

SUPERIOR COURT OF THE STATE OF CALIFORNIA
For The County Of Los Angeles - Central District

Coordinated Proceedings
Special Title (Rule 1550(b))
THE CLERGY CASES I

JUDICIAL COUNCIL
COORDINATION
PROCEEDING NO.: 4286

This Document Relates to Santa
Barbara Superior Court Case No.
01131929

ANDREW RUIZ, an individual,

Plaintiff,

v.

ARCHDIOCESE OF LOS ANGELES
EDUCATION AND WELFARE
CORPORATION; ROMAN CATHOLIC
ARCHBISHOP OF LOS ANGELES;
and DOES 3 - 100, inclusive,

Defendants.

VOLUME 1
(PAGES 1-128)

Videotaped deposition of FATHER [REDACTED]
taken on behalf of Plaintiff, commencing at 10:59 A.M.,
Thursday, February 8, 2007, at 1440 Mission Avenue,
Oceanside, California, before SUSAN E. LANSING, C.S.R.
#6355.

--oo0oo--

1 APPEARANCES OF COUNSEL:

3 For Plaintiff:

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8 For Defendants:

9 HENNIGAN, BENNETT & DORMAN, LLP
10 BY: BLESS YOUNG, ESQ.
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13 Also present:

14 John Sisson, Videographer

1 OCEANSIDE, CALIFORNIA; THURSDAY, FEBRUARY 8, 2007
2 10:59 A.M.

3 THE VIDEOGRAPHER: Good morning. My name is
4 John Sisson. I am your video operator today and I'm
5 employed by Telegenics of Ventura, California. Today is
6 February 8, 2007. It's now 10:59 in the morning. The
7 location of this deposition is the Ramada Limited Hotel
8 at 1440 Mission Avenue in Oceanside, California.

9 Today's witness is Father [REDACTED] in the
10 case of Andrew Ruiz v. Archdiocese of Los Angeles
11 Education And Welfare Corporation; Roman Catholic
12 Archbishop Of Los Angeles; and DOES 3 - 100, inclusive.
13 Case No. 4286, or, actually, Judicial Council Proceeding
14 No. 4286, in Superior Court, State of California, County
15 of Los Angeles, Central Division. This deposition was
16 noticed by Timothy Hale for the plaintiff.

17 Would counsels now please identify themselves
18 and state for whom they're appearing.

19 MS. YOUNG: Bless Young, Hennigan, Bennett &
20 Dorman, for defendant Roman Catholic Archbishop of Los
21 Angeles and for the witness.

22 MR. HALE: Tim Hale for plaintiffs.

23 THE VIDEOGRAPHER: Thank you. Will the
24 reporter now please swear in the witness.

25 --oo0oo--

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5 EXHIBITS

6 PLAINTIFF'S

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9 QUESTIONS THE WITNESS WAS INSTRUCTED NOT TO ANSWER

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1 FATHER [REDACTED]

2 having been duly administered an oath in accordance
3 with CCP 2094 was examined and testified as
4 follows:

5 EXAMINATION

6 BY MR. HALE:

7 Q. Good morning, Father.

8 A. Good morning.

9 Q. I know we've been introduced off the record
10 already but for the record my name is Tim Hale. Could
11 you state and spell your full name for the record.

12 A. [REDACTED]

13 Q. Okay. Have you ever had your deposition taken
14 before?

15 A. Yeah, one time before.

16 Q. How long ago was that?

17 A. I'd say between ten and twelve years ago, I
18 don't know exactly.

19 Q. And do you recall what the nature of -- was
20 that a lawsuit filed in California?

21 A. It was, yeah.

22 Q. Do you recall what the nature of that lawsuit
23 was?

24 A. Well, it was a priest with me in the parish and
25 he was taking a group of -- he was a Phillipino priest

1 and he was taking a group of Philipinos over to Rome
 2 for canonization and he got this - what do you call the
 3 person that conducts the, a trip like that; business.
 4 Not a business but travel agent. Travel agent I'm
 5 trying to say.
 6 Q. Okay.
 7 A. And he had all the people paid him, he told
 8 them how much it would be for each one, they all paid
 9 him, and when they got to Rome they found out that he
 10 hadn't paid for the hotels that they were supposed to
 11 stay in. And then of course there was a lawsuit and so
 12 I -- this Father [redacted], his name was [redacted], was with me
 13 and of course since he was in the house I was asked to
 14 be a witness.
 15 Q. Okay. And there weren't any allegations of
 16 sexual abuse or anything like that?
 17 A. No, no. Business thing.
 18 Q. Okay. So, sounds like it's been a little while
 19 since you've been deposed and you probably discussed the
 20 rules of the deposition so to speak with your attorney,
 21 but just so we're on the same page I'm going to go over
 22 a few of those as quickly as I can right now.
 23 You understand your testimony today, even
 24 though we're in a very informal setting at this hotel,
 25 has the same force and effect as if you were testifying

1 in front of a judge and before a jury in a court of law?
 2 A. (Witness nods head affirmatively.)
 3 Q. Is that a yes?
 4 A. Yes, yes.
 5 Q. Okay. It's also very important, as you can see
 6 the court reporter is typing down everything I say and
 7 everything you say, so it's very important for us to
 8 have a clear record that when you respond to a question,
 9 will you respond with a "yes" or a "no" or some other
 10 kind of response like that. We want to avoid "uh-huhs"
 11 and "huh-uhs" and shaking of the head and that kind of
 12 thing. Do you understand that?
 13 A. Sure.
 14 Q. Okay. Do you understand you've been placed
 15 under oath by the court reporter?
 16 A. I don't hear that very well.
 17 Q. Okay. I'll speak up.
 18 A. Yeah.
 19 Q. Do you understand you've been placed under oath
 20 by the court reporter?
 21 A. Yes, I do, yes.
 22 Q. Okay. Have you consumed any alcohol or drugs
 23 that might in any way impair your ability to give your
 24 best testimony today?
 25 A. No.

1 Q. Okay. If I ask you a question today and you
 2 respond, I'm going to assume you understood what I meant
 3 by the question. So, if I say something that doesn't
 4 make sense, please ask me to rephrase. And by the same
 5 token, if I'm not speaking loudly enough and you don't
 6 hear me clearly, please ask me to speak up and I will do
 7 so. Okay?
 8 A. Okay.
 9 Q. You're doing a good job also so far of allowing
 10 one person to speak at a time. Again, the court
 11 reporter is taking everything you and I say down, so,
 12 when I ask you a question, even though there's going to
 13 be times when you correctly anticipate what I'm asking
 14 you, please wait until I finish my question before you
 15 respond. And by the same token, when you're responding
 16 I'll do my best to wait until you finish your response
 17 before I ask you another question. Okay?
 18 A. Very good.
 19 Q. Is there any reason you can't give your best
 20 deposition testimony today?
 21 A. No.
 22 Q. Okay. When I ask you a question today I am
 23 entitled, for instance, we're probably going to talk
 24 about a fair number of dates. I'm entitled to your best
 25 estimate as to the answer to the question but we don't

1 want you to guess as to the answer to any questions I
 2 ask you. Do you understand the difference between a
 3 guess and an estimate?
 4 A. About so and so date would be the guess,
 5 wouldn't it?
 6 Q. I can give you an example. If I asked you to
 7 tell me the size of this table you could look at the
 8 table and you could estimate what the size is because
 9 it's sitting here in front you, but if I asked you to
 10 tell me the size of the desk in my office, you've never
 11 been in my office so that would be a pure guess. Does
 12 that make sense?
 13 A. That does.
 14 Q. Okay. At the end of your deposition your
 15 testimony is going to be placed into a typed booklet
 16 form. You're going to get a chance to read that
 17 testimony, review it. You can make changes to it if you
 18 deem those changes necessary, but you need to keep in
 19 mind that if you do make any changes, either myself or
 20 any other attorney in this matter will be free to
 21 comment on those changes at the time of trial. That
 22 could impact your credibility. Do you understand that?
 23 A. Uh-huh, yes.
 24 Q. Okay. Do you have any questions?
 25 A. No.

1 Q. Okay. If you need to take a break at any time
 2 today, just say the word. We're not holding you
 3 prisoner here. Okay?
 4 A. Okay.
 5 MS. YOUNG: And we'll all travel 25 miles to
 6 find a clean restroom.
 7 Q. BY MR. HALE: Did you review any documents in
 8 preparation for your deposition today?
 9 A. I did, yeah.
 10 Q. What did you review?
 11 A. Well, I read all those things that you thought
 12 I might be able to have as far as church is concerned,
 13 the school. I don't have anything like that.
 14 Q. Okay. You mean the document requests?
 15 A. The document requests, yeah.
 16 Q. Okay. Anything else you reviewed in
 17 preparation for the deposition today?
 18 A. I looked at the whole -- I didn't bring it with
 19 me but I read the whole thing, more than once.
 20 Q. Okay. But anything other than that, other than
 21 the document request?
 22 A. No. Whatever was sent me in the mail, I read
 23 all that.
 24 Q. Okay. And other than with your attorney, did
 25 you meet with anyone or have you discussed with anyone

1 the fact that you were going to be deposed today within
 2 the last 45 days?
 3 A. No.
 4 Q. Okay. What's your date of birth?
 5 A. September 16, 1931.
 6 Q. Okay. I just want to go through, get some
 7 background information from you regarding your education
 8 and also your assignment history. Where did you go to
 9 high school at?
 10 A. At the Los Angeles Junior Seminary.
 11 Q. Is that St. Elizabeth's?
 12 A. No.
 13 Q. Was it St. Elizabeth's?
 14 A. The first one was called the Los Angeles
 15 College Junior Seminary. It was on Third and Detroit
 16 Street. And that was the high school for the seminary,
 17 and also two years of philosophy.
 18 Q. Where were you born?
 19 A. I was born in Ireland.
 20 Q. And when did you come to the United States?
 21 A. 1950. May 1950.
 22 Q. And at that point did you enroll in Los Angeles
 23 College?
 24 A. Well, not for a year. The following year,
 25 yeah.

1 Q. Okay. What did you do in that year between
 2 coming to the United States --
 3 A. I, I --
 4 MS. YOUNG: Let him finish his question before
 5 you answer.
 6 THE WITNESS: Oh, sorry.
 7 MR. HALE: Thanks, Counsel.
 8 Q. -- between your coming to the United States and
 9 your enrolling at the Junior Seminary?
 10 A. Well, I went to school and did some part-time
 11 work.
 12 Q. Okay. And so, did you enroll in the Junior
 13 Seminary for the school year of 1950 to '51 or 1951 to
 14 '52?
 15 A. I think it was '51 to '52, but I'm not
 16 definitely sure, but I think it was.
 17 Q. Okay. And do you recall what year you finished
 18 your studies at the Junior Seminary?
 19 A. Oh, boy. I was there four years, I believe.
 20 Q. Four years?
 21 A. Four years.
 22 Q. So, probably 1956, '55/'56 was the year you
 23 graduated?
 24 A. I spent, I spent six years -- see, after there
 25 then we went to Camarillo where I did two more years of

1 philosophy and four years of theology, so, I spent six
 2 years up there after. I was ordained in 1960.
 3 Q. And when you say Camarillo, are you referring
 4 to St. John's?
 5 A. Yes, yeah.
 6 Q. So, that was two years of philosophy and then
 7 it was three more years of theology or four more years?
 8 A. Four years -- two years philosophy as a junior
 9 and then -- it was more like a high school, like, it was
 10 high school, then two years of philosophy, then two more
 11 years of philosophy, then four years of theology.
 12 Q. Okay. Were you classmates with [REDACTED]
 13 [REDACTED]
 14 A. No.
 15 Q. What about with [REDACTED] or [REDACTED]
 16 [REDACTED]?
 17 A. No.
 18 Q. Did you know them?
 19 A. Yeah. He came after me.
 20 Q. I'm sorry, when you say him, you mean Mr.
 21 [REDACTED] or Mr. [REDACTED]?
 22 A. [REDACTED] was ahead of me at the parish up there
 23 where I was.
 24 Q. But did you know Father [REDACTED] at the
 25 seminary, at St. John's?

1 A. He studied mostly in Spain, so, I can't
 2 remember then if he finished in Spain or not but I --
 3 MS. YOUNG: Just answer the question. The
 4 question was, did you know him when you were in the
 5 seminary.
 6 THE WITNESS: Well, that's what I'm trying to
 7 remember because I know he was in Spain. I don't know
 8 if he had to come back to the seminary. If he did of
 9 course I would know.
 10 MS. YOUNG: See, the problem is you can't think
 11 out loud while you're on the record, so, just think in
 12 your head and then answer his question.
 13 THE WITNESS: Well, I say yes because no doubt
 14 he was there for different occasions.
 15 Q. BY MR. HALE: Okay. Did you know [redacted] or
 16 [redacted]?
 17 A. I did, yes.
 18 Q. And was that from the seminary as well?
 19 A. Yes, the seminary. He was at the seminary when
 20 I was.
 21 Q. All right. What was your first -- now, you
 22 were ordained in 1960. What was your first assignment
 23 after you were ordained?
 24 A. Our Lady Guadalupe Church and Holy Cross Church
 25 in Santa Barbara.

1 A. I think so.
 2 Q. Okay. And who else was -- now, obviously
 3 Father Kelly was in residence there when you arrived at
 4 Our Lady?
 5 A. Who?
 6 Q. Father Kelly.
 7 A. He was there. He was the pastor there, yes.
 8 Q. Okay. And were there other priests?
 9 A. There was, yeah, other priest, yeah.
 10 Q. Who was that?
 11 A. [redacted].
 12 Q. Okay. Anyone else?
 13 A. No, just two. Just, parish we only had two at
 14 a time.
 15 Q. And at some point was Father [redacted] transferred
 16 away and replaced by another priest?
 17 A. He was, yeah.
 18 Q. Do you recall who that priest was who replaced
 19 him?
 20 A. Yeah. I never can remember him. He died
 21 since, you know. I'm sure you have it there somewhere.
 22 Q. I'm looking right now. Was it Father [redacted]
 23 [redacted]?
 24 A. [redacted], Father [redacted], yeah, yeah, yeah.
 25 Q. Okay. And then, after Father [redacted], was Father

1 Q. And was that right away in 1960 after you were
 2 ordained or was there some time --
 3 A. Except a month's vacation. And then, when I
 4 returned from vacation, then I was assigned there.
 5 Q. So, did you start at Our Lady around June of
 6 1960 or May of 1960?
 7 A. It was probably, whether it was the last days
 8 of May or first days of June I'm not sure, because I
 9 know it was four weeks of vacation and then I came back
 10 and went there. So, I'm not sure the exact day that I
 11 went there.
 12 Q. Okay. And how long did your assignment last?
 13 A. Six years.
 14 Q. And when you arrived at Our Lady -- I assume
 15 you were in residence at Our Lady and you were just
 16 assisting at Holy Cross?
 17 A. Well, it was part of the parish, Holy Cross
 18 was, like a mission of the parish, part of that. So, we
 19 lived at Our Lady Guadalupe and then we went up and did
 20 the services up there, whatever was going on.
 21 Q. Okay. And when you arrived at Our Lady, did
 22 you replace someone?
 23 A. Yes. Let's see now. Probably, probably
 24 [redacted].
 25 Q. [redacted]?

1 [redacted] replaced while you were there?
 2 A. Again now, I don't think so.
 3 Q. Okay. Were there any other priests in
 4 residence at Our Lady while you were there?
 5 A. No.
 6 Q. What about a Father [redacted], do you
 7 remember him?
 8 A. Oh, yeah, I do, yeah. He was from Notre Dame.
 9 He was going to school and, yeah, that's right, he was
 10 there.
 11 Q. Was he going to school at the university?
 12 A. He was, yeah, yeah.
 13 Q. And was he a student or was he --
 14 A. Well, he was ordained, he was a priest, and he
 15 was just going to school there, I guess. What classes
 16 he was taking, I don't know.
 17 Q. Do you know if he was doing graduate studies at
 18 the university?
 19 A. I really don't know.
 20 Q. Okay. Do you remember how long Father [redacted]
 21 was at Our Lady?
 22 A. Oh, I really don't. I'd be guessing. I don't
 23 really know on that one.
 24 Q. Okay. Do you remember where Father [redacted]
 25 lived while you were at Our Lady?

