EXHIBIT "A" RULING ON OBJECTIONS BY DEFENDANTS FRANCISCAN FRIARS

Document Number(s)

Objection(s)

Ruling(s)

	<u> </u>	
OFM CABO 1:	Post-Date Settlement	Sustained, Paragraph
0148		15(A)(1) of the
0152		Settlement Agreement
0153		evidences the parties'
0154		intent to restrict
0165		production to those
0173		documents that were in
0174		existence at the time the
0179		Settlement Agreement
0180		was executed, or, at the
0181		very latest, within forty-
0101		five days (45) thereafter.
OFM OWARA		Civil Code §1636.
OFM CIMM 1:		Givii Gode 3 1000.
0395-0400		<u>{</u>
0417		1
		Defendant
OFM CABO 1:	Psychotherapist-Patient	Overruled. Defendant
0166-0172	Privilege	Franciscan Friars does
0176-0178		not have the right to
0182-0189		claim the privilege on
0190-0195		behalf of the alleged
0198-0219		perpetrators because
		disclosure was not
OFM CIMM 1:		reasonably necessary to
0128		accomplish the purpose
5 1 2 5		for which the
		psychotherapists were
		consulted (i.e. treatment
		and diagnosis).
		Moreover, the documents
		were not disclosed to
		individuals that were
		involved in rendering
		psychotherapy and/or
		were being supervised by
		the treating
		psychotherapists.
		Roman Catholic
		Archbishop of Los

		Angeles v. Superior Court (2005) 131 Cal.App.4 th 417, 449-456.
OFM CIMM 1: 0222-0225 0226	Psychotherapist-Patient Privilege	Overruled. Defendant Franciscan Friars does not have the right to claim the privilege on behalf of the alleged perpetrator because disclosure was not reasonably necessary to accomplish the purpose for which the psychotherapist was consulted (i.e. treatment and diagnosis). Moreover, the documents and/or communications were not disclosed and/or sent to individuals that were involved in rendering psychotherapy and/or were being supervised by the treating psychotherapists. Román Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4 th 417, 449-456. Moreover, the documents do not convey any significant psychological information. Id. at 455.
OFM CIMM 1: 0234-0241	Psychotherapist-Patient Privilege	Overruled. Defendant Franciscan Friars does not have the right to claim the privilege on behalf of the alleged perpetrator because disclosure was not reasonably necessary to accomplish the purpose for which the

		psychotherapist was consulted (i.e. treatment and diagnosis). Moreover, the documents and/or communications were not disclosed and/or sent to individuals that were involved in rendering psychotherapy and/or were being supervised by the treating psychotherapists. Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4th 417, 449-456.
OFM CIMM 1: 0292-0302	Psychotherapist-Patient Privilege	Sustained as to OFM CIMM 1: 0292, 0295- 0296. Defendant Franciscan Friars has the right to claim the privilege on behalf of the alleged perpetrator because disclosure was reasonably necessary to accomplish the purpose for which the psychotherapist was consulted (i.e. treatment and diagnosis). Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4th 417, 455.
		However, Defendant Franciscan Friars' objections as to OFM CIMM 1:0293-0294, 0297-0299, and 0300- 0302 are overruled. Merely forwarding unprivileged documents

		to a psychotherapist does not reclassify the documents as privileged.
OFM CIMM 1: 0327-0329	Psychotherapist-Patient Privilege	Overruled. Defendant Franciscan Friars does not have the right to claim the privilege on behalf of the alleged perpetrator because disclosure was not reasonably necessary to accomplish the purpose for which the psychotherapist was consulted (i.e. treatment and diagnosis). Moreover, the documents and/or communications were not disclosed and/or sent to individuals that were involved in rendering psychotherapy and/or were being supervised by the treating psychotherapists. In addition, neither party to this communication was a psychotherapist or someone being supervised by the treating psychotherapist or someone being supervised by the treating psychotherapist. Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4th 417, 449-456. Also, the documents do not convey any significant psychological
		information. <i>Id.</i> at 455.
OFM CIMM 1: 0330-0331	Psychotherapist-Patient Privilege	Overruled. Defendant Franciscan Friars does not have the right to claim the privilege on

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	·	behalf of the alleged
		perpetrator because
1		disclosure was not
	ļ	reasonably necessary to
		accomplish the purpose
		for which the
		psychotherapist was
1	\	consulted (i.e. treatment
		and diagnosis).
		Moreover, the documents
		and/or communications
		were not disclosed and/or
		sent to individuals that
		were involved in
	1	rendering psychotherapy
		and/or were being
		supervised by the
}		treating psychotherapists.
		Archbishop of Los
		Angeles v. Superior
		Court (2005) 131
		Cal.App.4 th 417, 449-456.
		Cana topy:
		Only part of the
		communication was
		submitted for the Court's
		review.]
	David State	Overruled, Defendant
OFM CIMM 1:	Psychotherapist-Patient	Franciscan Friars does
0334-0357	Privilege	not have the right to
0358-0373 0374-0382		claim the privilege on
0383-0394		behalf of the alleged
0418		perpetrator because
0420-0470		disclosure was not
1		reasonably necessary to
		accomplish the purpose
		for which the
		psychotherapist was
		consulted (i.e. treatment
		and diagnosis).
		Moreover, the documents and/or communications
		were not disclosed and/or
		sent to individuals that
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	5	

		were involved in rendering psychotherapy and/or were being supervised by the treating psychotherapists. Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4 th 417, 449-456.
OFM JOHN 1: 0067	Psychotherapist-Patient Privilege	Overruled. Defendant Franciscan Friars does not have the right to claim the privilege on behalf of the alleged perpetrator because disclosure was not reasonably necessary to accomplish the purpose for which the psychotherapist was consulted (i.e. treatment and diagnosis). Moreover, the documents and/or communications were not disclosed to individuals that were involved in rendering psychotherapy and/or were being supervised by the treating psychotherapists. In addition, neither party to this communication was a psychotherapist or someone being supervised by the treating psychotherapist Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4 th 417, 449-456.
		Also, the documents do

		not convoy only
		not convey any
		significant psychological
<u>;</u>		information. Id. at 455.
OFM JOHN 1:	Psychotherapist-Patient	Overruled. Defendant
0130-0131	Privilege	Franciscan Friars does
	1 Trilogo	not have the right to
0154-0155		claim the privilege on
0156, 0219		behalf of the alleged
0157, 0220		
0158-0159		perpetrator because
0168-0169		disclosure was not
0215		reasonably necessary to
0217-0218		accomplish the purpose
		for which the
·		psychotherapist was
1		consulted (i.e. treatment
1		and diagnosis).
		Moreover, the documents
		and/or communications
		were not disclosed and/or
		sent to individuals that
		were involved in
		rendering psychotherapy
		and/or were being
		supervised by the
		treating psychotherapists.
		Roman Catholic
		Archbishop of Los
		Angeles v. Superior
		Court (2005) 131
		Cal.App.4 th 417, 449-456.
		Cal.App.# 417, 448-400.
		Alon poithor party to
		Also, neither party to
1		OFM JOHN 1: 0156 and
1		0219 was a
1		psychotherapist or
Ì		someone being
		supervised by the
1		treating psychotherapist.
1		Id. at 454.
OFM JOHN 1:	Psychotherapist-Patient	Overruled. Defendant
0171	Privilege	Franciscan Friars does
]	not have the right to
		claim the privilege on
		behalf of the alleged
		perpetrators because
		, . ·
		disclosure was not

OFM JOHN 1: 0246-0248 0249-0252	Psychotherapist-Patient Privilege	reasonably necessary to accomplish the purpose for which the psychotherapists were consulted (i.e. treatment and diagnosis). Moreover, the documents and/or communications were not disclosed and/or sent to individuals that were involved in rendering psychotherapy and/or were being supervised by the treating psychotherapists. Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4th 417, 449-456. Sustained as to OFM JOHN 1: 0246-0248. Defendant Franciscan Friars has the right to claim the privilege on behalf of the alleged
		perpetrator because disclosure was reasonably necessary to accomplish the purpose for which the psychotherapist was consulted (i.e. treatment and diagnosis). Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4 th 417, 455.
		However, Defendant Franciscan Friars' objections to OFM JOHN 1: 0249-0252 are overruled. Merely

EXHIBIT "A" RULING ON OBJECTIONS BY DEFENDANTS FRANCISCAN FRIARS

Document Number(s) Objection(s) Ruling(s)

OFM CABO 1: 0148 0152 0153 0154 0165 0173 0174 0179 0180 0181 OFM CIMM 1: 0395-0400 0417	Post-Date Settlement	Sustained. Paragraph 15(A)(1) of the Settlement Agreement evidences the parties' intent to restrict production to those documents that were in existence at the time the Settlement Agreement was executed, or, at the very latest, within forty-five days (45) thereafter. Civil Code §1636.
OFM CABO 1: 0166-0172 0176-0178 0182-0189 0190-0195 0198-0219 OFM CIMM 1: 0128	Psychotherapist-Patient Privilege	Overruled. Defendant Franciscan Friars does not have the right to claim the privilege on behalf of the alleged perpetrators because disclosure was not reasonably necessary to accomplish the purpose for which the psychotherapists were consulted (i.e. treatment and diagnosis). Moreover, the documents were not disclosed to individuals that were involved in rendering psychotherapy and/or were being supervised by the treating psychotherapists. Roman Catholic Archbishop of Los

		Angeles v. Superior Court (2005) 131 Cal.App.4 th 417, 449-456.
OFM CIMM 1: 0222-0225 0226	Psychotherapist-Patient Privilege	Overruled. Defendant Franciscan Friars does not have the right to claim the privilege on behalf of the alleged perpetrator because disclosure was not reasonably necessary to accomplish the purpose for which the psychotherapist was consulted (i.e. treatment and diagnosis). Moreover, the documents and/or communications were not disclosed and/or sent to individuals that were involved in rendering psychotherapy and/or were being supervised by the treating psychotherapists. Román Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4 th 417, 449-456.
		Moreover, the documents do not convey any significant psychological information. <i>Id.</i> at 455.
OFM CIMM 1: 0234-0241	Psychotherapist-Patient Privilege	Overruled. Defendant Franciscan Friars does not have the right to claim the privilege on behalf of the alleged perpetrator because disclosure was not reasonably necessary to accomplish the purpose for which the

