

PERSONAL RECORD OF REV. Robert Daniel Nikliborc

NAME IN FULL

Father's and Mother's (maiden) name Francis Nikliborc (deceased), Magdalene A. Zadlo

Birth Date and Place January 31, 1931 Chicago, Illinois

Baptism Date and Place February 15, 1932, St. Joseph Parish-48th So. Paulina, Chic

Present Citizenship American

If Naturalized, Date and Place

Elementary School—Dates and Places

St. Joseph Elementary School, 48th So. Paulina, Chicago, Illinois
1936 - 1943

High School—Dates and Places Quigley Preparatory Seminary

1943- 1948

College—Dates and Places

Seminary—Dates and Places St. Mary of the Lake Seminary, Mundelein, Illinois

1948 - 1953

Immaculate Heart Seminary, El Cajon, Calif. 1953-1955

Post-Graduate Work—Dates and Places

Degrees—Dates and Places B.A., S.T.B. St. Mary of the Lake Sem. June of 1951 & 19

Ordination Date and Place St. Joseph's Cathedral, San Diego, May 19, 1955

Ordaining Prelate His Excellency, The Most Rev. Charles F. Buddy, D.D., of San D

Ordained for what Diocese San Diego, California

If incardinated in San Diego, Date February 19, 1955

If not incardinated, Date of Arrival

What foreign languages can you speak? Can make myself understood in Polish

Name and address of nearest relative or friend Mrs. Mary Galindo, 1740 Dupont Dr. Lemon Grc

State where last will and testament is filed California

(The Clergy are obliged to deposit at the Chancery the original or a copy of their last will. Dioc. Stat. No. 231)

List of ecclesiastical dignities and date of reception

State any special work or assignment and give dates

000001

Please type answers in full and return to the Chancery Office, Alcalá Park, San Diego 12, California

PERSONAL RECORD OF REV. Robert Daniel Nikliborc

000002

NAME IN FULL

In re FINANCIAL OBLIGATIONS:

Have you contracted any funded debts such as bank loans? NO

If so, in what amount?

Do you owe any current accounts? NO

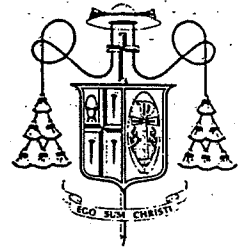
If so, in what amount?

List of Appointments since Ordination

TOWN	PARISH	CAPACITY	DATES
National City, Calif.	St. Mary's	Assistant	June 4, 1955 - 11/30/56
Vista	St. Francis	Assistant	11/30/55 - 1/15/56
1/15/56 - Sent to Via	Coeli Monastery, Jemez Springs	Cf. File.	
Banning	St. Boniface School	Assistant	1/25/57 -
SAN DIEGO	St. Anne	Pastor	11/18/71 - 7-1-2001
RETIREED 7-1-2001			
San Diego	St. Anne	Administrator	06-15-2002

Please type answers in full and return to the Chancery Office, Alcalá Park, San Diego 12, California

NIKLIBORC-BBK000003



Office of the Bishop

July 8, 2002

Dear Father Nikliborc:

I look forward to my pastoral visit to St. Anne's Parish on Sunday, September 15, 2002, when I will join you to preside and preach at the 8:30 a.m. (Spanish) and 10:30 a.m. (English) celebrations of the Eucharist.

An enclosure (#1) describes my present approach to pastoral visits.

At the time of my coming to your parish please have ready the form to help develop an article for The Southern Cross (enclosure #2).

No later than ten days prior to the parish leadership recognition evening scheduled for Tuesday, October 1, 2002, please send to my office the pastoral report on your parish according to the form enclosed (#3).

At the same time please send the list of the thirteen members of your parish who will be joining you for the leadership recognition dinner (enclosure #4).

Thank you for your attention to all of these details and may God continue to bless you in the ministry which is ours.

Fraternally in our Lord,

Bishop of San Diego

Rev. Robert Nikliborc
St. Anne's Parish
621 Sicard Street
San Diego, CA 92113-2334

RHB/av

Enclosures (4)

000003

SALARY AND BENEFITS CHANGE

Date: November 21, 2001
To: Karen Jassoy, Michael Croll
From: Monsignor Steven F. Callahan *SFC*
Subject: Father Robert Nikliborc

Current assignment Administrator
Current salary \$1,265 per month
Salary and benefits charged to St. Anne's
Notes

New assignment Retired
Effective date December 1, 2001
New salary
Benefits charged to
Notes

Bishop Brom had accepted Father Nikliborc's request for retirement status, effective July 1, 2001. The Bishop then asked Father Nikliborc to stay on as Administrator of St. Anne's until someone else was appointed. Father Nikliborc began drawing retirement benefits, effective July 1, 2001, but was also paid a pastor's salary for the months he served as Administrator.

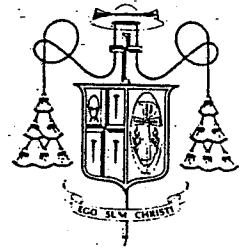
Nikliborc fix

SALARY AND BENEFITS CHANGE

Date: June 26, 2002
To: Karen Jassoy, Michael Croll
From: Monsignor Steven F. Callahan *SFC*
Subject: Father Robert Nikliborc

Current assignment	Retired
Current salary	
Salary and benefits charged to	
Notes	
New assignment	Administrator
Effective date	June 15, 2002
New salary	
Salary and benefits charged to	St. Anne's
Notes	

For June, Father Nikliborc should receive \$632.50. Effective July 1, 2002, Father Nikliborc should be paid \$1,300 per month.



Office of the Bishop

June 26, 2002

Dear Father Robert:

I am writing to confirm your appointment to serve again as administrator of St. Anne's Parish, effective June 15, 2002.

Thank you for your willingness to assume this responsibility even though you officially have the status of a retired priest.

Please be sure to let me know if your health does not hold up in this arrangement.

Fraternally in our Lord,

A handwritten signature in cursive script, reading "Robert H. Brown".

Bishop of San Diego

Rev. Robert Nikliborc
St. Anne's Parish
621 Sicard Street
San Diego, CA 92113-2334

RHB/av

C: Rev. Msgr. Steven Callahan

000006



Office of the Bishop

June 26, 2002

Dear Father Robert:

I am writing to confirm your appointment to serve again as administrator of St. Anne's Parish, effective June 15, 2002.

Thank you for your willingness to assume this responsibility even though you officially have the status of a retired priest.

Please be sure to let me know if your health does not hold up in this arrangement.

Fraternally in our Lord,

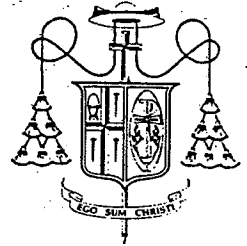
Bishop of San Diego

Rev. Robert Nikliborc
St. Anne's Parish
621 Sicard Street
San Diego, CA 92113-2334

RHB/av

C: Rev. Msgr. Steven Callahan

000007



Office of the Bishop

July 20, 2001

Dear Father Robert:

Thank you for accepting appointment as administrator of St. Anne's, effective July 1, 2001, and for only so long as it takes me to get a replacement for you which I hope to do in October. This should not affect your retirement compensation.

Best wishes for good health and summer blessings.

Fraternally in our Lord,

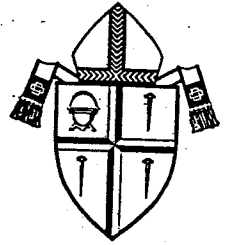
Bishop of San Diego

Rev. Robert Nikliborc
St. Anne Parish
621 Sicard Street
San Diego, CA 92113

RHB/av

C: Rev. Msgr. Steven F. Callahan

000008



Office of the Chancellor

• Memorandum

To: Retiring Priests
From: Reverend Monsignor Steven F. Callahan
Date: June 7, 2001

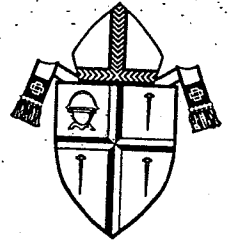
To keep our records current, we ask that you notify my office with your new mailing address and phone number. Please complete the form below and mail to the Office of the Chancellor; P. O. Box 85728, San Diego, CA 92186-5728 or FAX to (619) 490-8272 or call (619) 490-8310 with the information.

NAME: ROBERT D. NIKLIBORC
ADDRESS: P. O. BOX 1303
CITY: PALM SPRINGS,
STATE, ZIP CODE: CA 92263-1303
TELEPHONE NUMBER:

This information will be printed in the Diocese of San Diego Directory unless you request it not be published.

People
Parish
Register

000009



Office of the Chancellor

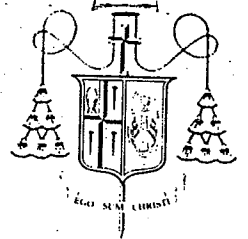
SALARY AND BENEFITS CHANGE

Date: June 11, 2001
To: Karen Jassoy
From: *SFC* Monsignor Steven F. Callahan
Subject: Father Robert Nikliborc

Current assignment Pastor
Current salary \$1,220 per month
Salary and benefits charged to St. Anne's
Notes

New assignment Retired
Effective date July 1, 2001
New salary
Benefits charged to 4190
Notes

000010



Office of the Bishop

January 31, 2001

Dear Jane:

This is to inform you that I have granted retired status as of July 1, 2001 to the following priests:

Monsignor Joseph Finnerty ordained 06/16/57
Monsignor Patrick Fox ordained 06/08/52
Reverend Charles Fuld ordained 07/12/86
Reverend Robert Nikliborc ordained 05/19/55
Reverend Louis Salca ordained 05/27/65

Please take the appropriate action in this regard.

Sincerely in our Lord,

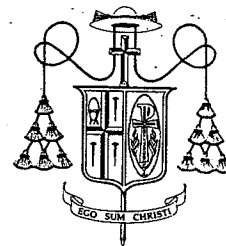
Bishop of San Diego

Ms. Jane Barry
Robert M. Epler Company
450 B Street, Suite 750
San Diego, CA 92101-8002

RHB/av

C: Rev. Msgr. Steven Callahan

000011



Office of the Bishop

COPY

January 12, 2001

Dear Father Robert:

I am writing to accept formally your request for retirement status to become effective July 1, 2001.

At the same time, I want to acknowledge with deep gratitude your life and ministry as a priest of the Diocese of San Diego since your ordination by Bishop Buddy in 1955. In particular, I join the many to whom you have ministered so unselfishly as pastor of St. Anne's in expressing our appreciation for your nearly thirty years of service there.

May God bless you with good health to be happy and as active as possible even in retirement.

You will always have my personal admiration and support.

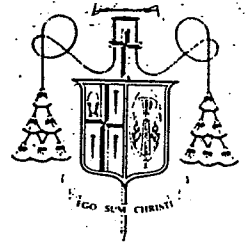
Fraternally in our Lord,

Bishop of San Diego

Rev. Robert Nikliborc
Pastor
St. Anne's Rectory
621 Sicard Street
San Diego, CA 92113-2334

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COPY



Office of the Bishop

December 16, 1997



San Diego, CA 92102

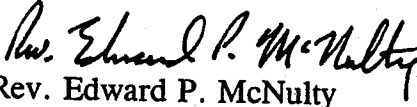
Dear 

Bishop Brom has asked me to thank you for your recent letter of concern regarding St. Anne's parish and your pastor Father Robert Nikliborc.

Bishop Brom takes seriously the scripture passage which instructs us that we should try to settle with our brothers and sisters before we bring our concerns to higher authority, therefore, I encourage you to bring your concerns directly to Father Nikliborc, if you have not already done so.

May the Lord continue to bless you in your concern for the Church.

Sincerely in our Lord,


Rev. Edward P. McNulty
Assistant to the Bishop

000013



December 15, 1997

His Excellency Bishop Robert Brom:

Since I know that you are a theologian and have a Masters in Divinity, I always wanted to have a teaching and an image of yours. However, today writing this letter, I have a different purpose. I must tell you that I am not a professional but I am a catechist; I share the Word of God in the Charismatic Renewal Movement and take classes to transmit my faith to my people at Saint Anne's parish. But Father Robert Nicolborc told the leaders that I could do none of this anymore. This year I taught the First Communion class. Father Robert told the coordinator to stop me from teaching catechism. She told Father that she did not want to go to hell and that he should stop me. So he did.

This is fine with me but there are other incidents at Saint Anne's Parish that threaten to break the faith of the people. Father Robert told the leader of the Charismatic Renewal that he could not use the microphone in church because the leader believed himself to be a deacon because he dresses in black and preaches. Father told us we could only sit in the benches. How is the choir supposed to play sitting down?

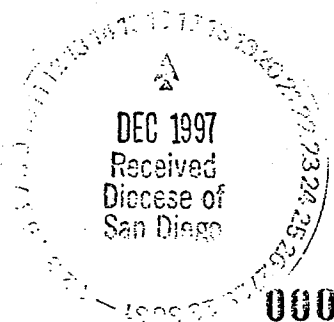
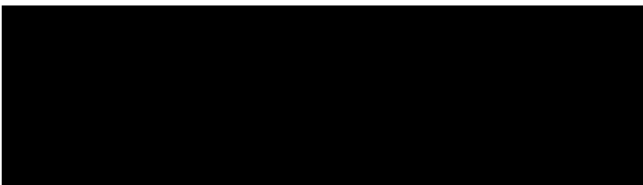
During that same incident, He asked a lady to leave the benches and go sit upstairs where the choir sings on Sundays. This lady's son became very mad. Can you imagine what has happened to this young man's faith, let alone the faith of other young people. I believe that if we had not be with this young man, he would have hit Father Robert. On other occasion he accused a young boy of putting graffiti on the church simply because he had baggy pants. You cannot judge a person by the clothes he/she wears. I believe these incidents to be a clear case of harassment.

Father Robert is going against the magisterium of the church. In the dogmatic constitution the lay members are addressed. However, at Saint Anne's only men participate in the mass.

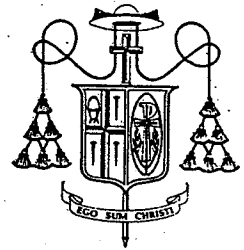
In November, at the annual Carismatic conference, during the opening mass, you told us that you love us and have us in your heart. Also, Bishop Chavez, at the closing mass, said to go out and teach what we had learned. To know that we are loved by you is comforting and gives us hope; but Father Robert is rude and despotic attitude hurts many people.

I am sorry to have to tell you about these incidents. I am compelled to speak the plain truth because I think you should know.

Your sister in Christ,



July 7, 1995

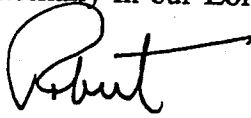


Office of the Bishop

Dear Bob:

It was a pleasure for me to be part of your 40th anniversary celebration, and I am grateful for your gift as you continue to extend the blessings of your priesthood to me.

Fraternally in our Lord,

+ 

Bishop of San Diego

Rev. Robert Nikliborc
St. Anne's Church
621 Sicard Street
San Diego, CA 92113

PRESBYTERAL COUNCIL 1995

EX OFFICIO MEMBERS:

Bishop Most Rev. Robert H. Brom
Auxiliary Bishop Most Rev. Gilbert E. Chavez
Chancellor Rev. Msgr. Daniel J. Dillabough
Director of Office for Priests Rev. Michael F. Murphy
Rector of St. Francis Seminary Rev. Steven F. Callahan

ELECTED MEMBERS:

Pastor Representative Rev. Msgr. Francis Pattison
Associate Representative Rev. William A. Springer
Special Works Representative Rev. William J. Ortmann
Retired Priests Representative Rev. Msgr. William A. Kraft

Deanery Representatives:

Cathedral Rev. Robert Nikliborc
El Cajon Rev. Francis G. Penko
El Centro Rev. Eduardo Gudiño
Escondido Rev. Charles W. Sheslo
La Jolla Rev. Nicholas Dempsey
Oceanside Rev. Ramon R. Marrufo
South Bay Rev. Dennis L. Mikulanis
University Rev. Msgr. Mark A. Campbell

APPOINTED MEMBERS:

Rev. Msgr. Raymond C. Kirk
Rev. Joseph Masar
Rev. Peter M. McGuine
Rev. Michael Ratajczak
Rev. Frank Wagner, O.M.I.

EXECUTIVE SECRETARY:

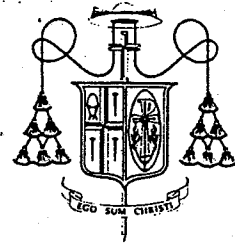
Rev. Edward P. McNulty

MILITARY LIAISON:

CDR Michael A. Diaz, CHC, USN

DIocese OF SAN DIEGO

November 23, 1993



Office of the Bishop

Dear Bob:

Just a note to say again that I am very grateful for your assistance to me and service to our presbyterate and local Church through the Presbyteral Council, all members of which are concluding their terms at this time.

I express my gratitude with the prayer that our presbyteral communion and solidarity may continue to deepen so that our collaboration in ministry may be evermore fruitful.

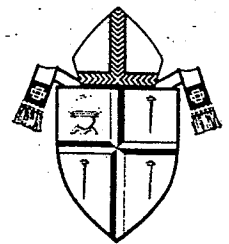
Fraternally in our Lord,

+ *Robert Brown*

Bishop of San Diego

Rev. Robert Nikliborc
St. Anne's Church
621 Sicard Street
San Diego, CA 92113

MEMORANDUM



Office of the Chancellor

May 3, 1993

TO: All Pastors and Diocesan Priests
FROM: Rev. Msgr. Daniel J. Dillabough
RE: Quinquennial Report

To assist our office in preparation of the Quinquennial Report, please complete the following information and return to the Chancellor's Office by May 14, 1993.

Pastors:

To this time, have "Small Ecclesial Communities" or "Basic Christian Communities" been established in your parish?

Yes No

St. Anne 239-8253

Diocesan Priests:

Please list each college degree, from which discipline and date received:

Table with 3 columns: Degree, Discipline, Date Received. Rows include B.A. ENGLISH 6/3/51, Ph.D. PHILOSOPHY 6/3/51, ST.B. THEOLOGY 6/6/53, M.A. RELIGION 5/13/55.

Robert D. Nikliborc
Name

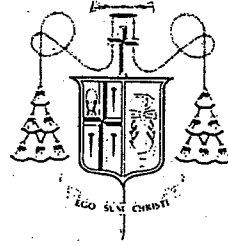
5/13/93
Date

C

000018

PASTORAL CENTER

October 2, 1992



Office of the Bishop

Dear Bob:

Thanks a million for your help regarding the situation at St. Anthony's. You have shown yourself a good brother priest and collaborator with me in service to the Church.

Belated thanks also for your gift on my birthday.

Fraternally in our Lord,

+ *Robert*

Bishop of San Diego

PERSONAL

Rev. Robert Nikliborc
St. Anne's Church
621 Sicard Street
San Diego, CA 92113

March 27, 1988

Bishop Leo P. Maher
Catholic Diocese of San Diego
Diocese office Chambers
Alcala Park, California

Re: Rev. Robert D. Nikliborc

Dear Bishop Maher,

We live in Beaver Dam, Wisconsin. I am originally from San Diego, California. Recently our son passed away. We had a funeral service here in Wisconsin and a second one in San Diego for my family, where our son is buried. Needless to say both of us were devastated at our loss. We had never met Father Bob, but my Parents attend his services frequently and introduced us. He in turn agreed to handle the services in California for us. The purpose of our letter is to inform you that he not only handled the service but put our minds at ease concerning many questions and worries we had about our

Son. He did not allow the short period of preparation time to interfere with sharing and personalizing our loss.

We sincerely appreciate the time, the sincere concern, and love he showed us. We miss our Son terribly and have ups and downs, and know we can turn to Father Bob to receive the same caring advice with a open heart.

Father Bob is the most sincere, dedicated, helping man we will ever hope to meet. He is doing and living his vows to the fullest. He is a remarkable man.

Sincerely,



Kenneth Nordman
Kenneth Nordman, 15,
409 York St., Beaver Dam,
died Wednesday, March 9,
1988, due to an aneurysm,
at University Hospital in
Madison, Wis.

The funeral will be at
10 a.m. Saturday from the
Briese Roedl Weber
Funeral Home to St.
Michael's Catholic Church
at 10:30 a.m. for Mass of
Christian Burial. Due to
remodeling at St. Peter's,
the service will be held at
St. Michael's. The Rev.
Edward Wieland officiated.
Burial will be in Holy Cross
Cemetery, San Diego, Calif.

Kenneth was born on
Sept. 5, 1972, in Baraboo,
Wis., the son of Margaret
(Schutte) Zelner and Ken-
neth R. Nordman.

He was a member of St.
Peter's Catholic Church,
attended CCD classes at St.
Peter's and was a 9th grader
at Beaver Dam Junior High
School. He was active in
the Boy Scouts for four
years, an avid outdoorsman,
a talented artist and re-
ceived a green belt in
Karate. He was a Daily Ci-
tizen carrier for two years
and was employed at Mc
Kinstry's Home Furnish-
ings.

Survivors include his
mother, Margaret "Marc"
and his step-father, Greg
Zelner, Beaver Dam; his
father, Kenneth R. Nord-
man, Wisconsin Rapids;
one step-brother, Gregg II,
Wisconsin Dells; his ma-
ternal grandparents, Mr.
and Mrs. Arthur Schutte,
San Diego, Calif.; his pa-
ternal grandparents, Mr.
and Mrs. Kenneth M.
Nordman, Florida; step-pa-
ternal grandmother, Mrs.
Leonard Zelner, Wisconsin
Dells; step-paternal great-
grandmother, Mrs. Norris
Anderson, Wisconsin Dells;
aunts, uncles, cousins, other
relatives and friends.

Friends may call from 6
to 9 p.m. today at the Briese
Roedl Weber Funeral
Home, Beaver Dam. There
will be a Parish Vigil at 8
p.m. Other funeral ar-
rangements are pending at
the Goodbody's Mortuary,
El Cajon Blvd., San Diego,
Calif.

Memorials may be
directed to the Beaver Dam
Humane Society.

Rosary and Services
St. Anne's 601 Second Street San Diego, Calif.
Rev. Robert D. Nikliborc

ST. ANNE CATHOLIC CHURCH
621 SICARD STREET
SAN DIEGO, CALIF. 92113

VE: 239-8253



August 26, 1985

Dear Bishop,

Please accept my most sincere and heartfelt gratitude for your expression of sympathies and promise of prayers and Mass for the repose of the soul of my brother, Raymond.

I have forwarded your mailgram to my sister-in-law and the family. She was greatly consoled by the presence of Bishop Alfred Abramowicz and about 100 priests and nuns at Ray's Mass of the Resurrection. They and many family friends celebrated the Mass with me at St. Joseph's Church in Chicago.

My brother was paralyzed for 12 yrs. and I'm sure his passing away was good for him and his suffering family.

Fraternally,

Bob Nikliborc

MAILGRAM SERVICE CENTER
MIDDLETOWN, VA. 22645
22AM

Western Union Mailgram



4-035090S234002 08/22/85 ICS IPMBNGZ CSP SDGB
1 6195746300 MGM TDBN SAN DIEGO CA 08-22 0451P EST

▶ CATHOLIC DIOCESE YG
PO BOX 80428
SAN DIEGO CA 92138



THIS IS A CONFIRMATION COPY OF THE FOLLOWING MESSAGE:

6195746300 MGMS TDBN SAN DIEGO CA 41 08-22 0451P EST
ZIP

REV ROBERT NIKLIBORC
ST ANN CHURCH 621 SICARD ST
SAN DIEGO CA 92113

DEEPEST SYMPATHY ON THE LOSS OF YOUR BELOVED BROTHER RAYMOND.
ASSURING YOU OF MY PRAYERS AND MASS FOR THE REPOSE OF HIS NOBLE SOUL.
BISHOP LEO T MAHER

16:52 EST

MGMCOMP

000024

NIKLIBORC-BBK000025

TO REPLY BY MAILGRAM MESSAGE, SEE REVERSE SIDE FOR WESTERN UNION'S TOLL - FREE PHONE NUMBERS

1055 Silver Jubilee Mass 1950

1055 Mass de Nostra Señora Villavieja

You are cordially invited

to join us for

Mass of Thanksgiving to Almighty God

for the gift of 25 years five years

of sharing in the eucharist mystery

of life

Friendhood of Jesus Christ

to be offered

at ST. ANNE'S CATHOLIC CHURCH

621 SICARD STREET

SAN DIEGO, CALIFORNIA

on

MAY 11, 1950

at twelve-thirty in the afternoon

A Parish Reception will follow the Mass

Cake and Beverages will be served

If you are unable to be present,

I ask you to be with me in spirit

and prayer on this joyful occasion.

Reverend Robert D. Villavieja

Reverendo Roberto D. Villavieja

Conmemoración de los 25 años

de compartir la Eucaristía por

cinco años de compartir el misterio

de la Eucaristía a Dios Alentado por 25 años

de compartir el misterio de la Eucaristía

de amistad con Jesús Cristo

La Misa será ofrecida a las

12 de Mayo

a las 12:30 de la tarde

en la

IGLESIA DE SAN ANA

621 CALLE SICARD N. 621

SAN DIEGO, CALIFORNIA

Después de la Misa habrá

servicio de recepción, torta y

bebidas servidas también

Si no las es posible asistir,

les pido que acompañen a mis hermanos

con sus oraciones en este día

de tanta alegría.

May 12, 1980

Rev. Robert Nikliborc
St. Anne Church
621 Sicard Street
San Diego, California 92113

Dear Father Nikliborc:

First of all, let me congratulate you on your 25th Anniversary to the Priesthood. As I felicitate you, I join with your many friends in offering thanks to Almighty God for the graces that have come through you to the lives of our people.

As you know, the 18th is completely taken. I have three functions already. However, on the 17th I am free in the evening and I will be pleased to attend your banquet and say a few words.

Thank you so much for your Easter gift of the beautiful bottle of Viejo Brandy Gran Duque de Alba and for the special imported cigars that I shall certainly enjoy immediately. You are always so thoughtful and I am very grateful.

As far as I recollect, I do not remember seeing anything for Christmas. Perhaps you are right, somebody helped themselves to the parcel. It is always best, of course, to try and find out if I am home and present them personally or through John Leonard Bogan -- or through the office.

With renewed thanks and gratitude, and looking forward to seeing you on the 17th, I am

Sincerely in Christ,

+Leo T. Maher
Bishop of San Diego

LTM:ea

ST. ANNE CATHOLIC CHURCH

621 SICARD STREET

SAN DIEGO, CALIF. 92113

PHONE: 239-8253

May 9, 1980

Most Reverend Leo T. Maher, D.D.
Bishop of San Diego
P.O. Box 80428
San Diego, California 92138

Dear Bishop Leo:

On May 19, 1980, I am celebrating my twenty-fifth anniversary of ordination to the Sacred Priesthood of Our Lord Jesus Christ.

The People of the Parish are sponsoring a Dinner for me on Saturday, May 17, 1980, at the Padre Trail Inn, 4200 Taylor Street, Old Town, San Diego; Cocktails at 6:00 p.m. and Dinner at 7:00 p.m.

A Mass of Thanksgiving will be celebrated at St. Anne's Parish on Sunday, May 18, 1980, at 12:30 p.m. in English. A Reception will follow at which cake and beverages will be served in the Parish Hall.

It is always a special honor to be in your presence and ask you to participate with me at any personal or parish service. I did not request your presence earlier for two reasons; 1) It takes a Mexican Parish a long time to decide if they are going to celebrate any occasion; 2) I deferred asking your Excellency since my other classmates attended both Seminaries in San Diego and had the right to request your presence at their festivities first.

Now that they have had ample time, you are cordially invited to attend my celebrations if your schedule permits. You have always been my friend and it certainly would be an honor on this occasion. Please let me know so that we can prepare for your coming, and if you decide to attend, I would like you to speak at both the Dinner and/or the Thanksgiving Mass.

The other request I have is that I be excused from participating in this year's Annual Retreat at the Seminary. My home parish in Chicago will honor me at the end of May, and my brother, Father Frank, has scheduled a Mass of Thanksgiving in his parish also.

The two gifts are for Easter. I had intended to leave them at your home on Holy Saturday, but decided not to, because the gifts which I left for you at Christmastime apparently were not received by you since I did not receive an acknowledgement. I always know that I will give you something, but the pressures of the disorganized lives of these people usually interrupts my schedule.

Thank you for listening.

