

0031
 .1 CONFIDENTIAL: SUBJECT TO COURT ORDER
 2 STATE OF CONNECTICUT : SUPERIOR COURT
 3
 4 JUDICIAL DISTRICT OF FAIRFIELD
 5 AT BRIDGEPORT
 6
 -----X
 7 GEORGE L. ROSADO, :
 8 Plaintiff, :
 9 -versus- : No. CV-93-0302072S
 10 BRIDGEPORT ROMAN CATHOLIC :
 11 DIOCESAN CORP., ET AL., :
 12 Defendants. :
 -----X
 13
 14
 15
 16
 17 Deposition of REVEREND MONSIGNOR
 18 WILLIAM A. GENUARIO, J.C.D., P.A., taken
 19 pursuant to Notice, at the law offices of
 20 Durant, Nichols, Houston, Mitchell & Sheahan,
 21 P.C., 1057 Broad Street, Bridgeport,
 22 Connecticut, before Lea M. Palombo, R.P.R., a
 23 Notary Public in and for the State of
 24 Connecticut, on Tuesday, March 4, 1997, at
 25 2:09 p.m.

0002
 1 A P P E A R A N C E S:
 2 For the Plaintiff:
 3 TREMONT & SHELDON, P.C.
 4 64 Lyon Terrace
 5 Bridgeport, Connecticut 06604
 6 By: T. PAUL TREMONT, ESQ.
 7 DOUGLAS P. MAHONEY, ESQ.
 8
 9 For the Defendants, Bridgeport Roman
 10 Catholic Diocesan Corp. and Bishop
 11 Walter Curtis:
 12
 13 HALLORAN & SAGE
 14 One Goodwin Square
 15 225 Asylum Street
 16 Hartford, Connecticut 06103
 17 By: JOSEPH T. SWEENEY, ESQ.
 18 -and-
 19 DANAHER, TEDFORD, LAGNESE &
 20 NEAL, P.C.
 21 Capitol Place
 22 21 Oak Street
 23 Hartford, Connecticut 06106
 24 By: MATTHEW G. CONWAY, ESQ.
 25 For Father Raymond Poolka:
 TIERNEY, ZULLO, FLAHERTY AND
 MURPHY, P.C.
 134 East Avenue
 Norwalk, Connecticut 06851
 By: FRANK W. MURPHY, ESQ.
 A L S O P R E S E N T:
 Jack Gambardella, Videographer
 Hamilton Communications
 Monsignor Laurence Bronkiewicz,
 Vicar for Clergy and Religious,
 Diocese of Bridgeport

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PLAINTIFF'S	EXHIBIT INDEX DESCRIPTION	PAGE
1	Document dated December 2, 1964	14
2	Affidavit regarding Martinelli dated August 6, 1996	36
3	Affidavit regarding Rosado dated January 31, 1997	36
4	Affidavit regarding Rosado dated September 26, 1996	36
DEPENDANTS'	DESCRIPTION	PAGE
1	Letter dated February 24, 1997	87
2	Protective Order	87

NOTE: Exhibits attached to transcript.

23
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 0004
 1 CLAIMED QUESTION INDEX
 2 Page 10, Line 9
 3 Page 87, Line 17
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Majr Wm Genuario

0005
 1 MR. TREMONT: This is just for
 2 the purposes of the stenographer. We've all
 3 been here and Sanders & Gale has handled these
 4 depositions, and you understand that you
 5 yourself are bound by the protective order, as
 6 indicated by Exhibit A, which Mr. Sweeney is
 7 presenting, and to which we have agreed, and
 8 all counsel and persons present here also
 9 understand that they are bound by that
 10 particular order. And we assume that you do
 11 not want to waive the reading and signing --
 12 MR. SWEENEY: Correct.
 13 MR. TREMONT: -- of the
 14 deposition. Otherwise, we will not have any
 15 stipulations.
 16 MR. SWEENEY: Well, do you
 17 think --
 18 MR. TREMONT: We don't need
 19 any. We have agreed to the other stuff so --
 20 MR. SWEENEY: Well, I think,
 21 just to make it clear, you've noticed the
 22 deposition, and I'm prepared to stipulate as to
 23 the adequacy of the notice. We've negotiated a
 24 change in date.
 25 Secondly, I'm prepared to

