V. HEALING AND VICTIM ASSISTANCE MINISTRY

Counseling and spiritual and psychological assistance have been offered by the Archdiocese to victims of sexual abuse for many years and many of those who were harmed have taken advantage of this offer. In 2002, along with the zero tolerance policy and the Clergy Misconduct Oversight Board, the Archdiocese established the Office of Assistance Ministry to facilitate pastoral and counseling response to victims of sexual abuse. The purpose of this Office is to provide immediate, compassionate pastoral and spiritual assistance and resources for victims harmed by sexually-abusive behavior of a priest, deacon or any employee of the Archdiocese.

Since 2002, the Office of Assistance Ministry has arranged counseling for more than 100 victims or their family members alleged to have been abused by Archdiocesan personnel. Counseling is provided by mental health professionals experienced in childhood sexual abuse. The psychotherapists are independent practitioners on a panel of practitioners recommended to victims. Victims, however, can select another qualified psychotherapist.

Cardinal Mahony has designated a prayer chapel in the Cathedral of Our Lady of the Angels for those affected by sexual abuse, and has asked pastors throughout the Archdiocese to include special prayers during Mass for the healing of all victims and their families.

VI. *SAFEGUARD THE CHILDREN* PROGRAM

In 2002, the Archdiocese initiated an effort to broaden understanding of all forms of physical, emotional and sexual abuse of children by any adult, including clergy. The *Safeguard the Children* program is intended to raise the consciousness of the community as a whole to issues of child abuse and neglect, and to sensitize teachers, parents, children, volunteers and all those in ministry to conduct that may be evidence of possible abusive behavior by any adult.

Each parish has been asked to establish a *Safeguard the Children* committee and to seek as committee members parishioners with relevant expertise, such as nurses, police officers, counseling professionals, doctors and parents.

The Archdiocesan Catholic Center, in conjunction with the Department of Catholic Schools and the Office of Family Life, has provided materials that have been given to every pastor, principal and director of religious education in the Archdiocese. Additional copies are made available to parishes requesting copies for parish committee members. The materials include a child abuse prevention handbook and intervention guide from the California Attorney General's Office and a list of additional resources, websites and videos offered by the Office of Religious Education.

The goals of each parish committee are to inform all parish groups of policies on reporting and preventing child abuse and neglect, to conduct workshops attuned to local needs, to arrange speakers, and, in general, to encourage parish groups to learn about all aspects of child abuse and prevention.

VII. PREVENTION AND VIGILANCE

A. Screening for the Priesthood.

Screening of candidates for the seminary has been strengthened over the last ten years and now includes in-depth personal interviews, a focus on sexual orientation and psycho-sexual integration appropriate to a lifetime commitment to celibacy, and psychological evaluations [13]

A candidate for the seminary undergoes background checks and extended interviews by vocation directors concerning the candidate's personal history, including his sexual history, his relationships and his motivation for becoming a priest. Vocation directors visit the candidate's home and meet his family, and the candidate has a clinical interview with a psychologist.

Before ordination, a candidate for the priesthood goes through a lengthy evaluation period, including an internship during which he lives in a rectory and works with priests, staff and parishioners. During this time, the candidate is judged as to his suitability to be a priest. No one is ordained unless the seminary staff, including the lay faculty and formation advisers, concludes that the candidate has attained an emotional, psychological and sexual maturity appropriate for his age and for the celibate life of a priest. After ordination, education and formation continues with programs designed to keep new priests faithful to their duties and obligations.

B. Continuing Formation.

In addition to the *Safeguard the Children* program, the Archdiocese offers continuing workshops and conferences on sexual abuse and harassment. Prevention education, boundary education and continuing formation, including psychological and spiritual counseling regarding priestly chastity, are provided to both seminarians and clergy.

Cardinal Mahony's Pastoral Letter, *I Will Appoint Over You Shepherds After My Own Heart*, was shared at all Masses on the weekend of February 21 and 22, 2002. In the letter, the Cardinal apologized for and condemned the sins of the past, and committed the Archdiocese to taking comprehensive steps to ensure that all clerics are trustworthy ministers following the example of Jesus.

In December 1996, the Archdiocese provided all priests with written instructions concerning mandated reporting, drawing attention to the fact that they would become mandated reporters on January 1, 1997. These written instructions set forth the requirements of the reporting law and explain how to report allegations of abuse. Before and after the Bishops of California issued their statement concerning mandated reporting in 1998, training sessions were conducted for all priests and deacons. Since then, all candidates preparing for ordination have received instruction in what constitutes abuse, how to report abuse to the public authorities and the requirements of mandated reporting. In Spring 2002, as part of its ongoing education program, the Archdiocese conducted a series of training seminars for clergy in all five Pastoral Regions of the Archdiocese regarding mandatory reporting of suspicions of sexual abuse, as required under state law. The training included specific instructions for reporting suspected child abuse directly to child protection agencies or to the police. All Catholic school faculty and staff and other mandated reporters also continue to receive this training on a regular basis.

C. Other Archdiocesan Initiatives.

In June 2002, the Archdiocese prepared and distributed at all 288 parishes and parish schools a pamphlet entitled *Respecting the Boundaries: Keeping Ministerial Relationships Healthy and Holy*. The pamphlet is designed to help parishioners understand sexual misconduct in the Church and teach them how to identify possible problems and bring concerns about suspected abuse to the attention of Church officials A new pamphlet, *Working Together to Prevent Sexual Abuse: Protecting Children and Young People*, which complements the *Boundaries* pamphlet, has been distributed recently.

The Archdiocese also uses its newspapers, *The Tidings* and *Vida Nueva*, to inform parishioners of procedures for making complaints of sexual abuse. The Archdiocese has posted on its website an "800" number for reporting suspected sexual abuse. Calls are returned promptly and confidentially by a trained member of the Office of Assistance Ministry. The number is (800) 355-2545

It is Archdiocesan policy that announcements be read publicly in parishes where suspected abuse of minors has or may have occurred. Parishioners are encouraged to call the police directly with any information that they believe may be helpful to an investigation.

Policies on clergy sexual abuse, and contact information to report actual or suspected abuse, are posted on the Archdiocesan website at www.la-archdiocese.org.

VIII. LEGAL MATTERS

A. Grand Jury Investigations.

The Archdiocese has cooperated and will continue to cooperate with law enforcement authorities in connection with grand jury investigations in Ventura and Los Angeles Counties

1. Ventura County.

Personnel of the Archdiocese testified before a Ventura grand jury and the Archdiocese responded to a number of grand jury subpoenas for records. All of the records sought were delivered to the court subject to the assertion of certain privileges. The privilege objections were heard before a Ventura Superior Court judge and in large part sustained.

In 2002, Fathers Donald Patrick Roemer, Fidencio Silva, M Sp.S , and Carl Sutphin were criminally charged in Ventura. All of these priests had been removed from ministry in the Archdiocese of Los Angeles before they were charged and will never return to any ministry in the Church. In June 2003, the U.S. Supreme Court in *Stogner v California*, 123 S. Ct. 2446, held that the California statute extending the criminal statute of limitations after it had expired for any individual was an unconstitutional *ex post facto* law. As a result, all charges against the above priests were dismissed.

2. Los Angeles County.

In 2002 and 2003, Fathers Michael Baker, Lawrence Lovell, C.M.F., Thomas Marshall, C.P., Titian Miani, George Miller, Joseph Piña, Carlos Rene Rodriguez, C.M., Neville Rucker, John Salazar, Sch.P., Matthew Sprouffske, O.Carm., and Michael Wempe were charged in Los Angeles County. All of these men were out of ministry when they were charged except Father Sprouffske, who was immediately removed from ministry. All of the cases were dismissed after the *Stogner* decision. Since then, Father Wempe has been charged on a new allegation concerning conduct in the early 1990s.

A grand jury in Los Angeles County also is investigating childhood sexual abuse. It issued a number of subpoenas for Archdiocesan records. In view of the volume of material, the Superior Court judge presiding over the grand jury referred the matter to a retired judge acting as a referee. All of the subpoenaed documents were produced to the referee subject to the assertion of certain privileges. The referee is resolving the claims of privilege but to date has not issued a decision regarding any of the objections by the Archdiocese or individual priests.

In response to the subpoenas, the Archdiocese has delivered every requested document to the Court subject to a number of important privileges asserted by the Archdiocese or the individual priests. For instance, all personnel files are private, protected by the California Constitution, and may not be produced over the priest's objection until a court has weighed the need for production against the individual's privacy rights. The priests involved have objected to production of their files and so the Court must evaluate the need for production. The Archdiocese has not asserted any privacy interest of its own in the records.

The Archdiocese, however, has objected to production of records that disclose the spiritual, pastoral and psychological counseling of the priests. The Archdiocese believes that the particular needs of the Catholic faith and the deeply private needs of its priests demand the right to private communication between Bishop and clergy on any topic, no matter how personal, without fear of intrusion by criminal or civil litigants. The Archdiocese believes the privilege goes to the heart of every Catholic's ability to practice the religion. The Archdiocese therefore has resisted disclosure of the intimate confidential files, while still making sincere efforts to disclose to both criminal and civil litigants the important information they need to evaluate or prosecute these cases. The Archdiocese believes that many of these sensitive records are covered by California Evidence Code privileges for communications with psychotherapists and clergy. Others, the Archdiocese believes, should be free from government interference under the First Amendment guarantee of the free exercise of religion.

Since priests have the same emotional and psychological problems as other men, bishops or their vicars for clergy intervene with priests-in-crisis to provide pastoral support. To be effective, this support must include spiritual, emotional and psychological ministry; this counseling cannot succeed if the conversations are not confidential, as the priests had always been assured. Accordingly, the confidential files of the pastoral care of these priests are kept in special files with limited access.

For the Church, the care of these priests is both a moral and theological obligation. The ministry of the Vicar for Clergy would be compromised if the confidential communications between either the Vicar or his Bishop and the priest were to be disclosed. The Archdiocese does not seek to protect the conduct of priests from criminal or civil liability; it only seeks to protect these confidential communications.

The California Evidence Code provides that all confidential communications between a patient and his psychotherapist are privileged. The purpose for this privilege is to encourage the patient to open himself to therapy. The California privilege allows disclosure of the therapy records to anyone for the accomplishment of the purpose for which the psychotherapist is consulted. Since the purpose for disclosing the records to the Vicar and Archbishop is to accomplish the purpose for the psychological consultation by designing an aftercare contract and regimen for the priest, the reports of therapists to them are protected.

To facilitate investigations by civil authorities, the Archdiocese has provided prosecutors with the names of victims and every accused priest, the time periods of alleged abuse, records of the priest's assignments and the priest's current status and location. The prosecutors have all of the witnesses and evidence used historically in these cases to conduct investigations and prove guilt.

B. Priests' Legal Expenses.

Another aspect of criminal and civil litigation relates to the legal expenses of the individual priests. Since priests are in general wholly dependent upon their Bishop for financial support, canon law requires Bishops "to protect their [priests'] rights . . ." and "to take care that provision is made for their decent support and social assistance." Canon 384.

In the context of the recent criminal and civil complaints against the priests, the Archdiocese has provided certain individual priests with loans to enable them to obtain legal representation in criminal investigations prior to being charged. Following indictment, the Archdiocese no longer provides legal support and will not provide bail. In civil cases, the Archdiocese provides limited funds for an initial review of the matter and has provided loans when needed by the priest for the assertion of certain constitutional rights prior to trial. These loans are not based on any determination by the Archbishop of guilt or innocence of the person charged.

C. Civil Litigation.

In July 2002, the California Legislature, responding to media attention surrounding disclosures in Boston, unanimously passed without significant debate a bill that eliminated the statute of limitations for sexual abuse claims for one year commencing January 1, 2003. Since then, hundreds of cases never before reported to the Archdiocese have been filed. As of December 31, 2003, over 500 claimants are named in over 200 suits filed in the civil courts.

All of the cases against the Archdiocese of Los Angeles have been coordinated in the Superior Court of Los Angeles and assigned to a highly-regarded Superior Court judge for mediation and possible settlement. Accusers and accused, as well as the Archdiocese and its insurers, are participating in the mediation In October 2003, the Archdiocese began receiving formal responses by the plaintiffs to informational questionnaires setting forth the specifics of their allegations against individual priests. These details will allow the Archdiocese, with the advice of its Clergy Misconduct Oversight Board, to investigate the new, never-before-heard allegations.

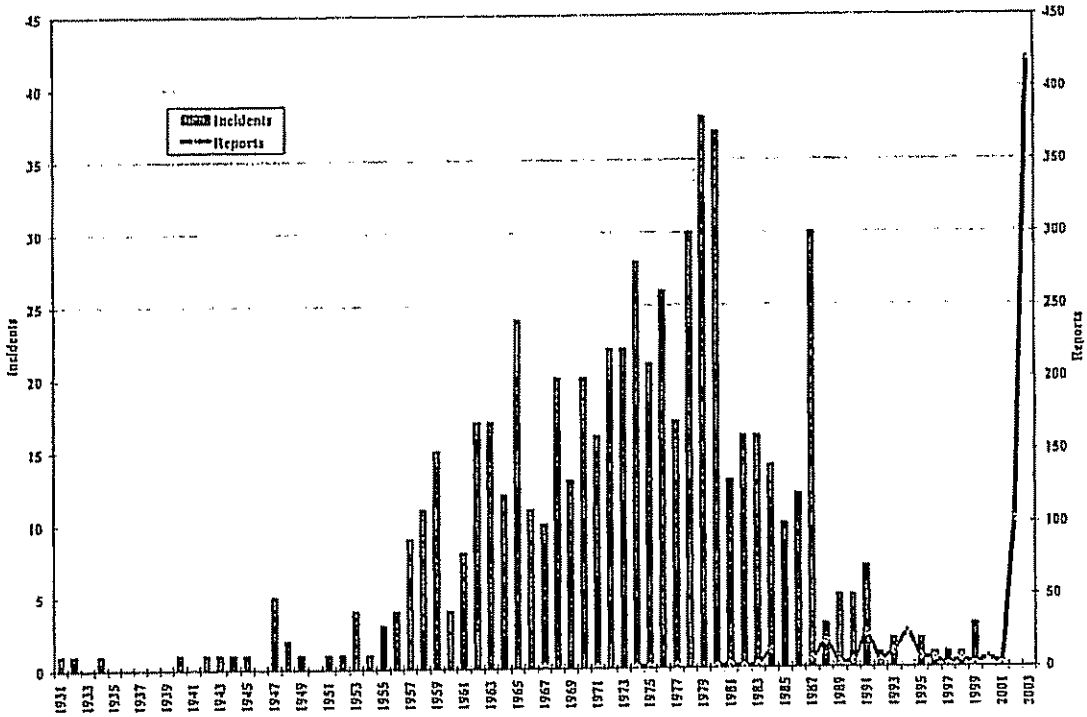
IX. STATISTICAL PERSPECTIVES

The chart and table below compare the start of actual abuse with the reports of abuse. For example, in 2003 the Archdiocese received many reports of incidents from more than 30 years ago. The bar graph shows the first year of each incident of abuse and the line graph shows how far the reports of abuse lag behind the actual incidents.

LOS ANGELES ARCHDIOCESE

INCIDENTS AND REPORTS TO ARCHDIOCESE

BY YEAR



LOS ANGELES ARCHDIOCESE
INCIDENTS AND REPORTS TO ARCHDIOCESE
BY YEAR

Year	Incidents	Reports
1931	1	
1932	1	
1933		
1934	1	
1935		
1936		
1937		
1938		
1939		
1940	1	
1941		
1942	1	
1943	1	
1944	1	
1945	1	
1946		
1947	5	
1948	2	
1949	1	
1950		
1951	1	
1952	1	
1953	4	
1954	1	
1955	3	
1956	4	
1957	9	
1958	11	
1959	15	
1960	4	
1961	8	
1962	17	
1963	17	
1964	12	
1965	24	
1966	11	
1967	10	2
1968	20	
1969	13	
1970	20	
1971	16	1
1972	22	
1973	22	
1974	28	1
1975	21	1
1976	26	
1977	17	2
1978	30	
1979	38	
1980	37	1
1981	13	2
1982	16	1
1983	16	2
1984	14	12
1985	10	
1986	12	
1987	30	6
1988	3	18
1989	5	3
1990	5	4
1991	7	23
1992	1	4
1993	2	11
1994		25
1995	2	7
1996	1	6
1997	1	1
1998	1	6
1999	3	2
2000		7
2001		2
2002		102
2003		420

NOTE: The data is for the time period from 1930 through 2003

An incident for purposes of this study is the first year of abuse for each person

The statute of limitations for civil claims of child abuse was removed by the State Legislature for a one year window. This allowed anyone who was ever abused -- even 70 years ago in the 1930s -- to file suit for monetary damages in 2003. As a result, there was a dramatic increase in the number of cases reported in 2003, as the red line graph demonstrates. Of course, the Archdiocese recognizes that this is a crime that, even with the removal of the statute of limitations for a year, is woefully under-reported.

The chart and table above also show how sexual abuse by clergy seemed to be a limited phenomenon until 2002, but then seemed suddenly to assume vastly greater proportions as reporting of old incidents erupted. As the chart and table demonstrate, the reports of abuse to the Archdiocese were in fact very few until the late 1980s, and then rose dramatically in 2002 when the crises broke in Boston and rose even more when the statute of limitations was removed for 2003.

The table below shows that 150 of the accused priests, deacons, brothers and seminarians have only one accuser. In other words, 150 of the 244 persons accused or 61% have only one accuser. Six of the accused are responsible for 146 accusers.

LOS ANGELES ARCHDIOCESE

NUMBER OF ACCUSERS PER ACCUSED

Accused	Accused by:	Accusers
150	1 Accuser	150
35	2 Accusers	70
17	3 Accusers	51
9	4 Accusers	36
3	5 Accusers	15
7	6 Accusers	42
2	7 Accusers	14
3	8 Accusers	24
1	9 Accusers	9
2	10 Accusers	20
2	11 Accusers	22
3	12 Accusers	36
4	13 Accusers	52
2	18 Accusers	36
1	21 Accusers	21
1	23 Accusers	23
1	28 Accusers	28
1	38 Accusers	38
244	**TOTALS**	687

Note 1: The data is for the time period from 1930 through 2003

Note 2: Twenty-two accusers accused more than one person For purposes of this table an accuser who alleges abuse by a number of persons is treated as a separate accuser for each accused For example, if an accuser alleges that he was abused by two persons, the accuser is counted as two accusers in this chart This overstates the number of accusers in order to include every person accused More specifically, the number of accusers is overstated by 31 persons

Note 3: Of the 656 accusers (eliminating accusers counted more than once), 519 are male and 137 are female

X. EXAMPLES OF HANDLING OF SEXUAL ABUSE CASES

As noted earlier, over time the Church at large as well as the Archdiocese has advanced its understanding of the problem of sexual abuse of minors and has modified its method of dealing with reports of sexual abuse. The following summary uses examples from different time periods to illustrate this progression

A. Incidents Prior To 1985.

There were few priests in ministry with confirmed prior allegations of child molestation when Archbishop Mahony was installed in 1985 One, Father Neville Rucker, was the subject of allegations in the 1960s that were contemporaneously reported to police, but the authorities elected not to prosecute when the parents withdrew their complaint after meeting with Auxiliary Bishop Timothy Manning. Father Rucker was transferred from St. Anthony's Parish in El Segundo after this incident. Although Bishop (later Cardinal) Manning is deceased and cannot be asked about his motives, the transfer was consistent with the normal response used at the time in which these cases were seen as sins requiring spiritual solutions. The priest in question had discussed and reflected upon it with his Bishop. Subsequently, Father Rucker served in a number of different parishes until his retirement in 1987.

After his retirement, the Archdiocese received information of one other incident of abuse by Father Rucker also dating back to the 1960s It is only in the last 18 months that the Archdiocese has learned of numerous other people who claim to have been abused by Father Rucker.

Father George Miller was the subject of an abuse report in 1977 by the mother of a ten-year-old. The mother wrote that she preferred that Church authorities handle the situation. Father Miller denied the allegation. A meeting was held involving the mother, her child, the child's therapist and the priest. Given the understanding at the time that this was primarily a spiritual problem, the Archdiocese placed the report of misconduct in the priest's file and treated it as a warning. Father Miller was not transferred to a new assignment. Four years later, with no other reports of misconduct lodged against him, Father Miller became pastor of the same parish. In 1996, an adult reported that Father Miller molested him and his brother at that parish between 1973 and 1984. He wanted the report handled confidentially by the Church. At this time, Father Miller was sent for psychological treatment in a restricted, residential setting. At the conclusion of his treatment, the Archdiocese removed Father Miller's faculties to engage in any priestly functions and he was removed from ministry

In the early 1980s, Father John Wishard pleaded *nolo contendere* to child abuse charges. Subsequently, in a civil suit by the victim against the priest, new evidence was disclosed that materially impeached the veracity of the victim. The assistant district attorney who had prosecuted the case requested that the conviction be reversed and dismissed, which the court did. Father Wishard remained in ministry without any subsequent reports of misconduct until he retired in 1997 He was laicized in 2002.

B. The Case Of Father Michael Baker.

Cardinal Mahony has already acknowledged and apologized for the mistakes made in handing Father Michael Baker, a case that taught many important lessons. During the 1986 priests' retreat, Archbishop Mahony advised the priests that anyone who had engaged in any misconduct with minors should meet with him confidentially, and that the Archdiocese would provide spiritual and psychological assistance as necessary. Father Michael Baker then approached the Archbishop to discuss his relationship with two boys from 1978 to 1985. The Archdiocese sent Father Baker to psychological treatment in a restricted residential setting for six months. Thereafter, it assigned him to a limited ministry to retired priests. Father Baker continued in aftercare with local therapists and agreed to live in accordance with strict boundaries limiting his activities to ministry to adults. Since Father Baker had self-reported his misconduct, the Archdiocese trusted that he was following his aftercare restrictions and avoiding any new misconduct. The Cardinal has fully acknowledged that this was a terrible mistake.

No new reports of misconduct were received for over 15 years. Father Baker resided in places where his history and the restrictions placed on him were known to his supervisors. During this period, however, three boundary violations on Father Baker's part were reported. In each case a review of the report did not indicate any child abuse. Nevertheless, after the third report, Father Baker was transferred to a more restrictive environment at St. Camillus parish. Its only parishioners are in-patients at USC County General Hospital. The pastor was advised of Father Baker's restrictions and asked to be alert to any violations.

With no reports of abuse, but without sufficient attention to the import of the first two boundary violations, beginning in 1991 Father Baker began to be assigned as administrator *pro tempore* at a series of parishes that needed an interim priest to oversee the parish until a new pastor could be appointed. Although he continued to keep his primary residence elsewhere, he was not prohibited from staying overnight in those parishes on occasion. The Vicar for Clergy involved in each of these assignments felt that Father Baker had reformed. None of the staff at these parishes were advised of Father Baker's history, however, and the Archdiocese freely acknowledges that this was wrong. Based on the information known to date, no one has ever claimed to have been abused by Father Baker at any of these *pro tempore* assignments.

In 2000, two plaintiffs proposed to file a lawsuit against Father Baker alleging child molestation at various locations in Mexico, Arizona and California in the years 1984 to 1999. Immediately upon learning of this complaint, the Vicar for Clergy terminated Baker's assignment, removing his faculties and ordering him to cease all ministry. Cardinal Mahony began the process to impose the penalty of dismissal from the priesthood on Father Baker, a step that became unnecessary when Father Baker petitioned for and was granted laicization, which was completed in December 2000. The Archdiocese settled the proposed lawsuit with the two men for $1.25 million with $400,000 from insurance, $500,000 from Baker and $325,000 from the Archdiocese.

Cardinal Mahony has publicly admitted his misjudgment in handling this case and has apologized for allowing Father Baker to remain in ministry. The Cardinal admitted that he placed too much reliance on Father Baker's perceived good faith in self-reporting, and was far too lenient in permitting him to continue in assignments despite the boundary violations. This

case brought to the attention of the Archdiocese that placing a person in a restricted ministry was not sufficient to prevent future abuse. The lesson is that either much closer monitoring is needed, which is practically impossible, or the priest must be removed from ministry.

