

STATE OF ILLINOIS)
) SS:
 COUNTY OF COOK)
 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
 COUNTY DEPARTMENT - LAW DIVISION
 JOHN DOE 116,
 Plaintiff,
 vs.
 THE CHICAGO PROVINCE OF
 THE SOCIETY OF JESUS,
 a/k/a THE JESUITS, and
 FATHER DONALD J.
 McGUIRE, S.J.,
 Defendants.) No. 07 L 08781

The discovery deposition of FATHER FRANCIS DALY, taken in the above-entitled cause, before Wendy A. Killen, a certified shorthand reporter, on the 28th day of May, 2009, at the time of 10:03 a.m., at 70 West Madison Street, Suite 5350, Chicago, Illinois, pursuant to notice.

Reported By: WENDY A. KILLEN, CSR
 License No.: 084-003772

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1 time you met Don McGuire?
2 **A. The first time I met him was in practice**
3 **teaching at Loyola Academy in 1965, summer of '65.**
4 Q. Sounds like a song.
5 Was he a scholastic at the time?
6 **A. No, no. He was a priest.**
7 Q. You were a scholastic?
8 **A. I was a scholastic.**
9 Q. This is the first time I am hearing about
10 Loyola Academy in terms of an assignment that you
11 might have received.
12 Did you just teach there in a summer?
13 **A. Correct. It was the preparation for going**
14 **to Cincinnati.**
15 MR. PEARLMAN: I'm sorry. Did he say when?
16 MR. McGUIRE: Yes, 1965.
17 BY MR. McGUIRE:
18 Q. Did you have any sort of time alone with
19 Don McGuire where you discussed -- well, let me ask
20 this question. Was he ever in charge of your
21 formation?
22 **A. No.**
23 Q. Did you ever have a discussion with him
24 about formation?

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1 **A. The only thing I knew was Father McGuire**
2 **was a friend to his mother and Father McGuire was**
3 **helping her a little bit and also helping**
4 **get ready to go to Loyola Academy.**
5 Q. How old do you think was?
6 **A. He was probably 12, 13 years old at that**
7 **time.**
8 Q. So an eighth grader at the time?
9 **A. Either eighth grader or just a freshman.**
10 **But I was teaching all eighth graders in that**
11 **practice summer.**
12 Q. That's the remedial summer?
13 **A. Yes. Exactly.**
14 MR. McGUIRE: Not that I have experience with
15 it, gentlemen.
16 THE WITNESS: For some, it's an advanced
17 summer, too. Some guys go in the excel program.
18 MR. McGUIRE: That's not my experience, but
19 anyway...
20 THE WITNESS: You're right.
21 But he was totally on his own. It was
22 just a private tutoring about an hour a day I spent
23 with him on English.
24

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1 **A. No.**
2 Q. Can you describe the character and nature
3 of your contact with him during that one summer in
4 1965?
5 **A. I lived in the same community with him.**
6 **We were probably 44 Jesuits. There were probably**
7 **12 scholastics; some were in the same program I was**
8 **of practice teaching, some were there who probably**
9 **were regents at Loyola Academy at the time, just**
10 **didn't go away for the summer.**
11 **My one contact with him was I was tutoring**
12 **a student that was Polish and needed some help with**
13 **English. And I tutored him after I was finished**
14 **teaching for about an hour a day for that summer.**
15 Q. Was that gentleman's name ?
16 **A. It's. That's the only name I know.**
17 MR. PEARLMAN: Off the record.
18 MR. McGUIRE: Sure, off the record.
19 (Discussion off the record.)
20 BY MR. McGUIRE:
21 Q. This fellow, do you have an
22 understanding or awareness of his background?
23 **A. At that time?**
24 Q. Yes.