0006
 1 stipulate to the adequacy of our reporter's
 2 qualifications, both as a notary and as a court
 3 stenographer. And also to reserve, until the
 4 time of trial, all objections to questions,
 5 except objections as to matter of form, which
 6 might be cured by a timely objection and
 7 rephrasing.
 8 MR. TREMONT: All right.
 9 MR. SWEENEY: Those are the
 10 stipulations.
 11 MR. TREMONT: Okay, fine. Then
 12 we'll stipulate.
 13 Okay, would you swear the
 14 witness in, please?
 15 THE VIDEOGRAPHER: This is the
 16 deposition of Monsignor William A. Genuario
 17 taken on behalf of the plaintiff in the case of
 18 George L. Rosado versus Bridgeport Roman
 19 Catholic Diocesan Corporation, et al., case
 20 number CV-93-0302072S. Today's date is
 21 March 4th, 1997. The time of the videotape
 22 record is 2:09 p.m. This deposition is being
 23 held at 1057 Broad Street, Bridgeport,
 24 Connecticut. My name is Jack Gambardella,
 25 Hamilton Communications of Westbrook,

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- (1) in effect in 1964, defines a minor?
- (2) **A.** Yes. Any -
- (3) **Q.** What was it?
- (4) **A.** Anyone under 16 years of age.
- (5) **Q.** Are you sure it isn't anyone under 21
- (6) years of age?
- (7) **A.** Okay, yes, I'm mixing that up with
- (8) another -
- (9) **Q.** Right.
- (10) **A.** - Canon. It is 21, yes.
- (11) **Q.** Twenty-one years of age. So 19 -
- (12) and now it's 18; is that correct?
- (13) **A.** That's correct.
- (14) **Q.** All right. So in 1964, a minor was
- (15) someone under 21 years of age, and of course
- (16) you are aware of the fact, because you and I
- (17) are probably about the same age, I would
- (18) assume, that in 1964 that the State of
- (19) Connecticut recognized that one did not reach
- (20) their majority until the age of 21, remember
- (21) that?
- (22) **A.** For certain things, I believe.
- (23) **Q.** In accordance with the law, a
- (24) person -
- (25) **A.** I bow to your expertise.

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- (1) **Q.** All right. So we refer to a minor as
- (2) a person, in 1964, who was under 21 years of
- (3) age.
- (4) Okay. Now, let's - if we can,
- (5) Monsignor, let's go - let me go through this
- (6) affidavit.
- (7) You're indicating to me that it
- (8) was Mr. Sweeney that prepared the affidavit for
- (9) you in this form?
- (10) **A.** That's correct.
- (11) **Q.** So he brought this over and asked you
- (12) to sign it?
- (13) **A.** After several meetings and
- (14) discussions.
- (15) **Q.** All right. What did the meetings and
- (16) discussions consist of in regard -
- (17) **MR. SWEENEY:** Well, Counsel -
- (18) **Q.** - in regard to the affidavit? I'm
- (19) not interested in what the lawyer told you, I'm
- (20) interested in where did you get this
- (21) information? That's what I'm interested in.
- (22) **A.** Well, I think the - number five
- (23) tells me, now that I read it again, where I
- (24) obtained the information, having read pages 159
- (25) 60 and 61 of the transcript of Bishop Walter