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		psychotherapist was consulted (i.e. treatment and diagnosis). Moreover, the documents and/or communications were not disclosed and/or sent to individuals that were involved in rendering psychotherapy and/or were being supervised by the treating psychotherapists. Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4 th 417, 449-456.
OFM CIMM 1: 0292-0302	Psychotherapist-Patient Privilege	Sustained as to OFM CIMM 1: 0292, 0295-0296. Defendant Franciscan Friars has the right to claim the privilege on behalf of the alleged perpetrator because disclosure was reasonably necessary to accomplish the purpose for which the psychotherapist was consulted (i.e. treatment and diagnosis). Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4th 417, 455. However, Defendant Franciscan Friars' objections as to OFM CIMM 1:0293-0294, 0297-0299, and 0300-0302 are overruled. Merely forwarding unprivileged documents

		to a psychotherapist does not reclassify the documents as privileged.
OFM CIMM 1: 0327-0329	Psychotherapist-Patient Privilege	Overruled. Defendant Franciscan Friars does not have the right to claim the privilege on behalf of the alleged perpetrator because disclosure was not reasonably necessary to accomplish the purpose for which the psychotherapist was consulted (i.e. treatment and diagnosis). Moreover, the documents and/or communications were not disclosed and/or sent to individuals that were involved in rendering psychotherapy and/or were being supervised by the treating psychotherapists. In addition, neither party to this communication was a psychotherapist or someone being supervised by the treating psychotherapist. Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4th 417, 449-456. Also, the documents do not convey any significant psychological information. Id. at 455.
OFM CIMM 1: 0330-0331	Psychotherapist-Patient Privilege	Overruled. Defendant Franciscan Friars does not have the right to claim the privilege on

		behalf of the alleged perpetrator because disclosure was not reasonably necessary to accomplish the purpose for which the psychotherapist was consulted (i.e. treatment and diagnosis). Moreover, the documents and/or communications were not disclosed and/or sent to individuals that were involved in rendering psychotherapy and/or were being supervised by the treating psychotherapists. <i>Roman Catholic Archbishop of Los Angeles v. Superior Court</i> (2005) 131 Cal.App.4 th 417, 449-456. [Only part of the communication was submitted for the Court's review.]
OFM CIMM 1: 0334-0357 0358-0373 0374-0382 0383-0394 0418 0420-0470	Psychotherapist-Patient Privilege	Overruled. Defendant Franciscan Friars does not have the right to claim the privilege on behalf of the alleged perpetrator because disclosure was not reasonably necessary to accomplish the purpose for which the psychotherapist was consulted (i.e. treatment and diagnosis). Moreover, the documents and/or communications were not disclosed and/or sent to individuals that
	5	•

			were involved in rendering psychotherapy and/or were being supervised by the treating psychotherapists. Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4 th 417, 449-456.
OFM JOHN 1: 0067	Psych	notherapist-Patient ege	Overruled. Defendant Franciscan Friars does not have the right to claim the privilege on behalf of the alleged perpetrator because disclosure was not reasonably necessary to accomplish the purpose for which the psychotherapist was consulted (i.e. treatment and diagnosis). Moreover, the documents and/or communications were not disclosed to individuals that were involved in rendering psychotherapy and/or were being supervised by the treating psychotherapists. In addition, neither party to this communication was a psychotherapist or someone being supervised by the treating psychotherapist Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4th 417, 449-456. Also, the documents do

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		not convey any
		significant psychological
OFM IOLINIA		information. <i>Id.</i> at 455.
OFM JOHN 1:	Psychotherapist-Patient	Overruled. Defendant
0130-0131	Privilege	Franciscan Friars does
0154-0155		not have the right to
0156, 0219		claim the privilege on
0157, 0220		behalf of the alleged
0158-0159		perpetrator because
0168-0169		disclosure was not
0215		reasonably necessary to
0217-0218		accomplish the purpose
	Ţ	for which the
		psychotherapist was
J.		consulted (i.e. treatment
		and diagnosis).
		Moreover, the documents
		and/or communications
		were not disclosed and/or
		sent to individuals that
·		were involved in
		rendering psychotherapy
		and/or were being
·		supervised by the
		treating psychotherapists.
		Roman Catholic
		Archbishop of Los
		Angeles v. Superior
		Court (2005) 131
		Cal.App.4 th 417, 449-456.
		Also, neither party to
		OFM JOHN 1: 0156 and
		0219 was a
		psychotherapist or
	i	someone being
		supervised by the
		treating psychotherapist. Id. at 454.
OFM JOHN 1:	Psychotherapist-Patient	
0.4-4	Privilege	Overruled. Defendant
	i iiviicge	Franciscan Friars does
į	į	not have the right to
	·	claim the privilege on
	1	To a facility of the second second
		behalf of the alleged
		behalf of the alleged perpetrators because disclosure was not

		reasonably necessary to accomplish the purpose for which the psychotherapists were consulted (i.e. treatment and diagnosis). Moreover, the documents and/or communications were not disclosed and/or sent to individuals that were involved in rendering psychotherapy and/or were being supervised by the treating psychotherapists. Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131
!		Cal.App.4 th 417, 449-456.
OFM JOHN 1: 0246-0248 0249-0252	Psychotherapist-Patient Privilege	Sustained as to OFM JOHN 1: 0246-0248. Defendant Franciscan Friars has the right to claim the privilege on behalf of the alleged perpetrator because disclosure was reasonably necessary to accomplish the purpose for which the psychotherapist was consulted (i.e. treatment and diagnosis). Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4 th 417, 455. However, Defendant Franciscan Friars' objections to OFM JOHN 1: 0249-0252 are overruled. Merely

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		forwarding unprivileged
		documents to a
·		psychotherapist does not
		reclassify the documents
		as privileged.
OFM KRUM 1:	Psychotherapist-Patient	Overruled. Defendant
0039	Privilege	Franciscan Friars does
		not have the right to
		claim the privilege on
		behalf of the alleged
		perpetrators because
	1	disclosure was not
		reasonably necessary to
	·	accomplish the purpose
		for which the
		psychotherapists were
		consulted (i.e. treatment
		and diagnosis).
		Moreover, the documents
		and/or communications
		were not disclosed and/or
		sent to individuals that
·		were involved in
		rendering psychotherapy and/or were being
		supervised by the
		treating psychotherapists.
		In addition, it does not
		appear that the author of
		the document was a
		psychotherapist or
		someone being
		supervised by a treating
		psychotherapist.
		Roman Catholic
		Archbishop of Los
		Angeles v. Superior
		Court (2005) 131
		Cal.App.4 th 417, 449-456.
OFM KRUM 1:	Psychotherapist-Patient	Sustained. Defendant
0211-0212	Privilege	Franciscan Friars has the
		right to claim the privilege
		on behalf of the alleged
		perpetrator because
	<u> </u>	po.ponator podadoc

EXHIBIT "A" RULING ON OBJECTIONS BY DEFENDANTS FRANCISCAN FRIARS

Document Number(s) Objection(s) Ruling(s)

OFM CABO 1: 0148 0152 0153 0154 0165 0173 0174 0179 0180 0181 OFM CIMM 1: 0395-0400 0417	Post-Date Settlement	Sustained. Paragraph 15(A)(1) of the Settlement Agreement evidences the parties' intent to restrict production to those documents that were in existence at the time the Settlement Agreement was executed, or, at the very latest, within forty-five days (45) thereafter. Civil Code §1636.
OFM CABO 1: 0166-0172 0176-0178 0182-0189 0190-0195 0198-0219 OFM CIMM 1: 0128	Psychotherapist-Patient Privilege	Overruled. Defendant Franciscan Friars does not have the right to claim the privilege on behalf of the alleged perpetrators because disclosure was not reasonably necessary to accomplish the purpose for which the psychotherapists were consulted (i.e. treatment and diagnosis). Moreover, the documents were not disclosed to individuals that were involved in rendering psychotherapy and/or were being supervised by the treating psychotherapists. Roman Catholic Archbishop of Los

		Angeles v. Superior Court (2005) 131 Cal.App.4 th 417, 449-456.
OFM CIMM 1: 0222-0225 0226	Psychotherapist-Patient Privilege	Overruled. Defendant Franciscan Friars does not have the right to claim the privilege on behalf of the alleged perpetrator because disclosure was not reasonably necessary to accomplish the purpose for which the psychotherapist was consulted (i.e. treatment and diagnosis). Moreover, the documents and/or communications were not disclosed and/or sent to individuals that were involved in rendering psychotherapy and/or were being supervised by the treating psychotherapists. Román Catholic
		Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4 th 417, 449-456. Moreover, the documents do not convey any
		significant psychological information. <i>Id.</i> at 455.
OFM CIMM 1: 0234-0241	Psychotherapist-Patient Privilege	Overruled. Defendant Franciscan Friars does not have the right to claim the privilege on behalf of the alleged perpetrator because disclosure was not reasonably necessary to accomplish the purpose for which the

		psychotherapist was consulted (i.e. treatment and diagnosis). Moreover, the documents and/or communications were not disclosed and/or sent to individuals that were involved in rendering psychotherapy and/or were being supervised by the treating psychotherapists. Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4 th 417, 449-456.
OFM CIMM 1: 0292-0302	Psychotherapist-Patient Privilege	Sustained as to OFM CIMM 1: 0292, 0295- 0296. Defendant Franciscan Friars has the right to claim the privilege on behalf of the alleged perpetrator because disclosure was reasonably necessary to accomplish the purpose for which the psychotherapist was consulted (i.e. treatment and diagnosis). Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4th 417, 455. However, Defendant Franciscan Friars' objections as to OFM CIMM 1:0293-0294, 0297-0299, and 0300-0302 are overruled. Merely forwarding unprivileged documents