C. Cases Of Intervention With Return To Limited Ministry.

In 1987, a pastor reported to the Vicar for Clergy that Father Michael Wempe had been the subject of reports of boundary violations, *i.e* , indiscreet conduct with young boys without any evidence of actual molestation. The Archbishop removed the priest from ministry and sent him for psychological assessment and treatment at a residential facility. Upon completion of the residential therapy and based upon the treating psychotherapist's report, Father Wempe was returned to a limited ministry as a hospital chaplain where he served from 1988 until he was asked to resign in 2002. The Archdiocese placed confidence in the treatment process, a confidence that seemed to be borne out by the fact there had been no reports of any new misconduct by Father Wempe after his treatment and assignment to the hospital. In 2003, however, such a report emerged Father Wempe was charged with molestation in the early 1990s of a younger brother in a family with which he had a long relationship. He was previously accused of abusing the victim's two older brothers. As far as is known to the Archdiocese, the contact with the boy was not related to Father Wempe's pastoral work at the hospital

In 1991, an adult reported being molested as a child by Father Carl Sutphin in the late 1960s. Father Sutphin was removed from ministry and sent for over six months of residential psychotherapy. Upon completion of his treatment, he was assigned to live and work as chaplain in a retirement home. In 1995, Father Sutphin was assigned to St. Vibiana's Cathedral, which was closed for earthquake damage. In 2001, he was transferred to the new, still-under-construction cathedral. In these years, he ministered to the downtown jails and street people. He retired in 2002. Although other adults have since come forward alleging childhood molestation, there have been no reports of any misconduct committed by Father Sutphin subsequent to his treatment and return to ministry

In 1987, Father Gerald Fessard pled guilty to battery and sexual molestation of minors and was placed on probation As part of his probation, he attended residential psychotherapy. Upon completion of his therapy, Father Fessard was assigned for his primary ministry to the Archdiocesan Tribunal, although for a period he lived in and assisted at a parish Father Fessard continued in this limited ministry until 2002, when the Archdiocese mandated his withdrawal from ministry under its new zero tolerance policy. The Archdiocese has not received any reports of abusive conduct by Father Fessard since his guilty plea, probation and residential treatment

Father Carlos Rodriguez, C.M., a priest of the religious order popularly known as the Vincentians, was ordained in 1986 At his first assignment at St. Vincent's Parish in Los Angeles, the Vincentians received a report that Father Rodriguez had abused a 16-year-old. He was immediately removed from ministry and sent for residential psychotherapy The Vincentians notified the Vicar for Clergy of their actions. The case was reported to the police. Father Rodriguez underwent residential therapy. After reviewing his discharge report, the Archdiocese assigned him to live and work at an all-adult seminary doing Engaged Encounters, Marriage Encounters and retreats that would not involve minors He was also assigned to administrative work in the Archdiocesan Office of Family Life in Santa Barbara After two

years in this limited service, Father Rodriguez sought a parish assignment within the Archdiocese. The Vicar for Clergy turned down this request given his history of abuse. Early in 1993, Rodriguez left his religious community and consequently his faculties for any type of ministry were terminated. In 1998, he petitioned for and was granted laicization. In 2002, an adult male reported to police that Father Rodriguez had abused him at St. Vincent's Church over a two-year period (1985-87) beginning when he was 12. Father Rodriguez was arrested, but was released and all charges dismissed after the June 2003 decision of the United States Supreme Court in *Stogner v. California*. Later in 2002, a Santa Paula family reported to their pastor that Father Rodriguez had abused their three sons over a ten-year period from 1987 to 1997. The abuse occurred in the family home when Father Rodriguez stayed overnight and on camping or other outings. Father Rodriguez was arrested in late 2003 by Ventura authorities on charges related to this report and in February, 2004 he pled guilty to molesting two of these boys. Father Rodriguez met the family while he was still in active service as a priest, but the relationship continued after he left ministry in 1993.

Fathers Baker, Fessard, Sutphin and Wempe are examples of how the Archdiocese dealt with reports of molestation by priests in the mid 1980s into the 1990s. Generally, they were removed from ministry and sent for psychological assessment and treatment. If a favorable report from the treatment team indicated a possible return to ministry, they were returned to ministry, frequently in a restricted assignment. Father Rodriguez is an example of a priest belonging to a religious order whose case was handled in a similar fashion by his own religious superiors and was returned to priestly ministry in the Archdiocese.

Based on the information known to date, Fathers Baker, Rodriguez and Wempe are the only priests charged with abusing again after they were originally reported, underwent intervention and therapy, and were assigned to restricted ministry. But even one incident of renewed molestation of a child or young person is totally unacceptable. Thus, the Archdiocese steadily, but too slowly, moved toward a policy of not returning priests to ministry after it was determined they had abused minors.

D. Interventions With No Return to Ministry.

In 1991, Father Richard Henry pleaded *nolo contendere* to four counts of lewd conduct with a child under 14 years of age. Upon notification of the criminal charges, the Archdiocese removed him from ministry. After his conviction, he was sentenced to state prison. When he was released from prison in August 1996, the Archdiocese informed him that there was no prospect of return to ministry as a priest. To assist in his transition out of ministry, the Archdiocese provided psychotherapy at a residential facility.

Also in 1991, three families reported to their parish that Father Lynn Caffoe was overly familiar with their teenage sons. They did not report any actual sexual molestation. The priest denied any misconduct. As a result of the Archdiocese's investigation, Father Caffoe was sent for evaluation and treatment at a residential facility. After reviewing the recommendations of his therapeutic team, the Archdiocese deemed it inappropriate to restore Father Caffoe to any type of ministry, at least not without a lengthy period of rehabilitation. He was placed on inactive leave and advised that he could have no priestly assignment for at least three to five years. In 1994, while Father Caffoe was still out of ministry, a high school boy reported contemporaneous

sexual abuse. The report was forwarded to Child Protective Services for a police investigation. Father Caffoe was never restored to ministry. His current whereabouts are unknown.

E. Priests Who Left The Archdiocese After A Report Of Molestation.

In late 1990, a minor, age 17, reported to a priest that he had had several occasions of sexual conduct with Father Tilak Jayawardene, a priest visiting from Sri Lanka serving as a parish priest. At the time, there was no mandatory reporting to law enforcement for clergy. Following the practice of the Archdiocese at that time, the minor was advised that he had the right to report the matter to the police and that the Archdiocese would support whatever decision he made. The minor responded that he definitely did not want his mother or the police to know. The Archdiocese immediately withdrew Father Jayawardene's faculties to function as a priest in this Archdiocese and reported the matter to his home bishop who had the ultimate authority over him. Based on the withdrawal of faculties, Father Jayawardene returned to Sri Lanka. A few weeks later, the victim changed his mind and reported the matter to the police. The Archdiocese has written to Church officials in Sri Lanka to obtain assistance in locating Father Jayawardene and has forwarded the information obtained to the Glendale Police Department.

In 1998, a mother living with her son, age 16, in Arizona reported to her former parish in Los Angeles that a priest of the parish, Father Carl Tresler, had molested her son before they moved. Pursuant to the mandatory reporting law that went into effect in 1997 for clergy, the pastor reported the matter to the Bell Gardens Police Department and to the Archdiocese. The Vicar for Clergy immediately removed the priest from ministry and initiated counseling for the boy in Arizona. The police never brought charges. After residential therapy, the Archdiocese advised Father Tresler that he would be given no assignment and his faculties in Los Angeles were removed permanently. Father Tresler moved to Peru and has been incardinated there by the local bishop. On a number of occasions, Cardinal Mahony has written to the local bishop in Peru, to the Apostolic Nuncio to the United States and to the Congregations of the Clergy and of the Doctrine of the Faith at the Vatican expressing his opinion that Father Tresler should not be permitted to function as a priest anywhere.

These are examples of cases involving priests who left the Archdiocese after allegations surfaced. The Archdiocese has learned from these cases that it is important to attempt coordination with the police so that law enforcement has an opportunity to act at the same time or before the Archdiocese confronts and/or permanently removes a priest's faculties.

F. Basis For Strengthened Standards.

The Archdiocese, sometimes imperfectly, has tightened its standards as its own experience in handling reports of abuse has grown and matured. The disclosures in 2000 about Father Baker caused Cardinal Mahony to realize how adept those who commit abuse could be at concealing and misrepresenting their criminal conduct and how difficult it is to effectively monitor a priest with a history of having abused a minor. Accordingly, for all of these reasons, on February 21, 2002, the Archdiocese officially promulgated a zero tolerance policy that no priest who had ever abused a minor – no matter how long ago – would be allowed to hold an assignment. As a result of this new policy, Cardinal Mahony obtained the resignations and retirements of a few priests reported to have committed abuse in the past but who had been

engaged in limited ministry without any new reports of misconduct for many years. This group included, among others, Fathers Fessard, Rucker, Sutphin, Wempe and Wishard.

XI. SETTLEMENTS

Since 1985, the Archdiocese has settled child molestation cases for a total of approximately $10.35 million. Of this amount, the Archdiocese has paid approximately $3.75 million, Archdiocesan insurance has paid approximately $3.7 million and the balance has been paid by third persons, such as the perpetrators themselves, religious orders or other dioceses

XII. CONCLUSION

Reports of molestation involving members of the Catholic clergy began to increase nationwide after the media attention to the revelations in Boston, and after removal of the statute of limitations for personal injury claims in California A tempest of blame and criticism still swirls around the Church and the Archdiocese The Cardinal and the leadership of the Archdiocese are aware of it at every moment and saddened by the plain facts that have occasioned the furor

There is much to regret about the past, going back decades and extending into times of more recent Archdiocesan leadership Some of the faithful, the young and the innocent have suffered terribly, and there can be no denying the consequences of inadequate actions by the Church.

The Archdiocese has committed significant resources to help those who were harmed to recover from their horrible experiences. We hope our efforts will help, but we realize that only the grace of God can provide the complete healing the victims need.

In the midst of this sorrowful story, lessons have been learned and taken deeply to heart Ineffective policies of the past have been rejected. Understandings that did not measure up to human realities have changed. New insights and policies can now offer protection to all our people

Clerics must be and will be held to the highest conceivable standards in their relationships with the young. There will be no favoritism, no hesitation in applying policies that will guard the flock.

The Church and the Archdiocese are prepared to live up to their responsibilities to all the people *That is the pledge of the Archdiocese from Cardinal Mahony*

ENDNOTES

[1] Peterson, Doyle and Mouton, *The Problem of Sexual Molestation by Roman Catholic Clergy Meeting The Problem In a Comprehensive and Responsible Manner*, pp. 11-2 (1985)

[2] *Id.* at 56.

[3] *Id.* at 56-57.

[4] National Conference of Catholic Bishops' Ad Hoc Committee on Sexual Abuse, *Restoring Trust*, p. 23 (1994)

[5] Frank Valcour, *Expectations Of Treatment For Child Molesters*, p 2 (1994).

[6] *Id.* at 9

[7] *Id.* at 9

[8] *Id.* at 9

[9] *Id.* at 9

[10] Thomas Plante, *A Perspective on Clergy Sexual Abuse*, p. 4 (2002).

[11] Cardinal Roger M. Mahony, *Pastoral Letter. I Will Appoint You Shepherds After My Own Heart*, p. 4 (February 21-22, 2002).

[12] United States Conference of Catholic Bishops, *Charter for the Protection of Children and Young People*, Article 5 (2002).

[13] Effective programs to screen possible abusers from seminaries were not easy to devise. Father Canice Connors, the president of St. Luke Institute in Maryland, wrote in 1994 that most persons who ultimately would turn out to be abusers "appear quite normal on the instruments frequently used in psychological screening, the Minnesota Multiphasic Personality Inventory (MMPI) and the Millan Clinical Multiaxial Inventory (MCMI). After ordination, the sexual crises of those who had always been potential abusers came into play in the less structured and minimally supervised parish setting." Canice Connors, *The moment after suffering: lessons from the pedophilia scandal pedophilia in the Catholic Church*, Commonweal Foundation, pp. 1-2 (1994).

To ensure broad disclosure, in an Appendix to the February 17, 2004, "Report to the People of God", the Archdiocese listed the names of clergy and religious against whom allegations of sexual misconduct with minors while ministering in the Archdiocese had been received, including persons subject to claims that were incomplete and possibly without merit Subsequently, an Errata was posted to update that list. Effective May 17, 2004, the Appendix and any Errata supplements are available in printed form from the Archdiocese by contacting the Media Relations Office at (213) 637-7216

EXHIBIT "C"

10:00:19 SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF LOS ANGELES CENTRAL CIVIL WEST

09:59:00 Coordinated Proceedings)JCCP NO. 4286
Special Title (Rule 1550(b)))LASC CASE NO
)BC376706
THE CLERGY CASES I)
_____)
)
LUIS C an individual)
)
Plaintiff)
)
09:59:00 v)
)
JOHN DOE I et al)
)
Defendants)
_____)

09:59:00 VIDEOTAPE DEPOSITION OF
MONSIGNOR RICHARD LOOMIS
TUESDAY SEPTEMBER 15 2009
10:00 A M

09:59:00

09:59:00

1 APPEARANCES OF COUNSEL:
2 FOR THE PLAINTIFF:
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8 FOR THE DEFENDANTS DOES 1,2, 4-7, 9-20:
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22 ALSO PRESENT: PATRICK WALL, SENIOR CONSULTANT
23 WILL WEIR (FOR PORTIONS)
24
25

10:00:19 1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 IN AND FOR THE COUNTY OF LOS ANGELES CENTRAL CIVIL WEST
3
4
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9 Plaintiff,)
)
09:59:00 10 v)
)
11 JOHN DOE I et al)
)
12 Defendants.)
_____)
13
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15
16
17
18
19 The videotape of Monsignor Richard
20 Loomis taken on behalf of Plaintiff before Leeann
21 Thibert CSR No. 8152 for the State of California,
22 commencing at 10:00 a.m. on Tuesday September 15, 2009
23 at 4220 Von Karman Avenue Suite 200 Newport Beach
24 California
25

1 INDEX
2 EXAMINATION BY: PAGE
3 MR MANLY 5
4 EXHIBITS
5 NUMBER DESCRIPTION PAGE
6 1 April 4, 2000 - Letter/Lawsuit 134
7 2 CIVBAKE 000422 - Assignment Record 165
8 3 CIVBAKE 000393 - Letter 12/27/96 170
9 4 CIVBAKE 000398 - Memorandum 194
10 5 CIVBAKE 000394 - Letter 3/9/97 195
11 6 CIVBAKE 000403 - Letter - 4/9/00 197
12 7 Coffin De Lao & Associates document 197
13
14 WITNESS INSTRUCTED NOT TO ANSWER
15
16 PAGES - 10, 12, 18, 19, 20, 44, 67, 81, 82, 83, 95, 102,
17 106, 108, 109, 122, 124, 125, 126, 129, 137, 138, 140,
18 141, 147, 148, 149, 150, 152, 154, 158, 164, 165, 168,
19 179, 191, 200, 201
20
21
22
23
24
25

TUESDAY SEPTEMBER 15 2009; 10:00 a m
NEWPORT BEACH CALIFORNIA
-o0o-

THE VIDEOGRAPHER: Good morning This is the videotape deposition of Monsignor Richard Loomis taken at 4220 Von Karman Suite 200 in Newport Beach California on Tuesday September 15th, 2009, in the matter of Luis C versus John Doe 1 et al case number BC376766 This deposition is on behalf of the plaintiff

My name is Danny Colohan with Dean Jones Attorney Video Services of Los Angeles and Santa Ana California This deposition is commencing at 10:08 a m

Would all present please identify themselves beginning with the deponent

THE WITNESS: Monsignor Richard Loomis

MR WOODS: Donald Woods representing various defendants and the witness

MR GASPARI: Paul Gaspari representing Servants of the Paraclete

MR STEIER: Don Steier for Mr Baker

MR FINALDI: Vince Finaldi for the plaintiff

MR MANLY: John Manly for the plaintiff Also present is Patrick Wall a consultant with my office

THE VIDEOGRAPH: Please be aware the microphones are very sensitive They will pick up all conversations in the room

Would the court reporter please administer the oath

MONSIGNOR RICHARD LOOMIS
AFTER BEING DULY SWORN BY THE CERTIFIED SHORTHAND REPORTER WAS EXAMINED AND TESTIFIED AS FOLLOWS:

EXAMINATION

BY MR MANLY:

Q Good morning, Monsignor

A Good morning

Q You have been deposed before and I know that because I was at one of them, correct?

A Yes

Q Okay I am pretty sure you probably remember what we're going to do here today, but for my own edification and for the record I'm going to go through it, so you will probably be bored but

just bear with me Okay

First thing I want to tell you though is I want you to be as comfortable as you can, recognizing there is things I'm going to ask you about that are uncomfortable Physically, I would like you to be as comfortable as you can If you want to use the restroom, get a glass of water, get some air, just let me know and we'll stop Okay?

A Thank you

Q As you know, everything you say will be taken down by the court reporter I want you to remember from the outset of the deposition, you are under oath

Do you understand that?

A I understand that

Q Do you understand by virtue of that oath, you are bound to tell the truth?

A Yes

Q Do you understand by virtue of that oath, if I ask you a question and you answer it, you are not to withhold any information responsive to the question Do you understand that?

A Yes

Q Okay And you understand if you are not completely truthful, you could be subject to

prosecution for perjury like everybody else?

A Yes

Q Throughout the deposition, I'm going to ask you questions, presumably you will give me answers Knowing Mr Woods as I do, I suspect there might be some objections, could be wrong, but there might be

I just want you to know at the end of the deposition, you are going to be asked to review the transcript, which will be in the size of a booklet about the size of a magazine and sign it under penalty of perjury

At that time you are going to be given the opportunity to make changes to your testimony I want to caution you from the outset of your deposition, you change the meaning of your testimony, the substance of your testimony, I am entitled to comment on that when we try this case and that could prove embarrassing to you

It could adversely affect the Archdiocese or other parties in this case, my client The point is, it's very, very important to give your best and most accurate testimony here today Do you understand?

A I understand

Q As the day wears on, in my experience, any deponent, no matter how experienced, there's a tendency to overlap one another and while in normal conversation that's probably completely appropriate, I don't want to interrupt your answer and I want the same token, I would like you to let me finish my question before you answer.

So if either one of us does that, if I do that, please stop me and say, "I wasn't done," and I'll be happy to stop and let you finish. And by the same token, try and let me finish the question before you answer. If there is an objection, try and wait for the objection to conclude until you answer. Okay?

A Okay

Q Okay. You have to answer audibly Shakes or nods of the head, while the video may pick that up, the court reporter can't, so it is just really important you remember that. Okay?

A Very good

Q I don't want you to guess, but I am entitled to your best estimate when it comes to times, places, distances.

You understand the difference between a guess and an estimate?

A Yes

Q Okay. So where do you -- state your full name for the record, if you would.

A Richard Arthur Loomis

Q Monsignor, where do you currently reside?

MR WOODS: You know, we didn't talk about this Do you want to disclose it or do we just give a lawyer's address? What's your preference?

THE WITNESS: Lawyer's address

MR MANLY: No I want to know where the witness lives

MR WOODS: Okay We're going to object

MR MANLY: On what grounds?

MR WOODS: Instruct him not to answer on the grounds that there's -- he was a former Vicar for Clergy He doesn't want to be harassed or bothered by anyone If you need to get in touch with him, you can contact him through my office

MR MANLY: How about if we agree to just --

MR WOODS: Like a general area, like Los Angeles or something like that?

MR MANLY: No I want to know where he lives and who he lives with If he lives with a witness in the case or somebody else, that might be

relevant

MR WOODS: Okay --

MR MANLY: Stop Stop Let me finish So what I would like to do is -- and what his current position is If he lives in a perish or what have you so what I would like to do is if he's somehow worried about his privacy, let's stipulate that this portion of the transcript is sealed If it's filed, it's redacted and only the lawyers can see it

MR WOODS: What --

MR STEIER: Personally, I don't think it's necessary to have the address If there is a basis for it, John, state it Ask the questions you need to ask John

Ask the questions you need to ask If from those questions it appears that you've got a basis -- but just to have an address for communication purposes, you can go through the attorney

MR MANLY: I don't need it for communication purposes I want to know where the witness lives It's in the form interrogatories If you instruct him not to answer, I'll bring a motion

MR WOODS: We'll instruct him not to answer I think you can get the general area You can ask him all of those questions you said about who he lives with and all that We don't have any problem with those

MR MANLY: Just for the record, I've offered to stipulate to keep that confidential and private For some reason you don't want to give it to me and you haven't explained why, so let's move on

BY MR MANLY:

Q Who do you live with, Monsignor?

A I live alone

Q Could you mark that portion of the transcript.

What city do you live in?

A I live in [redacted]

Q And what do you do?

A Currently I'm on leave from the diocese

Q How do you spend your time?

A I do some proofreading

Q For who?

A Various people who e-mail things to me and I proofread and e-mail it back [redacted]

Q And why are you on leave?
A Because I was accused of abuse
Q Okay. I notice that you are wearing clerics today and last time you weren't. Is there a reason you are today and you didn't last time? I think last time you weren't authorized.
A Last time I wore clerics
Q Did you? I don't remember that.
A I do
Q I am almost positive you didn't, but my memory's probably faulty.
Are you allowed to wear clerics in public?
A I have never been instructed not to wear clerics
Q Okay. Where -- are you engaged in a canonical process on the accusations against you?
A Yes
Q And where does that process stand today?
A It's in Rome
Q Was there a trial held in Los Angeles?
A Yes
Q And what was the outcome of that?
MR WOODS: We're going to object that it's a matter that is still pending and until it is

resolved, it is under pontifical secrecy of the church and it's irrelevant to this case
MR MANLY: Okay Let me get this statement You are objecting on the basis of pontifical secrecy
MR WOODS: Within the church It's a pontifical secret It's to be kept secret
MR MANLY: Do you have a legal objection?
MR WOODS: The next one I mentioned was it's not relevant to this case
MR MANLY: Well it's -- the test is is it calculated to lead to discovery of admissible evidence And with respect to the Monsignor I don't know if he did what he is accused of or not but, certainly, if he is in charge or involved with Mr Baker at a time --
MR WOODS: It doesn't involve Mr Baker
MR MANLY: Excuse me If he's involved in his leadership capacity as the Vicar for Clergy for the Archdiocese with supervising persons and insuring persons who are abusers don't get kids and he himself is accused of abuse or may be an abuser -- and Monsignor I am not accusing you of that, I want to be clear -- but that's -- the accusation's been made

That's certainly calculated to lead to the discovery of admissible evidence because at the very least, it goes to bias goes to bias of the witness, it goes to policies, it goes to procedures, it goes to the competency of the Archdiocese in terms of who they put in leadership positions, so I don't see -- if your legal objection is relevance I don't see it The pontifical secret -- could you explain what that is for the record?
MR WOODS: No We'll take it up It's not our purpose to argue these things out here
MR MANLY: I don't want to argue --
MR WOODS: I stated the objection I will also state, not only is it not relevant to this case, but it is also collateral -- it would be totally collateral and lead us into a 352 issue
MR MANLY: 352 issue may be an issue at trial It is not an issue in discovery so I'm simply trying to find out Mr -- or Monsignor Loomis has testified extensively in a prior deposition that I have a copy of about the accusations against him
There was a trial held here, as I understand it, a canonical trial, and there was an outcome, which is in Rome one way or the other I want to know -- there was a finding of fact, I think

or maybe there wasn't, but I'm certainly entitled to ask that question
And you have made an objection on the basis of something called the pontifical secret and I would like the court to know and I'd like to know, what is that?
MR WOODS: That's not my objection I told you it is considered a pontifical under pontifical secret within the church But my legal objection is It's irrelevant to this case Okay And it leads to collateral all kinds of collateral issues and --
MR MANLY: Sorry
MR WOODS: Whatever relevance you argue for is so minor compared to the prejudice
MR MANLY: Don that's not an issue you decide at discovery That's a trial issue Okay You are asking me to take your word for it and you wouldn't take mine and I'm not going to take yours
So the point is I'm asking you what a pontifical secret is Do I go get Dan Brown and look there? What is this?
MR WOODS: We'll take it up before the court
MR MANLY: You have made an objection on

the grounds of a pontifical secret
MR WOODS: No, I didn't
MR MANLY: You said it's covered by the pontifical secret What is the pontifical secret? Could you just tell me what your understanding of it is?
MR WOODS: Why don't you consult your expert?
MR MANLY: He didn't make the objection. you did
MR WOODS: I'm not going to engage in a discussion with you
MR MANLY: I'm just trying to get the record clear
MR STEIER: Record should reflect the term First Amendment Later we can debate it, but the record should be noted
MR MANLY: It's covered by the pontifical secret the First Amendment relevancy and what else?
MR STEIER: Well 352
MR MANLY: 352 All right Now the record is clear Mark the transcript
BY MR MANLY:
Q Who was your canonical advocate?

