

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES - CENTRAL DISTRICT

Coordinated Proceedings ) JUDICIAL COUNCIL  
Special Title (Rule 1550(b)) ) COORDINATION  
THE CLERGY CASES I ) PROCEEDING NO.: 4286

\_\_\_\_\_  
This Document Relates to Santa )  
Barbara Superior Court Case No. )  
01132380 )  
JOHN ROE 1, an individual, )  
Plaintiff, )

vs. )

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

DEPOSITION OF \_\_\_\_\_  
Santa Barbara, California  
Thursday, May 24, 2007

Reported by:  
TARA ANN SANDFORD, CSR #3374  
Job No. 070524FN

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DOES 3-100, inclusive, )

Defendants. )

VIDEOTAPE DEPOSITION of [REDACTED],  
taken on behalf of Defendants, at Peppertree Inn, 3850  
State Street, Santa Barbara, California, beginning at  
2:03 p.m., Thursday, May 24, 2007, before  
TARA ANN SANDFORD, Certified Shorthand Reporter No.  
3374.

1 APPEARANCES:

2 For Plaintiff:

3 NYE, PEABODY, STIRLING & HALE  
4 BY: TIMOTHY C. HALE, ESQ.

5 and

6 BY: R. THOMAS GRIFFITH, ESQ.

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9 Santa Barbara, California 93101

10 (805) 963-2345

11 tim@nps-law.com

12

13 For Defendants:

14 HENNIGAN, BENNETT & DORMAN

15 BY: BLESS YOUNG, ESQ.

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17 Suite 2900

18 Los Angeles, California 90017

19 (213) 694-1120

20 youngb@hbdlawyers.com

21

22 Videographer:

23

24 LARRY NIMMER

25 5296 El Carro Lane

Carpinteria, California 93103

(805) 566-0163

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I N D E X

WITNESS

EXAMINATION BY

PAGE



BY MS. YOUNG

6

E X H I B I T S

EXHIBIT NO.

DESCRIPTION

PAGE

Exhibit 1 Notice of Deposition with Request for  
Production of Documents

11

1 THE VIDEOGRAPHER: This is the videotaped  
2 deposition of [REDACTED] in the matter of  
3 Clergy Cases 1. John Roe 1 versus Archdiocese of Los  
4 Angeles. Case number 4286 and then 01132380.

5 Today's date is May 24, 2007, the time on the  
6 monitor is 2:03 p.m.

7 My name is Larry Nimmer with Gradillas Court  
8 Reporters, 345 North Maple Drive, Suite 185, in Beverly  
9 Hills, California.

10 We are located now at 3850 State Street in  
11 Santa Barbara, California.

12 Would counsel, please, voice identify  
13 themselves for the record.

14 MS. YOUNG: Bless Young with Hennigan, Bennett  
15 and Dorman representing Roman Catholic Archdiocese and  
16 Roman Catholic Archbishop of Los Angeles.

17 MR. GRIFFITH: R. Thomas Griffith for the  
18 plaintiff.

19 MR. HALE: Tim Hale for plaintiffs.

20 THE VIDEOGRAPHER: Would the court reporter  
21 please swear in the deponent.

22

23

MICHAEL FITZPATRICK,

24 having been first duly sworn, was examined and testified  
25 as follows:

EXAMINATION

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BY MS. YOUNG:

Q. Good afternoon, Mr. [REDACTED]. My name is Bless Young and, as I stated, I represent the Roman Catholic Archbishop of Los Angeles in this matter.

Have you ever had your deposition taken before?

A. No, I haven't.

Q. Can you state your name for the record?

A. [REDACTED].

Q. I am going to be asking you some questions, and before I begin let me explain to you a little bit about what is going to go on.

As you can see, there is a court reporter, and she is taking down your testimony, and even though we are in this informal setting, your testimony has full force and effect as if you were testifying in a courtroom. Do you understand that?

A. Yes, I do.

Q. And, also, when we finish the deposition the court reporter will transcribe all of what was said here today, and you will have the opportunity to review it and make any corrections you deem necessary. Do you understand that?

A. Yes, I do.

Q. But it is best for you to give your best

1 testimony here today because if you make any substantive  
2 changes, any of the attorneys or any party will have the  
3 opportunity to comment on them and it may affect your  
4 credibility. Do you understand that?

5 A. Yes, I do.

6 Q. You are doing a good job of testifying audibly  
7 and not shaking your head. So, keep that up and we'll  
8 have a better record.

9 And, also, even if you think you know what  
10 question I am going to ask you or how to finish off my  
11 question, if you wait until I finish asking it, instead  
12 of anticipating, we will also have a better record and  
13 the court reporter will be happy. Do you understand  
14 that?

15 A. Yes, I do.

16 Q. I will try to wait until you finish your answer  
17 even if I think I know what you are going to say, as  
18 well.

19 If you need a break at any time, just let us  
20 know. We will probably be taking a break after an hour,  
21 in any event, but if you need a break before then.

22 A. You are going to hang me. My phone is ringing.  
23 Can I call my work because they're -- can I take a break  
24 just for one --

25 Q. Sure. Tell them not to call you anymore.

1 A. I plan on it but necessity just -- the second I  
2 ran out --

3 Q. You might want to take your microphone off so  
4 it doesn't record everything.

5 THE VIDEOGRAPHER: We are going off the record  
6 and the time is 2:06 p.m.

7 (Recess.)

8 THE VIDEOGRAPHER: We are back on the record.  
9 The time is 2:07 p.m. You may proceed.

10 MS. YOUNG: Thank you.

11 Q. Also, Mr. [REDACTED], although I don't want  
12 you to guess when I ask you a question, we are entitled  
13 to your best estimate here today. Do you understand the  
14 difference between an estimate and a guess?

15 A. Yes, I do.

16 Q. Have you taken any medication or anything else  
17 or is there any other reason why you think you can't  
18 give your most truthful testimony here today?

19 A. I will give my truthful -- I will answer your  
20 questions to the best of my ability.

21 Q. Thank you.

22 Did you do anything to prepare for this  
23 deposition today?

24 A. No.

25 Q. Did you meet with any of the plaintiffs'

1 lawyers?

2 A. No.

3 Q. Did you meet with anyone in preparation for  
4 your deposition today?

5 A. No.

6 Q. I'd like to get some background, brief  
7 background information from you.

8 What is your highest level of education?

9 A. I graduated from Stoneham High in Stoneham,  
10 Massachusetts.

11 Q. From what?

12 A. Stoneham High School.

13 Q. Is that where you are from, Massachusetts?

14 A. Yes.

15 Q. What your occupation?

16 A. I own an auto body repair shop.

17 Q. That would be [REDACTED]. I  
18 am looking at your --

19 A. That's correct.

20 Q. What is your current address?

21 A. For work or for home? For work?

22 Q. For home.

23 A. [REDACTED] Lane in Santa Barbara.

24 Q. You purchased a cabin from Father Kelly. Is  
25 that the [REDACTED] Lane address?

1 A. Yes, it is.

2 Q. You live in that cabin full-time; is that  
3 correct?

4 A. No. I have another place downtown.

5 Q. In Santa Barbara?

6 A. Uh-huh. At [REDACTED].

7 Q. Is that your business address, [REDACTED]?

8 A. There is also an apartment there, also. I stay  
9 at both places.

10 Q. I see. Prior to the time that you purchased  
11 the cabin from Father Kelly, did you -- what was your  
12 address?