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- (1) Curtis, October 30th, 1996.
- (2) **Q.** What information did you obtain from
- (3) those pages?
- (4) **A.** I believe what goes on in the rest of
- (5) the affidavit.
- (6) **Q.** All right. So that in reading that,
- (7) in other words, that's how you determined that
- (8) Father Brett engaged in homosexual conduct with
- (9) a man who was more than 18 years of age?
- (10) **MR. SWEENEY:** He's not saying
- (11) that, Counsel.
- (12) **MR. TREMONT:** Well, Mr. Sweeney,
- (13) I'm asking the questions.
- (14) **MR. SWEENEY:** But you're
- (15) misrepresenting what he said.
- (16) **MR. TREMONT:** I'm not
- (17) misrepresenting anything. You've got a video
- (18) reporter here as well as the stenographer.
- (19) Everything is being recorded, Mr. Sweeney, and
- (20) if I'm making a misrepresentation, it will be
- (21) obvious to the court. I'm asking a question.
- (22) **Q.** That is, after reading pages 159, 160
- (23) and 161, you concluded that it was in December
- (24) of 1994 that these complaints were brought
- (25) against Father Brett?

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- (1) **MR. SWEENEY:** That calls for a
- (2) "yes" or "no" answer.
- (3) **A.** Yes.
- (4) **Q.** Okay. And you also found out then
- (5) from that - from the Bishop's deposition, that
- (6) Father Brett had been sent to New Mexico?
- (7) **A.** Yes.
- (8) **Q.** And did you also determine from that
- (9) deposition that he was never authorized to hold
- (10) any priestly employment or position in the
- (11) State of Connecticut?
- (12) **A.** Yes.
- (13) **Q.** What did you mean by that, "no
- (14) priestly employment or position in the State of
- (15) Connecticut"?
- (16) **A.** I believe as an assistant pastor or
- (17) as a pastor.
- (18) **Q.** Did you conclude that Father Brett
- (19) indeed had had sexual relations with a minor in
- (20) 1964, as a result of the interview that you
- (21) had? And I'm referring to affidavit
- (22) Exhibit 1.
- (23) **A.** I concluded that from my - from
- (24) the - not the affidavit, it's a memo to the
- (25) file.

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- (1) **Q.** Yes. In other words, you concluded
- (2) it from the conference you were involved in?
- (3) **A.** That's right.
- (4) **Q.** All right. And do you know that
- (5) Father Brett continued to be a priest?
- (6) **A.** He continued to be a priest, as we
- (7) all do.
- (8) **Q.** Well, you say "as we all do." Let me
- (9) ask you a little bit about that.
- (10) Do you know where Father Brett
- (11) went?
- (12) **A.** I believe he had some type of
- (13) employment in Baltimore, if I'm not mistaken.
- (14) **Q.** He was a priest, was he not, an
- (15) active priest?
- (16) **A.** I don't know that -
- (17) **Q.** You don't know that?
- (18) **A.** - as a fact. I don't know that.
- (19) **Q.** Did you inquire as to whether he was
- (20) an active priest?
- (21) **A.** No, I did not.
- (22) **Q.** Are you aware of the fact that
- (23) Monsignor - well, you know Monsignor Cusack?
- (24) **A.** I do.
- (25) **Q.** Did you ever discuss Father Brett

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- (1) with Monsignor Cusack?
- (2) **A.** No, I didn't.
- (3) **Q.** You filed an affidavit in this court
- (4) indicating that Monsignor Cusack was in charge
- (5) of the Bishop's policy to handle complaints of
- (6) sexual misconduct from February 10th of 1965
- (7) through September 25th of 1987; is that
- (8) correct?
- (9) **A.** That's correct.
- (10) **MR. SWEENEY:** But Counsel, I
- (11) don't know that you've - you misread the
- (12) affidavit. From February 10th of '65 to
- (13) September of 1972, one person is indicated,
- (14) then from September of '72 to September of '87
- (15) a different person is indicated.
- (16) **MR. TREMONT:** You're absolutely
- (17) correct, Mr. Sweeney, I did misspeak, and you
- (18) are correct, from September of '72 through
- (19) September of 1987, Monsignor Cusack was in
- (20) charge of sexual misconduct complaints.
- (21) **Q.** That's what you said, correct?
- (22) **A.** Which affidavit are you talking
- (23) from?
- (24) **Q.** Plaintiff's Exhibit 4.
- (25) **MR. SWEENEY:** This is the one.