MR MANLY: So they have taken an oath of secrecy you have represented, but I can't see the oath, right?
MR WOODS: Right
MR MANLY: Okay
BY MR MANLY:
Q Did you sign such an oath?
MR WOODS: Okay All the same objections I'm going to instruct him not to answer
MR MANLY: On what basis?
MR WOODS: All the same objections, all the same bases I've already enunciated
BY MR MANLY:
Q Did you testify at this hearing?
MR WOODS: Same objections Instruct him not to answer
BY MR MANLY:
Q Did anybody else testify?
MR WOODS: Same objections Instruct him not to answer
BY MR MANLY:
Q Was the Cardinal present?
MR WOODS: Same objections Instruct him not to answer

A Charles [redacted]
Q And who was the advocate for the church or what's in civil parlance, you call the prosecutor?
A Monsigno[redacted]
Q Who were the judges?
A I have been told that I am not supposed to reveal that under the canonical process
Q Told by whom?
MR WOODS: Again within the church. It's something that is maintained confidential and all the people involved in the process have taken an oath to keep it confidential and unless it's absolutely relevant –
MR MANLY: Can I get a copy of that oath?
MR WOODS: – to a civil proceeding and we have an order from the court, we're not going to go into it I am going to instruct him not to answer and all the other questions you want to form. I'll give you a standing objection
Anything relating to the canonical process brought against Monsignor Loomis, we're going to instruct him not to answer on
MR MANLY: Can I get a copy of this oath you mentioned?
MR WOODS: No

BY MR MANLY:
Q Where did the trial take place?
MR WOODS: Same objections Instruct him not to answer
MR MANLY: Okay
BY MR MANLY:
Q Did anybody else testify?
MR WOODS: Same objections, same instruction
MR MANLY: Don, there are a whole bunch of questions I would like to ask Can I just have a – can we all agree that we can raise issues to the court and I have free rein to revisit it after the court's ruling, if the court rules in my favor
MR WOODS: Whatever the court rules, we'll abide by it
MR MANLY: Thank you for that That's not what I asked you
MR STEIER: In my experience it is an area I have some experience It is probably best under the law to ask the questions you're going to want answers to
MR MANLY: I really don't want to waste our time, but I'll do it I agree with you, but I'm trying not to waste the Monsignor's time

MR STEIER: I agree with that too
MR MANLY: Now I am going to be in a position where I have to sit here and ask a bunch of questions I know I'm not going to get answers to, but I'll do it
MR WOODS: You don't have to do it for my sake That's his objection, not mine
MR STEIER: I wasn't actually objecting I am just saying I know that's the state of the law, whether or not we can agree to just give you the opportunity to --
MR MANLY: You can stipulate because I have done it before You can all stipulate we can tee this issue up before the court if the court rules in my favor, I get the full opportunity to go back and ask the questions I would have asked but -- I'm asking you to stipulate to that and I take it Mr Woods isn't going to agree to that
MR STEIER: No. I didn't hear him say that
MR WOODS: I said we'll do whatever the court instructs us to do when we have the motion and if you want to ask him a whole series of questions, I'll just be quiet
You ask the questions We know he's

not going to answer We know I have the same objection Just rattle off 100 questions if you like. but from the people I represent I am willing to stipulate that anything relating to the canonical process brought against Monsignor Loomis is reserved for a ruling by the court
MR MANLY: Okay Will you stipulate to that. Paul?
MR GASPARI: It is not my issue
MR MANLY: Don?
MR STEIER: It's not my issue It's fine
MR MANLY: I'm not going to ask the questions I would ask because we're going to tee this issue up with the court
BY MR MANLY:
Q Have you been restored -- what is your current status at the Archdiocese, Monsignor?
A I'm on leave
Q And how long have you been on leave?
A Approximately a little over five years. that's best I can say
Q Okay And are you being paid?
A Yes
Q Do you still retain the title of pastor at

your former parish?
A No
Q Do you have contact with anybody at the Archdiocese on a regular basis --
A I have a --
Q -- except for Mr. Woods?
A I have a contact person strictly on a pastoral basis, Monsignor [redacted].
Q Okay. And in terms of admin, if you need you know, to be reimbursed or something like that, who do you --
A The Vicar for Clergy office
Q Who is that today?
A Monsignor Michael Meyers
Q Do you know Michael Baker?
A I know who he is, yes
Q Did you -- when is the last time you saw Mr. Baker?
A In my office in the earlier part of 2000
Q What office did you hold in the Archdiocese, if any, in early 2000?
A Vicar for Clergy
Q Can you tell me for the record how long you held that office?
A Five years

Q So from when to when?
A From what would be January 1st of '96 to the end of 2000 Is that five years?
Q Well, it could be.
A It is
Q Looks like four, but I can -- depending on when you started, it could be five so -- and when did you first meet Father Baker?
A In the fall of 1972, when I entered St John's Seminary
Q And in what capacity -- was he at St. John's?
A He was a student there, a deacon
Q Was he further along in the process than you were?
A Yes I was a first year student
Q So he had already been ordained at the diaconate?
A Yes
Q Were you friendly with him there?
A No
Q What kind of a guy was he in those days? Can you give me some sense?
A I really didn't even have enough contact with him to say one way or the other He was --

there were approximately 100 students there
I was a first year student He was a
fourth year student They were gone for part of the
week so I honestly didn't have much contact with
him at all
Q Now, after he left the seminary while you were at the seminary, did you have any contact with him?
A No
Q When's the first time you remember seeing him approximately after you became ordained?
A The first time that I specifically
remember seeing him again was at the beginning of my
term as Vicar for Clergy
Q So you had no social contact or formal contact in an ecclesiastical sense between the time you left St John's and the time you became Vicar For clergy?
A Other than we might have attended the same
meetings, but I have no specific recollection of
anything no
Q Okay Do you remember who his friends were in the seminary?
A No
Q Do you know who his friends were in

Q Had you served in any position within the Archdiocese, in other words, the command and control structure, if you will, of the organization prior to Vicar for Clergy?
A In that office?
Q Yes.
A No
Q Prior to becoming the Vicar for Clergy, what were your duties within the Archdiocese?
A I was a pastor at St Anthony's Parish in
Oxnard During that time I was also asked to be
the dean for the southern -- pardon me -- the
northern half of Ventura County
And as dean I was asked to be on the
Personnel Board in order to represent the needs of
the Santa Barbara Pastoral Region
Q What years was that?
A It was the four years prior to going into
the Vicar for Clergy office That's the best that I
can tell you
Q Was your immediate predecessor in that job Pat Ziemann?
A No He was a previous Bishop of the Santa
Barbara Pastoral Region
Q Who preceded you in that job?

priesthood?
A I know that he and Monsignor Dyer were
friends
Q Were they classmates?
A Yes
Q And how do you know that?
A Monsignor Dyer told me
Q After you were Vicar for Clergy?
A When I was coming into the office, I
worked with him for six months previous
Q In a transition --
A In a transition period
Q Who selected you to be Vicar for Clergy?
A There was a process whereby the priests
could nominate people and the list was gradually
brought down by a series of nominating ballots
When it was down to three names, the
Cardinal made the final choice
Q Do you know who the other names were?
A I don't remember
Q Okay So, ultimately, it was the Cardinal's decision?
A That's correct
Q We're talking about Cardinal Mahony?
A That's correct

A Monsignor [redacted] (phonetic)
Q So the deanery system, as I understand, is something Cardinal Mahony put in and essentially he subdivided administrative control into certain regions within the Archdiocese; is that correct?
A No
Q How would you describe that?
A A dean does not have any administrative
authority It's more of a coordinating within the
deanery if there are joint endeavors, joint issues
for example, penance services before Easter so
there are enough priests in each perish to hear the
confessions
Mostly, it's a matter of getting the
pastors and priests together so that they can plan
out who's going to help doing different things that
need to be shared between the perishes
Q Okay And the Cardinal selected you as the dean of that region?
A Yes
Q And how long did you serve as the dean, do you remember?
A A couple of years
Q So say '94 to '96?
A Roughly

Q Okay.
A I don't remember exactly
Q And when did you first serve on the Personnel Board?
A During that same time
Q Did you remain on the Personnel Board after you became Vicar for Clergy?
A The Vicar for Clergy is not technically a member of the board, but attends the meetings
Q So you attended Personnel Board meetings on a regular basis from '96 until when?
A Until I left as Vicar for Clergy, the end of my term
Q Was there ever a time you went back to --
A No
Q -- attend those meetings?
A No Sorry I talked over you
Q That's okay. I probably did the same to you. No problem.
Now, in 2000, when you left the Vicar for Clergy office, what did you do then?
A I was asked by Monsignor [redacted] to stay on as the secretariat director for -- I've forgotten the name of the -- the secretariat pastoral services, something like that

Q Okay. Let me ask you about Personnel Board meetings. Were you ever at a Personnel Board meeting where Father Baker was discussed?
A I don't remember
Q Okay. There were minutes taken of those meetings? Yes?
A Not minutes as such The board would discuss and make recommendations concerning assignments
Q What was the Archdiocese's policy in or around 1996, when you first joined the board regarding the placement of priests who had offended children sexually in the ministry?
MR WOODS: I am going to object that assumes facts not in evidence, when you say he joined the board And I'm not quite sure what you mean by that, but I think he didn't indicate he was a member of the board He attended meetings Other than that, I'll let him answer it
MR MANLY: Go ahead
THE WITNESS: I don't remember the specific policy I don't think there was one that I remember ever reading that talked specifically about people involved with minors being in or out of the ministry

Q So you stayed at least -- was that a full time position?
A That was a full time position
Q So you stayed in the archdiocese offices?
A Yes
Q And did you hold that position until you left?
A As secretariat director, but the duties changed because of budget cuts, there was a need to close that secretariat, give it -- the departments that it oversaw to other secretariat directors and, basically, I oversaw the physical running of the building at the Archdiocese and Catholic Center
Q Where was that located?
A 3424 Wilshire Boulevard in Los Angeles
Q Has that been sold?
A I believe so I don't know
Q All right. You don't know, you don't know.
And I think you mentioned this, but what month and year did you part where you were placed on leave?
A I believe it was February And I believe it was 2003 It's approximately five years, a little more than five years

BY MR MANLY:
Q When is the first time you can recall ever learning that there was a policy in place regarding the placement of priests who had sexually molested minors in the ministry?
MR WOODS: Hold on I am going to object that it assumes facts not in evidence that there was a policy and it doesn't state the policy very clearly, but I'll let him answer
THE WITNESS: The only policy that I'm aware of was a policy that was put out approximately 1987 or so that dealt with sexual misconduct by clergy and outlined a process for addressing them
BY MR MANLY:
Q Okay. When did you first learn that Michael Baker had molested a child?
A During the transition period, when I was coming into the Vicar for Clergy office
Q So sometime in 1996? I'm sorry -- yeah, 1996.
A It would have been '95, I think, because I think it was July 1st that I went into the office and then I took over as vicar. January 1st of the following year
Q And who told you that that had happened?

A I was told by three people actually in different -- I don't know if you would call them briefings or not, but I asked to talk to different people Monsignor Dyer, Bishop Thomas Curry and Cardinal Mahony

Q Okay. And how did it come about -- let's just talk about Monsignor Dyer for a moment.

Let me ask you a question. When you learned this, were you surprised?

MR WOODS: I'm sorry Could I hear that again?

MR MANLY: Sure

BY MR MANLY:

Q The first person that told you is Monsignor Dyer; is that correct?

A I don't remember what order it was in

Q Do you remember when you heard that being surprised?

A Yes, I was

Q Why were you surprised?

A It wasn't something that I was expecting to hear

Q Okay. And do you remember who told you first?

A I just told you that I don't remember the

order

Q I'm sorry. You did. I apologize.

What did Monsignor Dyer tell you?

A He told me that because Michael Baker had self-disclosed, that his case had been handled somewhat differently than other cases

Q Okay. Well, how many cases were there?

A I don't know at that point

Q Did they give you a briefing on alleged perpetrators within the Archdiocese?

A Not a briefing on -- as such going down these were all of the different people I did take a period of time where I reviewed some of the files

Q Both the confidential file and the personnel file?

A That's correct

Q How did the Baker name come up with Monsignor Dyer?

A I don't remember the specific situation It was during one of our conversations during the six months

Q And how old was the child that he had abused, do you know? Did they tell you?

A I don't remember

Q Did they tell you when it occurred?

A I don't remember

Q I mean, did you ever wonder why if he did that, he wasn't in jail?

MR WOODS: I'm going to object, calls for speculation I'll let you answer

MR MANLY: You can answer

THE WITNESS: I don't think I can answer that I don't know

BY MR MANLY:

Q I'm asking you --

A I didn't specifically reflect on that

Q Okay. I'm asking you though, did the thought ever occur to you, if this -- you knew molesting a child was a crime, right?

A Yes

Q Okay. And you're in charge of the priests and somebody tells you that a priest molested a child, did the thought ever cross your mind then or at any time, why isn't this guy in prison? Why didn't he do prison time?

A I was not in charge at that time And as you come into an office, I guess you consider that what has gone on before has been done correctly and is in order

Q Okay. It is fair to say if you suggested

to the Cardinal that we call the police, that would not have been well received; is that fair?

A I can't answer that because I can't say what the Cardinal would say

Q Okay. Did you ever ask the Cardinal or Bishop Curry or Father Dyer -- is it Monsignor Dyer or Father Dyer?

A Monsignor Dyer

Q -- Monsignor Dyer why the police weren't called?

A No

Q Never?

A No Not in that time frame, no

Q Did you ever ask them?

A There was toward the end of my time as Vicar for Clergy, there was -- I made a suggestion that the police should be called

Q Did they do that?

A No

Q Who did you suggest that to?

A To the Cardinal

Q Did he tell you why he wouldn't do it?

A I was told that Michael Baker had submitted a handwritten letter asking for laicization that the Cardinal was to forward to Rome

and that any action like that would wait until after the laicization arrived

Q That really didn't sit too well with you, did it, that answer?

A No

Q You thought it was wrong?

MR MANLY: Don't interrupt, Don

BY MR MANLY:

Q Did you think --

MR WOODS: I just want to hear the last question back, please

(Record read)

MR MANLY: And he said no

BY MR MANLY:

Q Monsignor, you wanted the Cardinal to call the police, right, at that time?

A Yes

Q And he refused to do it?

A I wouldn't say he refused He simply said that it was going to wait until the laicization came back

Q Okay. Do you remember when that was?

A It was toward the end of my term as Vicar for Clergy, after the lawsuit involving Arizona came I can't give you a specific time, month,

whatever

Q Okay. The lawsuit involving Arizona was the one initiated by Miss Cadigan in Tuscon?

A I don't remember names

Q There were two boys in Tuscon?

A It was approximately, I would say March, April someplace around there

Q Okay. And you wanted -- you suggested calling the police involving those two children, correct?

A It was after that while Michael Baker was on leave and out of ministry, we discovered that he had performed three baptisms which he did not have permission to do

And at that point I said, you know there is no cooperation here We ought to take further action

Q Who else was present, if anyone, when you suggested that to the Cardinal?

A The suggestion was made by memo

Q And did he respond?

A Yes

Q By memo?

A He wrote on the memo and initially his response was to proceed but then through the

General Counsel's office. I was told that he had received that letter from Michael Baker and that we were going to wait

Q Sister Judy told you that?

A Yes

Q Have you been asked -- I don't want to know what you testified to -- but have you been asked to testify in front of a grand jury?

A No

Q At any time?

A There was a grand jury on a totally different matter up in Ventura County

Q Okay. When you sent the memo -- never mind.

When you sent the memo to the Cardinal, he was addressed -- he was an addressee on it. Who else was?

A I don't believe anybody else was but I am not absolutely sure

Q And did you send it electronically or by hand?

A By hand

Q And when Sister Judy told you his suggestion was rejected, did she do that by phone, mail, e-mail?

A Face-to-face

Q She walked into your office and told you?

A I went to her office and she told me

Q Did she call you into her office?

A No I went to inform her what I was going to do and she told me that she had received instructions that reverse that

Q Okay. So you told her you were going to call the police?

A That I had asked the Cardinal and he had said, "Proceed " And then I was instructed to wait

Q Okay.

MR STEIER: The record should reflect a moment ago, John, you used the term children in reference to the report that you're saying should have been made

And, of course, we all know there were no children involved in -- at that point in time we're talking that everybody was an adult and there is no legal requirement to make reports

There may be moral issues, but not legal issues When you ask the question, if you are going to ask it clarify these are not the mandated reports

MR MANLY: Don you ask whatever you

want I'm sure you believe that nonsense I don't
MR STEIER: I'm talking about what the law says
MR MANLY: You want to interrupt my deposition do it on your own time
MR STEIER: I want to clarify --
MR MANLY: You can clarify it I think the record is really clear And for the record I think that suggestion is nonsensical and doesn't reflect the law but I still like you
MR STEIER: That's okay
MR MANLY: All right Let me take a short break Five minutes
THE VIDEOGRAPHER: Videotape deposition is off record at 10:46 a.m
(Off the record)
THE VIDEOGRAPHER: Videotape deposition is back on record at 10:56 a m
BY MR MANLY:
Q Did anybody during this time period discuss the fact that the Cardinal was a mandated reporter or suggest that the Cardinal might be a mandated reporter?
MR WOODS: I'm going to --
MR MANLY: Let me rephrase it Don I

How old were they when they made their objection --
MR MANLY: It's a good point
BY MR MANLY:
Q When you -- when the Archdiocese learned of the Tuscon boys making the accusation against Father Baker, do you recall how old those boys were at the time that the Archdiocese learned of the accusation?
A I was told they were adults
Q Okay. Did you ever hear that Father Dyer -- Monsignor Dyer and Father Baker would take road trips to Tuscon?
A No
Q Did Father Dyer -- excuse me -- Monsignor Dyer have some contact or connection in Tuscon that caused him to go there on a regular basis?
A I've already said that I don't -- I didn't know that they were doing those
Q Have you ever heard that from any place, that they were traveling in the car, he and Baker were traveling in a car together in Tuscon --
A No
Q -- from Los Angeles?
A No
Q Did Dyer and Baker socialize?

think it was unfair the first time
MR WOODS: Excluding lawyers, if you would
BY MR MANLY:
Q Excluding lawyers, was the issue of Cardinal Mahony being a mandated reporter as a cleric, as a member of the clergy ever come up with regard to Baker?
A Not specifically regarding Cardinal Mahony, but in terms of the California law, the clergy for mandated reporters, that was something that was known by all of us
Q Were you concerned about that when you wrote your memo?
A I was not because the training that we received from the California Catholic Conference, which included somebody from the Department of Justice, said that adults talking about past abuse made their own decision if they wished to go to the police
Q And how old were the boys that accused the Cardinal -- excuse me -- strike that
How old were the boys that accused Father Baker?
MR STEIER: I'm going to object, vague

A I don't know I don't know
Q Did you ever --
A Well I have to modify that they lived in the same house but I don't know whether they socialized or not
Q Okay. They lived in the same house at St. Columbkille?
A Yes
Q Did you ever wonder after you learned kind of what Michael Baker was all about after you had been in the job Vicar for Clergy for a while, why Dyer was his friend or friendly with him?
MR WOODS: I'm going to object, calls for speculation I'm going to instruct him not to speculate on something like that Instruct him not to answer
MR MANLY: I asked him if he ever wondered why he was his friend If he did fine if he didn't, fine It is not something you can instruct him not to answer
MR WOODS: It is not relevant
MR MANLY: Mark the transcript
BY MR MANLY:
Q Besides you, Monsignor, and the Cardinal and Sister Judy, who else knew that the Cardinal had

decided not to report Baker to the police concurrent with your memo's recommendation?
MR WOODS: I'm going to object to the form of the question in that he hasn't testified that they weren't -- they didn't report it to the police, just that they delayed reporting it to the police
MR MANLY: You can answer
THE WITNESS: I am not aware of anyone else
BY MR MANLY:
Q And who was -- where was Baker living when you wrote this memo?
A He had already been removed from ministry I'm not sure exactly where he was living, but he told us he had a place in Long Beach
Q Okay. And where did he perform the three baptisms you learned about?
A I don't remember
Q Do you remember how it came to your attention or the Archdiocese's attention that he had done some baptisms?
A The pastor at St Camillus, which is the chaplaincy for the General Hospital, saw the baptisms entered into the baptismal register and

called me immediately
Q And why did he -- how did he know that Baker wasn't supposed to do baptisms?
A He knew that he was already out of ministry because he had moved out of the house But also he was aware that anytime he became aware that Baker was with minors, that he was to let me know immediately
Q Okay. Was Baker living at St. Camillus immediately prior to being removed from ministry at that time?
A Yes
Q And where is St. Camillus located?
A It's right next to General Hospital in Los Angeles
Q Is that USC General --
A USC General Hospital
Q What was the name of the pastor at St. Camillus?
A Father[redacted]
Q And father --
A Might be[redacted] I'm not sure
Q And Father[redacted]t was the Cardinal's secretary at that time?
A No He was the pastor at the perish

there
Q Has Father[redacted] to your knowledge, ever served as the Cardinal's secretary?
A I don't believe he has ever served as the Cardinal's secretary I'm fairly sure he never did
Q Who made the decision to assign Baker to St Camillus?
A Ultimately, the decision was made by the Cardinal but it was after a consultation with the Sexual Abuse Advisory Board that took place
Q Okay. Did it ever come to your attention that Baker was living with or -- let me ask a different question
Did it ever come to your attention while you were the Vicar for Clergy or anytime thereafter that Baker had a boy living in the rectory with him?
A No
Q Did it ever come to your attention that Michael Baker was associating with a youth who was from Napal?
A No
Q Have you ever heard that from anyplace?
A No
Q If Monsignor Dyer -- now, do you

remember -- let me ask a precatory question
Do you remember how long Baker was at St. Columbkille, roughly?
A No
Q While Baker was at St. Columbkille, was Dyer there the entire time?
A I don't know
Q Does that sound right or you are just not sure?
A I don't know
Q If Baker was living at St Columbkille concurrent with Father -- Monsignor Dyer and Baker had a boy from Napal living with him, was Father Dyer supposed -- Monsignor Dyer supposed to report that?
A I'm sure he would report it
Q Okay. And why is that?
A Because I know Monsignor Dyer I think he would report it
Q Okay. Now, when you were Vicar for Clergy, did you periodically go to confirmation ceremonies with the Cardinal?
A No
Q Did the Cardinal have a photographer who traveled with him?

A Not that I'm aware of no
Q What did you understand between the time -- during the time you were Vicar for Clergy and the time you left the Archdiocese from '96 to 2003, what were --
A As Vicar for Clergy. I finished in 2000
Q While you were in leadership at the Archdiocese -- what I'm trying to do is encompass the time from '95 to '96 from the time you got there to the time you left ministry -- during that time, what did you understand the restrictions on Michael Baker were with regard to contact with minors?
A Up to the time I left ministry or up to the time I left the ACC?
Q Let me ask it a different way. I understand the problem
From the time you got to the Vicar for Clergy until the time Baker was suspended from ministry, what were the restrictions on him with regard to him being around minor children?
A He was not to be around minors
Q So when he said mass, were there alter servers allowed to be there?
A In that sense out in public but not to be alone with minors

Q In any way, shape or form?
A That was my understanding yes
Q Okay. And how was that -- were you ever told, did you ever come to an understanding as to how that was to be enforced?
A I can only say during the time that I was Vicar for Clergy and that is that when he went to St Camillus, the pastor, Monsignor [redacted] who was also living there other people knew that he was not to be around minors, even to the point that Father [redacted] -- I told Father [redacted] that Father Baker was not even to take a sick call to the hospital that was involving a minor
Q And so was somebody assigned to watch him 24/7 or, you know, 12 hours a day or something like that?
A Not 24/7, but he was living in an almosphere where people knew that he was not to be with minors
Q Okay. And Father Baker was told that?
A Oh, yes
Q Now, was there a memo transmitted to the priests at the perish about this or was it done orally?
A I told them verbally

Q Okay Did you ever receive any reports that Baker had been around minors when you were Vicar for Clergy?
A Right at the beginning of my term was actually Monsignor Dyer that came to me and told me that he had come home and had found a young man on the landing of the stairs -- that might not be exactly right -- but someplace between upstairs and downstairs and that he had confronted Father Baker about that because it was contrary to his agreement for being in ministry
Q Okay. And was the Cardinal made aware of that?
A Yes
Q And I take it that he -- what was done in response to that?
A In response to that I asked Monsignor Dyer and Monsignor [redacted] if they would see if they could meet with the young man and speak with him about it and to report back
Q And did that happen?
A That happened yes
Q And is the Archdiocese in possession of that young man's name?
A I'm sure it's in the file I don't

remember what the name is
Q Do you remember how old the boy was?
A I don't remember
Q And so when you heard this, I take it you were very concerned?
A I was
Q And were you concerned because you know he had molested a child before?
A I was concerned because of past history
Q And you were concerned because it was very clear to Father Baker that he was not to be around kids, right?
A Yes
Q Yet he had a kid in the rectory sitting on the landing of the stairs? Yes?
A Yes, if it was the landing I don't --
Q Fair enough I'm not trying to put words in your mouth So it was inside the rectory. He was in the landing between the downstairs and the upstairs where the bedrooms are, correct?
A Something along those lines yes I can't say exactly because I don't recall
Q Fair enough That's your recollection to the best of your knowledge? Yes?
A Yes Sorry

Q That's okay. And so was there -- did Dyer suspect that the boy had been upstairs and run down?
A I --
MR WOODS: Calls for speculation unless he said it to you
THE WITNESS: I don't remember him saying one way or the other
BY MR MANLY:
Q Did that ever enter your mind, that he had been upstairs and ran downstairs as a concern?
A Not specifically It was simply minors were not supposed to be in the living space in any rectory
Q Period?
A Period
Q In your mind, was this a big deal?
A It was of concern yes
Q Okay. And did you discuss it with the Cardinal?
A I reported it to the Cardinal and once we had heard back from the meeting with the young man that it was apparently what we now call a boundary issue rather than an abuse issue, at that point it was taken to the Sexual Abuse Advisory Board for their input.