13 A. I lived a few places. The last one, it was on  
14 Sunset Ave. I am drawing a blank on the number. Sunset  
15 Avenue.

16 Q. In what city?

17 A. In Santa Barbara. I just --

18 Q. That's fine. I will come back to that in a  
19 minute. How long have you been living in Santa Barbara?

20 A. Twenty-seven years.

21 Q. Are you married?

22 A. No, I'm not.

23 Q. Do you have children?

24 A. No, I don't.

25 Q. Any other relatives living in Santa Barbara?

1 A. No.

2 Q. Originally you are from Massachusetts?

3 A. Yes.

4 MS. YOUNG: I'd like to have marked for  
5 identification as Exhibit 1 a copy of the Notice of  
6 Deposition and Subpoena for Mr. [REDACTED].

7 (The document referred to herein was marked by  
8 the C.S.R. as Exhibit 1 for identification and  
9 attached hereto and made a part of this  
10 deposition.)

11 Q. BY MS. YOUNG: Mr. [REDACTED], if you would be  
12 good enough to take a look at that, I am going to ask  
13 you a question or two about it.

14 THE VIDEOGRAPHER: I hear somebody's phone  
15 going off. Even if it is on silent mode, I can hear it.  
16 Do you have your phone on, still? It stopped. But I  
17 just want to let you know.

18 Q. BY MS. YOUNG: Just so you know,  
19 Mr. [REDACTED], initially what I am going to ask you is  
20 whether you received a copy of what has been marked as  
21 Exhibit 1 for identification.

22 A. Yes, I did.

23 Q. If you look at the second page of Exhibit 1,  
24 down at the bottom all in caps, there is a paragraph  
25 asking you to bring with you today --

1 A. I don't have anything that belongs to him.

2 Q. Okay. That was my next question. You don't  
3 have anything in the cabin --

4 A. No.

5 Q. -- or elsewhere today that you found there that  
6 belonged to --

7 A. No.

8 Q. -- Father Kelly?

9 A. No.

10 Q. Again, let me just caution you, wait until I  
11 finish. It is sort of different than a regular  
12 conversation. Okay?

13 A. Yes.

14 Q. Thank you.

15 You can give that back to the court reporter.

16 I am going to talk a little bit about how you  
17 came to purchase this cabin on [REDACTED] Lane.

18 When did you purchase the cabin? Do you recall  
19 the date?

20 A. 2000.

21 Q. In the year 2000. Do you remember what month?

22 A. Oh, November.

23 Q. November?

24 A. Yes. I think --

25 Q. How did you -- go ahead.

1 A. It's on file when I purchased it at the county  
2 records for an exact date.

3 Q. But you don't remember?

4 A. I purchased it, yes, at the end of 2000.

5 Q. How did you first come to find out that that  
6 cabin was for sale?

7 A. In that neighborhood, in that area, there is  
8 only a few houses and the person that was the caretaker  
9 or assistant to Matthew Kelly was a gentleman by the  
10 name of [REDACTED], and he was in contact with the  
11 people that live in [REDACTED] who are friends of mine  
12 and he --

13 Q. Who are those --

14 A. [REDACTED]. [REDACTED], [REDACTED] is his name.

15 Q. Can you spell that for me?

16 A. It's [REDACTED], and [REDACTED], I need a phone  
17 book.

18 Q. [REDACTED] is his last name?

19 A. His last name.

20 Q. And they live at what address?

21 A. [REDACTED].

22 Q. You had known them prior to purchasing the  
23 cabin?

24 A. For many years, yes.

25 Q. Did you also know [REDACTED]?

1 A. No.

2 Q. Did -- to the best of your knowledge, [REDACTED]

3 [REDACTED] told them that the cabin --

4 A. That the cabin was up for rent, actually, and  
5 [REDACTED] wanted a next-door neighbor, so I was looking for a  
6 place.

7 Q. And did they tell you that the cabin had been  
8 rented prior to the time you purchased it?

9 A. Yes.

10 Q. When was that; do you recall when you first had  
11 had this conversation?

12 A. In '99. In '99 I had the 82 La Mesa for almost  
13 a year before I purchased it.

14 Q. You rented it before you purchased it?

15 A. Yes. It was in quite a bit of need for repair,  
16 so I was repairing it and not actually living in it, but  
17 remodeling it before I moved in, so I had it for about a  
18 year.

19 Q. Did you pay rent on it during that time?

20 A. Yes, I did.

21 Q. And that was starting when in 1999? Do you  
22 recall when you first --

23 A. The summer of '99. June of '99.

24 Q. You began renting it in June?

25 A. June, and started working on it in July because

1 it was the middle of summer.

2 Q. Prior to your renting it, prior to June '99, do  
3 you know who was living in the cabin?

4 A. No, I don't.

5 Q. But your understanding was there were tenants  
6 living there?

7 A. (Witness nods head.)

8 Q. Is that a "yes"?

9 A. Yes.

10 Q. Prior to June '99 did Mr. [REDACTED] call you to  
11 tell you the cabin was becoming available?

12 A. We're friends. We spend time together.

13 Q. So you spoke?

14 A. Yes, we spoke.

15 Q. What happened after you spoke to him? You told  
16 him you were interested and then what happened?

17 A. He set up a meeting and I met [REDACTED] and  
18 we came to an agreement.

19 Q. And when you met [REDACTED] was Matthew  
20 Kelly present, as well?

21 A. No.

22 Q. And so you had an in-person meeting with [REDACTED]

23 [REDACTED]?

24 A. Yes.

25 Q. And was it just the two of you that were there

1 at the meeting?

2 A. Yes.

3 Q. What did [REDACTED] tell you?

4 A. What any landlord would tell you, "The place is  
5 for rent, would you like it?"

6 Q. At that point in time did you speak about  
7 buying it, as well --

8 A. No.

9 Q. -- or just renting it? Just renting?

10 A. Renting.

11 Q. During that initial meeting with Mr. [REDACTED]  
12 you agreed on a monthly rental. Was anything else  
13 discussed?

14 A. No.

15 Q. Now, Mr. [REDACTED] --

16 Let me ask you this: Where did the meeting  
17 take place?

18 A. [REDACTED] Street.

19 Q. Is that a residence or --

20 A. It's my business or what -- excuse me.

21 Q. Go ahead.

22 A. Where my business used to be.

23 Q. Had you been, at that point in time, before  
24 your first meeting with Mr. [REDACTED], had you been inside  
25 the cabin?

1 A. No.

2 Q. So, when you agreed on the rental, you had  
3 never been in it?

4 A. No.

5 Q. When was the first time you were inside?

6 A. Summer of '99. I --

7 Q. You rented it, basically, sight unseen?

8 A. Sight unseen. I had been around that property  
9 many times. It's a national forest, so we walked  
10 through the yard and it's government land. It's open to  
11 the public, so there's no trespassing or problems with  
12 that, so --

13 Q. Did you ever look in the windows?

14 A. No.

15 Q. Did Mr. [REDACTED] tell you, when you met with  
16 him, that the cabin was vacant or that you could rent it  
17 right away?