1 A. There was a room there attached to the
 2 residence there that he lived in. It was part of the
 3 residence really, yeah.
 4 Q. Was that on the first floor?
 5 A. The first floor, yeah.
 6 Q. And when you say it was attached to the
 7 residence, do you mean --
 8 A. Well, I mean, was part of the residence, yeah.
 9 Q. Was it actually within the rectory?
 10 A. Within the rectory, yeah.
 11 Q. Okay. And what about, do you remember a Father
 12 ██████ or ██████?
 13 A. That was another one, ██████, yeah.
 14 Q. ██████.
 15 A. Yeah, he was there too. Yeah, I forget all
 16 these people. It was a long time ago.
 17 Q. It's been a long time.
 18 A. Yeah, he taught at University of California
 19 Santa Barbara.
 20 Q. And he taught; correct?
 21 A. He did. He was a teacher.
 22 Q. And where did he live while he was there?
 23 A. I think, he lived, he lived in the same
 24 quarters.
 25 Q. Same as ██████?

1 Q. Okay. And during your time at Our Lady, do you
 2 recall Mr. ██████ spending time, for instance, spending
 3 summer breaks or holiday vacations from St. John's at
 4 Our Lady?
 5 A. I don't quite understand what you mean.
 6 Q. In other words, on Mr. ██████'s summer breaks
 7 when he was still a student at St. John's, do you recall
 8 him coming to Our Lady and spending the summers at Our
 9 Lady?
 10 A. No, I don't. No, I don't.
 11 Q. Do you ever recall Mr. ██████ spending the
 12 night at Our Lady Guadalupe while you were a priest
 13 there?
 14 A. No, I don't.
 15 Q. Do you recall seeing Mr. ██████ at Our Lady
 16 while you were a priest there?
 17 A. Again, I must say I don't know.
 18 Q. Okay.
 19 A. I don't know.
 20 Q. I just want to be clear, correct me if I'm
 21 wrong, you're not certain if he was there or not, you
 22 just don't recall; is that correct?
 23 MS. YOUNG: Objection; misstates his testimony.
 24 Q. BY MR. HALE: You tell me. Can you say with
 25 certainty that he was not there or do you simply not

1 A. Same as Father ██████ was, yeah.
 2 Q. Did ██████ move in --
 3 A. Well, Father ██████ went back to Notre Dame.
 4 He was only there a short time taking these classes.
 5 But the two were not there at the same time.
 6 Q. Okay. Do you know if, have you had any contact
 7 with ██████ since your time together at Our Lady of
 8 Guadalupe?
 9 A. Once I wrote about tickets for Notre Dame/USC
 10 game and that was about the only time. He never came
 11 back. I never talked to him since that.
 12 Q. So, you got the tickets though?
 13 A. I got the tickets, yeah.
 14 Q. Oh, great.
 15 Do you know, was he on the faculty of Notre
 16 Dame?
 17 A. He was, yeah. I don't know.
 18 Q. Do you know if he is still?
 19 A. I don't know really. That, again, that was
 20 back.
 21 Q. Right. Do you know if Father ██████ taught at
 22 any other universities?
 23 A. No, I don't know. I don't know.
 24 Q. Do you know where he's in residence right now?
 25 A. I don't know. I have no contact with him.

1 recall whether he was there?
 2 A. I may have seen him but I can't remember where
 3 I saw him. See, I can't say exactly he was there, but I
 4 know I had seen him, but where, I don't know.
 5 Q. Okay.
 6 A. That's what I'm saying.
 7 Q. Fair enough. And do you ever remember seeing
 8 him there, for instance, I'm talking about Mr. ██████
 9 at Our Lady on, during the Christmas holidays or the
 10 Thanksgiving holidays or the Easter holidays?
 11 A. No, I don't remember that.
 12 Q. You referenced --
 13 A. I don't remember seeing him there, no.
 14 Q. Okay. You referenced the room on the first
 15 floor where Father ██████ and Father ██████ stayed.
 16 A. Uh-huh.
 17 Q. Do you remember anyone else ever staying in
 18 that room?
 19 A. No, no.
 20 Q. Do you recall that room being empty and not
 21 being stayed in?
 22 A. Oh, I do, yeah, yeah.
 23 Q. Okay. Do you recall any priest from Santa
 24 Barbara doing supply work at Our Lady while you were
 25 there?

1 MS. YOUNG: Objection; lacks foundation.
 2 Q. BY MR. HALE: You can answer.
 3 A. Yes, some of the Franciscans.
 4 Q. Do you remember which Franciscans?
 5 A. I can't remember which but there were of course
 6 quite a few of them there. And an older man was a
 7 priest, they'd be busy in their own parish, but I'm sure
 8 that, yeah, there was one from there.
 9 Q. Okay.
 10 A. Who it was now, again, I don't know, I just.
 11 Q. Okay. What was your next assignment after Our
 12 Lady of Guadalupe in Santa Barbara?
 13 A. From there I went to Holy Cross Church,
 14 downtown Los Angeles, 42nd and Main Street.
 15 Q. And how long were you assigned there?
 16 A. I was there about, oh, roughly two years or so.
 17 Q. And who else, what were the other priests that
 18 were assigned in residence while you were there?
 19 A. Well, the pastor there was Father [REDACTED],
 20 Father [REDACTED].
 21 Q. Okay. Anyone else?
 22 A. And also Father -- oh, what's his name. He's
 23 dead now too.
 24 Q. Okay. Don't kill yourself over it.
 25 A. There were two there. One went from there to

1 Q. Okay. What was your third assignment after
 2 Holy Cross?
 3 A. Then I went to Our Lady -- The Immaculate
 4 Conception on Ewing Street in Los Angeles.
 5 Q. How long was that for?
 6 A. That was four years there.
 7 Q. And who were the other priests that were
 8 assigned or in residence there?
 9 A. Well, the pastor there was Monsignor [REDACTED],
 10 [REDACTED].
 11 Q. Okay. Anyone else?
 12 A. And there was a Father [REDACTED], Father
 13 [REDACTED] was there.
 14 Q. Okay.
 15 A. And Father [REDACTED] was there.
 16 Q. Anyone else in residence or...
 17 A. Yeah, for a while there was a Father from the
 18 office there, Father [REDACTED] -- I can't remember his name.
 19 Q. So, did you go to the Vatican II course while
 20 you were at Immaculate Conception?
 21 A. No, I went after, after -- I was downtown
 22 there, then I went to another church down on Manchester
 23 there, Father -- Anastasia's, and after Anastasia's,
 24 that's when I went to Vatican II.
 25 Q. Okay. And what years were you at Anastasia's?

1 another parish and then the other one came in there.
 2 Q. Okay. Let me backtrack for just a second.
 3 Have you had any education beyond your time, beyond your
 4 time at St. John's, any graduate work of any sort?
 5 A. Yeah. I went up to Berkeley for about three or
 6 four months, postgraduate to course. Update, you know,
 7 things we learned at the college.
 8 Q. Was that in the '60s?
 9 A. It was around '70, '71 or '72, around that
 10 time.
 11 Q. Did you receive any degrees as a result of any
 12 of those studies?
 13 A. Well, I got a Bachelor of Arts Degree from St.
 14 John's of course.
 15 Q. Right.
 16 A. And then they give you a thing you can go ahead
 17 and get a Master's degree if you want to continue the
 18 course we took at the Vatican II thing.
 19 Q. Okay. Any other studies beyond what we've
 20 already talked about, any graduate studies?
 21 A. No, no.
 22 Q. Any other schools you've attended --
 23 A. No.
 24 Q. -- other than what we've already talked about?
 25 A. No.

1 A. Oh, exactly? I should have looked these up if
 2 I knew you were going to ask me.
 3 Q. No, that's okay. Just testify from your
 4 memory. Just do the best you can.
 5 A. Oh, probably early '70s I would think.
 6 Q. Okay.
 7 A. Early '70s.
 8 Q. Do you recall the names of any of the priests
 9 who were assigned or in residence with you there?
 10 A. The pastor was Father [REDACTED].
 11 Q. Okay.
 12 A. I think just the two of us. There wasn't
 13 anybody else there.
 14 Q. Okay. What was your next assignment?
 15 A. Then, I went from there then to the Vatican II.
 16 Q. Okay.
 17 A. And then after that then I was made pastor of
 18 St. Paul de Cross Church in La Mirada.
 19 Q. How long were you there for?
 20 A. 22 years.
 21 MS. YOUNG: How many?
 22 THE WITNESS: 22 years. Pastor there.
 23 Q. BY MR. HALE: Were you ever assigned anywhere
 24 with -- do you recall who were in residence there
 25 with or who was assigned there with you at St. Paul?

1 That's probably a large number of priests but do you
 2 recall any specific names?
 3 A. The pastor is Father ██████████, he was
 4 the pastor. And there's usually just two priests there,
 5 he and I.
 6 Q. I'm sorry, where did you say St. Paul was?
 7 A. La Mirada.
 8 Q. Okay. And when did your assignment in La
 9 Mirada end?
 10 A. It ended when I retired in 2004.
 11 Q. Do you remember the names of any other priests
 12 who were assigned or in residence with you at St. Paul?
 13 Am I saying -- is it St. Paul?
 14 A. St. Paul de Cross.
 15 Q. De Cross. Any other priests who were assigned
 16 or in residence with you there?
 17 A. No, there was nobody, nobody in residence there
 18 with me, no.
 19 Q. Okay. No one else assigned with you other than
 20 the priests you've already named at St. Paul?
 21 A. No. When I was there, not with me, no.
 22 Q. Okay. And I assume you took up residence
 23 somewhere after you retired in 2004?
 24 A. Yeah. I live down in Vista.
 25 Q. You live in Vista?

1 school.
 2 Q. At a school you were assigned to?
 3 A. Yeah.
 4 Q. Which school?
 5 A. I think that was St. Lawrence Martyr, I
 6 believe.
 7 Q. St. what?
 8 A. St. Lawrence Martyr in, down by the beach
 9 there. I was there.
 10 Q. When was that do you think?
 11 A. That was probably in the '70s I think.
 12 Q. And were you assigned to the parish there as
 13 well?
 14 A. I was assistant. I went there after I came
 15 back from Berkeley.
 16 Q. Okay.
 17 MS. YOUNG: Just answer the question.
 18 Q. BY MR. HALE: So, this was before St. Paul de
 19 Cross?
 20 A. Yes.
 21 Q. Okay. So, all right. So, that was actually
 22 your sixth assignment then. And you said St. Lawrence?
 23 A. St. Lawrence Martyr.
 24 Q. And where was that?
 25 A. In Redondo Beach.

1 A. Live in Vista now.
 2 Q. Do you live at a parish?
 3 A. No.
 4 Q. And have you lived in Vista since 2004?
 5 A. I have, yeah.
 6 Q. At the same location?
 7 A. Same location.
 8 Q. Are you still doing parish work of any sort?
 9 A. I help out in different parishes.
 10 Q. Which parishes do you help out?
 11 A. Well, one there is called St. Francis in Vista.
 12 There's one, St. Margaret's in Oceanside. St. Mark's in
 13 San Marcos. These three mainly.
 14 Q. Okay. I'm sorry, where was St. Mark's at?
 15 A. In San Marcos.
 16 Q. Have you ever been assigned anywhere with a
 17 priest named Father ██████████?
 18 A. No.
 19 Q. Do you know him?
 20 A. I know him.
 21 MS. YOUNG: Objection; relevance.
 22 Q. BY MR. HALE: You can answer.
 23 A. I met him.
 24 Q. How did you meet him?
 25 A. He gave a talk one time I think to kids at

1 Q. Okay. And how was it that Father ██████████ came
 2 to speak to these students at St. Lawrence?
 3 MS. YOUNG: Objection; lacks foundation, calls
 4 for speculation.
 5 Q. BY MR. HALE: If you know.
 6 A. Well, he taught at a high school I believe, and
 7 it was known that he was a good speaker, and I guess --
 8 I didn't appoint him, the pastor asked him to come, just
 9 give a talk to the kids.
 10 Q. Okay. Had you ever met him prior to that when
 11 he came to speak to the kids?
 12 A. I don't remember, no, I don't remember.
 13 Q. Okay. And who else was assigned or in
 14 residence with you at St. Lawrence?
 15 A. That was -- Monsignor ██████████ was the pastor.
 16 ██████████ was the pastor. And I don't remember who
 17 else was there.
 18 Q. And was that around the mid '70s that you were
 19 assigned to St. Lawrence?
 20 A. Yeah, yeah.
 21 Q. How many years do you think you were at St.
 22 Lawrence?
 23 A. Six years there.
 24 Q. Okay. Did you have any contact with Father
 25 ██████████ other than that day when he came to speak at St.

1 [REDACTED]?

2 A. Oh, maybe just have to say maybe hi to him in a

3 group, but I never, like, talked to him or anything like

4 that.

5 Q. Okay. Any other assignments that we haven't

6 already talked about?

7 A. That was it. I went from there to Paul de

8 Cross and I was there till I retired.

9 Q. Okay. Have you ever held any positions in the

10 Archdiocese on any committees or any boards?

11 A. No.

12 Q. Okay. Have you ever held any other positions

13 within the Archdiocese other than as pastor or associate

14 or assistant pastor?

15 A. Well, I helped a couple times like down there.

16 There's a Garos (sic) High School near there and I go

17 there occasionally, I teach a class, just one class like

18 maybe once or twice a week.

19 Q. Okay.

20 A. And then the matrimonial tribunal, I helped out

21 with that, with cases, you know, that type of thing for

22 maybe a couple years when I was at the Immaculate

23 Conception.

24 Q. Were you on the matrimonial tribunal?

25 A. No, I wasn't on the board or anything like

1 that, I just come in as a helper. They had a lot of

2 cases and the priests that can't do so maybe once a week

3 or twice a week, something like that.

4 Q. So, that was when you were at Immaculate

5 Conception?

6 A. Yeah.

7 Q. Any other tribunals or boards you assisted

8 with?

9 A. No, no.

10 Q. Over the course of your career when you were

11 given a new assignment would you generally do some

12 research about the new town you were going to be

13 assigned in or the new area you were going to be

14 assigned in?

15 A. Oh, I tried to learn something about it, yeah.

16 Q. And would you try and find out about the new

17 parish and the new pastor where you were going to be

18 assigned?

19 A. Yeah, I would.

20 Q. Okay. And what about, did you try to find out

21 about any other priests who were assigned at that

22 parish?

23 A. Oh, yeah, I would like to know who was there,

24 sure.

25 Q. When you were assigned to Our Lady Guadalupe in

1 Santa Barbara did you speak to anyone about what Father

2 Kelly was like or what Santa Barbara was like?

3 A. No, I didn't. I got the assignment right after

4 I came back from vacation. And then, I called the next

5 day and --

6 MS. YOUNG: Just answer his question.

7 THE WITNESS: Yeah.

8 Q. BY MR. HALE: Okay. So, when you got the

9 assignment you called the next day and then did you ask

10 when can you come up?

11 A. Yes. And I went, yeah.

12 Q. And did you call and speak to Father Kelly?

13 A. Yeah. I called. He's the one I talked to.

14 Q. And what did he say when you called, "Come up"?

15 A. He said, "Come on up."

16 Q. And had Father [REDACTED] already left when you

17 got there or was he still there?

18 A. Well, Father [REDACTED] and Father [REDACTED] were

19 there. Now, one of them was not there. I don't know

20 which it was. I think one of them was sick or

21 something.

22 Q. Okay.

23 A. So, I don't know. But he wasn't assigned

24 there, like, after I got there.

25 Q. Okay. But were both [REDACTED] and [REDACTED] living

1 at Our Lady when you first arrived at Our Lady?

2 A. I don't think so. I never remember them being

3 there when I was there.

4 Q. Do you remember where your living quarters were

5 when you first arrived at Our Lady?

6 A. Yeah.

7 Q. Where were they?

8 A. They were upstairs.

9 Q. Okay. So, when you walk upstairs, where --

10 A. Make a left turn and I was up at the end on the

11 right side.

12 Q. And were your living quarters always in the

13 same location --

14 A. Yeah.

15 Q. -- during your entire six years at Our Lady?

16 A. Yeah.

17 Q. Okay. Did you talk with anyone about Father

18 Kelly before you moved into Our Lady of Guadalupe?

19 A. No.

20 Q. Did you go to Father Kelly's funeral?

21 A. No, I wasn't at the funeral, no.

22 Q. Were you notified of the funeral?

23 A. Yeah, but it was up there and I was down here

24 and I forget what I was doing. I wasn't able to get

25 away for it, no.