Q And who was on the board at the time?
A I'm not sure that I can name everybody
Q Just do the best you can.
A There was Judge [redacted], Dr [redacted], a husband and wife whose kids had been molested by one of our priests I can't think of their name
There were -- there was a pastor I don't remember who that was And then Monsignor [redacted] sat in on the meetings because often times things that -- where priests became involved in different kinds of boundary issues, adults included, often times there was a substance abuse issue and that was his bailiwick
Q And this is [redacted]?
A Yes
Q Was there anybody from law enforcement on the committee?
A No The only person involved with law would be Judge [redacted]
Q Did the committee know that Baker had previously molested a child?
A We had Dr. [redacted], because she was the consulting psychologist at the time. review the file And she made recommendations for the

possible assignment At that point it was simply possible at the hospital
Q Okay But my question is a little different
Did the committee, aside from Miss [redacted] know that Baker had previously molested a child?
A The material that was put to the board was put to the board anonymously in the sense that names were not used That was part of the Sexual Abuse Advisory Board process, so they were given the history of the case but without names
Q All right Can you say with certainty, as you sit here today, that even though they didn't use the name, that the people that were -- Judge [redacted], for example, was made aware that there was a priest who had been molesting a child previously and Father Dyer walked in and found a young boy in the rectory and yet they allowed him to stay in ministry Is that what you are telling me?
A The best that I can say is they were given the history of the case I can't remember the specific detail
Q You would think it important -- you didn't prepare that file, did you? Did you prepare the

file for the board?
A I would have done part of the reporting Dr [redacted] would have done part also. because she was preparing the actual protocol My word not official word by which he would go into the assignment if the Cardinal eventually approved it
Q Okay. When you heard that Baker had had a kid in the rectory, you were concerned that he might have abused the child, fair?
A I was concerned that there had definitely been a breach of diocesan policy What came back to us at that time was that it was more of a boundary issue
Q I got it.
A Not abuse
Q But before you learned that, you effectively launched an investigation because you were concerned that little boy might have been abused by Father Baker given his history?
A With any priests. we would go and try and find out by talking to them
Q But Dyer came to you and told you this because he violated his aftercare agreement?
A That's correct
Q And Dyer was concerned he might have

offended?
A That's correct
Q Okay. And Miss [redacted]
A [redacted]
Q – [redacted] she was made aware of the incident with the –
A She was allowed to review the entire file
Q She was made aware of the breach of the aftercare agreement where the boy was found in the rectory, correct?
A Yes
Q She was aware of the concerns the Archdiocese had?
A Yes
Q Okay. Now, who is Miss [redacted]?
A Dr [redacted] is a psychologist
Q I'm sorry. Dr [redacted]
A Psychologist
Q Does she still work for the Archdiocese, if you know?
A She was not an employee. We didn't have a psychologist at that point working in the office, so she was kind of a contract person who as a member of the board would help. I believe she was compensated for that. I'm not sure

about the memo you are thinking of and the memo he is thinking of.
I just mention that and will you mark this part. I would like that question read back the prior question on break.
; MR. MANLY: You want to read it back now?
MR. WOODS: Not the current question, the one he answered before when you asked about a memo.
(Record read.)
MR. WOODS: Okay. It's confused. Okay. I'll just say that.
BY MR. MANLY:
Q Just for the record, at the conclusion of the – was it the clergy oversight board?
A No. It was called at that point the Sexual Abuse Advisory Board.
Q Did you attend the meeting of the Sexual Abuse Advisory Board for Father Baker?
A Yes
Q At the conclusion of that meeting – during the meeting you took down notes; is that right?
A Yes
Q And at the conclusion of the meeting, you drafted a memo for the Cardinal regarding what

Q And she was aware of Father Baker's identity?
A Since she would have reviewed the file, yes.
Q. That's what I thought, but I just wanted to make sure for the record.
Now, did she make a report to Child Protective Services?
A I have no idea.
Q. Did anybody ever discuss at the board – did you go to the meeting of the board?
A Yes
Q Were there minutes taken of the meeting?
A There were not minutes taken. I would jot down what their input was. I would turn that into – I would include that in whatever memo I would send to the Cardinal about a final determination, but there were not minutes, no.
Q Did you do a memo on the Baker meeting?
A There would have to be because the Cardinal had to approve his assignment.
Q Okay. In your work with assisting the legal team after the 2002 law was passed, the window, did you ever see that memo?
MR. WOODS: I think there is confusion

people said – reflected actually – strike that.
At the end of the meeting or shortly thereafter, you drafted a memo that reflected your notes and reflected the outcome of the meeting to the Cardinal?
A No. The Sexual Abuse Advisory Board didn't make decisions or recommendations like that. We simply took the advice that the individual people chose to give and that became part of what I would put together as a recommendation to the Cardinal, not in terms of ascribing specific comments to specific people or anything of that type.
It was a board that was intended to assist the Vicar in making a recommendation to the Cardinal.
Q Did anybody on that board recommend that somebody should call the police?
A No
Q Did anybody on the board recommend that further investigation be done?
A No
Q What was the gist of what the board wanted to do?
A The gist of the board was that it would seem to them that a very restricted assignment like

St Camillus, where Father would be with people who were aware of what – what his problem was and that he could not be with minors and indeed that he was being put into an assignment where he was virtually surrounded by mandated reporters with a protocol that would involve more intense therapy. would involve follow-up. because of the increased supervision. that that would be an acceptable assignment because the issue that brought it before the board was one of a boundary violation of his agreement rather than an abuse

Q How many times in total to your recollection did Baker come before that board?

A It would have been twice

Q Okay Was the first time the time we just talked about?

A Yes

Q When was the second time?

A Second time was when I informed him that he had been removed from ministry because of the Tuscon incident

Q Okay. Was that about the same time you told the Cardinal that it was your recommendation to contact law enforcement?

A It was later – sometime later –

Archdiocese would send priests to for therapy?

A He was involved with some of the priests. yes

Q Do you know whether he ever treated Father Baker?

A I don't remember

Q Was Father Baker ever sent for an evaluation while you were Vicar for Clergy?

A I don't remember if we had a full evaluation I don't remember

Q Did you ever see his treatment records or his evaluation from the Servants of the Paraclete?

A I don't recall specifically reading it, no

Q When you got a report from a – when the Archdiocese received an evaluation from St. Luke's or the Servants of the Paraclete or one of these other facilities that evaluates priests accused of sexual misconduct, where did that report typically go as a matter of custom and practice?

A It would come into the Vicar for Clergy office

Q Where was it filed?

A With the confidential file

Q What did you call that?

Q Okay.

A – but I can't tell you exactly how long

Q Did you tell the board that you had recommended to the Cardinal to call the police and the Cardinal had turned that down?

A I don't remember

Q Would it be your custom and practice to share that type of information with them?

A I don't believe at that point, since he was already out of ministry that that would have come before the board

Q Did Baker have a therapist at the time of the first boundary violation you talked about?

A The first one that I was involved with. he did have a therapist I do not know – I don't remember the name

Q Okay.

A Best I can tell you it was like a middle eastern name. far eastern name, but I don't remember who

Q Do you know the name [redacted]

A I have spoken to him on the phone, not about this particular case

Q Was Mr. [redacted] somebody that the

A C file

Q Did you ever hear around the office in the context of alleged priests' sexual misconduct the term, "The big 8?" I'll repeat it, Don.

Did you ever hear, Monsignor, when you were Vicar for Clergy or thereafter, the term "The big 8" being used to discuss certain priests accused of sexual misconduct in the Archdiocese?

A No

Q You have never seen that term or heard that term before?

A No

Q When you told the Cardinal or talked to the Cardinal about Baker with the boy inside the rectory, what did he say?

A It was – it was a report by memo It was not a conversation.

Q Did he ever talk to you about it?

A No

Q Did he ever respond to it by e-mail or by memo?

A I don't remember

Q Did you hear from anybody that he was concerned about it?

A I don't remember specifically seeing or

hearing that
Q Okay
A I'm not saying it didn't happen I'm just saying I don't remember
Q As you sit here today, you know of no document and you recall no conversation where the Cardinal expressed concern that Michael Baker in or around -- when was this? '98, '97?
MR WOODS: '95
MR MANLY: '96 Thank you Mr Woods
BY MR MANLY:
Q In or around 1996, when this, as you term it, boundary violation occurred with the boy in the rectory, you never recall receiving any e-mail or memo from Cardinal Mahony or hearing that Cardinal Mahony was concerned about it from any source; is that correct?
A I'm saying I don't remember
Q Now, when you use the term "boundary violation," can you tell me what you mean by that?
A It is a term that involves something -- we use the term to say something that was a violation of diocesan policy in terms of minors but not something that was abuse
So that for example if a priest

puts a kid in a car and drove somewhere, that would be a boundary violation because they were not supposed to do that kind of thing
Q Was Baker -- did Baker have personal money? Did he have money? Let me ask it a different way.
Was Michael Baker independently wealthy?
MR STEIER: I'm going to enter an objection for the record It would have to call for speculation, but if he knows the answer of course, he should be able to answer it
MR WOODS: I don't know what relevance it has I can't see what relevance it has
MR MANLY: It deals with the amount of money he spent on his victims
MR WOODS: So? I'll tell you what why don't we take a break and let me talk to the witness about it and see if this is going anywhere
MR MANLY: Can I just get an answer to my question? Why do we have to take a break?
MR WOODS: Because I'm objecting to the question
MR MANLY: On what grounds?
MR WOODS: And I'm now contemplating

whether I should instruct him not to answer In the meantime I'll just instruct him not to answer and then we can come back to it later
MR MANLY: Mr Woods, I don't get to ask a question, you make an objection and then you go out and talk to the witness outside and have him come back and answer It doesn't work that way
If you want to instruct him not to answer, fine We'll just bring a motion to compel If you want to talk to him about it later, that's fine too I'm not going to let you go out in the hallway --
MR WOODS: I instruct him to not answer, because --
MR MANLY: On what grounds?
MR WOODS: -- I don't see any relevance to it
MR MANLY: Okay Would you mark the transcript
BY MR MANLY:
Q Was there any other boundary violations after 1996?
A No, not until we came to the Tuscon lawsuit
Q Okay. Were Baker and the Cardinal

friends?
A I have no idea
Q How many priests do you know that called the Cardinal Roger?
A Virtually everybody in the diocese
Q Okay. Did Baker have any kind of special relationship with the Cardinal that you are aware?
A I'm not aware of any special relationship
Q What I mean by that is friendly, closer than a regular priest.
A I am not aware of any special relationship
Q Did Baker ever live with the Cardinal?
A Not that I'm aware of
Q Did he ever live at the same residence the Cardinal lived at?
A Not that I'm aware of
MR WOODS: I still would like to take a break
MR MANLY: You want to do that now?
MR WOODS: Yes
THE VIDEOGRAPH: Videotape deposition is off record at 11:28 a m
(Off the record)
THE VIDEOGRAPHER: Videotape deposition is

back on record at 11:43 a m
BY MR MANLY:
Q Monsignor, the Dyer report was in '95 or '96. Do you remember?
MR WOODS: What do you mean the Dyer report?
MR MANLY: About Baker
MR WOODS: About the boy in the stairs?
MR MANLY: Right
THE WITNESS: The best that I could tell you is that it was toward the beginning of my time as Vicar for Clergy right at the beginning actually
BY MR MANLY:
Q I'm look at the Archdiocese proffer that was submitted in the People of God Report and there are two entries.
MR WOODS: Which proffer by the way is a mediation document not to be used in any litigation
MR MANLY: Well you publicized --
MR WOODS: It is for settlement purposes and mediation purposes only We have an Appellate Court Ruling on that thanks to Mr Steier
MR MANLY: But you publicized it

MR WOODS: One that's published is okay, but not the proffer per se I don't know which version you have
MR MANLY: Well --
MR WOODS: Just ask him the question You don't need to refer to it
BY MR MANLY:
Q Were there two -- were there two instances where --
MR MANLY: We can solve this problem completely Why don't you just give me the documents?
MR STEIER: Because there were objections
BY MR MANLY:
Q I'll looking at the addendum to the People of God report. Just wait a minute.
And there is an entry in the Baker file on 6-12-95. It says, "Note re: Restrictions by contact (non-sexual with minors) observed by pastor.)"
MR WOODS: I'm sorry Could you read it again?
MR MANLY: Sure 6-12-95 It says, "Note "

MR WOODS: Note?
BY MR MANLY:
Q N-O-T-E, Re: A breach of restrictions by contact (non-sexual) with minors observed by pastor
Then immediately below that there is an entry 7-22-96, which is over a year later, it says, "Report to Vicar of Clergy re: A breach of restrictions by contact (non-sexual with a minor.)"
So between June of '95 and August 1st of '96, this seems to indicate that Baker had two boundary violations with minors. Does that comport with your recollection?
A Yes
Q Were both those taken to the sexual -- was it sexual abuse oversight committee?
A Sexual Abuse Advisory Board we called it SAAB for short
Q S-A-A-B?
A Uh-huh
Q So were those taken to SAAB?
A Only the second one
Q Why wasn't the first one?
A I don't know
Q What was the first one?
A The first one -- and I recall this only by

looking at the file -- was he was observed digging a ditch with minors out -- I don't know exactly where, but around the perish and it was outside in full view et cetera
Q Was the -- was SAAB made aware of the first violation?
A As part of the review of the -- of his situation after the second one. yes
Q Was there a three strikes policy at the Archdiocese with regard to boundary violations, three strikes and you're out?
A No
Q Okay. When he did it the first time, were you the Vicar for Clergy?
A No
Q Did somebody discuss with him that he was not supposed to do that the first time?
A I don't know
Q Did you ever meet with him to discuss what Monsignor Dyer observed in the rectory?
A Yes Monsignor [redacted] and I met with him and that was when we told him that his situation was going to be reviewed by the Sexual Abuse Advisory Board and that we would let him know if he was going to be able to continue in an active ministry

Q What did he say?
A I don't recall specifically He did assure us that there had not been any kind of abuse, but I don't remember specific words
Q Did you ask him if he had abused?
A We presented the situation that -- as it had been recounted to us by Monsignor Dyer and later by the young man to Monsignor Dyer and to Monsignor [redacted]
Q And where did that meeting take place?
MR WOODS: Which meeting?
MR MANLY: The meeting with Baker
MR WOODS: The meeting with Baker?
MR MANLY: Yes
THE WITNESS: It would have been in the Vicar for Clergy office
BY MR MANLY:
Q Who was present besides you and Monsignor [redacted] and Baker?
A No one else as far as I know as I recall
Q Did you call Baker and tell him to come to the office?
A I don't remember specifically I would say -- I communicated to him in some way that he needed to come in yes

Q Did you do a memo about the meeting with Baker?
A I don't remember
Q Did you talk to the Cardinal about the meeting?
A Talk to him? Most things were done by memo
Q So would it have been your custom and practice to do a memo to the Cardinal about such a meeting?
A Yes
Q And what were your impressions of Baker at the meeting?
A Again, it's by vague recollection that he assured us that there had not been any kind of abuse and that he would be as cooperative as he could be
Q Did anybody speak to the child's family?
A Monsignor Dyer and Monsignor [redacted] had the parent's permission to meet with the young man beforehand
Q And did they tell the parents what they were looking into?
A I don't know specifically what they told the parents I know that Monsignor [redacted] told me that he had explained to them that there was a

policy in the diocese about priests not having young people in the rectory
Q Okay. And you would expect though if the Archdiocese knew they had a molester and he was found alone at a rectory with a boy, that somebody would tell that child's parents the situation, fair?
A I don't know what they were told specifically. so I can't answer that
Q I mean, if you were -- if you handling that as the Vicar for Clergy --
MR MANLY: Do you mind not putting your hand up please You have done that before It has even been recorded on film It is really inappropriate And I'm speaking to Mr Woods. not the witness
BY MR MANLY:
Q If you were handling that, was it the custom and practice as you knew the Archdiocese -- let me ask it a different way.
Was it the custom and practice at the Archdiocese during the time you were Vicar for Clergy to -- when there was a suspicion that a child had been molested, you would talk to the parents to level with the parents?
A To tell the parents what we knew at that

time. yes
Q So it would be your expectation that the parents would have been told that Baker had molested previously and there was a suspicion that Baker had molested their son?
MR WOODS: I am going to object that it calls for speculation as to whether there was a custom and practice or whether there were enough incidences of that to create a custom and practice
MR MANLY: Go ahead
THE WITNESS: I don't know what the parents were told I don't know how Monsignor Dyer handled cases when he was Vicar for Clergy specifically. other than the outline from the policy
BY MR MANLY:
Q Okay. I appreciate that. My question is a little bit different. Was it your understanding and your expectation as an official of the Archdiocese that when there was a suspicion that a little boy or a little girl had been molested and officials from the Archdiocese were investigating that, and they were going to ask to speak to a child, that they would tell the parent if they knew the person involved had previously molested a child?

MR WOODS: I'm going to object that it calls for speculation because it assumes there are cases where that was an actual set of facts and that there were enough such cases to create a custom and practice

MR MANLY: You can answer

THE WITNESS: The only thing that I can tell you is what I did and that is that I would outline to parents what our concerns were and why I don't know what happened previously

BY MR MANLY:

Q So it was -- it would be your expectation -- how did you come to the understanding that that's what you were supposed to do?

A Well, in order to speak with a minor, we would always speak with the parents first and I would tell them about the diocesan policy and what our concerns were about the specific instance and that we would like to be able to have the opportunity to speak with the young person

Q Did the Archdiocese subsequently learn that Father Baker had, in fact, molested that boy?

A I have no idea

Q You don't know whether that, in fact, occurred?

A I don't know

Q Was the goal of the Archdiocese in talking to the -- well, let me ask you this, was there ever a discussion about a perish announcement about Father Baker asking if any other boys had been in the rectory, did anybody ask around to see if this has happened to any other kids, for example, the alter boys or any other kids --

MR WOODS: I'm going to object That is like two or three different questions, that's rambling Could you lighten it up and ask a clean question?

MR MANLY: Sure

BY MR MANLY:

Q Did anybody discuss whether there should be a --

MR WOODS: Did anyone?

BY MR MANLY:

Q At the Archdiocese, involved in the Baker boundary violation, discuss the possibility that if he had done this with one boy, that he might have done it with more?

MR WOODS: This is in -- relating to the 1996 incident?

MR MANLY: Yes

THE WITNESS: No We simply addressed the issue that we knew about

BY MR MANLY:

Q Did it ever occur to you, Monsignor, that if he had done this with one boy, there might be others?

A No, it didn't

Q Okay. Did it ever enter your mind that if -- this is the second boundary violation within a year, that there might be a bigger problem than first realized?

A Which was one of the reasons that I wanted to take it to the Sexual Abuse Advisory Board and ask the Cardinal to do that

And he said yes go ahead, to get the input of the other people and to have him go into a more restricted situation

Q Did the Archdiocese ever use polygraphs?

A Not that I'm aware of

Q Did anybody ever consider placing a private investigator and tailing Father Baker Sub Rosa?

MR WOODS: I'm going to object, calls for speculation as to what other people whoever they may be were considering Calls for state of mind of

somebody else Calls for speculation

If you want to ask him, was there a discussion, let him answer that, as long as it doesn't involve attorneys

MR MANLY: You may answer

THE WITNESS: No

BY MR MANLY:

Q Was Father Baker to some extent on the honor system with regard to contact with kids?

A On the honor system in the sense that you can't ever follow somebody around 24 hours a day, but in terms of trying -- during the time I was Vicar for Clergy to put him in a situation where he would be under the scrutiny of mandated reporters virtually all day as he carried out his duties

Q Okay. Did you consider -- did you have any training with regard to patterns and practices of people who offend kids before you got to the Vicar for Clergy office?

MR WOODS: You started out you said did you consider then you said did you have any training, so it is a little confused

MR MANLY: Sure

BY MR MANLY:

Q Did you ever receive training before or

during your time as Vicar for Clergy on the patterns of practices of people who offend children sexually?
A I traveled back to St Luke's and met with several psychologists there, was a couple of days visit where they shared with me their insights
I was also asked to read several books I don't think I could give you specific titles at this point
Q Did you meet with Father Rossetti?
A I don't know if I met with him at that time or if it was later on
Q What did they tell you, if anything, about pedophiles' or ephebophiles' rationalization or honesty with regard to their crimes?
MR WOODS: I'll object to the form of the question as compound, confusing "They" is indefinite and it asks for two or three different things Maybe you can break it down
MR MANLY: You can answer
MR WOODS: Instruct him not to answer that one
BY MR MANLY:
Q Okay. Do you --
MR MANLY: Would you mark the transcript?

BY MR MANLY:
Q Did you ever have a discussion with anybody at St Luke's regarding whether you can trust pedophiles?
A Not that I remember no
Q Did you get the impression that you could trust somebody or not trust somebody who --
MR MANLY: Can I just finish my question please?
MR WOODS: Okay
BY MR MANLY:
Q Did you get the impression from your discussions with the St. Luke personnel that it was a good idea to trust pedophiles or not trust pedophiles or neither?
MR WOODS: Object to the form of the question as rambling, incomplete and confusing Instruct the witness not to answer
MR MANLY: Mark it
BY MR MANLY:
Q Did you have a discussion or form an impression after your meeting at St Luke's that it was a good idea to take a pedophile at his word?
MR WOODS: Object to the form of the question in that it's compound and confusing and

instruct the witness not to answer
BY MR MANLY:
Q Did you form any opinion on whether as a matter of custom and practice it was wise to trust the voracity of someone who had offended a minor based on your conversations at St Luke's?
A Not specifically about whether it was wise to do so or not, no
Q Okay. Well, was there something about Father Baker that led you and the Cardinal and others to trust him?
MR WOODS: What was the last part to discuss him?
MR STEIER: Trust him
MR WOODS: To trust him?
MR STEIER: Yes
MR WOODS: Okay Object to the form of the question and it calls for state of mind of other people other than the witness himself It's compound
And I'll instruct him not to answer I think you can streamline it make it clearer and he will answer
BY MR MANLY:
Q Did you trust Father Baker?

MR MANLY: Would you mark that first please
BY MR MANLY:
Q Did you trust Father Baker?
A No
Q Did you ever trust Father Baker?
A From the time that I became Vicar for Clergy, no
Q Why?
A I didn't -- it was more of a gut feeling than anything specific I just didn't trust him
Q Did you share that with the Cardinal?
A I don't remember if I specifically ever said something to the Cardinal to that effect
Q Well, did anybody, Monsignor, ever go to the Cardinal besides you and say, "We need to call the police. We need to stop this guy"?
A I don't know if anyone else ever did
Q Okay. I mean, while you were Vicar for Clergy, prior to Baker's suspension or Baker's removal from ministry, had you removed -- had the Archdiocese removed other people from ministry for offending kids?
A Yes
Q And prior to '96, when Baker had the

second boundary violation, had the Archdiocese removed priests for offending kids from the ministry?

A Well you'd be talking about a time when I was not in the office, so I don't know I can't answer

Q Was Baker the first case you had to handle as Vicar for Clergy?

A Yes

Q While you were Vicar for Clergy, how many different assignments did Father Baker have, if you recall?

A One

Q So he had St. –

A St Camillus de Lellis, the chaplaincy

Q Now, in terms of the chaplaincy, was that a regular perish where people went to mass and attended the sacrament?

A No It was constituted as a perish. but the boundaries of the perish were the boundaries of the hospital It was basically a chaplaincy for the hospital, but it was constituted as a perish for canonical reasons of some type I am not a canonist I don't know why

Q Did Father Baker have duties at the

hospital?

A Yes

Q Okay. Did the hospital have a pediatric wing?

A I don't know

Q Did he go and do rounds at the hospital and visit patients and things like that?

A He went to the hospital however, I will remind you that I told you that Father [redacted] and others there knew that he was not even to take a sick call involving a minor

Q But was USC Medical Center made aware that Father Baker was not to be around kids?

A I don't know if Father [redacted] did that or not I did not.

Q Was the Archdiocese anxious – was the Archdiocese in your mind, based on your involvement with the Cardinal and others there concerned, that the Baker allegations – let me ask it a different way.

Was one of the concerns that the Archdiocese had with regard to Father Baker that this become a matter of scandal?

MR WOODS: Object to the form of the question in that the Archdiocese is a fictional

entity and the witness cannot speculate as to what members of the Archdiocese might have thought or what their state of mind was He can only testify as to what he knows or what somebody told him

BY MR MANLY:

Q Did you form the impression while you were Vicar for Clergy that there was a concern by the Cardinal and other senior members of the Archdiocese that the Baker matter become a matter of scandal?