18 A. Yes.

19 Q. Do you know whether he removed anything from  
20 the cabin prior to your renting?

21 A. No.

22 Q. You don't know?

23 A. I don't know.

24 Q. When you went into the cabin for the first  
25 time, that would have been in, you say, June of 1999?

1 A. Yes.

2 Q. Tell me what you saw.

3 A. A beat-up old forest service cabin that was in  
4 need of quite a bit of repair.

5 Q. When you say was in need of quite a bit of  
6 repair, what kind of repairs are we talking about?

7 A. The house is built in 1939 and not too much had  
8 changed. It was a single-wall construction and it's hot  
9 in the summer and cold in the winter, so I planned on --  
10 in a verbal agreement with [REDACTED] I said I wanted  
11 to live up there for quite some time, what could we work  
12 out. Could you give me a five- to seven- or 10-year  
13 lease on it, on the house, and he said certainly. So,  
14 that never -- the lease never went into -- in writing  
15 but I knew that I'd be up there for a while. So --

16 Q. You had basically an oral rental agreement with  
17 him?

18 A. Yes. Yes, I did.

19 Q. Did he tell you he wasn't the owner of the  
20 cabin?

21 A. Yes.

22 Q. That Matthew Kelly was?

23 A. Yes.

24 Q. What did he tell you about that?

25 A. That he was the caretaker for Matthew Kelly.

1 Q. What type of repairs did you -- did you make on  
2 the cabin? What did you do?

3 A. I remodeled the complete inside, tore out all  
4 the walls, the ceiling, the windows and did quite a bit  
5 of work. Made it livable.

6 Q. When you say it was a one-bedroom, so there was  
7 a bedroom. Was that bedroom separated from the rest of  
8 the -- from the living room?

9 A. There were walls and doors, yes.

10 Q. Did you tear that out?

11 A. Yes, I did.

12 Q. You put in a different --

13 A. A different arrangement throughout the whole  
14 house, yes.

15 Q. Did you ever rent the cabin out?

16 A. No.

17 Q. At some point in time I understand you found  
18 that box that's sitting over there with some slides and  
19 a camera; is that correct?

20 A. Yes, I did.

21 Q. When did you discover those?

22 A. When I -- there's a garage below the house and  
23 I was cleaning it out. I spoke to [REDACTED] about  
24 all the things that were in the basement and he said  
25 throw them out. Curiosity led me to open up that box

1 and look through the slides, so --

2 Q. What was in the box when you found it?

3 A. A camera and boxes of slides -- of neatly  
4 arranged slides.

5 Q. Anything else?

6 A. No.

7 Q. When was it that you found those? You say you  
8 started -- you rented in June of 1999.

9 A. July. Weeks into me being there I had things  
10 to move in, building supplies and equipment and wanted  
11 to get all that --

12 Basically, it was junk that had been left  
13 behind. It looked like it had been in there for many  
14 years just covered with dust.

15 Q. Did you find anything else other than what was  
16 in that box that you recall? I know you probably threw  
17 the rest of it out but what else do you recall finding?

18 MR. HALE: I would object to the description of  
19 that as a box. It appears to be a case of some sort.

20 MS. YOUNG: A case. It is a metal -- it  
21 appears to be a metal case.

22 MR. HALE: I want to make it clear for the  
23 record we are not looking at a cardboard box.

24 MS. YOUNG: No. It's a metal case.

25 THE WITNESS: The question, please.

1 Q. BY MS. YOUNG: What else did you find?

2 A. Personal belongings from 40 years. Junk.

3 Just -- Matthew Kelly was a bodybuilder. There were  
4 pictures of him and trophies, him flexing his muscles.  
5 I threw it out.

6 Q. Were they pictures or were they slides?

7 A. They were pictures of him in his youth.

8 Q. Those pictures, do you remember, was he wearing  
9 anything on the top or did he have --

10 A. What do bodybuilders wear up top?

11 Q. I don't know.

12 A. Skin.

13 Q. Okay, that's what I'm asking.

14 A. Yeah.

15 Q. Any other pictures you remember finding?

16 A. No.

17 Q. You said those were pictures, not slides?

18 A. Yes.

19 Q. How did you know those were Matthew Kelly when  
20 you found them?

21 A. He owned the house. I put the two and two  
22 together. He owned the house for many, many, many  
23 years. I asked [REDACTED] whose stuff is in the  
24 basement. He said it's Matthew Kelly's. And --

25 Q. But those pictures could have been pictures of

1 a friend of his, couldn't they?

2 MR. HALE: Objection. Speculation. Leading.  
3 Assumes facts not in evidence.

4 Q. BY MS. YOUNG: You don't know who they were  
5 pictures of, as we sit here today?

6 A. No, I don't.

7 Q. Anything else you remember finding other than  
8 the case and the pictures --

9 A. No.

10 Q. -- of whoever, bodybuilders?

11 Any other pictures that you found?

12 A. No.

13 Q. So my understanding from what you said is when  
14 you found the metal case, everything was inside the  
15 case; correct?

16 A. Yes.

17 Q. And was the case locked?

18 A. No.

19 MR. HALE: Vague and ambiguous as to what  
20 constitutes "everything."

21 Q. BY MS. YOUNG: Everything you found that you  
22 saved and eventually turned over was inside the case;  
23 correct?

24 A. Yes.

25 Q. Was there anyone with you when you found the

1 case?

2 A. No.

3 Q. When you found the case, you said curiosity led  
4 you to look at the slides. Is that correct? Is that  
5 what you said?

6 A. Yes.

7 Q. Did you look at all the slides?

8 A. Yes.

9 Q. Did you show them to anyone?

10 A. Yes. I did.

11 Q. To who?

12 A. My next-door neighbor.

13 Q. Mr. [REDACTED]?

14 A. Yes, and his girlfriend.

15 Q. What is his girlfriend's name?

16 A. [REDACTED].

17 Q. Did you show them all of the slides?

18 A. Only the interesting ones.

19 Q. What were they? What do you mean?

20 A. Of young boys.

21 Q. You showed them slides of --

22 A. Yes.

23 Q. -- young boys?

24 A. Yes.

25 Q. You didn't show them the travel slides?

1 A. No.

2 Q. When you showed them the slides, did you show  
3 them on a projector? Just hold them up?

4 A. Hold them up.

5 Q. Try to wait until I finish asking my question.  
6 When you looked at the slides yourself, did you  
7 use a projector or did you just hold them up?

8 A. Held them up.

9 Q. When you say you only showed them the  
10 interesting slides, where were the interesting slides  
11 located with respect to the rest of the slides? Were  
12 they in a separate group or were they all mixed in?