	-	to a psychotherapist does not reclassify the documents as privileged.
OFM CIMM 1: 0327-0329	Psychotherapist-Patient Privilege	Overruled. Defendant Franciscan Friars does not have the right to claim the privilege on behalf of the alleged perpetrator because disclosure was not reasonably necessary to accomplish the purpose for which the psychotherapist was consulted (i.e. treatment and diagnosis). Moreover, the documents and/or communications were not disclosed and/or sent to individuals that were involved in rendering psychotherapy and/or were being supervised by the treating psychotherapists. In addition, neither party to this communication was a psychotherapist or someone being supervised by the treating psychotherapist or someone being supervised by the treating psychotherapist. Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4 th 417, 449-456. Also, the documents do not convey any significant psychological information. Id. at 455.
OFM CIMM 1: 0330-0331	Psychotherapist-Patient Privilege	Overruled. Defendant Franciscan Friars does not have the right to claim the privilege on

		behalf of the alleged
		perpetrator because disclosure was not
		reasonably necessary to
		accomplish the purpose
		for which the
	·	psychotherapist was
		consulted (i.e. treatment
		and diagnosis).
		Moreover, the documents
		and/or communications were not disclosed and/or
		sent to individuals that
	·	were involved in
		rendering psychotherapy
		and/or were being
		supervised by the
		treating psychotherapists. Roman Catholic
		Archbishop of Los
		Angeles v. Superior
		Court (2005) 131
		Cal.App.4 th 417, 449-456.
		50.1
		[Only part of the communication was
		submitted for the Court's
		review.]
		-
OFM CIMM 1:	Psychotherapist-Patient	Overruled. Defendant
0334-0357 0358-0373	Privilege	Franciscan Friars does
0374-0382	·	not have the right to
0383-0394		claim the privilege on behalf of the alleged
0418		perpetrator because
0420-0470		disclosure was not
		reasonably necessary to
		accomplish the purpose
		for which the
		psychotherapist was
		consulted (i.e. treatment and diagnosis).
		Moreover, the documents
		and/or communications
		were not disclosed and/or
		sent to individuals that
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		were involved in rendering psychotherapy and/or were being supervised by the treating psychotherapists. Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4 th 417, 449-456.
OFM JOHN 1: 0067	Psychotherapist-Patient Privilege	Overruled. Defendant Franciscan Friars does not have the right to claim the privilege on behalf of the alleged perpetrator because disclosure was not reasonably necessary to accomplish the purpose for which the psychotherapist was consulted (i.e. treatment and diagnosis). Moreover, the documents and/or communications were not disclosed to individuals that were involved in rendering psychotherapy and/or were being supervised by the treating
		psychotherapists. In addition, neither party to this communication was a psychotherapist or someone being supervised by the
		treating psychotherapist Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4 th 417, 449-456.
	<u> </u>	Also, the documents do

		not convey any significant psychological information. <i>Id.</i> at 455.
OFM JOHN 1: 0130-0131 0154-0155 0156, 0219 0157, 0220 0158-0159 0168-0169 0215 0217-0218	Psychotherapist-Patient Privilege	Overruled. Defendant Franciscan Friars does not have the right to claim the privilege on behalf of the alleged perpetrator because disclosure was not reasonably necessary to accomplish the purpose for which the psychotherapist was consulted (i.e. treatment and diagnosis). Moreover, the documents and/or communications were not disclosed and/or sent to individuals that were involved in rendering psychotherapy and/or were being supervised by the treating psychotherapists. Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4 th 417, 449-456. Also, neither party to OFM JOHN 1: 0156 and 0219 was a psychotherapist or someone being supervised by the treating psychotherapist.
OFM JOHN 1: 0171	Psychotherapist-Patient Privilege	Id. at 454. Overruled. Defendant Franciscan Friars does not have the right to claim the privilege on behalf of the alleged perpetrators because disclosure was not

		reasonably necessary to
		accomplish the purpose
		for which the
		psychotherapists were
		consulted (i.e. treatment
		and diagnosis).
		Moreover, the documents
		and/or communications
		were not disclosed and/or
		sent to individuals that
		were involved in rendering psychotherapy
		and/or were being
		supervised by the
		treating psychotherapists.
		Roman Catholic
		Archbishop of Los
		Angeles v. Superior
		Court (2005) 131
		Cal.App.4 th 417, 449-456.
OFM JOHN 1:	Psychotherapist-Patient	Sustained as to OFM
0246-0248	Privilege	JOHN 1: 0246-0248.
0249-0252		Defendant Franciscan
		Friars has the right to
·		claim the privilege on
		behalf of the alleged
		perpetrator because disclosure was
		reasonably necessary to
		accomplish the purpose
		for which the
		psychotherapist was
		consulted (i.e. treatment
		and diagnosis).
		Roman Catholic
j		Archbishop of Los
ļ.		Angeles v. Superior
		Court (2005) 131 Cal.App.4 th 417, 455.
		σαι.Αρρ.τ ττ, 400.
	,	However, Defendant
		Franciscan Friars'
	•	objections to OFM JOHN
		1: 0249-0252 are overruled. Merely
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		forwarding unprivileged documents to a psychotherapist does not reclassify the documents as privileged.
OFM KRUM 1; 0039	Psychotherapist-Patient Privilege	Overruled. Defendant Franciscan Friars does not have the right to claim the privilege on behalf of the alleged perpetrators because disclosure was not reasonably necessary to accomplish the purpose for which the psychotherapists were consulted (i.e. treatment and diagnosis). Moreover, the documents and/or communications were not disclosed and/or sent to individuals that were involved in rendering psychotherapy and/or were being supervised by the treating psychotherapists. In addition, it does not appear that the author of the document was a psychotherapist or someone being supervised by a treating psychotherapist. Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4 th 417, 449-456.
OFM KRUM 1: 0211-0212	Psychotherapist-Patient Privilege	Sustained. Defendant Franciscan Friars has the right to claim the privilege on behalf of the alleged perpetrator because

disclosure was reasonably necessary to accomplish the purpose for which the psychotherapist was consulted (i.e. treatment and diagnosis). **Roman Catholic** **Archbishop of Los** **Angeles v. Superior** **Court** **Court** **Overruled** **Defendant** **Franciscan Friars does not have the right to claim the privilege on behalf of the alleged perpetrators because disclosure was not reasonably necessary to accomplish the purpose for which the physician was consulted (i.e. treatment and diagnosis). **Moreover, the documents and/or communications were not disclosed and/or sent to individuals that were involved in rendering treatment and/or were being supervised by the treating physician. **Roman Catholic** **Archbishop of Los** **Angeles v. Superior** **Court** **Court** **Court** **OFM VANH 1: **Description** **Description** **Psychotherapist-Patient** **Privilege** **Description** **Descripti		·	
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reasonably necessary to			reasonably necessary to

		accomplish the purpose
		for which the
		psychotherapist was
		consulted (i.e. treatment
		and diagnosis).
		Moreover, the documents
		and/or communications
		were not disclosed and/or
		sent to individuals that
		were involved in
		rendering psychotherapy
		and/or were being
		supervised by the
		treating psychotherapists.
		Roman Catholic
	·	Archbishop of Los
		Angeles v. Superior
		Court (2005) 131
		Cal.App.4 th 417, 449-456.
OFM VANH 1:	Psychotherapist-Patient	Sustained. Defendant
0548	Privilege	Franciscan Friars has the
33.3	1 Avacge	right to claim the privilege
		on behalf of the alleged
		perpetrator because
		disclosure was
		reasonably necessary to
		accomplish the purpose
	·	for which the
		psychotherapist was
		consulted (i.e. treatment
		1
		and diagnosis). Roman Catholic
		,
		Archbishop of Los Angeles v. Superior
		Court (2005) 131
		Cal.App.4 th 417, 455.
OFM VAN 1:	Psychotherapist-Patient	Overruled. Defendant
0549	Privilege	Franciscan Friars does
0040	rivilege	
		not have the right to
	,	claim the privilege on
		behalf of the alleged
		perpetrator because
		disclosure was not
		reasonably necessary to
·		accomplish the purpose
		for which the

	· · · · · · · · · · · · · · · · · · ·	
		psychotherapist was
	·	consulted (i.e. treatment
		and diagnosis).
		Moreover, the documents
		and/or communications
		were not disclosed and/or
	·	sent to individuals that
		were involved in
		rendering psychotherapy
	·	and/or were being
		supervised by the
		treating psychotherapists.
		Roman Catholic
		Archbishop of Los
		Angeles v. Superior
		Court (2005) 131
		Cal.App.4 th 417, 449-456.
		Also, the communication
		was not sent by a
		psychotherapist or
		someone being
		supervised by a treating
		, .
		psychotherapist. <i>Id.</i> at 456.
OFM VAN 1:	Psychotherapist-Patient	Sustained. Defendant
0587	Privilege	Franciscan Friars has the
0589	1 17111090	right to claim the privilege
		on behalf of the alleged
		perpetrator because
		· · · ·
		disclosure was
		reasonably necessary to
		accomplish the purpose
[for which the
		psychotherapist was
		consulted (i.e. treatment
		and diagnosis).
	•	Roman Catholic
		Archbishop of Los
		Angeles v. Superior
·		Court (2005) 131
		Cal.App.4 th 417, 455.
OFM VAN 1:	Psychotherapist-Patient	Overruled. Defendant
0588	Privilege	Franciscan Friars does
0579		not have the right to
0018		
0606	·	claim the privilege on

