquiry along this line as beyond the scope of
3 jurisdiction and instruct the witness not to answer.
4 BY MR. WATERS:
04:59:03 5 Q Between January -- or when did you first
6 become -- come to the conclusion, in your mind, that
7 Father Nicolas Aguilar Rivera was not fit to serve
8 within the Archdiocese of Los Angeles?
9 MR. WOODS: Same objection, same instruction.
04:59:18 10 BY MR. WATERS:
11 Q Between January 8, 1988, and January 11th,
12 1988, Friday to Monday, did you tell anybody besides
13 Father Nicolas Aguilar Rivera that you felt that he was
14 unfit to serve in the Archdiocese of Los Angeles?
04:59:46 15 MR. WOODS: Object to the scope of the question
16 as beyond the scope of jurisdiction except to the extent
17 it might include communications with Aguilar Rivera's
18 Ordinary or other officials in Mexico. And if you were
19 to limit it to that, I would let him answer. But
05:00:06 20 otherwise, I'm going to instruct him not to answer.
21 MR. WATERS: Okay. So you instruct not to answer
22 that question?
23 THE WITNESS: Correct.
24 BY MR. WATERS:
05:00:11 25 Q Now I'll ask this question. Between

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05:00:13 1 January 8th, 1988, and January 11th, 1988, the Friday to
2 Monday, did you inform anybody within the Diocese of
3 Tehuacan of your determination that Father Nicolas
4 Aguilar Rivera was unfit to serve in the Archdiocese of
05:00:28 5 Los Angeles?
6 A On January 11th, I wrote the letter to his
7 bishop saying that he could not be here.
8 Q But prior to writing that letter on
9 January 11?
05:00:36 10 A No.
11 Q I'm showing you what's been marked as number
12 30.
13 (Whereupon, previously marked Exhibit 30 was
14 introduced for the record.)
05:01:11 15 BY MR. WATERS:
16 Q Do you recognize this document?
17 A Yes, I do.
18 Q What is this document?
19 A This is a letter to Bishop Roberto --
05:01:20 20 Norberto Rivera, stating that Father Nicolas Aguilar
21 Rivera could no longer serve in this diocese, and his
22 faculties had been withdrawn.
23 Q And the reason that you were withdrawing his
24 faculties was because of the report of childhood sexual
05:01:36 25 abuse, correct?

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05:01:37 1 A Yes.
2 Q And in this letter, you state in the second
3 paragraph, "According to the civil law here, the
4 accusations must be reported to the authorities,"
05:01:48 5 correct?
6 A Yes.
7 Q And so you were aware at this time when you
8 wrote this letter that the accusations of childhood
9 sexual abuse against Nicolas Aguilar Rivera had to be
10 reported to the authorities?
11 A Yes.
12 Q At the time that you wrote this letter, had
13 you or anybody affiliated with the Archdiocese reported
14 the accusations to the authorities?
05:02:12 15 MR. WOODS: Okay. I'm going to object to the
16 question as beyond the scope of this deposition and
17 instruct the witness not to answer.
18 BY MR. WATERS:
19 Q Did you meet -- did your meeting on
05:02:28 20 January 9th 1988, precede you or the Archdiocese
21 notifying the authorities of these accusations?
22 MR. WOODS: Same objection, same instruction.
23 BY MR. WATERS:
24 Q In this letter on the third paragraph, it
05:02:50 25 indicates that you told Father Nicolas Aguilar Rivera

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05:02:55 1 that until a full investigation has been -- has taken
2 place, he may not serve in this Archdiocese and that his
3 faculties had been withdrawn, correct?

4 A Yes.

05:03:08 5 Q As you sit here today, do you specifically
6 recall telling him that?

7 A No, I don't.

8 Q What type of full investigation are you
9 referring to in this paragraph in Exhibit 30?

05:03:21 10 A I would refer to finding out both by the
11 church and the civil authorities as to the nature of the
12 accusations.

13 Q So your concern here with full investigation
14 meant twofold, the church investigation, as well as the
15 civil investigation, correct?

16 A Yes.

17 Q During your meeting of January 9th, 1988, did
18 you inform Father Nicolas Aguilar Rivera that he needs
19 to remain in the jurisdiction of the Archdiocese of
20 Los Angeles so this full investigation can take place?

21 MR. WOODS: Object to the scope of the question
22 as beyond the scope of jurisdiction and instruct the
23 witness not to answer.

24 BY MR. WATERS:

05:04:05 25 Q Did you inform his superior, Norberto Rivera,

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05:04:10 1 that you desired and the Archdiocese desired that Father
2 Nicolas Aguilar Rivera remain within the jurisdiction of
3 the Archdiocese of Los Angeles so a full investigation
4 can take place?

5 A Not at that time.

6 Q Did you ever inform his superior, Norberto
7 Rivera, or the Diocese at Tehuacan of your desire that
8 he remain in the Archdiocese of Los Angeles so this full
9 investigation could take place?

10 A No.

11 Q In this letter, you indicate that you believe
12 he plans to stay with some family members here and then
13 return to Mexico. Is that what Father Nicolas Aguilar
14 Rivera told you during your January 9th, 1988, meeting?

15 A I believe he did.

16 Q Did he tell you when he desired to return to
17 Mexico?

18 A No.

19 Q I'd like to refer you to Exhibit 101, which
20 is the police report conducted by the authorities in
21 Los Angeles.

22 (Whereupon, previously marked Exhibit 101 was
23 introduced for the record.)

24 BY MR. WATERS:

05:05:39 25 Q Prior to today, have you ever reviewed this

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05:05:41 1 document?