Fraternally in Christ,


Robert D. Nikliborc

UNIVERSITY CLUB
Seventh and B
San Diego, California

December 27, 1977

Most Reverend Leo T. Maher,
Diocesan Office,
Alcala Park,
San Diego, California

Your Excellency:

The underlisted Pastors meet once a month for lunch and sharing of ideas and problems. At the meeting of December 21, the question of Stewardship was the topic of the hour. It was decided that the views and feelings of all present should be brought to your attention.

To say that the Pastors were disturbed by the latest Stewardship developments would be a gross understatement. There was widespread dismay and even anger. Many parishes already receive nothing from Stewardship. The increased assessments will add many more to the list. The Pastors feel that the monthly assessments, possibly the highest in the country, should be more than enough to run the offices of the Diocese. To add to this a heavy Stewardship load is unfair and unnecessary. An unreasonable amount of parish income is syphoned off to the Diocese, in some cases close to, and in others over, one thousand dollars a week. The Pastors feel that they are being used and exploited as mere fund-raisers. They find it increasingly difficult, if not entirely impossible, to justify these arrangements to their people. In the matter of Stewardship in particular, which was originally advertised as a limited project, they feel that you have broken faith with them.

It is with great regret that the undersigned feel this letter is necessary. They do not regard themselves as adequately represented by either the Diocesan consultors or the Senate, many of whose members are not Pastors and do not have the heartaches or responsibilities of Pastors. They feel strongly that there must be direct consultation with themselves in money matters and more attention and consideration must be given to parish needs.

With every good wish for the New Year, we remain

Your Brother Priest\$,

William A. Bergin
Lloyd Bourgeois
Thomas Briody
Thomas F. Byrnes
Thomas E. Byrnes
Edward Creighton
Michael Flynn
James M. Gilfillan
Andrew W. Hanley

Raymond C. Kirk
William A. Kraft
Vincent Mc Garvey
Peter Mimmagh
William J. Mooney
J. Raymond Moore
Jeremiah Murphy
Sean Murray

Robert D. Nikliborc
Patrick J. O'Dowd
Patrick O'Neill
Jeremiah O'Sullivan
Francis Pattison
Jerry Sims
Earl Smith
Patrick J. Walsh

De-Who?

The name is DeBeers, the promotion says.
But the real name is Harold McClintock, ex-con.

DeBeers is the magic name in the diamond business. DeBeers Consolidated Mines of South Africa, that is. You might find it to your advantage not to confuse that company with a Scottsdale, Ariz. outfit that calls itself DeBeers Diamond Investment Ltd. In no way are the two DeBeers companies connected.

For the past year or so the Arizona "DeBeers" has been running advertisements offering mail-order packs of five diamonds, ranging in price from \$300 to \$100,000, for investment. How good is business? Good enough for the company to branch out across the U.S. and also start offering packets of rubies, emeralds and sapphires as investments.

"It's a new concept," brags Alois L. Geiger III, president of the Arizona DeBeers. "It's only a year old and we're getting quite large." At which point Geiger claims up and refuses to say any more about his company.

He has good reason to keep quiet. For one thing, there is indication that some customers may be paying a lot more for the diamonds than they might pay for them elsewhere. For another, according to lawmen interviewed by *FORBES* working in cooperation with the *Scottsdale Daily Progress*, Geiger, a former barber from Milwaukee, is not the real boss of the company.

The Real Boss

The real boss is Geiger's brother-in-law, Harold McClintock, though he has registered himself to the local Better Business Bureau only as sales manager. McClintock, a bear-like man in his mid-50s, is a self-styled promoter and investment counselor who has been identified in newspaper stories as having underworld ties. Law enforcement officials have confirmed that in 1931 he was arrested, questioned and released in Chicago during an investigation of a triple gang-brotherhood. He is also known to local and federal investigators as Harold Faxon. In 1937 a Chicago court convicted McClintock of mail fraud with a \$15,000 fine and five years probation, but served a year in federal prison in Minnesota and Arizona for the same offense.

In 1937 McClintock moved to Arizona, and during the next few years

police saw him in the company of Salvatore Spinelli and Mike Gallo, both of them known to have mob connections.

McClintock next tangled with the law in the early 1970s when he and some 20 other individuals were charged by the Securities & Exchange Commission with selling unregistered stock in 14 "shell" companies; McClintock signed a consent decree.

Before moving into diamonds, McClintock tried his hand at a few other things. At various times he was a fund raiser, a financial consultant and a merger and investment adviser. In 1974, he set up U.S. Silver Co., an Arizona firm selling silver bullion to the public. Then in October 1974 McClintock set up the DeBeers diamond operation as a subsidiary of U.S. Silver. *FORBES* has learned that the Federal Bureau of Investigation is now looking into McClintock's Arizona operations.

So far, only Michigan has ordered McClintock's DeBeers to stop selling in that state on the grounds that his diamond investment contracts constitute an unregistered security. Currently the SEC is looking into the Scottsdale DeBeers operations to see if they fall under its jurisdiction, and if so, whether any of the agency's securities laws or regulations have been violated.

If you respond to a McClintock-DeBeers advertisement, the material you get by return mail has none of the romance and sentiment that the original DeBeers' promotions feature. The pitch is right to the financial jugular: "Diamonds will protect ... diamonds are literally hard currency ... diamonds have spectacularly outperformed gold, silver, and, of course, the Dow Jones stock index. ... Most important, there has been no backward step in the price of diamonds ... call toll-free. ..."

Another pitch: "Is the future predictable? In diamonds, yes."

McClintock operates on a cash-and-carry basis. You send him the money first. Then you wait up to 21 days for him to send you the diamonds. The company's literature says your money is placed in a trust account. To the average investor that would seem like a smart way to do



This is one way to get taken with diamonds.

business. But get this: The local Better Business Bureau has issued a report to its members stating that the DeBeers bank account is a "trust" account in name only, since there are no bonding restrictions with the bank to hold the money until the customer has received the diamond delivery."

The Source

The "trust" fund isn't the only ad claim that is open to question. McClintock's literature also claims that the company gets its diamonds from DeBeers. The obvious inference is that he gets them from DeBeers of South Africa. In a roundabout way that is true, since over 80% of all the world's diamonds do come from the DeBeers. But McClintock's direct supplier is DeBeers Diamond Ltd., a New York City diamond cutter headed by one Jerry Peppercorn who is also not connected with the South African company. According to a former employee, McClintock buys some diamonds from local sources, presumably jewelers, in Scottsdale. McClintock-DeBeers also recently placed an ad in *The Wall Street Journal* offering to purchase diamonds, either in large lots or single pieces.

No outsider knows how many diamonds McClintock has sold or how much money he has made on the operation. But he does seem willing to share some of the wealth. Branch offices have been popping up in such places as Fremont, Calif., Quincy, Ill., and Des Moines, Iowa. Their newspaper advertising is the same as McClintock's and he provides the diamonds. All the branch operator has to provide is the telephone and the spiel. Even with such a fledgling operation, McClintock operates on a thin cushion of cash and diamonds. According to a recent certified state-

ment, McClintock's company had total assets of \$798,000.

Are McClintock-DeBeers buyers getting their money's worth? According to an "appraisal" that McClintock furnishes with each sale, they are getting more than their money's worth. But that appraisal is a retail price evaluation. An investor, however, generally can only resell diamonds at a wholesale price. And that's assuming

you get a good appraisal. In one case, McClintock sent a packet of diamonds to a prospective franchiser, claiming they were worth \$396. "I had them appraised," says the businessman who refuses to be identified. "They were just trash worth only about \$150." FORBES knows of no other similar cases, but the Postal Service is conducting an investigation to find out whether the buyers are not, in fact,

paying more than legitimate retail jewelers would charge.

At best, McClintock-DeBeers buyers are taking a sight-unseen chance they could avoid by buying diamonds from a local merchant they know and trust. At worst, they are getting rooked. Barnum said it first about suckers. And inflation these days only seems to be making them more gullible than ever. ■

What Price Independence...

... and who pays the price? That's the question these days at I-T-E Imperial.

"It's not in our stockholders' best interests."

How much damage has been inflicted upon stockholders in the name of that high-sounding phrase? A stock languishes at a fraction of book value and management does little about it. Suddenly an outsider comes along and offers a nice premium over market value. Management, its jobs and prerogatives threatened, proclaims: "The offer is not in our stockholders' best interests." It then begins spending stockholder money to throw up legal and other hurdles to the tender offer. The stock slips back and the stockholders are back where they were: holding the bag. "Best interests," indeed.

Spring House, Pa.'s I-T-E Imperial Corp. has dragged along with a modest 12% return on stockholders' equity for the last five years. Over the same period, competitor Square D returned 21%. At one point last year I-T-E's common stock sold for less than half its book value. At the nine-month mark this year, its earnings were down a sharp 19%.

I-T-E, with sales in the half-billion-dollar range, manufactures and markets electrical and fluid-power equipment. The business is attractive enough, even though the profits haven't been able to lure numerous takeover offers. But each time management has stalled or balked. "Not in the stockholders' best interests."

Two years ago, the Italian Agnelli interests (that) put two men on the I-T-E board and a controlling interest in the stock. Chairman William Musham objected when the Italians wanted to buy more stock. Why? "There would be a price differential between U.S. dollars and we would be owned by foreigners," is Musham's lame explanation. But out of Musham's mouth, an aide confirms that the dispute was really over

who would control the company.

In a flash last year the Italians sold their shares to Chicago's Gould Inc., the big battery company. Gould had made a tender offer for 25% at \$15 a share, but when Musham objected, Gould canceled the offer. Three months later, however, Gould emerged owning 21%. Besides buying out the Italian holdings, Gould had acquired stock from public and private sources. Now Chairman Musham is in court fighting off Gould.

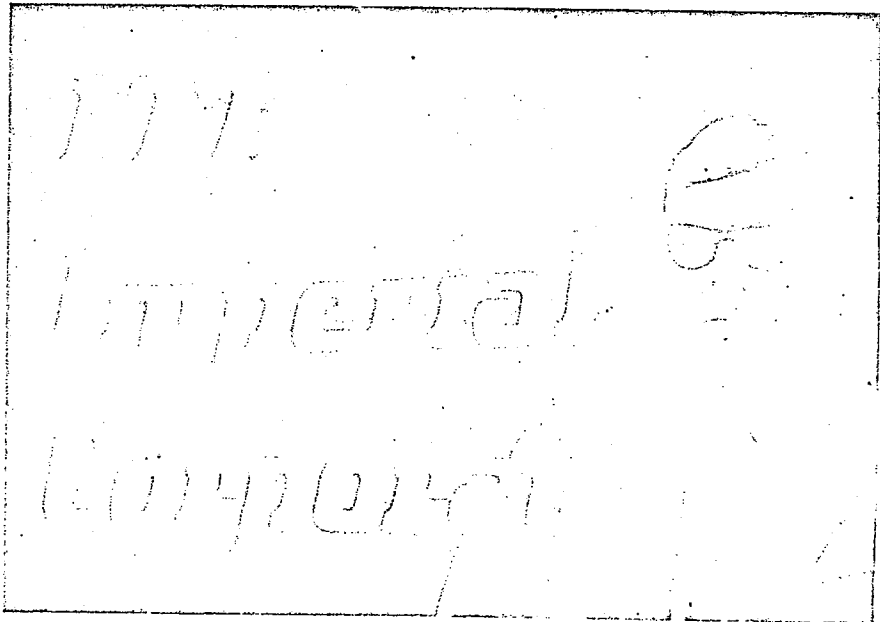
"We want to remain independent," he insists. For the moment at least, Musham can balance the Gould holdings with the votes of some 23% of the shares that he says are in hands friendly to him; personally he owns 1%. But additional purchases by Gould would upset the delicate balance and make the battery company the dominant interest. Obviously Musham's po-

sition would thereby be weakened.

Indications are that I-T-E is no roaring bargain. Derald Ruttenberg, who played a major role in putting I-T-E together, once studied a merger with Studebaker-Worthington, but pulled out. "The fit wasn't any good," he told FORBES. (Ruttenberg is now with S-W.) Later on, Combustion Engineering studied a takeover, but also pulled out. So did Raytheon.

Without a merger, I-T-E stockholders have scant chance of getting out at a decent price. While profit margins may improve in the electrical end of the business, the biz fluid-power group is doing badly. Earnings prospects are certainly not good and the past record isn't very reassuring either.

So why is Musham fighting off a takeover by the much more profitable Gould? FORBES learned that talks between the two companies are continuing. Is Musham really holding out for a better price for his shareholders? Or is he just hoping that Gould will go away and leave him and his colleagues still in control of a big, but not very profitable, enterprise? ■



Merger Candidate. Is I-T-E Imperial Chairman William Musham holding out for the best possible deal for his shareholders—or for his job?

†
In Loving Memory of
RAYMOND F. NIKLIBORC

At Rest
August 18, 1985

Mass of Christian Burial
St. Joseph Church
Thursday, August 22, 1985
at 11:00 a.m.

Interment
Resurrection Cemetery
Lot 14 Blk. 41 Sec. MM Gr. 3

Lord, make me an instrument of Your peace.
Where there is hatred, let me sow love;
where there is injury, pardon; where there is
doubt, faith; where there is despair, hope;
where there is darkness, light; and where
there is sickness, joy.

O Divine Master, grant that I may not so
much seek to be consoled as to console; to
be understood as to understand; to be loved;
as to love; for it is in giving that we receive;
it is in pardoning that we are pardoned; and
it is in dying that we are born to eternal life.

Boldyga Funeral Home
1758 W. 51st. Street

DIOCESAN OFFICE
FOR APOSTOLIC MINISTRY / ALCALA PARK

POST OFFICE BOX 80428
SAN DIEGO, CALIFORNIA 92138

714 - 298-7711

February 11, 1976

C
O
P
Y
Mr. Jose B. Untalan
President
Sons and Daughters of Guam Club
Post Office Box 1427
Spring Valley, California 92077

Dear Mr. Untalan:

This is in reply to your letter of January 20, 1976, addressed to His Excellency, the Most Reverend Leo T. Maher, Bishop of San Diego, wherein you request the official appointment of a chaplain to the Sons and Daughters of Guam Club.

Knowing of ~~Father Robert D. Nikliborc's~~ interest in and efforts on behalf of the Sons and Daughters of Guam Club, Bishop Maher agrees that he would make an excellent chaplain. He would prefer, however, not to make an official appointment at this time, as it might lead other priests in the area to believe that they need not become involved in the activities of your wonderful association.

Unlike the Knights of Columbus, Catholic Daughters, Serra Club, or Young Ladies Institute, your Sons and Daughters of Guam Club is not primarily a Church organization. Priests are certainly free and, in fact, encouraged to become involved in your programs. This is especially true in those areas with large Guamanian communities, where Bishop Maher hopes other priests will join Father Nikliborc in ministering to you.

Sincerely in Christ,

Reverend Richard F. Duncanson
Secretary to the Bishop

bc: Rev. Robert D. Nikliborc



SONS AND DAUGHTERS OF GUAM CLUB



Post Office Box 1427, Spring Valley, California 92077

Telephone: (714) 461 - 2536

January 20, 1976



Bishop Leo T. Maher
The Diocese of San Diego
P. O. Box 80428
San Diego, California 92038

Your Excellency,

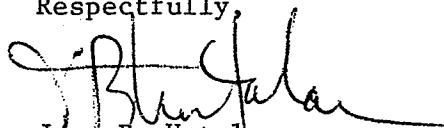
We of the Guamanian community of San Diego are grateful for the services provided us by Father Robert D. Nikliborc, Pastor of the St. Anne Church. He has provided the invocation at all of the functions of the Sons and Daughters of Guam Club, of which I am president, and which represents our local community. He has recited the rosary and celebrated masses at our clubhouse and at the houses of our members. He enjoys the trust and respect of our entire community.

We respectfully request that you consider our invitation to Father Nikliborc to be the Chaplain of our Guamanian community and of our club. He has indicated his willingness to accept this invitation, subject to your approval, in a letter to us which I have enclosed.

We especially need his help to assist us in our efforts to install Santa Maria Camalin as the Patron Saint of the Guamanian community of San Diego. This is an effort which is totally supported and desired by the entire Guamanian community here. We have consulted in this matter with His Excellency Felixberto Flores, Bishop of the Marianas, and have his unqualified support. He suggested we seek advice from His Excellency Bishop Chavez, which we have done. Bishop Chavez recommended that we proceed. I am sure that we will be needing your assistance in implementing the details of our plan for our endeavor to have Our Lady of Camalin installed as our Patroness. We would like to celebrate this installation on May 8 of 1976 with the assistance of Father Nikliborc.

We thank you for your consideration of our invitation to Father Nikliborc to become the Chaplain of the Guamanian community in San Diego. We earnestly hope that you approve of this invitation.

Respectfully,


Jose B. Untalan
President

Enclosure

Copy to: His Excellency Felixberto Flores
Father Robert D. Nikliborc

ST. ANNE CATHOLIC CHURCH
621 SICARD STREET
SAN DIEGO, CALIF. 92113
PHONE: 239-8253

Feast of the Epiphany
January 4, 1976

Sons and Daughters of Guam Club
Post Office Box 1427
Spring Valley, California 92077

Attention: Mr. Jose B. Untalan, President

Dear Mr. Untalan:

May I thank you, Jose, and please extend my appreciation to the Board of Directors and the General Membership of the Sons and Daughters of Guam Club for their kind invitation to become the Chaplain of the distinguished Guamanian Community of San Diego, as evidenced by your letter of December 29, 1975.

It has been a privilege to join with our families and children in times of joy or sorrow for the recitation of the Rosary and celebration of Holy Mass in homes, or at the Club, to promote our Faith in adoration of Our Lord Jesus, and in honoring Our Patroness of Guam, Saint Maria Camalin, Our Blessed Mother.

I have also enjoyed being present with you on Liberation Day and Christmas Installation Festivities each year.

His Excellency, Bishop Felixberto Flores, Bishop of the Marianas, must be very proud of your efforts on behalf of Santa Maria Camalin and I hope to be of help to him and you in your endeavor to have Our Lady of Camalin installed as the Patroness of the Guamanian Community in San Diego.

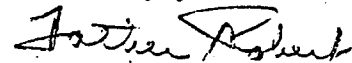
Governor Ricardo Bordalle and Mayor Pete Wilson are also proud of your sincere interests in continuing the culture and customs of Guam on the Mainland, especially for the benefit of the Guamanian children.

I, therefore, accept your invitation to be your Chaplain, subject to the approval of His Excellency, Bishop Leo T. Maher, Bishop of San Diego. You can write to Bishop Maher at The Diocese of San Diego, Post Office Box 80428, San Diego, California 92138. If you wish, you may enclose a copy of my letter.

I look forward to preparing for your expected celebration on May 8.

May Almighty God Bless each one of you during 1976.

Sincerely yours in Christ,



Rev. Robert D. Nikliborc
Pastor

C O P Y

November 26, 1975

Father Ortmann

Bishop Maher

Attached letter from Alfred L. Sotelo

Would you please add this
matter to the many things
to be discussed with Father
Nikliborc.

+Leo T. Maher
Bishop of San Diego

June 3, 1955

The Reverend Robert D. Nikliborc
Addressed

Reverend and dear Father Nikliborc:

You are hereby appointed Assistant to the Right Reverend
Monsignor J. Malachy O'Sullivan, Pastor of

St. Mary's Church
National City

effective Saturday, June 4, 1955.

With every good wish,

Sincerely in Christ,

Most Reverend Charles F. Buddy,
Bishop of San Diego.

k

cc: Rt. Rev. Msgr. J. Malachy O'Sullivan

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IMMACULATE HEART SEMINARY

EAST MADISON AVENUE
POST OFFICE BOX 1118
EL CAJON, CALIFORNIA

March 29, 1955

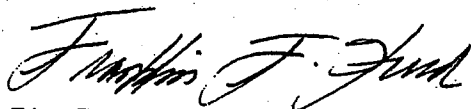
Most Reverend Charles Francis Buddy, D.D.
Alcala Park
P. O. Box 2422
San Diego 12, California

Your Excellency:

In reference to this forthcoming ordination on April 2nd, in the case of Mr. Robert Nikliborc, may I respectfully request a dispensation from publication of the banns, because of the brevity of time between yesterday and the ordination date. The banns were published February 13th in his home parish prior to his ordination to Subdiaconate.

With every best wish, I am

Your obedient servant in Christ,



Rt. Rev. Msgr. Franklin F. Hurd

FFH:EZ

000038

March 30, 1955

The Rt. Rev. Msgr. Franklin F. Hurd
Immaculate Heart Seminary
P. O. Box 1118
El Cajon, California

Dear Monsignor Hurd:

Responding to your esteemed request of March 29, 1955, a dispensation from the publication of the bans to provide for the coming ordination of Mr. Robert Nikliborc is hereby granted.

Enclosed herewith are returned the three petitions of the stated ordinandi, duly signed and sealed.

With kindest regards, I remain,

Devotedly your servant in Christ,

The Most Reverend Charles F. Buddy,
Bishop of San Diego.

v
enc.

PROFESSIONIS FIDEI ET IURISIURANDI FORMULA

Praescripta in Motu Proprio "Sacrorum Antistitum" Pii PP. X. die 1. mensis Sept., anni 1910.

Ego, N.N., Robertus Daniel Nikliborc

firma fide credo et profiteor omnia et singula, quae continentur in symbolo Fidei, quo sancta Romana Ecclesia utitur, videlicet: Credo in unum Deum, Patrem omnipotentem, factorem caeli et terrae, visibilium omnium et invisibilium. Et in unum Dominum Iesum Christum, Filium Dei unigenitum. Et ex Patre natum ante omnia saecula. Deum de Deo, lumen de lumine, Deum verum de Deo vero. Genitum, non factum, consubstantialem Patri: per quem omnia facta sunt. Qui propter nos homines et propter nostram salutem descendit de caelis. Et incarnatus est de Spiritu Sancto ex Maria Virgine, et Homo factus est. Crucifixus etiam pro nobis; sub Pontio Pilato passus, et sepultus est. Et resurrexit tertia die, secundum Scripturas. Et ascendit in caelum, sedet ad dexteram Patris. Et iterum venturus est cum gloria iudicare vivos et mortuos; cuius regni non erit finis. Et in Spiritum Sanctum, Dominum, et vivificantem; qui ex Patre Filioque procedit. Qui cum Patre et Filio simul adoratur et conglorificatur, qui locutus est per Prophetas. Et Unam, Sanctam, Catholicam et Apostolicam Ecclesiam. Confiteor unum Baptisma in remissionem peccatorum. Et expecto resurrectionem mortuorum. Et vitam venturi saeculi. Amen. Apostolicas et ecclesiasticas traditiones; reliquasque eiusdem Ecclesiae observationes et constitutiones firmissime admitto et amplector. Item sacram Scripturam iuxta eum sensum, quem tenuit et tenet sancta Mater Ecclesia, cuius est iudicare de vero sensu et interpretatione sacrarum Scripturarum, admitto; nec eam unquam, nisi juxta unanimem consensum Patrum, accipiam et interpretabor. Profiteor quoque septem esse vere et proprie Sacramenta novae Legis a Iesu Christo Domino nostro instituta, atque ad salutem humani generis, licet non omnia singulis, necessaria, scilicet, Baptismum, Confirmationem, Eucharistiam, Paenitentiam, Extremam Unionem, Ordinem et Matrimonium: illaque gratiam conferre; et ex his Baptismum, Confirmationem et Ordinem sine sacrilegio reiterari non posse. Receptos quoque et approbatos Ecclesiae Catholicae ritus in supradictorum omnium Sacramentorum sollemni administratione recipio et admitto. Omnia et singula, quae de peccato originali et de iustificatione in sacrosancta Tridentina Synodo definita et declarata fuerunt, amplector et recipio. Profiteor pariter in Missa offerri Deo verum, proprium et propitiatorium Sacrificium pro vivis et defunctis; atque in sanctissimo Eucharistiae sacramento esse vere, realiter et substantialiter Corpus et Sanguinem una cum anima et divinitate Domini nostri Iesu Christi, fierique conversionem totius substantiae panis in corpus et totius substantiae vini in Sanguinem, quam conversionem Catholica Ecclesia Transubstantiationem appellat. Fateor etiam sub altera tantum specie totum atque integrum Christum, verumque Sacramentum sumi. Constanter teneo Purgatorium esse, animasque ibi detentas fidelium suffragiis iuvari. Similiter et Sanctos una cum Christo regnantes venerandos atque invocandos esse, eosque orationes Deo pro nobis offerre, atque eorum Reliquias esse venerandas. Firmiter assero imagines Christi, ac Deiparae semper Virginis, nec non aliorum Sanctorum habendas et retinendas esse, atque eis debitum honorem ac venerationem impertiendam. Indulgentiarum etiam potestatem a Christo in Ecclesia relictam fuisse, illarumque usum Christiano populo maxime salutarem esse affirmo. Sanctam, Catholicam et Apostolicam Romanam Ecclesiam, omnium ecclesiarum matrem et magistram agnosco, Romanoque Pontifice, beati Petri Apostolorum Principis successori, ac Iesu Christi Vicario veram obedientiam spondeo ac iuro. Caetera item omnia a sacris Canonibus et Oecumenicis Conciliis, ac praecipue a sacrosancta Tridentina Synodo, et ab oecumenico Concilio Vaticano tradita, definita ac declarata, praesertim de Romani Pontificis Primatu et infallibili magisterio, indubitanter recipio atque profiteor; simulque contraria omnia, atque haereses quascumque ab Ecclesia damnatas et reiectas et anathematizatas, ego pariter damno, reiicio, et anathematizo. Hanc veram Catholicam Fidem, extra quam nemo salvus esse potest, quam in praesenti sponte profiteor et veraciter teneo, eandem integram et inviolatam usque ad extremum vitae spiritum

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constantissime, Deo adiuvante, retinere et confiteri, atque a meis subditis, seu illis, quorum cura ad me in munere meo spectabit, teneri, et doceri et praedicari, quantum in me erit, curaturum, ego idem N. spondeo, voveo ac iuro.

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"I further, with all due reverence, submit and with my whole mind adhere to all the condemnations, declarations, and ordinances contained in the Encyclical letter *Pascendi* and in the Decree *Lamentabili*, particularly regarding what is called the history of Dogma.

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Haec omnia spondeo me fideliter, integre sincereque servaturum et inviolabiliter custoditurum, nusquam ab iis sive in docendo sive quomodolibet verbis scriptisque deflectendo. Sic spondeo, sic iuro, sic me Deus adjuvet, et haec sancta Dei Evangelia.

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All this I promise that I will faithfully, entirely and sincerely keep and inviolably guard, and from this never in teaching or howsoever by word or writing in the least depart. So I promise, so I swear, so help me God and these His holy gospels.

Subscribitur *Robertus Daniel Nikliborc*
Ex loco *Sacello Cordis Mariae Immaculatae Seminarii*
Die *18^o* mensis *Maii* A.D. *1955*

Iuramentum rite coram nobis emissum testamur.

N. *J. Nikliborc J. Jurd*

Episcopus (vel Delegatus Episcopi)

"Si quis autem, quod Deus avertat, iusiurandum violare ausus fuerit, ad Sancti Officii tribunal illico deferatur." (Motu Proprio "Sacrorum Antistitum.")

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3. The document is to be kept in the safe of the diocesan curia.

PROFESSIONIS FIDEI ET IURISIURANDI FORMULA

Praescripta in Motu Proprio "Sacrorum Antistitum" Pii PP. X. die 1. mensis Sept., anni 1910.