A I don't understand the question

Q Sure Well, did you ever get the feeling or the impression that the Cardinal and others did not want the Baker matter, meaning the allegations of child molestation, to be made public?

A Ever?

Q Yeah.

A That they did not want it made public? I'm trying to understand what you're asking me I'm not trying to be difficult

Q I'm trying to ask you, you know, if you got the impression that the Cardinal did not want the fact that Michael Baker had molested kids and then remained in ministry to be a matter of public knowledge?

MR WOODS: Do you have a certain time

period involved?

MR MANLY: While he was Vicar for Clergy

THE WITNESS: While I was Vicar for Clergy. no. I did not

BY MR MANLY:

Q How about afterwards?

A I really wasn't involved with this case afterwards Once I ended my time as Vicar for Clergy, I was really not involved in it

Q Do you remember when KFI made the e-mails public regarding –

A Yes

Q Okay. Do you remember some of those e-mails containing references to Father Baker?

MR STEIER: Let me interject here my thoughts on those stolen property Inasmuch as Federal Law prevents those particular documents that you have just referenced. John. from being used in any manner, in any form of hearing or litigation, then they are not relevant in any way and cannot be referenced in any way and could not be used in any way

And I would believe that it would be inappropriate for this witness to be commenting on that subject matter, therefore, although I am not in

a position to instruct him, I would think very carefully before I start responding to questions dealing with stolen property

MR WOODS: Also --

MR STEIER: And the section that I want to reference and I brought it with me, is 18 USCA2515 of the United States Code

MR MANLY: How do you know it's stolen?

MR STEIER: They are stolen

MR MANLY: How do you know?

MR STEIER: Because the F B I -- John --

MR MANLY: Who's been charged?

MR STEIER: John, one need not be charged to have a crime committed

MR MANLY: If they were disclosed by a recipient they are not stolen

MR STEIER: John if in fact, those documents don't fall under the definition of the code section I cited then I will stand corrected

MR MANLY: Let's find out

MR STEIER: From my understanding --

MR MANLY: I don't know that that's right but let's find out

BY MR MANLY:

Q Monsignor?

MR WOODS: Also -- hold on

MR MANLY: Sure

MR WOODS: I would also object that most of the these e-mails are attorney-client communications so they are privileged and the fact that they are stolen --

MR MANLY: Stolen by who?

MR WOODS: They are stolen -- they were confiscated by some unknown employee of the Archdiocese

MR MANLY: Well, wait a minute How do you know that?

MR STEIER: How do we know what, John?

MR MANLY: If they are disclosed by a recipient, they are not stolen

MR STEIER: Well, number one --

MR MANLY: The question is do you know who disclosed them?

MR STEIER: They were stolen I know they were taken

MR MANLY: Do you know who disclosed them?

MR STEIER: John, it assumes a fact they were disclosed

MR MANLY: Don, I'm asking you a

question Do you or do you not know who disclosed them? Since you seem to be very informed about this, enlighten me

MR STEIER: I would say I'm quite informed about it When you say disclosed, KFI disclosed them publically

MR MANLY: But they were given to KFI by someone

MR STEIER: By whom?

MR MANLY: By whom that's what I'm asking

MR STEIER: Yes, I happen to know

MR MANLY: Okay Who is it?

MR STEIER: An employee who stole them

MR MANLY: Who?

MR STEIER: The name?

MR MANLY: Yeah

MR STEIER: I am not aware of the name I do know there was an FBI investigation I do know that they are aware of, although unable to charge the individual but there is no evidence, John, none whatsoever that they were voluntarily disclosed by anybody with the authority to do so that's what I'm saying

MR MANLY: Yeah but you have given me no

evidence of that other than your representations

MR STEIER: That's good enough

MR MANLY: No it's not

BY MR MANLY:

Q Monsignor, do you remember your last deposition where you testified about this?

A Yes

Q Do you remember you said you pretty much knew who did it?

A Yes

Q Okay. Who did it?

A I have been instructed by the F B I and by attorney counsel for the diocese that we are not to disclose the name because there is not sufficient evidence to bring the person to trial

Q This is a deposition proceeding. And I'm entitled to all evidence that might be calculated to lead to discovery of admissible evidence. This certainly falls under that.

MR WOODS: Tell you what we'll do --

MR MANLY: Let me finish

MR WOODS: Sorry I didn't mean to interrupt you

MR MANLY: So what I would like to know is the name of the person

MR WOODS: Okay He's been asked by the F B I not to disclose the name
MR MANLY: Who at the F B I ?
MR WOODS: He has lead -- hold on It's my turn Okay
MR MANLY: I didn't know you had such good relations with Federal law enforcement
MR WOODS: We actually have F B I -- retired F B I agents who work for the Archdiocese and investigate these cases And we report routinely to the local law enforcement
MR MANLY: So do they have a cozy relationship with the current F B I ? Is that what you're saying? What are you saying?
MR WOODS: I can't even understand what you are saying
MR MANLY: Right back at you
MR WOODS: Well you are interrupting me
MR MANLY: Sorry
MR WOODS: Okay The witness has said that he's been instructed not to disclose the name by both the F B I and by legal counsel
I'll tell you what we'll do We'll investigate this I'll investigate this And if it's appropriate to give you the name we'll give

you the name
BY MR MANLY:
Q Do you know the name of the person at the F B.I that told you not to tell us?
A I can only give -- the lead investigator that was working with us was named [redacted] (phonetic)
Q Spell the last name.
A I don't know how it's spelled
Q Did Mr. [redacted] tell you not to give the name?
A I don't remember if it was him personally but there was a U S Attorney there and there was a couple of F B I agents and we were asked not to give the name
Q You were asked not to give the name in a legal process or just to the press?
A We were asked not to give the name period
Q Do you have anything in writing from any Federal Agency, law enforcement agency or otherwise, that instructs the Archdiocese that they are not to disclose the name of the person you believe has the e-mails or disclosed the e-mails?
A I don't remember if it was in writing or

not
Q Who was present at this meeting?
A Sister Judy was there, there were a couple of other people I don't remember who
Q Did you actually see the e-mails on the KFI website when they came out?
A No
Q Okay. Did you get copies of what had been disclosed?
A Not that I recall
Q Did anybody from the Archdiocese ask you how this happened?
A Did they ask me how it happened?
Q Yeah.
A Not that I recall
Q Do you know how the e-mails came to be in the possession of a news agency?
MR WOODS: John when you put your hand like that on your mouth, it's really hard for me
MR MANLY: Sure
MR WOODS: I have a little disability
MR MANLY: Sure I'm sorry
BY MR MANLY:
Q Do you know how the e-mails came to be in the possession of a news agency?

A I don't know how the actual transfer happened no
Q Do you know what department the person worked in, who the F B I. told you they thought disclosed them?
A Information services
Q And was this person a man or a woman?
A A man
Q And I know -- don't say it yet because, Mr. Woods -- I want to give Mr Woods an opportunity to respond. What's the name of the man?
MR WOODS: As I said we'll --
MR MANLY: I just want to have a clear record
MR WOODS: Right I have instructed him not to answer that We'll investigate it for you
BY MR MANLY:
Q Does that man still work at the Archdiocese?
A No
Q Was he fired?
A Yes
Q Who fired him?
A I did
Q And why was he terminated?

A He had been a disruptive part of the department causing conflict within the department on a long term basis

Q Okay. And did the Archdiocese enter into a financial settlement with him?

A I have no idea

Q Did the Archdiocese ask him to sign a confidentiality agreement?

A I have no idea

Q Was there any type of employee termination agreement signed with him?

A I don't know

Q Okay.

A He would have gone through the usual HR process, but I don't know beyond that

Q What is the usual HR process?

A I did not work in the HR office I couldn't tell you

Q Did you ever ask him if he stole the e-mails?

A I never spoke to him once he left the building

Q Why were you chosen to fire this man?

A I was the secretariat director who supervised the department within which he worked, so

I was not his direct supervisor I supervised the department and I suppose technically, I should say that it was the department head that actually requested for him to leave though I was the one who said that it ought to happen

Q Who was the department head?

A [redacted]

Q Will you spell the last name for me?

A I believe but I might be wrong, [redacted].

Q Did you discuss with the Cardinal whether you should terminate this gentleman?

A No

Q Was the Cardinal aware of -- made aware of who it was believed disclosed the e-mails?

A I don't know

Q Did you ever discuss the e-mail disclosure with the Cardinal?

A Not with him personally, no

Q Who did you discuss it with?

A Sister Judy, Monsignor [redacted], the Vicar General

Q Who was?

A Monsignor [redacted]

Q Now, who called the F.B.I.?

A I'm not sure I believe it was Sister Judy

Q Did the F.B.I. interview this gentleman who was fired?

A I don't know

Q What was his job at the Archdiocese? What did he do?

A He worked in the information services department In terms of describing his specific job, I would not be able to do that

Q Did his job have to do with keeping the server returning and the e-mail system running?

A He would be involved with computers throughout the diocese

Q Was he the senior tech person for the Archdiocese?

A I don't know

Q Did you ever meet him prior to this evolution with the e-mails happening?

A In terms of his working around the building

Q And who told you, if anyone, from the F.B.I. that they suspected he was the one who did it?

A I don't remember specifically

Q Did anybody from Federal law enforcement tell you that?

A Not by name

Q Well, if --

A But by physical description

Q If they told you not to disclose the name, did they not have the name or -- I mean, I m confused

You said they told you not to disclose the name Didn't you discuss the name with them?

A I discussed the name with them and they told me that they did not want it disclosed

Q Did they tell you why?

MR WOODS: I think he's already answered that

MR MANLY: I don't think he did

BY MR MANLY:

Q Did he tell you why?

A They were going to continue to pursue the investigation and did not want the name disclosed

Q Did the Archdiocese use any of its former F.B.I. agents to interface with these people at the F.B.I.?

A At the time that I worked at the diocese, we did not have former F B I agents working for us
Q Did you ever -- did you ever recall hearing the name Frank Keating, former governor of Oklahoma
A All right Yes
Q Did it ever come to your attention that he had been appointed by the National Conference of Catholic Bishops to serve on an oversight board regarding clergy sexual abuse?
A Yes
Q Do you remember a time, Monsignor, while you were still at the Archdiocese, where there was a media report that Frank Keating compared Cardinal Mahony's handling of sexual abuse in the Archdiocese to "La Costa Nostra?"
MR WOODS: I will object; that is your interpretation of a comment or an article We don't have the article in front of us The article will speak for itself Calls for speculation as to what the witness recalls or may not have even read I'll let him answer
THE WITNESS: I never saw such an article
BY MR MANLY:
Q Did you ever hear that?

A I remember that there was a news broadcast, but I don't remember the specifics of it
Q Did you ever meet with representatives from something called Sitrick & Company, an organization called Sitrick & Company?
MR WOODS: I'll object that it's irrelevant Instruct the witness not to answer
MR: MANLY: On what grounds?
MR WOODS: It's irrelevant to the subject matter
BY MR MANLY:
Q Did the Archdiocese hire Sitrick & Company, a public relations firm, to assist it in responding publically to allegations of clergy abuse?
MR WOODS: Object; irrelevant to the subject matter Instruct the witness not to answer
BY MR MANLY:
Q Was the Baker case and Father Baker specifically, that issue discussed with Sitrick & Company?
MR WOODS: Object Not only is it irrelevant to the subject matter, but it is also within the attorney-client communications and work product privilege Instruct the witness not to

answer
MR MANLY: Okay Don, I mean, it's a matter of public record that the Archdiocese hired Sitrick & Company to assist it If they did, I am entitled to know it and all of these questions are totally appropriate
MR WOODS: It is public record that they hired Hennigan, Bennett & Dorman too but that doesn't mean that our conversations are something that is discoverable
MR MANLY: I agree but Sitrick & Company is not a law firm, it is a public relations firm
MR WOODS: You made a lot of assumptions in your questions that aren't accurate Okay So I have instructed him not to answer
MR MANLY: Then correct the record
MR WOODS: Mark it and take it up with the judge
MR MANLY: I don't want to take every question up with the judge I'm just trying to get the record
Are you representing for the record that Hennigan & Bennett retained Sitrick & Company?
MR WOODS: I believe we did
MR MANLY: So can you give me evidence

that that occurred?
MR WOODS: Well you make your Motion We'll file --
MR MANLY: I don't want to make a motion
MR WOODS: -- our declarations and present it to the judge
MR MANLY: I don't want to make a motion
MR WOODS: I'm objecting When I make that objection, I'm representing that to you
MR MANLY: That's fine But we have to meet and confer I'm asking you, do you have a contract with Sitrick & company that you can show me?
MR STEIER: Do you have it on you?
MR MANLY: Don, knock it off
MR WOODS: I am not meeting and conferring now Today we're taking a deposition
MR MANLY: But I have that opportunity and I'm asking you are you aware as you sit here today of a contract between your firm and Sitrick & Company
MR WOODS: You raise that as an issue Send me a letter like in a normal meet and confer process and we'll meet and confer with you, but this is not the appropriate time or place for meet and

confer
MR MANLY: No Under the code and if you look at the Rutter Group Books it's perfectly appropriate to do it in a deposition What I trying to do, because I am the one who has to initiate it, is narrow the parameters
You are representing --
MR WOODS: You --
MR MANLY: Excuse me You are representing that you hired Sitrick & company All I'm asking is you do it in writing or do I have to take your word for it?
MR WOODS: When we meet and confer we'll provide you with whatever is appropriate
BY MR MANLY:
Q Who interfaced at the Archdiocese with Sitrick & Company?
A I don't know
Q Who was involved in the decision at the Archdiocese to hire Sitrick & Company?
A I don't know
Q Did that occur after you left?
A I don't recall
Q Have you ever met anybody from Sitrick & Company?

A I don't recall
Q Did anybody at the Archdiocese, while you were still working there, tell you that a company called Sitrick & Company had been retained?
A I don't recall
Q Do you recall discussing the Baker matter -- the Baker case with the Cardinal face-to-face after the year 2000?
MR WOODS: After what?
MR MANLY: During or after the year 2000
THE WITNESS: I don't recall meeting with him face-to-face, no
BY MR MANLY:
Q Do you recall meeting with the Cardinal to discuss response to the sexual abuse crisis generally?
A Not -- not just the two of us
Q When you were the Vicar for Clergy, how many individual priests were you aware of that had been accused of sexual abuse that were still in ministry?
MR WOODS: I'm going to object to the form of the question as irrelevant to the subject matter of this litigation and instruct the witness not to answer

MR MANLY: On what grounds?
MR WOODS: The one I just stated
MR MANLY: Okay
BY MR MANLY:
Q Was there a custom and practice in the Archdiocese while you were Vicar for Clergy that allowed persons, priests who were molesters to serve in ministry?
MR WOODS: What time period?
MR MANLY: While he was Vicar for Clergy
THE WITNESS: While I was Vicar for Clergy -- I need to think about how I say this not to be evasive but to be correct
While I was Vicar for Clergy there was no person that we became aware was involved in an allegation of molestation that was not removed from ministry at least until an investigation -- not an investigation -- an inquiry into the matter had been completed
BY MR MANLY:
Q Okay. Were there persons who served in ministry while you were Vicar for Clergy who had previously been credibly accused of molesting a child?
A Yes

Q So as far as you know, it was not against Cardinal Mahony's policy while you were Vicar for clergy to allow credibly accused priests who had previously molested to serve in ministry; is that correct?
A Previous to my time as Vicar?
Q Right
A Yes, previous to my time as Vicar
Q Just to be clear, there were a number of priests who were known -- who were known to have previously molested a child that were allowed to minister in the Archdiocese while you were Vicar?
A I can't say a number I don't know how many or specifically
Q Well, do you know how many there were? 5? 10? 15?
A It would have been a small number but I can't tell you exactly how many
Q Did it ever occur to you that wasn't a good idea, Monsignor?
MR WOODS: I'm going to object calls for speculation, calls for an opinion Instruct the witness not to answer
BY MR MANLY:
Q Did it ever occur to you as the Vicar for

clergy, based on what you learned about child molestation or recidivism, that it was not a good idea to allow priests who had previously molested children to continue to serve as priests?
MR WOODS: Object to the question There's no time period indicated in the question It's confusing and calls for an opinion calls for speculation calls for state of mind Instruct the witness not to answer
BY MR MANLY:
Q Did it ever come to your -- did it ever come into your thought process while were you the Vicar for Clergy that it was a very bad idea in terms of child protection to allow priests who had previously been credibly accused of molesting kids to continue to serve as priests in the Archdiocese?
MR WOODS: Same objections It's also really a hypothetical and doesn't include the facts relevant to the cases that are the specific cases involved and I'll instruct him not to answer
MR MANLY: Could you mark all of those? Okay We've got two minutes left on the tape I think it would be a good time to take a lunch break
THE VIDEOGRAPHER: Videotape deposition is off record at 12:28 p m This concludes tape number

1 in today's deposition
(Lunch break)
THE VIDEOGRAPHER: Videotape deposition is back on record at 1:40 p m This begins tape number 2 in today's deposition
BY MR MANLY:
Q Monsignor, you realize you are still under oath, right?
A Yes
Q Okay. I want to talk to you a little bit about the 2000 allegation against Mr. Baker that came out of Tuscon involving the two boys.
Do you remember that?
A Yes
Q Okay. How did that first come to your attention?
A Michael Baker asked to have an appointment with me. said it was urgent Came in to see me with another priest and handed me a copy of the lawsuit
I read like. the first page and a half to two pages and had read enough to tell him that I was going to presume Cardinal Mahony's permission and put him out of ministry as of that moment and that we would be back in touch with him in terms of a written arrangement for his time out

of ministry
Q Did you ask him if he did it?
A He had told me that he was not going to make any statement He was simply going to give me the paper and leave
Q Who was the other priest?
A Father [redacted]
Q Is Father [redacted] still in the Archdiocese?
A As far as I know, yes
Q And why did Father [redacted] go with him?
A I imagine he wanted to have a priest friend come in with him Anyone who wants the see the Vicar for Clergy is entitled to bring a priest friend with him should he wish to do so
Q Okay. Well, I mean -- now you said it was a complaint. Was it a letter or was --
A No, it was -- it was the lawsuit I do not believe it had been filed yet. but I don't know
Q It was a draft complaint, something like that?
A Something like that
Q And did you ask him if he knew the boys?
A He refused to make any statement other than give me the papers And after that and after I had told him he was out of ministry as of that

moment and that he had to move out of St Camillus. he left
Q Okay. And was there a protocol when a report like that came in to you as to what you were supposed to do in or around that time period?
A Because it was in the form of a lawsuit, I took it right down to Sister Judy's office and gave it to her
Q Tell me who Sister Judy is.
A She is -- was the General Counsel for the Archdiocese, the in-house Counsel
Q Was she a religious sister?
A Yes
Q Where was she?
A Carondelet
Q Sister of St. Joseph Carondelet?
A Yes.
Q Is it Carondelet or Carondelet? I've heard it both.
A Carondelet
Q I'll go with that. Do you know where she is now?
A No
Q Where was the mother house for that order at that time? Was it Orange?

A No, that's a different group of sisters, the St Joseph I'm not sure exactly where the provilcialate is

Q Okay. At some point, did you talk to Cardinal Mahony about this?

A I told him that the lawsuit or draft lawsuit had come in and that I had presumed his permission to take Father Baker out of ministry and have him leave the perish

Father Baker assured me he had a place to go, so I didn't have to try to arrange housing

Q Was there a meeting with Father Baker where this was discussed where the Cardinal and Mr McNicholas were present?

A I don't recall that meeting

Q Okay. Have you ever seen a media report where Father Baker says he was at a meeting with the Cardinal, John McNicholas and others and Mr McNicholas made the suggestion that the police be called immediately and the Cardinal said, "No No No"

A No I did not see a report to that effect

Q Were you at such a meeting?

A No I would remember that

Q What to your recollection did the lawsuit or the letter accompanying the lawsuit, whatever you got from Baker, accuse him of?

A It says that over -- I only read like the first page and a half And when I saw what it was I thought it was more important to deal with him

But as much as I read alleged that there had been a long time sexual relationship between himself and either one or both of the men I don't remember if it was one or both

Q Of the men or --

A Well they were adults at that time

Q I see. So were these Hispanic men, do you recall?

A I don't recall the names

Q Okay.

A I don't know

Q Did the lawsuit or the document allege that he had been taking them to Mexico and sexually abusing them here and in Mexico? Does that ring a bell?

A I don't remember the details I got just as far as the opening part, where it said that there was a long term abuse involved

Q Did Father Baker tell you that he had

actually spoken to Miss Cadigan, who is the lawyer in Arizona who represented the two men?

A He made no comment to me, other than to say that he was giving me this document that he received

Q Did you learn later that he, in fact, had spoken to Miss Cadigan?

MR WOODS: What was the name you used?

MR MANLY: Cadigan Miss Cadigan

MR STEIER: What he means by that, have you learned later about that from anybody other than one of your attorneys?

MR MANLY: You know, Mr Steier, do you represent the witness?

MR STEIER: Oh, no

MR MANLY: Okay So, you know, why are you giving the witness instructions?

MR STEIER: I'm merely telling everybody in the room what you meant to say

MR MANLY: You know, it's strange because I didn't whisper what I meant to say to you, you must be telepathic and --

MR STEIER: Did I correctly state your question?

MR MANLY: No I don't need you, Don, to

help the witness interpret my questions If there is an objection, state it Don't coach the witness especially since he's not even your client That's double hearsay coaching

MR STEIER: I don't want him, because the question was inarticulate, to convey something he learned through an attorney John

You wouldn't want that type of answer because it would have to be stricken

MR MANLY: Don, just do your job

MR STEIER: Thank you

MR MANLY: Okay

THE WITNESS: I remember reading in the L.A Times later on that someone named Cadigan was the attorney for the two men in Tuscon

BY MR MANLY:

Q Did you ever read or hear that Father Baker had made a settlement offer to Miss Cadigan of 1,500,000 for the cases?

MR WOODS: Object to the extent it calls for settlement discussions I will also object to the extent that your only source of information is from the attorney-client communications

MR MANLY: No My source of information is from Miss Cadigan

MR WOODS: You can go ahead
MR MANLY: Well, you're interfering with
--
THE VIDEOGRAPHER: We're okay now
MR MANLY: All right
BY MR MANLY:
Q Was Father Baker authorized to -- let me represent to you that Miss Cadigan will testify, if called, that Father Baker said that he had spoken to Roger -- actually, I don't want to say that.
Let me represent to you that Father Baker offered or talked about the figure of 1,500,000 to resolve the allegations against him. And, Monsignor, I am not clear if that's happened before or after he spoke to you.
A I am not aware of such an offer
Q Okay. You were not aware that Father Baker was in power to make such an offer, correct?
A I would say that he was not in a position to make an offer for the Archdiocese
Q Okay.
A If that's what you're implying
Q I'm not implying anything. I'm just telling you what she says he did. And I'll take -- I'm not contesting what you're saying at all.

A He was in no position to commit the diocese to any kind of financial expenditure
Q Okay. Do you know what the case eventually settled for?
A No. I don't
Q If I represent to you the case settled for $1.5 million, does that refresh your recollection?
A I do not know what the case settled for
Q Or 1.2 million?
A I do not know what the case settled for it was very customary that once things became part of the legal department, I was not informed My role was to deal with the individual priests in terms of whatever had to be set up
Q When you realized that -- at some point, did you personally come to the conclusion that Father Baker had, in fact, molested those boys?
A The only thing that I had was what I saw in those opening pages of the lawsuit
Q Okay
A I saw no later information
Q Okay. Were you concerned at all given these allegations that were raised in the Cadigan claim that Baker had in fact -- may have, in fact, molested the two boys when they were just -- to use

your term -- boundary violations?
A Yes
Q Did anybody go back and revisit that at that time?
MR WOODS: Revisit what?
MR MANLY: The other two boys who Baker -- the other boys Baker had had boundary violations with
THE WITNESS: I went back to the file and tried to look up the two families There was unfortunately no contact information I got in touch with Monsignor Dyer because he was in the parish where supposedly these people -- at least one of them had lived at the time And there was no way to track them either through phone or parish restrictions or anything of that type
BY MR MANLY:
Q There was no name in the file?
A There was a name and that was it
Q What about Monsignor Dyer, did Monsignor Dyer have a way to track them?
A I asked him to try Sorry, I talked over you
Q It's okay.
A I asked him to try and he called me back

after about 24 hours and told me he had not been able to find the families again
Q Did the Archdiocese hire a private investigator to try and find them?
A Not to my knowledge
Q Okay. And what files did you look at?
A I looked in the C file
Q Okay. And where was the C file kept at that time?
A In the Vicar for Clergy office in a locked office, in a locked cabinet
Q Describe what the file looked like, color, et cetera.
A It was in a manila folder
Q What color?
A Manila folder, same usual color
Q Was this matter of the Cadigan accusations brought to the SAAB board?
A Yes
Q And at that point, did you attend that meeting?
A Yes
Q During the meeting, did anybody, including Judge [redacted], suggest calling the police?
A To the best of my recollection, I simply

informed them that it had come in; that he had been removed from ministry and they weren't asked for comment or advice It was more to inform them because they had been involved in the previous boundary issue

Q Judge [redacted] didn't suggest picking up the phone and calling the police?