2 A No.

3 Q To your knowledge, prior to today, has the
4 Archdiocese of Los Angeles ever requested a copy of this
5 police report?

6 A I do not know.

7 Q If I could refer you to page 24. It's the
8 first line, first sentence. "Curry said Aguilar stated
9 he was going to return to Mexico at the first of the
10 week, 1-11.

11 A Where does it say that?

12 Q Do you recall telling the law enforcement
13 that Aguilar stated he was going to return to Mexico at
14 the -- at the first of the week, 1-11?

15 A No.

16 Q As you sit here today, do you recall Aguilar
17 telling you during your January 9th, 1988, meeting that
18 he was going to return to Mexico on -- at the beginning
19 of the week, 1-11?

20 A No, I don't.

21 Q If Aguilar Rivera had told you during the
22 January 9th, 1988, meeting that he was planning on
23 returning to Mexico at the first of the week 1-11, would
24 you have advised him to stay within the jurisdiction of
25 the Archdiocese of Los Angeles so a full investigation

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05:07:11 1 could take place?

2 MR. WOODS: Object.

3 MR. SELSBERG: Objection; calls for speculation.

4 MR. WOODS: Same objection. Plus, it's beyond
5 the scope of the jurisdictional issues, and I instruct
6 the witness not to answer.

7 BY MR. WATERS:

8 Q It's my understanding that the report of
9 sexual misconduct -- childhood sexual abuse regarding
10 Father Nicolas Aguilar Rivera came to you by Father
11 McClean.

12 MR. WOODS: Wait for the question.

13 BY MR. WATERS:

14 Q Is it your knowledge that you were first
15 informed of the accusations of childhood sexual abuse by
16 Father McClean?

17 A No. I don't remember that.

18 Q Do you recall ever having any conversation
19 with Father McClean regarding these accusations?

20 MR. WOODS: Okay. I'm going to object. That's
21 beyond the scope of the jurisdictional issues and
22 instruct the witness not to answer.

23 BY MR. WATERS:

24 Q Do you recall having any conversations with
25 Sister Renee, the principal, regarding accusations of

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05:08:22 1 childhood sexual abuse made against Father Nicolas
2 Aguilar Rivera?
3 MR. WOODS: Same objection, and the same
4 instruction.
05:08:31 5 MR. WATERS: I'm just asking if he recalls having
6 a conversation.
7 MR. WOODS: Unless the conversation relates to
8 contacts by the Mexican nationals with California, it's
9 beyond the scope of this depo, in my opinion.
05:08:43 10 MR. WATERS: Well, we don't know until he answers
11 the question as to whether or not there were
12 conversations.
13 MR. WOODS: No, but this is a limited deposition
14 by court order. So you have to limit the question to
05:08:51 15 the scope that's permissible, and then he'll answer it.
16 MR. WATERS: I did. I asked if he had any
17 conversations with Sister Renee and asked if he had any
18 conversations with Father McClean, and you've blocked
19 the questions.
05:09:03 20 MR. WOODS: No, no. Ask him if he had any
21 conversations with Sister Renee about Cardinal Rivera
22 doing business in California or living in California or
23 coming to California frequently or --
24 MR. WATERS: I have to ask the --
05:09:15 25 MR. WOODS: -- or about Mr. Mendez, your client,

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05:09:18 1 being in California or being abused in California or
2 something to that effect. Then I'll let him answer it.
3 MR. WATERS: Don, I really think you're
4 obstructing the inquiry here. I mean I need to ask
05:09:29 5 these foundational questions in order to get to the next
6 questions, and it's improper for you to instruct on the
7 foundational question.
8 MR. WOODS: I appreciate your desire to do a good
9 job for your client and I appreciate that you want to
05:09:40 10 ask questions that go to the merits of the case, but
11 this isn't the place or the time for it.
12 MR. ANDERSON: The questions are about Nicolas
13 Aguilar Rivera being in California as an agent of
14 Norberto Rivera.
05:09:54 15 MR. WOODS: An agent?
16 MR. ANDERSON: -- the diocese.
17 MR. WOODS: Ask him if they had a conversation
18 about him being an agent of Cardinal Rivera, I'll let
19 him ask it.
05:10:05 20 MR. WATERS: Give me a break.
21 MR. ANDERSON: He is the one doing business in
22 California. The question goes to Nicolas Aguilar Rivera
23 and -- and his contacts with California.
24 MR. WATERS: I mean I think -- we'll get the
05:10:21 25 judge involved. I understand why you're taking an

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05:10:23 1 approach regarding the scope of this, but I really
2 think -- I'm not trying to get a broadbrush here. I'm
3 trying to ask the foundational questions to get more
4 information. I think that you're being too narrow, and
05:10:34 5 I think that we're going to have to get the judge
6 involved. I'll move on to another topic.
7 BY MR. WATERS:
8 Q In regards to Exhibit 30, your January 11th
9 letter to "Most Reverend Norberto Rivera" --
05:11:14 10 A Exhibit 30 in B?
11 Q No.
12 A Oh, here. Yes.
13 Q Okay. The third paragraph, last sentence
14 where you state that his faculties have been withdrawn,
05:11:35 15 you're referring to the faculties for the Archdiocese of
16 Los Angeles, correct?
17 A Correct.
18 Q You're not referring to the faculties for the
19 Diocese of Tehuacan, correct?
05:11:43 20 A No.
21 Q And you don't have any power or authority to
22 withdraw those faculties, correct?
23 A Correct.
24 Q Only one person can withdraw those faculties,
05:11:51 25 and that would be his -- the superior or Ordinary for