	· · · · · · · · · · · · · · · · · · ·	T 1 10 C 11 11 1
		behalf of the alleged
		perpetrator because
		disclosure was not
		reasonably necessary to
,		accomplish the purpose
		for which the
		psychotherapists were
		consulted (i.e. treatment
		and diagnosis).
		Moreover, the documents
		and/or communications
		were not disclosed and/or
		sent to individuals that
		were involved in
		rendering psychotherapy
		and/or were being
		supervised by the
		treating psychotherapists.
		Roman Catholic
		Archbishop of Los
		Angeles v. Superior
		Court (2005) 131
		Cal.App.4 th 417, 449-456.
OFM JOHN 1:	Attorney Client Privilege	Objections were
0238-0239	& Attorney Work Product	withdrawn by counsel for
0241	Doctrine	Defendant Franciscan
0242		Friars by letter to the
	(Psychotherapist-Patient	Court dated September
OFM PACHEO 1:	Privilege – OFM	18, 2008.
0280-0285	PACHEO 1: 0284-0285)	10, 2000.
,	17(01)20 1: 0204-0200)	*The victim's name and
OFM VANH 1:		identifying information will
0657-0714		be redacted in OFM
	÷	PACHEO 1: 280-285.
OFM CONN 1:	Attorney Client Privilege	Sustained as to OFM
0392-0397	& Attorney Work Product	CONN 1: 0392, 0394-
	Doctrine	0397. Defendant
į		Franciscan Friars has
		standing to raise the
į		objections because
		disclosure was
		reasonably necessary for
		the accomplishment of
		the purpose for which the
		attorney was consulted,
		i.e. preparing a defense
		i.e. preparing a detense

•		against charges of sexual
		abuse. <i>Rudnick v.</i>
		Superior Court (1974)
		11 Cal.3d 924, 932. See
		also California Evidence
		Code §952.
		Moreover, the Court finds
		that the joint
		defense/common interest
		doctrine applies.
		Defendant Franciscan
		Friars and the alleged
		perpetrators share a
		common interest in
		defending against the
		claims of sexual abuse.
		Also, the documents at
		issue would otherwise
		have been protected from
		disclosure by a claim of
		privilege (attorney-client
		and/or work product). In
		addition, the
·		communications, which
		were intended to be
		confidential, are geared
		toward advancement of
		the common interest.
		Overruled as to OFM
	İ	CONN 1: 0393. Merely
		forwarding a non-
		privileged document to
		an attorney does not
		automatically change its
		status to privileged. The
		document attached to the
		privileged letter is a
		1 -
		matter of public record.
		As such, the privilege
OEM CONN 1:	AH	does not apply.
OFM CONN 1:	Attorney Client Privilege	Sustained. Defendant
0497-0500	& Attorney Work Product	Franciscan Friars has
0503-0508	Doctrine	standing to raise the
0501		objections because

0502	· · · · · · · · · · · · · · · · · · ·	
0668		disclosure was
	·	reasonably necessary for
0669		the accomplishment of
	·	the purpose for which the
		attorneys were consulted,
		i.e. preparing a defense
		against charges of sexual
		abuse. <i>Rudnick v.</i>
	,	Superior Court (1974)
		11 Cal.3d 924, 932. See
		also California Evidence
		Code §952. The fact that
		Br. Connolly died does
		not affect Defendant
	1:	Franciscan Friar's ability
		to assert the attorney-
		client privilege. See
		California Evidence Code
		§954(b).
		3001(0).
		Moreover, the Court finds
		that the joint
		defense/common interest
		doctrine applies.
		Defendant Franciscan
	·	Friars and the alleged
		perpetrators share a
		common interest in
·		defending against the
		claims of sexual abuse.
	a	Also, the documents at
		issue would otherwise
		have been protected from
		disclosure by a claim of
		privilege (attorney-client
		and/or work product). In
		addition, the
		communications, which
		were intended to be
		confidential, are geared
		toward advancement of
		the common interest.
OFM VANH 1:	Attorney-Client Privilege	Sustained. Defendant
0355-0356	& Attorney Work Product	Franciscan Friars has
0357	Doctrine	standing to raise the
0358		objections because
	<u> </u>	objections because

<u> </u>		
0359		disclosure was
0371-0373	,	reasonably necessary for
0374		the accomplishment of
0402-0403	İ	the purpose for which the
0404		attorneys were consulted,
0405		i.e. preparing a defense
0406		against charges of sexual
0417-0419		abuse. <i>Rudnick v.</i>
0420		
0445-0446		Superior Court (1974)
0447		11 Cal.3d 924, 932. See
1		also California Evidence
0448		Code §952.
0449		
0461-0463		Moreover, the Court finds
0464		that the joint
0655-0656		defense/common interest
		doctrine applies.
		Defendant Franciscan
		Friars and the alleged
		perpetrators share a
		common interest in
		defending against the
		claims of sexual abuse.
		Also, the documents at
		issue would otherwise
		have been protected from
		disclosure by a claim of
		privilege (attorney-client
		and/or work product). In
		addition, the
	·	communications, which
		were intended to be
		confidential, are geared
		toward advancement of
		the common interest.
OFM VANH 1:	Afformacy Client Privilege	
0375-0400	Attorney-Client Privilege	Overruled. Defendant
0421-0444	& Attorney Work Product Doctrine	Franciscan Friars has
0465-0490	Docume	standing to raise the
0405-0490		objections because
		disclosure was
		reasonably necessary for
		the accomplishment of
		the purpose for which the
		attorneys were consulted,
		i.e. preparing a defense
		against charges of sexual

		abuse. Rudnick v. Superior Court (1974) 11 Cal.3d 924, 932. See also California Evidence Code §952. However, merely forwarding non-privileged documents to an attorney does not automatically change their status to privileged. The documents consist of public records. As such, the privilege does not apply. *The victims(s) names must be reducted.
OFM VANH 1: 0657-0714	Attorney-Client Privilege & Attorney Work Product Doctrine	must be redacted. Objections were withdrawn by counsel for Defendant Franciscan Friars by letter to the Court dated September 18, 2008.
OFM PACH 1: 0360	Attorney-Client Privilege & Attorney Work Product Doctrine	Overruled. However, the confidential settlement terms must be redacted from the document.
OFM VANH 1: 0363 0364 0410 0453	Attorney -Client Privilege & Attorney Work Product Doctrine	Overruled. Documents that are not authored or received by an attorney are not privileged. <i>Doe 2 v. Superior Court</i> (2005) 132 Cal.App.4 th 1504, 1521-1522.
OFM JOHN 1: 0460-0462 0464 0494	Free Exercise Clause of the United States Constitution	Overruled. Pursuant to the Settlement Agreement, production of the documents is governed by California's
OFM KRUM 1: 0280-0305 0308-0310 0313-0326		Civil Discovery Act. (Settlement Agreement ¶¶15 &20). California's Civil Discovery Act is a law that is valid, neutral,

OEM MANUA.		
OFM VANH 1:		and of general
0805		applicability.
0813-0872	,	Roman Catholic
0511515151		Archbishop of Los
OFM PACH 1:		Angeles v. Superior
0390-0447		Court (2005) 131
		Cal.App.4 th 417, 431
		(citing Church of the
	·	Lukumi Babalu Aye,
		Inc. v. Hialeah (1993)
		508 U.S. 520, 531-532).
		Therefore, Defendant
		Franciscan Friars cannot
		invoke the Free Exercise
		Clause of the United
		States Constitution to
		avoid production of the
		documents at issue (i.e.
		the laicization files).
OFM JOHN 1:	Free Exercise Clause of	Overruled. The
0460-0462	the California	appropriate standard of
0464	Constitution	review for a challenge,
0494		under California
		Constitution's guarantee
OFM KRUM 1:		of free exercise of
0280-0305		religion, to a state law
0308-0310		that is valid, neutral, and
0313-0326		of general applicability,
		has not been determined.
OFM VANH 1:		North Coast Women's
0805		Care Medical Group.
0813-0872		Inc. v. San Diego
		Superior Court (2008)
OFM PACH 1:		44 Cal.4 th 1145, 1158.
0390-0447		However, Defendant
		Franciscan Friars cannot
		invoke the Free Exercise
		Clause of the California
		Constitution to avoid
		production of the alleged
		perpetrator's laicization
		files even if the strict
		scrutiny standard is
		applied. <i>Catholic</i>
		Charities of
		Sacramento, Inc. v.
		Caciamento, me. V.

		Superior Court (2004) 32 Cal.4 th 527, 562.
		Even assuming, for the
		sake of argument,
		application of California's
		Discovery Act
		substantially burdens a
		religious belief or
		practice, the law serves
		compelling state interests
		(i.e. seeking the truth in
		court proceedings,
		ensuring those injured by
		the actionable conduct of
		others receive full
	·	redress of the injuries,
		and, as applied in this
		case, protecting children
ĺ		from sexual abuse) and
		is narrowly tailored to
OFM IOUNIA		achieve those interests.
OFM JOHN 1: 0460-0462	Establishment Clause of	Overruled. Defendant
0464	the United States	Franciscan Friars cannot
0494	Constitution	invoke the Establishment
0494	_	Clause of the United
OFM KRUM 1:	•	States Constitution to
0280-0305		avoid production of the
0308-0310		alleged perpetrator's
0308-0310		laicization files.
0313-0326	•	Enforcement of the
OFM VANH 1:		Settlement Agreement,
0805		via the California Civil
0813-0872		Discovery Act, does not
0013-0072		result in any excessive
OFM PACH 1:		entanglement with
0390-0447		religion. The parties in this case have asked the
3333 3447	•	Court to decide whether
		the asserted privileges have merit. Assessment
		of the applicability of a
		privilege does not lead to
		· —
ı		excessive government
		entanglement in religion.
		Moreover, the California
		Discovery Act is secular

		in purpose and its "principal or primary effect" is not to inhibit a religion. See Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4 th 417, 434- 435, and The Society of Jesus of New England v. Commonwealth (2004) 441 Mass. 662, 674-675.
OFM CABO 1: 0009 (Vasquez)	Third-Party Privacy Rights	Sustained. Defendant Franciscan Friars has standing to raise the
Depositions	(Redact Name Only)	privacy objection on behalf of Fr. Vasquez. Fr. Vasquez is not an "alleged perpetrator" under the Settlement Agreement. (Settlement Agreement ¶¶15(A)(1)(a) & 15(A)(2)(c)). Fr. Vasquez' privacy rights are not outweighed by the State's compelling interest in protecting children from sexual abuse. There is no evidence to suggest that any claims of childhood sexual abuse has been made against Fr. Vasquez.
OFM CABO 1: 0143 (Prochnow)	Third-Party Privacy Rights	Overruled. Defendant Franciscan Friars has
Depositions	(Redact Name Only)	standing to raise the privacy objection on behalf of Fr. Prochnow. Fr. Prochnow is not an "alleged perpetrator" under the Settlement Agreement. (Settlement Agreement ¶¶15(A)(1)(a)