13 A. Mixed in, to the best of my recollection.

14 Q. Approximately, how many boxes of slides were  
15 there, do you recall?

16 A. Oh, 25.

17 Q. Approximately how many slides were there?

18 A. Twenty-five or 35 slides of the boys.

19 Q. No. I mean how many slides total.

20 A. Total on the whole -- on --

21 Q. All the slides that you found.

22 A. I said there were 25, 35 boxes of them. They  
23 were --

24 Q. And how many are in each box?

25 A. I didn't count them.

1 Q. Would you estimate there were over 100 slides  
2 altogether?

3 A. Certainly.

4 Q. I'm just asking you the questions. I'm not --

5 A. I'm just answering them.

6 Q. Would you estimate there were over 200 slides?

7 A. Yes.

8 Q. Did you ever have any of them developed into  
9 photos?

10 A. No.

11 Q. Did you recognize any of the boys you said that  
12 were in the slides?

13 A. No.

14 Q. Were the slides organized in any particular  
15 fashion?

16 A. No.

17 Q. Were they labeled?

18 A. No.

19 Q. What did you do with them after you found them?

20 A. Nothing. I -- the camera was a 35-millimeter.  
21 I threw it back in there. I thought that might be worth  
22 saving or of some value. That's the only reason it went  
23 back in there, and I forgot about it.

24 Q. The camera and the slides?

25 A. Uh-huh.

1 Q. Did you leave the slides in the same order that  
2 you found them?

3 A. Yes.

4 Q. When was the first time -- and you say you put  
5 them back and you forgot about it. Where did you put it  
6 back --

7 A. Back in the base -- back in the garage.

8 Q. When was the first time you were contacted by  
9 anybody about this case or this lawsuit?

10 A. '03 or '0 -- the gentleman that I gave that box  
11 to, that would be an accurate date to when I got  
12 contacted. I don't -- I don't recall.

13 Q. Was it approximately four years after you  
14 initially found the slides?

15 A. Three. Three or -- I had been in the house a  
16 few years.

17 Q. And do you remember the name of the gentleman  
18 who contacted you?

19 A. No, I don't. Tom something or other.

20 Q. Tom Griffith?

21 A. Yes. That --

22 Q. That's the gentleman sitting here. Did you  
23 ever meet him?

24 A. We did. Now, it's -- okay.

25 Q. Tom Griffith contacted you?

1 A. Yes.

2 Q. What did he ask you? Did he contact you by  
3 telephone?

4 A. Yes.

5 Q. What did he say to you?

6 A. "How are you?"

7 I don't remember. I don't remember. What did  
8 he say to me?

9 Q. What was it that he --

10 A. He was inquiring about the house and Matthew  
11 Kelly.

12 Q. What did he ask?

13 A. I don't recall.

14 Q. I am not asking for his exact words but  
15 something he asked prompted you, apparently, to start  
16 discussing the slides?

17 A. The light bulb went off in my head. There  
18 was -- where that house is, it's a very -- there are  
19 only so many houses. People talk. People talk to both  
20 Father Kelly being up there with boys from the parish.

21 Q. Who -- did somebody talk to you about that?

22 A. How would I know? Of course, they did. I  
23 bought the house.

24 Q. Who talked to you about that?

25 A. People in the neighborhood.

1 Q. Can you give me -- can you tell me who?

2 A. Can I tell you who? I don't recall. Rumors  
3 running through the canyon up in Santa Ynez. I don't  
4 know. I don't know.

5 Q. You said there are only a limited number of  
6 houses there. How many houses are there?

7 A. Nine in my tract.

8 Q. Are they shaped in --

9 A. A horseshoe.

10 Q. -- a horseshoe?

11 Who is in the first house? Let's start with  
12 the first house. As you are looking at the horseshoe,  
13 the first house to the right, who lived in the first  
14 house back then?

15 A. [REDACTED]. I don't even know [REDACTED]'s last name.

16 Q. Did [REDACTED] ever talk to you about Father Kelly?

17 A. No.

18 Q. Who lives in the second house?

19 A. A gentleman by the name of [REDACTED] and his  
20 girlfriend [REDACTED]. Don't know their last names. They  
21 moved.

22 Q. Did they ever talk to you about Father Kelly?

23 A. No.

24 Q. And the third house?

25 A. The woman that owns [REDACTED]. [REDACTED].

1 She did not speak to me.

2 I'm not supposed to answer your question before  
3 you ask them. Ask me.

4 Q. And the fourth house?

5 A. [REDACTED].

6 Q. Did he ever talk to you about Father Kelly?

7 A. I believe we have.

8 Q. What did he say to you about Father Kelly?

9 A. The previous owners of his house --

10 Q. Of [REDACTED]'s house?

11 A. Of [REDACTED]'s house found -- the mail got  
12 sent to the wrong house -- this is many, many years  
13 ago -- and it was child pornography addressed to Father  
14 Kelly.

15 Q. [REDACTED] told you that?

16 A. I believe so.

17 Q. Who were the previous owners of this house, do  
18 you know?

19 A. County record would have that. No, I do not  
20 know.

21 Q. He told you it was child pornography. Did he  
22 describe it in any more detail?

23 A. No.

24 Q. What did he tell you, that it had been sent to  
25 the wrong address?

1 A. Got sent to the wrong address. The people were  
2 a little disturbed by what they saw and the fact he was  
3 up there bringing kids up there, young boys up there,  
4 drinking.

5 Q. David Jackson told you that?

6 A. (Nods head affirmatively.)

7 Q. But David Jackson never saw any of that. He  
8 was telling you what his previous --

9 A. Yeah, it's all previous. Like I said, people  
10 talking. That's what was brought up.

11 MR. HALE: Objection. Assumes facts. Calls  
12 for speculation.

13 Q. BY MS. YOUNG: Who is the owner of the sixth  
14 house? Who was at that time?

15 A. Where [REDACTED] lives, I don't know.

16 Q. How long has [REDACTED] been in the house, in his  
17 house?

18 A. Oh, 15 years.

19 Q. Did [REDACTED] ever talk to you about Father Kelly?

20 A. No.

21 Q. Did [REDACTED] know Father Kelly?

22 A. No.

23 MR. HALE: Speculation.

24 Q. BY MS. YOUNG: He wasn't living there when --

25 A. He was there. He would see --

1 MR. HALE: Same objection.

2 Q. BY MS. YOUNG: You can answer it. Various  
3 times the attorneys will make objections. When he asks  
4 you questions, I will make objections. He will make  
5 objections. That's just -- you don't have to concern  
6 yourself with it.

7 A. The question, please. I'm sorry.

8 (Last question and answer were read.)

9 THE WITNESS: He would see Matthew Kelly arrive  
10 at his house and then leave. They never spoke. Matthew  
11 Kelly just kept to himself.

12 THE VIDEOGRAPHER: Pardon me. I want to let  
13 you know from time to time I do hear a cell phone  
14 ringing for four or five seconds and then it stops. It  
15 may be your phone.

16 MS. YOUNG: It's not mine.

17 THE VIDEOGRAPHER: Nothing.

18 MS. YOUNG: No.

19 THE VIDEOGRAPHER: Maybe it is somewhere else  
20 in the building. You don't have yours on.

21 MS. YOUNG: No. Mine will vibrate and bounce  
22 up and down.

23 THE VIDEOGRAPHER: Okay.

24 Q. BY MS. YOUNG: What did Mr. [REDACTED] tell you  
25 about Father Kelly other than he would see him from time

1 to time come and go? Anything else?