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05:11:54 1 the Diocese of Tehuacan, correct?
2 A Yes.
3 MR. SELSBERG: Objection; assumes facts not in
4 evidence.
05:12:19 5 BY MR. WATERS:
6 Q During this time period that he was in --
7 that he, Father Nicolas Aguilar Rivera, was in the
8 United States, he was still -- or he was incardinated in
9 the Diocese of Tehuacan, correct?
05:12:34 10 A Correct.
11 Q He was an employee for the Diocese of
12 Tehuacan, correct?
13 MR. SELSBERG: Objection; calls for legal
14 conclusion, object to the competency of this witness to
05:12:44 15 answer that question.
16 MR. WOODS: And I'm going to object that the term
17 "employee" may be a term of art. It may have a
18 different meaning in Mexico than here, calls for a legal
19 opinion and conclusion, calls for -- it's a
05:12:57 20 hypothetical. It's got -- it may have some marginal
21 relevance to jurisdiction. So I'll let him answer
22 with -- with all that.
23 MR. SELSBERG: And it assumes facts not in
24 evidence.
05:13:15 25 THE WITNESS: He wouldn't -- to the best of my

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05:13:17 1 knowledge, he was not employed by the Archdiocese -- or
2 the diocese in Mexico.
3 BY MR. WATERS:
4 Q He was employed by the Archdiocese in
05:13:25 5 Los Angeles?
6 A He was given faculties by the Archdiocese of
7 Los Angeles.
8 Q Was he paid for his service to the
9 Archdiocese of Los Angeles?
05:13:31 10 A Yes.
11 Q Who paid his -- for the services to the
12 Archdiocese of Los Angeles?
13 MR. WOODS: Was he paid by the Archdiocese or
14 some subunit?
05:13:40 15 THE WITNESS: He was paid by the parishes where
16 he served.
17 BY MR. WATERS:
18 Q And the parishes he served are controlled by
19 the Archdiocese, correct?
05:13:51 20 A Yes.
21 Q To your knowledge, did the Archdiocese of
22 Los Angeles receive any monetary compensation for
23 allowing Father Nicolas Aguilar Rivera to serve in the
24 Archdiocese of Los Angeles?
05:14:10 25 A It did not.

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05:14:26 1 Q During the time that Father Nicolas Aguilar
2 Rivera was serving in the Archdiocese of Los Angeles,
3 who had primary control over him?
4 MR. SELSBERG: Objection; vague.
05:14:42 5 MR. WOODS: I'm going to object that the word
6 "control" is subject to so much mischief. Without
7 circumstances relating to control as to what aspect of
8 his activities, it's really calling for speculation.
9 BY MR. WATERS:
05:15:04 10 Q Let me ask it this way. During the time that
11 he -- Nicolas Aguilar Rivera was granted faculties in
12 the Archdiocese of Los Angeles, he was never
13 incardinated in the Archdiocese, correct?
14 A No.
05:15:16 15 Q He remained incardinated in the Diocese of
16 Tehuacan, correct?
17 A Yes.
18 Q And during the time that he was -- had
19 faculties in the Archdiocese of Los Angeles, he never
05:15:26 20 took an oath of obedience or made a promise of obedience
21 to the Archbishop of Los Angeles, correct?
22 A No.
23 Q He did not make that oath or promise?
24 A No.
05:15:37 25 Q So when an extern priest is granted temporary

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05:15:41 1 faculties, is my understanding correct that they do not
2 make an oath of obedience or make promise of obedience,
3 however you want to refer to it as, to the superior of
4 the jurisdiction in which they're being granted
05:15:57 5 faculties?
6 MR. WOODS: Okay. I'm going to object that it
7 calls for an opinion. I guess it's a canonical opinion.
8 I don't believe this witness is qualified to give a
9 canonical legal opinion. I'm going to let him answer
05:16:15 10 the question as best he can as to whether the extern
11 takes an oath or a promise to the local bishop.
12 THE WITNESS: Accepting faculties is an implied
13 promise. But to my knowledge, there was not an overt
14 action of taking an oath or making a promise.
05:16:40 15 BY MR. WATERS:
16 Q And that -- it was not an overt act of making
17 a promise of obedience to the bishop of the granting
18 jurisdiction?
19 MR. SELSBERG: Objection. That mischaracterizes
05:16:52 20 the witness's testimony.
21 MR. WOODS: Yeah. I -- could I hear the question
22 back? I lost it somewhere in there.
23 THE REPORTER: "Question: And it was not an
24 overt act of making a promise of obedience to the bishop
05:16:58 25 of the granting jurisdiction?"

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05:17:11 1 MR. WOODS: I'm going to object. It's confusing.
2 I don't know what "it" is. There was no "it." That's
3 the way I heard his testimony.
4 BY MR. WATERS:
05:17:19 5 Q So there was no overt promise made to
6 Archbishop Mahony by Father Nicolas Aguilar?
7 MR. SELSBERG: Objection; mischaracterizes the
8 witness' testimony.
9 MR. WOODS: Was there.
05:17:28 10 BY MR. WATERS:
11 Q Was there an express promise made by Father
12 Nicolas Aguilar Rivera to Archbishop Roger Mahony of
13 obedience?
14 A Not that I know of.
05:17:48 15 Q Did you receive a response from Norberto
16 Rivera to your January 11th, 1988, letter?
17 A 1988.
18 Q Which is Exhibit 30.
19 A Okay. Thank you.
05:18:11 20 Q Or if you're going to go into Exhibit B, it's
21 B-20.
22 A I don't believe I did.
23 Q I'm showing you what's been marked
24 Exhibit 31.
05:18:52 25 (Whereupon, previously marked Exhibit 31 was