1 Q. But do you recall seeing a notice go out about
 2 Father Kelly's funeral?
 3 A. Well, the Diocese sends out a notification when
 4 a priest dies. When he died, when the funeral is, and
 5 all that.
 6 Q. But do you recall there being one for Father
 7 Kelly, a notification? Do you recall there being one?
 8 A. Oh, I don't recall but I'm sure there must have
 9 been.
 10 Q. Okay.
 11 A. All the priests get it.
 12 Q. Do you know anyone who went to Father Kelly's
 13 funeral?
 14 A. Oh, specifically I don't, no.
 15 Q. Have you ever talked to anyone who said they
 16 went to Father Kelly's funeral?
 17 A. I'm sure I have, yeah.
 18 Q. But do you have a recollection as you sit here
 19 as to who you spoke to who said they went to Father
 20 Kelly's funeral?
 21 A. Oh, there probably must be many people there,
 22 yeah. Because the people I golf with, they were
 23 probably which ones were there, but I know some were
 24 there.
 25 Q. Do you remember the names of anyone who went to

1 the exact time.
 2 MS. YOUNG: Keep your hands away from your
 3 mouth or she won't be able to hear.
 4 THE WITNESS: You read lips, huh?
 5 Q. BY MR. HALE: Who told you about the cabin?
 6 A. Nobody specifically. Somebody probably
 7 mentioned it. I don't know exactly what but I did know
 8 though that he had it. But now how I got the
 9 information, somebody mentioned it, but I can't say
 10 somebody specifically came and told me that, no.
 11 Q. Do you remember if it was a priest who told you
 12 about the cabin?
 13 A. I don't, not necessarily a priest. It could be
 14 a housekeeper, it could be the cook, or, you know.
 15 Q. What did they tell you about the cabin?
 16 A. Well, just that he had a cabin up there is all.
 17 Q. Did you ever go to the cabin?
 18 A. No.
 19 Q. Did he ever invite you to the cabin?
 20 A. He didn't, no.
 21 Q. Did you know anyone who went to the cabin to
 22 your knowledge?
 23 A. I don't know anybody that went, no.
 24 Q. Did anyone ever tell you that they'd gone to
 25 the cabin with him?

1 Father Kelly's funeral?
 2 A. Probably Father [REDACTED]. He was there
 3 some.
 4 Q. Did he ever tell you that he went to Father
 5 Kelly's funeral?
 6 A. Again, now, I can't specifically say that he
 7 did but I'm --
 8 MS. YOUNG: Don't guess.
 9 THE WITNESS: Don't guess, I know.
 10 Q. BY MR. HALE: Do you know who officiated at the
 11 funeral, who presided over it?
 12 A. No, I don't.
 13 Q. While you were at Our Lady of Guadalupe, were
 14 you aware that Father Kelly owned a cabin?
 15 A. Did I what?
 16 Q. While you were at Our Lady of Guadalupe in
 17 Santa Barbara, were you aware that Father Kelly owned a
 18 cabin?
 19 A. I heard he had a cabin.
 20 Q. When did you first hear that he had a cabin?
 21 A. Probably at the house somebody brought it up.
 22 He didn't tell me himself.
 23 Q. Okay. Did you learn about it when you first
 24 arrived at Our Lady or did it take a while?
 25 A. Oh, I don't know how long it was, I'm not sure

1 A. No.
 2 Q. Did you ever hear anyone say it was strange
 3 that he wasn't taking any of his fellow priests to the
 4 cabin?
 5 A. No.
 6 Q. Did you think it was strange that he wasn't
 7 taking any of his fellow priests to the cabin?
 8 MS. YOUNG: Objection; relevance.
 9 THE WITNESS: No. I guess he has a right to
 10 invite who he wants or didn't want, you know.
 11 Q. BY MR. HALE: Okay. Were you aware of him
 12 taking anyone to the cabin?
 13 A. No.
 14 Q. When he would go to the cabin would he notify
 15 you in some way that he was going to the cabin?
 16 A. No.
 17 Q. Were you aware of Father Kelly spending nights
 18 away from the parish?
 19 A. He was, sometimes he was away, yeah.
 20 Q. How did you become aware that he was spending
 21 nights away from the parish?
 22 A. Well, I was there with him at the parish. I
 23 would know if he wasn't there.
 24 Q. Would he leave a message for you or would the
 25 secretary tell you?

1 A. No, but sometimes, like, if I come in and he
 2 wasn't going to be there the next day, leave a note for
 3 me maybe to say the morning mass instead of him doing
 4 it.
 5 Q. And would he tell you where he had gone in the
 6 note?
 7 A. No, no, no.
 8 Q. Would the note just say, "I'm not going to be
 9 here the next day?"
 10 A. "I won't be here. Will you say mass tomorrow
 11 morning," something like that.
 12 Q. Okay. During your time at Our Lady of
 13 Guadalupe how frequent was it you were aware of Father
 14 Kelly taking overnight trips away from the parish; was
 15 it once a week? Once a month? Couple times a year?
 16 A. Oh, I can't say because he could be other
 17 places besides being at the cabin, you know. So, I
 18 don't know. Could see the nights he wasn't there, if he
 19 didn't tell me, and he didn't tell me.
 20 Q. Did anyone ever tell you that they were aware
 21 that Father Kelly was taking overnight trips away from
 22 the cabin, or, away from the parish?
 23 A. No, no, no.
 24 Q. Did you ever discuss with any of the parish
 25 staff or with the other priests that Father Kelly was

1 overnight somewhere.
 2 Q. I'm sorry, I didn't understand.
 3 A. Like any of us, we were going somewhere, I'd
 4 want to spend the night, so like, clothes probably or
 5 whatever, change.
 6 Q. Do you recall seeing him carry the clothes or
 7 would he have a bag with the clothes in them?
 8 A. I just remember, you know, a bag like you have
 9 going somewhere, but I didn't know what was in it or
 10 anything, but I presumed it was maybe, you know, shaving
 11 cream and all those things.
 12 MS. YOUNG: Don't guess.
 13 THE WITNESS: I'm just...
 14 Q. BY MR. HALE: And would you see him taking that
 15 out to his car?
 16 A. Yeah, yeah.
 17 Q. How often would you see that happen?
 18 A. Oh, I can't, not very often, not very often.
 19 But it's just an image in my mind, but that's...
 20 Q. Okay. Did you ever see anyone get into Father
 21 Kelly's car with him?
 22 A. No.
 23 Q. Did you ever see anyone in Father Kelly's car
 24 with him?
 25 A. No.

1 spending the night away from the parish?
 2 A. Huh-uh.
 3 Q. Is that a no?
 4 A. No, no. I mind my own business there and if he
 5 didn't tell me then I didn't, you know.
 6 Q. Okay.
 7 A. But he didn't tell me himself, no.
 8 Q. Did you have any sense of how often -- were you
 9 aware of Father Kelly taking simply day trips up to the
 10 cabin? In other words, not spending the night, going up
 11 for the afternoon and coming back that night.
 12 A. Again, I'm not sure. He wouldn't tell me if he
 13 was going. Like I said, he didn't tell me these things,
 14 I didn't ask him, so, I would be speculating if I said,
 15 well, probably he was there. So, I can't say that.
 16 Q. Okay. Did you ever see him walk out of the
 17 parish with a bag or with a suitcase --
 18 A. Yeah.
 19 Q. -- of overnight clothes?
 20 A. Yeah, I seen him take to his car and take it
 21 out. So, I presume then he was going to be away. But
 22 where, I wouldn't know. I wouldn't ask him.
 23 Q. Okay. And would he usually go out with a
 24 suitcase or with a bag?
 25 A. We have what we take when we go out and stay

1 Q. Did you ever see Father Kelly in his car?
 2 A. I did, yeah, oh sure.
 3 Q. And so the only time you ever saw Father Kelly
 4 in his car he was by himself?
 5 A. Yeah.
 6 Q. In any of your other parish assignments were
 7 you ever aware of any other priests owning property away
 8 from the parish?
 9 A. No, I don't remember that, no.
 10 Q. Okay. In any of your other parish assignments
 11 were you aware of priests going on overnight trips?
 12 A. Oh, yeah.
 13 Q. Okay. How frequent, would those be regular?
 14 A. It wouldn't be frequent, no, no.
 15 Q. Okay. In any of your other parish assignments
 16 were you aware of priests going on overnight trips on a
 17 weekly basis?
 18 A. No, not on a weekly basis, no.
 19 Q. Would that have been unusual in your
 20 experience?
 21 A. No.
 22 MS. YOUNG: Objection; speculation.
 23 Q. BY MR. HALE: You can answer.
 24 A. I don't know. A lot of people go away
 25 overnight, you know.

1 Q. In any of your other parish assignments were
2 you aware of priests going away for overnight trips on a
3 monthly basis?

4 A. For a whole month?

5 Q. No, no, no, just maybe once a month they'd
6 leave for an unknown number of nights.

7 A. Not every month, no, no.

8 Q. In your experience as a parish priest would it
9 have been unusual to see another parish priest go on
10 overnight trips on a monthly basis?

11 MS. YOUNG: Objection; speculation, improper
12 hypothetical.

13 Q. BY MR. HALE: You can answer.

14 A. Did I know if any other priests did?

15 Q. No. In your experience as a parish priest was
16 it unusual to see another parish priest go on overnight
17 trips on a monthly basis?

18 MS. YOUNG: Same objection.

19 Q. BY MR. HALE: You can answer.

20 A. I wouldn't know who was going.

21 Q. I understand you wouldn't know he was going,
22 but would it have been unusual to see that happen in
23 your experience?

24 MS. YOUNG: Same objection.

25 THE WITNESS: Probably not.

1 Q. Okay. Did you see any photographs in his
2 sitting room?

3 A. No, I hadn't, no.

4 Q. Okay. And did you ever go into his bedroom
5 while you were at Our Lady?

6 A. No.

7 Q. Did you ever see anyone in his bedroom while
8 you were at Our Lady other than Father Kelly?

9 A. No.

10 Q. Did you ever see anyone other than a priest in
11 his sitting room while you were at Our Lady?

12 A. There was, like, one or two people.

13 Q. Who?

14 A. I don't know what his name was now. This was a
15 fellow, he was like a teenager, older teenager. He was
16 a little bit, you know, I don't want to say homeless or
17 what, but sometimes he'd come in and sit and talk with
18 him. But I can't remember anybody else.

19 Q. Do you remember his ethnicity? Was he
20 Hispanic? Was he caucasian?

21 A. Hispanic, Hispanic, Hispanic.

22 Q. Okay. And you would see him in the sitting
23 room with Father Kelly?

24 A. Yeah. He would sit. He always left his door
25 open there, you know, you could hear them talk.

1 Q. BY MR. HALE: Okay. Were you ever aware of
2 Father Kelly owning a camera?

3 A. I never remember him having a camera, no.

4 Q. Okay. Did you ever see him with a camera?

5 A. No, I never saw him taking pictures, no,
6 nothing.

7 Q. Ever aware of him having any photo albums?

8 A. No, I never see that either.

9 Q. But did anyone ever tell you they saw any photo
10 albums?

11 A. Huh-uh.

12 Q. Is that a no?

13 A. No, no.

14 Q. Sorry, for the record --

15 MS. YOUNG: You have to answer "yes" or "no."
16 You can't shake your head.

17 Q. BY MR. HALE: Anyone ever tell you they saw him
18 with a camera?

19 A. No.

20 Q. Did anyone ever tell you they'd seen or heard
21 about photographs taken by Father Kelly?

22 A. No.

23 Q. Did you ever go in his living quarters while
24 you were at Our Lady of Guadalupe?

25 A. In the sitting room.

1 Q. Okay. And would you ever see this -- was he a
2 tall boy? Short boy?

3 A. He was fairly tall for his age. I don't know
4 how old he was, maybe teenager or something. So, he
5 was...

6 Q. Was his name [REDACTED] does that name sound
7 familiar?

8 A. No. That name, yeah. Well, maybe it's the guy
9 that was with the band, I don't know. The Grateful
10 Dead, I don't know.

11 Q. Not that [REDACTED]

12 A. No, no, but that's probably why the name rings
13 a bell with me. But that guy I don't know.

14 Q. And when you say Father Kelly's sitting area,
15 you're talking about the sitting area outside his
16 bedroom on the second floor of the rectory; correct?

17 A. Yes, yes.

18 Q. Okay. And did you ever participate in any
19 conversations Father Kelly was having with this young
20 man?

21 A. No, no, no.

22 Q. And how old did he appear to you?

23 A. He probably was about maybe 16 or 17 or so.

24 Q. Okay. And do you recall --

25 MS. YOUNG: Speculation, belatedly.

1 THE WITNESS: Speculation.
 2 Q. BY MR. HALE: Do you recall what year you began
 3 seeing him in Father Kelly's sitting room?
 4 A. Oh, I was there of course for six years, I
 5 don't know, probably, mid '60s sometime.
 6 Q. Okay. And did you ever have any discussions
 7 with Father Kelly about what he was talking about with
 8 that young boy?
 9 A. No, no, no, not ever.
 10 Q. Did you have any understanding as to whether it
 11 was a penitential communication of some sort?
 12 A. Oh, I don't know. No, I didn't bring up that
 13 at all. Never talked about that.
 14 Q. Did Father Kelly ever tell you he was
 15 counseling the boy?
 16 A. No, he didn't, but I presume that's what they
 17 were talking about.
 18 Q. Okay. Did you ever hear music playing from the
 19 sitting room while the boy was in the room with Father
 20 Kelly?
 21 A. No, no.
 22 Q. Did you ever see anyone other than that boy in
 23 the sitting room with Father Kelly?
 24 A. I'm pretty sure I haven't.
 25 Q. Okay. Did you ever hear anyone complaining

1 A. No, I haven't, no.
 2 Q. Did you ever hear voices from behind the closed
 3 door of the sitting room?
 4 MS. YOUNG: Objection; assumes facts not in
 5 evidence.
 6 Q. BY MR. HALE: In other words, did you ever,
 7 were you ever on the second floor, see the door closed
 8 to the sitting room and hear voices behind that closed
 9 door?
 10 A. No.
 11 Q. Did you ever hear voices coming from Father
 12 Kelly's bedroom?
 13 A. No, I haven't.
 14 Q. How do you know that Father Kelly would invite
 15 the boy upstairs? Did you hear him invite the boy
 16 upstairs?
 17 A. Well, say, "Father, so and so here to see you,"
 18 and he'd come upstairs and that's it.
 19 Q. You mean the secretary would announce it?
 20 A. The secretary would announce that he was there,
 21 you know, or, "There's somebody to see you," and he'd go
 22 up I guess, and, "Oh, come up," and he'd come up and
 23 they'd go into the sitting room.
 24 Q. Okay. Do you remember who the secretary was?
 25 A. Mrs. ██████████

1 about Father Kelly having that boy in the sitting room
 2 with him on the second floor?
 3 A. No.
 4 Q. Did you ever complain to anyone about Father
 5 Kelly having the boy on the second room of the rectory?
 6 A. No, I didn't, no.
 7 Q. Did you -- were you aware of any rules
 8 prohibiting minors from being on the second story of the
 9 rectory?
 10 MS. YOUNG: Objection. Are you referring to
 11 that parish?
 12 MR. HALE: Yes.
 13 THE WITNESS: No, no.
 14 Q. BY MR. HALE: Okay. In your mind did you think
 15 it was appropriate or inappropriate for that boy to be
 16 in the sitting room with Father Kelly of the parish?
 17 A. I saw nothing wrong with it.
 18 Q. Okay. And would you -- did you ever observe
 19 Father Kelly walking up the stairs with the boy to the
 20 sitting room?
 21 A. No. I think what he would do is he'd come in
 22 and call him up to the room there and then he would
 23 leave and go home.
 24 Q. Did you ever see the boy in the sitting room
 25 and then see the door closed for the sitting room?

1 Q. Okay.
 2 A. ██████████ was her last name.
 3 Q. Now, the boy's name wasn't ██████████ was
 4 it?
 5 A. No.
 6 Q. Did you know ██████████?
 7 A. ██████████ was the secretary's son.
 8 Q. Right. Did you ever see ██████████ on the
 9 second floor with Father Kelly?
 10 A. No. I must say I haven't, no.
 11 Q. Did you ever see ██████████ on the second
 12 floor with anyone?
 13 A. No.
 14 Q. Did you ever observe Father Kelly spending time
 15 with ██████████?
 16 A. Well, since his mother worked there, he was
 17 going to school and when he'd come home, like, he would
 18 come in during the holidays and see his mother and
 19 Father might be down. But he wouldn't specifically come
 20 down because he was there. He would come down for some
 21 business or something and ██████████ was there. Of course
 22 he grew up there. And he would talk to him and go back.
 23 Q. Okay. Were you ever aware of Father Kelly
 24 having any film developed from a camera?
 25 A. No.