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- (1) This is the one.
- (2) A. Yes, sir.
- (3) Q. All right. Did you ever discuss
- (4) Father Brett with Monsignor Cusack?
- (5) A. I did not, no.
- (6) Q. Didn't you ever tell him that there
- (7) was a -- you had a problem with a priest being
- (8) sexually involved with a student?
- (9) A. No.
- (10) Q. Never discussed that with him?
- (11) A. I did not.
- (12) Q. Do you think it would be important
- (13) for Monsignor Cusack to know that, if he was in
- (14) charge of problems regarding sexual misconduct
- (15) by priests?
- (16) A. It wasn't my position to be
- (17) discussing those things.
- (18) Q. Why not? Weren't you an officer of
- (19) the Diocese?
- (20) A. That's true.
- (21) Q. Weren't you number two in the
- (22) Diocese?
- (23) A. That's true.
- (24) Q. And wasn't it of interest in the
- (25) Diocese, in accordance with the policy that you

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- (1) said existed, to vigorously examine all
- (2) reported complaints of sexual misconduct?
- (3) A. But there were none given to me at
- (4) that time.
- (5) Q. There were none what?
- (6) A. No reports given to me at that time.
- (7) Q. Of complaints of sexual misconduct?
- (8) A. That's right.
- (9) Q. You never got any? You never got any
- (10) yourself, Monsignor? People never came to you
- (11) and complained about priests involved in sexual
- (12) misconduct?
- (13) A. As a matter of fact, no.
- (14) Q. No, that's what I'm saying. This you
- (15) happened to get because you were at a meeting
- (16) and you were asked to take these notes; is that
- (17) correct, sir?
- (18) A. That's correct.
- (19) MR. SWEENEY: Pardon me,
- (20) Counsel, you're referring to Exhibit 1, the
- (21) December 1964 --
- (22) MR. TREMONT: Exhibit 1.
- (23) MR. SWEENEY: -- memo?
- (24) MR. TREMONT: Exhibit 1,
- (25) correct.

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- (1) MR. SWEENEY: Thank you.
- (2) Q. Do you know a [F-015] ?
- (3) A. I do not know a [F-015]
- (4) Q. You don't know [F-015] ?
- (5) A. Unless -- I remember a [F-015's surname]
- (6) family at Saint Teresa's.
- (7) Q. Right.
- (8) A. I don't know if that's the same.
- (9) Q. In Trumbull. And do you remember a
- (10) [F-015] who was a young lady part of
- (11) that family? Do you recall her?
- (12) A. Not specifically, no.
- (13) Q. All right. You don't remember [F-015]
- (14) coming to you and telling you about
- (15) her sexual involvement with Monsignor Gregory
- (16) Smith?
- (17) A. She did not come to me.
- (18) Q. She didn't come to you?
- (19) A. No.
- (20) Q. So you deny that [F-015] came
- (21) to you and told you that she was having an
- (22) affair with Gregory Smith while he was at Saint
- (23) Teresa's Church in Trumbull and that he had
- (24) left her? You deny that?
- (25) A. She did not come to me. She called

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- (1) me, as a married woman, I believe, toward the
- (2) end of 1980's, and she wanted me, as I
- (3) remember, to advise her as to what to do
- (4) because she was going to be at a religious
- (5) function in which Monsignor Smith was going to
- (6) be, and that she could not -- she did not want
- (7) to be there and she wanted the whole situation
- (8) changed. And then she proceeded to mention the
- (9) reason why. And I advised her to contact
- (10) Monsignor Cusack.
- (11) Q. All right. And did you contact
- (12) Monsignor Cusack?
- (13) A. No, I did not.
- (14) Q. You were an officer of the Diocese at
- (15) that time, weren't you?
- (16) A. That's true.
- (17) Q. What was your position at that time?
- (18) A. Vicar General.
- (19) Q. So you were the second in charge, is
- (20) that it?
- (21) A. That's right.
- (22) Q. So you were Vicar General of the
- (23) Diocese and a complaint came to you about
- (24) sexual misconduct regarding an active priest,
- (25) Monsignor Smith, and you did nothing about it?