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05:18:52 1 introduced for the record.)
2 BY MR. WATERS:
3 Q Do you recognize this document?
4 A Yes.
05:18:54 5 Q What is this document?
6 A This is a letter to Bishop Norberto Rivera
7 from me, sending him information of a copy of a story
8 from the "Los Angeles Times" on February 20th, 1988.
9 Q And why did you send him copies of the
05:19:10 10 newspaper articles?
11 A It's a request that -- that I urge him to
12 return.
13 Q And why did you send him copies of the
14 newspaper articles?
05:19:23 15 A So that he would know what was happening,
16 publicity, here in the Archdiocese.
17 Q Were you concerned that the publicity was
18 bringing scandal to the church?
19 MR. WOODS: Object. Does not relate to the
05:19:37 20 jurisdictional issues. Instruct the witness not to
21 answer.
22 BY MR. WATERS:
23 Q Did you send the newspaper articles to
24 Norberto Rivera so he could see the seriousness of the
05:19:50 25 allegations made against Father Nicolas Aguilar Rivera?

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05:19:55 1 A Yes.
2 Q Did Father -- strike that.
3 Did Norberto Rivera respond to your
4 February 23rd, 1988, letter where you enclosed these
05:20:10 5 newspaper articles?
6 A Not that I remember.
7 Q Did you have any telephone conversations with
8 Father Norberto Rivera regarding these newspaper
9 articles and this February 23rd correspondence?
05:20:25 10 A No.
11 Q Did you have any conversations with Norberto
12 Rivera regarding his failure to respond to your
13 January 11th, 1988, letter?
14 A No.
05:20:40 15 Q Did you have any telephone conversations with
16 Father -- strike that.
17 Did you have any conversations with Norberto
18 Rivera regarding his failure to respond to this
19 February 23rd, 1988, letter?
05:20:51 20 A No.
21 Q When you wrote this February 23rd, 1988,
22 letter, you believed that Norberto Rivera had the power
23 to order Father Nicolas Aguilar Rivera back to the
24 United States, correct?
05:21:33 25 MR. WOODS: Okay. I'm going to -- I'm going to

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05:21:40 1 object that the term "had the power to order" is vague
2 and ambiguous. He has the power to say it. Whether he
3 has the power to enforce it is another totally different
4 thing.
05:21:55 5 MR. WATERS: I'm just saying --
6 MR. WOODS: So I don't want the witness to be
7 confused as to what you're meaning.
8 MR. WATERS: And -- and I appreciate that.
9 BY MR. WATERS:
05:22:02 10 Q In February of 1988, did you have any
11 impression as to whether or not Father Nicolas Aguilar
12 Rivera remained incardinated in the Diocese of Tehuacan?
13 MR. SELSBERG: I'm sorry. Could you read that
14 back? I'm sorry. I missed it.
05:22:17 15 THE REPORTER: "Question: In February of 1988,
16 did you have any impression as to whether or not Father
17 Nicolas Aguilar Rivera remained incardinated in the
18 Diocese of Tehuacan?"
19 MR. SELSBERG: Thank you.
05:22:34 20 THE WITNESS: Yes.
21 BY MR. WATERS:
22 Q And it was your impression that he remained
23 incardinated in the Diocese at Tehuacan, correct?
24 A I never heard he was incardinated anywhere
05:22:44 25 else.

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05:22:45 1 Q And so the bishop of the Diocese at Tehuacan
2 had authority to require his priest to return to the
3 United States, correct?
4 MR. SELSBERG: Objection; calls for speculation
05:23:01 5 and exceeds the competence of this witness.
6 MR. WOODS: Object in terms you're asking for an
7 opinion about canonical or Canon Law.
8 But just as a lay priest and vicar for
9 clergy, your general understanding is all he's asking
05:23:19 10 you, whether this bishop could -- had the authority to
11 say it or order it.
12 THE WITNESS: He had the authority to ask him to
13 return. He could not require him to return.
14 BY MR. WATERS:
05:23:29 15 Q But if the priest did not obey the request,
16 the superior could sanction the priest, correct?
17 A Yes.
18 MR. SELSBERG: Objection; calls for speculation.
19 BY MR. WATERS:
05:23:39 20 Q And, in fact, the reason why you wrote this
21 February 23rd, 1988, letter was to encourage Norberto
22 Rivera to send Father Nicolas Aguilar Rivera back to the
23 United States, correct?
24 MR. SELSBERG: Objection; assumes facts not in
05:23:56 25 evidence.

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05:23:58 1 THE WITNESS: May I answer?
 2 MR. WOODS: Sure.
 3 THE WITNESS: Yeah. The letter says to urge
 4 him -- urge him strongly to return here.
 05:24:11 5 BY MR. WATERS:
 6 Q So this is a plea from you, as vicar of
 7 clergy, to Father Nicolas Aguilar Rivera's superior to
 8 have him return to the United States and Los Angeles
 9 Diocese, correct?
 05:24:27 10 A Or to return to the United States. He would
 11 not return to the Archdiocese of Los Angeles.
 12 Q And I may have asked this question, but did
 13 Father Norberto Rivera ever respond to this letter?
 14 A Not that I know of.
 05:25:17 15 Q I'm showing you what's been marked as number
 16 40.
 17 I'm going to withdraw that. I grabbed the
 18 wrong exhibit, and I apologize for the time you spent in
 19 reviewing that. I am withdrawing Exhibit Number 40.
 05:26:11 20 MR. ANDERSON: Why don't we take a short break
 21 here.
 22 THE VIDEOGRAPHER: Off the record, the time is
 23 5:26.
 24 (Recess taken from 5:26 p.m. until
 05:28:21 25 5:37 p.m.)