Ego, N.N., Robertus Daniel Nikliborc

firma fide credo et profiteor omnia et singula, quae continentur in symbolo Fidei, quo sancta Romana Ecclesia utitur, videlicet: Credo in unum Deum, Patrem omnipotentem, factorem caeli et terrae, visibilium omnium et invisibilium. Et in unum Dominum Iesum Christum, Filium Dei unigenitum. Et ex Patre natum ante omnia saecula. Deum de Deo, lumen de lumine, Deum verum de Deo vero. Genitum, non factum, consubstantialem Patri: per quem omnia facta sunt. Qui propter nos homines et propter nostram salutem descendit de caelis. Et incarnatus est de Spiritu Sancto ex Maria Virgine, et Homo factus est. Crucifixus etiam pro nobis; sub Pontio Pilato passus, et sepultus est. Et resurrexit tertia die, secundum Scripturas. Et ascendit in caelum, sedet ad dexteram Patris. Et iterum venturus est cum gloria iudicare vivos et mortuos; cuius regni non erit finis. Et in Spiritum Sanctum, Dominum, et vivificantem; qui ex Patre Filioque procedit. Qui cum Patre et Filio simul adoratur et conglorificatur, qui locutus est per Prophetas. Et Unam, Sanctam, Catholicam et Apostolicam Ecclesiam. Confiteor unum Baptisma in remissionem peccatorum. Et expecto resurrectionem mortuorum. Et vitam venturi saeculi. Amen. Apostolicas et ecclesiasticas traditiones, reliquasque eiusdem Ecclesiae observationes et constitutiones firmissime admitto et amplector. Item sacram Scripturam iuxta eum sensum, quem tenuit et tenet sancta Mater Ecclesia, cuius est iudicare de vero sensu et interpretatione sacrarum Scripturarum, admitto; nec eam unquam, nisi juxta unanimem consensum Patrum, accipiam et interpretabor. Profiteor quoque septem esse vere et proprie Sacramenta novae Legis a Iesu Christo Domino nostro instituta, atque ad salutem humani generis, licet non omnia singulis, necessaria, scilicet, Baptismum, Confirmationem, Eucharistiam, Paenitentiam, Extremam Unionem, Ordinem et Matrimonium: illaque gratiam conferre; et ex his Baptismum, Confirmationem et Ordinem sine sacrilegio reiterari non posse. Receptos quoque et approbatos Ecclesiae Catholicae ritus in supradictorum omnium Sacramentorum sollemni administratione recipio et admittō. Omnia et singula, quae de peccato originali et de iustificatione in sacrosancta Tridentina Synodo definita et declarata fuerunt, amplector et recipio. Profiteor pariter in Missa offerri Deo verum, proprium et propitiatorium Sacrificium pro vivis et defunctis; atque in sanctissimo Eucharistiae sacramento esse vere, realiter et substantialiter Corpus et Sanguinem una cum anima et divinitate Domini nostri Iesu Christi, fierique conversionem totius substantiae panis in corpus et totius substantiae vini in Sanguinem, quam conversionem Catholica Ecclesia Transubstantiationem appellat. Fateor etiam sub altera tantum specie totum atque integrum Christum, verumque Sacramentum sumi. Constanter teneo Purgatorium esse, animasque ibi detentas fidelium suffragiis iuari. Similiter et Sanctos una cum Christo regnantes venerandos atque invocandos esse, eosque orationes Deo pro nobis offerre, atque eorum Reliquias esse venerandas. Firmiter assero imagines Christi, ac Deiparae semper Virginis, nec non aliorum Sanctorum habendas et retinendas esse, atque eis debitum honorem ac venerationem impertiendam. Indulgentiarum etiam potestatem a Christo in Ecclesia relictam fuisse, illarumque usum Christiano populo maxime salutarem esse affirmo. Sanctam, Catholicam et Apostolicam Romanam Ecclesiam, omnium ecclesiarum matrem et magistram agnosco, Romanoque Pontifice, beati Petri Apostolorum Principis successori, ac Iesu Christi Vicario veram obedientiam spondeo ac iuro. Caetera item omnia a sacris Canonibus et Oecumenicis Conciliis, ac praecipue a sacrosancta Tridentina Synodo, et ab oecumenico Concilio Vaticano tradita, definita ac declarata, praesertim de Romani Pontificis Primatu et infallibili magisterio, indubitanter recipio atque profiteor; simulque contraria omnia, atque haereses quascumque ab Ecclesia damnatas et reiectas et anathematizatas, ego pariter damno, reiicio, et anathematizo. Hanc veram Catholicam Fidem, extra quam nemo salvus esse potest, quam in praesenti sponte profiteor et veraciter teneo, eandem integram et inviolatam usque ad extremum vitae spiritum

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Subscribitur Rebertus Daniel Nikliborc
Ex loco Jeminam Jumentati Curia Mena
Die 18 mensis Februarii A.D. 1955

Iuramentum rite coram nobis emissum testamur.

N. _____

Episcopus (vel Delegatus Episcopi)

Francis J. Zund
"Si quis autem, quod Deus avertat, iusiurandum violare ausus fuerit, ad Sancti Officii tribunal illico deferatur." (Motu Proprio "Sacrorum Antistitum.")

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APPLICATION FOR ADMISSION

Immaculate Heart Seminary
El Cajon, California

(Print or type all answers)

Date of matriculation Sept. 14, 1953 Class entered III Theol. Date of Withdrawal _____

State your full name Nikliborc, Robert Daniel Telephone No. Grovehill 6-61
Last First Middle

Residence 5216 South Wolcott Ave., Chicago 9, Ill. Diocese Chicago, Illinois
No. and street City State

Parish St. Joseph Address 4821 South Hermitage Ave., Chicago 9,
No. and street City State

Pastor (name and title) Rt. Rev. Msgr. Stanislaus P. Cholewinski

Date of Birth January 31, 1931 Place Chicago, Illinois Diocese Chicago, Illinois

Date of Baptism February 15, 1931

Church of Baptism St. Joseph Address 4800 So. Hermitage Ave. Chicago.
No. and street City State

Date of Confirmation May 28, 1942

Church of Confirmation St. Joseph Address 4800 South Hermitage, Chicago 9
No. and street City State

If you were not born in the United States, state whether you are a citizen by
 virtue of your own naturalization or that of your father _____

Approximate date of your own or your father's naturalization _____

FAMILY RECORD

<u>Father</u>		<u>Mother</u>	
Name of Father	<u>Francis</u>	Maiden Name of Mother	<u>Magdalene Ann Ządzo</u>
Religion of Father	<u>Catholic</u>	Religion of Mother	<u>Catholic</u>
Living?	<u>Dead? Deceased</u>	Living?	<u>Yes Dead?</u>
Cause of death	<u>Paralytic Stroke</u>	Cause of death	_____
Father's occupation	<u>Asst. Yardmaster</u>	Mother's occupation if	<u>working outside the home</u>
Father's descent	<u>American-Polish-Swedish</u>	Mother's descent	<u>Polish</u>
Country and	_____	Country and	_____
Place of birth	<u>Chicago, Ill.</u>	Place of birth	<u>Kasinka Mała, Poland, Europe</u>
High School Attended	<u>None</u>	High School attended	<u>None</u>
High School Graduate (Yes or No)	<u>No</u>	High School Graduate (Yes or No)	<u>No</u>
College attended	<u>None</u>	College attended	<u>None</u>
College Graduate (Yes or No)	<u>No</u>	College Graduate (Yes or No)	<u>No</u>

Date of Parents' Marriage July, 1918 Name of Church Sacred Heart of Jesus, Chicago, Ill
City

Are your parents separated or divorced? _____ Is either remarried? _____ Which? _____

If one parent, or both, are converts, state which and from what religion _____
Neither

Do you live with your family? Yes If not, why not? _____

Have your parents need of your financial support? No

Has any member of your family been afflicted with a mental disease? No

Explain _____

Name, location and degree of relationship of relatives, inclusive of aunts and second cousins who are nuns Sister Mary Lucita, C.S.S.F., Holy Innocents Convent, 1447 West Superior Street, Chicago 22, Illinois (Sister)

Name, location and degree of relationship, inclusive of uncles and second cousins who are Priests or Brothers Rev. Francis U. Nikliborc, St. Constance, 5843 Strong Street, Chicago 30, (Brother)
Rev. Edward S. Nikliborc, 4025 So. Sacramento, Chicago 32, (Brother)
(St. Pancratius Rectory)

Are you in any manner physically deformed? No If so, explain _____

Have you ever been affiliated with a heretical or schismatic sect or a forbidden society? No If so, explain _____

Have you ever attempted to contract marriage? No If so, explain _____

Have you ever accidentally killed or mutilated a human being? No If so, explain _____

Are you involved in any business transactions for which you are responsible and must render an account? No If so, explain _____

Are you obliged to render military service in Federal or State forces? Classif. 4D

Have you ever been so obliged? _____ If so, have you engaged in active military service? _____

~~NONE~~

Please fill in the following if you have had military service:

Full first, middle and last name--no initials _____

Branch of the service _____

Serial Number _____

Date of Induction _____

Place of Induction _____

Date of Separation _____

Place of Separation _____

Names of Catholic Chaplains you knew in the service, together with the approximate dates and places where you knew them.

<u>Name</u>	<u>Place</u>	<u>Date</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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Indicate all Dioceses in which you have resided for periods of six months or longer since your fourteenth year. Give complete account from your 14th year until present time:

<u>Diocese</u>	<u>Parish</u>	<u>School</u>	<u>Length of Residence</u>	<u>Dates</u>	
				<u>From</u>	<u>To</u>
<u>Chicago, Illinois</u>	<u>St. Joseph</u>	<u>St. Joseph</u>	<u>Always</u>	<u>1931</u>	<u>1953</u>
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

Have you ever before sought acceptance as a seminarian of another Diocese? Yes
 Explain Studied for the Chicago, Ill. Diocese for ten (10) years.

Have you ever been refused admittance to a Seminary or Community? No If so, explain _____

To what other orders, congregations or societies have you made application?
None

Have you ever been accepted as a student, postulant or novice of any religious community? No Explain _____

Have you ever bound yourself by vows, oaths, or promises, in a religious organization? No If so, explain _____

Have the required dispensations been received from Rome? _____ When? _____

Indicate all institutions of learning you have attended (Grammar School, High School, College, Seminary):

<u>Name of School</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Dates</u>		<u>Date Graduated</u>
				<u>From</u>	<u>To</u>	
<u>St. Joseph</u>	<u>48th & Paulina</u>	<u>Chicago</u>	<u>9,</u>	<u>1937-1943</u>		<u>June, 1943</u>
<u>Quigley Prep. Sem.,</u>	<u>103 East Chestnut,</u>	<u>Chicago,</u>		<u>1943-1948</u>		<u>June 9, 1948</u>
<u>St. Mary of the Lake Sem.,</u>	<u>Mundelein, Ill.</u>			<u>1948-1953</u>		
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____

Explain long intervals out of school, if any None

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Did you ever fail in a secondary school or college subject for a full year? No

What subject? _____ If you repeated a year, which? _____

Were you ever dismissed from school? No If so, state school, location and reasons _____

(Secondary school or college?) _____

List honors or prizes for scholastic excellence for entire school year in secondary school, college or seminary First or Second Honors each year at Quigley

What academic degrees have you attained? Bachelor of Arts (B.A.), Bachelor of Sacred Theology (S.T.B.)

Have you had any musical education (vocal or instrumental)? None

What languages other than English do you speak fluently? Latin, Polish (fair)

_____ read fluently? Polish, Latin, Greek, (Hebrew, Spanish =fair)

Did you spend some years out of school? No How many years? _____

Where? _____

Why? _____

Are you indebted financially to anyone for previous education? My Family

Explain _____

Name three Priests who would recommend you for admission to the Seminary:

Name Address

Rt. Rev. Msgr. Malachy P. Foley, Rector, St. Mary of the Lake Sem., Mundelein

Rt. Rev. Msgr. Stanislaus P. Cholewinski, Pastor, St. Joseph Parish, Chicago,

Rev. William J. Lisowski, St. Mary Magdalene, 84th & Marquette Ave., Chicago

Rev. Desmond A. Schmal, S.J., St. Mary of the Lake Sem., Mundelein, Ill.

Rev. Stanislaus Piwowar, President, Catholic League of America, Chicago, Ill

Are you able to pay board and tuition, or any part of same, during seminary course? If possible, I would like to pay after Ordination.

In applying for admission to the seminary, are you free from all coercion and duress from external sources? Yes, entirely free.

Orders Previously Received

	<u>Date</u>	<u>Place</u>	<u>Address</u>
Tonsure	<u>June 14, 1953</u>	<u>St. Mary of the Lake Sem.,</u>	<u>Mundelein, Illinois</u>
Ostiariate	_____	_____	_____
Lectorate	_____	_____	_____
Exorcistate	_____	_____	_____
Acolytate	_____	_____	_____
Subdiaconate	_____	_____	_____
Diaconate	_____	_____	_____

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Remarks:

Robert Daniel Nihilborc

Signature of Applicant

Date October 3, 1953

SEMINARIAN'S RECORD

Name Nikliborc, Robert Daniel
5216 South Wolcott Ave.
Address Chicago 9, Ill.

Registration

1. Date Sept. 14, 1953
2. Class Theology III
3. School Immaculate Heart Seminary

Testimonials

1. Baptism
 - a. Date Feb. 15, 1931
 - b. Church St. Joseph (Polish), Chicago, Ill.
 - c. Minister Rev. Max Warkocki
2. Confirmation
 - a. Date May 28, 1942
 - b. Church St. Joseph (Polish), Chicago, Ill.
 - c. Minister Most Rev. William D. O'Brien, D.D.
3. Marriage of parents (names of parents) Francis Nikliborc
Magdeline Zadlo
 - a. Date Sacred Heart Church (Polish) Chicago
 - b. Place July 3, 1918
 - c. Assisting priest Rev. A. A. Gawrych
- 4.a. Pastor's recommendation
 - a. Date Sept. 9, 1953
 - b. Name of pastor Rt. Rev. Msgr. Cholewinski
- 4.b. Pastor's investigation
 - a. Date April 23, 1954
 - b. Name of pastor S. Cholewinski
5. Bishop's recommendations (Canon 993, 4° & III Plen. Balt. n. 176, II Plen. n. 180)
 - a. Diocese A Chicago - St. Mary of the Lake Seminary, Mundelein, Ill.
 - i. Date Oct. 14, 1953
 - ii. Name signed Malachias P. Foley, rector of Seminary
 - iii. Diocese of origin or length of residence 1948-1953
 - b. Diocese B
 - i. Date
 - ii. Name signed
 - iii. Diocese of origin or length of residence
 - c. Diocese C
 - i. Date
 - ii. Name signed
 - iii. Diocese of origin or length of residence
6. Teachers' recommendations
 - a. Parochial school
 - i. Date
 - ii. Name signed

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- b. High School
 - i. Date
 - ii. Name signed
 - c. College A
 - i. Date
 - ii. Name signed
 - d. College B
 - i. Date
 - ii. Name signed
 - e. University
 - i. Date
 - ii. Name signed
7. Testimonials of religious superiors (for ex-scholastics and ex-religious)
8. Indult from the Holy See (for ex-scholastics and ex-religious)
9. Testimonials of Seminary rectors (for those who attended other seminaries)
- a. Seminary A - Quigley Preparatory Seminary, Chicago - 1943-1948 (transcript also)
 - i. Date April 27, 1954
 - ii. Name of rector J. W. Schmid
 - b. Seminary B - St. Mary of the Lake Seminary, Mundelein, Ill. 1948-1953 (transcript also)
 - i. Date Oct. 14, 1953
 - ii. Name of rector Rt.Rev.Msgr.Malachy P.Foley
 - c. Seminary C
 - i. Date
 - ii. Name of rector
10. Annual testimonial of pastor
- a. Year A
 - b. Year B
 - c. Year C
 - d. Year D
 - e. Year E 1954
 - f. Year F
11. Annual reports on scholarship
- a. Year A
 - b. Year B
 - c. Year C
 - d. Year D
 - e. Year E 1953-1954
 - f. Year F 1954-1955
12. Physical examinations - dates and physicians; recommendations of latter.
March 25, 1954 - Edward H. Abrams, M.D. - Mercy Hospital
13. Dispensations from irregularities and impediments - dates, by whom issued, causes (irregularities ex delicto should not be specified)

Ordinations

- 14. Oath of perpetual residence
 - a. Date May 1, 1954
 - b. Age of candidate 23
 - c. Actual domicile?

- 15. Oath of service of diocese (or other evidence of adequate title)
 - a. Date Feb. 17, 1955

- 16. Profession of faith and oath against modernism
 - a. Prior to subdeaconship - date Feb. 18, 1955
 - b. Prior to Priesthood - date (at discretion of the bishop, but required for faculties) May 18, 1955

- 17. Record of prior ordinations
 - a. Tonsure
 - i. Date June 14, 1952
 - ii. Place St. Mary of the Lake Seminary, Mundelein, Ill.
 - iii. Minister Most Rev. William E. Cousins, D.D.
 - b. Ostiariate
 - i. Date May 5, 1954
 - ii. Place St. Joseph's Cathedral, San Diego, Calif.
 - iii. Minister Most Rev. Charles Francis Buddy, D.D.
 - c. Lectorate
 - i. Date May 5, 1954
 - ii. Place St. Joseph's Cathedral, San Diego, Calif.
 - iii. Minister Most Rev. Charles Francis Buddy, D.D.
 - d. Exorcistate
 - i. Date Oct. 15, 1954
 - ii. Place Immaculate Heart Seminary, El Cajon, Calif.
 - iii. Minister Most Rev. Charles Francis Buddy, D.D.
 - e. Acolythate
 - i. Date Oct. 15, 1954
 - ii. Place Immaculate Heart Seminary, El Cajon, Calif.
 - iii. Minister Most Rev. Charles Francis Buddy, D.D.
 - f. Subdiaconate
 - i. Date Feb. 19, 1955
 - ii. Place Immaculate Heart Seminary, El Cajon, Calif.
 - iii. Minister Most Rev. Charles Francis Buddy, D.D.
 - g. Diaconate
 - i. Date April 2, 1955
 - ii. Place Immaculate Heart Seminary, El Cajon, Calif.
 - iii. Minister Most Rev. Charles Francis Buddy, D.D.
 - h. Priesthood
 - i. Date May 19, 1955
 - ii. Place St. Joseph's Cathedral, San Diego, Calif.
 - iii. Minister Most Rev. Charles Francis Buddy, D.D.

- 18. Testimonial as to the completion of the studies required by Canon 976 for
 - a. Tonsure - date and signature
 - b. Subdiaconate - date and signature Feb. 16, 1955 - Franklin F. Hurd
 - c. Diaconate - date and signature March 29, 1955 "
 - d. Priesthood - date and signature May 4, 1955 "

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19. Testimonial as to examination required before each ordination
 - a. Tonsure - date and signature
 - b. Ostiariate - date and signature April 27, 1954 - Franklin F. Hurd
 - c. Lectorate - date and signature " "
 - d. Exorcistate - date and signature Sept. 28, 1954 Vincentius J. Bartuska
 - e. Acolythate - date and signature " "
 - f. Subdiaconate - date and signature Feb. 12, 1955 "
 - g. Diaconate - date and signature March 29, 1955 "
 - h. Priesthood - date and signature May 10, 1955 "

20. Testimonial of the rector of the seminary as to the moral worthiness required prior to each order.
 - a. Tonsure - date
 - b. Ostiariate - date April 28, 1954
 - c. Lectorate - date "
 - d. Exorcistate - date Oct. 4, 1954
 - e. Acolythate - date "
 - f. Subdiaconate - date Feb. 16, 1955
 - g. Diaconate - date Mar. 29, 1955
 - h. Priesthood - date May 13, 1955

21. Petitions of seminarian for promotion required for
 - a. Tonsure - date
 - b. First minors - date April 30, 1954
 - c. Second minors - date Oct. 5, 1954
 - d. Subdiaconate - date Feb. 16, 1955
 - e. Diaconate - date Mar. 30, 1955
 - f. Priesthood - date May 15, 1955

22. Declarations of freedom made under oath prior to
 - a. Subdiaconate - date Feb. 17, 1955
 - b. Diaconate - date Apr. 1, 1955
 - c. Priesthood - date May 16, 1955

23. Retreats made in preparation for ordination to
 - a. Tonsure - dates
 - b. Ostiariate - dates May 1 to May 5, 1954
 - c. Lectorate - dates "
 - d. Exorcistate - dates Oct. 3 to Oct. 7, 1954
 - e. Acolythate - dates "
 - f. Subdiaconate - dates Feb. 12 to Feb. 19, 1955
 - g. Diaconate - dates March 29 to April 2, 1955
 - h. Priesthood - dates May 12 to May 19, 1955
 - i. Repeated retreats

24. Publication of proposed ordination to
 - a. Subdiaconate
 - i. Date Feb. 13, 1955
 - ii. Churches St. Joseph's (Polish), Chicago, Ill.
 - iii. Method Announcement from pulpit
 - iv. Dispensation - date, signature, causes

- b. Diaconate
 - i. Date Dispensed
 - ii. Churches
 - iii. Method
 - iv. Dispensation - date, signature, causes Mar.30,1955; Charles F. Buddy insufficient time
- c. Priesthood
 - i. Date May 8, 1955
 - ii. Churches St. Joseph's
 - iii. Method Announcement from pulpit
 - iv. Dispensation - date, signature, causes
- d. Publications repeated - date, churches, method and reasons
- 25. Dimissorial letters issued for
 - a. Tonsure
 - i. Date
 - ii. Bishop ordaining
 - iii. By whom issued and under what authority
 - b. Ostiariate
 - i. Date May 3, 1954
 - ii. Bishop ordaining Charles F. Buddy, D.D.
 - iii. By whom issued and under what authority Charles F. Buddy, D.D.
 - c. Lectorate
 - i. Date May 3, 1954
 - ii. Bishop ordaining Charles F. Buddy, D.D.
 - iii. By whom issued and under what authority Charles F. Buddy, D.D.
 - d. Exorcistate
 - i. Date Oct. 14, 1954
 - ii. Bishop ordaining Charles F. Buddy, D.D.
 - iii. By whom issued and under what authority Charles F. Buddy, D.D.
 - e. Acolythate
 - i. Date Oct. 14, 1954
 - ii. Bishop ordaining Charles F. Buddy, D.D.
 - iii. By whom issued and under what authority Charles F. Buddy, D.D.
 - f. Subdiaconate
 - i. Date Feb. 17, 1955
 - ii. Bishop ordaining Charles F. Buddy, D.D.
 - iii. By whom issued and under what authority Charles F. Buddy, D.D.
 - g. Diaconate
 - i. Date March 30, 1955
 - ii. Bishop ordaining Charles F. Buddy, D.D.
 - iii. By whom issued and under what authority Charles F. Buddy, D.D.
 - h. Priesthood
 - i. Date May 19, 1955
 - ii. Bishop ordaining Charles F. Buddy, D.D.
 - iii. By whom issued and under what authority Charles F. Buddy, D.D.

26. Ordination registered in diocesan register

a. Tonsure

- i. Page in register
- ii. Date

b. Ostiariate

- i. Page in register 27
- ii. Date May 5, 1954

c. Lectorate

- i. Page in register 27
- ii. Date May 5, 1954

d. Exorcistate

- i. Page in register 51
- ii. Date Oct. 15, 1954

e. Acolythate

- i. Page in register 51
- ii. Date Oct. 15, 1954

f. Subdiaconate

- i. Page in register 75
- ii. Date Feb. 19, 1955

g. Diaconate

- i. Page in register 99
- ii. Date Apr. 2, 1955

h. Priesthood

- i. Page in register 123
- ii. Date May 19, 1955

27. Notice of promotion to Subdiaconate sent to pastor

- i. Date Feb. 21, 1955
- ii. By whom issued Franklin F. Hurd, Rector
- iii. Causes

28. Dispensations

a. From age

- i. Date
- ii. By whom issued
- iii. Causes

b. From studies

- i. Date
- ii. By whom issued
- iii. Causes

c. From years of study

- i. Date
- ii. By whom issued
- iii. Causes

d. From examinations

- i. Date
- ii. By whom issued
- iii. Causes

e. From retreats

- i. Date
- ii. By whom issued
- iii. Causes

f. From interstices

- i. Date
- ii. By whom issued
- iii. Causes

g. From proper canonical days for ordination

- i. Date
- ii. By whom issued
- iii. Causes

J.M.J.

ROBERT DANIEL NIKLIBORC
ST. MARY OF THE LAKE UNIVERSITY
MUNDELEIN, ILLINOIS

Sept. 5, 1953

Rt. Rev. Msgr. Franklin F. Hurd, LL.D.
Immaculate Heart Seminary
El Cajon, California

Dear Monsignor:

His Excellency, Bishop Charles F. Buddy, through
the good graces of the Reverend Edward L. Kokoszka,
has notified me of my acceptance into the Diocese
of San Diego.

Monsignor Foley of St. Mary of the Lake Seminary,
Mundelein, has been requested to send my necessary
Academic Credits and a letter of recommendation to
His Excellency, The Bishop, or to your Reverence.

According to the Seminary Catalogue, classes will
begin on the fourteenth of this month. I shall
report to you before then.

My home address and phone:

5216 South Wolcott Avenue
Chicago 9, Illinois
Grovehill 6-6745

Sincerely in Christ,

Robert D. Nikliborc
Robert D. Nikliborc
Hall of Theology

Testimonium Ordinationis

Guilielmus E. Cousins, D.D., gratia Dei et auctoritate
Apostolicae Sedis, Archidioecesis Chicagiensis Episcopus Auxiliaris.

Omnibus praesentes litteras inspecturis salutem et in Domino benedictionem.

Notum facimus et testamur Nos, debita habita delegatione, die 14a mensis Junii
anni Domini 1952, Missam in pontificalibus celebrantes in oratorio Seminarii Sanctae Mariae ad Lacum,
Mundelein, Illinois dilectum Nobis in Christo Robertum Nickliborc
omnibus de iure requisitis fideliter expletis, ad ~~ordinem~~ Primam Tonsuram
rite, Deo iuvante, promovisse.

In quorum fidem has praesentes litteras a Rectore Seminarii subscriptas, sigilloque munitas, dari iussimus

Datum ex Seminario Sanctae Mariae ad Lacum, Mundelein, Illinois.

die 14a mensis Octobris anni 1953

Malachy P. Foley
(Malachias P. Foley) Rector

Testimonium Ordinationis

Guilielmus E. Cousins, D.D., gratia Dei et auctoritate
Apostolicae Sedis, Archidioecesis Chicagiensis Episcopus Auxiliaris.

Omnibus praesentes litteras inspecturis salutem et in Domino benedictionem.

Notum facimus et testamur Nos, debita habita delegatione, die 14a mensis Junii
anni Domini 1952, Missam in pontificalibus celebrantes in oratorio Seminarii Sanctae Mariae ad Lacum,
Mundelein, Illinois dilectum Nobis in Christo Robertum Nikliborc
omnibus de iure requisitis fideliter expletis, ad ~~secundam~~ Primam Tonsuram
rite, Deo iuvante, promovisse.

In quorum fidem has praesentes litteras a Rectore Seminarii subscriptas, sigilloque munitas, dari iussimus.

Datum ex Seminario Sanctae Mariae ad Lacum, Mundelein, Illinois.

die 14a mensis Junii anni 1952

Malachias P. Foley
Rector

FORMULA IURISIURANDI PRAESTANDI AD PRIMAM TONSURAM POSTULANTIBUS

AD NORMAM CAN. 956

Ego Robertus Daniel Nikliborc habens simplicem
domicilium, at non originem, in Dioecesi Sancti Didaci coram Domino
voveo ac juro in eadem dioecesi me perpetuo manere velle.

Sic me Deus adjuvet et haec Sancta Evangelia quae manibus
tango.

In quorum fidem subsigno,

Robertus Daniel Nikliborc

Die May 1, 1954

Ego infrascriptus testor coram Domino Robertum Daniel Nikliborc
huius Seminarii Immaculati Cordis alumnum et scholae adscriptum, ad
ulteriores ordines
~~primam tonsuram~~ candidatum, suprascriptam jurisjurandi formulam, ad
normam juris, coram me rite emisisse.

In quorum fidem subscribo,

Franklin J. Ford
Rector Seminarii Immaculati Cordis
El Cajon

Die 6/1/54

SIGILLUM

OATH OF SERVICE TO DIOCESE

Ego Robertus Daniel Nikliborc

candidatus ad ordinem subdiaconatus titulo servitii
dioecesis suscipiendi, ad normam iuris spondeo ac iuro
me Dioecesi Sancti Didaci perpetuo
inservituum, sub Ordinarii praedictae Dioecesis pro
tempore Auctoritate.

Sic me Deus adiuvet, et haec sancta Dei
Evangelia quae manibus tango.

Robert D. Nikliborc

Die septimo decimo, Mensis Februarii, Anni 1955.

Ego infrascriptus testor coram Domino Robertum Daniel Nikliborc
huius Seminarii Immaculati Cordis alumnum et scholae adscriptum, ad ordinem
subdiaconatus candidatum, suprascriptam jurisjurandi formulam, ad normam juris,
eam me rite emisisse.

In quorum fidem subscribo,

Franklin J. Jura
Rector, Seminarii Immaculati Cordis

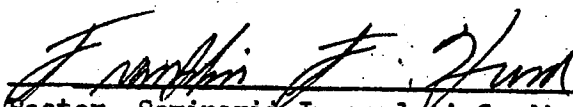
000064

Excellentia Vestra:

Per has praesentes testificor de Roberto Nikliborc promovendo ad Ostiariatum et Lectoratum has sequentes legis praescriptiones impletas esse,

i.e.