OFM PACH 1: 0269-0272, 276 278-279 (Michael Harris)	Third-Party Privacy Rights (Redact Name Only)	& 15(A)(2)(c)). Fr. Prochnow's privacy rights are outweighed by the State's compelling interest in protecting children from sexual abuse. Fr. Prochnow admitted to having sexually abused a child, therefore, disclosure is necessary. Objections were withdrawn by counsel for Defendant Franciscan Friars by letter to the
278-279 (Michael Harris)	(Redact Name Only)	
		remain redacted.

EXHIBIT "B" RULING ON OBJECTIONS BY THE ALLEGED PERPETRATORS

Document Number(s)

Objection(s)

Ruling(s)

OFM CABO 1: 0009 0143	Psychotherapist-Patient & Physician-Patient Privileges	Overruled. The documents at issue do not contain information regarding confidential communications between a psychotherapist or physician and his or her client. Evidence Code §§1012 & 992.
OFM CABO 1: 0148 0152-0154 0165 0173-0174 0179-0181	Psychotherapist-Patient & Physician-Patient Privileges	Moot. This Court already determined that the documents post-date the Settlement Agreement. Paragraph 15(A) of the Settlement Agreement evidences the parties' intent to restrict production to those documents that were in existence at the time the Settlement Agreement was executed, or, at the very latest, within forty-five days (45) thereafter. Civil Code §1636.
OFM CABO 1: 0166-0172 0176-0178 0182-0189 0190-0195 0198-0219	Psychotherapist-Patient & Physician-Patient Privileges	Overruled. Disclosure was not reasonably necessary to accomplish the purpose for which the psychotherapists or physicians were consulted (i.e. treatment and diagnosis). Moreover, the information and documents were not disclosed to individuals that were involved in rendering psychotherapy or treatment and/or were being supervised by the

		treating psychotherapists or doctors. <i>Roman</i> <i>Catholic Archbishop of</i> <i>Los Angeles v.</i> <i>Superior Court</i> (2005) 131 Cal.App.4 th 417, 449- 456.
		In addition, this Court finds that the alleged perpetrator waived the privilege by participating in the therapy and/or treatment knowing that the information provided during the course of treatment would be shared with members of Defendant Franciscan Friars and/or the alleged perpetrator voluntarily disclosed the information himself. See Evidence Code §912(a), Rudnick v. Superior Court of Kern County (1974) 11 Cal.3d 924, 932, and Exhibit 2 of the Hale Declaration.
OFM CIMM 1: 0128	Psychotherapist-Patient & Physician-Patient Privileges	Overruled. Disclosure was not reasonably necessary to accomplish the purpose for which the psychotherapists or physicians were consulted (i.e. treatment and diagnosis). Moreover, the information and documents were not disclosed to individuals that were involved in rendering psychotherapy or treatment and/or were being supervised by the treating psychotherapists or doctors. <i>Roman</i>

		Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4 th 417, 449- 456.
		In addition, this Court finds that the alleged perpetrator waived the privilege by participating in the therapy and/or treatment knowing that the information provided during the course of treatment would be shared with members of Defendant Franciscan Friars. See Evidence Code §912(a), Rudnick v. Superior Court of Kern County (1974) 11
		Cal.3d 924, 932, and Exhibit 2 of the Hale Declaration.
OFM CIMM 1: 0395-400 0417	Psychotherapist-Patient & Physician-Patient Privileges	Moot. This Court already determined that the documents post-date the Settlement Agreement. Paragraph 15(A) of the Settlement Agreement evidences the parties' intent to restrict production to those documents that were in existence at the time the Settlement Agreement was executed, or, at the very latest, within forty-five days (45) thereafter. Civil Code §1636.
OFM CIMM 1: 0222-0225 0226	Psychotherapist-Patient & Physician-Patient Privileges	Overruled. Disclosure was not reasonably necessary to accomplish the purpose for which the psychotherapists or physicians were

	information. <i>Id.</i> at 455. In addition, this Court finds that the alleged perpetrator waived the privilege by participating in the therapy and/or treatment knowing that the information provided during the course of treatment would be shared with members of Defendant Franciscan Friars and/or the alleged
	In addition, this Court finds that the alleged perpetrator waived the privilege by participating in the therapy and/or treatment knowing that the information provided during the course of treatment would be shared with members of
	In addition, this Court finds that the alleged perpetrator waived the privilege by participating in the therapy and/or treatment knowing that the information provided during the course of treatment would be
	In addition, this Court finds that the alleged perpetrator waived the privilege by participating in the therapy and/or treatment knowing that the information provided
	In addition, this Court finds that the alleged perpetrator waived the privilege by participating in the therapy and/or treatment knowing that
	In addition, this Court finds that the alleged perpetrator waived the privilege by participating
	In addition, this Court finds that the alleged perpetrator waived the
	In addition, this Court finds that the alleged
	information. <i>Id.</i> at 455.
· ·	
	not convey any significant psychological
	Also, the documents do
	450.
	131 Cal.App.4 th 417, 449- 456.
	Superior Court (2005)
	Catholic Archbishop of Los Angeles v.
	or doctors. Roman
	treating psychotherapists
	or treatment and/or were being supervised by the
	rendering psychotherapy
	that were involved in
	disclosed to individuals
	Moreover, the information and documents were not
	and diagnosis).

		the purpose for which the psychotherapists or physicians were consulted (i.e. treatment and diagnosis). Moreover, the information and documents were not disclosed to individuals that were involved in rendering psychotherapy or treatment and/or were being supervised by the treating psychotherapists or doctors. Roman Catholic Archbishop of Los Angeles v.
		Superior Court (2005) 131 Cal.App.4 th 417, 449- 456.
		In addition, this Court finds that the alleged perpetrator waived the privilege by participating in the therapy and/or treatment knowing that the information provided during the course of treatment would be shared with members of Defendant Franciscan Friars and/or the alleged perpetrator voluntarily disclosed the information himself. See Evidence Code §912(a), Rudnick v. Superior Court of Kern County (1974) 11 Cal.3d 924, 932, and Exhibit 2 of the Hale Declaration.
OFM CIMM 1: 0292-0302	Psychotherapist-Patient & Physician-Patient Privileges	Sustained as to OFM CIMM 1: 0292, 0295- 0296. Disclosure was
		reasonably necessary to accomplish the purpose

Psychotherapist-Patient & Physician-Patient Privileges	for which the psychotherapist or physician was consulted (i.e. treatment and diagnosis). Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4th 417, 455. However, the alleged perpetrators' objections to OFM CIMM 1: 0293-0294, 0297-0299, and 0300-0302 are overruled. Merely forwarding unprivileged documents to a psychotherapist or physician does not reclassify the documents as privileged. Overruled. Disclosure was not reasonably necessary to accomplish the purpose for which the psychotherapists or physicians were consulted (i.e. treatment and diagnosis). Moreover, the information and documents were not disclosed to individuals that were involved in rendering psychotherapy or treatment and/or were being supervised by the treating psychotherapists or doctors. Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4th 417, 449-456.
·	Superior Court (2005) 131 Cal.App.4 th 417, 449-
	& Physician-Patient

		significant psychological information. <i>Id.</i> at 455.
		In addition, this Court finds that the alleged perpetrator waived the privilege by participating in the therapy and/or treatment knowing that the information provided during the course of treatment would be shared with members of Defendant Franciscan Friars and/or the alleged perpetrator voluntarily disclosed the information himself. See Evidence Code §912(a), Rudnick v. Superior Court of Kern County (1974) 11 Cal.3d 924, 932, and Exhibit 2 of the Hale Declaration.
OFM CIMM 1: 0330-0331 0334-0357 0358-0373 0374-0382 0383-0394 0418 0420-0470*	Psychotherapist-Patient & Physician-Patient Privileges	Overruled. Disclosure was not reasonably necessary to accomplish the purpose for which the psychotherapists or physicians were consulted (i.e. treatment and diagnosis). Moreover, the information and documents were not disclosed to individuals that were involved in rendering psychotherapy or treatment and/or were being supervised by the treating psychotherapists or doctors. <i>Roman Catholic Archbishop of Los Angeles v.</i> Superior Court (2005) 131 Cal.App.4 th 417, 449-456.