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05:37:21 1 THE VIDEOGRAPHER: On the record, the time is
 2 5:37.
 3 BY MR. WATERS:
 4 Q To your knowledge, when did the Archdiocese
 05:38:03 5 of Los Angeles first become aware of the purported
 6 March 23rd, 1987, letter from Norberto Rivera to
 7 Archbishop Roger Mahony with a cc to yourself?
 8 A Could you please repeat the date of the
 9 letter?
 05:38:21 10 Q March 23rd, 1987, letter.
 11 A March 23rd, 1987.
 12 Q Yes.
 13 MR. WOODS: I think you better show him the
 14 letter so it doesn't get confusing.
 05:38:40 15 MR. WATERS: It is Exhibit --
 16 MR. WOODS: 155 in there. It's Exhibit 155.
 17 THE WITNESS: Yes.
 18 MR. WATERS: It's B-155 and it's also Exhibit 26.
 19 THE WITNESS: Okay. The question is when did the
 05:39:20 20 Archdiocese become aware of this letter?
 21 BY MR. WATERS:
 22 Q Yes.
 23 MR. WOODS: Okay. I don't know if he can answer
 24 for the Archdiocese, but if he knows.
 05:39:28 25 MR. WATERS: That's all I'm asking.

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05:39:30 1 MR. SELSBERG: Asked and answered, then.
 2 THE WITNESS: Sometime around that time, I
 3 gather. The letter of -- excuse me. I -- okay. This
 4 says the 11th of June, 2004.
 05:40:05 5 BY MR. WATERS:
 6 Q And it's my understanding that's the first
 7 time that the Archdiocese got a copy of the March 23rd,
 8 1987, letter. My question was a little different.
 9 My question was to your knowledge, when was
 05:40:17 10 the first time the Archdiocese became aware of the
 11 existence of the purported March 23rd, 1987, letter?
 12 MR. SELSBERG: Objection; asked and answered.
 13 THE WITNESS: I'm not sure I know about that
 14 information.
 05:40:31 15 BY MR. WATERS:
 16 Q I'm showing you what's been marked as number
 17 44.
 18 A Yes.
 19 (Whereupon, Exhibit 44 was introduced for the
 05:40:36 20 record, a copy of which is attached hereto.)
 21 BY MR. WATERS:
 22 Q This is a letter from Cardinal -- Archbishop
 23 Roger Mahony to Norberto Rivera.
 24 A Yes.
 05:40:49 25 Q Have you seen this document?

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05:40:50 1 A Yes.
 2 Q In this document, Archbishop Mahony informs
 3 Cardinal Rivera that he is not aware of the March 23rd,
 4 1987, letter?
 05:41:02 5 A Yes.
 6 Q And Archbishop Mahony informs Cardinal Rivera
 7 had he been informed of the, quote, homosexual problems,
 8 he wouldn't have been granted -- "he" being Father
 9 Nicolas Aguilar Rivera -- would not have been granted
 05:41:22 10 faculties at the Archdiocese of Los Angeles?
 11 A That's correct.
 12 Q Just -- just so I'm clear, you made the
 13 decision to grant faculties to Father Nicolas Aguilar
 14 Rivera, correct?
 05:41:36 15 A Yes.
 16 Q And that was with delegated authority from
 17 Archbishop Mahony, correct?
 18 A Yes.
 19 Q And the sole basis for your granting the
 05:41:45 20 faculties to Father Nicolas Aguilar Rivera was the
 21 letter of recommendation of January 27th, 1987,
 22 Exhibit 23?
 23 MR. SELSBERG: Objection; assumes facts not in
 24 evidence, mischaracterizes testimony.
 05:42:01 25 BY MR. WATERS:

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05:42:01 1 Q That's correct?
 2 A Yes.
 3 Q You had a meeting with Father Nicolas Aguilar
 4 Rivera on January 9th, 1988, correct?
 05:42:14 5 A That's on Saturday?
 6 Q Yes.
 7 A Yes.
 8 Q And during this conversation with Father
 9 Nicolas Aguilar Rivera, you informed him of the
 05:42:23 10 allegations, correct?
 11 A Yes.
 12 Q During this conversation, did you ask Father
 13 Nicolas Aguilar Rivera what he planned to do next?
 14 A I don't remember that.
 05:42:34 15 Q During this conversation with Father Nicolas
 16 Aguilar Rivera, did you request that he contact his
 17 superior?
 18 A No.
 19 Q Did you request that he contact Norberto
 05:42:46 20 Rivera?
 21 A No.
 22 Q Did you request that he contact anybody in
 23 the Diocese at Tehuacan regarding the allegations?
 24 A No.
 05:42:54 25 Q During this conversation and meeting with

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05:42:57 1 Nicolas Aguilar Rivera, did he ask you to contact
 2 Norberto Rivera?
 3 A I don't remember that he did.
 4 Q During this conversation or meeting with
 05:43:15 5 Father Nicolas Aguilar Rivera, did he request that you
 6 contact the Diocese of Tehuacan?
 7 A I don't remember that he did.
 8 Q During this meeting or -- with Father Nicolas
 9 Aguilar Rivera, did he request that you contact law
 05:43:30 10 enforcement?
 11 A Did he request?
 12 Q Yes.
 13 A No.
 14 Q During this meeting with Father Nicolas
 05:43:38 15 Aguilar Rivera, did you advise him that you were going
 16 to contact law enforcement?
 17 MR. WOODS: I'm going to object that the question
 18 is beyond the scope of the jurisdictional issues and
 19 instruct the witness not to answer.
 05:43:54 20 BY MR. WATERS:
 21 Q During this conversation or meeting with
 22 Father Nicolas Aguilar Rivera, did he request assistance
 23 from you or the Archdiocese to leave California?
 24 A No.
 05:44:08 25 Q During this conversation with Father Nicolas