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- (1) A. It was not a sexual misconduct at the
- (2) time. She was reflecting in the fact that she
- (3) alleged that it had occurred many years before.
- (4) Q. So, your position then is that if
- (5) someone made a complaint of sexual abuse, but
- (6) it hadn't occurred immediately before, that you
- (7) would just ignore it?
- (8) MR. SWEENEY: That's not what
- (9) he's saying, Counselor.
- (10) MR. TREMONT: Well, I'm asking
- (11) him.
- (12) Q. You did ignore it, didn't you?
- (13) A. I did not. I asked her to report it
- (14) to Monsignor Cusack.
- (15) Q. Did you -- why didn't you discuss it
- (16) with Monsignor Cusack?
- (17) A. Because it wasn't -- it wasn't in my
- (18) province to do something like that.
- (19) Q. But why isn't it in your province?
- (20) A. Because it was a telephone call, I
- (21) did not know if it was [F-015] so and so
- (22) at that time, she was making an allegation, I
- (23) knew nothing about it, and I didn't think --
- (24) and since it wasn't my province to bring her to
- (25) my office to make a full investigation, I

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- (1) referred her -- if this was a bona fide
- (2) complaint, to make it to Monsignor Cusack.
- (3) Q. Did you contact Monsignor Cusack to
- (4) see whether indeed she had contact with him?
- (5) A. No, I did not.
- (6) Q. So you did nothing about it?
- (7) MR. SWEENEY: That's not what he
- (8) said, Counsel.
- (9) A. I advised her to contact Monsignor
- (10) Cusack.
- (11) Q. All right. Let me ask you, do you
- (12) know a [F-011] ?
- (13) A. I do not recall that name.
- (14) Q. All right. Do you know the [F-011's surname]
- (15) family as parishioners at Saint Teresa's?
- (16) A. I do not remember them, no.
- (17) Q. All right. Do you recall [F-011]
- (18) telling you that she, as a minor, was
- (19) sexually involved with Monsignor Gregory Smith?
- (20) A. I do not recall that.
- (21) Q. And do you remember saying to her
- (22) that God had forgiven Father Smith and that she
- (23) should pray to forgive him also?
- (24) A. I don't recall saying that.
- (25) Q. You don't remember that?

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- (1) and he was under 21 then, was he not?
- (2) **A.** Yes, sir.
- (3) **Q.** Okay. And he was sent to a urologist
- (4) and then came back on November 30th to
- (5) Dr. Hebeard. Is that how you understand that,
- (6) that recitation?
- (7) **A.** I understand what it says here. I
- (8) mean, for me to say anything else --
- (9) **Q.** Well, that's what I'm trying to find
- (10) out. You wrote it, it's your --
- (11) **A.** In 19 --
- (12) **Q.** You're the scrivener, I'm --
- (13) **A.** In 1964.
- (14) **Q.** Right, in 1964, but you gave an
- (15) affidavit, sir, and that's why you're here,
- (16) Monsignor. I mean you -- you're making a
- (17) representation to the court. Let's see how
- (18) accurate the notes are and what they say.
- (19) Now, you write, "his genital had
- (20) been handled and mouthed" now and "damage had
- (21) been done to his genital." Where does that
- (22) information come from?
- (23) **A.** I was present at that --
- (24) **Q.** Yes, but who's reciting that?
- (25) **MR. SWEENEY:** If you recall.