1 Q. Were you ever aware of anyone actually
 2 developing film at the rectory?
 3 A. No.
 4 Q. What about anywhere within the parish?
 5 A. No, I haven't.
 6 Q. Okay. Other than from your attorneys, have you
 7 heard that Father Kelly has been accused of childhood
 8 sexual abuse?
 9 A. No.
 10 Q. Okay. Just so I'm clear, the first time you
 11 heard any allegations of childhood sexual abuse by
 12 Father Kelly, you heard that from your attorneys?
 13 A. When I got the letters.
 14 Q. Okay.
 15 MS. YOUNG: By "the letters" he's referring to
 16 the deposition subpoena.
 17 MR. HALE: Right.
 18 THE WITNESS: Yeah.
 19 Q. BY MR. HALE: Did that surprise you?
 20 A. It did.
 21 Q. And why did it surprise you?
 22 A. Well, because I never saw anything when I was
 23 there that would indicate that, you know, that happened.
 24 Q. Okay. I'm going to make reference to, at
 25 various points in this deposition, childhood sexual

1 Q. Okay. Have you been back to Our Lady since
 2 your assignment ended after six years?
 3 A. No, I haven't, no.
 4 Q. Okay. And was the first time you met Father
 5 Kelly when you arrived at Our Lady after receiving the
 6 assignment?
 7 A. First time, yeah.
 8 Q. Okay. And was it Father [REDACTED] who lived
 9 upstairs with you when you first arrived at Our Lady of
 10 Guadalupe?
 11 A. Yes.
 12 Q. So, it was Father [REDACTED], Father Kelly and
 13 yourself?
 14 A. Yes.
 15 Q. Okay. And then at some point Father [REDACTED]
 16 moved out and Father [REDACTED] replaced him?
 17 A. Right, yeah.
 18 Q. Okay. And then it was Father [REDACTED] until you
 19 actually were reassigned from Our Lady; is that right?
 20 A. How do you mean? Say that again.
 21 Q. So, you lived upstairs with Father Kelly and
 22 Father [REDACTED] until you actually moved out of Our Lady;
 23 is that correct?
 24 A. Yes, yes, yes.
 25 Q. Okay. Did Father [REDACTED] tell you why he was

1 abuse. Do you understand what I mean, that I mean abuse
 2 of a child under 18 when I refer to childhood sexual
 3 abuse?
 4 A. Uh-huh.
 5 Q. Is that a yes?
 6 A. Yes, I do.
 7 Q. Okay. Do you draw any distinction between
 8 sexual abuse of an adolescent versus sexual abuse of a
 9 pre-adolescent or younger child?
 10 MS. YOUNG: Objection; vague and ambiguous.
 11 THE WITNESS: Well, I know I do but I don't
 12 know specifically. I'm sure there's, that all of course
 13 applies differently I'm sure to a child and to the
 14 adult.
 15 Q. BY MR. HALE: Okay. But you say adult, I'm
 16 only talking about people under the age of 18.
 17 A. Well, over 18 I guess.
 18 Q. Aside from your attorneys, have you ever heard
 19 Father Kelly has been accused of engaging in any kind of
 20 inappropriate conduct with a minor?
 21 A. No.
 22 Q. Okay. When was the last time you were at Our
 23 Lady in Santa Barbara?
 24 A. I couldn't give you a date but that's quite a
 25 while.

1 leaving?
 2 A. No.
 3 Q. Did you ever hear Father [REDACTED] say he wanted a
 4 transfer?
 5 A. No.
 6 Q. Did you ever hear him complain about Father
 7 Kelly?
 8 A. No, no.
 9 Q. Did the parish have a base, I'm sorry, did the
 10 rectory have a basement?
 11 A. I forget. I don't think so.
 12 Q. Okay.
 13 A. That was a regular house before it was the
 14 rectory.
 15 Q. Okay. Have we identified every priest who was
 16 either assigned or in residence at Our Lady during the
 17 six years you were there? Is there anybody else other
 18 than Father [REDACTED], Father [REDACTED], Father Kelly, Father
 19 [REDACTED], Father [REDACTED], anyone else?
 20 A. While I was there?
 21 Q. Yes, while you were there.
 22 A. No.
 23 Q. Okay. And was Mrs. [REDACTED] the secretary the
 24 entire time you were there?
 25 A. She was, yeah.

1 Q. Okay. Do you know where [REDACTED] -- have
 2 you had any contact with Mrs. [REDACTED] or [REDACTED]
 3 since you left Our Lady?
 4 A. I don't know if she died or not but I haven't,
 5 no.
 6 Q. Do you know where [REDACTED] went to
 7 school?
 8 A. I don't know. San Francisco, the University of
 9 San Francisco, I think.
 10 Q. Okay. This boy you would see upstairs on the
 11 second floor, did he do any janitorial work around the
 12 rectory?
 13 A. I never seen him work around there, no.
 14 Q. Okay. Did you ever see him anywhere in the
 15 rectory other than on the second floor in Father Kelly's
 16 living space?
 17 A. Coming in maybe, you know.
 18 Q. Did he ever have dinner with you at the
 19 rectory, this boy?
 20 A. No, no.
 21 Q. Did you ever see him eating at the rectory?
 22 A. No.
 23 Q. Do you remember the name of the cook, the
 24 housekeeper, when you were at --
 25 A. That was [REDACTED].

1 Q. Okay. Was there a Director of Youth Ministry
 2 while you were there?
 3 A. No.
 4 Q. Was there anyone responsible for supervising
 5 the altar boys while you were there?
 6 A. Whoever the associate was. That could be
 7 either one of us. But nobody specifically assigned to
 8 do that.
 9 Q. Okay. Do you recall there being a structure
 10 behind the rectory, between the rectory and the parish
 11 hall?
 12 A. There was a house there, yeah.
 13 Q. Do you recall somebody living in that house
 14 while you were there?
 15 A. I don't remember anyone living in it, no.
 16 Q. Do you recall what that house was used for?
 17 A. I think for storing stuff, tools and things
 18 like that.
 19 Q. When someone came into the rectory, would they
 20 simply walk in or would they knock on the door?
 21 A. They'd ring the doorbell.
 22 Q. So there was a doorbell they had to ring?
 23 A. Oh, yeah, yeah.
 24 Q. Okay. And would Mrs. [REDACTED] usually answer
 25 the door?

1 Q. Okay. Was there anyone else that assisted her?
 2 A. Somebody used to come in but who, I don't know.
 3 But once in awhile somebody would. She lived nextdoor.
 4 Q. Okay. Do you remember there being a janitor or
 5 maintenance person of any kind at the rectory when you
 6 lived there?
 7 A. No, not when I was there, no.
 8 Q. Was there a Director of Religious Education
 9 while you were there?
 10 A. Specifically now, you know, different people
 11 worked with the kids. Like, these days you have
 12 somebody for each, but in those days, you know, we
 13 didn't have somebody get paid that worked all. So, you
 14 couldn't say like there were a director like as a
 15 director there is today. So, it was different people
 16 that was working with them, but nobody...
 17 Q. Was there a particular person who was
 18 responsible for religious education while you were
 19 there?
 20 A. Oh, the Sisters of course at the school, they,
 21 confirmation and first communion and all that, they are
 22 the ones I think that mostly were in charge.
 23 Q. The Sisters of Notre Dame or the Sisters of
 24 Bethany?
 25 A. Notre Dame.

1 MS. YOUNG: Objection; calls for speculation.
 2 THE WITNESS: Somebody would. Usually the
 3 housekeeper. The housekeeper, she would leave and go
 4 home usually, so, if she was gone then Mrs. [REDACTED].
 5 Q. BY MR. HALE: Okay. Was there a written
 6 schedule for mass assignments in the rectory?
 7 A. There were, yeah.
 8 Q. Was that kept upstairs or downstairs?
 9 A. It was upstairs where we were.
 10 Q. Okay. Go ahead. Who would fill that out? Was
 11 that something --
 12 A. The pastor. The pastor would fill it out.
 13 Q. And was it on a piece of paper? Was it on a
 14 blackboard?
 15 A. Piece of paper like that. It was written.
 16 Q. And do you recall, would he meet with you and
 17 the other priest every week and talk about who was
 18 handling what days?
 19 A. No, we didn't do that in those days.
 20 Q. He simply filled it out himself?
 21 A. He put the names of the priests that were
 22 saying masses.
 23 Q. And do you know what happened to those
 24 schedules after a week passed; would they simply be
 25 discarded?

1 A. Oh, they're discarded I'm sure.
 2 Q. Okay. Do you recall there ever being times
 3 where Father Kelly's name would be on the schedule then
 4 it would be crossed out and either yourself or the other
 5 assistant would have to take his spot?
 6 A. No, I don't remember that, no.
 7 Q. Okay. Do you recall Father Kelly ever calling
 8 from somewhere outside of the parish and saying, "I
 9 can't take mass this day," --
 10 A. No.
 11 Q. -- "someone else has got to handle it"?
 12 A. I don't remember that happening.
 13 Q. Did anyone ever tell you that he had called and
 14 asked you or the other priest to handle mass?
 15 A. No.
 16 Q. Okay. When he would leave, would he ever ask
 17 you or the other priest to take care of mass in his
 18 place?
 19 A. No.
 20 MS. YOUNG: Objection; calls for speculation as
 21 to the other priest.
 22 Q. BY MR. HALE: Do you recall Father Kelly taking
 23 any vacations while you were at Our Lady?
 24 A. I remember him going to Ireland once, but as
 25 far as vacation goes, that's the only time that I recall

1 THE WITNESS: Get a drink of water or
 2 something.
 3 MS. YOUNG: Yeah. Is there water here? What
 4 is that?
 5 THE VIDEOGRAPHER: Shall we go off the record?
 6 MS. YOUNG: Yes. Let's go off the record.
 7 THE VIDEOGRAPHER: Okay. At 12:01 we're off
 8 the record.
 9 (A recess was taken.)
 10 THE VIDEOGRAPHER: Okay, at 12:08 we're back on
 11 the record.
 12 Q. BY MR. HALE: Father, do you recall there being
 13 a record player or a stereo anywhere in the rectory?
 14 A. You mean anywhere in the rectory?
 15 Q. Anywhere, including Father Kelly's room or
 16 living space.
 17 A. I know he had one because I remember him
 18 playing records one time.
 19 Q. Do you remember hearing the music or seeing him
 20 playing the records?
 21 A. Yeah, it was in the room. I don't know if it
 22 was his or not, but I presume it was.
 23 Q. And did you see that in his, in his living
 24 space outside the bedroom?
 25 A. This was in his living quarters, yeah.

1 him going on vacation.
 2 Q. Do you recall, did he go with anyone to Ireland
 3 or did he go by himself? If you know.
 4 A. I'm not sure. I'm not sure. I'm not sure.
 5 Q. Do you recall him taking any trips to Mexico?
 6 A. No.
 7 Q. Do you recall him taking any trips to San
 8 Simeon?
 9 A. No. I never knew where he went when he went,
 10 anywhere.
 11 Q. Okay. And no one ever told you where he went?
 12 A. Nobody, no.
 13 Q. But would he tell you if he was leaving?
 14 A. Not necessarily, no, no. If he was going,
 15 like, for a few days, of course, but otherwise, no.
 16 Q. Okay. Were there ever times when you went
 17 looking for him and you couldn't find him and you had to
 18 ask someone where he was?
 19 A. No, no.
 20 Q. Was it a common occurrence for you to go
 21 looking for him and not be able to find him?
 22 MS. YOUNG: Objection; misstates his testimony.
 23 THE WITNESS: No, I never did that, no.
 24 MR. HALE: We've been going an hour. Do you
 25 want to take a break or do you want to keep going?

1 Q. Okay. Did he have a record collection?
 2 A. He had some records there, yeah.
 3 Q. Do you recall what kind of music he liked?
 4 A. Well, he liked -- what do you call it. He
 5 didn't like rock and roll or anything like that, but
 6 what do you call it.
 7 MS. YOUNG: I can't answer for you.
 8 Q. BY MR. HALE: Classical music?
 9 A. Classic, classic. That's what. He liked that.
 10 Q. How do you know he didn't like rock and roll?
 11 A. I never heard him play it.
 12 Q. Okay.
 13 A. I would hear. Not too often either.
 14 Q. Okay. Did you ever see that boy you described
 15 as, you saw upstairs, did you ever see him bring a
 16 record upstairs?
 17 A. No, I never saw him take anything in.
 18 Q. Did you ever hear music coming from the living
 19 quarters when the boy would be in there with Father
 20 Kelly?
 21 A. No, I must say no.
 22 Q. Okay. Was there any alcohol in the rectory
 23 during the six years you were assigned in Santa Barbara?
 24 MS. YOUNG: Objection; calls for speculation.
 25 Q. BY MR. HALE: If you know.

1 MS. YOUNG: You can answer.
 2 THE WITNESS: His own room probably I guess.
 3 Q. BY MR. HALE: But do you know? Were you aware?
 4 A. I wasn't in his room to see.
 5 Q. Did you ever see him having a drink, Father
 6 Kelly?
 7 A. Yes, I did.
 8 Q. Where would you see him having a drink?
 9 A. In the living room there. He had a priest
 10 friend would come by occasionally, not just one, a
 11 couple of us would have a drink and go out to dinner.
 12 Q. Okay. Who was the priest friend?
 13 A. Father --
 14 Q. Was it [REDACTED]?
 15 A. What?
 16 Q. [REDACTED].
 17 A. [REDACTED].
 18 Q. No?
 19 A. I don't remember.
 20 Q. If you don't remember, you don't remember. Do
 21 you remember if he had a drink of choice? Was he a big
 22 fan of scotch for instance?
 23 A. I think this priest kind of liked the martini.
 24 I think he'd make a martini or two, I think.
 25 Q. What about Father Kelly?

1 A. No.
 2 Q. And was the school still open while you were
 3 there?
 4 A. Oh, sure, yeah.
 5 Q. Did you have any responsibilities at the
 6 school?
 7 A. Not really, no. The sisters was the principal
 8 there. I'd go in and maybe talk to the kids, that's
 9 all.
 10 Q. Would you teach a class?
 11 A. No, not really, just maybe religion time.
 12 Q. Okay. So, you'd go and speak to the students
 13 about religion?
 14 A. Let them ask questions.
 15 Q. Okay. Do you recall the name of the principal
 16 while you were there?
 17 A. I cannot, no.
 18 Q. Was it one of the Sisters of Notre Dame?
 19 A. One of the sisters, yeah, yeah. The nun was
 20 always the principal of the school in those days.
 21 Q. Do you remember the names of any of the nuns
 22 who were on the faculty while you were there?
 23 A. No, I cannot remember, no.
 24 Q. Do you remember Sister [REDACTED]?
 25 A. No.

1 A. Father Kelly and this other one.
 2 Q. But did Father Kelly have a drink of choice to
 3 your knowledge?
 4 A. Oh, I don't know that. That's, you know.
 5 Q. Okay. How often did you see him drinking?
 6 A. Just when someone would come in like that. I
 7 never saw him drink otherwise.
 8 Q. Okay. Did you ever smell alcohol on his
 9 breath?
 10 A. No.
 11 Q. Ever hear him slurring his speech?
 12 A. No.
 13 Q. Were you aware of the Blue Jackets Club?
 14 A. Yeah.
 15 Q. How were you aware of the Blue Jackets Club?
 16 A. Well, Father [REDACTED] I think was there, I
 17 think he hooked up to that group and I heard talk about
 18 it.
 19 Q. Was the Blue Jackets Club still holding
 20 meetings while you were there to your knowledge?
 21 A. No, I think after [REDACTED] left then I think it
 22 probably didn't. Not that I recall. I don't think that
 23 they...
 24 Q. Okay. Do you recall something called the St.
 25 Mary's Boys Club?

1 Q. Okay.
 2 A. I have a poor memory anyways.
 3 Q. Were there lay faculty people for the school?
 4 A. There weren't at that time. No, there weren't
 5 at that time.
 6 Q. During your six years at Our Lady were there
 7 ever any lay faculty people?
 8 A. Not that I recall, no.
 9 Q. Did any of the, any of the other priests teach
 10 any classes at Our Lady?
 11 A. Father [REDACTED], he'd probably go in and do what I
 12 did. He probably talked about, go in and give a talk
 13 about --
 14 MS. YOUNG: Don't guess.
 15 Q. BY MR. HALE: Do you remember there being
 16 athletic teams affiliated with the school?
 17 A. Except the kids at school I guess, yeah.
 18 Q. Did you ever help out with any of the --
 19 A. No, I never did, no.
 20 Q. Were you aware of any of the other priests
 21 helping out with any of the school teams?
 22 A. No.
 23 Q. Did you ever attend any of the sport, any of
 24 the team's practices?
 25 A. Oh, I might be out on the ground and see them,

1 you know, that, but I didn't go specifically to be there
2 with them all the time, no.