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05:44:14 1 Aguilar Rivera on January 9th, 1988, did you ask him to
 2 inform anybody in Mexico regarding the accusations?
 3 A No.
 4 Q During the conversation of January 9th, 1988,
 05:44:30 5 with Father Nicolas Aguilar Rivera, did you instruct him
 6 to stay in Los Angeles?
 7 A No.
 8 Q As you sit here today, can -- do you have a
 9 reason or can you think of a reason as to why you didn't
 05:44:47 10 inform him to stay in Los Angeles?
 11 MR. WOODS: Object to the question as beyond the
 12 scope of jurisdiction and instruct the witness not to
 13 answer.
 14 BY MR. WATERS:
 05:44:57 15 Q During the January 9th, 1988, meeting with
 16 Father Nicolas Aguilar Rivera, did you explain to him
 17 the severity of the accusations?
 18 MR. WOODS: Same objection, same instruction.
 19 BY MR. WATERS:
 05:45:11 20 Q During the conversation of January 9th, 1988,
 21 did you inform Father Nicolas Aguilar Rivera of your
 22 duty or your responsibility to inform the authorities of
 23 the accusations as evidenced in your January 11th letter
 24 to Norberto Rivera?
 05:45:30 25 MR. WOODS: Okay. That -- I'm going to have

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05:45:32 1 to -- it's beyond the issues of jurisdiction, and I
 2 instruct him not to answer.
 3 BY MR. WATERS:
 4 Q This morning during Cardinal Mahony's
 05:45:47 5 testimony, he testified that it was his recollection
 6 that you informed him of the accusations against Father
 7 Nicolas Aguilar Rivera as soon as you found out about
 8 the accusations of childhood sexual abuse. Is that
 9 consistent with your recollection?
 05:46:08 10 MR. WOODS: Okay. I object to the summary of the
 11 testimony this morning. I think the record will reflect
 12 what it -- what it was, and I frankly don't recall.
 13 But I'm going to object. It's beyond the
 14 scope of jurisdiction and instruct the witness not to
 05:46:29 15 answer.
 16 BY MR. WATERS:
 17 Q In 1987, was there a policy and procedure
 18 regarding the time in which you were required to inform
 19 your superior of any allegations of misconduct on behalf
 05:46:46 20 of a clergy with faculties in the Archdiocese of
 21 Los Angeles?
 22 MR. WOODS: I'm going to object that the term
 23 "any misconduct" is overly broad, vague and ambiguous,
 24 and impossible to answer as phrased and instruct the
 05:47:00 25 witness not to answer.

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05:47:01 1 BY MR. WATERS:
 2 Q Same question, but instead of any misconduct,
 3 misconduct regarding childhood sexual abuse.
 4 A It was part of my role as the vicar for
 05:47:14 5 clergy to keep Cardinal Mahony completely informed.
 6 Q And -- and in carrying out that duty or that
 7 obligation, was it your policy and practice to inform
 8 him immediately upon becoming aware of allegations of
 9 childhood sexual abuse levied against a priest with
 05:47:37 10 faculties in the Archdiocese of Los Angeles?
 11 A I informed him as soon as I reasonably could.
 12 Q You received the January 23rd, 1987, letter
 13 of recommendation for Norberto Rivera regarding Father
 14 Nicolas Aguilar Rivera's fitness as a priest, correct?
 05:48:35 15 MR. SELSBERG: Objection; assumes facts not in
 16 evidence, mischaracterizes the letter.
 17 MR. WOODS: That sounded like a statement to me.
 18 But do you understand the question?
 19 THE WITNESS: Does it refer to January 27th?
 05:48:51 20 BY MR. WATERS:
 21 Q The 20 -- January 27th, I believe, yes,
 22 letter. You received that letter, correct?
 23 A Yes.
 24 Q And in reviewing that letter, it was your
 05:49:00 25 determination that Norberto Rivera was indicating to the

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05:49:07 1 Archdiocese of Los Angeles that Father Nicolas Aguilar
 2 Rivera was fit under Canons 271, paragraph 1, 2, and 3,
 3 to serve as a priest in the Archdiocese of Los Angeles,
 4 correct?
 05:49:22 5 MR. SELSBERG: Objection; asked and answered.
 6 MR. WOODS: I agree. It's redundant. About the
 7 900th time we've gone through this. But I'll let him
 8 answer one more time.
 9 THE WITNESS: Yes.
 05:49:33 10 BY MR. WATERS:
 11 Q Upon first receiving any awareness of Father
 12 Nicolas Aguilar Rivera, which I believe you testified
 13 was March 4th, 1987, until the time he left the United
 14 States, which I believe is January 9th, 1988, within
 05:50:27 15 that time period, did you personally have any telephone
 16 conversations with Norberto Rivera?
 17 A No.
 18 Q Within that time period, did you have any
 19 telephone conversations with anybody affiliated with the
 05:50:40 20 Diocese of Tehuacan?
 21 A No.
 22 Q Besides the conversation which you had with
 23 Father Nicolas Aguilar Rivera on January 9th, 1988,
 24 besides that conversation and besides the meeting you
 05:50:55 25 had or could have had where you granted him faculties,

