

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT - LAW DIVISION

JOHN DOE 117 and JOHN DOE)
118,)
Plaintiffs,)
vs.) No. 07 L 011952

THE CHICAGO PROVINCE OF THE)
SOCIETY OF JESUS aka THE)
JESUITS and FATHER DONALD J.)
MCGUIRE, S.J.,)
Defendants.)

DEPOSITION OF JOHN DOE 117

Phoenix, Arizona
March 27, 2009
9:38 a.m.

REPORTED BY:
JANICE G. FULLER, RPR
Certified Court Reporter
Certificate No. 80552
PREPARED FOR:
ASCM/CONDENSED

1 DEPOSITION OF JOHN DOE 117,
2 was taken on March 27, 2009, commencing at 9:38 a.m., at the
3 Offices of GRIFFIN AND ASSOCIATES COURT REPORTERS, 3030
4 North Central Avenue, Suite 1102, Phoenix, Arizona, 85012,
5 before JANICE G. FULLER, a Certified Court Reporter in the
6 State of Arizona.

7
8 COUNSEL APPEARING:

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1 JOHN DOE 117,
2 called as a witness herein, having been first duly sworn,
3 was examined and testified as follows:

4
5 EXAMINATION

6 BY MR. HUEBSCH:

7 Q. Let the record reflect this is the discovery
8 deposition of John Doe 117, taken pursuant to notice and
9 scheduled for today's time and date. Let the record further
10 reflect the deposition is being taken pursuant to the
11 applicable rules of the Supreme Court of Illinois, and the
12 Circuit Court of Cook County, in addition to the applicable
13 sections of the Illinois Code of Civil Procedure.

14 Mr. Doe, my name is Bob Huebsch, I'm a lawyer,
15 and I represent the Jesuit Order in a lawsuit that has been
16 filed in the Circuit Court of Cook County by yourself. I'm
17 here to ask you some questions about the facts surrounding
18 that lawsuit, and any damages you're claiming therefrom.

19 If during the deposition today you don't
20 understand, please let me know and I'll be glad to rephrase
21 the question. If the question is awkward or confusing to
22 you, just let me know, and we'll -- it's important we
23 understand one another here today.

24 The next ground rule is I have to hear English,
25 verbal answers come out of your mouth, yes, no, whatever,

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1 (Pages 1 to 4)

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EXHIBIT 28

1 Q. -- with McGuire?

2 A. Yes.

3 Q. Okay. When was the next one that you remember?

4 A. One that, one I remember was at, it was at a

5 retreat in Payson.

6 Q. Okay. When was this?

7 A. It was, I don't, again, again the time is line

8 hazy.

9 Q. Okay. All right.

10 A. I want to say maybe, it was maybe around, around

11 the year after that, maybe around '93.

12 It was usually, it was usually again early summer

13 or late summer.

14 Q. Where in Payson was it held?

15 A. It was, it was held at what they'd call, call the

16 homestead, in Payson, which was a rich, a rich family

17 friend's second residence there.

18 Q. All right. Who owned that? Don't tell me their

19 name on the record, do you know who owned it? We'll talk

20 about it off the record.

21 A.

22 MR. HUEBSCH: Okay. Let's go off the record.

23 (A brief off-the-record discussion was held.)

24 BY MR. HUEBSCH:

25 Q. Back on the record. Had you ever been to

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1 and home in Payson before that time?

2 A. Yes.

3 Q. Okay. Had you ever been there with McGuire?

4 A. I believe so.

5 Q. Okay. During that visit to

6 second home in Payson, had McGuire ever conducted any other

7 inappropriate sexual behavior towards you, or was it just

8 when you remember this Payson '93 event?

9 A. This, this, this is what, this is what I

10 remember.

11 Q. Okay. Okay. Tell me what happened in, at

12 and in Payson.

13 A. It was, it was again in the, in the confessional.

14 Q. Okay.

15 A. And it was somewhat, somewhat of a similar

16 episode, where we, where he asked me about, about

17 masturbation, impure thoughts, et cetera. And I, I remember

18 at this point he was, he was concerned that I, that I, that

19 I had hurt myself or something by masturbating.

20 Q. Did he ask to look at your genitals again?

21 A. Yes.

22 Q. Did you show them to him?

23 A. Yes.

24 Q. All right. Did he touch you in any manner?

25 A. Yes.

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1 Q. Okay. What did he do?

2 A. He touched, he touched my penis, very, very

3 lightly.

4 Q. Okay. Any other touching other than that?

5 A. No.

6 Q. Did McGuire ask you at this setting, even in the

7 confessional -- and I know -- well, strike the question.

8 Was this again one of these informal confessions,

9 where you're just sitting in a room talking back and forth,

10 or was this more formal, in a confessional, in a church?

11 A. No, it was, it was, it was again, it was in the

12 home.

13 Q. Okay.

14 A. And I remember they actually had, like in

15 confessional oftentimes you'll have kneeler, with, with a

16 curtain dividing --

17 Q. Right.

18 A. -- dividing the person saying the confession from

19 the confessor. But he had actually asked, asked me to come

20 around that and sit next to him.

21 Q. Okay. And did he touch you at all other than

22 the, on your penis?

23 A. I remember on several occasions he put his hand

24 on, on my leg, when he talked to me, specifically when it

25 was, when it was a lot of times about something of a sexual

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1 nature, when he'd be, he'd very like, he -- the way, the way

2 I felt was he, was he was intending to be very friendly and

3 comforting and fatherly, and fatherly and saying, it's okay,

4 you can, you can be honest with me.

5 Q. Okay. During these episodes you've told me

6 about, would he show you any pornography?

7 A. During these episodes, I don't remember him

8 showing, showing me any pornography. The only thing I can,

9 I can recall him showing me when I, when I was young, that

10 would even be in any way construed of sexual nature would

11 be, would be some nude, some nude, some nude paintings, some

12 nude art in a book.

13 Q. Okay. All right. And he would talk to you about

14 men and women and their physical attributes and their

15 physical appearance and that sort of stuff when he was

16 showing you these paintings and the like?

17 A. He, he'd talk about appreciating the human body.

18 Q. All right. All right. Other than the paintings,

19 was there any, ever up until this Payson, and we'll go on

20 beyond that, but up until this Payson incident, was there

21 any ever showing of magazines, Playboy, Hustler, anything

22 like that?

23 A. Not, not that I can remember.

24 Q. Any films, videos, anything of that nature he

25 would show you?

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