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1 BY MR. McGUIRE:
2 Q. How did you come to get that assignment?
3 Were you assigned by a regent there?
4 **A. I don't remember how I got it.**
5 Q. Do you remember meeting his mother at all?
6 **A. No. I did not meet his mother.**
7 Q. Were you teaching him English?
8 **A. Yes. See, that's what I was practice**
9 **teaching. I think that's how I got it, but I don't**
10 **know that for sure.**
11 Q. You don't speak Polish, do you?
12 **A. No, I don't.**
13 Q. How was his English?
14 **A. It was fairly -- I mean we could**
15 **communicate, so it wasn't like he didn't know any**
16 **English.**
17 Q. When you tutored him, was it essentially
18 one-on-one sessions?
19 **A. It was.**
20 Q. To your knowledge, where were these
21 one-on-one sessions conducted; library, classroom?
22 **A. Probably a classroom, more than likely a**
23 **classroom.**
24 Q. But you don't have a specific memory?

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19 (Pages 73 to 76)

1 responsibility was it?
 2 **A. I think it was the parent's responsibility**
 3 **or the victim's responsibility to come forward.**
 4 Q. Okay. Got it.
 5 **A. That's how I perceived it.**
 6 Q. That's fine.
 7 I will have to come back to the notes
 8 later.
 9 MR. McGUIRE: I am going to mark and identify
 10 for the record as Plaintiff's Exhibit Number 13 the
 11 July 3, 1993 letter from to the
 12 provincial and the witness.
 13 (Whereupon, Daly Deposition
 14 Exhibit No. 13 was marked for
 15 identification.)
 16 BY MR. McGUIRE:
 17 Q. Sir, I was wondering if you would just
 18 look at that and tell me if you recognize it.
 19 **A. I recognize it, yes. They were the**
 20 **concerns they brought forward.**
 21 Q. And you had mentioned that the primary
 22 thing that you were interested in is responding to
 23 complaints, as the father, correct?
 24 **A. Yes.**

1 **certainly didn't tell me to do it. I know that.**
 2 MR. McGUIRE: I'll mark and identify as
 3 Plaintiff's Exhibit Number 14 a letter from
 4 to the provincial dated 5/11/93.
 5 (Whereupon, Daly Deposition
 6 Exhibit No. 14 was marked for
 7 identification.)
 8 BY MR. McGUIRE:
 9 Q. Do you remember seeing that letter?
 10 **A. Yes, I do.**
 11 Q. They gave you a history with that family's
 12 involvement with Don McGuire; is that correct?
 13 **A. Correct.**
 14 Q. Does anything in that history sort of ring
 15 any bells for you, alarm bells?
 16 **A. I think it was that whole strange**
 17 **relationship between and Father McGuire and**
 18 **how they saw reactions from McGuire that were**
 19 **pretty strong from what he was saying, and then**
 20 **even getting defensive and then somehow challenging**
 21 **how much the son needed him.**
 22 Q. And after reading this letter, was it one
 23 of your impressions that essentially this conduct
 24 had gone on for some time between Don McGuire and

1 Q. One of the complaints and one of the
 2 things that was advocating through his lawyer
 3 I guess, is on the first page,
 4 Number 5. One of the things they were asking for
 5 is that any others potentially involved with Father
 6 McGuire be contacted and provided pastoral care.
 7 Now, I understand what you say about how
 8 you think it's the parent's reasoning and their
 9 responsibility. But given that you wanted to
 10 satisfy and this was one of his conditions,
 11 did you affirmatively act to contact anybody else
 12 who might be associated with Father McGuire?
 13 **A. No, I did not.**
 14 Q. Any particular reason why not?
 15 **A. I think no more than I told you a moment**
 16 **ago. I think we basically thought if there is**
 17 **something that they feel is serious and want to**
 18 **make an allegation, it's their responsibility. Our**
 19 **responsibility is not to invite that kind of a**
 20 **response at that time. I think that was my**
 21 **thinking.**
 22 **And I don't know what Father Schaeffer**
 23 **said to any of that either, to be honest. I don't**
 24 **know if he said don't bother about it. He**