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05:51:02 1 did you have any other conversations with him while he
 2 served as extern priest in the Archdiocese of
 3 Los Angeles?
 4 A Not that I remember.
 05:51:13 5 Q Besides the face-to-face meeting with Father
 6 Nicolas Aguilar on January 9th, 1988, that Saturday, did
 7 you have any other meetings with Father Nicolas Aguilar
 8 where the allegations of childhood sexual abuse were
 9 discussed?
 05:51:30 10 A No.
 11 Q Besides that meeting in person on
 12 January 9th, 1988, did you have any conversations with
 13 Father Nicolas Aguilar, whether it be on telephone, in
 14 person -- or in person, regarding the allegations of
 05:51:50 15 childhood sexual abuse?
 16 A Not that I remember, no.
 17 Q When was the last time you spoke with Father
 18 Nicolas Aguilar Rivera?
 19 A On the Saturday in January. It was
 05:52:02 20 January 9th, I believe.
 21 Q You're aware that Father Nicolas Aguilar
 22 Rivera left the Archdiocese of Los Angeles, correct?
 23 A Yes.
 24 Q When did you first become aware that Father
 05:52:13 25 Nicolas Aguilar Rivera was no longer within the

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05:52:16 1 jurisdictional confines of the Archdiocese of
 2 Los Angeles?
 3 A I can't remember exactly.
 4 Q Can you give me an estimate?
 05:52:25 5 A Probably within a week or so when the police
 6 began to investigate it.
 7 Q And how did you become aware that he was no
 8 longer within the jurisdictional confines of the
 9 Archdiocese?
 05:52:36 10 A I don't remember that.
 11 Q Can you describe for me Father Nicolas
 12 Aguilar Rivera's demeanor during your meeting on
 13 January 9th, 1988?
 14 MR. WOODS: Object. Calls for speculation,
 05:52:55 15 beyond the scope of jurisdiction, and instruct the
 16 witness not to answer.
 17 BY MR. WATERS:
 18 Q During the January 9th, 1988, meeting with
 19 Father Nicolas Aguilar Rivera, did he express concerns
 05:53:08 20 regarding the allegations of childhood sexual abuse?
 21 MR. WOODS: Beyond the scope of jurisdiction, and
 22 I instruct the witness not to answer.
 23 BY MR. WATERS:
 24 Q During the January 9th, 1988, meeting, did
 05:53:22 25 Father Nicolas Aguilar Rivera express concerns regarding

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05:53:28 1 potential criminal charges being brought against him in
 2 Los Angeles?
 3 MR. WOODS: I object that it's beyond the scope
 4 of jurisdiction and instruct the witness not to answer.
 05:54:53 5 BY MR. WATERS:
 6 Q I'd like to refer you to document B-66. This
 7 appears to be a memorandum from Archbishop Roger Mahony
 8 to Father Larry Estrada. Who is Father Larry Estrada?
 9 A He was the bishop secretary here in
 05:55:20 10 Los Angeles at the time.
 11 Q And in March of 1988, you were still vicar of
 12 clergy, correct?
 13 A Yes.
 14 Q And the subject of this memorandum is "Some
 05:55:31 15 Important Developments: Father Nicolas Aguilar Rivera
 16 Case"; is that correct?
 17 MR. WOODS: I'll object to the term "development"
 18 as fairly -- it says "Important Correspondence."
 19 MR. HABEL: He's talking about the subject line,
 05:55:51 20 Don.
 21 MR. WOODS: Oh, "Important Developments." Okay.
 22 Just so you're referring to the subject matter. Okay.
 23 BY MR. WATERS:
 24 Q And it says in paragraph number -- number 3,
 05:56:00 25 "Please work with Tom Curry and Sister Judy to set up a

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05:56:05 1 special meeting on Wednesday, March 9th, here in
 2 Los Angeles. I want to attend that one."
 3 Do you recall what special meeting this
 4 memorandum is referring to?
 05:56:15 5 A No, I don't.
 6 Q Do you recall regarding any developments that
 7 took place in March Sch, 1988?
 8 A No, I don't.
 9 Q In this memorandum, Archbishop Roger Mahony
 05:56:54 10 is directing diocesan individuals to contact by phone
 11 various individuals in Mexico.
 12 A Yes.
 13 Q And one of those individuals is Bishop
 14 Norberto Rivera Carrera, correct?
 15 A Yes.
 05:57:13 16 Q And so on March 5th of 1988, the Archdiocese
 17 of Los Angeles had the capacity to communicate with
 18 Archbishop Norberto Rivera Carrera via phone, correct?
 19 MR. WOODS: So stipulated.
 05:57:29 20 BY MR. WATERS:
 21 Q And was it a common practice in March of 1988
 22 for the Archdiocese of Los Angeles to have telephone
 23 contact with a diocese in Mexico?
 24 A No. It wasn't common, as far as I know.
 05:58:14 25 Q As you sit here today, do you recall any

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05:58:15 1 important developments which was taking place on
 2 March 5th of 1988 regarding Father Nicolas Aguilar
 3 Rivera case?
 4 A No, I don't.
 05:58:30 5 Q In this Exhibit B-66, Archbishop Roger Mahony
 6 is referring to a letter he wants read to Bishop
 7 Norberto Rivera Carrera and Monsignor Jose Espin
 8 Velasco. The spelling for the court reporter is Jose,
 9 common spelling, Espin, accent over the i, Velasco is
 05:58:59 10 V-e-l-a-s-c-o.
 11 Do you have any -- and he's in Guadalajara.
 12 Do you have any knowledge as to what letter
 13 Mahony is having read to these individuals?
 14 A There is a letter in the exhibit that
 05:59:20 15 Cardinal Mahony wrote to several bishops in Mexico. I
 16 assume that's the one he's referring to.
 17 Q And that would be evidenced by B-55 and B-54,
 18 correct?
 19 A Yes.
 06:00:04 20 Q On page B-93, my first question is what is
 21 this document?
 22 A On page B-93?
 23 Q Yes.
 24 A This was a cover memo from the Cardinal to
 06:00:28 25 me.