2 A. No.

3 Q. Who lived next door to Mr. [REDACTED] at the time?

4 A. [REDACTED].

5 Q. Did [REDACTED] ever talk to you about Father  
6 Kelly?

7 A. No.

8 Q. Who lived next door to [REDACTED]?

9 A. [REDACTED]'s sister, [REDACTED] and  
10 [REDACTED].

11 Q. Did they ever talk to you about Father Kelly?

12 A. No.

13 Q. Did somebody live next door to them?

14 A. No.

15 Q. Have we come to the end of the houses?

16 A. You have done a loop, the immediate houses.

17 Q. Of those people, the only ones you told me that  
18 talked to you about Father Kelly were [REDACTED]  
19 about what the previous owners told him and [REDACTED]  
20 [REDACTED] about Father Kelly came and went and didn't say  
21 much. Is there anyone else?

22 A. No.

23 Q. Did [REDACTED] tell you the name of the  
24 previous owners of his cabin at the time?

25 A. If he did, I don't recall.

1 Q. What is that address? Do you know the address?

2 A. [REDACTED] [REDACTED] [REDACTED]

3 Lane.

4 Q. Does the name [REDACTED] ring any bells?

5 A. No.

6 Q. I understand you turned the case and the camera  
7 and the slides over to Mr. Griffith; is that correct?

8 A. Yes.

9 Q. Did he come and get them, to the cabin?

10 A. No. To my work at [REDACTED].

11 Q. So, other than when he came and got the slides  
12 and when you talked to him initially on the telephone,  
13 did you have any other conversations with Mr. Griffith?

14 A. We may have had two or three conversations.

15 Q. Let's talk about those. So the first  
16 conversation was when he called you and during that  
17 conversation you told him about the slides and the  
18 camera; is that correct?

19 A. Yes.

20 Q. And did he ask you at that time to take the  
21 slides?

22 A. He inquired about the slides and taking them,  
23 yes.

24 Q. And you told him that would be okay?

25 A. Certainly.

1 Q. By the way, when you gave him the slides, did  
2 he give you a receipt or anything that showed everything  
3 you had turned over?

4 A. I don't recall.

5 Q. You don't recall whether he did or not?

6 A. I don't recall whether he gave me a receipt for  
7 the stuff or not, yeah.

8 Q. If he had given you a receipt, where would you  
9 have put it?

10 A. Don't know.

11 Q. So, do you -- did you look for a receipt before  
12 you came today?

13 A. No. I did not. That was the last of the  
14 belongings I found in the basement garage. There was  
15 nothing else left of his in my house.

16 Q. Okay. And as we sit here today, you don't know  
17 if you have a receipt or not for what was in there, what  
18 was in the case?

19 A. I don't recall a receipt, no.

20 Q. What was the -- when was the -- have you told  
21 me everything you remember about your first telephone  
22 conversation with Mr. Griffith?

23 A. Yeah. Yes.

24 Q. Is there anything you have anywhere that would  
25 refresh your recollection about that telephone

1 conversation?

2 A. No.

3 Q. When did you next speak to Mr. Griffith after  
4 the first time?

5 A. If we -- the few conversations we had was right  
6 around the time he wound up with that case, so it would  
7 be within a week period.

8 Q. You mentioned that was in 2003 or 2004?

9 A. Approximately, yes.

10 Q. After the first conversation where you told him  
11 you would turn over the case and everything that was in  
12 it, why was there a second conversation after that? Was  
13 there something else he needed to talk to you about?

14 MR. HALE: Speculation.

15 THE WITNESS: To the best of my memory, we  
16 spoke a few times. Specifics, I don't have any.

17 Q. BY MS. YOUNG: You don't have a recollection of  
18 any of the other conversations?

19 A. It was -- no, I don't really.

20 Q. Did Mr. Griffith tell you what the case was  
21 about?

22 A. Yes, he did.

23 Q. What did he -- during which conversation did he  
24 tell you that, the first one?

25 A. Yes.

1 Q. What did he tell you?

2 A. There was an ongoing investigation into Matthew  
3 Kelly. And it -- an ongoing investigation of Matthew  
4 Kelly and the boys from his church.

5 Q. Did he tell you anything else?

6 A. No, then I --

7 Q. What was the investigation about with the boys  
8 from his church?

9 A. Yes.

10 Q. What did he tell you?

11 A. That they were -- there were people coming  
12 forward, that he had molested them and there was  
13 articles in the paper.

14 Q. Did you read the articles in the paper?

15 A. Yes, I did.

16 Q. So, did you already know when he called you,  
17 when Mr. Griffith called you, that Matthew Kelly was  
18 being investigated? Or had been accused?

19 A. I don't recall.

20 Q. You don't recall whether you read the paper --

21 A. Whether it was before the paper or after the  
22 paper but it was all -- it all came out, so --

23 Q. Did you know Matthew Kelly?

24 A. No.

25 Q. Did you ever meet him?

1 A. Yes.

2 Q. Was that when -- prior to your purchasing the  
3 home?

4 A. Yes.

5 Q. In what connection -- how did that meeting come  
6 about?

7 A. [REDACTED] brought him by my shop traveling  
8 through town or -- I believe I had already rented the  
9 cabin and they were just coming through town -- they  
10 lived down south, Marietta, or somewhere down south and  
11 [REDACTED] had family up here, so he was just passing  
12 through town.

13 Q. Was this before you purchased the cabin?

14 A. Yes.

15 Q. And do you remember what year it was?

16 A. 2000.

17 Q. Was Father Kelly elderly at that point in time?

18 A. Yes.

19 Q. Was he in a wheelchair or did he walk?

20 A. He was sitting in a car.

21 Q. He didn't get out of the car?

22 A. No.

23 Q. Do you know whether he could see?

24 A. He could see.

25 Q. Did he say anything to you?

1 A. Yes. "Hello."

2 Q. Anything else?

3 A. "How are ya?"

4 Q. Is that it?

5 A. That's it.

6 MS. YOUNG: Maybe we need to go off the record  
7 while I go over there to the case.

8 THE VIDEOGRAPHER: We are going off the record,  
9 and the time is 2:49 p.m.

10 (Discussion held off the record.)

11 THE VIDEOGRAPHER: We are back on the record.  
12 The time is 2:51 p.m., and you may proceed.

13 Q. BY MS. YOUNG: Mr. [REDACTED], you recognize  
14 this as the case that you found, that you testified to  
15 earlier, and you turned over to Mr. Griffith?

16 A. Yes.

17 Q. There's an Argus camera and a case in here. Is  
18 that the -- you are welcome to take a look at it. Is  
19 that the camera and the case you found?

20 A. Yes, it is.

21 Q. That was in --

22 A. Yes.

23 Q. In the big case; correct?

24 A. Yes.

25 Q. There are a number of slides that are -- just

1 look like slides that one purchases. Do you recognize  
2 those?