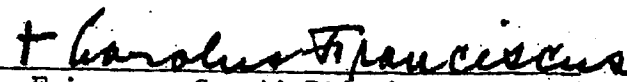
1. Eum ab omnibus impedimentis et irregularitatibus canonicis esse liberum;
2. Ab eo studia theologica C. 976 pro (prima tonsura) pro his Ordinibus (C. 993, par. 2) requisita peracta esse;
3. Eum bonis moribus satisfecisse (C. 993, par. 3);
4. Felici eventu examen C. 996 requisitum subisse;
5. Eum spiritualia exercitia C. 1001 praescripta peracturum esse;
6. Praescriptiones in Instructione Sacrae Congregationis de Sacramentis die 27a Decembris 1930 data descriptas impletas esse.


Rector, Seminarii Immaculati Cordis Mariae
El Cajon in California

Datum 28 Aprilis, 1954.

Vidi et approbavi

die 3^e, mensis mai, 1954.


Episcopus Sancti Didaci

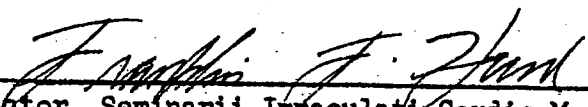
000065

Excellentia Vestra:

Per has praesentes testificor de Roberto Nikliborc promovendo ad Exorcistatum et Acolythatum has sequentes legis praescriptiones impletas esse,

i.e.

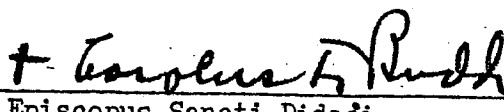
1. Eum ab omnibus impedimentis et irregularitatibus canonicis esse liberum;
2. Ab eo studia theologica C. 976 pro (prima tonsura) pro his Ordinibus (C. 993, par. 2) requisita peracta esse;
3. Eum bonis moribus satisfecisse (C. 993, par. 3);
4. Felici eventu examen C. 996 requisitum subisse;
5. Eum spiritualia exercitia C. 1001 praescripta peracturum esse;
6. Praescriptiones in Instructione Sacrae Congregationis de Sacramentis die 27a Decembris 1930 data descriptas impletas esse.


Rector, Seminarii Immaculati Cordis Mariae
El Cajon in California

Datum 4 Octobris, 1954

Vidi et approbavi

die 14, mensis Oct., 1954.


Episcopus Sancti Didaci

Testimonial of Rector

Excellentia Vestra:

Ego, infrascriptus Rector Seminarii Immaculati Cordis Mariae
testor de sequentibus necessariis ad promotionem Roberti D. Nikliborc
ad ordinem subdiaconatus:

1. Candidatum liberum esse ab omni impedimento canonico et irregularitate.
2. Candidatum tonsuram et omnes ordines minores recepisse.
3. Dispensationem a _____ obtenta esse.
iones obtentas esse.
4. Me, qua delegatum vestrum, petitionem candidati recepisse.
5. Candidatum feliciter peregrasse studia per canonem 976 requisita.
6. Candidatum comprobatum esse a Rectore et Facultate huius Seminarii.
7. Candidatum obtinuisse litteras testimoniales requisitas.
8. Praescriptiones Instructionis Quam ingens quoad investigationes de idoneitate candidati peractas esse.
9. Candidatum feliciter subiisse examen de ordines subdiaconatus.
10. Candidatum emisisse requisitam Professionem Fidei.
11. Candidatum emisisse declarationem juratam de libertate etc. ad normas Instructionis Quam ingens.
12. Candidatum praestitisse iusirandum quod includo anti-modernisticum.
13. Publicationes peractas esse secundum normam per canonem 998 praescriptam.
14. Candidatum peracturum esse exercitia spiritualia in hoc Seminario per sex integros dies.

Datum ex aedibus Seminarii

Die 16, Mensis Februarii, Anni 1955

idi et approbavi

ie 17th, mensis Feb., 1955.

Carolus F. Bandy
Episcopus Sancti Didaci

Robertus D. Nikliborc
Rector
IMMACULATE HEART SEMINARY

Testimonial of Rector

Excellentia Vestra:

Ego, infrascriptus Rector Seminarii Immaculati Cordis Mariae
testor de sequentibus necessariis ad promotionem Roberti D. Nikliborc
ad ordinem diaconatus:

1. Candidatum liberum esse ab omni impedimento canonico et irregularitate.
2. Candidatum tonsuram omnes ordines minores, et subdiaconatum recepisse.
3. Dispensationem a 3 pub. banis ~~obtentis esse.~~
iones ~~obtentis esse.~~ obtentis esse.
4. Me, qua delegatum vestrum, petitionem candidati recepisse.
5. Candidatum feliciter peregrasse studia per canonem 976 requisita.
6. Candidatum comprobatum esse a Rectore et Facultate huius Seminarii.
7. Candidatum obtinuisse litteras testimoniales requisitas.
8. Praescriptiones Instructionis Quam ingens quoad investigationes de idoneitate candidati peractas esse.
9. Candidatum feliciter subisse examen de ordines diaconatus.
10. Candidatum emisisse declarationem juratam de libertate etc. ad normas Instructionis Quam ingens.
11. Publicationes peractas esse secundum normam per canonem 998 praescriptam.
12. Candidatum peracturum esse exercitia spiritualia in hoc Seminario per sex integros dies.

Datum ex aedibus Seminarii

Die 29, Mensis Martii, Anni 1955

Vidi et approbavi

Die 30^e, mensis Martii, 1955.

Charles F. Buddy
Episcopus Sancti Didaci

Franklin J. Ford
Rector

IMMACULATE HEART SEMINARY

000068

Testimonial of Rector

Excellentia Vestra:

Ego, infrascriptus Rector Seminarii Immaculati Cordis Mariae
testor de sequentibus necessariis ad promotionem Roberti D. Nikliborc
ad ordinem presbyteratus:


1. Candidatum liberum esse ab omni impedimento canonico et irregularitate.
2. Candidatum tonsuram omnes ordines minores subdiaconatum et diaconatum recepisse.
3. Dispensationem a _____ obtenta esse.
iones obtentas esse.
4. Me, qua delegatum vestrum, petitionem candidati recepisse.
5. Candidatum feliciter peregrasse studia per canonem 976 requisita.
6. Candidatum comprobatum esse a Rectore et Facultate huius Seminarii.
7. Candidatum obtinuisse litteras testimoniales requisitas.
8. Praescriptiones Instructionis Quam ingens quoad investigationes de idoneitate candidati peractas esse.
9. Candidatum feliciter sublissee examen de ordine presbyteratus.
10. Candidatum emissee requisitam, Professionem Fidei.
11. Candidatum emissee declarationem juratam de libertate etc. ad normas Instructionis Quam ingens.
12. Candidatum praestitisse iusirandum quod includo anti-modernisticum.
13. Publicationes peractas esse secundum normam per canonem 998 praescriptam.
14. Candidatum peracturum esse exercitia spiritualia in hoc Seminario per sex integros dies.

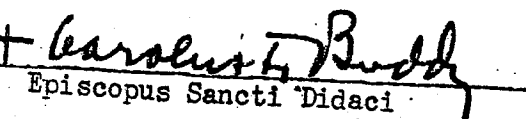
Datum ex aedibus Seminarii

Die 13, Mensis Maii, Anni 1955.

di et approbavi

e. l. _____, mensis Maii, 1955.


Rector
IMMACULATE HEART SEMINARY

+ 
Episcopus Sancti Didaci

NIKLIBORC-BBK000070

000069

IMMACULATE HEART SEMINARY

EAST MADISON AVENUE

POST OFFICE BOX 1118

EL CAJON, CALIFORNIA

April 30, 1954

The Most Reverend Charles F. Bully, D. D.
Bishop of San Diego
1528 Fourth Avenue
San Diego, California

Most Reverend and dear Bishop:

I, the undersigned, Robert Daniel Nitsliborc, a student for the Diocese of San Diego, hereby humbly petition Your Excellency to be promoted to the orders of Porter and Lector, if I am judged worthy.

In presenting this petition to Your Excellency I do so entirely of my own free and spontaneous will and am moved thereunto by no consideration other than the promotion of the glory of God in the service of the Church and the salvation of my own soul.

Your Excellency's most humble servant,

Robert D. Nitsliborc

J. M. J.
IMMACULATE HEART SEMINARY
EAST MADISON AVENUE
POST OFFICE BOX 1118
EL CAJON, CALIFORNIA

October 5, 1954

The Most Reverend Charles F. Buddy, D. D.
Bishop of San Diego,
Alcala Park,
San Diego, California

Most Reverend and dear Bishop:

I, the undersigned, Robert D. Nikliborc, a student for the Diocese of San Diego, hereby humbly petition Your Excellency to be promoted to the orders of Exorcist and Acolyte, if I am judged worthy.

In presenting this petition to Your Excellency I do so entirely of my own free and spontaneous will and am moved thereunto by no consideration other than the promotion of the glory of God in the service of the Church and the salvation of my own soul.

Your Excellency's most humble servant,

Robert D. Nikliborc

J. M. J.
IMMACULATE HEART SEMINARY
EAST MADISON AVENUE
POST OFFICE BOX 1118
EL CAJON, CALIFORNIA

February 16, 1955

The Most Reverend Charles F. Buddy, D. D.
Bishop of San Diego
Alcala Park
San Diego, California

Most Reverend and dear Bishop:

In compliance with the Instruction of the Sacred Congregation of the Sacraments of December 27, 1930, I humbly petition Your Excellency to be promoted to the Sacred Order of Subdiaconship.

In presenting this petition, I solemnly declare that I am actuated by no motive of fear, either physical or moral, that I am in no way coerced by parent, relative, pastor, assistant pastor or any other agency whatsoever, but make this request of my own free and spontaneous will, and that I am fully aware of the grave obligation of perpetual clerical celibacy and the daily recitation of the Divine Office consequent upon the reception of this Sacred Order.

Your Excellency's most humble servant,

Robert D. Nikliborc

J. M. J.
IMMACULATE HEART SEMINARY
EAST MADISON AVENUE
POST OFFICE BOX 1118
EL CAJON, CALIFORNIA

March 30, 1955

The Most Reverend Charles F. Buddy, D.D.
Bishop of San Diego
Alcala Park
San Diego, California

Most Reverend and dear Bishop:

In compliance with the Instruction of the Sacred Congregation of the Sacraments of December 27, 1930, I humbly petition Your Excellency to be promoted to the Sacred Order of Diaconship.

In presenting this petition, I solemnly declare that I am actuated by no motive of fear, either physical or moral; that I am in no way coerced by parent, relative, pastor, assistant pastor or any other agency whatsoever, but make this request of my own free and spontaneous will, and that I am fully aware of the grave obligation of perpetual clerical celibacy and the daily recitation of the Divine Office consequent upon the reception of this Sacred Order.

Your Excellency's most humble servant,
Rev. Mr. Robert D. Nikliborc

J. M. J.
IMMACULATE HEART SEMINARY
EAST MADISON AVENUE
POST OFFICE BOX 1118
EL CAJON, CALIFORNIA

May 15, 1955

The Most Reverend Charles J. Buddy, S.D.
Bishop of San Diego
Alcala Park
San Diego, California

Most Reverend and dear Bishop:

In compliance with the Instruction of the Sacred Congregation of the Sacraments of December 27, 1930, I humbly petition Your Excellency to be promoted to the Sacred Order of the Priesthood.

In presenting this petition, I solemnly declare that I am actuated by no motive of fear, either physical or moral; that I am in no way coerced by parent, relative, pastor, assistant pastor or any other agency whatsoever, but make this request of my own free and spontaneous will, and that I am fully aware of the grave obligation of perpetual clerical celibacy and the daily recitation of the Divine Office consequent upon the reception of this Sacred Order.

Your Excellency's most humble servant,

Rev. Mr. Robert D. Nikliborc

J. M. J.
IMMACULATE HEART SEMINARY
EAST MADISON AVENUE
POST OFFICE BOX 1118
EL CAJON, CALIFORNIA

Jurijurandi Formula Justa Decr. S. Cong. Sacr.,
December 27, 1930

Ego subscruptus Robertus Daniel Nikliborc cum petitionem Episcopo exhibuerim pro recipiendo Subdiaconatus Ordine, sacra instante Ordinatione, ac diligenter re perpensa coram Deo, juramento interposito, testifico in primis, nulla me coactione seu vi, nec ulla timore impelli in recipiendo eodem sacro Ordine, sed ipsum sponte exoptare, ac plena liberaque voluntate eundem velle cum experiar ac sentiam a Deo me esse revera vocatum.

Fateor mihi plene esse cognita cuncta onera ceteraque ex eodem sacro Ordine dimanantia, quae sponte suscipere volo ac propono, eaque libenter toto meae vitae curriculo, Deo opitulante, diligentissime servare constituto.

Præcipue quae castitatis lex importet clare me percipere ostendo, eamque libenter explere atque integre servare usque ad extremum, Deo adiutore, firmiter statuo.

Denique sincera fide spondeo jugiter me fore, ad normam M. Canonum, obtemperaturum obsequentissime iis omnibus quae mei præcipiunt Praepositi et Ecclesiae disciplina exiget, paratum virtutum exempla præbere sive opere sive sermone, adeo ut de tanti officii susceptione remunerari a Deo merear.

Sic spondeo, sic roves, sic juro, sic me Deus adjuvet et haec Sancta Evangelia quae manibus meis tango.

Die septimo decimo, Mensis Februarii, Anno 1955

Robert D. Nikliborc

Summo vobis gratias me amicum toto

Fructus J. J. J.

Recto Seminaris Immaculati Cordis

J. M. J.
IMMACULATE HEART SEMINARY
EAST MADISON AVENUE
POST OFFICE BOX 1118
EL CAJON, CALIFORNIA

Quisjurandi Formula Juxta Decretum S. Congr. Sacr.,
December 27, 1930

Ego subsignatus Robertus Daniel Niklibore cum petitionem Episcopo exhibuerim pro recipiendis Diaconatus Ordine, sacra instante Ordinatione, ac diligenter re perpensa coram Deo, juramento interposito, testificor in primis, nulla me coactione seu vi, nec ullo timore impelli in recipiendis eodem sacro Ordine, sed ipsum sponte adoptare, ac plena liberaque voluntate eundem velle cum experiar ac sentiam a Deo me esse revera vocatum.

Pateor mihi plene esse cognita cuncta onera ceteraque ex eodem sacro Ordine dimanantia, quae sponte suscipere volo ac propono, aeque libenter toto meae vitae curriculo, Deo opitulante, diligentissime servare constituo.

Præcipue quae caelibatus lex importet clare me percipere ostendo, eamque libenter explere atque integre servare usque ad extremum, Deo adjutore, firmiter status.

Denique sincera fide spondeo jugiter me fore, ad normam A. Canonum, obtemperaturum obsequentissime iis omnibus quae mei præcipient Praepositi et Ecclesiae disciplina exiget, paratum virtutum exempla præbere sive opere sive sermone, adeo ut de tanti officii susceptione remunerari a Deo merear.

Sic spondeo, sic roves, sic juro, sic me Deus adjuvet et haec Sancta Dei Evangelia quae manibus meis tango.

Die Primo, Mensis Aprilis, Anno 1955.

Robertus Daniel Niklibore

J.amenta rite coram me emissum totum

Francis F. Ford

Beatus Benjamin Immaculati Cordis Mariae

J. M. J.
IMMACULATE HEART SEMINARY
EAST MADISON AVENUE
POST OFFICE BOX 1118
EL CAJON, CALIFORNIA

Jurisjurandi Formula iuxta Deum.
A. Cong. A., Decembris 27, 1930

Ego subscriptus Robertus Daniel Niklibon cum petitionem Episcopo exhibuerim pro recipiendis Presbyteratus Ordine, sacra instante Ordinatione, ac diligenter re perpensa coram Deo, juramento interposito, testificor in primis, nulla me coactione seu vi, nec ullo timore impelli in recipiendis eodem sacro Ordine, sed ipsum sponte exoptare, ac plena liberaque voluntate eundem velle cum experiar ac sentiam a Deo me esse revera vocatum.

Fateor mihi plene esse cognita cuncta onera ceteraque ex eodem sacro Ordine dimanantia, quae sponte suscipere volo ac propono, eoque libenter toto meae vitae curriculo, Deo opitulante, diligentissime servare constitutus.

Præcipue quae caelibatus lex importet clare me percipere ostendo, eamque libenter explere atque integre servare usque ad extremum, Deo adiutore, firmiter status.

Denique sincera fide spondeo jugiter me fore, ad normam A. Canonum, obtemperaturum obaequentissime iis omnibus quae mei præcipient Praepositi et Ecclesiae disciplina eriget, paratum virtutum exempla præbere sive opere sive sermone, adeo ut tanti officii susceptione remunerari a Deo merear.

Sic spondeo, sic roves, sic iuro, sic me Deus adjuvet et haec Sancta Dei Evangelia quae manibus meis tango.

Die Septimo Idibus Junii Anno 1935.

Robertus Daniel Niklibon

Juramenta rite coram me emissum testor

Francis J. Jura
NIKLIBORC-BBK000078

000077

November 2, 1977

Rev. Robert D. Nikliborc
621 Sicard Street
San Diego, California 92138

Dear Bob:

I am pleased to grant you permission to attend the Continuing Theological Institute at the North American College in Rome for the Fall Session of 1978.

I know that you will enjoy the Institute and it will be of great benefit in the renewal of your priestly life.

With all good wishes, I am

Sincerely yours in Christ,

+Leo T. Maher
Bishop of San Diego

LTM:eac

C
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Y

ST. ANNE CATHOLIC CHURCH
621 SICARD STREET
SAN DIEGO, CALIF. 92113
PHONE: 239-8253



October 25, 1977

Most Reverend Leo T. Maher, D.D.
Bishop of San Diego
San Diego, California 92138

Dear Bishop:

How are you? We pray for your health and well-being and think of you often.

Sometime ago, Bo Cooney sent me an application for the Continuing Theological Institute at the North American College in Rome for the Fall Session of 1978. I was on that waiting list since 1973 and I am now scheduled to attend the Institute with our mutual friend, Ed Flynn of Munich. It should be an interesting Institute in light of the progress made within the Church since Vatican II.

In the note with the application, Bo informs me that we also receive a letter from you. Would you please send me such letter at your earliest convenience?

Thank you for giving us this opportunity to gain both spiritually and pastorally. I was surprised to hear from many of my priests friends in Chicago that they are not so fortunate, and consequently your efforts on our behalf are more appreciated.

With personal best wishes, I am,

Fraternally in Christ,

Rev. Robert D. Nikliborc



UNITED STATES OF AMERICA



3339 MASSACHUSETTS AVENUE
WASHINGTON, D.C. 20008

April 19, 1976

No.1123/76.....

This No. Should Be Prefixed to the Answer

Most Reverend Leo T. Maher
Bishop of San Diego
PO Box 80428
San Diego, CA 92138

Dear Bishop Maher:

Please know of my sincere appreciation for your kind and very helpful letter of April 9, 1976, relative to Father Robert D. Nikliborc and the Parish of St. Anne in San Diego.

Kindly find enclosed a copy of the letter which I have addressed to the Board of St. Anne Parish, which initiated this current correspondence.

I can very much appreciate the pressure and difficulty which this case presents. I realize that you will have to do something. My only suggestion is that you try to avoid as much harmful publicity for the Church as is possible. I will remember you in my prayers as you work out this delicate question.

With the very kindest of personal regards, I remain

Sincerely yours in Christ,

Jean Tadot

Apostolic Delegate

000080



3339 MASSACHUSETTS AVENUE
WASHINGTON, D.C. 20008

UNITED STATES OF AMERICA

April 19, 1976

No.1123/76.....

No. Should Be Prefixed to the Answer

Mr. Jose Antonio Jacoste
President of the Executive Board
St. Anne Catholic Church
621 Sicard Street
San Diego, CA 92113

Dear Mr. Jacoste and Associates:

Thank you for the kind letter of
April 9, 1976.

I am pleased to inform you that I
have had the opportunity to study the questions
which you presented in your letter of April 1.
It is totally apparent to me that Bishop Maher
has only the best interests in mind relative to
any action he will take or has taken in regard
to St. Anne's Parish.

The welfare of the Parish will be
best served by closely adhering to the directives
of the Bishop in this matter.

With every good wish, I remain

Sincerely yours in Christ,

Apostolic Delegate

000081

No. 1123/76

April 9, 1976

Most Reverend Jean Jadot
Apostolic Delegate
3339 Massachusetts Avenue, N.W.
Washington, D. C. 20005

Your Excellency:

In reference to the complaints of a group of parishioners from St. Anne Parish, San Diego, first of all they are not a parish council nor do they represent the parish. They are a group of personal friends of the pastor, some not even from the parish. It could be they represent the pastor or better still, they front for him. There are about twelve of them. The pastor has been able to brainwash them. He is a genius at manipulating people and more unfortunate than that, trains them to act as he does. They become vindictive and vicious, most unchristian. His technique is to attack to put the other person on the defensive. This body did not exist until a group of parishioners complained against him.

These were the complaints against him: that there was no accounting of the parish funds from raffles and bazaars amounting to over seven thousand a year; secondly, the pastor's relationship with his secretary was scandalous; thirdly, he was away from the parish too much.

I called him in and directed that he dismiss his secretary, [REDACTED] and to disassociate himself from her. I had requested this on other occasions since this relationship has been scandalous for many years. I then appointed a committee of priests from the Senate, the Personnel Board, the Canon Law Department, and our bookkeeper to interview the parishioners. They have tapes of the interviews. I also requested all parish account books. The books did not show any monies from raffles or bazaars even though his parish bulletin acknowledges a bazaar which collected seven thousand dollars.

When questioned, he had no immediate answer; then he conjures up the story that he gave the monies to the parish societies. So I asked for their books but they never produced them. Lately he did present a few pages of some account we cannot verify showing parish monies for the purchase of a piece of property he had no permission to purchase. It was seem it was purchased in his personal name under the title of the Holy Name Society.

000082

Most Reverend Jean Jádot

April 9, 1976
Page Two

Even though he promised to dismiss [REDACTED] he persuaded the group of so-called parish council that seem to bow to his every wish, to hire [REDACTED] as their secretary; so she continues to work at the rectory, and it is a scandal to the people and to the other priests of the diocese. I am enclosing a copy of a letter written to the pastor, Father Robert Nikliborc, which explains my views, and I believe the views of all the clergy of the Diocese of San Diego.

In my last interview, I asked him to move from this area and to disassociate himself from [REDACTED], but he refused to move from here. If he is relieved from his priestly duties, it will cause a tremendous amount of publicity and bring up all the scandal of Boys Town, which is partially presented in the book, Indict and Convict, by Bill Davidson. I would refer you to pages 67 to 72 about Father Nikliborc - Rand, and pages 161 etc. about Father Nikliborc and [REDACTED]

It would seem he not only in the past lived a double life but continues to do so. It would seem he has a dual personality, has charm and a most pleasing personality, and can easily win people over to his views. But if one does not agree, he is really vicious, very vindictive. He has threatened to go on television and belittle Bishop Chavez' family and to tell all the faults of priests that he knows, and it is not beyond him to make some up. I can say in all honesty he is a liar and a very dishonest person.

There seems to be a mental problem here but he is so clever and lives on intrigue that no one can help him. Even the IRS could not prove much on him even though he served a prison sentence.

From my experience with him, I do not believe he should be allowed to function as a priest. Since it seems that circumstances are becoming uncontrollable and there is terrible tension in the parish for he attacks every parishioner who complains against him and they are living in fear of him, some action should be taken.

The only suggestion I have is that the group who presented their views should be told to obey the Bishop of the Diocese and so should their pastor. If you have any advice in this matter, I would welcome it.

Sincerely in Christ,

+Leo T. Maher
Bishop of San Diego

000083

April 12, 1976

Rev. Robert D. Nikliborc
St. Anne Church
621 Sicard Street
San Diego, Calif. 92113

Dear Father Nikliborc:

I am writing this letter to place you under obedience to sever your relationship with [REDACTED]. This relationship has had a long history that is very questionable and scandalous. This scandal is not only among the parishioners who are complaining but among our clergy. The question is what hold does this woman have on you?

Because of the past circumstances and the present, [REDACTED] is not to attend Mass at St. Anne Church or to visit or work in the rectory as your secretary, or as the secretary of your so-called Council. Nor are you to associate with her socially or travel with her or to have her visit the home in Palm Springs, which I believe belongs to "American Boys Ranch". If you say you cannot control her or the so-called Council, you are to request a transfer.

This is a very serious matter and I intend to take action if you do not comply with these directives. I have been most patient with you and encouraged you to be a good priest and have used every possible means to instruct you in priestly duties and obligations. Yet you continue to exhibit unpriestly conduct, not only conduct unbecoming to a priest, but even a Christian. You are vindictive and dishonest and whenever you experience dishonesty in an adult, there is always something far more serious in their lives.

I hope you will see the seriousness of this matter and follow these directives.

Sincerely yours in Christ,

+Leo T. Maher
Bishop of San Diego

000084



3339 MASSACHUSETTS AVENUE
WASHINGTON, D.C. 20008

April 5, 1976

UNITED STATES OF AMERICA

No. 1123/76.....

Confidential

This No. Should Be Prefixed to the Answer

Most Reverend Leo T. Maher
Bishop of San Diego
PO Box 80428
San Diego, CA 92138

Dear Bishop Maher:

Recently, I received two letters from the Executive Board of St. Ann's Catholic Church in San Diego. The letters were concerned about the situation of Father Robert D. Nikilborc. Naturally, this group expressed strong support for Father.

Before replying to the correspondents and calling to mind our conversation of this past February on this subject, I would very much appreciate your current assesment of the matter. It would also be helpful to learn of your suggestions as to a possible response to these peoples so that our replies would be consistent.

Please know of my appreciation for your consideration of this request.

With the kindest of personal regards,
I remain

Sincerely yours in Christ,

Jean Tadot

Apostolic Delegate

000085

DIOCESAN OFFICE
FOR APOSTOLIC MINISTRY / ALCALA PARK

POST OFFICE BOX 00420
SAN DIEGO, CALIFORNIA 92130

714.298.7711

December 15, 1975

Rev. Robert Nikliborc
St. Anne Church
621 Sicard Street
San Diego, California 92113

Dear Father Nikliborc:

On two different occasions, I have requested you to bring the financial books of the parish organizations and societies to the Diocesan Office. You have not complied with my request.

These books are to be in the Diocesan Office by 5 p.m. Wednesday, December 17th. I want all financial books, bank statements and cancelled checks of all accounts since you were assigned to the parish of St. Anne's. I also want the deed on the parish property that you are purchasing without my permission.

When Mrs. Elizabeth Beira, the Diocesan Accountant, has done an audit on the books, and given me a report, I will be very happy to meet with a committee from your parish representing both sides.

I trust that you will give this matter your serious attention.

With every best wish, I remain,

Sincerely yours in Christ,

+Leo T. Maher
Bishop of San Diego

000086

Nikliborc

J.M.J.

St. Joseph's Rectory

BIG BEAR LAKE, CALIFORNIA

October 25, 1955

The Most Reverend Charles F. Buddy, D.D.
Bishop of San Diego
Alcala Park
San Diego, California

Your Excellency:

May I humbly kneel before your Excellency and may I take this opportunity not only to renew my sincere apology, but also to express my overwhelming gratitude to your Excellency for your paternal kindness, and Christlike patience in understanding the difficulty which I caused by my disobedience.

Only a Shepherd-Priest such as yourself, Your Excellency, could put aside all the many problems of the hour, and be so concerned over the reputation of one of your youngest priests who, having no malice or evil intention in his heart, has learned, please God, what kind of attitude should be taken toward the world.

I have accepted your fatherly advice, and would also like to mention that my stay at St. Boniface's and here at St. Joseph's has been restful and thought-full. I have also executed any duties to the best of my ability in the absence of Father O'Callaghan, who has been most gracious.

With every best wish and prayer for Your Excellency, I remain,

Gratefully and obediently yours
in Christ,

Robert D. Nikliborc
(Rev.) Robert D. Nikliborc

000087

CONFIDENTIAL FILE

CONFIDENTIAL FILE (000088-140)
AS KEPT IN THE REGULAR COURSE BY
ROMAN CATHOLIC BISHOP OF SAN DIEGO, A
CORPORATION SOLE

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

220 W. Broadway
San Diego, CA 92101

TO:
ANTHONY M DEMARCO (P)
DAVID E DRIVON (P)

FILE COPY

JOHNNY G

Plaintiff(s)

vs.