3 Q. Did you ever attend any games?

4 A. No.

5 Q. Did you ever see any other priests at any
6 sports practices or any teams' practices?

7 A. No, neither Father [REDACTED] or myself were much
8 into sports.

9 Q. Okay. Did the parish have any athletic teams?

10 A. No. Well, earlier on there was a men's club I
11 think that used to play in the field there but that was
12 before my time.

13 Q. Okay. Any kind of clubs or teams for boys
14 under the age of 18?

15 A. No.

16 Q. Were you ever aware of Father Kelly traveling
17 anywhere with any athletic teams from the school or from
18 the parish?

19 A. No.

20 Q. Do you remember the Sisters of Bethany?

21 A. Yeah.

22 Q. How were you familiar with the Sisters of
23 Bethany?

24 A. Oh, how do I know? Well, they're habits, their
25 own habits. I knew they lived at the little house

1 to do.

2 MR. HALE: I've got a copy of the rule you
3 cited last time here. It's the January 10th, 2006 Court
4 Order. I've got a copy here if you want. If you'd like
5 to see it.

6 MS. YOUNG: I have my own copy and I also have
7 a, copies of other orders.

8 MR. HALE: Now, it's clear that your clients
9 are going to take the position that any notice given to
10 the Sisters of Bethany is not notice to them because
11 you're taking the position that they are separate
12 entities, so, I need to be able to explore what exactly
13 their relationship is with the Archdiocese and the
14 Archbishop. So, you --

15 MS. YOUNG: You're not exploring it with this
16 witness, let's put it that way. Okay. That's not -- if
17 you want to notice a PMK deposition on this issue,
18 you're free to do that. You are not exploring it with
19 this witness.

20 MR. HALE: You're obstructing legitimate
21 discovery. This is completely inappropriate.

22 MS. YOUNG: Move on, Tim. I'm instructing him
23 not to answer.

24 MR. HALE: I understand you're instructing him
25 not to answer.

1 beside the church there. They lived there.

2 Q. To the left of the church?

3 A. Left of the church, yeah.

4 Q. Okay. Do you understand the difference between
5 a religious institute of pontifical right and a diocesan
6 institute of consecrated life?

7 MS. YOUNG: Objection; it calls for expert
8 testimony. I'm going to instruct the witness not to
9 answer.

10 MR. HALE: Just asking if he understands.

11 MS. YOUNG: I'm instructing the witness not to
12 answer.

13 MR. HALE: That's an inappropriate instruction.
14 You're not citing any kind of privilege of any sort.
15 What is the --

16 MS. YOUNG: It calls for church doctrine. It
17 calls for expert testimony. This witness is not here
18 for that purpose and I'm going to instruct him not to
19 answer.

20 MR. HALE: It doesn't call for church doctrine.

21 MS. YOUNG: We've had this argument before,
22 Tim. Move on.

23 MR. HALE: Well, we haven't finished this
24 argument. I've actually got a --

25 MS. YOUNG: That's fine. So, whatever you have

1 MS. YOUNG: You're free to notice a PMK depo on
2 that very issue and we will produce somebody.

3 MR. HALE: If this witness does not have any
4 knowledge of the difference between those two types of
5 institutes, that's fine.

6 MS. YOUNG: I'm instructing this witness not to
7 answer whether he has knowledge or not. He is not the
8 PMK witness. He is not the witness on that issue.

9 MR. HALE: You cannot limit our right to
10 question one witness on this issue. This is not
11 necessarily calling for expert testimony.

12 MS. YOUNG: Tim, move on. We've gone through
13 this before.

14 MR. HALE: You can keep instructing me to move
15 on, it's not going to get you anywhere, Bless.

16 MS. YOUNG: Okay, I'm instructing the witness
17 not to answer.

18 MR. HALE: That's fine.

19 Just for the record, the Court's order is
20 clearly limited to four specific quoted questions and
21 you're extending the order far beyond its reaches, far
22 beyond, and it's inappropriate.

23 MS. YOUNG: I understand your position. I'm
24 instructing the witness not answer.

25 MR. HALE: I'm not asking you to respond. I'm

1 just making my record.
 2 MS. YOUNG: So am I.
 3 Q. BY MR. HALE: Do you recall seeing the Sisters
 4 of Bethany anywhere else around the parish during your
 5 six years at Our Lady?
 6 MS. YOUNG: Objection; vague and ambiguous as
 7 to "around the parish."
 8 THE WITNESS: I don't recall.
 9 Q. BY MR. HALE: Did you ever see them at mass?
 10 A. We used to have mass for them there I think, as
 11 far as I recall, once in awhile.
 12 Q. At the church or
 13 A. At the chapel in their house, yeah.
 14 Q. Did you ever perform mass for them there?
 15 A. I don't think I did. I don't remember. I
 16 don't think I did.
 17 Q. Okay. Did you ever see them assisting with
 18 mass at the church?
 19 A. No.
 20 Q. Were you ever aware of any of them working at
 21 the rectory?
 22 A. No.
 23 Q. Did you ever see them, any of them doing any
 24 work around the parish?
 25 A. I haven't, no.

1 Q. Were you ever aware of them doing any work for
 2 the school?
 3 A. No.
 4 Q. Were you ever aware of them teaching catechism
 5 class?
 6 A. No. They spoke mainly Spanish I think.
 7 Q. Okay. Did you know Sister [REDACTED]?
 8 A. The name rings a bell but I can't place her.
 9 Q. What about a Sister [REDACTED]?
 10 A. I can't specifically. If they were there now I
 11 wouldn't know which is which. I can't remember.
 12 Q. Okay. Did you have any understanding as to
 13 whether they were subject to Father Kelly's control or
 14 supervision?
 15 MS. YOUNG: Objection; calls for speculation.
 16 Q. BY MR. HALE: You can answer.
 17 A. I don't know. I really don't know.
 18 Q. Did you ever see Father Kelly or were you ever
 19 aware of Father Kelly giving any Sister of Bethany any
 20 instructions?
 21 A. No.
 22 Q. Do you have any understanding as to whether the
 23 Sisters of Bethany were subject to the Archbishop's
 24 control?
 25 MS. YOUNG: Objection; calls for speculation.

1 Q. BY MR. HALE: You can answer.
 2 A. No.
 3 Q. Do you have any understanding as to whether
 4 they were subject to anyone's control, and if so, who?
 5 MS. YOUNG: Objection; vague, ambiguous, calls
 6 for speculation.
 7 THE WITNESS: I'm sure they had their own
 8 sister who was in charge of the order, you know, so.
 9 Q. BY MR. HALE: Was there a Mother Superior at
 10 the convent when you were there, do you know?
 11 A. I don't know. I don't know.
 12 Q. Were you aware of there being a sister in
 13 charge of the convent when you were there?
 14 A. I'm not sure if there was or not.
 15 Q. Okay. At some point did you become aware that
 16 Father Kelly had been, was in residence at Nazareth
 17 House in Los Angeles?
 18 A. He died there, I believe.
 19 Q. How did you become aware of that?
 20 A. Oh, you know, priests, somebody goes in there,
 21 did you hear so and so, he died. That's our retirement
 22 home, St. John of God and Nazareth House. And so a
 23 priest can't live by himself and usually goes there.
 24 Q. Did you ever go and visit him at Nazareth
 25 House?

1 A. No, I didn't.
 2 MS. YOUNG: Let him finish his question before
 3 you answer.
 4 THE WITNESS: Sorry, sorry.
 5 Q. BY MR. HALE: That's okay. Do you know anyone
 6 that went to visit him at Nazareth House?
 7 A. No.
 8 Q. Did you ever hear about anyone going to visit
 9 him at Nazareth House?
 10 A. No.
 11 MS. YOUNG: Objection; vague and ambiguous.
 12 Q. BY MR. HALE: What about the Sisters of Notre
 13 Dame, did they attend mass at Our Lady ever?
 14 A. Oh, yeah, yeah.
 15 Q. Did you know a Sister [REDACTED]; [REDACTED]?
 16 A. No.
 17 Q. Ever aware of any, any nun complaining about
 18 Father Kelly being drunk?
 19 A. No, I never heard of anyone.
 20 Q. Ever aware of any nun complaining about Father
 21 Kelly slurring his speech?
 22 A. No.
 23 Q. Other than this boy who you've already
 24 described, the one you would see in Father Kelly's
 25 living quarters, did you ever see any other boys under

1 the age of 18 anywhere else in the rectory?

2 A. No.

3 Q. Did you ever have any discussions with anyone
4 about why Father Kelly was allowing this one boy into
5 the rectory?

6 MS. YOUNG: Objection; asked and answered.

7 Q. BY MR. HALE: You can answer.

8 A. No, no.

9 Q. What about outside the rectory, did you ever
10 see Father Kelly spending time with any boys who
11 appeared to be under the age of 18 outside of the
12 rectory?

13 MS. YOUNG: Calls for speculation.

14 THE WITNESS: No.

15 Q. BY MR. HALE: Okay. Were you ever aware of
16 Father Kelly having a reputation for spending time with
17 quote/unquote troubled youth?

18 A. I know earlier on he worked with young people
19 that had problems like that.

20 Q. How did you become aware -- go ahead.

21 A. Well, I guess there was some talk about it.
22 But I never, like, saw him with, you know, but, or
23 where, you know, but I heard that he has talked with,
24 you know, and helped --

25 MS. YOUNG: Don't talk about anything that was

1 A. No, no.

2 Q. Did you ever see Father Kelly riding bikes with
3 boys?

4 A. No.

5 Q. Do you know if Father Kelly had a bike?

6 A. No, he had no bike.

7 Q. Do you know who replaced you at Our Lady of
8 Guadalupe?

9 MS. YOUNG: Asked and answered.

10 You can answer.

11 THE WITNESS: [REDACTED] I believe it was.

12 Q. BY MR. HALE: Okay. And when he took your
13 spot, before he did that did he ask you what life at the
14 parish was like?

15 A. No, never.

16 Q. Did he ask you what Father Kelly was like?

17 A. No, I don't remember that we talked about it.

18 Q. Have you ever discussed Father Kelly with
19 Father [REDACTED]?

20 A. No.

21 Q. Did, when Father [REDACTED] left, did he tell you
22 whether he was happy or sad to be leaving?

23 A. No, he didn't, either way. He just, you know.

24 Q. Okay. Have you ever been aware of Father Kelly
25 having an affinity for expensive scotch?

1 said --

2 THE WITNESS: I shouldn't because I don't know.

3 Q. BY MR. HALE: Right. Excluding anything you
4 learned from your attorney, how did you hear about
5 Father Kelly spending time with these quote/unquote
6 troubled youth? And again, if Ms. Young was your only
7 source then the question is answered.

8 A. I don't know really how I heard about it. I
9 just heard that he had.

10 Q. Okay. Were you ever aware of him having a
11 reputation for spending time with juvenile delinquents
12 in the neighborhood?

13 MS. YOUNG: Objection; vague and ambiguous.

14 THE WITNESS: No, I haven't.

15 Q. BY MR. HALE: Okay. Did you ever see boys
16 hanging out in front of the -- there was a garage at the
17 rectory; correct?

18 A. Yeah, there was.

19 Q. Did Father Kelly have a car while you were
20 there?

21 A. He did, yeah.

22 Q. Do you recall what kind of car he drove?

23 A. No, I forgot what the make was.

24 Q. Did you ever see boys hanging out in front of
25 the garage?

1 A. No.

2 Q. Ever aware of anyone saying anything about
3 Father Kelly drinking to excess?

4 A. No, I haven't.

5 Q. Did you ever hear about him doing this?

6 A. No.

7 Q. Have you ever been aware of anyone saying they
8 smelled alcohol on Father Kelly's breath?

9 A. No, I don't remember anybody ever saying that.

10 Q. Okay. Have you ever been aware or ever heard
11 of someone smelling alcohol on Father Kelly's breath?

12 MS. YOUNG: Objection; vague and ambiguous,
13 asked and answered.

14 THE WITNESS: No.

15 Q. BY MR. HALE: Have you ever been aware of
16 anyone saying anything about Father Kelly slurring his
17 speech?

18 MS. YOUNG: Asked and answered.

19 THE WITNESS: No.

20 Q. BY MR. HALE: Have you ever been aware of or
21 heard about Father Kelly slurring his speech?

22 A. No, I haven't.

23 Q. Have you ever heard or have you ever been aware
24 of anyone saying that Father Kelly was so intoxicated he
25 stumbled?

1 A. No.
 2 Q. Have you ever been aware of or heard of Father
 3 Kelly being so intoxicated he stumbled?
 4 A. No.
 5 Q. Have you ever been aware of anyone saying
 6 anything about Father Kelly being so intoxicated he
 7 passed out?
 8 A. No.
 9 Q. Have you ever been aware of or heard of Father
 10 Kelly being so intoxicated he passed out?
 11 A. No, I haven't, no.
 12 Q. Have you ever been aware or heard of Father
 13 Kelly being so intoxicated he could not make it up the
 14 stairs of the rectory?
 15 A. No, I have not.
 16 Q. Have you ever been aware of or heard of Father
 17 Kelly being so intoxicated he could not -- he had to sit
 18 down during mass?
 19 A. No.
 20 Q. Have you ever been aware of or heard of Father
 21 Kelly giving wine to boys in the sacristy?
 22 A. No, I haven't.
 23 Q. Did you ever see Father Kelly in the sacristy
 24 with boys, with alter boys?
 25 A. Well, if he said mass of course he was there

1 what do you call it, whoever was the best, you know.
 2 Q. When you say "the hall" you mean the Parish
 3 Hall?
 4 A. The Parish Hall.
 5 Q. And do you know, was there a specific game,
 6 like, a box with a game with questions?
 7 A. It would be questions, you know, about the
 8 bible and they'd answer. They'd have competition like
 9 maybe between two groups. That's about all I've seen of
 10 it.
 11 Q. Have you ever been aware of or heard of Father
 12 Kelly playing bible study games with boys where he would
 13 make them drink alcohol if they answered incorrectly?
 14 A. No, I have not, no.
 15 Q. Ever been aware of or heard of Father Kelly
 16 spending a day or days in his room drinking alcohol?
 17 A. No.
 18 Q. Ever been aware of or heard of Father Kelly
 19 locking himself in his room to drink?
 20 A. Well --
 21 MS. YOUNG: Objection; calls for speculation.
 22 Q. BY MR. HALE: You can answer.
 23 A. Sometimes, but I don't remember him drinking.
 24 Q. Were there times when he would lock himself in
 25 his room?

1 when they were getting ready to go out with them.
 2 Q. But did you ever observe this though?
 3 A. Whenever he said mass there would be alter boys
 4 there with him.
 5 Q. Were you ever aware of or heard of Father Kelly
 6 giving wine to boys anywhere?
 7 A. No, huh-uh.
 8 Q. Ever aware of or heard of Father Kelly giving
 9 alcohol to boys anywhere?
 10 A. No, I haven't.
 11 Q. Were you ever aware of or hear of Father Kelly
 12 playing bible study games with boys where he would ask
 13 questions regarding, basically bible trivia questions?
 14 A. Not that I know of, no.
 15 Q. Ever hear of him doing that with anyone?
 16 A. No.
 17 Q. Have you ever seen a game that was basically a
 18 bible study trivia question type game?
 19 A. I have, yeah.
 20 Q. Did the rectory have one when you were at Our
 21 Lady?
 22 A. Well, you mean a specific thing with these, no,
 23 but I know they used to have it in the hall, the kids
 24 themselves, and the teacher in the hall would have, and
 25 have kids on this side and that side and have kind of a,

1 A. Sometimes he would spend -- some people go away
 2 somewhere, he would, like, read, liked to read and all
 3 that. But other than that, I have no.
 4 Q. Were you aware of him locking himself in his
 5 room for a day at a time or more?
 6 MS. YOUNG: Objection; calls for speculation.
 7 THE WITNESS: Well, I don't know how long he
 8 was there but sometimes he would not want to be
 9 disturbed.
 10 Q. BY MR. HALE: And how would you be aware he
 11 wouldn't would to be disturbed?
 12 A. Well, because he didn't want, like, sometimes
 13 we'd call and he wouldn't answer because, so, that's all
 14 I know.
 15 Q. So, you mean you would knock on the door and he
 16 wouldn't respond?
 17 A. Well, if you knocked once or twice and he
 18 didn't respond then you presume he didn't want to. But
 19 I, again, I don't know how often that happened.
 20 Q. Do you recall it happening more than once?
 21 A. Yeah, more than once, maybe.
 22 Q. Would it happen once a month?
 23 A. No, no.
 24 Q. Once a year?
 25 A. I would be guessing if I said that.