3 A. Yes.

4 Q. Those were in the case, as well, the big case?

5 A. Yes.

6 Q. And then it looks, what appears to be, lenses  
7 from the camera. Was that in the case, too?

8 A. Yes.

9 Q. And then there's a deck of cards. Was that in  
10 the case?

11 A. Yes.

12 Q. You didn't mention that earlier. Does that  
13 refresh your recollection, there was also a deck of  
14 cards in this big case?

15 A. I don't recall.

16 Q. You don't recall whether the deck of cards was  
17 in here or not?

18 A. What difference does it make?

19 Q. Well, it makes a lot of difference but I am not  
20 here to explain that to you today.

21 My question is, do you recall whether the --

22 A. I don't.

23 Q. -- the deck of cards was in the case or not?

24 A. I don't.

25 Q. These are boxes, various boxes of slides. Do

1 you recall finding boxes of slides like this in the  
2 case?

3 A. Yes.

4 Q. Were the slides that you found -- this  
5 particular one, which is red, is labeled "P.J. Tramway  
6 Beach Coyote Fire." Do you recall finding a box that  
7 was labeled like that? It is written in somebody's  
8 handwriting.

9 A. Right. Do I remember each individual box?

10 Q. Were any of the boxes labeled in handwriting?

11 A. I don't recall.

12 Q. Also, on the sides of this box there is a  
13 sticker with an "F" on it. Do you remember on the side  
14 of --

15 A. I do know.

16 Q. -- blue box there is a sticker with a "C" on  
17 it? Do you remember if they were stickered when you  
18 found them?

19 A. No, I don't.

20 Q. When you looked at the boxes, were each of the  
21 boxes of slides that you found full?

22 A. Yes.

23 Q. I am looking at the box that is stickered "B"  
24 and you don't remember, of course, whether that sticker  
25 was on there. When I open the box that is stickered B

1 it says -- somebody wrote "sculpt and painting." Do you  
2 see that?

3 A. Yes.

4 Q. Do you recall whether that was on the boxes you  
5 found?

6 A. No, I don't.

7 Q. Underneath "sculpt and painting," it says  
8 "stone muscle"; do you recall that?

9 A. No, I don't.

10 Q. You said a minute ago all of these boxes were  
11 full. This seems to be missing some slides. Do you  
12 remember any of the boxes missing slides? Again, we are  
13 looking at a box that is labeled B.

14 A. It looks pretty full to me.

15 Q. Do you see where the slides --

16 A. I see there are two missing. Out of the whole  
17 slide box there are two missing. I would still say that  
18 is a full slide box.

19 Q. When you say they were full --

20 A. Ten out of ten people would say that's full.  
21 There are two slides missing out of a full box.

22 Q. When you say that is full, that doesn't  
23 necessarily mean every single slot was full?

24 A. Whatever.

25 Q. This one is labeled "C" and it says "Taurus" on

1 that. Do you remember finding one labeled "Taurus"?

2 A. No, I don't.

3 Q. And this one is labeled "D" and it says  
4 "Florence" on it.

5 A. I do remember that.

6 Q. You remember one that said Florence on it?

7 A. Yes. I've been to Florence.

8 Q. There is also a little box here. Do you  
9 remember that?

10 A. No, I don't.

11 Q. Now, do you remember each of the actual slides  
12 that were in each of these boxes?

13 A. I didn't study them.

14 Q. I am going to ask you to hold this particular  
15 slide up to the light. This particular slide there is a  
16 little "10" on it. I take it you don't remember whether  
17 these slides that you found were numbered in that  
18 respect, do you?

19 A. No, I don't.

20 Q. This one is processed by Kodak. I am going to  
21 ask you to hold that up to the light and ask you whether  
22 you remember finding that slide amongst the slides that  
23 you found?

24 A. Remember each individual slide? That  
25 particular one? No.

1 MR. HALE: Bless, if you want, I have the Ruiz  
2 exhibits here, if you want to have him compare the full  
3 pictures blow-ups to the slides, you are welcome to take  
4 them.

5 MS. YOUNG: I think he -- I think we identified  
6 it.

7 MR. HALE: You are not identifying it by the  
8 Bates stamp number that is attached to those exhibits.  
9 It would be better for the record.

10 MS. YOUNG: Let me find that one here.

11 MR. HALE: Here.

12 MS. YOUNG: Actually, I brought those, as well.

13 Q. The slide I just showed you was Bates stamp  
14 from AR00195 and it is the one on the left.

15 MR. HALE: Just for the record, that is Exhibit  
16 4 to the Andrew Ruiz deposition, I believe.

17 Q. BY MS. YOUNG: Do you recall that slide?

18 A. No, I don't.

19 Q. Do you recall a slide that looked like the one  
20 to the right, the same exhibit?

21 A. Yeah, I do.

22 MS. YOUNG: I didn't have my mike on.

23 THE VIDEOGRAPHER: I heard you still.

24 MS. YOUNG: I have a loud voice.

25 Q. I'm not sure what this is but it was in the

1 case. Do you recall finding that?

2 A. No, I don't.

3 Q. Some kind of metal button, screw, knob.

4 The box that is a red box labeled "E" is also  
5 marked "Italy, Florence, Venice:" do you recall that  
6 box?

7 A. Yes, I do.

8 Q. That box is full, as well.

9 A. Sideways. The other way.

10 Q. I am not very mechanical.

11 This is a box, a box labeled "J" and it doesn't  
12 have any written identification on it. But as you can  
13 see, there are a few more slides missing from that.

14 A. Uh-huh.

15 Q. Do you recall finding a box where this many  
16 were missing? I'd say two, three, four, five, six,  
17 seven, eight, nine. Or were they all fuller than that?  
18 Or don't you remember?

19 A. Some -- some had a few missing, I guess.

20 Q. You don't remember whether you --

21 A. I didn't -- no.

22 Q. Box H also says "Florence" on it. Do you  
23 recall that?

24 A. I remember slides from Italy.

25 Q. A bunch of boxes that said "Florence" on them?

1 A. I just remember some with "Florence, Italy" on  
2 them.

3 Q. This is a box that's been labeled "G." And it  
4 says "Michelangelo and painting." Do you recall one  
5 that said that?

6 A. Yes, I do.

7 Q. There is a couple missing, as well.

8 You said some of the slides you found had --  
9 some of them -- did some of them have young men that  
10 were not clothed?

11 A. They were young men on the slides, yes.

12 Q. And were they mixed in with these boxes?

13 A. I don't recall.

14 Q. Or were they separate?

15 A. Mixed in. I don't -- I don't know.

16 Q. You don't know?

17 Box A says "Rome." Do you recall that?

18 A. Yes, I do.

19 Q. And then box "I" says "Paris and France." Do  
20 you recall that?

21 A. Yes, I do.

22 Q. Other than what's in the case now, do you  
23 recall finding anything else in this particular case?

24 A. No, I don't.

25 MR. HALE: You are missing one little thing.

1 MS. YOUNG: Can I go back over there?

2 THE VIDEOGRAPHER: Sure.

3 MR. HALE: It is 3:05. Can we take a little  
4 five, five-minute break?

5 THE VIDEOGRAPHER: Is it okay if we go off the  
6 record?

7 MS. YOUNG: Yes.

8 THE VIDEOGRAPHER: We are going off the record.  
9 The time is 3:04 p.m.

10 (Recess.)