DOE 1

Defendant(s)

Case No.: GIC823522

NOTICE OF CASE ASSIGNMENT

Judge: JOHN S. EINHORN

Department: P

Phone: 619-531-3960

COMPLAINT FILED 12/30/03

IT IS THE DUTY OF EACH PLAINTIFF (AND CROSS-COMPLAINANT) TO SERVE A COPY OF THIS NOTICE WITH THE COMPLAINT (AND CROSS-COMPLAINT).

ALL COUNSEL WILL BE EXPECTED TO BE FAMILIAR WITH SUPERIOR COURT RULES WHICH HAVE BEEN PUBLISHED AS DIVISION II, AND WILL BE STRICTLY ENFORCED.

TIME STANDARDS: The following timeframes apply to general civil cases and must be adhered to unless you have requested and been granted an extension of time. General civil consists of all cases except: Small claims appeals, petitions, and unlawful detainers.

COMPLAINTS: Complaints must be served on all named defendants, and a CERTIFICATE OF SERVICE (SDSC CIV-345) filed within 60 days of filing. This is a mandatory document and may not be substituted by the filing of any other document. (Rule 2.5)

DEFENDANT'S APPEARANCE: Defendant must generally appear within 30 days of service of the complaint. (Plaintiff may stipulate to no more than a 15 day extension which must be in writing and filed with the Court.) (Rule 2.6)

DEFAULT: If the defendant has not generally appeared and no extension has been granted, the plaintiff must request default within 45 days of the filing of the Certificate of Service. (Rule 2.7)

THE COURT ENCOURAGES YOU TO CONSIDER UTILIZING VARIOUS ALTERNATIVES TO LITIGATION, INCLUDING MEDIATION AND ARBITRATION, PRIOR TO THE CASE MANAGEMENT CONFERENCE. MEDIATION SERVICES ARE AVAILABLE UNDER THE DISPUTE RESOLUTION PROGRAMS ACT AND OTHER PROVIDERS. SEE ADR INFORMATION PACKET AND STIPULATION.

YOU MAY ALSO BE ORDERED TO PARTICIPATE IN ARBITRATION PURSUANT TO CCP 1141.10 AT THE CASE MANAGEMENT CONFERENCE. THE FEE FOR THESE SERVICES WILL BE PAID BY THE COURT IF ALL PARTIES HAVE APPEARED IN THE CASE AND THE COURT ORDERS THE CASE TO ARBITRATION PURSUANT TO CCP 1141.10. THE CASE MANAGEMENT CONFERENCE WILL BE CANCELLED IF YOU FILE FORM SDSC CIV-359 PRIOR TO THAT HEARING.

ALSO SEE THE ATTACHED NOTICE TO LITIGANTS.

CERTIFICATE OF SERVICE

I certify that; I am not a party to the above-entitled case; on the date shown below, I served this notice on the parties shown by personally handing it to the attorney or their personal representative at **SAN DIEGO** California.

DATED: 12/31/03

BY: CLERK OF THE SUPERIOR COURT

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

CALENDAR NO.

NUMBER GIC 823522	COMPLAINT DATE	HEARING DATE 12-30-03	HEARING TIME 10:30 a.m.	DEPT P	COURT USE ONLY F I L E D Clerk of the Superior Court DEC 30 2003 By: C. VASQUEZ Deputy
JUDGE/COMMISSIONER Richard E. L. Strauss		CLERK C. VASQUEZ			
REPORTER Not Reported					CSR #
PLAINTIFF/PETITIONER Johnny G.			DEFENDANT/RESPONDENT Doc 1-3		
ATTORNEY FOR PLAINTIFF/PETITIONER Anthony DeMarco			ATTORNEY FOR DEFENDANT/RESPONDENT		
The above matter came on for hearing with the below appearances for: Pre-filing Order					

THIS MATTER HAVING COME BEFORE THE COURT THIS DATE, THE COURT ORDERS:

- PRIOR TO CALENDAR CALL OFF-CALENDAR GRANTED BONDS _____
- DENIED WITH/WITHOUT PREJUDICE
- PRIOR TO CALENDAR CALL CONT. TO _____ IN DEPT _____ AT _____
- TRO CONTINUED VACATED
- ALL PREVIOUS ORDERS REMAIN IN FULL FORCE AND EFFECT.
- TELEPHONIC CONTINUED FOR ORAL ARGUMENT ON _____
- ORAL ARGUMENT TELEPHONIC DATED _____ CONFIRMED MODIFIED
- DISPOSES OF ENTIRE ACTION DOES NOT DISPOSE OF ENTIRE ACTION
- PREVAILING PARTY TO PREPARE AND FILE FORMAL ORDER PURSUANT TO CRC 391.
- OTHER

This case is a part of a series of simulated cases to be filed in San Diego Superior Court and ultimately transferred to Los Angeles under a JCCP Coordination Order. This case shall be filed in and assigned to Presiding Judge Elect, John S. Einhorn in the Presiding Department.

Dated: DEC 30 2003



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JUDGE/COMMISSIONER OF THE SUPERIOR COURT

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO <input checked="" type="checkbox"/> COUNTY COURTHOUSE, 220 W. BROADWAY, SAN DIEGO, CA 92101-3814 <input type="checkbox"/> HALL OF JUSTICE, 330 W. BROADWAY, SAN DIEGO, CA 92101-3827 <input type="checkbox"/> FAMILY COURT, 1555 6TH AVE., SAN DIEGO, CA 92101-3294 <input type="checkbox"/> MADGE BRADLEY BLDG., 1409 4TH AVE., SAN DIEGO, CA 92101-3105 <input type="checkbox"/> NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92083-6643 <input type="checkbox"/> EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020-3941 <input type="checkbox"/> RAMONA BRANCH, 1428 MONTECITO RD., RAMONA, CA 92065-5200 <input type="checkbox"/> SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910-5649 <input type="checkbox"/> JUVENILE COURT, 2851 MEADOW LARK DRIVE, SAN DIEGO, CA 92123-2792 <input type="checkbox"/> JUVENILE COURT, 325 S. MELROSE DR., SUITE 310, VISTA, CA 92082-6634	<p style="text-align: right;"><i>FOR COURT USE ONLY</i></p> <p style="text-align: center;">F I L E DEC 30 2003 Clerk of Court</p>
PLAINTIFF(S)/PETITIONER(S) <input type="checkbox"/> PEOPLE OF THE STATE OF CALIFORNIA JOHNNY G.	
DEFENDANT(S)/RESPONDENT(S) DEFENDANT DOE 1, et al	
<p style="text-align: center;">NOTICE OF SEALED DOCUMENT</p>	CASE NUMBER <p style="text-align: center;">GIC 823522</p>

The documents described below were ordered sealed on 12-30-03, by the Honorable RICHARD E.L. STRAUSS, sitting in Dept. 2, and are not to be opened or transcribed for any purpose absent an appropriate court order.

The Clerk of the Superior Court and deputies are authorized access to the documents contained herein in order to conduct routine court transactions.


Hearing Date: _____ Reporter: _____
Type of Hearing: _____ Marsden PC 987.9

Identification of Contents:

- Court Reporter's Notes
- Declaration and Order re Funds Pursuant to PC 987.9
- Confidential Records

Other: CERTIFICATES OF MERIT

SEALED


000090

C. VASQUEZ Superior Court Clerk

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F I
Clerk
DEC 31 2003
By: G. VASQUEZ, Deputy

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 FOR THE COUNTY OF SAN DIEGO

13 JOHNNY G., Individually;

14 Plaintiff,

15 v.

16 DEFENDANT DOE 1; DEFENDANT DOE
17 2; DEFENDANT DOE 3; and DOES 4
18 through 1000 inclusive

19 Defendants.
20

) Case Number: **GIC 823522**

) **ORDER ALLOWING FOR SERVICE**
) **OF THE COMPLAINT**

) Pursuant to Code of Civil Procedure
) Section 340.1. Conditionally submitted
) under seal pursuant to California Rules
) of Court Rule 243.2

21
22
23 Having reviewed the Certificates of Merit, the Court finds good cause pursuant to
24 California Code of Civil Procedure Section 340.1 to allow service of the complaint.

25
26 It is so ordered.

27
28 Dated: 12-30-03

By:  

Honorable John S. Einhorn
Judge of the Superior Court

RICHARD E. L. STRAUSS

000091

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F I I
Clerk of Court
DEC 30 2003

By: C. Vasquez, Deputy

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 FOR THE COUNTY OF SAN DIEGO

13 JOHNNY G., Individually;

14 Plaintiff;

15 v.

16
17 DEFENDANT DOE 1; DEFENDANT DOE
18 2; DEFENDANT DOE 3; and DOES 4
19 through 1000 inclusive

20 Defendants.

) Case Number: **GIC 823522**

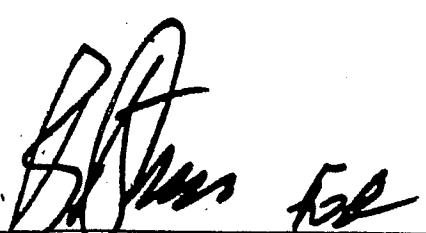
) **ORDER ALLOWING THE FICTITIOUS**
) **NAMING OF PLAINTIFF IN THE**
) **COMPLAINT**

) Pursuant to Code of Civil Procedure
) Section 340.1. Conditionally submitted
) under seal pursuant to California Rules
) of Court Rule 243.2

21
22
23 The Court, having reviewed the Ex Parte Application, finds good cause for the
24 naming of Plaintiff fictitiously.

25
26 It is so ordered.

27
28 Dated: 12-30-03

By: 
Honorable Johns S. Einhorn
Judge of the Superior Court

000092
RICHARD E. L. STRAUSS

ORDER ALLOWING FICTITIOUS NAMING OF PLAINTIFF

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DEC 30 2003
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 FOR THE COUNTY OF SAN DIEGO

13 JOHNNY G., Individually;
14 Plaintiff,
15 v.
16

17 DEFENDANT DOE 1; DEFENDANT DOE
18 2; DEFENDANT DOE 3; and DOES 4
19 through 1000 inclusive
20 Defendants.

) Case Number: **GIC 823522**

) ~~APPLICATION FOR AN ORDER~~
) ~~ALLOWING THE FICTITIOUS NAMING~~
) ~~OF PLAINTIFF.~~

) Pursuant to Code of Civil Procedure
) Section 340.1. Conditionally submitted
) under seal pursuant to California Rules
) of Court Rule 243.2

21
22
23 The Plaintiff applies ex parte to the Court, for an order allowing him to be named
24 in the complaint as JOHNNY G. Plaintiff requests this in the interests of privacy as the
25 case arises from childhood sexual abuse perpetrated upon plaintiff.
26

27 Dated: 12/27/03

28 By: 
Anthony M. De Marco SBN 189153
KIESEL, BOUCHER & LARSON LLP

000093

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F I L E D
Clerk of the Superior Court

DEC 30 2003

By _____, Deputy

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 FOR THE COUNTY OF SAN DIEGO

13 JOHNNY G., Individually;

14 Plaintiff,

15 v.

16 DEFENDANT DOE 1; DEFENDANT DOE
17 2; DEFENDANT DOE 3; and DOES 4
18 through 1000 inclusive

19 Defendants.

) Case Number: **GIC 823522**

) ~~EX PARTE APPLICATION FOR~~
) **REVIEW OF PLAINTIFFS**
) **CERTIFICATES OF MERIT**

) Pursuant to Code of Civil Procedure
) Section 340.1. Conditionally submitted
) under seal pursuant to California Rules
) of Court Rule 243.2

21
22
23 This case is filed on behalf of plaintiff JOHNNY G. who is an adult survivor of childhood
24 sexual abuse perpetrated by an employee of Defendant Does 1 through 3.

25 This brief is submitted by Plaintiffs to assist the Court in understanding the
26 statutory requirements for filing and serving the complaint in this matter on Defendants.
27 Specifically, Code of Civil Procedure, Section 340.1 requires Plaintiff, at the time of the
28 filing of the complaint, to file certificates of merit for each defendant. Thereafter, before
Plaintiff may serve the complaint upon the Defendants, the Court must review the
certificates of merit, and based thereon issue an order allowing for service of process.

APPLICATION FOR REVIEW OF CERTIFICATES OF MERIT

1 The Court is required to review the certificates of merit in camera. The Court
2 must be satisfied, based solely on the certificates of merit, that there is a reasonable
3 and meritorious cause for the filing of the action.
4

5 I.

6 CERTIFICATES OF MERIT

7
8 Regarding the requirement of the filing of Certificates of Merit, Code of Civil
9 Procedure, Section 340.1, in pertinent part, states the following:

10 (e) Every plaintiff 26 years of age or older at the time the action is filed shall
11 file certificates of merit as specified in subdivision (f)

12 (f) Certificates of merit shall be executed by the attorney for the plaintiff and
13 by a licensed mental health practitioner selected by the plaintiff declaring,
14 respectively, as follows, setting forth the facts which support the
15 declaration:

16 (1) That the attorney has reviewed the facts of the case, that the attorney
17 has consulted with at least one mental health practitioner who is licensed to
18 practice and practices in this state and who the attorney reasonably
19 believes is knowledgeable of the relevant facts and issues involved in the
20 particular action, and that the attorney has concluded on the basis of that
21 review and consultation that there is reasonable and meritorious cause for
22 the filing of the action. The person consulted may not be a party to the
23 litigation.

24 (2) That the mental health practitioner consulted is licensed to practice and
25 practices in this state and is not a party to the action, that the practitioner is
26 not treating and has not treated the plaintiff, and that the practitioner has
27 interviewed the plaintiff and is knowledgeable of the relevant facts and
28 issues involved in the particular action, and has concluded, on the basis of
his or her knowledge of the facts and issues, that in his or her professional
opinion there is a reasonable basis to believe that the plaintiff had been
subject to childhood sexual abuse.

(g) Where certificates are required pursuant to subdivision (e), the attorney
for the plaintiff shall execute a separate certificate of merit for each
defendant named in the complaint.

(h) In any action subject to subdivision (e), no defendant may be served,
nor shall the duty to serve a defendant with process attach, until the court
has reviewed the certificates of merit filed pursuant to subdivision (f) with
respect to that defendant, and has found, in camera, based solely on those

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1 certificates of merit, that there is reasonable and meritorious cause for the
2 filing of the action against that defendant. At that time, the duty to serve
3 that defendant with process shall attach.

4 (l) A violation of this section may constitute unprofessional conduct and
5 may be the grounds for discipline against the attorney.

6 (j) The failure to file certificates in accordance with this section shall be
7 grounds for a demurrer pursuant to Section 430.10 or a motion to strike
8 pursuant to Section 435.

9 (o) Upon the favorable conclusion of the litigation with respect to any
10 defendant for whom a certificate of merit was filed or for whom a certificate
11 of merit should have been filed pursuant to this section, the court may,
12 upon the motion of a party or upon the court's own motion, verify
13 compliance with this section by requiring the attorney for the plaintiff who
14 was required by subdivision (f) to execute the certificate to reveal the name,
15 address, and telephone number of the person or persons consulted with
16 pursuant to subdivision (f) that were relied upon by the attorney in
17 preparation of the certificate of merit. The name, address, and telephone
18 number shall be disclosed to the trial judge in camera and in the absence
19 of the moving party. If the court finds there has been a failure to comply
20 with this section, the court may order a party, a party's attorney, or both, to
21 pay any reasonable expenses, including attorney's fees, incurred by the
22 defendant for whom a certificate of merit should have been filed.

23 As required by C.C.P 340.1, Plaintiff has filed certificates of merit together with the
24 complaint. The certificates of merit, are executed by Plaintiff's attorney and are
25 accompanied by a declaration in support thereof of a licensed health care practitioner
26 pursuant to (C.C.P. 340.1 Sections (f) (1) and (f) (2) Supra).

27 Plaintiffs respectfully requests the Court review the Certificates of Merit in camera
28 and make the determination that there is reasonable and meritorious cause for the filing
of the action against Defendants.

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II.

CONCLUSION

Plaintiffs have complied with all of the provisions of Code of Civil Procedure,
Section 340.1. Thus, all of the procedural prerequisites for filing and serving the
complaint have been met. Therefore, Plaintiffs respectfully request the Court approve
Plaintiffs' Application for Order Allowing For Service of the Complaint, therefore allowing
for service of the Complaint to be perfected.

KIESEL BOUCHER & LARSON, LLP

Dated: December 19, 2003

By: 

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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, sta. number, and address):
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 TELEPHONE NO.: (310) 854-4444 FAX NO.: (310) 854-0812
 ATTORNEY FOR (Name): **Plaintiffs**

INSERT NAME OF COURT, JUDICIAL DISTRICT, AND BRANCH COURT, IF ANY:
SAN DIEGO SUPERIOR COURT, CENTRAL DISTRICT

CASE NAME:
JOHNNY G., Individually, v. DEFENDANT DOE 1, et al.

CIVIL CASE COVER SHEET
 Limited Unlimited

Complex Case Designation
 Counter Joinder
 Filed with first appearance by defendant
 (Cal. Rules of Court, rule 181.1)

FOR COURT USE ONLY

F I L E D
 Clerk of the Superior Court

DEC 30 2003

By _____, Deputy

CASE NUMBER: **GIC 823522**
 ASSIGNED JUDGE:

Please complete all five (5) items below.

1. Check one box below for the case type that best describes this case:

<input type="checkbox"/> Auto Tort <input type="checkbox"/> Auto (22)	<input type="checkbox"/> Other employment (15)	<input type="checkbox"/> Writ of mandate (02)
<input type="checkbox"/> Other PI/DPD/WD (Personal Injury/Property Damage/Wrongful Death) Tort	Contract	<input type="checkbox"/> Other judicial review (39)
<input type="checkbox"/> Asbestos (04)	<input type="checkbox"/> Breach of contract/warranty (06)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 1800-1812)
<input type="checkbox"/> Product liability (24)	<input type="checkbox"/> Collections (e.g., money owed, open book accounts) (09)	<input type="checkbox"/> Antitrust/Trade regulation (03)
<input type="checkbox"/> Medical malpractice (45)	<input type="checkbox"/> Insurance coverage (18)	<input type="checkbox"/> Construction defect (10)
<input type="checkbox"/> Other PI/DPD/WD (23)	<input type="checkbox"/> Other contract (37)	<input type="checkbox"/> Claims involving mass tort (40)
Non-PI/DPD/WD (Other) Tort	Real Property	<input type="checkbox"/> Securities litigation (28)
<input type="checkbox"/> Business tort/unfair business practice (07)	<input type="checkbox"/> Eminent domain/Inverse condemnation (14)	<input type="checkbox"/> Toxic tort/Environmental (30)
<input type="checkbox"/> Civil rights (e.g., discrimination, false arrest) (08)	<input type="checkbox"/> Wrongful eviction (33)	<input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)
<input type="checkbox"/> Defamation (e.g., slander, libel) (13)	<input type="checkbox"/> Other real property (e.g., quiet title) (26)	Enforcement of Judgment
<input type="checkbox"/> Fraud (16)	Unlawful Detainer	<input type="checkbox"/> Enforcement of judgment (e.g., sister state, foreign, out-of-county abstracts) (20)
<input type="checkbox"/> Intellectual property (19)	<input type="checkbox"/> Commercial (31)	Miscellaneous Civil Complaint
<input type="checkbox"/> Professional negligence (e.g., legal malpractice) (25)	<input type="checkbox"/> Residential (32)	<input type="checkbox"/> RICO (27)
<input type="checkbox"/> Other non-PI/DPD/WD tort (35)	<input type="checkbox"/> Drugs (38)	<input checked="" type="checkbox"/> Other complaint (not specified above) (42)
Employment	Judicial Review	Miscellaneous Civil Petition
<input type="checkbox"/> Wrongful termination (36)	<input type="checkbox"/> Asset forfeiture (05)	<input type="checkbox"/> Partnership and corporate governance (21)
	<input type="checkbox"/> Petition re: arbitration award (11)	<input type="checkbox"/> Other petition (not specified above) (43)

2. This case is is not complex under rule 1800 of the California Rules of Court. If case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination and related actions pending in one or more courts in other counties, states or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial post-disposition judicial disposition |
3. Type of remedies sought (check all that apply):
 a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive
4. Number of causes of action (specify): 9
5. This case is is not a class action suit.
- Date: December 29, 2003

RAYMOND P. BOUCHER
(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate, Family, or Welfare and Institutions Code). (Cal. Rules of Court, rule 982.2.)
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 1800 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a complex case, this cover sheet shall be used for statistical purposes only.

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001/272.50

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FILED
Clerk of the Superior Court

DEC 30 2003

By: , Deputy

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3457 01 03 GIC823522 01/02/04 10:02
02 001 New Civil \$272.50

8 Attorneys for Plaintiff, Individually

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 FOR THE COUNTY OF SAN DIEGO

13 JOHNNY G., Individually;

14 Plaintiff,

15 v.

16 DEFENDANT DOE 1; DEFENDANT DOE
17 2; DEFENDANT DOE 3; and DOES 4
18 through 1000 inclusive;

18 Defendants.

CASE NUMBER:

GIC 823522

COMPLAINT FOR DAMAGES FOR:

1. CHILDHOOD SEXUAL ABUSE;
2. NEGLIGENCE;
3. NEGLIGENT SUPERVISION/
FAILURE TO WARN;
4. NEGLIGENT HIRING/RETENTION
7. BREACH OF FIDUCIARY DUTY;
8. NEGLIGENT FAILURE TO WARN,
TRAIN, OR EDUCATE PLAINTIFF;
14. NEGLIGENCE PER SE FOR
STATUTORY VIOLATIONS;
17. PREMISES LIABILITY; AND
18. SEXUAL BATTERY

[Filed Concurrently With Certificates of Merit]

[Demand for Jury Trial]

ACCOUNTING

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1 Based upon information and belief available to Plaintiff at the time of the filing of this
2 Complaint, Plaintiff makes the following allegations:

3
4
5 **PARTIES**

6 1. Plaintiff Johnny G. is an adult male. Plaintiff was a minor at the time of the sexual
7 abuse by Father Robert Nikiliborc.

8
9 2. Defendant Doe 1 ("Defendant Diocese") is a corporation sole, authorized to
10 conduct business and conducting business in the State of California, with its principal place
11 of business in San Diego, California. At all times relevant, Defendant Diocese had
12 responsibility for Roman Catholic Church operations in San Diego County and Riverside
13 County, California. Defendant Diocese is the Diocese in which the sexual abuse occurred.

14 2.1 Defendant Doe 2 (School/Parish) is a Roman Catholic church, parish or school
15 located in the City of Banning in Riverside County, California. Defendant Doe 2
16 (School/Parish) is the school or other organization where Robert Nikiliborc was assigned
17 and where Plaintiff Johnny G. was attending when he was molested by Robert Nikiliborc.
18 Plaintiff was a student and/or member of the Defendant Doe 2 (School/Parish) during the
19 period of wrongful conduct.

20 2.2 Defendant Doe 3 (Order) is a Roman Catholic Order of Priests and a non-profit
21 public benefit corporation organized for religious purposes and incorporated under the laws
22 of the State of California, doing business in Riverside County. As the prevailing religious
23 order responsible for conducting Defendant Doe 2 (School/Parish), Defendant Doe 3
24 (Order) had supervisory responsibility over Robert Nikiliborc when Robert Nikiliborc
25 molested Johnny G.

26 2.2 Robert Nikiliborc (the "Perpetrator") was at all times relevant an ordained priest in
27 the Roman Catholic Church. During the dates of abuse, the Perpetrator was a practicing
28 priest assigned to Defendant Diocese, Defendant Doe 2 (School/Parish), Defendant Doe 3

1 (Order), and/or Does 4 through 1000, and was under the direct supervision, employ and
2 control of Defendant Diocese, Defendant Doe 2 (School/Parish), Defendant Doe 3 (Order),
3 and/or Does 4 through 1000.

4
5 3. Defendant Does 4 through 1000, inclusive, are individuals and/or business or
6 corporate entities incorporated in and/or doing business in California whose true names
7 and capacities are unknown to the Plaintiff who therefore sues such defendants by such
8 fictitious names, and who will amend the Complaint to show the true names and capacities
9 of each such Doe defendants when ascertained. Each such Defendant Doe is legally
10 responsible in some manner for the events, happenings and/or tortious and unlawful
11 conduct that caused the injuries and damages alleged in this Complaint.

12
13 4. Defendant Diocese, Defendant Doe 2 (School/Parish), Defendant Doe 3 (Order),
14 and Does 4 through 1000 are some times hereinafter referred to as the "Defendants."

15
16 5. Each Defendant is the agent, servant and/or employee of other Defendants,
17 and each Defendant was acting within the course and scope of his, her or its authority as
18 an agent, servant and/or employee of the other Defendants. Defendants, and each of
19 them, are individuals, corporations, partnerships and other entities which engaged in,
20 joined in and conspired with the other wrongdoers in carrying out the tortious and unlawful
21 activities described in this Complaint, and Defendants, each of them, ratified the acts of the
22 other Defendants as described in this Complaint.

23
24 **BACKGROUND FACTS APPLICABLE TO ALL COUNTS**

25
26 6. Plaintiff Johnny G. was raised in a devoutly Roman Catholic family, was
27 baptized, confirmed and regularly celebrated weekly mass and received the sacraments
28 through the Roman Catholic Church. Plaintiff Johnny G. therefore developed great

1 admiration, trust, reverence and respect for, and obedience to, Roman Catholic Priests,
2 who occupied a position of great influence and persuasion as holy men and authority
3 figures. Plaintiff Johnny G. was an active member at Defendant Doe 2 (School/Parish) in
4 Banning, California. Through his membership and participation as a parishioner and/or
5 student, Plaintiff Johnny G. came to know, admire, trust, revere and respect Father Robert
6 Nikiliborc. Empowered by Defendant Diocese, Defendant Doe 2 (School/Parish),
7 Defendant Doe 3 (Order), and Defendant Does 4 through 1000, and each of them, Robert
8 Nikiliborc obtained the trust of Plaintiff's parents. From approximately 1963 through
9 approximately 1965, Robert Nikiliborc sexually molested Johnny G., who was then a minor,
10 while Johnny G. was entrusted to the care, custody and control of Defendant Diocese,
11 Defendant Doe 2 (School/Parish), Defendant Doe 3 (Order), and Robert Nikiliborc. The
12 sexual abuse occurred at many different places including, among other places, on the
13 grounds of the Defendant Doe 2 (School/Parish).

14 7. As a direct result of the wrongful conduct alleged herein, the Plaintiff has suffered
15 and continues to suffer great pain of mind and body, shock, emotional distress, physical
16 manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace,
17 humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually;
18 was prevented and will continue to be prevented from performing Plaintiff's daily activities
19 and obtaining the full enjoyment of life; has sustained and continues to sustain loss of
20 earnings and earning capacity; and/or has incurred and will continue to incur expenses for
21 medical and psychological treatment, therapy, and counseling.

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FIRST CAUSE OF ACTION
CHILDHOOD SEXUAL ABUSE IN VIOLATION OF
CODE OF CIVIL PROCEDURE § 340.1
(Plaintiff Against All Respective Defendants)

28 12. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

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1 13. From approximately 1963 through approximately 1965, Robert Nikiliborc engaged
2 in unpermitted, harmful and offensive sexual conduct and contact upon the person of
3 Plaintiff Johnny G. in violation of Cal. Code Civil Procedure § 340.1. Said conduct was
4 undertaken while Nikiliborc was an employee, volunteer, representative, or agent of
5 Defendant Diocese, Defendant Doe 2 (School/Parish), Defendant Doe 3 (Order), and Does
6 4 through 1000, while in the course and scope of employment with Defendant Diocese,
7 Defendant Doe 2 (School/Parish); Defendant Doe 3 (Order), and Does 4 through 1000,
8 and/or was ratified by Defendant Diocese, Defendant Doe 2 (School/Parish), Defendant
9 Doe 3 (Order), and Does 4 through 1000.

10 14. Prior to or during the abuse alleged above, Defendants knew, had reason to know,
11 or was otherwise on notice of unlawful sexual conduct by the Perpetrator. Defendants
12 failed to take reasonable steps and failed to implement reasonable safeguards to avoid
13 acts of unlawful sexual conduct in the future by the Perpetrator, including, but not limited
14 to, preventing or avoiding placement of the Perpetrator in functions or environments in
15 which contact with children was an inherent part of those functions or environments.
16 Furthermore, at no time during the periods of time alleged did Defendants have in place a
17 system or procedure to supervise and/or monitor employees, volunteers, representatives,
18 or agents to insure that they did not molest or abuse minors in Defendants' care, including
19 the Plaintiff.