1 Q. Okay. Did you ever discuss that with Father
 2 [REDACTED] or with Father [REDACTED]?
 3 A. No, no, we didn't discuss it.
 4 Q. And would this go on for a day or --
 5 A. Would be a day at the most.
 6 Q. Okay. Did you ever hear anyone complain about
 7 the fact that Father Kelly would lock himself in his
 8 room?
 9 A. No.
 10 Q. Were you aware of anyone bringing him meals or
 11 anything when he would lock himself in his room?
 12 A. I'm not aware, no.
 13 Q. Were you aware of Father Kelly having a Silver
 14 Jubilee, a 25th anniversary, around 1967?
 15 A. Well, I wasn't there then.
 16 Q. Right. Did you hear anything about that
 17 happening?
 18 A. I didn't hear anything about it, but I know
 19 people were trying to have it, but I didn't go.
 20 MS. YOUNG: Just answer the question.
 21 Q. BY MR. HALE: After you left Our Lady of
 22 Guadalupe did you have any further contact with Father
 23 Kelly?
 24 A. Oh, yeah, I'd meet him at retreats. We had
 25 retreats every year. I'd meet him there. That's one

1 Q. What is that?
 2 A. That's a group of ladies that pray and then
 3 they'd go out and talk to people in the parish. Like,
 4 if they're probably not going to church, if they're not
 5 going to church they'd meet every so often, once a week,
 6 and have prayers and meetings and that type of thing.
 7 Q. Okay. Were you involved in any way with the
 8 Legion of Mary?
 9 A. Yeah.
 10 Q. What was your involvement with the Legion of
 11 Mary?
 12 A. I'd go there, give them a talk maybe.
 13 Q. Were any of the nuns involved in the Legion of
 14 Mary?
 15 A. Not in my time.
 16 Q. Were you ever aware of them being involved in
 17 the Legion of Mary at Our Lady before your time?
 18 A. No, no.
 19 Q. Did Father [REDACTED] ever complain to you about
 20 Father Kelly?
 21 A. No.
 22 Q. Did you ever talk about Father Kelly with him?
 23 A. No.
 24 Q. Have you stayed in touch with Father [REDACTED]?
 25 A. Did I what?

1 place.
 2 Q. Okay. Did you socialize with Father Kelly at
 3 those retreats?
 4 A. Just talk to him, you know, yeah. Yeah, I used
 5 to come to all the retreats we had once a year.
 6 Q. Were you ever aware of priests drinking to the
 7 point of intoxication at any of those retreats?
 8 A. No.
 9 Q. I'm not clear, you don't recall hearing about
 10 the Silver Jubilee, 25th anniversary celebration?
 11 A. I didn't hear anything. I just knew he had it
 12 but I didn't, I was not there myself. I don't know.
 13 Q. Did Father [REDACTED] contact you about a history
 14 regarding Father Kelly that he was preparing for the
 15 25th anniversary celebration?
 16 A. Was he preparing for it? Father Kelly himself
 17 you talking about?
 18 Q. I can't answer that.
 19 MS. YOUNG: Do you understand the question?
 20 THE WITNESS: No, I don't.
 21 Q. BY MR. HALE: Did Father [REDACTED] ever contact
 22 you to ask you questions about Father Kelly?
 23 A. No, no, no, no, no.
 24 Q. Do you know what the Legion of Mary is?
 25 A. Yeah.

1 Q. Stayed in touch with Father [REDACTED]?
 2 A. Again, I'd just meet him casually, but we never
 3 met anywhere for getting together, but just meet him at
 4 retreats maybe and things like that that priests do.
 5 Q. Have you ever discussed Father Kelly with
 6 Father [REDACTED]?
 7 A. No, I haven't.
 8 Q. Did Father [REDACTED] ever tell you that anyone
 9 had ever told him that Father Kelly was sexually abusing
 10 boys?
 11 A. No.
 12 Q. Did Father [REDACTED] ever tell you that someone
 13 had told him that Father Kelly was giving boys alcohol?
 14 A. No.
 15 Q. Did Father [REDACTED] ever tell you that Father
 16 Kelly was taking boys to the cabin and asking them to
 17 wear only their underwear or be naked?
 18 A. No, definitely not.
 19 Q. Were you ever aware of Father Kelly taking
 20 anyone to the beach?
 21 A. No.
 22 THE VIDEOGRAPHER: Any time on the tape.
 23 MR. HALE: This is good.
 24 THE VIDEOGRAPHER: Okay. Then, this ends Tape
 25 1 in the deposition of Father [REDACTED]. At 12:37

1 we're off the record.
 2 (A recess was taken.)
 3 THE VIDEOGRAPHER: At 12:40 we're back on the
 4 record with the beginning of Tape 2 of the deposition of
 5 Father [REDACTED]. Counsel, after you.
 6 Q. BY MR. HALE: Okay, Father, I just want to ask
 7 you the names of some priests and find out if you know
 8 these men. Do you remember a Father [REDACTED];
 9 [REDACTED]?
 10 A. I know who is, yeah.
 11 Q. Do you know if he's still alive?
 12 A. I don't know really.
 13 Q. When was the last time you spoke to him?
 14 A. Oh gosh, it was years ago.
 15 Q. Were you ever assigned anywhere with him?
 16 A. No.
 17 Q. How do you know him?
 18 A. He was a tennis player I think. I think I
 19 probably met him. But I haven't seen him in years. I
 20 don't know if he's still around or not but, you know, a
 21 priest, you meet him at different things, retreats and
 22 different things. You know.
 23 Q. Okay. What about [REDACTED]?
 24 A. No.
 25 Q. [REDACTED]?

1 Q. Have you discussed with him that you were going
 2 to be deposed?
 3 A. Yeah. Just mentioned because I knew he was
 4 too. I asked him, he said he was and I said I was too.
 5 That's about it.
 6 Q. When was the last time you spoke with him about
 7 being deposed?
 8 A. Oh, probably three or four weeks ago.
 9 Q. Okay. Did he ever tell you that - bear with me
 10 here - that he had a personality conflict with Father
 11 Kelly?
 12 A. He had a disagreement once or twice that he
 13 told me about something.
 14 Q. What did he tell you was the nature of the
 15 disagreement?
 16 A. Oh, I think Father wanted to go out somewhere
 17 to dinner. Father Kelly didn't want to go, he wanted to
 18 stay and have all the priests at home with him and he
 19 wanted to be at the meals and that type of thing. So, I
 20 think he was telling him that he wanted to go out, these
 21 people invited him out, and he disagreed and I think
 22 that was the disagreement. That's the only one I know
 23 of.
 24 Q. Did he tell you about any other conflicts he
 25 had with Father Kelly?

1 A. No.
 2 Q. [REDACTED]?
 3 A. I heard of him, yeah.
 4 Q. How did you hear of him?
 5 A. I think he was in Guadalupe one time.
 6 Q. Do you know if he's still alive?
 7 A. I don't know if he's alive or not. I'm not
 8 sure.
 9 Q. How about [REDACTED]?
 10 A. No, I have not seen or know him or anything.
 11 Q. Never heard of his name?
 12 A. Don't think I heard of his name either.
 13 Q. How about [REDACTED]?
 14 A. Yes.
 15 Q. How do you know him?
 16 A. We golf every week practically.
 17 Q. Okay. Have you ever talked with him about
 18 Father Kelly?
 19 A. Not really, no.
 20 Q. When you say "not really," have you talked a
 21 little bit about Father Kelly with him?
 22 A. Well, he was with Father Kelly of course, as
 23 you know, and, but nothing really much.
 24 Q. So, you golf with him every week?
 25 A. Yeah.

1 A. No.
 2 Q. Did he tell you what his relationship was like
 3 with Father Kelly?
 4 A. Otherwise I think it was pretty good.
 5 Q. Have you ever discussed the cabin, Father
 6 Kelly's cabin with Father [REDACTED]?
 7 A. No.
 8 Q. Have you ever discussed the fact that there
 9 were allegations of childhood sexual abuse with Father
 10 Kelly with Father [REDACTED]?
 11 A. No.
 12 Q. Have you ever, did Father [REDACTED] ever tell you
 13 that he saw Father Kelly in the company of teenaged
 14 boys?
 15 A. No.
 16 Q. Did he ever tell you that he was aware of
 17 Father Kelly taking teenaged boys to the cabin?
 18 A. No, he never told me that, no.
 19 Q. Did he ever tell you he went to the cabin?
 20 A. No.
 21 Q. Did he ever tell you he was aware of anybody
 22 going with Father Kelly to the cabin?
 23 A. No.
 24 Q. Did he ever tell you he was aware of Father
 25 Kelly having a drinking problem?

1 A. No.
 2 Q. Did he ever tell you he was aware of someone,
 3 another priest, complaining about Father Kelly?
 4 A. No.
 5 Q. Do you know a boy by the name of [REDACTED]
 6 [REDACTED]?
 7 A. No I don't.
 8 Q. [REDACTED]?
 9 A. No.
 10 Q. [REDACTED]?
 11 A. No.
 12 Q. [REDACTED]?
 13 A. No.
 14 Q. [REDACTED]?
 15 A. No.
 16 Q. [REDACTED]?
 17 A. No.
 18 Q. [REDACTED]?
 19 A. No.
 20 Q. Do you know who Bishop Thomas Curry is?
 21 A. Yeah, he's up in Santa Barbara.
 22 Q. Have you ever spoken with or written to him or
 23 received correspondence from him about Father Kelly?
 24 A. No.
 25 Q. Same question but with regards to Monsignor

1 Kelly?
 2 A. No, he didn't, no.
 3 Q. Have you ever heard him complain about Father
 4 Kelly?
 5 A. No, because I haven't met him much, so, I
 6 don't.
 7 Q. Have you ever heard Father [REDACTED] say that Our
 8 Lady was a difficult place to work because of Father
 9 Kelly?
 10 A. No, never heard him say that. Not to me
 11 anyway.
 12 Q. Have you ever been aware of Father [REDACTED] --
 13 not just to you but have you ever been aware of, for
 14 instance, has someone come and told you that Father
 15 [REDACTED] said that Our Lady was a difficult place to work
 16 because of Father Kelly?
 17 A. No.
 18 Q. Have you ever been aware of Father [REDACTED]
 19 complaining to Timothy Manning about Father Kelly?
 20 A. No, I didn't know.
 21 Q. Have you ever been aware of or learned of
 22 anyone complaining to Timothy Manning about Father
 23 Kelly?
 24 A. No.
 25 Q. Have you ever been aware of or heard anyone say

1 [REDACTED] did you ever speak with him or write to
 2 him or receive correspondence from him about Father
 3 Kelly?
 4 A. He's dead you know.
 5 Q. Right.
 6 A. No, I haven't.
 7 Q. Okay. What about Father [REDACTED]; same
 8 question?
 9 A. No, no.
 10 Q. Did you ever hear [REDACTED] complain about
 11 Father Kelly?
 12 A. [REDACTED] who?
 13 Q. [REDACTED].
 14 A. No, not in my presence.
 15 Q. Did you ever hear anyone say that [REDACTED]
 16 had complained about Father Kelly?
 17 A. No.
 18 Q. Did you ever hear Mrs. [REDACTED] complain about
 19 Father Kelly?
 20 A. No.
 21 Q. Did you ever hear anyone say that Mrs. [REDACTED]
 22 had complained about Father Kelly?
 23 A. No, I haven't.
 24 Q. Did Father [REDACTED] has Father [REDACTED] ever told
 25 you he left Our Lady of Guadalupe because of Father

1 that Father Kelly was not normal?
 2 A. No, I never heard that.
 3 Q. Did you ever think that yourself?
 4 A. No.
 5 Q. Did you ever speak with -- did you know [REDACTED]
 6 [REDACTED] as [REDACTED] or [REDACTED]?
 7 A. Well, I guess Mike they called him here. Of
 8 course [REDACTED] would be the Spanish.
 9 Q. Did you ever speak to him while he was at Our
 10 Lady of Guadalupe?
 11 A. No, I haven't. I can't remember, no.
 12 Q. Do you remember when the last time you spoke to
 13 Mr. [REDACTED] was?
 14 A. Oh, long time ago. I think he left the
 15 priesthood, so, that's quite a while ago. So, I haven't
 16 been in contact with him.
 17 Q. How did you hear about him leaving the
 18 priesthood?
 19 A. Oh, of course the guys talk, you know, somebody
 20 does that then you're talking to priests, they'll
 21 mention that.
 22 Q. Okay. How well did you know Mr. [REDACTED]?
 23 A. Not well. No, not well.
 24 Q. Did you ever live anywhere with him?
 25 A. No.

1 Q. Did you ever hear anyone accusing him of being
 2 dishonest?
 3 A. No, never heard that, no.
 4 Q. Have you ever heard anyone say they had some
 5 kind of argument or falling out with him?
 6 A. No.
 7 Q. Have you ever heard anyone say they talked with
 8 him about why he left the priesthood?
 9 A. No.
 10 Q. Do you know why he left the priesthood?
 11 A. I don't really, no.
 12 Q. Have you ever been aware of or heard of any
 13 priest saying that they were being assigned to Our Lady
 14 of Guadalupe because another priest was not getting
 15 along with Father Kelly?
 16 A. No, I never heard that, no.
 17 Q. Have you ever been aware of or heard anyone say
 18 that a priest was leaving Our Lady of Guadalupe because
 19 they were not getting along with Father Kelly?
 20 A. No, I haven't.
 21 Q. During your time at Our Lady, do you recall
 22 anyone ever having any kind of arguments or
 23 disagreements with Father Kelly?
 24 A. No. Not to my knowledge.
 25 Q. Have you ever been aware of any priest not

1 MS. YOUNG: Just answer the questions.
 2 Q. BY MR. HALE: Have you ever been aware of or
 3 heard of Father Kelly, describing Father Kelly as
 4 mentally ill?
 5 A. No, I have not.
 6 Q. Did you ever think that?
 7 A. No.
 8 Q. Have you ever told anyone you had problems with
 9 Father Kelly?
 10 A. No.
 11 Q. Have you ever heard anyone say that working at
 12 Our Lady was difficult because of Father Kelly?
 13 A. No, I haven't.
 14 Q. Have you ever heard anyone say that, something
 15 to the effect of that if the Archdiocese removed every
 16 priest with a drinking problem or with psychological
 17 problems, there wouldn't be enough priests to run all
 18 the parishes in the Archdiocese?
 19 A. No, I have not.
 20 Q. Do you think that's a true or a false
 21 statement?
 22 MS. YOUNG: Objection; calls for speculation,
 23 harassment.
 24 MR. HALE: There's no harassing going on.
 25 MS. YOUNG: There is harassment, Tim. It's

1 getting along with Father Kelly?
 2 A. No.
 3 Q. Any nuns?
 4 A. No.
 5 Q. Any parishioners?
 6 A. No.
 7 Q. Anyone?
 8 A. I can't remember anyone, no.
 9 Q. Okay. Do you recall if Father Kelly, ever
 10 being aware of him complaining about any priests?
 11 A. No.
 12 Q. About any nuns?
 13 A. No.
 14 Q. About any parishioners?
 15 A. No.
 16 Q. About anyone?
 17 A. No, I never heard anyone.
 18 Q. Okay. Have you ever heard of or been aware of
 19 anyone describing Father Kelly as strange?
 20 A. No.
 21 Q. Did you ever think Father Kelly was strange?
 22 A. No.
 23 Q. Did you ever think --
 24 A. We're all strange in one way or another, but I
 25 never heard anybody say that.