A No

Q How about -- what was the name of the psychologist?

A [redacted]

Q She didn't suggest reporting?

A No

Q Nobody thought or nobody suggested to you anyway that someone should call the police?

A No Once again, the two people were adults at the time and my training was that adults had their own choice whether or not they wish to call the police

MR WOODS: And they had a lawyer

BY MR MANLY:

Q You were concerned there were other Baker victims? Yes, at that point?

A I thought there could be, yes

Q So did anybody -- at any time, did

anybody, including Cardinal Mahony, when this came in say, "We should call the police, we should, you know" --

MR WOODS: Excluding any attorney-client communications

THE WITNESS: Not to my knowledge other than after we heard about the baptisms. we tried to track those families as well

It turned out that the contact information was not correct We couldn't find them because they were minors and so we wanted to try to track that

BY MR MANLY:

Q Did anybody discuss the fact that the police might be in a better position to find them than the Archdiocese?

A I did not hear that

Q Monsignor, is it possible that one of the things -- let me ask you this, is it true that what -- the reason -- is the reason nobody called the police because the Cardinal and others at the highest level of the Archdiocese did not want the Baker allegation to become public?

MR WOODS: Objection; calls for speculation. state of mind of others Instruct the

witness not to answer

BY MR MANLY:

Q Was there any concern that you saw or detected by the Cardinal that he did not want -- let me ask it a different way.

Do you have any insight -- let me ask you this, do you think it was a mistake not to call the police?

MR WOODS: Objection; calls for an opinion The witness is here as a percipient witness not as an expert at the moment

BY MR MANLY:

Q I'm asking you as a person --

MR WOODS: Calls for a legal conclusion

MR MANLY: Could you let me finish please Thank you Well what?

MR WOODS: Every time you stop I don't know if you are done or you are just breathing

MR MANLY: I'm not -- you just need to let me finish Okay

MR WOODS: I'll be glad to let you finish

MR MANLY: Thank you

MR WOODS: You know you start and stop a lot It is not like --

MR MANLY: That's how conversations go, Mr Woods So do you We start and stop That's the way it works

Okay Just do your best to respect me and I'll do my best to respect you and not interrupt you

MR WOODS: I apologize for interrupting.

MR MANLY: That's okay Thank you

BY MR MANLY:

Q You've thought about this a lot over the years, correct?

MR WOODS: Objection; irrelevant to the subject matter

BY MR MANLY:

Q You have thought about your time as vicar for clergy and the scandal a lot over the years, correct?

MR WOODS: Argumentative, calls for state of mind Instruct the witness not to answer

MR MANLY: I'm just trying to lay foundation and ask some questions --

MR WOODS: It is not foundation You don't need foundation

MR MANLY: You know what. mark it

BY MR MANLY:
Q Have you considered in -- after leaving the Archdiocese kind of the good things you did as the Vicar for Clergy and the things you wish you had done differently?
MR WOODS: Object; calls for speculation, is argumentative Instruct the witness not to answer
BY MR MANLY:
Q In retrospect, Monsignor, do you think it was a mistake for you not to pick up the phone and call the police in 2000 --
MR WOODS: Object -- I'm sorry
MR MANLY: Geez Louise
MR WOODS: Finish
MR MANLY: Please I'm beginning to think you are doing it on purpose
BY MR MANLY:
Q Do you think it was a mistake --
MR MANLY: Why don't I do this, Don, I will give you a signal when I'm done
MR WOODS: Okay
MR MANLY: I will go like this
MR WOODS: And then don't answer until I have a chance to object

MR MANLY: Thank you
BY MR MANLY:
Q Monsignor, have you ever thought in retrospect that it was a mistake for the Archdiocese not to call the police in 2000, when Father Baker came to you with the Cadigan letter?
MR WOODS: I object Calls for state of mind, calls for hindsight Irrelevant to the subject matter Calls for speculation And instruct the witness not to answer
MR MANLY: You know, I've heard a lot of objections over the years but calls for a state of mind and calls for hindsight is not one of them but it's good
MR WOODS: It's not relevant to the subject matter what he thinks 15 years after the fact What he thinks is irrelevant to the elements of the case
MR MANLY: Mark it
BY MR MANLY:
Q Have you ever discussed with the Cardinal whether or not the police or other law enforcement should have been called when Father Baker came in and brought the Cadigan letter to you?
A By way of memo, I reported it to the

Cardinal Again, at the time the training that we had received is that adults -- and it was my understanding that both of these men were adults -- it was their call whether they would call the police
Q Has there ever been an effort by the Archdiocese to conceal the Baker allegation from law enforcement to your knowledge?
A From law enforcement, not to my knowledge
Q Has there ever been an effort to conceal the Baker allegation -- was there ever a time, based on your knowledge as an officer of the Archdiocese, that there was an effort to conceal the Baker allegation from parishioners?
A At the time that the Cadigan allegation came in I wanted to follow our regular policy and to make announcements in the perishes where Father Baker had been assigned And I was instructed that we were not going to do that because the lawsuit was still under process of settlement
The second time was when we heard about the baptisms I wanted to make announcements again I was told again because the handwritten letter from the -- from Father Baker had come in asking for laicization that we were not going to do

that; that we were going to wait until after he was laicized
Q Who made those decisions?
A Cardinal Mahony
Q And you talked about your training. Did Father Dyer train you?
A I'm sorry In what context?
Q In terms of your policies and procedures, how to respond to these -- how to respond to allegations of sexual misconduct, were you trained by Father Dyer, Monsignor Dyer?
MR WOODS: Okay Asked and answered previously, when you spoke about being trained by some church organization, plus that included a prosecutor
Do you remember that? I think that's what you're referring to
MR MANLY: No
MR WOODS: I don't know exactly what you are asking him he was trained about, reporting, mandatory reporting law, is that what you want to know?
MR MANLY: No I want my question answered
MR WOODS: I'm going to object to the

form of the question as confusing and instruct the witness not to answer

MR MANLY: Mark it

BY MR MANLY:

Q Monsignor, what training did you receive, if any, from Archdiocese personnel on Archdiocesan policy on how to respond to the allegations of sexual misconduct with minors by priests?

A I studied the policies number one, because they were written policies And Monsignor Dyer and I discussed them at considerable length I had a discussion with Monsignor Dyer on which Mr McNicholas sat in

Q Did you ever get any insight into why the Cardinal deviated from the norm with Father Baker in terms of not reporting to the perishes?

MR WOODS: I'm going to object that the question assumes a deviation from the norm Object; it calls for speculation as to state of mind of the Cardinal and will instruct the witness not to answer

MR MANLY: Mark it

BY MR MANLY:

Q I think you testified earlier the normal practice when there was an allegation that someone

was suspended from the ministry was to make an announcement at the perish?

A That's correct

Q And that wasn't done in the Baker case?

A That's correct

Q Did you ever find out why the Cardinal decided to deviate from the norm in the Baker case?

A The Cardinal never told me why

Q Did you ask?

A No

Q Did you ever discuss that with any of your colleagues?

A Monsignor [redacted] He knew that I wanted to do it and had been told that I was not to

Q Tell me about that conversation.

A Basically I was venting that I was upset

Q And what did he say?

A It was more of just a personal conversation where he was trying to be helpful because I was so upset

Q And why were you upset?

A I was upset because I felt that we should have made the announcements

Q Why?

A Because it was the right thing to do It

was in our policy It was clearly stated in the policy and I thought we should have followed it

Q Did you ever personally develop an opinion --

A You asked something previously about a reason Okay

Q Yeah.

A And the reason -- the first time was that the settlement process was still underway as I told you, so we were going to wait

And then we heard about the baptisms and I wanted to do it then, but that's when the handwritten letter from Father Baker asking to be laicized came in and I was instructed we were not going do that until after the process had finished Those were the reasons that I was given

Q Did you think those were good reasons?

MR WOODS: Object; calls for an opinion, calls to speculation, irrelevant to the subject matter

MR MANLY: You can answer

MR WOODS: Instruct him not to answer

MR MANLY: Would you please mark it

BY MR MANLY:

Q Did [redacted] agree with you that you had a

right to be upset?

A Yes, I would say so

Q Did you discuss why the Cardinal would do that?

A I don't remember if I specifically talked about why It was just that I was very upset that we were not going to follow through with our ordinary way of doing it

Q Did you develop an opinion as to why the Cardinal did that?

A I took the reasons that I was given as something I didn't agree with but that they were the reasons

Q Did you consider resigning?

A No I was almost at the end of my term at that point anyway, so I probably would have if I was earlier in my term

MR MANLY: Wait Wait

What are you doing? You are trying to shut him up You are trying to make him -- you are grabbing him and you are trying to make him be quiet

What are you doing? What are you doing? What in the world are you doing?

MR WOODS: I'm instructing my client

MR MANLY: You don't whisper in a client's ear in a deposition room, Mr Woods
MR WOODS: It happens all the time
MR MANLY: If you want -- maybe where you practice If you want to take a break and talk to your client outside, that's fine
I'm in a line of questioning You just stood up put your arm around the witness, which he clearly on the video didn't want you to do and you are trying to get him to be quiet because you don't like his answers
MR WOODS: I'm instructing him
MR MANLY: I'm going to take a break You go talk to your client outside You are not going to do it on the record in front of someone
MR WOODS: I've seen you do it I've seen your partners do it It's quite normal
THE VIDEOGRAPHER: Are we in agreement we're going off the record?
MR MANLY: Yeah
MR WOODS: I haven't agreed
MR MANLY: You have never seen me put my arm around a witness and whisper into his ear in the middle of a deposition
MR WOODS: We'll take a break now

THE VIDEOGRAPHER: Videotape deposition is off record at 2:07 p m
(Off the record)
THE VIDEOGRAPHER: Videotape deposition is back on record at 2:24 p m
BY MR MANLY:
Q Okay Monsignor, I'm going to hand you and your lawyer a document that we'll mark as Exhibit 1 and represent to you that's a copy of the letter that came from Miss Cadigan's office today and a copy of the lawsuit that was sent to Father Baker in or around April of 2000
Can you peruse that for me?
MR WOODS: You represent that this is the document --
MR MANLY: Yes
MR WOODS: -- that was sent to Father Baker
MR MANLY: It is a copy of the document
MR WOODS: Without any subsequent changes this is the exact wording that was sent to Father Baker?
MR MANLY: Did I stutter?
MR WOODS: I don't think you can make that representation and it doesn't look like the

document that he handed to us so --
MR MANLY: I just got it from Miss Cadigan
MR WOODS: So she reprinted it off her computer and sent it to you is more accurate probably
BY MR MANLY:
Q Have you seen this document before?
A I can't say that it's exactly the same I very rapidly went through it at the time and -- I don't -- I mean, I can't absolutely say that this is the same
Q Okay. Did you -- let me read to you the cover. Could you look at the cover letter?
MR MANLY: Why don't you go ahead and mark it
(Exhibit 1 was marked by the Certified Shorthand Reporter)
MR MANLY: Mr Woods wants to say something for the record
MR WOODS: I see it bears a date on page 15 of May 2000 And I know that it came into the Archdiocese in -- earlier than that
I see on page 2 of the exhibit it shows the attorney in the upper left hand corner as

Gary Ford Spector My recollection of the document had the name Cadigan
MR MANLY: Her name is right on the back
MR WOODS: And I also see that on page 2 of the complaint I see that paragraph three is not -- doesn't start on its own line
MR MANLY: Mr Woods, you --
MR WOODS: And I don't see any pleading lines along the left hand side, which I recall in the document
And interestingly I notice that the first page of the letter is dated April 4, 2000 Which is more consistent with I think the timing than May 2000, which is on the -- page 15
So I think this looks more likely that it is a reprint and it may have additional revisions from the one that was given to Father Baker It may be, you know, another second or third draft
MR MANLY: You are intentionally wasting my time I was going to stop at 4:00 today If you don't stop, I'm not going to stop at 4:00 I'm trying to give you a courtesy Don't waste my time You made your objection It's very clear
You don't need a colloquy where you just talk to yourself and waste my time Okay I'm

going to tell you something else I was going to put on the record at the end, but I'm going to do it now

What you did with that witness is really out of bounds and I'm filing a sanctions motion against you for it You intentionally stopped him from testifying You did it on purpose, because you didn't like what he was saying It's wrong It violates the civil rules and I'm filing a motion against you

MR WOODS: You are totally wrong He had completed his answer I am entitled to consult with him And we'll take it up when you file your motion

MR MANLY: Good

BY MR MANLY:

Q All right. Do you recall, Monsignor, that a letter was sent to Father Baker by Miss Cadigan?

A I remember that there was a document I couldn't tell you if it was a letter -- I recall more a court proceeding document

Q Okay. Did Father Baker ever tell you that he's been in contact with Miss Cadigan?

A Father Baker did not

Q Did anybody -- did you come to learn later

that Father Baker had had contact with Miss Cadigan from any source other than me today?

A No

Q Okay Did somebody -- at some point, did Father Baker meet with Cardinal Mahony regarding this matter?

A To the best of my knowledge, no

Q Did Cardinal Mahony know you were upset that he deviated from policy regarding announcements to the perish?

MR WOODS: Hold on Can I get the question back?

(Record read)

MR WOODS: Object; calls for a state of mind of someone else Instruct him not to answer

MR MANLY: Mark it, please

BY MR MANLY:

Q Did you ever express to -- did Cardinal Mahony ever discuss with you the issue of your displeasure with his decision not to make announcements to the perish?

A I don't think we ever discussed it

Q Did you discuss it with anyone else other than Mr. -- Monsignor [redacted]?

A Not that I recall

Q Did he know you were upset, the Cardinal?

A I -- I would think he did

Q And why do you think that?

A I think he knew how I wanted to do things and that I felt we should make announcements

Q Because it was the right thing to do?

A I think so

Q And it was the right thing to do to try and protect kids or find out if he hurt anybody else, right?

A If there were any other victims, that's one of the reasons that we make announcements

Q Does Mr. Woods represent you here today?

A Yes

Q Did you meet with Mr. Woods prior to your deposition today?

A Yes

Q Okay. When was that, sir?

A Approximately three weeks to a month ago

Q Okay. Did you review any documents at that time?

A No

Q When Baker made this disclosure and presented the Cadigan letter, did -- was there a discussion about sending him to an evaluation?

MR WOODS: I'm sorry What was the last --

BY MR MANLY:

Q Was there a discussion about sending him to an evaluation?

A A discussion with Baker?

Q Or -- no. With Baker or anybody else about sending Father Baker to an evaluation at that time?

A No

Q And why not?

A He was out of ministry would not be coming back and that there would be no reason to have another evaluation

Q At some point, was there a conclusion within the leadership of the Archdiocese that Father Baker had molested the [redacted] boys mentioned in the Cadigan letter?

MR WOODS: I'm going to object A conclusion within the hierarchy of the Archdiocese I think is the term you used calls for speculation as to a majority vote or plurality voters whoever the hierarchy is I object as vague The question is vague and confusing Instruct the witness not to answer

MR MANLY: Mark it
BY MR MANLY:
Q Was there ever a -- was there a discussion with the SAAB board about the voracity or the correctness or the truthfulness of the [redacted] allegations against Father Baker?
A Not the voracity of it, simply inform them there was an allegation and he had been removed from ministry
Q Was there shock there? Were people upset?
MR WOODS: Objection; calls for speculation Instruct the witness not to answer
MR MANLY: Mark it This is a new record for you in terms of instructions not to answer It's got to be It's amazing You are instructing him not to answer every question
BY MR MANLY:
Q Did you speak with Father [redacted] about -- did you speak with Father [redacted] about the Baker allegations?
A Father [redacted] did not speak with me
Q Was he in the meeting when you -- did you say [redacted] and Baker came together?
A Yes
Q Is Father [redacted] still a priest in the

Archdiocese? Did I ask you that?
A As far as I know
Q Did anybody ask what Father [redacted] knew about this to your knowledge?
A Father [redacted] was brought by Father Baker because when a priest comes to see the Vicar he can bring another priest with him if he wishes to
MR WOODS: The question was did anyone -- did anyone say what Horan knew? That's the question
MR MANLY: That's what I'm asking you
THE WITNESS: I --
BY MR WOODS:
Q Did anyone tell you what [redacted] knew?
A I don't recall
BY MR MANLY:
Q And you didn't ask [redacted]n?
A No
Q In terms of the post disclosure investigation of Baker -- was there a post -- I'll call it the [redacted] disclosure. Wasn't the disclosure -- sorry. Let me start over.
After Baker came to you with the Cadigan letter, okay, was there an investigation done by the Archdiocese into the allegations in the

Cadigan letter?
A Once I turned this over to the legal office, anything pursuing this issue would have been done by the legal office
My function was to follow through with Father Baker in terms of what the obligations of the diocese were to make sure that his therapy was continued that kind of thing I was not involved with this allegation from that point forward
Q Okay. Did Mr. McNicholas or Sister Judy, to your knowledge, report the Baker allegations to law enforcement?
A I have no idea
Q You have no information that they did, correct?
A I have no idea
Q Did you ever attend any meetings after Baker made this disclosure to you regarding the Cadigan allegations and before you left ministry to discuss the case of Father Baker, either in part or in whole?
MR WOODS: Could I hear it back Sorry
THE WITNESS: I don't know how I can answer that It's --

MR WOODS: I didn't understand it
MR MANLY: Let me ask it again because the witness obviously didn't understand the question It's probably a bad question Let me rephrase it
BY MR MANLY:
Q Were you ever in any meetings at the Archdiocese after Baker brought the Cadigan letter and the lawsuit to you, where Baker's case was discussed?
MR WOODS: The Baker case is the allegations in the [redacted]s complaint?
MR MANLY: No I'm talking about the allegations -- any allegations against Baker, Father Baker in general
MR WOODS: Other than the SAAB meeting that he has already testified to?
MR MANLY: You can answer
THE WITNESS: Once I turned this over, it was handled by the legal office I was not involved in pursuing And very shortly thereafter my term was over with the diocese
BY MR MANLY:
Q But you stayed on at the Archdiocese and you helped the legal team and you worked with that

one secretariat that you mentioned.
My question is outside the [redacted] claim. What I am asking you is, did you ever participate in any discussions with any Archdiocesan personnel at any time after Baker -- the date Baker brought you this letter that involved discussions regarding Father Baker?
MR WOODS: I will instruct the witness not to include any attorney-client communications
THE WITNESS: At almost the last week or two of my term as Vicar for Clergy, the decree of laicization arrived from Rome and I had to -- it was brought to me by Monsignor Cox and I made an appointment with Baker so that he could sign the receipt for the decree
We met at St Basil's church in the rectory He signed the decree and that was the last time that I directly dealt with the Baker case
BY MR MANLY:
Q Did you talk to Father Baker at that time?
A Only to explain the decree to him That was it
Q So after the 2000 -- well, In the year 2001, did you discuss Michael Baker with Cardinal Mahony?

A Not that I recall no
Q In 2002, did you discuss Michael Baker at any time with Cardinal Mahony?
A No
Q Were you ever present at a meeting where Michael Baker was discussed and Cardinal Mahony was present after May of 2000?
A Not that I recall
Q Did you ever discuss Father Baker with Craig Cox after April of 2000?
A To encourage Monsignor Cox to make the announcements yes
Q And when was that?
A I couldn't tell you exactly It was very shortly after the end of my term
Q And what did Monsignor Cox say?
A He listened to me I mean, I was no longer Vicar for Clergy I couldn't tell him what to do It was his decision with the Cardinal
Q And did Monsignor Cox make the announcements?
A I was on sabbatical following that I don't know I do not believe so
Q What did Cox say to you when you told him -- what did you say to him regarding the

announcements, Monsignor?
A That it really needed to be done; that I had not been able to because of the laicization
Q And what did he say?
A Again, he listened and --
Q Did he not say anything?
A Took into account what I said and thanked me and --
Q Did you say you're right, you're wrong? What did he say?
A He didn't make a judgment on it
Q Monsignor, do you feel like you have been hung out to dry by the Cardinal?
MR WOODS: Object to the question as argumentative, calls for personal opinion, speculation Instruct the witness not to answer
BY MR MANLY:
Q You don't have to take his instruction. You certainly can and you probably should, but you don't have to. You going to accept his instruction?
A I'll accept his instruction
Q Do you feel like the way you have been treated by the Archdiocese is the result of a -- as retaliation or retaliatory in any way?
MR WOODS: I object to the question as

argumentative, calls for opinion, state of mind irrelevant to the subject matter and instruct the witness not to answer
MR MANLY: Mark the transcript on both of those questions
BY MR MANLY:
Q Do you believe that the Cardinal was upset that you disagreed with his decision not to -- do you believe the Cardinal was upset with you in that you disagreed with his decision not to make an announcement to the parishes regarding Father Baker?
MR WOODS: Object to the form of the question as confusing argumentative, calls for speculation, calls for state of mind of another person, totally irrelevant to the subject matter and instruct the witness not to answer
MR MANLY: Please mark the transcript
BY MR MANLY:
Q When you were accused, was an announcement made to your parish?
MR WOODS: I m sorry?
BY MR MANLY:
Q When you were accused, Monsignor, was there an announcement made there by the Archdiocese to your parish?

MR WOODS: I object to the question irrelevant to the subject matter of this lawsuit Instruct him not to answer
MR MANLY: It goes to custom and practice
MR WOODS: He's told you what the custom and practice was --
MR MANLY: He also told me it wasn't followed in Father Baker's case He's been --
MR WOODS: -- as far as he knows
MR MANLY: Okay
BY MR MANLY:
Q Are you going to instruct your counsel's -- are you going to accept your Counsel's instruction?
A For now I'll follow the instruction
Q That's probably wise.
MR WOODS: Since he is a defendant, since you sued him
MR MANLY: You know, it's just more convenient when you actually reach over and try to grab him and get him what to say, rather than coach him, but it's up to you
BY MR MANLY:
Q Monsignor, are you being provided a

defense in this case?
MR WOODS: Object; irrelevant to the subject matter
MR MANLY: You can answer
MR WOODS: Instruct him not to answer
MR MANLY: Mark it
BY MR MANLY:
Q Monsignor, have you ever told anyone that you believe you're being retaliated against by the Cardinal for your handling of the Baker case?
MR WOODS: I'm going to object It's irrelevant to the subject matter leads to a -- collateral issues prejudicial harassing argumentative Instruct the witness not to answer
MR MANLY: Can I have that objection read back? I want to make sure I heard it right
(Record read)
MR MANLY: You can mark that too
BY MR MANLY:
Q Have you ever told anyone or had any discussion with anyone that you believe that -- that the Cardinal is unhappy with the way you handled the Baker case?
A That the Cardinal is unhappy with the way I handled the Baker case?