20 15. As a result of the above-described conduct, Plaintiff has suffered and continues to
21 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
22 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
23 enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will
24 continue to be prevented from performing Plaintiff's daily activities and obtaining the full
25 enjoyment of life; has sustained and will continue to sustain loss of earnings and earning
26 capacity; and/or has incurred and will continue to incur expenses for medical and
27 psychological treatment, therapy, and counseling.

28

000103

1 SECOND CAUSE OF ACTION

2 NEGLIGENCE

3 (Plaintiff Against All Respective Defendants)

4 16. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

5 17. Defendants had a duty to protect the minor Plaintiff when he was entrusted to
6 their care by Plaintiff's parents. Plaintiff's care, welfare, and/or physical custody was
7 temporarily entrusted to Defendants. Defendants voluntarily accepted the entrusted care
8 of Plaintiff. As such, Defendants owed Plaintiff, a minor child, a special duty of care, in
9 addition to a duty of ordinary care, and owed Plaintiff the higher duty of care that adults
10 dealing with children owe to protect them from harm.

11 17.1 The Perpetrator was, at all times herein, and for many years before, a serial
12 pedophile, performing acts of sexual abuse and molestation upon a series of minor
13 children, including Plaintiff. The Perpetrator was able, by virtue of his unique authority and
14 position as a Priest, to identify vulnerable victims and their families upon which the
15 Perpetrator could perform such sexual abuse; to manipulate his authority as Priest,
16 counselor, and religious advisor, to procure compliance with his sexual demands from his
17 victims; to induce the victims to continue to allow the abuse; and to coerce them not to
18 report it to any other persons or authorities. As a Priest, the Perpetrator had unique
19 access to the physical facilities and finances of the parishes to which he was assigned, and
20 used said facilities and finances to provide resources which allowed him to commit sexual
21 abuse upon children.

22 17.2 The risk of abuse of priestly authority, the risk of misuse of parish and diocese
23 resources, facilities, and funds, and the risk of misuse of access to intimate personal
24 information by priests, all to allow them to commit sexual abuse upon children, are, and
25 have been for centuries, risks known to the Bishops and Officers of the Roman Catholic
26 Church, who have enacted policies and procedures, prior to Plaintiff's molestation by the
27 Perpetrator, to address such conduct and its consequences. Such policies and procedures
28 have included the enactment of Canon Law policies and punishments, maintaining secret

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1 files concerning such conduct, and an ongoing policy and procedure of failing and refusing
2 to notify or warn parishioners or law enforcement when reports of sexual abuse of children
3 by priests have been received by such Bishops and Officers, including Defendants.

4 18. Defendant Diocese, Defendant Doe 2 (School/Parish), Defendant Doe 3 (Order),
5 and Does 4 through 1000, by and through their agents, servants and employees, knew or
6 reasonably should have known of the Perpetrator's dangerous and exploitive propensities
7 and/or that the Perpetrator was an unfit agent. It was foreseeable that if Defendants did
8 not adequately exercise or provide the duty of care owed to children in their care, including
9 but not limited to the Plaintiff, the children entrusted to Defendants' care would be
10 vulnerable to sexual abuse by the Perpetrator.

11 19. Defendants breached their duty of care to the minor Plaintiff by allowing the
12 Perpetrator to come into contact with the minor Plaintiff without supervision; by failing to
13 adequately supervise, or negligently retaining the Perpetrator who they permitted and
14 enabled to have access to Plaintiff; by failing to investigate or otherwise confirm or deny
15 such facts about the Perpetrator; by failing to tell or concealing from Plaintiff, Plaintiff's
16 parents, guardians, or law enforcement officials that the Perpetrator was or may have been
17 sexually abusing minors; by failing to tell or concealing from Plaintiff's parents, guardians,
18 or law enforcement officials that Plaintiff was or may have been sexually abused after
19 Defendants knew or had reason to know that the Perpetrator may have sexually abused
20 Plaintiff, thereby enabling Plaintiff to continue to be endangered and sexually abused,
21 and/or creating the circumstance where Plaintiff was less likely to receive medical/mental
22 health care and treatment, thus exacerbating the harm done to Plaintiff; and/or by holding
23 out the Perpetrator to the Plaintiff and his parents or guardians as being in good standing
24 and trustworthy. Defendants cloaked within the facade of normalcy Defendants' and/or the
25 Perpetrator's contact and/or actions with the Plaintiff and/or with other minors who were
26 victims of the Perpetrator, and/or disguised the nature of the sexual abuse and contact.

27 20. As a result of the above-described conduct, Plaintiff has suffered and continues to
28 suffer great pain of mind and body, shock, emotional distress, physical manifestations of

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1 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
2 enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will
3 continue to be prevented from performing Plaintiff's daily activities and obtaining the full
4 enjoyment of life; has sustained and will continue to sustain loss of earnings and earning
5 capacity; and/or has incurred and will continue to incur expenses for medical and
6 psychological treatment, therapy, and counseling.

7 **THIRD CAUSE OF ACTION**

8 **NEGLIGENT SUPERVISION/FAILURE TO WARN**

9 **(Plaintiff Against All Respective Defendants)**

10 21. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

11 22. Defendant Diocese, Defendant Doe 2 (School/Parish), Defendant Doe 3 (Order),
12 and Does 4 through 1000 had a duty to provide reasonable supervision of the Perpetrator;
13 to use reasonable care in investigating the Perpetrator; and to provide adequate warning to
14 the Plaintiff, the Plaintiff's family, minor students, and minor parishioners of the
15 Perpetrator's dangerous propensities and unfitness.

16 23. Defendant Diocese, Defendant Doe 2 (School/Parish), Defendant Doe 3 (Order),
17 and Does 4 through 1000, by and through their agents, servants and employees, knew or
18 reasonably should have known of the Perpetrator's dangerous and exploitive propensities
19 and/or that the Perpetrator was an unfit agent. Despite such knowledge, Defendant
20 Diocese, Defendant Doe 2 (School/Parish), Defendant Doe 3 (Order), and Does 4 through
21 1000 negligently failed to supervise the Perpetrator in the position of trust and authority as
22 a Roman Catholic Priest, religious instructor, counselor, school administrator, school
23 teacher, surrogate parent, spiritual mentor, emotional mentor, and/or other authority figure,
24 where he was able to commit the wrongful acts against the Plaintiff. Defendant Diocese,
25 Defendant Doe 2 (School/Parish), Defendant Doe 3 (Order), and Does 4 through 1000
26 failed to provide reasonable supervision of the Perpetrator, failed to use reasonable care in
27 investigating the Perpetrator, and failed to provide adequate warning to Plaintiff and
28 Plaintiff's family of the Perpetrator's dangerous propensities and unfitness. Defendant

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1 Diocese, Defendant Doe 2 (School/Parish), Defendant Doe 3 (Order), and Does 4 through
2 1000 further failed to take reasonable measures to prevent future sexual abuse.

3 24. As a result of the above-described conduct, Plaintiff has suffered and continues
4 to suffer great pain of mind and body, shock, emotional distress, physical manifestations of
5 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
6 enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will
7 continue to be prevented from performing Plaintiff's daily activities and obtaining the full
8 enjoyment of life; has sustained and will continue to sustain loss of earnings and earning
9 capacity; and/or has incurred and will continue to incur expenses for medical and
10 psychological treatment, therapy, and counseling.

11 **FOURTH CAUSE OF ACTION**
12 **NEGLIGENT HIRING AND RETENTION**
13 **(Plaintiff Against All Respective Defendants)**

14 ~~25. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.~~

15 26. Defendant Diocese, Defendant Doe 2 (School/Parish), Defendant Doe 3 (Order),
16 and Does 4 through 1000 had a duty to not hire and/or retain the Perpetrator, and other
17 employees, agents, volunteers, and other representatives, given the Perpetrator's
18 dangerous and exploitive propensities.

19 27. Defendant Diocese, Defendant Doe 2 (School/Parish), Defendant Doe 3 (Order),
20 and Does 4 through 1000, by and through their agents, servants and employees, knew or
21 reasonably should have known of the Perpetrator's dangerous and exploitive propensities
22 and/or that the Perpetrator was an unfit agent. Despite such knowledge Defendant
23 Diocese, Defendant Doe 2 (School/Parish), Defendant Doe 3 (Order), and Does 4 through
24 1000 negligently hired and retained the Perpetrator in the position of trust and authority as
25 a Roman Catholic Priest, religious instructor, counselor, school administrator, school
26 teacher, surrogate parent, spiritual mentor, emotional mentor, and/or other authority figure,
27 where he was able to commit the wrongful acts against the Plaintiff. Defendant Diocese,
28 Defendant Doe 2 (School/Parish), Defendant Doe 3 (Order), and Does 4 through 1000

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1 failed to use reasonable care in investigating the Perpetrator and failed to provide
2 adequate warning to Plaintiff and Plaintiff's family of the Perpetrator's dangerous
3 propensities and unfitness. Defendant Diocese, Defendant Doe 2 (School/Parish),
4 Defendant Doe 3 (Order), and Does 4 through 1000 further failed to take reasonable
5 measures to prevent future sexual abuse.

6 28. As a result of the above-described conduct, Plaintiff has suffered and continues
7 to suffer great pain of mind and body, shock, emotional distress, physical manifestations of
8 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
9 enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will
10 continue to be prevented from performing Plaintiff's daily activities and obtaining the full
11 enjoyment of life; has sustained and will continue to sustain loss of earnings and earning
12 capacity; and/or has incurred and will continue to incur expenses for medical and
13 psychological treatment, therapy, and counseling.

14 **SEVENTH CAUSE OF ACTION**

15 **BREACH OF FIDUCIARY DUTY AND/OR CONFIDENTIAL RELATIONSHIP**

16 **(Plaintiff Against All Respective Defendants)**

17 48. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

18 49. Because of Plaintiff's young age, and because of the status of the Perpetrator as
19 an authority figure to Plaintiff, Plaintiff was vulnerable to the Perpetrator. The Perpetrator
20 sought Plaintiff out, and was empowered by and accepted Plaintiff's vulnerability. Plaintiff's
21 vulnerability also prevented Plaintiff from effectively protecting himself.

22 50. By holding the Perpetrator out as a qualified Roman Catholic Priest, religious
23 instructor, counselor, school administrator, school teacher, surrogate parent, spiritual
24 mentor, emotional mentor, and/or any other authority figure, and by undertaking the
25 religious and/or secular instruction and spiritual and/or emotional counseling of Plaintiff,
26 Defendants entered into a fiduciary and/or confidential relationship with the minor Plaintiff.

27 51. Defendants and each of them breached their fiduciary duty to Plaintiff by engaging
28 in the negligent and wrongful conduct described herein.

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1 52. As a direct result of Defendants' breach of their fiduciary duty, Plaintiff has
2 suffered and continues to suffer great pain of mind and body, shock, emotional distress,
3 physical manifestations of emotional distress, embarrassment, loss of self-esteem,
4 disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer
5 spiritually; was prevented and will continue to be prevented from performing Plaintiff's daily
6 activities and obtaining the full enjoyment of life; has sustained and will continue to sustain
7 loss of earnings and earning capacity; and/or has incurred and will continue to incur
8 expenses for medical and psychological treatment, therapy, and counseling.

9 **EIGHTH CAUSE OF ACTION**

10 **NEGLIGENT FAILURE TO WARN, TRAIN, OR EDUCATE PLAINTIFF**

11 **(Plaintiff Against All Respective Defendants)**

12 53. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

13 54. Defendants breached their duty to take reasonable protective measures to protect
14 Plaintiff and other minor parishioners and/or students from the risk of childhood sexual
15 abuse by the Perpetrator, such as the failure to properly warn, train, or educate Plaintiff
16 and other minor parishioners and/or students about how to avoid such a risk, pursuant to
17 Juarez v. Boy Scouts of America, Inc., 97 Cal. Rptr. 2d 12, 81 Cal. App. 4th 377 (2000).

18 55. As a result of the above-described conduct, Plaintiff has suffered and continues
19 to suffer great pain of mind and body, shock, emotional distress, physical manifestations of
20 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
21 enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will
22 continue to be prevented from performing Plaintiff's daily activities and obtaining the full
23 enjoyment of life; has sustained and will continue to sustain loss of earnings and earning
24 capacity; and/or has incurred and will continue to incur expenses for medical and
25 psychological treatment, therapy, and counseling.

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1 **FOURTEENTH CAUSE OF ACTION**

2 **NEGLIGENCE PER SE FOR STATUTORY VIOLATIONS**

3 **(Plaintiff Against All Respective Defendants)**

4 91. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

5 92. At all times or sometimes herein mentioned, there was in full force and effect Penal
6 Code §§ 32; 11166; 273a; 266j; 285; 286(b)(1) & (2); 286(c); 288(a) & (b); 288a(b)(1) & (2);
7 288a(c); 289(h), (l) & (j); 647.6; or any prior laws of California of similar effect at the time
8 these acts described herein were committed. These laws made unlawful certain acts
9 relating to the sexual abuse of minors.

10 93. At the times mentioned herein, Defendants were in violation of the aforesaid
11 statutes in doing the acts set forth herein.

12 94. Plaintiff was within the class of persons to be protected by Penal Code §§ 32;
13 11166; 273a; 266j; 285; 286(b)(1) & (2); 286(c); 288(a) & (b); 288a(b)(1) & (2); 288a(c);
14 289(h), (l) & (j); 647.6; or any prior laws of California of similar effect at the time these acts
15 described herein were committed.

16 95. As a result of the above-described conduct, Plaintiff has suffered and continues
17 to suffer great pain of mind and body, shock, emotional distress, physical manifestations of
18 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
19 enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will
20 continue to be prevented from performing Plaintiff's daily activities and obtaining the full
21 enjoyment of life; has sustained and will continue to sustain loss of earnings and earning
22 capacity; and/or has incurred and will continue to incur expenses for medical and
23 psychological treatment, therapy, and counseling.

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1 continued to allow the Perpetrator to teach, supervise, instruct, care for, and have custody
2 of and/or contact with young children.

3 117. Because it was foreseeable that the sexual assaults being committed by the
4 Perpetrator would continue if Defendant Diocese, Defendant Doe 2 (School/Parish),
5 Defendant Doe 3 (Order), and Does 4 through 1000 continued to allow him to teach,
6 supervise, instruct, care for, and have custody of and/or contact with young children,
7 Defendant Diocese, Defendant Doe 2 (School/Parish), Defendant Doe 3 (Order), and Does
8 4 through 1000 owed a duty of care to all children, including Plaintiff, exposed to the
9 Perpetrator. Defendant Diocese, Defendant Doe 2 (School/Parish), Defendant Doe 3
10 (Order), and Does 4 through 1000 also owed a heightened duty of care to all children,
11 including Plaintiff, because of their young age.

12 118. By allowing the Perpetrator to teach, supervise, instruct, care for, and have custody
13 of and/or contact with young children, and by failing to warn children and their families of
14 the threat posed by the Perpetrator, Defendant Diocese, Defendant Doe 2 (School/Parish),
15 Defendant Doe 3 (Order), and Does 4 through 1000 breached their duty of care to all
16 children, including Plaintiff.

17 119. Defendant Diocese, Defendant Doe 2 (School/Parish), Defendant Doe 3 (Order),
18 and Does 4 through 1000 negligently used and managed Defendant Doe 2
19 (School/Parish), and created a dangerous condition and an unreasonable risk of harm to
20 children by allowing the Perpetrator to teach, supervise, instruct, care for and have custody
21 of and/or contact with young children at, among other locations, Defendant Doe 2
22 (School/Parish).

23 120. As a result of the dangerous conditions created by Defendant Diocese, Defendant
24 Doe 2 (School/Parish), Defendant Doe 3 (Order), and Does 4 through 1000, numerous
25 children were sexually assaulted by the Perpetrator.

26 121. The dangerous conditions created by Defendant Diocese, Defendant Doe 2
27 (School/Parish), Defendant Doe 3 (Order), and Does 4 through 1000 were the proximate
28 cause of Plaintiff's injuries and damages.

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1 122. As a result of these dangerous conditions, Plaintiff has suffered and continues to
2 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
3 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
4 enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will
5 continue to be prevented from performing Plaintiff's daily activities and obtaining the full
6 enjoyment of life; has sustained and will continue to sustain loss of earnings and earning
7 capacity; and/or has incurred and will continue to incur expenses for medical and
8 psychological treatment, therapy, and counseling.

9
10 **EIGHTEENTH CAUSE OF ACTION**
11 **SEXUAL BATTERY (Civil Code § 1708.5)**
12 **(Plaintiff Against All Respective Defendants)**

13 123. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

14 124. For the reasons set forth in the incorporated paragraphs of this Complaint, the
15 sexual abuse of Plaintiff by the Perpetrator arose from, was incidental to, and was in the
16 course and scope of the Perpetrator's employment with Defendant Diocese, Defendant
17 Doe 2 (School/Parish), Defendant Doe 3 (Order), and Does 4 through 1000, and each of
18 these Defendants ratified or approved of that sexual contact.

19 125. As a result of the above-described conduct, Plaintiff has suffered and continues
20 to suffer great pain of mind and body, shock, emotional distress, physical manifestations of
21 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
22 enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will
23 continue to be prevented from performing Plaintiff's daily activities and obtaining the full
24 enjoyment of life; has sustained and will continue to sustain loss of earnings and earning
25 capacity; and/or has incurred and will continue to incur expenses for medical and
26 psychological treatment, therapy, and counseling. Pursuant to Civil Code § 1708.5(c),
27

28 WHEREFORE, Plaintiff prays for damages; injunctive relief; costs; interest; attorneys'

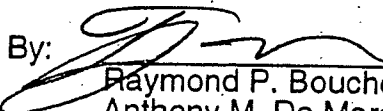
1 fees; statutory/civil penalties according to law; and such other relief as the court deems
2 appropriate and just.

3
4 **JURY DEMAND**

5 Plaintiff demands a jury trial on all issues so triable.

6
7 DATE: December 29, 2003

KIESEL, BOUCHER & LARSON LLP

8
9 By: 
10 Raymond P. Boucher, Esq.
11 Anthony M. De Marco, Esq.
12 Attorneys for Plaintiff

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BOYS TOWN OF THE DESERT

14700 Manzanita Park Road • Beaumont, California 92223 • (714) 845-2681

August 31, 1969

Very Reverend I. Brent Eagen
Chancellor
Diocese of San Diego
The Chancery - Alcala Park
San Diego, California 92110

Dear Father Eagen:

Thank you for your generosity of time on Wednesday last. While our good conversation cleared up a few things relative to my being asked to take a leave of absence from Boys Town of the Desert, it also convinced me that the Diocese is the innocent party in this unfair and unwarranted change.

As my good friend I want to assure you that I have severed all ties with Boys Town of the Desert for the duration of my leave of absence. I have also spoken with Father Guntz about taking over the St. Mary's Indian Mission.

In a spirit of charity I ask you once again to reflect on what has taken place. It is at best a crude injustice. While I may have made some mistakes, the success of Boys Town of the Desert far outweighs any failures on my part and I should not be denied the peace of soul which was mine in knowing that you were behind me in my efforts to have myself exonerated of the government charges.

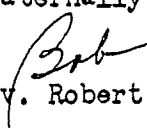
I am requesting once again that no other assignment be asked of me at this time. My personal commitments during my leave of absence from Boys Town were made prior to Father O'Donovan's asking for my change. It would be unfair to Father Moore to take up residence and immediately leave. I think the best solution under the circumstances is for the Chancery merely to honor my leave of absence until such time as I can once again be of help to you.

The only other request is for you to ask Bishop John Quinn to pray for me. I know that if he studied the full facts of this case, he would not have acted on Fr. O'Donovan's request. Although requested numerous times, I have still been denied a meeting of the Boards. If you were to place yourself in my position, I am certain you would have demanded much more.

Well, Brent, I need this rest. My time will be spent wisely and I will keep in touch with you. I also pray that you will not prejudice my case with our new Bishop.

With personal best wishes, I am,

Fraternally in Christ,


Rev. Robert D. Nikliborc-Rand

Priest Begins Prison Term

Surrendering two hours early, a boys' town priest turned himself in Monday to start a two-year sentence on charges he failed to file income tax reports on more than \$111,000 in 1963 and 1965 income.

The Rev. Robert Nikliborc, 37, was taken to the federal prison at Terminal Island, where he changed his black clerical garb for blue denims and began processing for a 90-day psychiatric study ordered by federal Judge William P. Gray.

Judge Gray said when he gave the priest the maximum sentence on the misdemeanor count Nov. 26 that he might reduce the sentence after studying a report of the psychiatric study.

The priest was granted stays in start of his sentence in order to oversee opening of a new Beaumont campus of Boys Town of the Desert, of which he was president.

He surrendered to Edward Freeman, chief deputy U.S. marshal, at the Federal Building soon after it opened at 8 a.m.—although he wasn't to officially surrender until 10 a.m.

FEDERAL CORRECTIONAL INSTITUTION
TERMINAL ISLAND, CALIFORNIA
MEN'S DIVISION

January 22, 1969



VISITING DAYS AND HOURS

Monday, Thursday and Friday
1:00 P.M. to 3:30 P.M.

Saturday, Sunday and Legal Holidays
8:00 A.M. to 3:30 P.M.

VISITING INSTRUCTIONS

1. Tuesdays and Wednesdays are not visiting days, unless they are legal holidays, exceptions to this rule may be made in some cases if the need is urgent. Each man normally will be allowed regular visiting privileges after he has been in the Institution 15 days.
2. Each person confined is permitted a total of five (5) visits per month. There is no time limit on Monday, Thursday, and Friday. Visiting on Saturday, Sunday and Legal Holidays may be limited to one (1) hour duration.
3. Ordinarily all members of the immediate family, (parents, brothers, sisters, wife and children), will be placed on a man's approved visiting list, and will be notified of such approval. Children under 15 years of age must be accompanied by an adult member of the family who is also an approved visitor. Supervision and control of children are the responsibility of the accompanying adult. In-laws, as well as other persons not included in the immediate family, must obtain permission at least two weeks prior to any proposed visit. When such a visit is approved, the visitor will receive a letter of authorization which should be presented at the time of the visit. All visitors should come prepared to identify themselves by driver's licenses, social security cards or other means.
4. When a conference with an institutional official is desired, arrangements should be made in advance. When such a conference has been scheduled, the visitor, after arrival at the institution, should contact the Visiting Room Officer for further details.
5. Please do not bring food or beverages to the institution. Visitors may purchase refreshments from the vending machines located near the visiting area and these items may be shared with the person being visited.
6. There is limited bus service to the institution from San Pedro and Long Beach. The institution is located on Seaside Avenue approximately two miles South from the East end of the Vincent Thomas Bridge, and approximately one-half mile from the Old Ferry Building. All persons driving to the institution may use the main parking lot. All cars must be locked, and no persons will be allowed to remain in the parked cars.

- OVER -

X-O'Neil Martin

NIKLIBORC-BBK000120

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Mail Form No. 4
C&P Ofc (11-64)

FEDERAL CORRECTIONAL INSTITUTION
Box 7, Terminal Island
San Pedro, California (90731)



INSTRUCTIONS TO CORRESPONDENTS

Regarding (inmate): Robert Daniel Nikliborge Reg. No: 14083 -Cal.

You have been listed as an approved correspondent of the above-named inmate. All mail addressed to this Institution will be inspected before delivery to the inmate. Your full cooperation with the following instructions will ensure prompt handling of his mail.

1. Address all letters to the address listed below and place your name and address in the left hand corner of the envelope.

Inmate's name
PMB (Inmate's number)
Box 7, Terminal Island
San Pedro, California (90731)

2. Sign your name in full at the end of the letter and include your address.

3. Please restrict your letters to a "reasonable" number of pages.

4. All letters must be written in English. Special permission must be obtained before any correspondence may be written in a foreign language.

5. Do NOT send postage stamps or stationary. We furnish writing materials and pay the postage on all letters the inmate send. Money in small amounts is acceptable for deposit to your correspondent's account unless you have been notified to the contrary. For your own protection DO NOT SEND CASH. U.S. Postal Money Orders are preferred.

6. You are not permitted to send gifts of any type. This includes clippings, notices from newspapers, calendars, etc. All such items will be destroyed. A Commissary Store is available to the inmate where he may purchase small items with the funds you may send. Special procedures are available for the inmate to receive local newspapers or magazines through our Education Department.

Your compliance with these instructions will ensure prompt delivery of your mail to the inmate and will assist us in handling the volume of mail received at this Institution. Thank you.

X- *O'Dell Martin*
NIKLIBORC-BBK000121

000118

Priest Charged With Failing to Report Income Disappears

BY DIAL TORGERSON

Times Staff Writer

The Roman Catholic priest accused of failing to report \$119,960 in 1963-65 income dropped from sight Thursday.

It was actually a double disappearance:

The Rev. Robert Nikliborc wasn't at Boys Town of the Desert, a Catholic boys home near Banning.

And Robert Drew Rand, thought by Palm Springs residents to be a wealthy, married, semiretired electronics manufacturer, wasn't at his \$75,000 home in the desert resort.

Federal officials say Father Nikliborc and Rand are the same man.

The priest was named Wednesday in a complaint charging him with failure to declare personal income on almost \$120,000 over a three-year period.

Father Nikliborc was in Los Angeles, a spokesman at the Banning home said. He declined to say where the priest was in the city. His attorney was unavailable.

So were officials of the San Diego

Catholic Diocese, from which Father Nikliborc was assigned the Boys Town.

A few details of the priest's life—and that of Rand—were learned Thursday, however, from other sources:

—The 37-year-old priest was thought by those who donated to the home to be a sincere, dedicated man.

2—The Mr. Rand of Palm Springs held title to property as "Robert Rand, a married man," and had introduced a short, dark-haired woman as "Mrs. Rand."

The U.S. attorney's office declined to provide details beyond those in the Internal Revenue Service charges, on which Father Nikliborc is to be arraigned Oct. 31.

In the Banning area he was known as a pleasant man who "looked like a Catholic priest"—and drove to an ice cream store in a large, black limousine to buy ice cream for the boys at the home.

The boys town is officially named

Please Turn to Page 8, Col. 4

L. A. Times - Oct. 11 - 1968

Boys Home Official Named in Tax Case

EVENING TRIBUNE News Report
LOS ANGELES—A Catholic priest who is financial director for a boys home in Banning is scheduled for arraignment Oct. 31 in U.S. District Court here on charges of failing to declare \$119,960.44 in personal income.
The charges were filed in federal court here yesterday against the Rev. Robert Nikliborc, 37, who is financial director of Boys Town of the Desert. The orphanage is operated by the Brothers of Charity of the Immaculate

Heart of Mary, an order created by the San Diego Catholic Diocese.

U.S. Atty. Matt Byrne said Father Nikliborc lived as a layman in Palm Springs under the name of Robert Drew Rand.

Byrne said Father Nikliborc is charged with willfully failing to file income tax returns for 1963, 1964 and 1965.

Byrne said he could not disclose out of court the source of Father Nikliborc's income.

Filing of the charges against Father Nikliborc cli-

maxed an investigation over several months by agents of the Internal Revenue Service's intelligence division, Byrne said.

Father Nikliborc has been financial director and a priest at Boys Town of the Desert since 1961. Boys Town of the Desert is a school for delinquent boys up to 17-years-old. It formerly was St. Boniface Academy, an Indian school operated by Franciscan monks.

The San Diego diocese acquired 122 acres of land at Beaumont from General Mills in 1963 to expand the orphanage after the Banning planning commission rejected a rezoning application for industrial expansion.

Priest Accused Of Tax Evasion

LOS ANGELES (UPI) — A Catholic priest, who operated an orphanage but lived as a layman in Palm Springs, has been accused in federal court of not reporting income of almost \$120,000 over a three-year period.

The U.S. Attorney's office filed a criminal information against the Rev. Robert Nikliborc, 37, head of Boys Town of the Desert at Banning, Calif.

U.S. Atty. Matt Byrne said that in Palm Springs Father Nikliborc occupied a \$75,000 home and was known to his neighbors as "Robert Drew Rand."

...significantly
...Murphy attacked
...concept that all stu-
...ts should be permitted
...participate in decision-
...making at the university
...level.