11 THE VIDEOGRAPHER: We are back on the record.  
12 The time is 3:09 p.m. You may proceed.

13 Q. BY MS. YOUNG: Mr. [REDACTED], I take it that  
14 if you were to look at every slide that's currently in  
15 that case, you would have no way of knowing whether each  
16 of those slides was in that case when you found them,  
17 isn't that correct?

18 A. I beg your pardon?

19 Q. You would have no way of knowing that each of  
20 the slides that's currently in that case was in that  
21 case when you found them?

22 A. When I found them?

23 Q. In other words, I just showed you a slide, a  
24 picture of a young man, and you said you don't remember  
25 whether that was in there or not?

1 MR. HALE: Object. Leading. Misstates  
2 testimony.

3 THE WITNESS: Yes. There were slides of young  
4 boys in that case.

5 Q. BY MS. YOUNG: I understand that. I mean, if I  
6 showed you every slide in that case, would you have any  
7 way of knowing whether that particular slide was in the  
8 case when you found it?

9 A. Show me the pictures, yes.

10 Q. I did. I showed you one.

11 A. You showed me one. There are numerous ones  
12 that I remember.

13 Q. I understand. But you didn't remember one that  
14 I showed you?

15 MR. HALE: Objection; argumentative.

16 THE WITNESS: That --

17 Q. BY MS. YOUNG: I showed you one a few minutes  
18 ago and there were two on the page. You remembered one  
19 but you didn't remember the other one.

20 MR. HALE: Objection. Misstates testimony.  
21 Argumentative.

22 Q. BY MS. YOUNG: Is that correct?

23 A. I agree with him. I didn't remember one, yes,  
24 you're correct. I didn't remember that one particular  
25 picture.

1 Q. So my question to you is -- and you held it up  
2 to the light. I showed you the full picture but you  
3 also held the slide up to the light and you didn't  
4 remember it. My question to you is, is there any way  
5 you would know whether each of the slides that is  
6 currently in that case was in that case when you turned  
7 it over to Mr. Griffith?

8 MR. HALE: Objection; leading; misstates  
9 testimony; calls for speculation.

10 Q. BY MS. YOUNG: You can answer the question.

11 A. Would I recall that one individual picture was  
12 in there? I'd have to say no. Do I recall?

13 Q. Were you at your place of business when  
14 Mr. Griffith came to pick up the case and the slides?

15 A. Yes.

16 Q. Did you speak to him?

17 A. Yes.

18 Q. What did you discuss?

19 A. What did we discuss? I don't recall.

20 Q. Did you talk about Matthew Kelly and the  
21 accusations against him?

22 A. Most likely.

23 Q. Do you recall what he said to you, what  
24 Mr. Griffith said to you, about the accusations?

25 A. It was five years ago. No, I don't. Or four

1 years ago, whenever it was.

2 Q. When was the last time, other than today, that  
3 you looked at the slides that were in the case -- that  
4 you found in the case?

5 A. When I discovered them in the basement, in the  
6 garage of my house when I first moved in there.

7 Q. In 1999?

8 A. '99. Beginning of 2000.

9 Q. Do you know [REDACTED]?

10 A. Does he work at [REDACTED] Company? Does he  
11 work for [REDACTED]?

12 Q. I'm the one who is supposed to be asking the  
13 questions but, as we sit here today, do you know whether  
14 you know [REDACTED]?

15 A. I do.

16 Q. How long have you known him?

17 THE VIDEOGRAPHER: Pardon me. Counsel, you are  
18 scraping your microphone.

19 Q. BY MS. YOUNG: How long have you known him?

20 A. Fifteen years or better.

21 Q. Would it be fair to say that you met him in  
22 connection with your business?

23 A. Yes.

24 Q. How often do you talk to Mr. [REDACTED]?

25 A. Whenever I have to order [REDACTED] parts from [REDACTED]

1 [REDACTED]

2 Q. How often is that, approximately?

3 A. A couple times a month.

4 Q. Did Mr. [REDACTED] ever talk to you about the  
5 fact that he's a plaintiff in this case?

6 A. Yes, he did.

7 Q. When was the first time he talked to you about  
8 the fact that he was a plaintiff in this case?

9 A. After one of the articles that came out in the  
10 Independent and/or News-Press.

11 Q. That would have been about in 2003, do you  
12 recall, or was it before that?

13 A. Approximately.

14 MR. HALE: Objection; leading.

15 Q. BY MS. YOUNG: Do you recall when that was?

16 A. Whenever the articles came out about Matthew  
17 Kelly. Because one of the people that listed him as a  
18 John Doe, I believe, and we're on the phone a bit and he  
19 said, "I'm that John Doe."

20 Q. Did you discuss his allegations against Matthew  
21 Kelly?

22 A. No, we did not.

23 Q. How did the article come up when you were on  
24 the phone with him?

25 A. He called me. Public record. He found out I

1 bought that house.

2 Q. When you say public record, he found out you  
3 bought that house, what do you mean?

4 A. My name is on the deed at the courthouse or  
5 whatever that I own [REDACTED] Lane.

6 Q. What prompted him to go to the courthouse to  
7 look --

8 A. He didn't.

9 MR. HALE: Objection; speculation.

10 THE WITNESS: He didn't go to the courthouse.

11 It came out, the new owner of [REDACTED] is me,  
12 [REDACTED]. And we talk on the phone on a  
13 regular basis and he took it upon himself to bring it to  
14 my attention he was involved in that case against  
15 Matthew Kelly.

16 Q. BY MS. YOUNG: So, when he called you, what did  
17 he say to you?

18 A. "I'm John Doe in that article that was in the  
19 paper."

20 Q. He said to you, "I'm John Doe in the article in  
21 the paper."

22 A. The article regarding Matthew Kelly molesting  
23 boys from his church, that's what the context of that  
24 article was.

25 Q. And [REDACTED] called you. What happened?

1 A. We speak on a regular basis. That's what I  
2 just -- I order parts. I'm on the phone to [REDACTED]  
3 [REDACTED]. I have an auto body repair shop. I'm on the  
4 phone a lot to him. The conversation came up in one of  
5 our conversations.

6 Q. Okay. A few minutes ago you said he called me  
7 when he found out that I purchased the cabin. Is that  
8 not the case?

9 A. He called me.

10 Q. What did he say to you? "I'm John Doe."

11 A. I just said.

12 Q. What did he say about the cabin? You mentioned  
13 he called you when he found out you had purchased the  
14 cabin.

15 A. Yes, he did.

16 Q. Is this the same conversation when he said,  
17 "I'm John Doe"?

18 A. Yes.

19 Q. Tell me what he said to you about the cabin.

20 A. What did he say about the cabin?

21 The priest used to bring him up there, and he  
22 didn't go into details.

23 Q. Did he tell you how he found out that you had  
24 purchased the cabin?

25 A. It's public record that I own the house. It

1 came up in the paperwork somewhere.