		In addition, this Court finds that the alleged perpetrator waived the privilege by participating in the therapy and/or treatment knowing that the information provided during the course of treatment would be shared with members of Defendant Franciscan Friars and/or the alleged perpetrator voluntarily disclosed the information himself. See Evidence Code §912(a), Rudnick v. Superior Court of Kern County (1974) 11 Cal.3d 924, 932, and Exhibit 2 of the Hale Declaration.
		*OFM CIMM 1: 0420- 0470 also indicate that Fr. Cimmarusti authorized release of
OFM CONN 1:	Developed D. C.	confidential information.
0392-0397	Psychotherapist-Patient	Not applicable. Br.
0497-0500	& Physician-Patient Privileges	Connolly (deceased) is
0503-0508	Filvlieges	not one of the named
0501-0502		alleged perpetrators
0668-0669		raising objections in this
OFM JOHN 1:	Psychotherapist-Patient	case. Overruled. Disclosure
0067	& Physician-Patient	was not reasonably
	Privileges	necessary to accomplish
		the purpose for which the
		psychotherapists or
		physicians were
		consulted (i.e. treatment
		and diagnosis).
		Moreover, the information
		and documents were not
		disclosed to individuals
İ		that were involved in
		rendering psychotherapy

		or treatment and/or were being supervised by the treating psychotherapists or doctors. <i>Roman Catholic Archbishop of Los Angeles v. Superior Court</i> (2005) 131 Cal.App.4 th 417, 449-456.
OFM JOHN 1: 0130-0131 0154-0155 0156, 0219 0157, 0220 0158-0159 0168-0169 0171 0215 0217-0218	Psychotherapist-Patient & Physician-Patient Privileges	In addition, this Court finds that the alleged perpetrator waived the privilege by participating in the therapy and/or treatment knowing that the information provided during the course of treatment would be shared with members of Defendant Franciscan Friars and/or the alleged perpetrator voluntarily disclosed the information himself. See Evidence Code §912(a), Rudnick v. Superior Court of Kern County (1974) 11 Cal.3d 924, 932, and Exhibit 2 of the Hale Declaration. Overruled. Disclosure was not reasonably necessary to accomplish the purpose for which the psychotherapists or physicians were consulted (i.e. treatment and diagnosis). Moreover, the information and documents were not disclosed to individuals that were involved in rendering psychotherapy or treatment and/or were being supervised by the

	4	treating psychotherapists or doctors. <i>Roman</i> <i>Catholic Archbishop of</i> <i>Los Angeles v.</i> <i>Superior Court</i> (2005) 131 Cal.App.4 th 417, 449- 456.
		In addition, this Court finds that the alleged perpetrator waived the privilege by participating in the therapy and/or treatment knowing that the information provided during the course of treatment would be shared with members of Defendant Franciscan Friars and/or the alleged perpetrator voluntarily disclosed the information himself. See Evidence Code §912(a), Rudnick v. Superior Court of Kern County (1974) 11 Cal.3d 924, 932, and Exhibit 2 of the Hale Declaration.
OFM JOHN 1: 0246-0252	Psychotherapist-Patient & Physician-Patient Privileges	Sustained as to OFM JOHN 1: 0246-0248. Disclosure was reasonably necessary to accomplish the purpose for which the psychotherapist was consulted (i.e. treatment and diagnosis). Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4 th 417, 449- 456. However, the alleged perpetrator's objection to

OFM JOHN 1: 0238-0239	Psychotherapist-Patient	OFM JOHN 1: 0249-0252 are overruled. Merely forwarding unprivileged documents to a psychotherapist does not reclassify the documents as privileged. Overruled. The
0241-0242 0460-0462 0464 0494	& Physician-Patient Privileges	documents at issue do not contain information regarding confidential communications between a psychotherapist or physician and his or her client. Evidence Code §§1012 & 992.
OFM KRUM 1: 0039 0323	Psychotherapist-Patient & Physician-Patient Privileges	Overruled. Disclosure was not reasonably necessary to accomplish the purpose for which the psychotherapists or physicians were consulted (i.e. treatment and diagnosis). Moreover, the information and documents were not disclosed to individuals that were involved in rendering psychotherapy or treatment and/or were being supervised by the treating psychotherapists or doctors. Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4th 417, 449-456. In addition, this Court finds that the alleged perpetrator waived the privilege by participating in the therapy and/or treatment knowing that the information provided

		during the course of treatment would be shared with members of Defendant Franciscan Friars and/or the alleged perpetrator voluntarily disclosed the information himself. See Evidence Code §912(a), Rudnick v. Superior Court of Kern County (1974) 11 Cal.3d 924, 932, and Exhibit 2 of the Hale Declaration.
OFM KRUM 1:	Psychotherapist-Patient	Sustained, Disclosure
0211-0212	& Physician-Patient	was reasonably
	Privileges	necessary to accomplish
		the purpose for which the
		psychotherapist was
		consulted (i.e. treatment
		and diagnosis). Roman Catholic Archbishop of
		Los Angeles v.
		Superior Court (2005)
		131 Cal.App.4 th 417, 449-
OF MARKET WAS		456.
OFM KRUM 1:	Psychotherapist-Patient	Overruled. The
0280-0305 0308-0310	& Physician-Patient	documents at issue do
0313-0322	Privileges	not contain information
0324-0326		regarding confidential
332. 3323		communications between
		a psychotherapist or physician and his or her
		client. Evidence Code
		§§1012 & 992.
OFM PACH 1:	Psychotherapist-Patient	Overruled. Disclosure
0005-0007	& Physician-Patient	was not reasonably
	Privileges	necessary to accomplish
		the purpose for which the
•		psychotherapists or
		physicians were
		consulted (i.e. treatment
	,	and diagnosis).
	j	Moreover, the information and documents were not
		disclosed to individuals
		GIOGIOGE TO ITICIA ICIDA

		that were involved in rendering psychotherapy or treatment and/or were being supervised by the treating psychotherapists or doctors. <i>Roman Catholic Archbishop of Los Angeles v.</i> Superior Court (2005) 131 Cal.App.4 th 417, 449-456. In addition, this Court
		finds that the alleged perpetrator waived the privilege by participating in the therapy and/or treatment knowing that the information provided
		during the course of treatment would be shared with members of Defendant Franciscan Friars and/or the alleged perpetrator voluntarily
		disclosed the information himself. See Evidence Code §912(a), Rudnick v. Superior Court of Kern County (1974) 11
		Cal.3d 924, 932, and Exhibit 2 of the Hale Declaration.
OFM PACH 1: 0434-0435	Psychotherapist-Patient & Physician-Patient Privileges	Overruled. Disclosure was not reasonably necessary to accomplish the purpose for which the psychotherapists or physicians were consulted (i.e. treatment
		and diagnosis). Moreover, the information and documents were not disclosed to individuals that were involved in rendering psychotherapy

		or treatment and/or were being supervised by the treating psychotherapists or doctors. <i>Roman Catholic Archbishop of Los Angeles v. Superior Court</i> (2005) 131 Cal.App.4 th 417, 449-456.
		In addition, this Court finds that the alleged perpetrator waived the privilege by participating in the therapy and/or treatment knowing that the information provided during the course of treatment would be shared with members of Defendant Franciscan Friars and/or the alleged perpetrator voluntarily disclosed the information himself. See Evidence Code §912(a), Rudnick v. Superior Court of Kern County (1974) 11 Cal.3d 924, 932, and
		Exhibit 2 of the Hale Declaration.
OFM PACH 1: 0269-0272 0276 0278-0279 0280-0281 0282-0285 0390-0433 0436-0447 0360	Psychotherapist-Patient & Physician-Patient Privileges	Overruled. The documents at issue do not contain information regarding confidential communications between a psychotherapist or physician and his or her client. Evidence Code §§1012 & 992.
OFM VANH 1: 0518-0520 0606	Psychotherapist-Patient & Physician-Patient Privileges	Overruled. Disclosure was not reasonably necessary to accomplish the purpose for which the psychotherapists or physicians were

		consulted (i.e. treatment and diagnosis). Moreover, the information and documents were not disclosed to individuals that were involved in rendering psychotherapy or treatment and/or were being supervised by the treating psychotherapists or doctors. Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4 th 417, 449-
		In addition, this Court finds that the alleged perpetrator waived the privilege by participating in the therapy and/or treatment knowing that the information provided during the course of treatment would be shared with members of Defendant Franciscan Friars and/or the alleged perpetrator voluntarily disclosed the information himself. See Evidence Code §912(a), Rudnick v. Superior Court of
		Kern County (1974) 11 Cal.3d 924, 932, and Exhibit 2 of the Hale Declaration.
OFM VANH 1: 0548 0587 0589	Psychotherapist-Patient & Physician-Patient Privileges	Sustained. Disclosure was reasonably necessary to accomplish the purpose for which the psychotherapist was consulted (i.e. treatment and diagnosis). Roman Catholic Archbishop of

		Los Angeles v. Superior Court (2005) 131 Cal.App.4 th 417, 449
OFM VANH 1: 0588 0579 0842-0844 0845-0847	Psychotherapist-Patient & Physician-Patient Privileges	Overruled. Disclosure was not reasonably necessary to accomplish the purpose for which the psychotherapists or physicians were consulted (i.e. treatment and diagnosis). Moreover, the information and documents were not disclosed to individuals that were involved in rendering psychotherapy or treatment and/or were being supervised by the treating psychotherapists or doctors. Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4 th 417, 449-456. In addition, this Court finds that the alleged perpetrator waived the privilege by participating in the therapy and/or treatment knowing that the information provided during the course of treatment would be shared with members of Defendant Franciscan Friars and/or the alleged perpetrator voluntarily disclosed the information himself. See Evidence Code §912(a), Rudnick v. Superior Court of Kern County (1974) 11

		Exhibit 2 of the Hale Declaration.
OFM VANH 1: 0355-0359 0363-0364 0371-0400 0402-0406 0410 0417-0449 0453 0461-0490 0549 0655-0714 0805 0813-0841 0848-0872	Psychotherapist-Patient & Physician-Patient Privileges	Overruled. The documents at issue do not contain information regarding confidential communications between a psychotherapist or physician and his or her client. Evidence Code §§1012 & 992.
OFM CABO 1: 0148 0152-0154 0165 0173-0174 0179-0181	Attorney Client Privilege & Attorney Work Product Doctrine ¹	Moot. This Court already determined that the documents post-date the Settlement Agreement. Paragraph 15(A) of the Settlement Agreement evidences the parties' intent to restrict production to those documents that were in existence at the time the Settlement Agreement was executed, or, at the very latest, within forty-five days (45) thereafter. Civil Code §1636.
OFM CABO 1: 0009 0143 0166-0172 0176-0178 0182-0195 0198-0219	Attorney Client Privilege & Attorney Work Product Doctrine	Overruled. The documents at issue do not contain information regarding confidential communications between an attorney and his or her client. Evidence Code §952. Also, the documents are not