He observed that administrators and professors have got to be able to make sophisticated distinctions between the properly upset and concerned student on the one and the anarchistic, egotistic, nihilists on the other.

"In the first instance, let's bring them in much more fully than ever before, in the second instance let us deny them my right to be members of the academic community," he said.

DISAPPEARANCE

Continued from First Page

the Basil Brewer Boys Town of the Desert—a name assigned to it in honor of Basil Brewer, wealthy New Bedford, Mass., publisher and radio-television station owner.

Brewer, now retired, told The Times by phone:

"I remember having lunch several times with Father Robert when I was visiting the home. He seemed to be a capable and dedicated man. I don't believe that man would take a nickel of any man's money."

Brewer, who gave about

\$20,000 to the home, was shocked to find that charges had been filed against Father Nikliborc. He said:

"I would have trusted him with my own money."

In Palm Springs, real estate broker Frank Sillano recalled meeting a man of the same description as Father Robert—but one who led a different life.

"Last March Mr. Rand, who lives at 1194 Vista Vespero, asked me to show him the home next door, at 1200 Vista Vespero, on which I had a listing."

"He introduced me to his wife, at least he said it was his wife. He said, 'My wife

and I want to see the house next door; my in-laws might be interested in it.'"

He said the woman introduced as Mrs. Rand was 35 to 40, fairly short, and had a slight Latin accent. "She's Mexican-American, I'm sure," Sillano said. "I'm Italian, and she asked what I was. I remembered we spoke a few words in Spanish."

U.S. Atty. Matt Byrne pointed out that there were no charges against the boys home, which has a capacity of 65 teen-agers. Spokesmen at the home declined comment on the charges against the home's president. "It has nothing to do with the home," one said.

OPERATES ORPHANAGE AT BANNING

Priest Accused of Evading Tax on \$120,000

BY TED THACKREY JR.

Times staff writer

A Catholic priest who operates an orphanage for boys at Banning was accused in federal court Wednesday of failing to declare personal income of nearly \$120,000 over a three-year period.

U.S. Atty. Matt. Byrne said the Rev. Robert Nikliborc — who also lived as a layman in Palm Springs under the assumed name of "Bob Rand" — wilfully failed to file income tax returns for the years 1963, 1964 and 1965.

During that time, Byrne said in an information filed here, Father Nikliborc had gross earnings of \$119,960.44.

Father Nikliborc, 37, is president and financial director of Boys Town of the Desert, a Catholic orphanage which cares for 65 boys at Banning.

Byrne said, however, that Father Nikliborc did not live at the orphanage but instead maintained a home at 1194 Vista Vespero in Palm Springs under the assumed name of Robert Drew Rand.

Father Nikliborc was not available

THE WEATHER

Light to moderate smog today.

Variable cloudiness today with scattered light sprinkles on coastal slopes and mountains. Clearing tonight and mostly sunny Friday. High today and Friday, near 78. Low Friday and Friday, near 78. High today, near 63. High Wednesday, 78; low, 61.

Complete weather information on Page 19, Part 3.

for comment either at the Banning orphanage or at the Palm Springs address Wednesday.

Neighbors in Palm Springs said they had not seen "Bob Rand" for several weeks, and were somewhat concerned because the grounds surrounding his \$75,000 home were in need of attention.

The neighbors said they had an idea of his dual identity as a priest. They said they had understood he was an executive of an electronic firm.

Byrne said filing of charge against the priest culminated an investigation over several months by special agents of the Intelligence Division of the Internal Revenue Service.

Father Nikliborc has been pres

Please Turn to Page 85, Col. 1

L.A. Times - OCT. 10 - 1968

PRIEST

Continued from First Page

ident of Boys Town of the Desert since 1961, authorities at the orphanage said Wednesday.

Boys Town of the Desert is a school for youngsters up to 17 years old, and is operated by the Brothers of Charity of the Immaculate Heart of Mary, a specially created order of the San Diego Roman Catholic Diocese.

It was formerly an Indian school named St. Boniface Academy, and was directed at that time by Franciscan monks.

In 1963, the San Diego diocese acquired 122 acres of land near Beaumont from General Mills after the Banning planning commission refused a zoning change for proposed industrial expansion there.

On Aug. 30, 1967, Father Nicliborc announced the beginning of construction for a new \$4 million facility on the Beaumont acreage, which he said would be one of 15 similar institutions throughout the country.

The Bank of America granted a \$2.5 million loan for the building project, which was guaranteed by the San Diego diocese.

Byrne said if convicted Father Nicliborc could face a maximum sentence of three years and a fine of \$30,000.

He will be arraigned on the charge Oct. 31 before U.S. Dist. Judge Francis C. Whelan.

Byrne Judgeship Appears Dead, Opposition by Murphy Reported

BY ROBERT L. JACKSON
Times Staff Writer

WASHINGTON—A federal judgeship for Matt Byrne Jr., U.S. attorney at Los Angeles, apparently died Wednesday in the Senate Judiciary Committee, meeting the same fate as that of Cecil F. Poole, the U.S. attorney at San Francisco.

Poole's nomination was quietly opposed by Sen. George Murphy (R-Calif.). But Murphy's office denied any part in the apparent death of Byrne's nomination as the committee held its last scheduled meeting for this session.

However, two senators who attended the closed door meeting—and other informed sources—told The Times that Murphy opposed Poole and Byrne. The Senate's unwritten "club rules" allow a senator to block a presidential nomination in his own state.

"It was our understanding that the reason for not acting was that in neither case (Poole and Byrne) had

the green light been given by Sen. Murphy," one committee member said.

Members used a so-called "seven-day rule" to push aside the nominations of Byrne, Poole and two others. The rule automatically postpones consideration for one week, but the Senate is aiming for adjournment before then.

Byrne, 38, was nominated by President Johnson Sept. 30 to succeed U.S. Dist. Judge Peirson M. Hall of Los Angeles, who is retiring after 26 years on the bench.

(Byrne, who was attending a meeting of the State Bar in San Diego, was unavailable for comment Wednesday.)

While holding up the California nominations, the committee approved two other federal judgeships in Georgia and Pennsylvania.

Murphy was on a speaking trip

Please Turn to Page 8, Col. 1

BYRNE

Continued from First Page

late Wednesday and could not be reached for comment. His office said he signed an official document Wednesday morning showing he approved Byrne's nomination, and that a staff member carried it to the Judiciary Committee only minutes before the meeting started.

John H. Holloman, the committee's chief counsel, said he could neither confirm nor deny that such a document arrived.

But a member who attended the meeting said Chairman James O. Eastland (D-Miss.) announced that the cards were not in for Poole or Byrne. This was the reason given for not acting on the nominations.

Cards Before Action

Unless both a state's senators send signed cards to the committee, indicating their approval of a nominee, the committee has traditionally refused to act on a nomination.

Sen. Thomas H. Kuchel (R-Calif.) approved both the Byrne and Poole nominations. Murphy has withheld public endorsement of Poole, and privately has opposed his nomination.

A committee source said action could still be taken on Byrne—perhaps at a special meeting—if Sen. Murphy will clarify this matter.

Others were less optimistic, noting the Senate's rush for adjournment. Murphy plans to be away from Washington for the remainder of the Senate session, his office said.

Resubmission Possible

Supporters of Byrne and Poole say one remaining hope is that President Johnson will resubmit their nominations to the new Senate in January just before he leaves office.

A new President, however, could replace these nominations with his own. And under a Republican administration, Murphy, by custom, could suggest the names to fill these two court vacancies.

Byrne has served as U.S. attorney since March, 1967. His father, William Matthew Byrne Sr., is a senior district judge in Los Angeles, having served 25 years on the municipal, superior and federal benches.

Oct. 10-1966
L. A. Times

in tax case

\$75,000 home in Palm Springs seldom used, neighbors report

The house at 1194 Vista Vesperto in Palm Springs always had been a bit of a mystery to the neighborhood, but yesterday it was an enigma.

The \$75,000 house, in a very fashionable neighborhood, was listed by authorities as the home of Robert Drew Rand. The United States Attorney's office has said this is the alias of Father Robert Nikliborc, President of a Banning home for boys, who was charged Wednesday with failing to file income tax returns on a three-year income of almost \$120,000.

NEIGHBORS SAID yesterday that they had never seen anyone in the Palm Springs home.

"I never laid eyes on the man," said one neighbor. "But they have spent a fortune on that house fixing it up. They have remodeled and remodeled that entrance several times to suit someone's taste."

None of the neighbors interviewed knew anything about the owner of the home except that his name supposedly was "Bob Rand." He was presumed by most to be the owner of some unnamed electronics firm.

The man whom authorities claim is Rand, Father Nikliborc, put in a day's work at Boys Town of the Desert in Banning, a Catholic home for boys with which Nikliborc has been associated since 1957.

A brother at the school said Father Nikliborc had been at the school yesterday but that he had refused to make any comment to reporters.

"He said he may make a statement after he has talked to his lawyers," the brother said.

Nikliborc was charged Wednesday with failure to file income tax returns

on income totaling \$119,960.44 in 1963, 1964, and 1965.

United States Attorney Matt Byrne of Los Angeles refused to comment on how a priest could earn that much money.

"That is part of the evidence, and I can't discuss it," Byrne said.

Nikliborc was in charge of fund raising for the school, which houses about 65 boys, all wards of the court.

"Our case is not concerned with the source of the income but with the fact that it was not reported," Byrne said.

Nikliborc has been president of Boys Town since 1961.

THE SCHOOL is undergoing a \$4.5 million expansion at a site just south of Beaumont. It is to be moved from its present location at 1065 West Gilman as soon as the new quarters are finished.

The construction was undertaken in part with a \$2.5 million loan from the Bank of America.

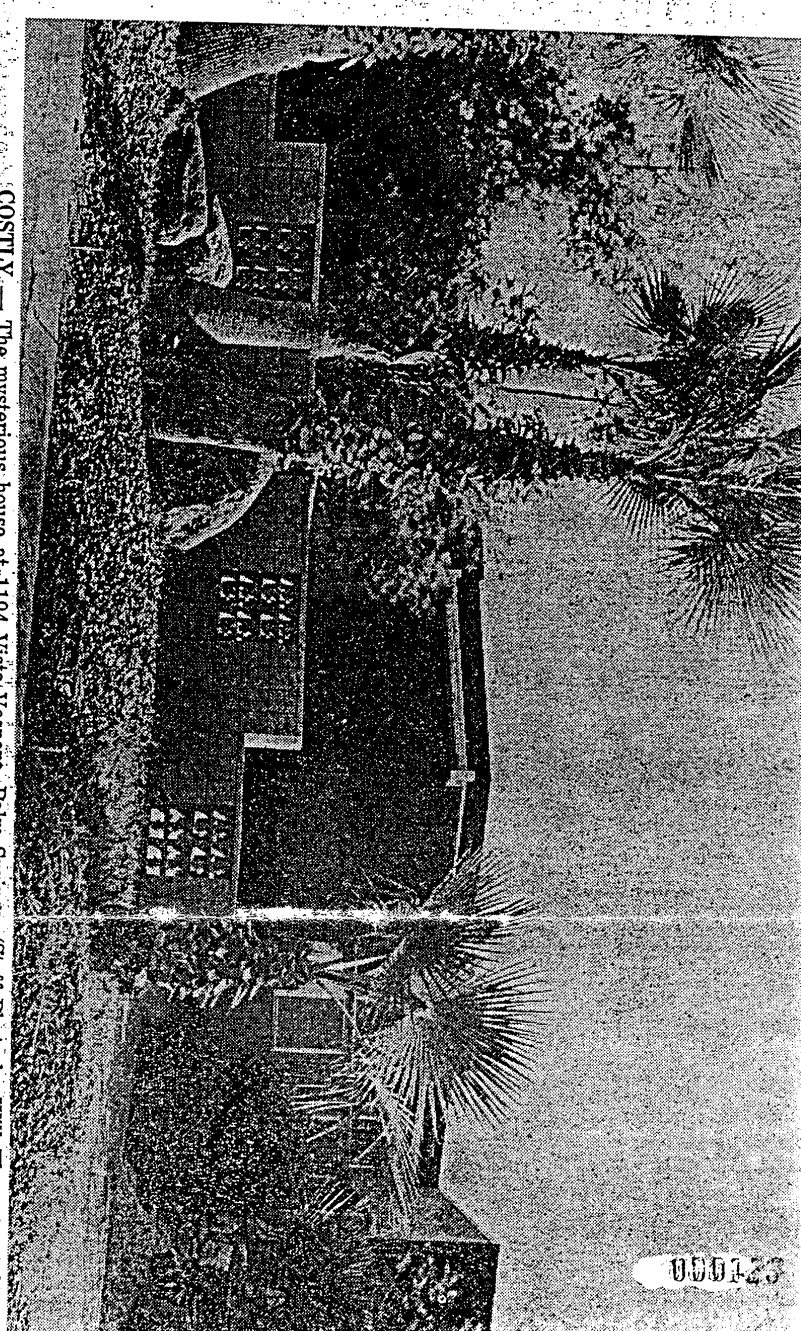
Last summer, Father Nikliborc announced that the Beaumont home would be only one of 15 Boys Towns which were planned throughout the nation.

Financial supporters of the school included several large manufacturing firms throughout the country.

United States Attorney Byrne said fund-raising activities of the school included soliciting of donations of merchandise from firms which was then resold by the school, with the profits going toward operating and expansion.

As a state-licensed child care institution, the school also received money from the state for care of wards of the court.

(See PRIEST, Page C-2)



COSTLY — The mysterious house at 1194 Vista Vesperto, Palm Springs. (Staff Photo by Will Thorne)

THE DAILY ENTERPRISE

A Newspaper for Riverside County
Desert and Pass edition

Friday, October 11, 1968

Boys Town Probe Reopened by State

An investigation by the state Attorney General's office of Boys Town of the Desert in San Diego County will begin immediately, an Attorney General's spokesman said.

Deputy Attorney General Charles A. O'Brien made the statement in connection with a federal tax suit slapped against Boys Town president Rev. Robert D. Nikliborc.

The priest, who lives in a \$5,000 home under the name of Robert Rand in fashionable Palm Springs, is charged with failing to report an estimated \$19,000 personal income from 1963 through 1965.

O'Brien said a probe of the case was started several years ago but after conferences with directors of the home and its sponsoring San Diego Catholic Diocese, "we were informed the problems we saw in the operation would be rectified. In view of recent disclosures, it is apparent we should reopen our file on Boys Town of the Desert," O'Brien said.

Meanwhile, Rev. Nikliborc and his attorneys are maintaining close contact as they prepare to answer charges that the Roman Catholic priest failed to file income tax returns from 1963 through 1965.

Father Nikliborc, 37, president and financial director of Boys Town of the Desert in Banning, yesterday denied he was guilty of the charges.

"I believe I was not required to file a return in those years," Father Nikliborc emphasized in a statement read through his attorney's

"I am informed and I believe that I was not required to file a return in those years."

The priest said the disposition of the matter "will, of course, depend upon the advice of my attorneys."

Father Nikliborc stressed his home in Palm Springs has been used by him as a priest.

"It has built inside a private oratory with the consent and knowledge of my superiors in the diocese," he said in the statement.

He said, "This home has been used by the other priests at Boys Town of the Desert, other priests in the diocese, by the Brothers of Charity, by my sister, F. R. Mary Lucinda, by my brother Frank, and

other members of my family."

Father Nikliborc said no priests are in residence in Boys Town of the Desert because of the lack of facilities there.

He said a new Boys Town is now under construction at Beaumont, and a residence for the priests is contemplated.

He said all present funds are "dedicated" strictly to the "citizens of Boys Town of the Desert."

He emphasized the current problem he is faced with "is my personal problem as a private citizen and should not cast a reflection on the church or Boys Town of the Desert."

April 16, 1969

Diagnostic Testing Starts for Priest

LOS ANGELES (AP) — The Rev. Robert D. Nikliborc, who allegedly led a dual life as a Catholic priest and wealthy layman, has begun a 90-day diagnostic test to determine if he should serve a two-year prison term.

Nikliborc, 37, pleaded guilty to charges of failure to file income tax returns for the years 1963 and 1965. The government claimed his income during those years was \$34,447 and \$77,679, respectively.

The priest was sentenced by U.S. District Judge William P. Gray, who then ordered the 90-day study to determine whether the full term should be served.

Nikliborc obtained a month-long continuance of the study so he could supervise construction of a \$5-million boys' school in Beaumont.

He turned himself in to the U.S. marshal here, and was

taken to the Federal Corrections Institution at Terminal Island.

Before his income tax trial, Nikliborc was administrator of Boys Town of the Desert at Banning. He also is alleged to have occupied a plush Palm Springs residence under the name Robert Crew Rand.

office. The clergyman bitterly attacked a suit filed by U.S. Atty. Mary Byrne, Jr. Federal Court in Los Angeles Wednesday, accusing him of willfully failing to pay taxes on earnings of \$119,960.44 during those years.

A controversy developed when it was learned that the priest lived in a \$75,000 four-bedroom home at 1194 Vista Messeroy Dr., Palm Springs. He was known to neighbors here as Robert Rand, an electrician.

I am registered as a priest in the National Members of Priests Union of Prayer under the name of Rev. Robert V. Nikliborc Rand. I am commonly known as Father Robert Rand or Father Robert Nikliborc, which ever people find easier to pronounce.

Any inference that my name was wrongfully used is totally unfounded. Any statements or indications that my gross earnings were \$119,960.44 is without foundation and is a fabrication.

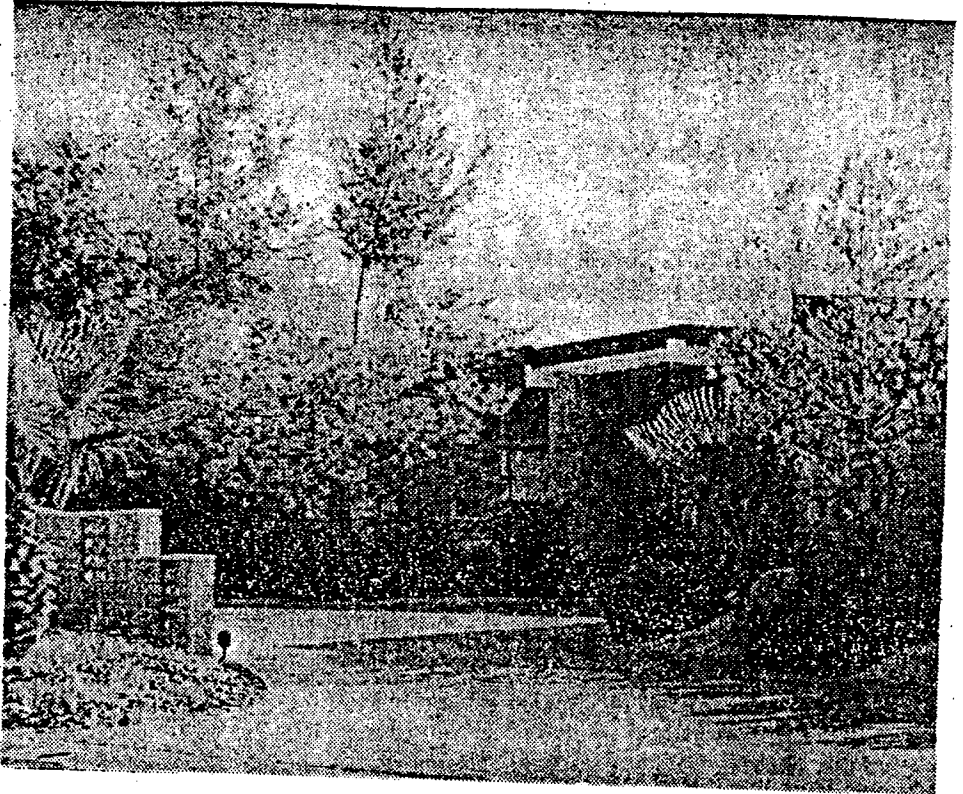
These names referring to me have been in common use for many years. They are known to the church and to my friends.

The priest hit heavily on the suit itself.

I have been informed by my attorney that a suit was filed charging me with a misdemeanor for failure to file income tax returns for the years indicated.

I believe these charges to be wholly unfounded. I am not to be indicted nor am I charged with evasion of income tax or failure to pay tax but only with the failure to file returns.

OCT 11 - 1968



—UPI Telephoto

PALM SPRINGS HOME OF PRIEST CHARGED WITH TAX EVASION
Neighbors thought the Rev. Robert Nikliborc was electronics tycoon

Priest in Tax Charge 'Had Posh Desert Home'

Special to The Herald-Examiner

PALM SPRINGS—A Roman Catholic priest and orphanage director, charged with income tax evasion, reportedly lived under a different name in a posh \$75,000 four bedroom home in swank Palm Springs.

The Rev. Robert Daniel Nikliborc, 37, president and financial director of Boys Town of the Desert in Banning, is reported by Internal Revenue Service to be known also as Robert Drew Rand of 1194 Vista Vespero, Palm Springs.

U. S. Atty. Matt Byrne filed suit in Federal Court in Los Angeles Wednesday accusing Father Nikliborc of willfully failing to pay taxes on earnings of \$119,960.44 during the years 1963 to 1965.

Byrne, who declined to disclose the source of the priest's income, said he would present evidence at the priest's arraignment Oct. 31 before U. S. District Judge Francis C. Whelan. Some Palm Springs neighbors

thought Rand was an electronics tycoon.

Others thought the home was unoccupied for nine years.

Up until six years ago, residents said the house was kept by a Mexican family, but since then, it had been allowed to go uncared for.

Father Nikliborc was unavailable for comment, and other administrators at the school refused to take calls. Officials of the Roman Catholic Diocese of San Diego, which has jurisdiction over the orphanage for 6 boys, declined to comment. The school is under the jurisdiction of the Brothers of Charity of the Immaculate Heart of Mary.

Father Nikliborc had been president of the orphanage since 1951. Last year, he announced plans for a \$4 million expansion on 122 acres near Beaumont. This land was acquired by the diocese after the Banning Planning Commission vetoed a proposed expansion of the present school.

DOUBLE NAME 'NO SECRET'

The Desert Sun
(Palm Springs)

Springs Socialite Recalls Pries

OCT. 11-1968

By JULIE BAUMER

A member of Palm Springs Pathfinders said today that she knew Rev. Robert Nikliborc, the

priest charged with failing to file income taxes some 10 years ago and that he came from a wealthy Chicago family. The information came from

Mrs. S. P. Manasse, who was president of the Pathfinders in 1957, when the fund-raising organization was helping with projects at Boys Town of the Desert. She said she met Rev. Nikliborc when Pathfinders were building a kitchen and dining room for the orphans there. He has been with Boys Town since 1957 and president since 1961.

"He stayed with the boys the orphanage," she said.

The clubwoman said that Rev. Nikliborc had told her that he had dedicated his whole life to boys club work because he loved it, not because he had to work to earn a living. He received an income from his family, she said.

Mrs. Manasse said that the priest's double name (he's listed as Robert Rand in the Palm Springs telephone book) "was no secret."

It was not just by his telling her that Mrs. Manasse knew he comes from a family of wealth in Chicago, she said. Another member of Pathfinders and Rev. Nikliborc had frequently talked about mutual friends in Chicago's upper class. She once said prayer for him, saying that he would be blessed for dedicating his life to boys.

"He said that he was listed in the telephone book as Robert Rand," Mrs. Manasse said, "and that we could call him at that number anytime for information."

Mrs. Manasse said that Rev. Nikliborc seemed to be "very humble and humane."

"Father Nikliborc once said that in order to do a good job in your work you sometimes have to get away from it.

She also added that during the time she was working with Rev. Nikliborc she received an anonymous telephone call. The caller asked her whether she knew that Rev. Nikliborc was from a wealthy family, and did she know who she was dealing with.

"After spending a weekend resting and relaxing at his family's home in Las Palmas, he would return to Boys Town refreshed."

"He must have had an enemy," Mrs. Manasse said.

Mrs. Manasse said that he used "Robert Rand" to insure privacy during his weekend periods in Palm Springs and did not live in the home throughout the week.

In addition, wealthy publisher Basil Brewer, of Massachusetts (See PREIST, Page 2)

Priest Known To Socialite

(Continued From Page 1)

who said he contributed \$20,000 to Nikliborc's program, said, "I don't believe that man would take a nickel of any man's money."

He said he remembers having lunch several times with Rev. Nikliborc when he was at Boys Town.

In the meantime, U.S. District Attorney Matt Byrne in Los Angeles says "Father Robert" and "Bob Rand" are one and the same person, but that in fact, Robert Rand never really existed.

"He was merely a cover for Rev. Nikliborc's private life outside his clerical duties," Byrne said.

Rev. Nikliborc has been charged with willfully failing to report income of \$120,000 from 1963 to 1965.

Last year Rev. Nikliborc announced plans for a \$4 million expansion of the orphanage at a 122-acre site in Beaumont. The project was financed in part by a loan granted by the Bank of America and guaranteed by the San Diego Diocese of the Catholic Church.

The school is to be moved from its present location at 1065 West Cullman, Banning, as soon as the new facility is finished.

In addition, Rev. Nikliborc announced last summer that the Beaumont home would be only one of 15 Boys Towns which are planned throughout the nation.

Byrne said that he hoped charges against the priest would not "create unneeded trouble for Boys Town. The operation itself seems to be a good one. The boys get a better chance than average and we don't want them to be affected."

000127

Press-Enterprise (Liverside)
OCT. 12 1968



The Rev. Robert Niliborc

Priest denies tax charge, admits plush home is his

BANNING — The Rev. Robert Nikliborc denied yesterday accusations that he led a double life — one as a priest who runs an orphanage here, the other as an electronics executive with a plush home in Palm Springs.

In a statement released through his attorney, Father Nikliborc also said federal tax charges against him are unfounded.

FEDERAL authorities accuse the 37-year-old priest of willfully failing to file income tax returns on \$119,960.44 in 1963-65.

U.S. Atty. Matt Byrne said Thursday that the priest was president and financial director of Boys Town of the Desert in Banning, where he used the name Nikliborc, but maintained a \$75,000 home in Palm Springs under the name of Robert Drew Rand.

Palm Springs residents told news-

men they thought "Rand" was an electronics firm executive and that they had met a woman introduced by him as his wife. The legal title to the home describes him as "Robert Rand, a married man."

IN HIS STATEMENT, Father Nikliborc said he was registered as a priest under the name, Robert V. Nikliborc-Rand, and "I am commonly known as Father Robert, Father Robert Rand or Father Robert Nikliborc, whichever people find easier to pronounce."

He also said the Palm Springs home was obtained with the consent of his superiors in the San Diego Roman Catholic diocese and that the woman seen at the home is a housekeeper, not a wife. The diocese hasn't commented.

The priest said the house deed describing Robert Rand as a married man was in error and that the title policy says "an unmarried man."

FATHER NIKLIBORC also denied that he willfully failed to pay his income taxes.

"Any statement that my gross earnings were \$119,960.44 is without foundation," he said. "I am informed and believe I was not required to file a return in those years. It should be noted that this problem is my personal problem as a private citizen and should not cast a reflection on the church or the Boys Town of the Desert."

Father Nikliborc grew up in Chicago. His father died when he was 17 and he helped raise six younger brothers and sisters. One of his brothers is a priest and one sister is a nun.

HE WAS GRADUATED from St. Mary's of the Lake Seminary in Mundelein, Ill., in 1951 and became director of Boys Town of the Desert in 1961.

"He's a fund raiser," said his attorney, Thomas Baird. "He travels all over the United States. He is primarily responsible for putting that home on its feet."

Baird said he could not reveal where the clergyman is staying but said he will appear at the arraignment, scheduled for Oct. 31 in U.S. District court.

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r of the regents' action — making il-
gal what had already been done un-
r legal authority.
Dr. Richard Tuerk, president of
e new UCR Chapter of the Associa-
on of University Professors, said he
as among those trying to put more
tcelul wording into this week's reso-
tion.
However, he said, "I'm pleased
hat the Academic Senate at least pas-
ed a resolution protesting the stu-
ents' decision."



ACCUSED PRIEST—The Rev. Robert Daniel Nikliborc leaving court with attorney Albert C. Galen

after a hearing. The priest is charged with failure to file income tax returns in 1963, 1964 and 1965.

Times photo by Frank Q. Brown

Priest Pleads Innocent to Tax Charge After Guilty Plea Fails

The information filed by U.S. Atty. Matt Byrne against Father Nikliborc listed counts charging failure to file returns on incomes of:

Count One, 1963, \$34,447.87

Count Two, 1964, \$7,833.07

Count Three, 1965, \$77,679.50

Byrne said the sums were earned

He pleaded guilty to charges one and three, innocent to count two, in a firm, tenor voice.