Q Right.
A No
Q Have you ever told anyone that you believe the Cardinal was unhappy with you involving your view on perish disclosure in the Baker case? Do you understand?
A My -- that he is unhappy with me because of my view on disclosure in the Baker case?
Q Disclosure to the perish.
A Not that he's unhappy with me, but that he chose a different way
Q And do you believe he's retaliating against you for that?
MR WOODS: Object to the question, calls for speculation irrelevant to the subject matter Instruct him not to answer
BY MR MANLY:
Q Have you heard from sources and friends within the Archdiocese that the Cardinal's unhappy with you?
A People have not spoken with me about how the Cardinal feels or decides at all
Q Do you have an opinion about that?
MR WOODS: Object to the form of the question Calls for speculation Calls for an

opinion Totally irrelevant to the subject matter Instruct the witness not to answer
BY MR MANLY:
Q Why do you believe that the Cardinal decided not to make the disclosure to the perishes in accordance with policy and custom and practice at that time?
MR WOODS: Object to the form of the question Argumentative Convoluted Calls for an opinion Calls for speculation Instruct the witness not to answer
MR MANLY: Mark the transcript

BY MR MANLY:
Q You worked with the Cardinal on a regular basis for six years; is that correct?
A Five years
Q When did the Archdiocese get an e-mail system, do you remember?
A I don't know when they got it It was there when I arrived
Q Was he a frequent e-mailer?
A I can only say from my own experience that there was a fair number of e-mails back and forth yes

Q I have heard over the years that sometimes he would e-mail at night; is that right?
A Yes
Q And do you ever recall receiving e-mails regarding Father Baker from the Cardinal?
A Yes
Q And did you have an e-mail exchange with the Cardinal regarding perish disclosure?
A Yes
Q And in that e-mail, in the e-mail exchange, did you layout your reasons why you felt the disclosure should be made to the perishes?
A I don't remember that I laid out the reasons why it should be made
Q Did he layout -- what did you say in your e-mails, Monsignor, regarding Baker, if you recall?
A I said that we were making plans to go forward with the announcements made an inquiry in terms of dates and he e-mailed back saying that he did not want the announcements made
Q And did you ask why?
A The -- initially, it was that there was a priest meeting very close by and he didn't want the Baker case to become the total reason for the meeting; that there were other matters that needed

to be discussed
And then there was a second e-mail in which basically he told me he didn't want to do announcements at all anymore
Q In any case?
A That's what he said
Q Just so I'm clear, he told you in the e-mail to your recollection that he didn't want to do any announcement at any perishes at all anymore, correct, about priest sexual abuse of minors?
A That's what I recall
Q Did that upset you?
MR WOODS: Object; calls for feelings and opinions Irrelevant to the subject matter
MR MANLY: You can answer
MR WOODS: Instruct him not to answer
MR MANLY: Mark it
BY MR MANLY:
Q So, effectively, he changed the policy in that e-mail, correct?
A He wrote an e-mail We did not change the policy
Q But he told you as Vicar for Clergy that the practice -- the custom and practice and policy making announcements at perishes about priests

accused of molestation was suspended or terminated; is that accurate?
A He didn't say that it was terminated He said he didn't want to do it anymore but the policy itself was not revised
Q I see So there was a policy that was still out there but internally as the vicar for clergy, the person in charge of coordinating those announcements, you understood that was no longer to take place; is that accurate?
A No I would continue to try to make announcements or to make announcements if there were things that came in, but they did have to go through his approval first
Q So before an announcement could be made, he would have the decision ultimately to make that or not?
A Well he was always informed ahead the whole way along
Q So, in other words, even though he had said this, if another one had come in while you were there, you were going to make -- it was your intent to make the attempt to get the announcement made; is that correct?
A Yes

Q Did you tell him or try to tell him that was a bad idea?
MR WOODS: What was a bad idea?
MR MANLY: Not making announcements to families at perishes that a molester priest had served there
THE WITNESS: The only thing that I remember was that in reply to one of these things I cut and pasted the portion of the policy and sent it to him and said, "I think we ought to follow this "
BY MR MANLY:
Q And what did he say?
A I don't remember what the response was
Q It wasn't, "Okay, I will," it was, "We're not doing that," right?
A I don't remember what the response was
Q Okay But you concluded after that exchange, I think what you are telling me is two things. Number one is you weren't allowed to make the announcements in the Baker case. And number two, is that it was his intent no to longer make announcements of molester priests serving at perishes at all; is that accurate?
MR WOODS: He's asking if his summary is accurate

THE WITNESS: Not exactly What I would say is that he expressed himself in an e-mail but it was not something that changed the policy of the diocese

To do that there would have been a process of consultation with the Priest Counsel and it would have had to have been promulgated and so on

MR MANLY: I understand the difference Let me say it a different way He told you a we're going to not disclose Baker correct? In the e-mails he sent to you you understood that number one is you were not to make the normal announcements regarding Father Baker; is that accurate?

MR WOODS: At that time?

MR MANLY: Right

THE WITNESS: Yes

BY MR MANLY:

Q And number two, it was his intent to no longer do announcements; is that accurate?

A He expressed that

Q Okay. He expressed it was his intent no longer to do announcements when there was a priest who had been accused of sexually abusing a minor in perishes; is that correct?

A I don't remember if it went that far in terms of going into all of that explanation

Q Okay But that's what you took from it?

A I took from it what I said that he expressed that he did not want to make announcements anymore

Q Okay. And when you – I'm just trying to get the record clear

What you say announcements, we're talking about sexual –

A The announcements following an allegation We made announcements in other situations also when a priest was removed from ministry

Q Okay. Not just minors, but other things, correct?

A Correct

Q All right Did you ever get any insight on to why he made that decision?

MR WOODS: Okay I'm going to object You are now calling it a decision as opposed to a statement Okay So –

MR MANLY: You can call it whatever you want

MR WOODS: You can comment on it I won't instruct you not to answer I object you are

twisting the testimony and you are assuming facts not in evidence

MR MANLY: I think you are coaching the witness but you know if you have an objection, make it Otherwise just let me do my thing

THE WITNESS: I would repeat what I said previously; that that's what he said but, in fact, the policy of the diocese was not changed

BY MR MANLY:

Q Okay. Who is the ultimate policy maker in the dioceses?

A The Cardinal

Q Was the SAAB committee told that the Cardinal had decided not to make perish announcements in Baker?

A Yes

Q And did anybody object to that?

A I don't remember the meeting in that much detail I would say that they were not happy

Q Who do you remember expressing –

A I don't remember individuals

Q Now, the Baker file was in your office at the time Baker came forward and brought the Cadigan allegations to you?

A That's correct

Q Was it the C file and the personnel file?

A That's correct

Q Were all the priests' files kept in your office?

A Yes

Q Did somebody come at some point while you were the Vicar for Clergy and remove the Baker file, both the regular file and the C file?

A No It was customary when there was a lawsuit involved the files would go to the legal office

Q Did you keep a copy of the file?

A No, it went to the legal office

Q So the file went to Sister Judy?

A That's correct

Q Did you keep an index of the file?

A I don't believe so

Q Does the – In or around 2000, did the Archdiocesan copier have a memory on it, if you know?

A I have no idea

Q Okay. Was there an electronic copy made of the file in or around that time?

A The administrative assistant didn't keep a copy, but there was like a summary

Q Let me show what I'll mark as Exhibit 2.
MR MANLY: Miss reporter, would you mark that
(Exhibit 2 was marked by the Certified Shorthand Reporter.)
BY MR MANLY:
Q Have you ever seen Exhibit 2 before?
A This is a printout of the assignment record for a priest
Q Okay. Is that what you were just referring to?
A This was one thing that was kept but there was also a summary of the C file that was kept by the Administrative Assistant
Q Okay. And what -- was that just called C file summary?
A I don't know what it was called
Q Okay. That's what it was?
A Yeah
Q Okay. And what would that document contain?
A A summary I don't know how else I could express that
Q At any point were you asked to review the Baker file after April of 2000, when Baker came to

see you?
A No
Q Okay Did you ever see that file again?
A I don't believe so
Q Now, if I wanted to -- let me ask you a question different in line I'm going to ask questions about the Personnel Board.
Can you tell me what the Personnel Board is at the Archdiocese, Monsignor?
A Personnel Board at the time that I was there because it's changed somewhat since, was made up of priests one dean from each pastoral region and there were three associate pastors that were elected by the associate pastors by age group and then the Vicar for Clergy would sit in
Q Okay Prior to -- you were a member of the Personnel Board prior to becoming Vicar for Clergy; is that correct?
A That's correct
Q Prior to becoming Vicar for Clergy, as a member of the Personnel Board, did you know that Michael Baker had molested children?
A No
Q As a matter of policy and practice, was -- were the Personnel Board told that -- from, let's

say, 1990 to 2000, were the Personnel Board told when a priest had offended with a minor?
A No other than what the announcements were made in perishes
Q So, in other words, if there was -- if there was an announcement made in the perishes, they would find out that way, but the Personnel Board was not told when a priest had offended?
A That's correct
Q Who made that decision not to tell them?
A I have no idea
Q The Personnel Board was charged with making recommendations to the Cardinal on where to assign priests; is that correct?
A That's correct
Q Okay. When you were Vicar for Clergy, did somebody tell you, you were not supposed to tell the Personnel Board about these allegations?
A No The board only dealt with priests that did not have allegations
Q So a priest -- a priest with an allegation would never come before the Personnel Board?
A That's correct
Q Who would deal with assigning the priests who had allegations?

A If there was a need for an assignment it would be made between the Cardinal and the Vicar for Clergy
Q In intelligence -- I was a reserve intelligence officer, there is a term called -- and let me say for the record my career was less than glorious -- but there is a term called, "need to know" Have you ever heard that term?
A Uh-huh
Q Was -- did the Archdiocese between 1990 and 2000 handle priest abuse cases of children on a need to know basis?
MR WOODS: I'm going to object to the form of the question use of the term I don't know what you mean by it here You haven't defined it
MR MANLY: You can answer
MR WOODS: Instruct him not to answer
MR MANLY: Mark it
BY MR MANLY:
Q Have you ever heard the term "need to know?"
A Yes
Q What do you understand that to mean?
A I understand it to mean that you only get informed of something if there is a necessity

because you need to know it
Q Okay. In terms of the handling of and the placement of priests personnel-wise, who had previously offended with children, were they handled by the Cardinal or -- was that information, the fact that there are prior allegations handled by the Cardinal or the Vicar for Clergy on a need to know basis?
MR WOODS: I will object to the use of the term need to know Do you mean on a confidential basis confidentially?
MR MANLY: I think the witness understands --
MR WOODS: Need to know " I'm going to instruct him not to answer
MR MANLY: Mark it, please
BY MR MANLY:
Q Are you going to follow your attorney's instructions?
A Yes
Q Did you understand as the Vicar for Clergy that you were under an obligation of confidentiality not to tell anybody outside the Cardinal or others he authorized you to tell regarding allegations of molestation against priests?

A Yes, other than the announcements we made in perishes
Q Have you ever seen anywhere in the media where the Cardinal acknowledged that he told you not to tell -- not to make the announcements in perishes?
A No, I have never seen that
MR STEIER: How long before we will see that, Mr Manly? How long before the media will present that?
MR MANLY: Don it depends on when you tell them
BY MR MANLY:
Q Do you know -- do you know why there was a requirement of confidentiality with regard to allegations of -- credible allegations of sexual molestation by priests imposed upon you as the Vicar for Clergy?
A Beyond the regular personnel requirements, no
Q Okay Do you know why there was a -- as the Vicar for Clergy, you could not -- let me ask you this, if a priest with allegations was assigned to a perish, were you as the Vicar for Clergy allowed to tell the perish staff, the director of

religious education, the director of youth education of the perish that person had been accused?
A Whoever the person's supervisor was going to be
Q But frequently, there's a director of CCD at a perish that's in charge of educating kids of the faith, right?
A Yes
Q Were you as the Vicar for Clergy under Cardinal Mahony, between 1996 and 2000, permitted to tell that person in charge of educating kids in the perish if a priest had been assigned to the perish that molested a kid?
MR WOODS: He's asking about specific instances
MR MANLY: Don just make objections Stop telling him, stop talking to him and just make objections
MR WOODS: I object to the question although it doesn't say custom and practice he's asking for custom and practice as to what actually happened
MR MANLY: No I want you to stop coaching the witness If you have an objection you can state it That's fine But stop telling him

what the question means The question's self-explanatory
MR WOODS: Object to the form of the question Instruct him not to answer
MR MANLY: Mark it
BY MR MANLY:
Q Were you permitted -- who were you permitted as the Vicar for Clergy to disclose the fact that a priest had previously molested a child when that priest was assigned to live at a perish?
A The supervisor was who we informed
Q The pastor?
A If it was a pastor
Q But nobody below that?
A Well whoever the person's supervisor was going to be
Q Who made that decision to stop at that level?
A I have no idea
Q When you got to the Vicar for Clergy position, do you know, as you sit here today, how many priests had been previously accused and treated for being molesters in the Archdiocese?
A I don't --
MR WOODS: Accused and treated

THE WITNESS: I don't have a specific knowledge. no
BY MR MANLY:
Q Do you know how many -- did you at that time know how many molesters -- people that had molested a child were serving in the Archdiocese as priests?
A I don't recall a specific number. no
Q Was it more than 20?
A No. I can't -- I don't know a specific number. but it would have been a small number
Q Were there men -- have you ever heard of something called the L A Experiment?
A No
Q Was there an experiment that the Archdiocese undertook that was somehow involving St. Luke's, where the Archdiocese would place priests who had been molesters in civilian jobs, jobs outside of the priesthood?
A No. I was not aware of that
Q You never heard that the Archdiocese had an experimental program to place priests in private enterprise who had been accused of abuse?
A No
Q Okay Let me show you a document we'll

mark as Exhibit 3 to the deposition It is Bates Stamped CIVBAKE, 000393. Let me know when you have had a chance to read it
(Exhibit 3 was marked by the Certified Shorthand Reporter.)
THE WITNESS: Okay
MR WOODS: Hold on
(Pause)
MR WOODS: Okay
MR MANLY: It says "Dear Dick Met with [redacted] t today We got on swimmingly! As I had hoped we have a mutual admiration from seminary days and am very much looking forward to ministering together There are some questions he has about the protocol etc but we will clarify all of that as we go on The dates look like I will start the orientation process on January 2nd. 1997 but will actually not physically move in until the 13th (There seems to be a bit of doubt as to when [redacted] will vacate the rooms. etc) [redacted] and I are both comfortable that time schedule and it seems to work well with the flow of the hospital rhythms
One thing I was like to run by you I have been driving this car for the last two years or so It is a 91 Chevy Caprice

with @50.000 miles" -- I don't know if that's a typo or what "It is in great shape. I would very much like to keep using this car [redacted] has a car from the hospital but I don't know if he is going to take that along with him when he goes I would like to have either the present car I use go with me in exchange for [redacted] or to supply for the one he takes with him Is this a possibility? Really hope so Will be contacting you soon in the New Year Blessings Mucho!!!!" Signed Mike Baker
Is that how you read that?
A Yes
Q The second sentence it says, "There are some questions he has about the protocol, etc. but we will clarify that as we go on "
Do you know what that is referring to?
A The -- what we referred to as the protocol was a document that outlined the different things that were to be -- it included the limits. the supports. for example therapy reading schedules spiritual direction different things of that type to be in support of and to give a form to a recovery program for the individual priests

BY MR MANLY:
Q And was that drafted by the Paracletes?
A No That was drafted by Dr [redacted]
Q Where was that document the last time you laid eyes on it?
A I can only presume that it was in the C file
Q And what was [redacted]' qualifications to work with sex offenders, if any?
A She was a clinical psychologist and her role was simply to draw up what we -- another name that we had for it was the Clergy Performance Improvement Plan, which gave area by area what kind of limitations. what things the priest agreed that he would do and what things we were going to provide. for example, therapy in order to support correct behavior
Q And when would this have been drafted up?
A This would have been drafted at the time of the SAAB meeting following the boy on the stairs incident
Q So there was a -- what effectively was like a remediation plan or remedial plan?
A Something of that type. yes

Q And was it called the CPIP?
A Yeah Clergy Performance Improvement Plan
Q And what -- Monsignor, I know you didn't pick Miss [redacted], did you?
A No She was working in the office when I got there, again, on a contract basis She was not a regular employee
Q Who selected Miss [redacted]?
A I believe Monsignor Dyer, but I'm not sure
Q And what was Miss [redacted]' relationship to the Archdiocese?
A Simply to work in this regard
Q What were her qualifications?
A She was a clinical psychologist
Q What was her expertise, do you know?
A No
Q Okay. So a document exists presumably that has the CPIP plan; is that accurate?
A That's correct
Q And Father Baker signed it?
A Normally, the priests would sign it, yes
Q Who signed it on behalf of the Archdiocese?

A It was the priests that signed it.
Q And it was drafted by Miss [redacted]?
A Yes
Q And it was -- did the Cardinal have to look at it?
A I don't recall if he reviewed it or not
Q Did he get a copy of it?
A I would not have gone out with copies, no
Q Okay. Did the board get a copy of it?
A They would have known what was in it, but they didn't get documents
Q How did the Archdiocese select therapists to treat men who had been accused of molesting minors?
A The people who were chosen were chosen during Monsignor Dyer's time I do not know what the process was
Q And you said you had heard of a man named [redacted]?
A The name
Q Don't know who he is though?
A Well, I know that he's a psychologist
Q Did you know he treated Mike Baker?
A I don't specifically recall that
Q Okay. If I wanted to find out the names

of Baker's treaters, how would I go about doing that, besides asking Father Baker?
A The ones that I'm aware of is Dr [redacted] and I don't remember his last name And then we moved him to a new person and I don't specifically remember that it was Dr [redacted], but it could have been
Q Why did you move him to a new person?
A Following the boundary issue, one of the recommendations from people on the board was that he would go to a new therapist
Q Okay. And when he went to a therapist, was the therapist told about his history?
A Yes
Q Who told him?
A Usually, the consulting psychologist
Q Which was [redacted]?
A Yes
Q And was [redacted] a mandated reporter?
A I presume so She was a psychologist
Q To your knowledge, did she ever make a report about a priest?
A I have no idea
Q You don't know of any as you sit here today?

A Pardon me?
Q You don't know of any as you sit here today?
A No
Q It doesn't mean it didn't happen, you just don't know?
A Right
Q And you don't have any recollection of her ever making a report about Father Baker?
A I don't know that she ever did such a thing
Q Did anybody at the SAAB meeting when you told them that the Cardinal had -- let's go back to that.
Where did that meeting take place?
A In the Vicar of clergy office conference room
Q Was it after hours?
A No, it was during the day
Q Okay. And did you have calendars at that time? A calendar?
A How do you mean?
Q Did you have a personal calendar you kept, your appointment calendar?
A I had a personal calendar, yes

Q Did you keep those?
A I have never kept my calendars Once they're used they're gone
Q Was there a -- was there a computerized calendar that it was also kept on?
A Yes
Q What was that system called?
A It was Outlook
Q Outlook. Okay.
And how were the members of SAAB notified there was going to be a meeting or was it a standing meeting?
A They would get a mailing
Q Okay.
A There was a schedule of meetings, but they would get a reminder
Q Okay. Who kept the roster of who attended the meetings? You did?
A Usually
Q And at the SAAB meeting -- how soon was the SAAB meeting -- sorry -- strike that.
Between the time of the Baker disclosed in April of 2000 -- I think I'm getting tired.
How soon after the Baker disclosure

In 2000 was there a SAAB meeting regarding that matter?
A I couldn't tell you exactly
Q Give me an estimate.
A We met monthly, other than the summer
Q So it would have been within a month at least?
A Yeah
Q At the most?
A Yeah
MR WOODS: When -- let's take a break when you reach a point
MR MANLY: Sure Let me finish this line
BY MR MANLY:
Q When you were at that meeting, you did disclose to them that the Cardinal had made the decision in the Baker case not to tell the perishes; is that correct?
MR WOODS: Hold on Can I hear the question, please?
MR MANLY: Let me ask it again so you can hear it clearly
BY MR MANLY:
Q Did you tell the members of the SAAB -- it

sounds ridiculous but -- did you tell the members of the SAAB that the Cardinal had made the decision not to inform the perishes at the meeting that occurred after -- at the first meeting that occurred after the Baker disclosure in 2000?
MR WOODS: To delay or not to make them?
MR MANLY: You can answer
MR WOODS: Object to the form of the question, summarizing facts incorrectly, but go ahead and answer
THE WITNESS: That we were not going to make the announcements at that time, yes I informed them of that
BY MR MANLY:
Q And were they unhappy?
MR WOODS: Object to the form of the question Calls for speculation as to their mental state Irrelevant to the subject matter of the lawsuit and instruct the witness not to answer
MR MANLY: Mark it
BY MR MANLY:
Q Did any of them express disagreement with that decision at the meeting?
A I don't recall specific --
Q Okay

A -- responses
Q Did you tell me earlier that they were unhappy about it?
A I was unhappy
Q Okay. Did you -- did [redacted] say anything about --
A Again I do not recall specific responses
Q You took notes at the meeting?
A Only to use to put together for any kind of recommendation and then I would destroy them
Q Okay. And did you put notes, did you make notes of the meeting and transmit a memo to the Cardinal?
A Not about that specific issue no
Q Why not?
A The decision had been made and there was no point I was simply informing SAAB They weren't giving advice
Q Why were you informing them?
A Because it was something that they should be informed It was a case they had heard all the way back with the boy on the stairs and so they should be informed
Q Did anybody at SAAB suggest an investigation be done?

A Again I do not remember specific responses
Q At the time of this meeting, was Judge [redacted] there?
A I don't recall
Q Okay. Do you remember who was there?
A I don't recall
Q Do you recall anybody expressing out loud disagreement with the Cardinal's decision?
A I don't recall individual responses
Q I'm not asking individually. I'm asking did anybody to your recollection, even if you can't remember who it is, express a disagreement with that decision regarding Father Baker?
A Yes but I couldn't tell you what it was specifically
Q Did you have a recollection that people did not agree with that decision, some people?
A Yes
Q And when they told you that, what did you say?
A I told them what decision had been made it was not a matter of extended discussion I don't recall what I might have said back but I did inform them

MR MANLY: Okay We can take a break
THE VIDEOGRAPHER: Videotape deposition is off record at 3:22 p m This concludes tape number 2 in today's deposition
(Off the record)
THE VIDEOGRAPHER: Videotape deposition is back on record at 3:35 p m This begins tape number 3 in today's deposition
BY MR MANLY:
Q Monsignor, you realize you are still under oath
A Yes
Q Now, when you came to the Vicar for Clergy position, you told us earlier that Dyer, Curry and Mahony told you about Baker being a perpetrator; is that correct?
A That's correct
Q And can you recall what the Cardinal said to you about that here today?
A The thing that I remember about it is that he said that I was going to find that there was one person who had been treated differently because he self-disclosed and he identified that person as Michael Baker
Q When you said treated differently, what

did you take -- when he said, "treated differently," what did you take that to mean?
A I didn't exactly know what he meant at that point
Q Did you at some point come to understand what he meant?
A That his case had not gone to SAAB previously, various things of that type
Q So in '86, when this was disclosed -- actually, so the first time the Baker case went to SAAB was when there was that boundary violation?
A That's correct
Q Do you know when SAAB was first composed or started?
A During Monsignor Dyer's time as Vicar
Q And when was that?
A Immediately before me --
Q The six years --
A The five years previous
Q So that would be '90, '91, that time frame.
A I was '96 to 2000 so he would have been '91 to '95
Q Okay And who preceded him in that post?
A Monsignor Thomas Curry, now Bishop Curry

Q And you also told us that -- do you remember anything else about what the Cardinal told you about Baker?
A That was all that he said
Q Did he say he was a good man or a good guy?
A No he didn't say anything else
Q Did you ask what Baker had done?
A At that point he simply said what I told you And I figured I was going to get filled in as time went on
MR MANLY: Don't interrupt
MR WOODS: Did he ask you --
MR MANLY: You know what -- Don't Don Don, stop
MR WOODS: It is going to go a lot faster --
MR MANLY: Stop interrupting his testimony You did it again He's given an answer you don't like I'm sorry you don't like it I wouldn't like it either then you interrupt his testimony It's wrong
MR WOODS: He gave a nonresponsive answer --
MR MANLY: You don't get to testify for

the witness sir The rule is when the witness is asked a question, he testifies You don't get to interrupt his testimony Please stop All right What was my last question?
(Record read)
BY MR MANLY:
Q Could you answer the question, please.
A No. I did not
Q The Cardinal said there is one person that's been treated differently. Did you know what he was talking about?
A No, I didn't at that time
Q Tell me what he said in context.
A That is what he said when we were talking about me coming into the office, that I would find that there was one person who was treated differently
Q Did he use the word abuse or molestation or child sexual abuse?
A I don't remember
Q Did you understand at the time that's what he meant?
A Not at the time no
Q Where did that conversation take place?
A I don't remember

Q Was it at the -- was it in the Cardinal s office?
A It was probably the office but I don't remember
Q Okay And the -- guys.
Did you have -- you had a conversation with Curry, Mahony and Dyer. Who told you first about Baker?
A I told you earlier I don't remember the order
Q That's right. I'm sorry.
What did Curry tell you?
A Bishop Curry then -- well he was Bishop when I talked to him He told me basically the same thing but he did say that it did have to do with sexual misconduct
Q What do you remember Curry telling you?
A That it was concerning sexual misconduct but that because he had self-disclosed his case was handled differently
Q Did you ask why?
A No. I was simply getting a briefing from Bishop Curry
Q Okay. And what did Dyer tell you?
A Basically the same thing and suggested

that I review the file He also told me that he felt that Baker was doing a good job in his recovery and that he had used him as a temporary administrator in perishes but that that did not in any way mean that I needed to, that would be my call
Q A temporary administrator in a perish is for all intents and purposes the acting pastor, right?
A A temporary person to administer the perish between pastors
Q But they have, you know, basically the authority of the pastor while they are there, correct?
A Except they're not allowed to initiate new programs They are simply kind of a caretaker person
Q Okay. Now, was Baker ever put in ministry at a perish alone?
A I don't know
Q While were you Vicar for Clergy, was he ever placed in a perish alone?
A No
Q Between the time he disclosed his molestation to the Cardinal and the time that you

came onboard, do you have any knowledge whatsoever that he was placed in a perish alone?
A I don't know
Q Did anybody do any random checks of Father Baker, just periodically show up unannounced?
A At what time?
Q While you were the Vicar for Clergy.
A I was Vicar Since Monsignor [redacted] lived in the same house he was a periodic check There was also a process in the CPIP where there was a periodic get together that would give the opportunity for therapists spiritual director pastor the priest himself and usually the consulting psychologist from the Vicar's office to sit down and see how things were going
Q You said you reviewed his file, is that correct, Baker's file?
A I did
Q Did you see the report from the Paracletes in the file?
A It was so long ago I don't remember exactly what I saw
Q Did you see various psychological reports in the file?
A There were psych reports I don't

remember
Q And Baker's psychological reports were disclosed to the Archdiocese with Father Baker's permission?
A I can't say that.
Q Well, the Archdiocese --
A Let's put it this way. I don't know that.
Q Okay. But what you do know is that the Archdiocese would periodically communicate with Baker's therapist, correct?
A Yes
Q He would update the Archdiocese on Baker's condition?
A Yes
Q What was Father Baker diagnosed with?
A I don't know
Q How old were the boys or the boy that he offended with in '86, if you know?
A I don't know
Q How old was the boy that Dyer found him with in the rectory?
A I don't know
Q In your training, as somebody who is going to supervise people who have been accused of sexual abuse, do you know the difference between a

pedophile and ephebophile?
A Yes
Q What is the difference?
A The ephebophile tends to focus with teenagers and the pedophile with prepubescent.
Q Do you know if Baker's victims were prepubescent?
A I don't remember
Q In terms of a likelihood of re-offending, has anybody ever told you that a pedophile is more likely to re-offend than an ephebophile?
A I have read that.
Q Where?
A Various articles that I've read. I couldn't tell you precisely.
Q Without disclosing the names, how many other -- actually, let me try that a different way.
Have you ever met Luis [redacted]
A No
Q Now, while you were still with the Archdiocese, did it come to your attention that there were numerous other complaints other than the Cadigan boys -- the Cadigan claims -- excuse me -- other people that came forward and said Father Baker had abused them?