1 ridiculous. It's irrelevant, calls for speculation.
 2 MR. HALE: Are you instructing him not to
 3 answer?
 4 MS. YOUNG: Yeah, I'll instruct him not to
 5 answer.
 6 MR. HALE: You heard a witness testify less
 7 than two weeks ago that Timothy Manning said exactly
 8 that statement and you're going to instruct him not to
 9 answer?
 10 MS. YOUNG: Tim, did it ever occur to you that
 11 some of your witnesses might not be telling the truth?
 12 MR. HALE: What is Mr. Borrell's motivation and
 13 more importantly --
 14 MS. YOUNG: You can answer the question.
 15 MR. HALE: That's right, he can answer the
 16 question. Once again you are obstructing discovery.
 17 MS. YOUNG: Tim, don't yell at me.
 18 MR. HALE: You are obstructing discovery. You
 19 repeatedly are obstructing discovery in these cases,
 20 Bless.
 21 MS. YOUNG: Tim, don't yell at me. This
 22 witness does not know every single priest, does not take
 23 statistics on how many priests drink and how many
 24 priests don't drink. I don't know how you expect him to
 25 answer a question like that without speculating.

1 MR. HALE: That's not what the question asked
 2 for. It's just based on his experience.
 3 Q. You can answer.
 4 MS. YOUNG: Do you understand the question? Do
 5 you understand what he's asking you.
 6 MR. HALE: Can you read the question back. You
 7 know what, it's okay. I can read it back. It's okay.
 8 Hang on.
 9 MS. YOUNG: Maybe you can ask a better
 10 question.
 11 MR. HALE: No, I think the question stands
 12 because that was testified to. Whether you like it or
 13 not, that was testified to. And what financial
 14 motivation would that man have to lie?
 15 MS. YOUNG: It was testified to but not by this
 16 witness. That doesn't give this witness the --
 17 MR. HALE: Just asking for his opinion. We're
 18 entitled to that. We had a former priest say this was
 19 told to him by a bishop. I understand why you don't
 20 like it but that's on the record.
 21 MS. YOUNG: His testimony is on the record for
 22 what it's worth and from whom it's coming. That has
 23 nothing to do with this witness being asked to speculate
 24 on what, you know, how many priests drink or whatever it
 25 is that you're asking him.

1 MR. HALE: Not asking for a number.
 2 MS. YOUNG: I think you're harassing the
 3 witness. I'm going to instruct him not to answer.
 4 That's it.
 5 MR. HALE: There is no harassing going on here
 6 whatsoever. You have no right, there is no basis for
 7 you instructing him not to answer.
 8 MS. YOUNG: And you're harassing me.
 9 MR. HALE: I'm not harassing you.
 10 MS. YOUNG: You can file a motion. If you
 11 think the testimony is that crucial, file a Motion to
 12 Compel.
 13 MR. HALE: You heard Father [REDACTED] testify
 14 less than two weeks ago to that very statement.
 15 MS. YOUNG: Tim, if you think the testimony,
 16 what you're asking him, is that crucial to your case,
 17 file a Motion to Compel.
 18 MR. HALE: So, what is the basis for your
 19 instruction?
 20 MS. YOUNG: That you're harassing the witness
 21 and asking him to speculate on something that is
 22 irrelevant.
 23 MR. HALE: That's completely improper. You're
 24 obstructing legitimate discovery again and again and
 25 again.

1 Q. Did you ever ask anyone if they were aware of
 2 or suspected inappropriate behavior by Father Kelly?
 3 A. No, no.
 4 Q. Have you ever been aware of anyone asking that?
 5 A. No.
 6 Q. Have you ever been aware of anyone saying that
 7 they were aware of or suspected inappropriate behavior
 8 by Father Kelly?
 9 A. No, I have not.
 10 Q. Have you ever heard that Mr. [REDACTED] complained
 11 to Timothy Manning about Father Kelly?
 12 A. No, I don't, never heard that.
 13 Q. Have you ever been aware of anyone saying they
 14 complained to anyone about Father Kelly?
 15 A. No. No.
 16 Q. Did you know a boy named [REDACTED] when
 17 you were at Our Lady?
 18 A. [REDACTED]?
 19 Q. Yes.
 20 A. No, I can't remember.
 21 Q. Have you ever been aware of Father [REDACTED]
 22 testifying on behalf of a young man at a juvenile court
 23 hearing?
 24 A. No.
 25 Q. Have you ever been aware of any priest

1 testifying on behalf of a young man at a juvenile court
 2 proceeding?
 3 A. Oh, I'm sure they have, but.
 4 Q. But have you ever been aware?
 5 A. I haven't been aware.
 6 Q. Okay. If, during your time at Our Lady, you
 7 had become aware that Father Kelly was taking boys to
 8 the cabin, would you have told anyone?
 9 MS. YOUNG: Objection; calls for speculation.
 10 THE WITNESS: Well, it didn't happen so I don't
 11 know.
 12 Q. BY MR. HALE: But if you had become aware, if
 13 someone had said to you this is happening, would you
 14 have told anyone?
 15 MS. YOUNG: Objection; calls for speculation.
 16 Q. BY MR. HALE: You can answer.
 17 MS. YOUNG: Same objection.
 18 THE WITNESS: Same objection. I wouldn't know.
 19 It didn't happen, so, how do I know what I would have
 20 said, you know, if that had, you know. So, I can't
 21 really give you a straight answer on that.
 22 Q. BY MR. HALE: Okay. If someone had told you,
 23 while you were at Our Lady, that Father Kelly was taking
 24 boys to the cabin and touching them inappropriately,
 25 would you have told anyone about that?

1 MS. YOUNG: Same objection.
 2 THE WITNESS: It's past now. I don't know what
 3 I would have done then.
 4 Q. BY MR. HALE: Okay. If someone had told you
 5 that Father Kelly was taking boys to the cabin and
 6 sexually abusing them, would you have told anyone, and
 7 again, while you were at Our Lady?
 8 MS. YOUNG: Same objection and incomplete
 9 hypothetical and assumes facts not in evidence.
 10 THE WITNESS: No, because I wouldn't know if he
 11 was really doing that or not. So, I wouldn't be
 12 spreading something that could be not true.
 13 Q. BY MR. HALE: Okay. If someone, while you were
 14 at Our Lady, had told you that a boy had stopped
 15 attending church because of Father Kelly's conduct,
 16 would you have told that to anyone?
 17 MS. YOUNG: Objection; calls for speculation,
 18 assumes facts not in evidence, incomplete hypothetical.
 19 THE WITNESS: Well, that's what I can't answer,
 20 what I would have done. What I might have done, you
 21 know.
 22 Q. BY MR. HALE: Because you don't know?
 23 A. Because I don't know.
 24 Q. Okay. Has anyone from the Archdiocese ever
 25 contacted you and asked you questions, and excluding

1 THE WITNESS: Oh, I don't know.
 2 Q. BY MR. HALE: Did you ever know a priest name
 3 Father ██████████?
 4 A. ██████████, no, I don't.
 5 Q. Aside from your attorneys, have you ever heard
 6 that anyone -- strike that.
 7 Aside from your attorneys, have you ever heard
 8 or been aware of allegations of Father Kelly sexually
 9 abusing children under the age of 18?
 10 A. No, I haven't.
 11 Q. And aside from your attorneys, have you ever
 12 heard or been aware of Father Kelly behaving
 13 inappropriately with anyone under the age of 18?
 14 A. No, I haven't.
 15 Q. Have you ever been aware of or heard of Father
 16 Kelly making boys sleep with him at any location?
 17 A. No, I have not.
 18 Q. And if you heard something like that when you
 19 were at Our Lady, would you have told anyone?
 20 MS. YOUNG: Objection; incomplete hypothetical,
 21 lacks foundation, assumes facts not in evidence, calls
 22 for speculation.
 23 THE WITNESS: I don't know.
 24 Q. BY MR. HALE: Okay. During your time at Our
 25 Lady, if you had heard that Father Kelly was asking boys

1 your attorneys, and asked you questions about your time
 2 with Father Kelly?
 3 A. No, never.
 4 Q. Do you recall there ever being any priests who
 5 came to Our Lady while you were there and performed
 6 missions?
 7 A. Yeah, there was an Italian priest. There were
 8 quite a few older Italian people there and he would
 9 come. And I can't remember his name now but he used to
 10 come from time to time.
 11 Q. Was he a priest of the Archdiocese?
 12 A. No, I don't think so. I think he would give
 13 missions and take care of there, but, like, if you
 14 wanted he would come in.
 15 Q. Do you know where he was from?
 16 A. I don't know where he was from really. He
 17 wasn't from Italy but he spoke Italian very well of
 18 course and he used to -- that's the only one I know of
 19 that would.
 20 Q. Okay. Did he perform mass when he would come
 21 in?
 22 A. Mass, yeah, talk at mass.
 23 Q. Do you know whether he had been granted
 24 faculties?
 25 MS. YOUNG: Objection; calls for speculation.

1 to either be in their underwear or naked when they were
 2 around him, would you have told anyone about that?
 3 MS. YOUNG: Same objections.
 4 THE WITNESS: The same way, I don't know.
 5 That's speculation. I don't know what I would have
 6 said.
 7 Q. BY MR. HALE: Okay. Was there a roster of
 8 alter boys when you were at Our Lady? In other words,
 9 how did you know who was an alter boy? Was there, was
 10 there any kind of record kept?
 11 A. Well, there was certain kids. There was no
 12 girls at that time --
 13 Q. Right.
 14 A. -- but there was boys. I can't remember seeing
 15 the names in any particular place, you know, but there
 16 were. Like, if they were to come there and serve, and
 17 if they weren't appointed then they wouldn't be doing
 18 that. So, probably one the other priests may be doing
 19 that, but I wasn't.
 20 Q. Okay. You never saw a written roster of any
 21 sort with the names of the alter boys?
 22 A. Not all of them, no, except those that would be
 23 serving mass on a specific Sunday.
 24 Q. Was there any kind of a parish directory that
 25 where if you needed an alter boy to serve at a certain

1 mass you could call his home and ask the alter boy to
2 come in?

3 A. Well, if you knew who the alter boy was you
4 could just call the school. Most of the alter boys were
5 going to our school there. Call the school or call
6 home. We had the phone numbers of course of all the
7 parishioners there.

8 Q. Okay. So, was there a roster of all the
9 parishioners?

10 A. Yes.

11 Q. And was that, was that in a book or was it just
12 a stack of papers?

13 A. No, no, no, just in a book, yeah.

14 Q. Okay. And did Mrs. [REDACTED] maintain that?

15 A. Mrs. [REDACTED] maintained that, yeah.

16 Q. And was that typed out or was it handwritten
17 out?

18 A. In those days it was handwritten.

19 Q. Okay. And do you remember, was that a
20 hard-bound book?

21 A. It was I think, yeah. Black, bound, yeah.

22 Q. Do you remember, was that updated every year or
23 would they be discarded every year?

24 A. I don't know. I presume when somebody would
25 die or leave the parish you would take it out. Because

1 we sent out envelopes from the names we had to people
2 for their contributions or for whatever else. So, we
3 didn't want to send it out to names of people that
4 weren't there anymore, so, somebody would take them out.

5 Q. Do you remember who selected alter boys? Did
6 someone select alter boys?

7 MS. YOUNG: You're talking about when he was
8 there?

9 MR. HALE: Yes.

10 THE WITNESS: There wasn't anybody in
11 particular in those days that did that.

12 Q. BY MR. HALE: Do you remember how an alter boy
13 was selected?

14 A. I don't remember that. See, I wasn't in charge
15 of that, so, whoever it was would I guess know them or
16 go to church.

17 MS. YOUNG: Don't guess. Just...

18 Q. BY MR. HALE: Do you know who was in charge of
19 that?

20 A. I don't.

21 Q. Did you ever see Father Kelly or Father [REDACTED]
22 working with the alter boys?

23 A. Oh, I can't be specific but I would presume
24 Father [REDACTED] would. He was that kind of guy. I think
25 he was probably the one.

1 Q. Did you perform mass at Our Lady and at Holy
2 Cross?

3 A. Yeah.

4 Q. Were you at one more than the other?

5 A. No, no. It would change, like, one week I
6 might say two masses up there and maybe one at
7 Guadalupe, another time two at Guadalupe and one up
8 there. So, we kind of divided it up.

9 Q. Okay. Do you recall, was there a schedule for
10 the alter boys so they would know who was performing,
11 assisting with what mass?

12 A. That's a good question. There must be. I
13 can't specifically say there was. Since I wasn't in
14 charge of the thing I really don't know.

15 Q. Okay. Did you ever talk with Father Kelly
16 about his time on the Bishop's Committee for the Spanish
17 Speaking?

18 A. Not really. I knew that he was on it but never
19 really discussed it with him.

20 Q. Did he tell you why he went to the Bishop's
21 Committee for the Spanish Speaking?

22 A. I guess he was asked to do it by the
23 Archdiocese.

24 Q. Did he tell you what he did while he was there?

25 A. No, he didn't.

1 Q. Did he tell you if he made any friends while he
2 was out there?

3 A. No.

4 Q. Were you aware of him having any regular
5 contact with any priests from Texas?

6 A. No, I wasn't, no.

7 Q. Did he ever tell you -- well, strike that.

8 During your career as a priest, did you ever
9 request a new assignment or were they normally just
10 given to you by the Archbishop?

11 A. Well, in those days Chancellor of the
12 Archdiocese sent you a note saying, well, two weeks from
13 now you're going so and so place. Now it's different.

14 Q. Have you ever requested a new assignment?

15 A. I never have.

16 Q. Had you ever heard of other priests requesting
17 new assignments?

18 A. I knew, I heard of priests doing it, but
19 specifics, I don't know. But I'm sure some have done
20 it.

21 Q. Would it be unusual for a priest to actually
22 request a new assignment in your experience?

23 A. My time, it probably would be, yeah.

24 Q. Has there been any point in your career as a
25 priest where it would have been appropriate for a priest

1 to provide alcohol to a child under the age of 18?
 2 A. No, no.
 3 Q. If you had heard about that happening would
 4 that have been, when you were at Our Lady, would that
 5 have been a red flag that there was a risk of childhood
 6 sexual abuse?
 7 MS. YOUNG: Objection; calls for speculation.
 8 THE WITNESS: No, I don't think that, no.
 9 MR. HALE: Okay.
 10 MS. YOUNG: I'll add to that objection
 11 belatedly incomplete hypothetical and assumes facts not
 12 in evidence.
 13 Q. BY MR. HALE: During your career as a priest
 14 have you ever been aware of a priest taking a child
 15 under the age of 18 on an overnight trip with no other
 16 adult supervision?
 17 A. No, I haven't.
 18 MS. YOUNG: Same objections belatedly.
 19 Q. BY MR. HALE: Has there ever been a point in
 20 your career where that would have been appropriate?
 21 MS. YOUNG: Same objections.
 22 THE WITNESS: I don't know.
 23 Q. BY MR. HALE: Okay. In your career as a priest
 24 have you ever been aware of a priest allowing a child
 25 under the age of 18 to spend the night in the priest's

1 A. No, no, no.
 2 Q. Okay. Were you ever aware of Father Kelly ever
 3 having anyone in his living space with the door closed?
 4 MS. YOUNG: Objection; asked and answered.
 5 THE WITNESS: No.
 6 Q. BY MR. HALE: Okay. Did you ever suspect that
 7 there was someone in Father Kelly's living space but he
 8 had the door closed?
 9 A. No.
 10 Q. And when I say "living space," do you
 11 understand I'm referring to his bedroom and that living
 12 room area?
 13 A. Yeah.
 14 Q. Okay. In your career as a priest have you ever
 15 been aware of a priest taking a child under the age of
 16 18 out to dinner with no adult supervision, just one
 17 child?
 18 A. Out to dinner?
 19 Q. Yes.
 20 A. No, I haven't.
 21 Q. And would that have been, if you had been aware
 22 of that, would that have been a red flag to you of the
 23 risk of childhood sexual abuse?
 24 MS. YOUNG: Objection, same objection;
 25 incomplete hypothetical, calls for speculation, assumes

1 living quarters in a rectory?
 2 A. No, I haven't.
 3 Q. Can you think of any point in your career where
 4 that would have been appropriate?
 5 MS. YOUNG: Same objections.
 6 THE WITNESS: Again, not knowing all the
 7 details, I'd say probably no.
 8 Q. BY MR. HALE: Okay. Would that have been a red
 9 flag to you that there was a, would that have caused
 10 concern for you that there was a risk of childhood
 11 sexual abuse taking place?
 12 MS. YOUNG: Same objections; incomplete
 13 hypothetical, calls for speculation.
 14 THE WITNESS: I don't know.
 15 Q. BY MR. HALE: Okay. Has there ever been any
 16 other point in your career as a priest where you saw a
 17 circumstance like that you saw with Father Kelly where
 18 he had that 16- or 17-year-old boy in his living space?
 19 A. Please repeat that again.
 20 Q. Over the course of your career, has there ever
 21 been any other circumstance similar to that that you saw
 22 with Father Kelly --
 23 A. No.
 24 Q. -- where you saw a 16- or 17-year-old boy in
 25 his living space?