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06:00:30 1 Q And by "the Cardinal," you mean Roger Mahony?
 2 A Yes.
 3 Q Okay. And what was attached to this memo?
 4 A It may have been a letter from the bishop in
 06:00:57 5 Mexico. I'm not sure what was attached.
 6 Q To your knowledge, was B-94 attached to B-93
 7 with the remarks "Very urgent"?
 8 A I don't know that.
 9 Q I'd like to refer you to B-105. This is a
 06:03:09 10 memorandum dated April 1st, 1988, correct?
 11 A Yes.
 12 Q And it's from Archbishop Roger Mahony.
 13 A Yes.
 14 Q And it's to you, who at the time was vicar of
 06:03:21 15 clergy, correct?
 16 A That's right.
 17 Q And also to Sister Judy Murphy.
 18 A Right.
 19 Q Who is or who was sister Judy Murphy on
 06:03:30 20 April 1st, 1988?
 21 A She was the in-house legal counsel in the
 22 Archdiocese.
 23 Q Was she -- when you say "legal counsel,"
 24 Canon lawyer or California lawyer or both?
 06:03:41 25 A California lawyer.

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06:03:43 1 Q Okay. In this letter, Archbishop Mahony says
2 he was dumbfounded to read his, meaning Norberto
3 Rivera's, words referring to a letter dated March 23rd,
4 1987.
06:04:01 5 From the time that you became aware of the
6 existence of this March 23rd, 1987, letter to present,
7 besides this April 1st, 1988 memo, has Archbishop Mahony
8 ever used the word "dumbfounded" to you in describing
9 his reaction to reading Norberto Rivera's March letter
06:04:27 10 which he received on March 30th, 1988?
11 A I couldn't remember that.
12 Q Bishop Curry, where is Father Nicolas Aguilar
13 Rivera currently located?
14 A I do not know.
06:05:15 15 Q When is the last time you had any information
16 regarding the whereabouts of Nicolas Aguilar Rivera?
17 A To the best of my knowledge, in 1988.
18 Q So is my understanding correct that as of the
19 last time you met with him on January 9th, 1988, until
06:05:39 20 present, you had no information regarding his physical
21 whereabouts?
22 A No.
23 Q That's correct?
24 A I think so.
06:05:55 25 MR. WATERS: That's all the questions I have

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06:05:56 1 subject to the resolution of the questions which there
2 was instruction not to answer, as well as the issue
3 regarding documents.
4 MR. SELSBERG: I have no questions at this time.
06:06:09 5 MR. WOODS: Okay. Same stipulation as for
6 Cardinal Mahony, that the court reporter's relieved of
7 her obligations to hold the transcript, and she should
8 send the original to me.
9 I will present it to the witness. Any
06:06:25 10 changes he makes we'll put in a letter sent to all
11 counsel. Failure to make any changes or to sign it, a
12 copy may be used in any proceeding -- further proceeding
13 of this case. So stipulated?
14 MR. WATERS: So stipulated.
06:06:41 15 THE VIDEOGRAPHER: That concludes today's
16 deposition. The time is 6:06.
17 (Discussion held off the record from
18 6:06 p.m. until 6:07 p.m.)
19 MR. ANDERSON: Don, let's put on the record the
06:06:59 20 deposition schedule that we noticed. In light of the
21 position taken today, it looks like it might be a waste
22 of time to try to take those depositions, yours and
23 ours, until we get some court guidance about the scope
24 of the discovery. We obviously have a dispute.
06:07:16 25 Why don't we just put on the record that

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06:07:17 1 we've noticed the depositions. It was our intention to
2 take them. We think they're probative to the
3 jurisdictional discovery. Given the position you've
4 taken today, we'll take the burden of seeking court
06:07:29 5 relief on that and continue to adjourn those depositions
6 subject to court.
7 MR. WATERS: And so the record's clear, the
8 depositions to which Mr. Anderson's referring are the
9 depositions of Father McClean, Sister Renee --
06:07:44 10 MR. WOODS: I know which ones.
11 We're in the process of preparing a motion
12 for protective order to prevent those depositions on the
13 grounds that either of those people aren't even here,
14 they're not under our jurisdiction or control anymore,
06:07:58 15 or they know nothing about contacts and they had no
16 contacts with anybody in Mexico relating to this priest.
17 I'm inclined to just continue with that
18 motion and present it to the court, maybe simultaneously
19 with whatever you're producing here -- your motion. I
06:08:21 20 mean we don't think they're relevant because they know
21 absolutely nothing, and we can submit declarations from
22 them.
23 MR. SELSBERG: Our argument is further that we
24 believe your position is that you just needed these two,
06:08:38 25 and you were done. That's what I think you said.

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06:08:43 1 MR. HABEL: I'm waiting to the get the transcript
2 of the August 27th hearing. I believe Martin conceded
3 to the court that there was two depositions and two depositions
4 only. Now, I can't swear. I got to see the transcript.
06:08:56 5 MR. WOODS: Don't put him on the spot right now.
6 MR. ANDERSON: Okay. Well, let's -- let's go off
7 the record.
8 MR. HABEL: And let me say one more thing.
9 Sister Renee's dead.
06:08:59 10 THE REPORTER: Are we off the record?
11 MR. WOODS: Let's go off the record.
12 MR. ANDERSON: Let's go off the record.
13
14 (End of videotaped deposition at 6:09 p.m.
15 Declaration under penalty of perjury attached hereto.)
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