A I am unaware of that.
Q Do you know how many people have come forward since 2002 and accused Father Baker?
A No
Q Did you ever consider, Monsignor, that one of the reasons the Cardinal told you that you could not make the announcement to perishes, is that there was a concern that there would be many, many victims that would come forward?
MR. WOODS: Object to the form of the question as calls for speculation.
BY MR. MANLY:
Q Did that issue ever occur to you?
MR. WOODS: Calls for speculation. Instruct him not to answer.
MR. MANLY: You can mark that, please.
BY MR. MANLY:
Q Did you ever discuss the possibility or the concern with Cardinal Mahony or anyone else at the Archdiocese that if perish announcements were made, that many more victims might come forward?
A No
Q That never came up?
A Not -- no
Q Did you ever think about it?

A The purpose for making announcements is to see if anyone else would come forward.
Q Did you ever -- one of the things you were upset about is that is -- the basic thing that you were upset about, with regard to the Cardinal's decision not to make the announcement in accordance with policy, is that there might be other people that were hurt that would not get the help they need?
A That would be part of it, yes.
Q And did you express that to the Cardinal?
A I expressed to the Cardinal that I thought we should make announcements.
Q And did you express the fact that there might be people out there that he had hurt that were hurting who needed help?
A I had told him that in other cases when we had made announcements, not just about children, I'm not saying -- in general, other people with concerns had come forward.
Q And got help, right?
A We would always offer help.
Q Right. And despite that, he made the decision not to make the announcement, correct?
A I don't know if he made the decision

despite of it or not, but he decided not to
Q Did the Archdiocese -- if Father Baker was going to travel to say, Napal, did he have to seek permission from the Archdiocese to do that while he was a priest in the Archdiocese?
A Not that I'm aware of no
Q Are you aware of anything in his CPIC required --
A C-P-I-P
Q Sorry. CPIP -- sorry. My apologies. You're right -- required him to seek permission from his superior if he was going to travel outside of the United States?
A I don't recall the details of the document
Q Were you aware as the Vicar for Clergy that he would periodically make trips to Mexico?
A No
Q Or Thailand?
A No
Q Were you aware he -- ever aware he studied at Notre Dame?
A I don't recall that
Q How about Fordham?
A I don't recall that

193

Q Do you recall him leading a pilgrimage to the Holy Land?
A No
MR. STEIER: Are we talking about Baker or Roger?
MR. MANLY: Baker
BY MR. MANLY:
Q Let me show you a document we'll mark as Exhibit 4. Have you ever seen this before, Monsignor?
A I don't recall specifically seeing it
Q What I'm interested in, who is [redacted]?
A She -- at the time I was Vicar for Clergy, she was the administrative assistant in the Vicar for Clergy Office
Q Does she still work there?
A I don't know
Q What I'm interested in, in Exhibit 4 is the format. Is that the type of format you would write your memorandums on?
A The memorandum letterhead --
Q Yes.
A -- was what I used, yes
Q So if you were going to write a memo to

194

the Cardinal, it would say, To: Cardinal Mahony From: Richard Loomis, Monsignor Loomis, it would give a regarding and then the date and --
A Yes
Q And then the substance of the memo would be below it, just like this is?
A Basically, yes
Q Let me show you a document we'll mark as Exhibit 5. Okay.
And can you just review that briefly?
A Yes
Q In the body of the letter you appoint him and then you say, "I strongly encourage you to meet formally with Reverend [redacted] to discuss your mutual expectations and understanding of your role and the roles of other priests in the perish. I am enclosing sample guidelines for this purpose."
I don't have copies of those guidelines. Do you know where that might be?
A I don't It was simply a form that we had and this is a form letter It wouldn't have been drafted just for this purpose
Q Okay. This is a form letter and everybody got the same guidelines, correct?

195

A Right
Q Okay. Did you call Father [redacted] -- is it [redacted]?
A [redacted]
Q Did you call Father [redacted] and talk to him about Baker?
A Yes
Q And what did you tell him?
A I told him that he was coming to him because there had been boundary issues and that he was in a protocol and that he could not have any contact with minors That's the gist of the conversation I don't recall details
Q Did you tell him he had molested kids?
A I don't remember if I specifically said that or not
Q Did you convey that?
A I don't remember
Q Okay. And did you give him a copy of the protocol?
A Yes
Q The CPIP?
A Yes
Q And when somebody got a CPIP, did they have to sign some kind of confidentiality agreement

196

or anything of that nature or was it just expected they would keep it confidential?
MR WOODS: I'll object to the form of the question as compound I'll let him answer
THE WITNESS: What was --
MR WOODS: You can answer It's compound Either or, those are not the only possibilities
MR MANLY: There you go again Go ahead
THE WITNESS: I don't recall any confidentiality agreement to be signed I think most people considered that because of personnel issues, they would keep things within the circle of those who ought to be aware
BY MR MANLY:
Q Okay. And did -- Father [redacted] understood clearly that he was not to be around children?
A He told me that he understood clearly and I told him if he wanted more, he could come in and talk to me
Q Did he?
A No, he did not
Q Let me show you a document we'll mark next in order as 6. This is a letter dated April 13, 1999 from Mike Baker, I believe, to you.

Have you ever seen this document before, Monsignor?
A I don't specifically recall it but I would say it is addressed to me
Q Do you recognize Father Baker's signature?
A Yes
Q And does this refresh your recollection that at least as of April 1999, Father Baker's therapist was [redacted]?
A Apparently so
Q Do you know what Father [redacted] -- Father [redacted] -- excuse me -- do you know what Dr. [redacted] qualifications were to treat somebody like Mike Baker?
A I don't know the specific qualification, no
Q Let me show you a document we'll mark as next in order, which is Exhibit 7.
(Exhibit 7 was marked by the Certified Shorthand Reporter.)
BY MR MANLY:
Q And this is from [redacted] & Associates. I'm going to ask you questions about the last paragraph of page 2 of the document entitled, "Leadership."

Okay Do you know who -- have you had a chance to look at the document?
A Yes
Q Do you know who picked Dr. [redacted] as Father Baker's psychologist or therapist?
A No I don't recall
Q Do you have an idea who that might be based on what you know about the custom and practice of the way the Archdiocese worked in those matters?
A We would usually ask for suggestions from psychologists, especially the consulting psychologist
Q Are you sure that Father Baker didn't just pick him?
A No
Q Okay. It's possible that Father Baker picked him, right?
A Not that I know of
Q Well, the reason I ask is that here it says that [redacted] & Associates was founded by its president [redacted] Psy.D., a management and business psychologist with 20 years experience consulting to business non-profit and government organizations, including start ups and professional organizations in the highly competitive Southern

California market."
Did you know that Dr. [redacted] was a business and management psychologist?
A No
Q Does that sound like somebody who should be treating pedophiles to you?
MR WOODS: Object to the form of the question calls for speculation Instruct the witness not to answer
BY MR MANLY:
Q Does that sound like somebody you would send a priest who had been accused of sexual abuse of minors to?
MR WOODS: Same objection Same instruction
MR MANLY: On what grounds?
MR WOODS: Ones I stated
MR MANLY: Say it again It's a different question
MR WOODS: Okay Repeat the question
MR MANLY: Read it back
(Record read)
MR WOODS: Calls for personal speculation, not relevant to the subject matter
MR MANLY: Yes, it is It is Baker's

psychologist
MR. WOODS: Instruct him not to answer
BY MR. MANLY:
Q. If you had known that Father Baker in 1999 was treating with a business and management psychologist, would you have changed his therapist?
MR. WOODS: Object; calls for speculation irrelevant to the subject matter. Instruct him not to answer
MR. MANLY: Mark it, please. You going to take your counsel's instruction?
THE WITNESS: Yes
BY MR. MANLY:
Q. Did anybody tell you that -- at any time -- let me ask you this, how would I find out how much the Archdiocese paid Dr. [redacted]?
A. I -- well, he would have had to send in bills
Q. Who paid them?
A. They were done through the finance office
Q. Okay.
A. But I can't tell you exactly how
Q. And at the time, who did the finance office bank with?
A. I don't remember. I don't know

Q. There would be financial records, as far as you know?
A. As far as I know
Q. Did you have to approve those bills?
A. Yes
Q. Okay. Who was in charge, if anyone, of making sure the therapist who treated alleged child molesters at the Archdiocese were qualified to treat them?
A. I relied heavily on the advice of the consulting psychologist.
Q. Who is?
A. Initially, it was [redacted], then it was Father [redacted] and following him, it was Father [redacted]
Q. Could you spell the last name, please.
A. [redacted]
Q. [redacted], when did she leave?
A. I don't recall. It would have been a couple of months into my time
Q. Why did she leave?
A. Because we were going to have someone come into the office itself and work full time
Q. And Father [redacted], what was his name?
A. [redacted]T

Q. And was he a diocesan priest?
A. Jesuits
Q. What province?
MR. WOODS: I'm sorry?
BY MR. MANLY:
Q. What province?
A. I'm not sure
Q. Was he from California?
A. I'm not sure
Q. Who made the decision to hire Father [redacted]?
A. Monsignor Dyer
Q. Was Father [redacted] involved with the Baker case?
A. I don't know
Q. Okay. If something had happened with regard to the boundary violations -- well, how long was Father [redacted] there?
A. A couple of years. I can't be more specific.
MR. MANLY: It is a good thing you are here, Mr. Gaspari. He represents the Jesuits. I know what time it is.
Can I have the answer read back because I distracted myself

(Record read.)
BY MR. MANLY:
Q. Would Father [redacted] have been alerted or involved in preparing the CPIP, if the boundary violations took place while he was there?
A. Yes
Q. Okay. And why did he leave the Archdiocese?
A. We had to ask him to leave because of a personal problem
Q. What was that?
A. He was an alcoholic
Q. Okay. And who was the last person?
A. Dr. [redacted].
Q. And was Father [redacted] a psychiatrist or psychologist?
A. Psychologist
Q. Did Father Bryant act out or something that caused him to get in trouble or --
A. Act out? What do you mean?
Q. Was there an incident that precipitated his leaving?
A. Incident as in what?
Q. You tell me. Did he sexually abuse somebody?

A Oh, no
Q That's what I'm -- was there some scene? How did you determine he was an alcoholic?
A Unfortunately I became aware that he was an alcoholic because he was inebriated
Q At the office?
A Not at the office but at something else
Q What?
A I don't remember It was some gathering
Q Dr. Olona, what was his qualification? Was he a psychologist?
A He was a clinical psychologist
Q And what experience did he have dealing with child molesters, if any?
A He was a forensic psychologist I don't know if he specifically dealt with child molesters
Q Was he involved with the Baker case?
A Not that I'm aware of
Q Were -- was Father [redacted] made aware -- whoever the psychologist -- did you call consulting psychologist?
A Yeah
Q Whoever it was at the time the boundary violations occurred, they would have been made aware of the violations, correct?

A Yes
Q And to your knowledge, did any consulting psychologist of the Archdiocese report Father Baker?
A Not that I recall
MR MANLY: Okay We've -- you're going to bring him back Thursday
MR WOODS: Thursday, 10:00
MR MANLY: As I have told you and I've offered to you off the record I'm going to make a big motion to compel, okay And we've got a number of issues we need to tee up
I'm happy to wait for the second session until that motion happens You have chosen not to do that so in all likelihood, I think I will at least win one of my motions, there is going to be a third session which I'm willing to delay in time to get my motion on file.
You don't want to do that?
MR WOODS: No We'll proceed We'll see what the judge rules on the motions We don't make objections unless we think they are going to be sustained So we'll see
MR MANLY: Don't let my silence on that matter be deemed as an assent to its content
MR STEIER: I took your silence as a

blessing
MR MANLY: Thank you Don That's the nicest thing you have said to me in a long time We'll stipulate to relieve the court reporter of her duties under the code
That the original of the transcript will be forwarded to Mr Woods
That Mr Woods will arrange for the witness to read and sign within 20 days That he will forward the original to my office and my office will retain the original, produce it upon reasonable request for any and all purposes in connection with the litigation for any reason
The witness will read and sign; that if he makes any changes, those will be provided to counsel within five days That the -- in the event the original transcript is lost, stolen or otherwise misplaced, a certified copy can be used for any and all purposes in the litigation as if it were a signed original
MR WOODS: So stipulated
MR MANLY: I know you don't do it Just do it anyway
MR GASPARI: Stipulation? We don't do stipulations

MR MANLY: I know Don you going to stipulate?
MR STEIER: Oh, yeah Thank you Monsignor
THE VIDEOGRAPHER: Videotape deposition of September 15, 2009 is now being concluded at 4:08 p m This concludes tape 3 of 3 in today's deposition Thanks you all very much
(Deposition concluded at 4:08 p m)
(Deposition to be signed under penalty of perjury)

EXHIBIT "D"

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

Coordinated Proceeding Special Title (Rule 1550(b)) THE CLERGY CASES I	
LUIS C., individual, Plaintiff, vs. JOHN DOE 1, in Individual; JOHN DOE 2, a Corporation; JOHN DOE 3, an Individual; JOHN DOE 4, an entity form unknown; and DOES 1 through 1000, Inclusive, Defendants.	Case No. BC376766

VIDEOTAPED DEPOSITION OF LUIS C. [redacted]

LOS ANGELES, CALIFORNIA

WEDNESDAY, JULY 15, 2009

REPORTED BY:
Elizabeth Borrelli
CSR No. 7844
JOB No. 090715EL

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

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VIDEOTAPED DEPOSITION OF LUIS C.[redacted]

LOS ANGELES, CALIFORNIA

WEDNESDAY, JULY 15, 2009

REPORTED BY:
Elizabeth Borrelli
CSR No. 7844
JOB No. 090715EL

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13:48:57 A. Yeah. He'd say -- people that would come up to him and say "Thank you for saying Mass" and, you know, for being a good man.

Q. And he would give them a big hug?

13:49:08 A. Yeah.

Q. He was a very touchy-feely person?

A. Yeah. Always. He was always like that.

Q. Okay.

How about your mother, did he hug your

13:49:14 mother?

A. Yeah.

Q. Did he hug your sister?

A. Yeah.

Q. How about the other brothers?

13:49:18 A. Yeah.

Q. He would hug them all?

A. Yeah. He'd be very open to 'em.

Q. Okay.

Okay. So when -- when -- if you can put a

13:49:30 time period on it, when did he first touch you under your clothes?

A. It was in the rectory, and we were upstairs, and, you know, he told me that he needed a hand with some things. So I went upstairs. And in

13:49:48 his bedroom, you know, we were just sitting there

13:49:50 talking. He -- at the end, he didn't need any help at all. He just -- you know, just unzipped my pants and just started masturbating me.

Q. Okay.

13:50:00 Was that after Mass?

A. Yeah.

Q. Was it on a Sunday?

A. On a Sunday, when everybody already cleared out everything.

13:50:06 Q. Everyone at the rectory had gone?

A. Yeah.

Q. It was after the last Mass?

A. Yeah.

Q. Okay.

13:50:13 And did he masturbate you to -- to a climax?

A. No. He masturbated me just to get me hard and for him to copulate me.

Q. Okay.

13:50:25 So the very first time this occurred, he masturbated you with his hand?

A. Yeah.

Q. And you got hard but did not ejaculate?

A. That's correct.

13:50:35 Q. Okay.

13:50:36 And then that same occasion, did he copulate you, orally copulate you?

A. Yeah.

Q. Okay.

13:50:42 So the first time he touched you under your clothes, he masturbated and orally cop- -- copulated you?

A. Yeah.

Q. Did you ejaculate?

13:50:52 A. No.

Q. Okay.

Did you do anything to him sexually?

A. I caressed his chest and I touched his -- his penis, too.

13:51:03 Q. Did you masturbate him?

A. No.

Q. Okay.

Just touched it under -- you reached in --

A. Yeah.

13:51:09 Q. -- under his clothes?

A. Yes, sir.

Q. Okay.

How long would you say you were in his room, in the rectory, on that first occasion of

13:51:20 sexual contact?

13:51:20 A. Around 20 to -- 20 to 30 minutes.

Q. Okay.

And did anyone see you go in or go out?

A. I think that's the time Father [redacted] saw me coming from down -- upstairs.

13:51:32 Q. He saw you leaving, right?

A. Yeah.

Q. He was on the stairway landing?

A. That's correct.

13:51:48 Q. Okay.

Had you been in Father [redacted] Doe 3 's room before that?

A. No, sir. I had been on the lower level only.

13:51:59 Q. Okay.

Had there -- but this was the first time you had sexual contact underneath the clothes?

A. That's correct, sir.

Q. Okay.

13:52:09 And so you were in the room for about 20 minutes, and then you voluntarily left?

A. Yes. I -- I -- I got freaked out.

Q. Okay.

Did you walk down the stairs --

13:52:25 A. Yeah.

13:52:25 Q. -- or run?

A. I walked.

Q. You were walking normally?

A. I was zoned out. I was trying to see what the -- trying to run through my mind what -- what the hell had just happened.

13:52:36 Q. Okay.

And this, in your mind, was still before Confirmation, before you were confirmed?

13:52:58 A. Before I was confirmed? Yeah.

Q. Okay.

Doe 3
Did Father [redacted] follow you down the stairs?

A. No.

13:53:20 Q. Did you go home?

A. I walked home.

Doe 3
Q. Did Father [redacted] go with you?

A. No.

Q. You went home alone?

13:53:30 A. Yeah.

Q. What was the next time you saw Father Baker?

A. He went to my house.

Q. When?

13:53:38 A. During the week.

EXHIBIT "E"

Video (DVD)
clip

EXHIBIT "F"

instruct	**instructed**	**instructing**	**instruction(s)**
Page 10, line 14 Page 11, line 24 Page 12, line 1 Page 18, line 17, 22 Page 19, line 9, 16, 20, 24 Page 20, line 3 Page 44, line 14, 15, 20 Page 67, line 1, 2, 8, 13 Page 81, line 20 Page 82, line 18 Page 83, line 1, 21 Page 102, line 7, 17, 25 Page 106, line 24 Page 108, line 22 Page 109, line 8, 20 Page 122-123, line 25-1 Page 124, line 19 Page 125, line 7 Page 126, line 10 Page 129, line 1, 20 Page 131, line 22 Page 138, line 15 Page 140, line 24 Page 141, line 12 Page 147, line 16 Page 148, line 2, 16 Page 149, line 3 Page 150, line 5, 14 Page 151, line 16 Page 152, line 2, 10 Page 154, line 16 Page 158, line 25 Page 164, line 17 Page 165, line 15 Page 168, line 4 Page 179, line 19 Page 191, line 15 Page 200, line 8 Page 201, line 2, 8	Page 96, line 15 Page103, line 15	**Page 132, line 25** **Page 133, line 12** **Page 141, line 15**	Page 20, line 9 Page 141, line 14 Page 147, line 18, 20, 21 Page 149, line 15, 16 Page 200, line 15 Page 201, line 11

EXHIBIT "G"

From: John Manly
Sent: Thursday, September 17, 2009 10:29 AM
To: 'WoodsD@hbdlawyers.com'
Cc: Vince Finaldi; 'pgaspari@tobinlaw.com'; 'gslaw99@yahoo com'
Subject: Meet and Confer on Motion to Compel

Importance: High

Dear Don:

On September 15, 2009 during the deposition of Monsignor Loomis, you instructed the witness not to answer over 50 times. Respectfully, we believe that most of, if not all of the instructions, were in bad faith, and in violation of the code. Pursuant to our statutory obligations, I would like to schedule a telephonic meet and confer with you as soon as possible. Please let me know your availability this week, or early next week. It is our intent to bring these topics and issues before the court and get a ruling as quickly as possible. I look forward to your reply.

Very truly yours,

John C. Manly, Esq
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p.s.: If Monsignor Loomis' new counsel will be handling this, please forward this email to him forthwith.

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EXHIBIT "H"

From: Don Woods [WoodsD@hbdlawyers.com]
Sent: Wednesday, September 16, 2009 5:14 PM
To: pgaspari@tobinlaw.com; John Manly; Vince Finaldi; gslaw99@yahoo com; gslaw@ix.netcom.com
Subject: Depo of Loomis

John and Vince, I apologize for the late hour but I have decided after consulting within my firm and with the client that I and the firm will withdraw from the representation of Monsignor Loomis in this case. Monsignor has consented to our withdrawal. Monsignor has a new attorney in mind and we understand he will be ready to proceed within a very short period of time. I also understand that one of the other attorneys has a scheduling issue for tomorrow in any case. Accordingly, please cancel the court reporter and videographer. If you have any costs in that regard please pass the billings to me. The new attorney will contact you for new dates but we fully expect that Monsignor will be ready to proceed within a week or two at the most Thank you for your cooperation. Don

865 South Figueroa Street
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Los Angeles, California 90017
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Facsimile: (213) 694-1234

This e-mail was sent by a law firm and may contain information that is privileged or confidential. If you are not the intended recipient, please delete the e-mail and any attachments and notify us immediately. Thank you

Manly & Stewart
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TELEPHONE (949) 252-9990

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am employed in the county of Orange, State of California. I am over the age of 18 and not a party to the within action; my business address is 4220 Von Karman Avenue, Suite 200, Newport Beach, CA 92660.

On September 18, 2009, I served the foregoing document described as **NOTICE OF MOTION AND MOTION FOR PROTECTIVE ORDER REGARDING THE DEPOSITION OF MONSIGNOR DOE 6 AND DONALD WOODS; DECLARATION OF JOHN C. MANLY IN SUPPORT** on the parties in this action by placing [ ] the original [X] a true copy thereof enclosed in sealed envelopes addressed as follows:

J. Michael Hennigan, Esq. Lee W. Potts, Esq. HENNIGAN, BENNETT & DORMAN, LLP 865 South Figueroa Street, Suite 2900 Los Angeles, CA 90017 Telephone: (213) 694-1200 Facsimile: (213) 694-1234 **Attorneys for Defendants Does 1,2, 4-7, 9-20**	Donald H. Steier, Esq. GUZIN & STEIER 4525 Wilshire Boulevard, Suite 201 Los Angeles, CA 90010 Telephone: (323) 932-1600 Facsimile: Fax (323) 932-1873 **Attorneys for Defendant Doe 3**
Paul E. Gaspari, Esq. TOBIN & TOBIN 500 Sansome Street, Eighth Floor San Francisco, CA 94111 (415) 433-3883 (415) 433-1400-fax **Attorneys for Defendant Doe 8**	Denis Alexandroff, Esq. CA State Bar No 192885 LAW OFFICES OF DENIS ALEXANDROFF 15333 Sherman Way, Suite H Van Nuys, California 91406 **Co-Counsel for Plaintiff**

[X] BY MAIL - I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. It is deposited with U.S. postal service on that same day in the ordinary course of business. I am aware that, on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

[ ] BY ELECTRONIC SERVICE: Pursuant to the Court's Electronic Case Management Order, I institute service of the foregoing document by submitting an electronic version of the document via file transfer protocol (FTP) to CaseHomePage through the upload feature at www.casehomepage.com. Service will be deemed effective as provided for in the Electronic Case Management Order.

[X] I declare under penalty of perjury under the laws of the State of California that the above is true and correct. I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on September 18, 2009, at Newport Beach, California.

Mary Halverson