1 the child and that the parents were learning of it
 2 much later down the road in the relationship?
 3 **A. Yes.**
 4 Q. And based on your past experience and your
 5 involvement in the province as a socius, isn't it
 6 true that usually the parents are the last to learn
 7 about what's going on between a child and a
 8 potentially -- an ephephile priest or a sexual
 9 predator of minors?
 10 **A. I didn't know enough about that to be very**
 11 **honest to say what the pattern would be.**
 12 Q. At this point in time, you have
 13 indications in this letter that the parents were
 14 finding out after the fact about the abuse that's
 15 being alleged here, correct?
 16 **A. Yes.**
 17 Q. So my question to you would be
 18 understanding that this is the relationship that
 19 Don McGuire might have with this child and some
 20 other children, why would you not translate that
 21 into case and affirmatively contact him as
 22 had asked to be done?
 23 I know you had stated earlier you thought
 24 that it was the parent's responsibility. But what

1 MR. HUEBSCH: What number are we talking about?
2 MR. McGUIRE: Exhibit 21.
3 MR. HUEBSCH: This one? 22.
4 MR. McGUIRE: Yes, 22.
5 THE WITNESS: Yes. This could be from that.
6 BY MR. McGUIRE:
7 Q. You just transcribed the handwriting to
8 the typewritten?
9 A. Correct.
10 Q. Now, if you look at your handwritten
11 notes, it says here just right above the black bar
12 testing supports letter. I believe that's what it
13 says -- tell me if I'm wrong -- and then lifelong
14 situation.
15 Is that what that says?
16 A. Yes. That's what it says.
17 Q. This is your handwriting?
18 A. Yes.
19 Q. And this was taken during the conversation
20 you had with Don McGuire?
21 A. I think so, yes.
22 Q. And as you sit here today, that was your
23 understanding of the testing and analysis that you
24 received either from St. John Vianney or from

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1 Q. I was going to ask you whether or not you
2 believed it?
3 A. I really don't.
4 Q. That's fine.
5 There is a little note to the left-hand
6 side of that section that I just mentioned to you.
7 It says problem with Society.
8 A. Yes.
9 Q. Again, you are not talking about society
10 in general; you are talking about the Society of
11 Jesus?
12 A. Society of Jesus, meaning Don has a
13 problem with the Society.
14 Q. Is that you telling him that?
15 A. No. He's telling me he has a problem with
16 the Society.
17 Q. Can you read for me this little section
18 down here?
19 A. I'll try. -- told
20 him they have seen his behavior -- and it looks
21 like involved with hospital --
22 Q. Right.
23 A. -- university setting, private groups,
24 chaplains.

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1 St. Luke's regarding Don McGuire's condition?
2 A. Yes.
3 Q. A lifelong situation?
4 A. Yes.
5 Q. It says here Don says that John Hardon has
6 exonerated him, totally exonerated?
7 A. Yes.
8 Q. Is that what Don's belief was?
9 A. Yes.
10 Q. Now, there is another statement just below
11 that that says all his history is officially -- and
12 I can't read it.
13 A. It looks like debunked, but I really don't
14 know what that means.
15 Q. Is that maybe Don is saying that whatever
16 history you guys have in his file, you guys meaning
17 the province --
18 A. Yes, it could mean that.
19 Q. -- is debunked by Hardon's exoneration in
20 his perspective?
21 A. Right.
22 Q. Do you remember that conversation with Don
23 McGuire, him saying that to you?
24 A. No, I do not.

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1 Q. To the right?
2 A. The next one, that is a word that I had
3 not heard. It's frotteurism. That's not spelled
4 correctly I don't think. Then frotteurism, looking
5 up in psychiatric --
6 Q. Dictionary?
7 A. -- dictionary, right. It's a kind of
8 sexual disorder. That's one of the things I do
9 remember from that in general at St. John Vianney,
10 is using that term and that it was the touching of
11 skin; not necessarily the touching of genitals, but
12 the touching of skin and wanting that kind of
13 closeness and feeling.
14 Q. Is that something you learned after you
15 took these notes?
16 A. Yeah, I did.
17 Q. Did you also learn that there was sexual
18 arousal connected with that touching of skin?
19 A. Right. I don't think I everted to that
20 much at the time, but yes.
21 Q. Got it. Okay.
22 MR. McGUIRE: Let's move on to Plaintiff's
23 Exhibit Number 24 that I am marking and identifying
24 as being the 12/20/93 letter to you, sir, from

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71 (Pages 281 to 284)