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- (1) **Q.** Would that be Monsignor McGough
- (2) telling you all about what he heard on the
- (3) telephone? That's what I'm asking.
- (4) **A.** Which paragraph are you in, please?
- (5) **Q.** We're on the second paragraph, "the
- (6) doctor was told the boy that he had been
- (7) sexually molested."
- (8) **A.** So then I would say that the doctor
- (9) told -- let's see, "Returned to doctor -- the
- (10) young man was treated with -- the doctor was
- (11) told by the boy that he had been sexually
- (12) molested."
- (13) **Q.** All right. All right. So that's the
- (14) doctor, you would say?
- (15) **A.** Yes, sir.
- (16) **Q.** Okay. Now, the word is sexually
- (17) molested, isn't it, that you wrote down?
- (18) **A.** That's what's there, sir.
- (19) **Q.** Right. It doesn't say there was a
- (20) consensual sexual relationship, does it?
- (21) **A.** It does not.
- (22) **Q.** All right. And from what you've
- (23) written here, is it your conclusion that this
- (24) was a consensual sexual relationship?
- (25) **A.** It wasn't up to me to make any

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- (1) conclusions, I sim --
- (2) **Q.** No, I'm asking you, I'm asking, you
- (3) know.
- (4) **A.** Based on --
- (5) **Q.** What you have here.
- (6) **A.** I know the word molested is used and,
- (7) therefore, that could hardly be understood to
- (8) be consensual.
- (9) **Q.** Correct. And also later on, and
- (10) we'll get into it, but you do talk about the
- (11) fact that the young man was apparently
- (12) frightened and trying to prevent this from
- (13) happening?
- (14) **A.** If that's -- if that's what it says
- (15) there, yes, sir.
- (16) **Q.** Right. Would you understand why
- (17) Monsignor Cusack indicated that this was a
- (18) consensual homosexual relationship that Father
- (19) Brett was involved with, in?
- (20) **A.** I wouldn't be able to answer that
- (21) question.
- (22) **Q.** All right. Because you never spoke
- (23) to him about this?
- (24) **A.** I did not.
- (25) **Q.** All right. Incidentally, would it

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- (1) surprise you that the individual that was in
- (2) charge of the diocesan policy to watch for
- (3) sexual misconduct on the part of the clergy had
- (4) absolutely no knowledge of the fact that
- (5) Monsignor Brett was ever, ever involved in any
- (6) kind of sexual misconduct?
- (7) **MR. SWEENEY:** If you know.
- (8) **A.** I wouldn't know how to answer that, I
- (9) really wouldn't.
- (10) **Q.** Well, you don't know how to answer
- (11) that? You were the number two in the Diocese.
- (12) Is that surprising to you that the person in
- (13) charge of the policy had no knowledge that this
- (14) ever happened, no knowledge?
- (15) **A.** No. Because I was not in his office,
- (16) I wouldn't -- we just didn't talk about these
- (17) things.
- (18) **Q.** Well, I'm sure you didn't. That's
- (19) the whole purpose of the lawsuit, is that
- (20) nobody talked about these things, Monsignor,
- (21) but I'm asking you, is that -- does that --
- (22) you've made comments about the policy of the
- (23) church. Does that -- does that surprise you
- (24) that Monsignor Cusack, being in charge of it,
- (25) never knew anything about Father Brett?

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- (1) **MR. SWEENEY:** Objection,
- (2) Counselor, I think you're misstating the
- (3) record. The Brett incident happened long
- (4) before Monsignor Cusack took over those job
- (5) responsibilities.
- (6) **MR. TREMONT:** I understand that.
- (7) **Q.** Does it surprise you that he knew
- (8) nothing about it?
- (9) **A.** No, it doesn't.
- (10) **Q.** All right. Do you know if anybody
- (11) else outside of the people at this meeting knew
- (12) about what happened to Father Brett when he
- (13) suddenly left the Diocese?
- (14) **A.** Yes, and Monsignor Toomey would have
- (15) known.
- (16) **Q.** Would anybody else know?
- (17) **A.** The Bishop.
- (18) **Q.** Yeah. Would that be it?
- (19) **A.** And anyone else that might have been
- (20) involved in their offices.
- (21) **Q.** All right.
- (22) **A.** And the writing of letters or
- (23) whatever.
- (24) **Q.** Now, let's go on. The third
- (25) paragraph, "The doctor told the boy's father,