1 facts not in evidence.
 2 THE WITNESS: I really don't know.
 3 Q. BY MR. HALE: Okay. Do you know Father [REDACTED]
 4 [REDACTED]?
 5 A. Yes, uh-huh.
 6 Q. How do you know him?
 7 A. Well, he was stationed with a priest that I
 8 knew that was in our golf crowd.
 9 Q. Have you ever been assigned anywhere with him?
 10 A. No.
 11 Q. Have you ever socialized with him?
 12 A. No.
 13 Q. You just know somebody who knows him?
 14 A. Well, as I say, he was stationed with a priest
 15 that we used to play golf with. Sometimes we'd go back
 16 to his house and have dinner there and he was there.
 17 Q. Have you ever discussed Father Kelly with
 18 Father [REDACTED]?
 19 A. No.
 20 Q. Father, this is a long question so take your
 21 time and listen to this one, okay. And I'll try and
 22 state it slowly. Have you ever been aware of any
 23 members of the Archdiocese or any member of the
 24 Archdiocese warning a member or members of a parish or a
 25 community that a priest who had been accused of

1 childhood sexual abuse was assigned or was in residence
 2 or was doing supply work at that location?
 3 MS. YOUNG: Objection; vague and ambiguous.
 4 THE WITNESS: I never heard that, no.
 5 Q. BY MR. HALE: Okay. Have you ever initiated or
 6 heard any discussions regarding whether the Archdiocese
 7 should take such actions, in other words, warning a
 8 member or members of a community that a priest that had
 9 been accused of childhood sexual abuse was assigned or
 10 in residence or doing supply work at that location?
 11 MS. YOUNG: Vague and ambiguous.
 12 THE WITNESS: Well, that's highly hypothetical.
 13 I don't know if they would do that, I don't know.
 14 Q. BY MR. HALE: But have you ever heard any
 15 discussions about that?
 16 A. No, I haven't, no.
 17 Q. Okay. And have you ever drafted, I assume you
 18 haven't drafted, but have you ever drafted or seen any
 19 written communications from the Archdiocese regarding
 20 whether they should warn a member or members of a parish
 21 or a community that a priest who had been accused of
 22 childhood sexual abuse was assigned or in residence or
 23 doing supply work at that location?
 24 A. No, I haven't.
 25 Q. Okay. Were you ever involved in paying any of

1 A. A car, oh, yes.
 2 Q. Did you have insurance for the car?
 3 A. Yeah. Well, the diocese took care of that.
 4 Q. The car insurance?
 5 A. Car insurance.
 6 Q. Did you have health insurance while you are at
 7 Our Lady?
 8 A. Yeah. Diocese did that for us too.
 9 Q. Okay. Were you ever aware of an annual report
 10 that the parish had to prepare and send to the
 11 Archdiocese?
 12 A. The school did but I don't think the parish had
 13 to.
 14 MS. YOUNG: Okay, don't -- just answer his
 15 question, okay.
 16 THE WITNESS: I'm not sure. I don't know.
 17 Q. BY MR. HALE: How do you know the school did?
 18 A. Well, of course communications between the
 19 school and the parish, you know, they'll say the time
 20 now is to send in your thing or you have so and so time.
 21 Every year you had a certain time to send in that.
 22 Q. Do you know who prepared that for the school?
 23 A. Well, I suppose --
 24 MS. YOUNG: Don't guess.
 25 THE WITNESS: I don't know for sure.

1 the parish staff, in other words, writing the paychecks
 2 for parish staff, while you were at Our Lady?
 3 A. No, the secretary did that.
 4 Q. Okay. Do you know if Father Kelly signed those
 5 checks?
 6 A. Yeah, yeah, he did.
 7 Q. And do you know, were they on a parish checking
 8 account or an Archdiocese checking account?
 9 A. Parish, parish.
 10 Q. And did you receive paychecks of some sort when
 11 you were assigned to Our Lady?
 12 A. Oh, yeah, every month, yeah.
 13 Q. And did you receive those paychecks from the
 14 Archdiocese or from the parish?
 15 A. The parish.
 16 Q. Okay. Did the parish have an accountant while
 17 you were there?
 18 A. No, I don't think so.
 19 Q. What about a bookkeeper of some sort?
 20 A. Mrs. ██████ did all that work, but I don't
 21 think anybody else.
 22 Q. Did you have a car while you were at Our Lady
 23 of Guadalupe?
 24 A. Did I have a what?
 25 Q. A car.

1 MS. YOUNG: Don't guess.
 2 THE WITNESS: The principal probably at the
 3 school.
 4 MS. YOUNG: Don't guess. If you don't know,
 5 you don't know.
 6 THE WITNESS: Yeah, I don't know. I can't say
 7 I do know.
 8 Q. BY MR. HALE: Okay. Do you know if that report
 9 had a name? A title of some sort? Or was it just the
 10 annual report?
 11 A. I guess the annual report, yeah.
 12 Q. But it's your understanding the parish at Our
 13 Lady did not have to do --
 14 A. As far as I know at that time. I think they do
 15 now, but at that time I don't think the parish had to do
 16 that.
 17 Q. Was there any kind of report from the parish to
 18 your knowledge when you were at Our Lady, to the
 19 Archdiocese?
 20 A. I don't know.
 21 Q. And you were never involved in the preparation
 22 of any kind of financial information?
 23 A. No, I never was. Mrs. ██████, she was
 24 involved in that all the time but I wasn't.
 25 MS. YOUNG: Okay. Just answer his questions.

1 Q. BY MR. HALE: Were you aware of a monthly
2 assessment by the Archdiocese to the parish at Our Lady?
3 A. Not specifically. I know we were assessed but
4 I don't know how often it was.
5 Q. How do you know you were assessed, that Our
6 Lady was assessed, assessed?
7 A. Well, every parish --
8 MS. YOUNG: Don't guess.
9 THE WITNESS: It's kind of vague in my mind.
10 Q. BY MR. HALE: Okay. Did you ever sign any
11 checks on behalf of the parish?
12 A. No, I couldn't. You have to be, the name has
13 to be sent in at the office. They have to know who does
14 it.
15 Q. Do you know who determined your salary when you
16 were at Our Lady of Guadalupe?
17 A. Well, that's determined by the diocese. What
18 priests get, what associates get, what pastors get,
19 that's done by the diocese.
20 Q. How do you know that?
21 A. Well, my time.
22 Q. I'm sorry, I didn't get that.
23 MS. YOUNG: Are you guessing?
24 THE WITNESS: I'm not guessing. All the time I
25 was there, it was always like that. From the time I was

1 at Our Lady I knew that.
2 MR. HALE: All right, I want to now -- I want
3 to preserve my record regarding questions regarding the
4 Doctrine of Mental Reservation. I realize you're going
5 to instruct him not to answer, so, I'm going to ask my
6 questions, you make your instruction, I'm going to make
7 my record, and then well just about be done.
8 MS. YOUNG: Okay.
9 Q. BY MR. HALE: Father, did you study the
10 Doctrine of Mental Reservation while you were in the
11 seminary?
12 MS. YOUNG: I'm going to object and instruct
13 the witness not to answer, calls for church doctrine,
14 calls for expert testimony.
15 MR. HALE: And just for the record I want to
16 refer to the January 10th, 2006 Court Order, and
17 specifically, if you look at page 5 up to, over to page
18 6, there's language that states, "Plaintiff seeks an
19 order compelling Monsignor Lirette to answer a question
20 that appears to relate to church doctrine. Such an
21 order would represent government action, and would place
22 a burden on the exercise of religion, since it would
23 compel Defendant to provide information regarding church
24 doctrine that might potentially harm its case. Richelle
25 makes it clear" - Richelle is R-i-c-h-e-l-l-e - "that

1 courts may not inquire into the nature of religious
2 faith." I'm going to skip the citations.
3 "Furthermore, it does not appear that there is
4 a significant government interest at stake in compelling
5 Monsignor Lirette's answer to this question."
6 It is plaintiff's - I'm not quoting any
7 longer - but it is plaintiff's position that there is a
8 significant government interest in compelling an answer
9 to these questions that I'm going to continue to ask
10 because there is a compelling state interest in
11 obtaining and in there being truth in litigation and
12 that any doctrine which has already been testified to by
13 two witnesses wherein the witnesses are educated that,
14 and taught, that they can lie to protect the church from
15 scandal, clearly impacts that compelling state interest.
16 MS. YOUNG: This witness has been sworn to tell
17 the truth. He's testifying under oath. If you want to
18 ask him about that, whether he's telling the truth,
19 whether he's testifying under oath, then you can ask him
20 about that. I'm instructing him not to answer any
21 questions regarding the Doctrine of Mental Reservation.
22 MR. HALE: And just for the record, I'm not
23 saying this to argue with you, just for the record, I
24 think it's pointless to ask questions about whether he's
25 following the oath where there's this doctrine that's

1 been testified to is allowing them to lie to protect the
2 church from scandal.
3 I'm done with my record. If you've got
4 something else then fire away.
5 MS. YOUNG: I don't have anything else to add.
6 I've said it before.
7 MR. HALE: And just to make it clear, if I ask
8 any further questions about the Doctrine of Mental
9 Reservation there's going to be nothing but instructions
10 not to answer; is that correct?
11 MS. YOUNG: I will instruct him not answer.
12 Q. BY MR. HALE: Father, do you recall Father
13 Kelly owning a -- are you familiar with hand massagers
14 that are used in barber shops, kind of causes a
15 vibration and the barber massages the person whose hair
16 they're about to cut before the haircut?
17 A. No, I've never seen anything like that.
18 Q. Did you ever see Father Kelly have a hand
19 massager where it caused his hand to vibrate?
20 A. No, I haven't, no, no.
21 Q. Are you still in touch with anyone who, any
22 priest or nun or employee, who was ever assigned or in
23 residence at Our Lady of Guadalupe?
24 A. Be in touch with anybody that's been there?
25 Q. Have you had any contact with anyone from Our

1 Lady --
 2 A. Well, Father [REDACTED].
 3 Q. Okay. Anyone else?
 4 A. I guess I might see someone casually on retreat
 5 or something.
 6 Q. What about any lay people? Any parishioners?
 7 A. No, no.
 8 Q. When was the last time you spoke, other than
 9 Father [REDACTED] and other than any priests you ran into at
 10 a retreat, when was the last time you spoke with anyone,
 11 priest, parishioner, nun, from Our Lady of Guadalupe in
 12 Santa Barbara? From your time at Our Lady of Guadalupe
 13 in Santa Barbara.
 14 A. Well, my 40th anniversary -- there were two
 15 brothers that I married when I was up there. They were
 16 married to two sisters. And our sacristy got in touch
 17 with them. So, they were down there to celebrate my
 18 40th with me. They had grandchildren and a whole bunch
 19 of them. So, I talked to them at that time, yes.
 20 Q. Anyone else?
 21 A. Nobody else I can think of. I don't go up that
 22 way.
 23 Q. Do you remember their names?
 24 A. I don't. Actually, I don't.
 25 Q. Do you know Bishop John Ward?

1 A. Yes.
 2 Q. Do you remember him coming to visit while you
 3 were assigned to Our Lady of Guadalupe?
 4 A. Well, he accepted confirmations.
 5 Q. Any other purpose other than confirmations?
 6 A. No.
 7 Q. What about Juan Arzube, do you remember him
 8 coming up to visit while you were at Our Lady of
 9 Guadalupe?
 10 A. Not just to visit, no.
 11 Q. For any purpose other than confirmation?
 12 A. Not that I know of.
 13 Q. Do you remember who taught catechism at Our
 14 Lady of Guadalupe?
 15 MS. YOUNG: While you were there?
 16 Q. BY MR. HALE: While you were there.
 17 A. Oh gosh. You mean outside of school you mean?
 18 You mean kids who went to public school and then came in
 19 the afternoon after school for catechism; is that what
 20 you mean?
 21 Q. Sure. Catechism for any child who attended the
 22 parish, whether it was for the school or for --
 23 A. Well, there were different ones. If they were
 24 in the Catholic school then they got teaching in the
 25 school. If they were in public school, then after

1 public school was over they could go by maybe once or
 2 twice a week and there would be someone that would
 3 instruct them in the classrooms in our school.
 4 Q. For those kids do you know who instructed?
 5 A. I have no idea. I have no idea.
 6 Q. Did you ever do any instructions for --
 7 A. I probably did, yeah, for confirmation and that
 8 type of thing.
 9 Q. Were you aware of any of the Sisters of Notre
 10 Dame outside of the school doing instruction for those
 11 kids who went to public school?
 12 A. No, I don't. They may have but I don't know.
 13 Q. Were you aware of any of the Sisters of Bethany
 14 teaching catechism?
 15 A. No. But they didn't speak English hardly, so,
 16 I don't think they would be doing it.
 17 Q. But you weren't aware of them doing that?
 18 A. I wasn't aware of them doing that.
 19 Q. Okay. Almost done. I think I'm going to catch
 20 my train.
 21 Have you ever talked to anyone who said they
 22 were a neighbor of Father Kelly's at the cabin?
 23 A. No.
 24 Q. Do you have any recollection of Father Kelly
 25 ever receiving photographs or pictures in the mail at

1 Our Lady?
 2 A. No, I haven't.
 3 Q. Did you ever hear about that happening?
 4 A. No, I haven't.
 5 Q. All right, let's attach as Exhibit 1, if you
 6 could just take a look at this. This is what we talked
 7 about earlier, I just want to confirm on the record.
 8 This is going to be the notice of taking the deposition
 9 of Father [REDACTED]. Just let me know once you've had a
 10 chance to scan that. I just want to confirm that you've
 11 seen that before.
 12 A. It came in the mail, yes. I don't know what
 13 particular day it was but I know --
 14 Q. That's okay. And did you review each one of
 15 the categories of documents requested --
 16 A. I did.
 17 Q. -- starting on page --
 18 MS. YOUNG: Right here.
 19 MR. HALE: Page 7.
 20 Q. And did you look to see if you had any
 21 documents responsive to any of those five requests?
 22 MS. YOUNG: Let him finish his question.
 23 THE WITNESS: Sorry.
 24 MS. YOUNG: Okay, he finished it. Now you can
 25 answer.

1 Q. BY MR. HALE: Did you look to see if you had
 2 any documents responsive to any of those five requests?
 3 A. I don't have it.
 4 Q. And did you look?
 5 A. I'm sure I looked.
 6 Q. All right. That's going to be Exhibit 1.
 7 Have you ever heard or been aware of Father
 8 Kelly taking any minors on overnight trips?
 9 A. No, I haven't.
 10 MR. HALE: Okay. I'm done. Same stipulation
 11 unless you need to follow up with anything.
 12 MS. YOUNG: No. Same stipulation.
 13 THE VIDEOGRAPHER: This ends the deposition of
 14 Father [REDACTED] and at 1:29 we're off the record.
 15 (The deposition was adjourned at 1:29 p.m.)
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1 STATE OF CALIFORNIA)
) ss.
 2 COUNTY OF VENTURA)
 3
 4 I, SUSAN E. LANSING, C.S.R. No. 6355, a Certified
 5 Shorthand Reporter for the State of California, do
 6 hereby certify:
 7 That, prior to being examined, FATHER [REDACTED]
 8 [REDACTED] was by me duly administered an oath to
 9 tell the truth, the whole truth, and nothing but the
 10 truth;
 11 That the deposition of the witness in this
 12 proceeding was taken down by me in stenotype at the time
 13 and place therein named and thereafter reduced to
 14 typewriting by computer-aided transcription under my
 15 direction.
 16 I further certify that I am neither counsel for nor
 17 related to any party to said action nor in any way
 18 interested in the outcome thereof.
 19 WITNESS my hand this 12th day of February, 2007, at
 20 Ventura, California.
 21
 22
 23 _____
 Certified Shorthand Reporter
 State of California
 C.S.R. No. 6355
 24
 25

1 DEPONENT'S DECLARATION
 2
 3 I, FATHER [REDACTED], hereby declare:
 4 I have read the foregoing deposition transcript
 5 and identify it as my own and approve same.
 6 I declare under penalty of perjury under the laws
 7 of the State of California that the foregoing testimony
 8 is true and correct.
 9 Dated this _____ day of
 10 _____, 2007 at _____
 11 California.
 12
 13
 14 _____
 FATHER [REDACTED]
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