2 Q. I'm trying to figure out how that would come  
3 up. I understand it's public record that you own the  
4 house but, obviously, I didn't know that you owned the  
5 house.

6 A. Call him.

7 Q. He didn't say anything to you about how he  
8 found out that you own the house?

9 A. I beg your pardon?

10 Q. He didn't tell you how he found out you own the  
11 house?

12 A. No, he didn't.

13 Q. During that conversation. That's my question.

14 A. No.

15 Q. When he told you this, all of what you told me  
16 he told you, what did you say to him? What was your  
17 response?

18 A. "Sorry to hear that."

19 Q. That conversation took place before you turned  
20 over the slides to Mr. Griffith; is that correct?

21 MR. HALE: Okay, misstating his testimony.

22 THE WITNESS: No, after. After. He already --  
23 I believe he had them.

24 Q. BY MS. YOUNG: It took place after you turned  
25 over the slides?

1 A. Don't know 100 percent, no.  
2 Q. Do you know [REDACTED]?  
3 A. No, I don't.  
4 Q. Do you know [REDACTED]?  
5 A. No, I don't.  
6 Q. Do you know [REDACTED]?  
7 A. No, I don't.  
8 Q. Do you know someone named [REDACTED]?  
9 A. No, I don't.  
10 Q. Do you know someone named [REDACTED]?  
11 A. No, I don't.  
12 Q. Have you had any subsequent conversations with  
13 [REDACTED] regarding this case subsequent to the  
14 one you just testified about?  
15 A. Years. A couple years back.  
16 Q. Was it a telephone conversation?  
17 A. No.  
18 Q. A face-to-face conversation?  
19 A. Yes.  
20 Q. How did that come about?  
21 A. He swung by the house.  
22 Q. By your home?  
23 A. By my home.  
24 Q. At the cabin?  
25 A. Yes.

1 Q. And when was that, do you recall?

2 A. Two years ago.

3 Q. Did you know he was coming?

4 A. No.

5 Q. He just dropped in?

6 A. I was out in my front yard and he pulled up.

7 Q. What did he say to you?

8 A. How the whole thing that he went through cost  
9 him a couple of marriages. He's been a mess ever since.

10 Q. Anything else?

11 A. No, that's the -- what I recall of him showing  
12 up. It wasn't -- we didn't speak for that long but he  
13 just said he was somewhat of a mess and it was hard for  
14 him to drive up to that house.

15 Q. Did he tell you why he drove up there?

16 A. To deal with the healing process of what  
17 happened to him.

18 Q. And that was two years ago?

19 A. Uh-huh.

20 Q. That would have been after you turned over the  
21 slides?

22 A. Yes.

23 Q. Mr. [REDACTED] do you remember me calling you  
24 and you talking to me on March 20th of this year  
25 regarding having -- my having to take your deposition?

1 A. Yes, I do.

2 Q. Do you remember me asking you about any  
3 conversations you had with [REDACTED] at that point  
4 in time, during that telephone conversation?

5 A. I don't recall, no.

6 Q. Are you Catholic? Are you Catholic?

7 A. I'm an atheist.

8 Q. Were you born Catholic?

9 MR. HALE: Objection; relevance. I'm not sure  
10 if he has privacy rights. I don't know that his  
11 religious beliefs have anything to do with the  
12 credibility of his testimony here.

13 MS. YOUNG: Well, we will get to that in a  
14 minute.

15 Q. Were you born Catholic?

16 A. Yeah.

17 Q. Do you recall telling me during the telephone  
18 conversation that you -- and I'm quoting -- "got out of  
19 there as soon as I possibly could"? Do you recall  
20 telling me that, with respect to the religions?

21 A. To religion. Yeah, certainly.

22 Q. Is it fair to say you have no love for the  
23 Catholic religion?

24 MR. HALE: Objection; argumentative.  
25 Harassing. Relevance.

1 Q. BY MS. YOUNG: Do you recall telling me that  
2 during your telephone conversation with me on  
3 March 20th?

4 MR. HALE: Same objection.

5 THE WITNESS: I remember voicing my opinion  
6 about the Catholic Church, yeah.

7 Q. BY MS. YOUNG: Do you recall telling me, in  
8 fact, your sister's best friend was raped by a Roman  
9 Catholic priest at Saint Patrick's -- a Roman Catholic  
10 priest who served at Saint Patrick's Cathedral in  
11 Boston?

12 MR. HALE: Objection. You are also crossing  
13 into privacy rights.

14 Q. BY MS. YOUNG: Do you recall telling me that  
15 during our March 20th telephone conversation?

16 A. Yes, I do.

17 Q. What was that? Do you recall when that rape  
18 took place?

19 A. What does that have to do with what we're  
20 talking about today?

21 Q. That's for the court to decide, but you can  
22 answer the question.

23 Do you know when it took place?

24 A. I will give you her name and number. You can  
25 ask her.

1 Q. I don't need her name and number, but you can  
2 answer my question, if you know.

3 A. It was when she was a young girl. That's when  
4 it took place.

5 Q. Do you remember telling me no one believed her  
6 including her parents?

7 A. Yeah, I do. I was just -- never mind.

8 MS. YOUNG: I have no further questions.

9 MR. HALE: I don't have any questions.

10 MS. YOUNG: We're done. Let's put a  
11 stipulation on the record, the normal stipulation.

12 It is going to be typed up. How about if you  
13 send the original transcript to me and I will get it to  
14 Mr. [REDACTED] and he will have 30 days to sign it  
15 under penalty of perjury. Make any corrections that you  
16 deem necessary. Get it back to me with any corrections,  
17 and we will get it to the court reporter. And you will  
18 be relieved of your responsibilities under the code and  
19 if for some reason the original is not signed or is  
20 lost, a certified copy can be used in its place.

21 Is that okay?

22 MR. HALE: That's fine.

23 THE VIDEOGRAPHER: This completes the  
24 deposition. We are going off the record. The time is  
25 3:26 p.m.

(Deposition concluded at 3:26 p.m.)

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I, [REDACTED], do hereby declare under penalty of perjury, that I have read the foregoing transcript of my deposition; that I have made such corrections as noted herein, in ink, initialed by me, or attached hereto; that my testimony as contained herein, as corrected, is true and correct.

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_, 2007, at \_\_\_\_\_, California.

\_\_\_\_\_  
[REDACTED]

1  
2  
3  
4 I, the undersigned, a Certified Shorthand  
5 Reporter of the State of California, do hereby certify:

6 That the foregoing proceedings were taken  
7 before me at the time and place herein set forth; that  
8 any witnesses in the foregoing proceedings, prior to  
9 testifying, were placed under oath; that a verbatim  
10 record of the proceedings was made by me using machine  
11 shorthand which was thereafter transcribed under my  
12 direction; further, that the foregoing is an accurate  
13 transcription thereof.

14 I further certify that I am not neither  
15 financially interested in the action nor a relative or  
16 employee of any attorney of any of the parties.

17 IN WITNESS WHEREOF, I have this date  
18 subscribed my name

19 Dated:  
20  
21

\_\_\_\_\_  
TARA SANDFORD

CSR No. 3374  
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