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- (1) and suggested that Dr. Conley at SHU be
- (2) informed." All right. "Dr. Conley was told
- (3) that there was a moral difficulty at SHU by
- (4) Dr. Hebeard. The name of the person was not
- (5) revealed over the phone but only that it was
- (6) somebody connected with SHU." All right.
- (7) So is it fair to say that this
- (8) all occurred before Wednesday, December 2nd of
- (9) 1964?
- (10) **A.** I think it's a valid conclusion.
- (11) **Q.** All right. And it says Tuesday
- (12) morning. I assume this would be a Tuesday
- (13) before December 2nd?
- (14) **A.** Yes, sir.
- (15) **Q.** All right. Tuesday morning
- (16) Dr. Conley phoned Monsignor McGough, who is
- (17) relating this to you at this point or to the
- (18) meeting, Monsignor McGough is, apparently?
- (19) **A.** I would presume so.
- (20) **Q.** Okay. "Mr. M-007 and son were coming
- (21) to the meeting. It was in arranging this
- (22) meeting that the name of the person involved
- (23) became known, namely the chaplain of SHU. On
- (24) Tuesday morning at 10:00, Mr. M-007, his two
- (25) sons, M-006 and M-005, appeared in

- (1) A. That's correct.
- (2) Q. All right. And that's your general position then that if reports are made to the
- (3) priest of the Diocese, the Diocese is not
- (4) required -- the priest is not required to
- (5) immediately advise the Diocese of a claim of
- (6) sexual misconduct, is that so?
- (7) MR. SWEENEY: That's not what
- (8) he's saying, Counselor.
- (9) MR. TREMONT: Well, let him --
- (10) you don't have to give him the answer. He's
- (11) competent to answer himself.
- (12) MR. SWEENEY: I think you
- (13) misstated what he said, and that's why --
- (14) MR. TREMONT: Well, I'm asking
- (15) him. If he thinks it's wrong, he'll correct
- (16) it.
- (17) Q. Would you answer that, please?
- (18) A. It depends on the situation. Father
- (19) Stephenson possibly was his pastor at the time
- (20) so he did speak to him and Father Stephenson
- (21) saw fit that -- I don't know what Father
- (22) Stephenson saw fit to.
- (23) Q. You don't know. Isn't it a fact that
- (24) you claim -- the Diocese claims that any --

- (1) that priests were instructed that if there was
- (2) any complaint of sexual misconduct concerning
- (3) other priests that was brought to their
- (4) attention, that they should immediately bring
- (5) it to the attention of Monsignor Toomey at one
- (6) point and Monsignor Cusack at another?
- (7) A. I don't believe that there was ever
- (8) any specific instruction. It was -- it would
- (9) have occurred as a matter of fraternal charity
- (10) and to help the individual if it came to our
- (11) attention officially or unofficially that we
- (12) would direct such a person to them.
- (13) Q. So there was no policy then of
- (14) priests in the Diocese being told that they
- (15) should report any claim of sexual abuse
- (16) directly to a person in the Chancery?
- (17) MR. SWEENEY: Objection,
- (18) Counsel, that's not what he said.
- (19) MR. TREMONT: Well, I'm asking,
- (20) I'm asking him.
- (21) A. No, because it wasn't an everyday
- (22) occurrence to --
- (23) Q. Right.
- (24) A. -- to warrant a policy.
- (25) Q. All right. So you didn't warrant a