¹ The alleged perpetrators also object to the production and publication of the contested documents pursuant to Evidence Code §§1115-1128 (mediation) and 1152 (settlement offers). However, the only documents that may have been subject to protection on these grounds have already been protected from production on other grounds (i.e. attorney-client privilege and attorney work product doctrine). Therefore, the objections are moot.

		subject to the work
OFM CIMM 1:	Attornov Olient Dui il	product privilege.
0395-0400	Attorney Client Privilege	Moot. This Court already
0417	& Attorney Work Product Doctrine	f contract the second cont
	Docume	documents post-date the
		Settlement Agreement.
		Paragraph 15(A) of the
		Settlement Agreement
		evidences the parties'
		intent to restrict
		production to those
		documents that were in
		existence at the time the
		Settlement Agreement
		was executed, or, at the
		very latest, within forty-
		five days (45) thereafter.
OFM CIMM 1:	Attornous Olivet Divil	Civil Code §1636.
0128	Attorney Client Privilege	Overruled. The
0222-0226	& Attorney Work Product Doctrine	documents at issue do
0234-0241	Docume	not contain information
0292-0302		regarding confidential
0327-0331		communications between
0334-0394		an attorney and his or her
0418		client. Evidence Code
0420-0470		§952. Also, the
		documents are not
		subject to the work
OFM CONN 1:	Attorney Client Privilege	product privilege. Not applicable. Br.
0392-0397	& Attorney Work Product	Connolly (deceased) is
0497-0500	Doctrine	not one of the named
0503-0508		alleged perpetrators
0501-0502		raising objections in this
0668-0669		case.
OFM JOHN 1:	Attorney Client Privilege	Overruled. The
0067	& Attorney Work Product	documents at issue do
0130-0131	Doctrine	not contain information
0154-0159		regarding confidential
0168-0169		communications between
0171		an attorney and his or her
0215	İ	client. Evidence Code
0217-0220		§952. Also, the
0246-0252		documents are not
0460-0462	1	subject to the work
0464		product privilege.
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0313-0326 an attorney and his or her client. Evidence Code §952. Also, the	0494		
Doctrine Doctrine	0238-0239	Attorney Client Privilege & Attorney Work Product	
accomplishment of the purpose for which the attorney was consulted, i.e. preparing a defense against charges of sexual abuse. <i>Rudnick v. Superior</i> Court (1974) 11 Cal.3d 924, 932. See also Evidence Code §\$912(d) and 952. Moreover, the Court finds that the joint defense/common interest doctrine applies. The alleged perpetrator and Defendant Franciscan Friars share a common interest in defending against claims of sexual abuse. Also, the documents at issue would otherwise have been protected from disclosure by a claim of privilege (attorney-client and/or work product). In addition, the communications, which were intended to be confidential, are geared toward advancement of the common interest. OFM KRUM 1: OFM			
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0308-0310 0313-0326 communications between an attorney and his or her client. Evidence Code §952. Also, the		Docume	
0313-0326 an attorney and his or her client. Evidence Code §952. Also, the	0308-0310		
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			documents are not

		subject to the work
OFM PACH 1:	Attornov Olizat Data	product privilege.
0005-0007	Attorney Client Privilege	Overruled. The
0269-0272	& Attorney Work Product	documents at issue do
0276	Doctrine	not contain information
0278-0279		regarding confidential
0390-0447		communications between
0000-0447		an attorney and his or her
		client. Evidence Code
	·	§952. Also, the
		documents are not
		subject to the work
OFM PACH 1:	A11	product privilege.
0280-0285	Attorney Client Privilege	Moot as to OFM PACH 1:
0200-0265	& Attorney Work Product	0280-0281. According to
	Doctrine	counsel for Defendant
		Franciscan Friars, by
		letter to the Court dated
		September 18, 2008,
		Plaintiffs have withdrawn
		their request for these
		documents.
		Overruled as to OFM
		PACH 0282-0285. The
		documents at issue do
	i	not contain information
		regarding confidential
		communications between
		an attorney and his or her
		client. Evidence Code
		§952. Also, the
		documents are not
·	· ·	subject to the work
		product privilege.
		Moreover, this Court notes that the documents
		were sent to all counsel
		in the case, including
·		Plaintiff's counsel.
		riamum 3 courisci.
].	*However, as this Court
		previously stated, the
	j	victim's name and
		identifying information
		must be redacted.
- 		

OFM PACH 1:	Attornov Client Driville	
0360	Attorney Client Privilege & Attorney Work Product Doctrine	Overruled. The documents at issue do not contain information regarding confidential communications between an attorney and his or he client. Evidence Code §952. Also, the documents are not subject to the work product privilege.
		*However, as this Court previously noted, the confidential settlement terms are to be redacted from the document.
OFM VANH 1:	Attorney Client Privilege	Sustained. Disclosure
0355-0356	& Attorney Work Product	was reasonably
0357	Doctrine	necessary for the
0358		accomplishment of the
0359		purpose for which the
0371-0373		attorneys were consulted,
)374	·	i.e. preparing a defense
)402-0403		against charges of sexual
1404		abuse. <i>Rudnick v.</i>
405		Superior Court (1974) 11
406		Cal.3d 924, 932. See
417-0419		also Evidence Code
420		§§912(d) and 952.
445-0446		330 12(d) and 932.
447		Moreover, this Court
448		finds that the joint
449		defense/common interest
461-0463		doctrine applies. The
464		alleged perpetrators and
655-0656		Defendant Franciscan
		Friars share a common
		interest in defending
	· · · · · · · · · · · · · · · · · · ·	against the claims of
		sexual abuse. Also, the documents at issue
Í	1 .	Walld athonists a least-
		would otherwise have been protected from

OFM VANH 1: 0657-0714	Attorney Client Privilege & Attorney Work Product Doctrine	privilege (attorney-client and/or work-product). In addition, the communications, which were intended to be confidential, are geared toward advancement of the common interest. Overruled. Merely forwarding non-privileged documents to a client or an insurance company
		does not automatically change their status to privileged.
OFM VANH 1: 0375-0400 0421-0444 0465-0490	Attorney Client Privilege & Attorney Work Product Doctrine	Overruled. Merely forwarding non-privileged documents to an attorney does not automatically change their status to privileged. The documents consist of public records. As such, the privilege does not apply.
OEM VANILA.		*The victims(s) names must be redacted.
OFM VANH 1: 0363 0364 0410 0453	Attorney Client Privilege & Attorney Work Product Doctrine	Overruled. Documents that are not authored or received by an attorney are not privileged. Doe 2 v. Superior Court (2005) 132 Cal.App.4 th 1504, 1521-1522.
OFM VANH 1: 0518-0520 0548-0549 0587-0589 0606 0579 0805 0813-0872	Attorney Client Privilege & Attorney Work Product Doctrine	Overruled. The documents at issue do not contain information regarding confidential communications between an attorney and his or her client. Evidence Code §952. Also, the documents are not subject to the work product privilege.

OFM JOHN 1: 0460-0462	Clergy-Penitent Privilege	Overruled. The alleged perpetrators failed to
0464		meet their burden of
0494		establishing the
OCM KONINA 4		preliminary facts
OFM KRUM 1: 0280-0305		necessary to show that
0308-0310		the clergy-penitent
0313-0326	* *	privilege applies to the
30,000		laicization files. See
OFM VANH 1:		Evidence Code §§1030- 1034. See also Roman
0805		Catholic Archbishop of
0813-0872		Los Angeles v.
OFM BAOULA		Superior Court (2005)
OFM PACH 1: 0390-0447		131 Cal.App.4 th 417, 442-
0390-0447		445, and <i>Story v.</i>
		Superior Court (2003)
		109 Cal.App.4 th 1007, 1014. Specifically, the
	·	alleged perpetrators
		failed to establish that
		they are penitents under
OFM JOHN 1:	F	Evidence Code §1031.
0460-0462	Free Exercise Clause of the United States	Overruled. Pursuant to
0464	Constitution	the Settlement
0494		Agreement, production of the documents is
		governed by California's
OFM KRUM 1:		Civil Discovery Act.
0280-0305 0308-0310		(Settlement Agreement
0313-0326		¶¶15 &20). California's
00.10 0020		Civil Discovery Act is a
OFM VANH 1:		law that is valid, neutral, and of general
0805		applicability.
0813-0872		Roman Catholic
OFM PACH 1:		Archbishop of Los
0390-0447		Angeles v. Superior
0000 0447]	Court (2005) 131
*		Cal.App.4 th 417, 431 (citing Church of the
		Lukumi Babalu Aye,
		Inc. v. Hialeah (1993)
		508 U.S. 520, 531-532).
		Therefore, the alleged
		perpetrators cannot

		·
		invoke the Free Exercise
		Clause of the United
		States Constitution to
		avoid production of the
		documents at issue (i.e.
OFM IOUNG		the laicization files).
OFM JOHN 1:	Free Exercise Clause of	Overruled. The
0460-0462 0464	the California	appropriate standard of
0494	Constitution	review for a challenge,
0494		under California
OFM KRUM 1:	}	Constitution's guarantee
0280-0305]	of free exercise of
0308-0310		religion, to a state law
0308-0310		that is valid, neutral, and
03 13-0326		of general applicability,
OFM VANH 1:		has not been determined.
0805		North Coast Women's
0813-0872		Care Medical Group,
0013-0072		Inc. v. San Diego
OFM PACH 1:		Superior Court (2008)
0390-0447		44 Cal.4 th 1145, 1158.
0390-0447		However, the alleged
		perpetrators cannot
		invoke the Free Exercise
		Clause of the California
		Constitution to avoid
		production of their
	·	laicization files even if the
		strict scrutiny standard is
		applied. Catholic
		Charities of
•		Sacramento, Inc. v.
		Superior Court (2004)
		32 Cal.4 th 527, 562.
		Even assuming, for the
		sake of argument,
		application of California's
		Discovery Act substantially burdens a
		religious belief or
		practice, the law serves
		compelling state interests
		(i.e. seeking the truth in
		court proceedings,
		ensuring those injured by
		the actionable conduct of
	J.,	the dollonable conduct of