When Judge Whelan asked him if he realized in count one he was admitting income of \$34,447.87, Baird interrupted. The sum is to be

Please Turn to Page 5, Col. 3

PRIEST

Continued from First Page
settled in a civil matter, he said, and his client could not admit having had an income of any specific sum.

"There are misdemeanors and misdemeanors," said Judge Whelan, insisting the sum was a key part of the information. He vacated the guilty pleas. After a lunch recess, Father Nikliborc pleaded innocent to all three counts.

The case was assigned to Federal Judge William P. Gray for the setting of a trial date. Baird explained the earlier plea.

"It would be most unfortunate to have to try this

case," said Judge Gray, "if the defendant would be willing to plead guilty.

The culpability would be the same, whether the sum is \$1,600 or \$34,000."

U.S. Atty. Byrne said, however, that the sum listed for the income was properly included in the information. "If he's going to plead," he said, "let him plead."

Byrne said the government would drop the charge in count two. The priest's attorneys left open the offer of a guilty plea on counts one and three—and Judge Gray said he would think about the matter until a continuation of the date-setting hearing today, in hopes of finding a way to avoid trial.

DUE IN COURT ON TAX CHARGE

Priest With 2 Names --Man of 3 Cities?

BY DIAL TORGERSON
Times Staff Writer

A priest, who went by two names, whichever people find easier to pronounce—is due in federal court today to face arraignment on charges he failed to file tax returns on \$119,960.44 in 1963-65 income.

But, it has been learned, there was a different life, as well as a different pronunciation, to go with each name:

At a 75-year-old boys' home at Banning, the Rev. Robert Nikliborc kept things strictly in line. A boy who was an honor student there remembers the time he was severely chastised by Father Robert for taking a second cup of milk.

At Palm Springs and Las Vegas, where he owned homes, Robert Drew Rand—Father Robert by another name—was more generous. A beautiful brunette who owns the Rand home now is among those who remembers his generosity.

And information filed by U.S. Atty. Matt Byrne earlier this month indicated Father Nikliborc led a double life—a fact the priest firmly disclaimed.

"I am commonly known as Father Robert, Father Robert Rand or Father Robert Nikliborc, whichever people find easier to pronounce," he said.

Clerical Status Unknown

But, The Times has found, people who helped Robert Rand share a life of wealth knew nothing of his clerical background.

"Why, I didn't even know he was a Catholic, much less a priest," said Evelyn Matonovich, herself a Catholic, who was one of five women bowlers he took to Denver from Las Vegas in 1960 as the competition team of Robert Rand Enterprises, Palm Springs.

"I was stunned when I learned he was a priest," said Nancy Brletic, who lives in the ranch-style Las Vegas home owned by Rand from 1959 to 1963, and traveled with him widely during those years. "Could he have become a priest after I knew him?"

(Records show that Father Nikliborc was graduated from St. Mary's of the Lake Seminary, Mundelein, Ill., in 1914.)

Mrs. Brletic's relationship with him ended before the statutory period covered in the income tax charge, she says. "There's nothing I can get into trouble for." The home's ownership was transferred to the names of Joseph and Nancy Brletic Jan. 13, 1963.

Mrs. Brletic is 35, has long, dark-brown hair and hazel eyes. She speaks in a voice calm with self-assurance. Her replies to questions

about Robert Rand, however, are guarded:

"I'm married, now, and that's all behind me, all long, long ago. There was really nothing between us—except that he liked me. And I found him a very pleasant person to be around. He was a very nice person to talk to. He could talk about so many things."

It was, she said, a platonic relationship. The Rand she knew was thoughtful and kind, she recalls. He took her on trips, he let her use his car. It was registered in both their names, she said, "in case there was an accident."

Mrs. Brletic said that although she knew Robert Rand before her subsequent marriage, he was later a friend of both hers and her husband, Joseph.

She pointed to four bikes at the front door of the home—"I've got four boys, 6 to 18, two by a previous marriage," she said. "I've got a new life now. I don't keep any mementos of the past."

But she couldn't resist asking about Robert Rand's other life.

"What's that other name—Nikliborc? What sort of name is that? He told me he was Scandinavian, I think. He was vague about many things. I never was sure exactly what he did. I thought he might be an accountant."

"Can he go to jail?" She looked at a picture of Father Nikliborc. "That's him, all right," she said. "But I never saw him in these clothes. How old is he?"

Thirty-seven, she was told.

She looked thoughtful a moment. In 1959, when Rand first came to Las Vegas, and she was working at the Flamingo Hotel as a cocktail waitress, she would've been 26, he 28.

"That's right," she said. "He'd be 37. I guess that's the only true thing he ever told me."

People who knew Robert Rand were never sure what Robert Rand Enterprises—as it said on the backs of the bowling outfits he bought members of the 1960 team—consisted of. Some people thought he was a team of Kellogg's brand, others a Rand of Sperry-Rand. All thought he was wealthy.

"He was a soft-spoken, quiet man," said Ruthe Deskin, an alternate on the 1960 women's bowling team.

"It figures, now," said Maxine Ruggeroli, one of the bowlers. "He was too good to be true. He never swore, or drank too much, or told an off-color story. He was very kind and generous."

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Priest With 2 Names —Man of Three Cities?

Continued from Third Page

But, at Boys Town of the Desert at Banning, at least one of the wards of juvenile court assigned there remembered a different man.

"You survived by your wits or your fists," said Ray Correio, now 22, and an honor student at Santa Monica Junior College, who was at the home in 1960-61 "for one year, one month and 28 days." He recalled life at the home:

"There often wasn't enough to eat, and the clothes were things people donated, used stuff, usually pretty bad. If you were smart you worked in the clothing room, so you could get first choice at the clothes. Or you helped serve the food, so you could get a little bit extra.

"I remember I was serving the milk, because the milk server usually got an extra cup for doing the work. Father Nikliborc didn't miss much. He spotted me taking an extra cup of milk and really chewed me out. No more extra milk for the server, he said."

Boys frequently ran away from the home. "You had to do it at least once to be socially accepted," he said. Correio, sent there for running away from his family home, ran as far as Banning once.

Correio, then a bright 14-year-old, was promoted to working in the mail room, opening letters bringing money for the

Boys Town of the Desert building fund.

"There were seven of us," he said. "I used to take \$1,000 a day out of the envelopes during the big fund drives. We used to count up, thinking how nice it was that all this money was going to build a new home. We figured we took in \$40,000 in a good week."

As a member of the mail room elite, Correio got to visit Father Nikliborc-Rand's \$75,000 Palm Springs home, the Racquet Club nearby and Disneyland. "He introduced us as though he had rehabilitated us," said Correio, "but I think we were mostly just nice kids to begin with."

A few months ago Correio went back to Boys Town.

"The place looked worse than ever," he said. "The dormitories had broken windows, and were as cold as ever—it was really cold out there, and all you could do was try to get as many blankets as possible. The dormitories just didn't have anywhere near enough heat."

Correio added, however, that officials of the school

told him repairs to the old buildings were being kept to a minimum because the school would soon be moving into new quarters now under construction.

"It's funny going back."

He said, "I remembered all the fights I was in. The first day I was there I looked at the goulash and said, 'I don't want to eat this slop.' Each table had a table captain. I was walking down a hall, later, and this arm grabbed me around the neck, and pulled me into a room, and I was really getting beaten up. It was my table captain."

"I remember I broke my hand in one fight, later on, and had to fight even with my hand in a cast. It was a tough place. But I survived, and I think I'm probably the better for it."

While Correio had a lot of criticism, others found the home satisfactory. An inspector for the State Dept. of Social Welfare said she found everything at the home adequate to meet state standards.

The building fund campaign, begun soon after Father Nikliborc's assignment to Boys Town 11 years ago, had an announced aim of a new, \$4 million replacement for the present 1890 facility, once an Indian school.

Building permits for \$688,866 in construction for a home for 72 boys at Beaumont were issued and construction begun earlier this year. The

Bank of America announced it had loaned \$2.5 million toward the project.

The San Diego Catholic Diocese guaranteed the loan, it was announced. The priests and brothers at the school are from the Brothers of Charity of the Immaculate Heart of Mary, an order created by the San Diego Diocese primarily to administer the home.

Costs of maintaining the boys are paid by the counties sending youths to the home, which now houses 42 boys.

A spokesman for the San Diego Diocese said that the school was incorporated as Boys Town of the Desert, Inc., in 1965 and is thus financially independent of the diocese. The diocese doesn't keep an accounting of school funds, although it has financially assisted the school, he said.

The spokesman said no disciplinary action has been taken against Nikliborc. Diocesan officials declined further comment on the case because of the pending criminal charges. Neither Nikliborc nor other officials at the school have made themselves available for comment.

Officials of the state Attorney General's office said an investigation of the Boys Town operation begun several years ago is now being reopened.

Father Nikliborc has remained in seclusion since the announcement of the pending arraignment on the misdemeanor income tax charge. He has stated through his attorney, Thomas Baird, that he did not believe he had any reportable income to list during the years listed in the federal charge.

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DUE IN COURT ON TAX CHARGE

Priest With 2 Names --Man of 3 Cities?

BY DIAL TORGERSON

Times Staff Writer

A priest who went by two names—whichever people find easier to pronounce—is due in federal court today to face arraignment on charges he failed to file tax returns on \$119,960.44 in 1963-65 income.

But, it has been learned, there was a different life, as well as a different pronunciation, to go with each name:

At a 75-year-old boys' home at Banning, the Rev. Robert Nikliborc kept things strictly in line. A boy who was an honor student there remembers the time he was severely chastised by Father Robert for taking a second cup of milk.

At Palm Springs and Las Vegas, where he owned homes, Robert Drew Rand—Father Robert by another name—was more generous. A beautiful brunette who owns the Rand home now is among those who remembers his generosity.

And information filed by U.S. Atty. Matt Byrne earlier this month indicated Father Nikliborc led a double life—a fact the priest firmly disclaimed:

"I am commonly known as Father Robert, Father Robert Rand or Father Robert Nikliborc, whichever people find easier to pronounce," he said.

Clerical Status Unknown

But, The Times has found, people who helped Robert Rand share a life of wealth knew nothing of his clerical background.

"Why, I didn't even know he was a Catholic, much less a priest," said Evelyn Matonovich, herself a Catholic, who was one of five women bowlers he took to Denver from Las Vegas in 1960 as the competition team of Robert Rand Enterprises, Palm Springs.

"I was stunned when I learned he was a priest," said Nancy Brletic, who lives in the ranch-style Las Vegas home owned by Rand from 1959 to 1963, and traveled with him widely during those years. "Could he have become a priest after I knew him?"

(Records show that Father Nikliborc was graduated from St. Mary's of the Lake Seminary, Mundelein, Ill., in 1951.)

Mrs. Brletic's relationship with him ended before the statutory period, covered in the income tax charge, she says. "There's nothing I can get into trouble for." The home's ownership was transferred to the names of Joseph and Nancy Brletic Jan. 13, 1963.

Mrs. Brletic is 35, has long, dark-brown hair and hazel eyes. She speaks in a voice calm with self-assurance. Her replies to questions

about Robert Rand, however, are guarded:

"I'm married, now, and that's all behind me, all long, long ago. There was really nothing between us—except that he liked me. And I found him a very pleasant person to be around. He was a very nice person, to talk to. He could talk about so many things."

It was, she said, a platonic relationship. The Rand she knew was thoughtful and kind, she recalls. He took her on trips, he let her use his car. It was registered in both their names, she said, "in case there was an accident."

Mrs. Brletic said that although she knew Robert Rand before her subsequent marriage, he was later a friend of both hers and her husband, Joseph.

She pointed to four bikes at the front door of the home—"I've got four boys, 6 to 18, two by a previous marriage," she said. "I've got a new life now. I don't keep any mementos of the past."

But she couldn't resist asking about Robert Rand's other life.

"What's that other name—Nikliborc? What sort of name is that? He told me he was Scandinavian, I think. He was vague about many things. I never was sure exactly what he did. I thought he might be an accountant."

"Can he go to jail?" She looked at a picture of Father Nikliborc. "That's him, all right," she said. "But I never saw him in these clothes. How old is he?"

Thirty-seven, she was told.

She looked thoughtful a moment. In 1959, when Rand first came to Las Vegas, and she was working at the Flamingo Hotel as a cocktail waitress, she would've been 26, he 28.

"That's right," she said. "He'd be 37. I guess that's the only true thing he ever told me."

People who knew Robert Rand were never sure what Robert Rand Enterprises—as it said on the backs of the bowling outfits he bought members of the 1960 team—consisted of. Some people thought he was a Rand of Remington Rand; others a Rand of Sperry-Rand. All thought he was wealthy.

"He was a soft-spoken, quiet man," said Ruthe Deskin, an alternate on the 1960 women's bowling team.

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Role in Trial

Defeated in his attempt to have Sirhan B. Sirhan's diaries suppressed as evidence, Defense Counsel Russell Parsons has indicated he intends to use the diaries to illustrate Sirhan's mental state at the time of the assassination of Sen. Robert F. Kennedy.

Yesterday, Superior Judge Herbert V. Walker turned down a defense plea that notebooks allegedly kept by Sirhan at his home, 696 E. Howard St., Pasadena, and seized by police without a search warrant, be suppressed as evidence in the case.

At a news conference immediately following Judge Walker's verdict, Parsons, commenting on the notebooks, said:

"I don't know what effect these writings might have on the opinions of the psychiatrist in the case."

He said that the diaries might have great effect in determining the psychiatrists' opinion of Sirhan's mental state at the time he is alleged to have shot Sen. Kennedy.

Parsons disclosed that two of (Continued on Page A-3, Col. 3)

Boys' Town Priest Gets Probation in Income Tax Case

The Rev. Robert Daniel Nikliborc, boys' town priest who pleaded guilty to failing to file tax returns on more than \$111,000 of income for 1963 and 1965, was freed on one year's probation Monday.

Father Nikliborc, 37, appeared before U.S. District Judge William B. Gray, following 97 days under psychiatric study at the Terminal Island Prison for Men.

In sentencing the priest to 12 months probation plus the time already served, the court disregarded a recommendation by Asst. U.S. Atty. Dennis Kinnaird, who urged further imprisonment.

Kinnaird said Father Nikliborc had tried to "minimize the crime, which he called "an aggravated offense involving substantial sums of money," and that he had "not been candid" during the study at Terminal Island.

Anxious to Work Again

Asked if he had anything to say in his own behalf, Father Nikliborc told Judge Gray:

"I admit I'm wrong. I can't give a rational answer to an irrational act. I am extremely anxious to get back to my work in the church. I put myself at the mercy and compassion of the court."

Judge Gray then ruled that while the offense was "very serious," he felt, after reading the diagnostic report, that further incarceration would be unnecessary.

He also dismissed a third count in the indictment charging that Father Nikliborc had failed to file a tax return on \$7,833.07 of income for 1964.

The government alleged that the sums were earned in years when Father Nikliborc was head of Boys Town of the Desert at Banning, and that simultaneously the priest resided in a luxurious home in Palm Springs as Robert Drew Rand.

Father Nikliborc pleaded guilty to two counts of failure to file returns last Oct. 21, and after two stays of execution of sentence, entered Terminal Island Prison last April 14. He was represented by attorney Albert Galen.

Priest Faces Jail On Tax Charges

A Roman Catholic priest, who authorities say led a double life as a wealthy electronics executive, will be sentenced Nov. 19 after pleading guilty to two counts of failing to file 1963 and 1965 personal income tax returns.

Both counts are misdemeanors and the Rev. Robert Daniel Nikliborc, president and financial director of Boys Town of the Desert at Banning, faces a maximum penalty of a year in prison and \$10,000 fine.

A third count involving income of \$7000 in 1964 was dismissed Monday.

Fr. Nikliborc, 37, first pleaded guilty to two counts Monday, but he changed the plea to innocent when the government insisted the alleged income of \$120,000 for the contested years be specified.

In court again yesterday, he restated his desire to plead guilty without specifying the amounts and U.S. Dist. Judge William P. Gray accepted the plea.

The judge asked U.S. Atty. Matt Byrne if it wasn't true that all the statute requires is that a defendant plead guilty to failure

to file on a gross income of more than \$600.

"Why should he be required to admit more?" the judge asked.

Byrne said such a plea would set a precedent and that defense lawyers in the future could claim the tax complaints were insufficient.

Defense attorney Albert C. Galen said he was concerned about pleading to specific amounts of income because his client might be liable for that amount in a subsequent civil government suit.

Nikliborc has refused to discuss reports he is known in Las Vegas, Nev., and Palm Springs as Robert Drew Rand, a wealthy electronics executive.

Byrne had said earlier that Rand maintained a \$75,000 home in Palm Springs and that many of his acquaintances knew the priest only as Rand, president of Robert Rand Enterprises.

The clergyman has denied the existence of a double life, saying "I am commonly known as Father Robert, Father Robert Rand or Father Robert Nikliborc, whichever people find easier to pronounce."

THE INCREDIBLE

Priest charged with leading double life and tax evasion

BANNING, Calif. (NC) — The U.S. attorney's office has charged a Roman Catholic priest with failing to file income tax returns on nearly \$120,000 and of leading a double life with a \$75,000 home in Palm Springs.

The priest, Father Robert D. Nikliborc, is president and financial director of the Basil Brewer Boys Town of the Desert, an orphanage for boys in Banning. He has admitted that he is also known as Robert Rand, owner of the \$75,000 Palm Springs home. But he asserted that his ownership and occupation of the house was done "with the knowledge and consent of my superiors in the San Diego diocese."

He explained that he is known as Father Robert Nikliborc Rand and that people use whichever surname they "find easier to pronounce."

He also stated, through his attorney, Thomas Biard, that "any statement that my gross earnings were \$119,960.44 without foundation. I am informed and believe I was not required to file a return in those years." Father Nikliborc, 37, has done extensive fund-raising for the orphanage in the past few years.

Father Nikliborc is charged with willingly failing to file income tax returns for 1963-65, a misdemeanor.

The state attorney general's office said it is reopening a year-old investigation of fund-raising on behalf of Boys Town of the Desert. Deputy Attorney General

Charles A. O'Brien gave no details of the previous investigation but said:

"We were informed that problems we saw in the operation would be rectified. In view of the recent disclosures, it is apparent we should reopen our file on Boys Town of the Desert."

Neighbors of Father Nikliborc in Palm Springs said they believed him to be Mr. Robert Rand, a wealthy, semi-retired electronics executive. Some also said they believed him to be married, but no neighbors seem to have recalled meeting him.

The estate dealer who sold Rand the house has reportedly stated that Rand introduced him to a woman he called his wife at that time.

Father Nikliborc said that the woman whom neighbors have considered his wife was his housekeeper and that a statement on the house deed calling him Robert Rand is a misprint. He said that other priests from the orphanage used the four bedroom house which, he said, contains a private chapel. He said that house has also been occupied by members of his family.

His family includes a sister who is a nun and two brothers who became priests, as well as several other brothers and sisters. He was graduated from St. Mary's of the Lake seminary in Mundelein, Ill., and was ordained a priest by Bishop Charles F. Buddy of San Diego.

The San Diego diocese has made no comment on the matter.

Priest Gets Probation In Income Tax Case

LOS ANGELES (AP) — The Rev. Robert Daniel Nikliborc, a Catholic priest who was charged with income tax evasion after federal agents accused him of leading a double life, was sentenced to a year's probation yesterday.

U.S. District Judge William P. Gray said "anyone who cheats on his income tax is performing a serious crime." But, the judge said Father Nikliborc's work as administrator of a boy's orphanage in Banning deserved judicial notice.

"How long must a man now doing worthwhile work be taken out of circulation?" Gray asked in pronouncing sentence.

Federal agents said they investigated the 31-year-old orphanage director when he appeared to be living a double life as a free-spending executive in Palm Springs. Banning is about 26 miles away from the resort community.

They said Father Nikliborc hid his identity as a priest from Palm Springs neighbors and posed as Robert Rand, a wealthy electronics executive.

In subsequent investigations, Father Nikliborc was found to have not filed income tax returns for the years 1963 and 1965, federal agents said.

Father Nikliborc agreed to plead guilty to the charges — providing no mention was made of the specific amount of money owed to the government. St. Agency estimated the delinquent tax bill to be \$120,000.

On Nov. 11, 1968, he was ordered to undergo a 90-day psychiatric examination before sentence was imposed. The examination was delayed several months while Father Nikliborc supervised the construction of an additional wing at the orphanage — Boys Town of the Desert.

Priest Spared Prison Term In Tax Case

LOS ANGELES (UPI) — A Catholic priest who pleaded guilty to failing to file tax returns on \$112,000 income was spared a prison term yesterday so he could resume his work at a home for boys.

The Rev. Robert Daniel Nikliborc, 37, who had spent 97 days at a federal prison undergoing diagnostic tests, was placed on a year's probation by U.S. District Court Judge William P. Gray.

Assistant U.S. Attorney Dennis E. Kinnard argued that Nikliborc should serve out the two-year prison term to which Gray originally sentenced him. However, the judge said the priest had been performing "extremely valuable work" at Boys Town of the Desert in Banning.

JUDGE'S QUESTION

"How long must a man now doing worthwhile work be taken out of circulation?" Gray asked.

The staff which conducted the tests recommended probation.

Nikliborc owned a \$75,000 home in Palm Springs where neighbors knew him as Robert Drew Rand, head of the Robert Rand Enterprises. They had no idea he was a clergyman.

The priest admitted that he failed to file returns in the years 1963, 1964 and 1965.

'BACK TO WORK'

Father Nikliborc said he was "extremely anxious to get back to work" at the boys' home, now located in Beaumont, Calif.

"I put myself at your mercy and compassion," he told Gray. Father Nikliborc has been president of Boys Town of the Desert since 1961. It is a school for youngsters up to 17 years old and is operated by the Brothers of the Charity of the Immaculate Heart. In 1967, Father Nikliborc announced construction of the new \$4 million facility at Beaumont.

Orphanage Priest Says Tax Charge Is Untrue

A Roman Catholic priest accused of failing to file federal tax returns, on \$120,000 in personal income yesterday denied that he made that amount of money.

He also said, in his first public statement since the misdemeanor charge was filed against him, that there was full public knowledge of his use of two different names.

The statement delivered to The Sun-Telegram was signed "Rev. Robert D. Nikliborc-Rand." U.S. attorneys said the priest led a double life — as the Rev. Fr. Robert Nikliborc, director of a Banning orphanage, and as Robert D. Rand, wealthy Palm Spring electronics executive.

In his statement, Fr. Nikliborc admitted having the two names, adding that it was no secret. He also called a report that he made \$120,000 a "fabrication" and "without foundation."

Yesterday a real estate broker who sold a \$75,000 house in Palm Springs to the priest said Rand was accompanied at the time of the sale by a woman.

"He introduced me to his wife," said Frank Sillano, "At least he said it was his wife." Sillano described the woman as between 35 and 40, with a Latin accent.

Father Nikliborc is president and financial director of Boys Town of the Desert in Banning. Palm Springs records indicate the house at 1194 Vista Vespero was sold to a Robert D. Rand in 1963.

The priest has been president of the orphanage since 1961 and last year announced plans for a \$4 million expansion of the orphanage at a 122-acre site in Beaumont. The project was financed in part by a loan granted by Bank of America and guaranteed by the San Diego Diocese of the Roman Catholic Church.

A neighbor recalled Nikliborc saying

thy and that he used the Palm Springs home for a retreat.

The priest, in his statement, said his Palm Springs home was used "by me as a priest" and that the diocese had complete knowledge of its use.

"This home has been used by the other priests at Boys Town of the Desert; other priests in the diocese; by the Brothers of Charity, and other members of my family," the statement said.

The statement also said "I believe that I was not required to file a return in those years." Federal officials said returns were not filed during a three-year period from 1963 to 1965.

U.S. Atty. Matt Byrne, who is handling the case for the government, declined to disclose his findings as to the source of Father Nikliborc's income. He said this evidence would be introduced against the priest after he is arraigned Oct. 31.

(Continued From A-1)

31 before U. S. District Judge Francis C. Whelan.

Father Nikliborc was not available for comment either at the Banning orphanage or at his Palm Springs home.

Brother Andre Barton, director at the boys home, said Father Nikliborc was at the home early Wednesday but had left. He said also Father Nikliborc knew about the charges.

The priest had been president of the orphanage since 1961 and last year announced plans for a \$4 million expansion on 122 acres near Beaumont. The land was acquired by the San Diego Roman Catholic Diocese after the Banning Planning Commission vetoed a proposed expansion of the present facility.

The Bank of America loaned \$2.5 million for the building project, which was guaranteed by the San Diego Diocese. Boys Town of the Desert, which cares for 65 orphaned boys up to age 17, is

Turkish NATO Aide Arrested for Spying

A member of the Palm Springs Pathfinders, a charitable organization which helps youths, said she knew Father Nikliborc in 1957 when the Pathfinders were helping orphans.

She said he told her his family had a home in Palm Springs and he used it as a weekend retreat. In addition, the source, who asked not to be identified, listed in the Palm Springs telephone book as Robert Rand and that any member of the club or anyone interested in the boys could call him there for information.

Byrne declined to disclose the source of Father Nikliborc's income, which he said would be introduced as evidence against him after he is arraigned Oct. 31.

Byrne emphasized no charge has been filed against the orphanage, which has a capacity of 65 teen-aged boys.

operated by the Brothers of Charity of the Immaculate Heart of Mary, a specially created order of the San Diego Diocese.

Byrne said charges against the priest arose from an investigation conducted by special agents of the Intelligence Division of the Internal Revenue Service. If convicted of tax evasion, the priest could face a maximum sentence of three years and a fine of \$30,000.

Acquaintances in the Banning area called Nikliborc "a pleasant man" who drove to an ice cream store in a large, black limousine to buy ice cream for the boys in the home.

It was officially named the Basil Brewer Boys Town of the Desert in honor of Basil Brewer, New Bedford, Mass., publisher and radio-television station owner, who is now retired.

"I don't believe that man would take a nickel of any man's money," Brewer said by telephone. He said he once gave \$20,000 of his own funds to the school.

(Continued on A-2, Column 5) In the San Bernardino Sun)

January 17, 1956

The Reverend Robert D. Nikliborc
Villa Regina Mundi
Jemez Springs, New Mexico

Reverend and dear Father Nikliborc:

It is gratifying to learn from your letter of January 14, 1956, that you have entered into a special retreat at Villa Regina Mundi. You recognize the opportunity and the special graces that you will accept or reject in this, the most crucial time of your entire career.

Before the retreat concludes you must take a definite stand. You are either for Him or against Him. My earnest prayer is that you will make every moment count for the definite rehabilitation indicated.

You may, of course, present your case to the Very Reverend William A. Bergin at the Seminary, or to any other priest, but as far as the undersigned Bishop is concerned, no defense on your part is called for.

You state in the third paragraph of your letter of January 14, 1956: "There are facts which * * * but which will disprove many things which Father Rice has told you. etc." Your assumption is in error. Monsignor Rice made no report whatsoever regarding you or anyone else involved in your case. The fact is that your defects on both occasions were reported by lay people, who gave absolute proof which you could not gloss over or deny. Your letter also gives the names of two Pastors who could testify regarding your parochial work. As you know very well, that phase never entered into the question. In all honesty try to get this straight, that even after having been warned and pleaded with, whatever resolves you made crackled and went up in smoke, in a word, did not make a sufficient impression on you to realize the gravity of the offenses. That is precisely why you are expected to make the most of these supremely important days at Jemez Springs. You must learn all over again the meaning of the priesthood of Jesus Christ, its requirements and the virtues you are expected to practice. Number two, you must try to realize by meditation how serious was your offense, which involved another party and had very grave potentialities.

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January 17, 1956

Page 2

You were briefed thoroughly on all these points, not once, but many times. Much of your future depends on your power and sincerity of purpose to grasp this now.

If Father Fitzgerald and Father Rossi are thoroughly convinced that you are sincere and if they approve of your celebrating Holy Mass, you have my permission to do so.

Please do not waste any more time in trying to dig up defenses for the past. You are there to build up for the future. It can be done by the grace of God and cooperation on your part. Be assured of a daily remembrance at the Altar invoking the Holy Spirit to enlighten and guide you.

With kindest regards and every best wish, I remain,

Your devoted servant in Christ,

The Most Reverend Charles F. Buddy,
Bishop of San Diego.

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