- (1) policy because it wasn't an everyday
- (2) occurrence, correct?
- (3) A. That's correct.
- (4) Q. All right. And therefore, when you
- (5) got a claim of sexual abuse involving Monsignor
- (6) Smith, you didn't report that but merely told
- (7) the individual that they should call Monsignor
- (8) Cusack?
- (9) A. That's correct.
- (10) Q. And it would be up to the discretion
- (11) of Father Pitonak, for instance, as to whether
- (12) he should report claims of sexual abuse that
- (13) might have been made to him regarding Father
- (14) Pcolka?
- (15) A. You changed the venue now, haven't
- (16) you?
- (17) Q. No, I'm asking. Yes.
- (18) A. I don't know in what context this
- (19) question is being asked now.
- (20) Q. The same context that we've been
- (21) going right along in the reporting of incidents
- (22) of sexual abuse to priests -- of priests to a
- (23) priest. Okay.
- (24) A. I would presume so, yes.
- (25) Q. Yes.

- (1) A. That's my understanding.
- (2) Q. Yes. And incidentally, did you ever
- (3) get a -- hear of a report of claim of sexual
- (4) abuse that was brought against Father Carr?
- (5) A. No, I did not.
- (6) Q. You never have, okay. And if his
- (7) pastor, Father Palmer, received complaints that
- (8) Father Carr was abusing and soliciting minors,
- (9) that it would be up to Father Palmer, the
- (10) pastor's discretion as to whether he should
- (11) pass that information on to the Chancery, if
- (12) you will?
- (13) A. Yes.
- (14) Q. And in Plaintiff's Exhibit 2, you
- (15) state in the affidavit, paragraph 19, "That on
- (16) December 1st, 1964, the Diocese did receive a
- (17) complaint about Father Brett having engaged in
- (18) a homosexual encounter with a young man who was
- (19) then more than 18 years of age."
- (20) Do you think that's a fair
- (21) characterization of what is in Exhibit 1?
- (22) A. Yes.
- (23) Q. All right. And as a result of that
- (24) complaint, the Diocese promptly removed Father
- (25) Brett's authorizations and faculties to engage

- (1) in any priestly ministry. You didn't do that,
- (2) did you?
- (3) A. I didn't do anything.
- (4) Q. Well --
- (5) A. I just took the notes.
- (6) Q. The Diocese didn't do anything, did
- (7) they?
- (8) A. Yes, they did do something.
- (9) Q. They did? Well, you indicate first
- (10) that he's certainly saying Mass until
- (11) December 12th, that was after he admitted to
- (12) you that he sodomized this young man; is that
- (13) correct, sir?
- (14) A. It depends how you define sodomy.
- (15) Q. How would you define sodomy?
- (16) A. Oh, I respectfully ask you,
- (17) Counselor, not to ask questions of that nature
- (18) because I don't think it's relevant.
- (19) Q. Well, it's quite relevant. It's very
- (20) relevant. Would you please answer?
- (21) MR. SWEENEY: Well, Counsel, you
- (22) have an obligation to define for him what you
- (23) have in mind by the term sodomy if you want him
- (24) to answer the question. So it's your choice.
- (25) If you'll define sodomy, he'll answer the

- (1) question that contains the term sodomy and --
- (2) MR. TREMONT: All right.
- (3) MR. SWEENEY: -- and it's your
- (4) obligation to make the question meaningful to
- (5) him.
- (6) MR. TREMONT: All right. I'm
- (7) going to ask him and I'm going to claim it on
- (8) this basis. One of the difficulties we've had
- (9) in this case is that everybody has a different
- (10) definition of what sexual misconduct may or may
- (11) not be, and we've gotten various definitions of
- (12) what chastity is, what celibacy is, what
- (13) homosexuality is, what sodomy is, et cetera.
- (14) Q. So let me ask you, I'll ask you
- (15) specific questions. Do you consider oral sex
- (16) sodomy?
- (17) A. No, that's fellatio.
- (18) Q. That's fellatio. So you don't
- (19) consider that sodomy, okay. Do you consider an
- (20) adult having sexual relations with a boy under
- (21) 18, a homosexual act?
- (22) A. It is a -- it depends on what is
- (23) done.
- (24) Q. It depends on what is done?
- (25) A. That's right, and how you --