OFM JOHN 1: 0460-0462 0464 0494 OFM KRUM 1: 0280-0305 0308-0310 0313-0326 OFM VANH 1: 0805 0813-0872 OFM PACH 1: 0390-0447	Establishment Clause of the United States Constitution	others receive full redress of the injuries, and, as applied in this case, protecting children from sexual abuse) and is narrowly tailored to achieve those interests. Overruled. The alleged perpetrators cannot invoke the Establishment Clause of the United States Constitution to avoid production of their laicization files. Enforcement of the Settlement Agreement, via the California Civil Discovery Act, does not result in any excessive entanglement with religion. The parties in this case have asked the Court to decide whether the asserted privileges have merit. Assessment of the applicability of a privilege does not lead to excessive government entanglement in religion. Moreover, the California Discovery Act is secular in purpose and its "principal or primary effect" is not to inhibit a religion. See Roman Catholic Archbishop of Los Angeles v. Superior Court (2005) 131 Cal.App.4th 417, 434-
		Superior Court (2005)
		131 Cal.App.4''' 417, 434- 435, and <i>The Society of</i>
		Jesus of New England
		v. Commonwealth
·		(2004) 441 Mass. 662, 674-675.
All Contested Documents	Constitutional Right to Privacy	Overruled. This Court has already determined

		that the alleged
		perpetrators' rights to
		privacy are outweighed
	·	by the State's compelling
		interest in protecting its
		children from sexual
		abuse. See Judge
		Lichtman's 6/18/07 Order
		and this Court's 2/10/09
All documents created by	Fodoral Convisional Lawrence	Minute Order.
the alleged perpetrators	Federal Copyright Law of	Overruled. Civil Code
(except Connolly),	1976	§985, part of California's
		common-law copyright,
including, but not limited	California Civil Code	was pre-empted by the
to, the following:2	§985	Federal Copyright Law of
OTH OLD I		1976. See 17 U.S.C.
OFM CABO 1:		§301(a). See also
0165-0172		Klekas v. EMI Films.
·		<i>Inc.</i> (1984) 150
OFM CIMM 1:		Cal.App.3d 1102, 1109,
0234-0241	•	and Salinger v. Random
0418		House, Inc. (2 nd Cir.
		1987) 811 F.2d 90, 95.
OFM JOHN 1:		1001) 0111 .20 90, 93.
0157		Even assuming the
0220		contested documents fall
0464		under the protection of
OFM KRUM 1:	·	the Federal Copyright
0282		Law of 1976, which this
0286		Court seriously
0289-0290		questions, the alleged
0323		perpetrators, as
0020		employees, are not the
OFM PACH 1:		owners of the copyrights.
0396		See U.S.C. §201(b) and
0403-0404		17 U.S.C. §101.
-		Specifically, the alleged
405		perpetrators created the
0441		contested documents
OF BANANULA		within the course and
OFM VANH 1:	·	scope of their
0687-0714		employment with
0518-0520		Defendant Franciscan
0805		Friars.

² The objection is overruled as to the contested documents that were not created by the alleged perpetrators.

0815		
0820-0831 0832-0836 0861-0872		Moreover, even if California Civil Code §985 was not preempted by the Federal Copyright Law of 1976, the alleged perpetrators' objection fails for two reasons. First, this Court has already determined that the alleged perpetrators are not owners of the copyrights because the contested documents were created within the course and scope of their employment with Defendant Franciscan Friars. Second, compelled disclosure of the contested documents would not deprive the alleged perpetrators of any property rights. See Carpenter Foundation v. Oakes (1972) 26 Cal.App.3d 784, 794, and United States v. Certain Parcels of Land (1953) 15 F.R.D. 224, 234.
All documents created by Connolly, including, but not limited to, the following:	Federal Copyright Law of 1976	Not applicable. Br. Connolly (deceased) is not one of the named
	California Civil Code §985	alleged perpetrators raising objections in this
OFM CONN 1:3		case.
0392 0394-0397		
0501	·	
0502		,

³ The objection is overruled as to the contested documents that were not created by Connolly.

EXHIBIT "C" RULING ON OBJECTIONS BY THE BYSTANDERS¹

Document Number(s)	Objection(s)	Ruling(s)
All documents created by	Federal Copyright Law of	Overruled. Civil Code
the bystanders, including,	1976	§985, part of California's
but not limited to, the	0 115	common-law copyright,
following: ²	California Civil Code	was pre-empted by the
OFM CABO 1:	§985	Federal Copyright Law of
0009		1976. See 17 U.S.C.
0143		§301(a). See also
		Klekas v. EMI Films,
OFM CIMM 1:		Inc. (1984) 150
0222-0225		Cal.App.3d 1102, 1109, and <i>Salinger v. Random</i>
0226		House, Inc. (2 nd Cir.
0292		1987) 811 F.2d 90, 95.
0293-0294		1007) 0111 .24 90, 95.
0295-0296		Even assuming the
	. •	contested documents fall
OFM JOHN 1:		under the protection of
0067		the Federal Copyright
0130-0131		Law of 1976, which this
0171		Court seriously
0215 0246		questions, the
0247-0248	•	bystanders, as
0249		employees, are not the
0250	·	owners of the copyrights.
0252		See U.S.C. §201(b) and
0460		17 U.S.C. §101.
0461		Specifically, the bystanders created the
0462		contested documents
0494		within the course and
	·	scope of their
OFM KRUM 1:		employment with
0211-0212		Defendant Franciscan
0283-0284		Friars.
0318-0321		
0322		Moreover, even if
0324-0325		California Civil Code

¹ This Court notes that some of the documents are not signed and/or the creators of the documents are unknown. Therefore, for the sake of argument, the Court will consider the bystanders creators of all such documents.

² The objection is overruled as to the contested documents that were not created by the

bystanders.

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OFM PACH 1:		§985 was not preempted
0393-0394		by the Federal Copyright
0397-0398	·	Law of 1976, the
0401		bystanders' objection
0402		fails for two reasons.
1		First, this Court has
0419-0420		already determined that
0439		the bystanders are not
0440		owners of the copyrights
0446	İ	because the contested
OFM VANUE 4		documents were created
OFM VANH 1:		in the course and scope
0364		of their employment with
0548		Defendant Franciscan
0549		Friars. Second,
0587 0589		compelled disclosure of
0816		the contested documents
0819		would not deprive the
0848-0849		bystanders of any
0852-0853		property rights. See
0002-0003		Carpenter Foundation
		v. Oakes (1972) 26
]	Cal.App.3d 784, 794, and
		United States v. Certain
		Parcels of Land (1953)
All Contested Documents		15 F.R.D. 224, 234.
All Contested Documents	Constitutional Right to	Sustained. Plaintiffs do
	Privacy	not object to the
•	(Dadastis SD	redaction of the
	(Redaction of Personal	bystanders' personal
	Information)	information (i.e. social
		security numbers, home
		addresses, and any
	÷	medical conditions) from
		the contested
		documents.
		11
		However, this Court
İ		finds that the bystanders'
		names must be redacted
		from all of the contested
		documents in order to
	•	preserve their rights to
,		privacy and narrowly
		circumscribe the scope of
		disclosure. Board of

All reports and/or evaluations created by the bystanders, including, but not limited to, the following: OFM CABO 1:3 OFM CIMM 1: 0222-0225 0226 0293-0294 0295-0296 OFM JOHN 1: 0067 0130-0131 0171 0215 0248 02249 0250 0252 0460 0461 0462 0494 OFM KRUM 1: 0211-0212 0283-0284 0318-0321 0322 0324-0325 OFM PACH 1:	All remarks and the	Trustees v. Superior Court of Santa Clara County (1981) 119 Cal.App.3d 516, 526.
OFM CABO 1:9 0009 0143 OFM CIMM 1: 0222-0225 0226 0292 0293-0294 0295-0296 OFM JOHN 1: 0067 0130-0131 0171 0215 0246 0247-0248 0249 0250 0252 0460 0461 0462 0494 OFM KRUM 1: 0211-0212 0283-0284 0318-0321 0322 0324-0325	evaluations created by the bystanders, including, but not limited to, the	Overruled (in part). This Court finds that the bystanders' privacy interests in the
OFM CIMM 1: 0222-0225 0292 0293-0294 0295-0296	0009	State's compelling interest in protecting children from sexual
0067 0130-0131 0171 0215 0246 0247-0248 0249 0250 0252 0460 0461 0462 0494 OFM KRUM 1: 0211-0212 0283-0284 0318-0321 0322 0324-0325	0222-0225 0226 0292 0293-0294	discussed above, the bystanders' names and personal information must be redacted from the contested
0211-0212 0283-0284 0318-0321 0322 0324-0325	0067 0130-0131 0171 0215 0246 0247-0248 0249 0250 0252 0460 0461	
OFM PACH 1:	0211-0212 0283-0284 0318-0321 0322	
	OFM PACH 1:	

³ The objection is overruled as to the contested documents that were not created by the bystanders.

0393-0394 0397-0398		
0401		
0402 0419-0420		
0439		
0440		
0446		
OFM VANH 1:		
0364		
0548	:	
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0587		
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0819 0848-0849		1
0852-0853		
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