

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

Coordinated Proceeding Special)
Title (Rule 1550(b)))

THE CLERGY CASES I)

This Document Relates to Santa)
Barbara Superior Court Case)
No. [REDACTED])

[REDACTED] an individual,)

Plaintiff,)

vs.)

Proceeding No. 4286

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

Defendants.)

VIDEOTAPED DEPOSITION OF [REDACTED]
LOS ANGELES, CALIFORNIA
TUESDAY, JANUARY 16, 2007
VOLUME 1

REPORTED BY:

Elizabeth Borrelli

CSR No. 7844

JOB No. 070116EL

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 2 FOR THE COUNTY OF LOS ANGELES
 3
 4 Coordinated Proceeding Special)
 Title (Rule 1550(b)))
 5 THE CLERGY CASES I)
 6 This Document Relates to Santa)
 7 Barbara Superior Court Case)
 No. [REDACTED])
 8 [REDACTED], an individual,)
 9)
 Plaintiff,)
 10 vs.) Proceeding No. 4286
 11)
 ARCHDIOCESE OF LOS ANGELES)
 12 EDUCATION AND WELFARE CORPORATION;)
 ROMAN CATHOLIC ARCHBISHOP OF LOS)
 13 ANGELES; and DOES 3-100,)
 inclusive,)
 14)
 Defendants.)
 15 _____)
 16
 17 Videotaped Deposition of [REDACTED],
 18 Volume 1, taken on behalf of the Defendants,
 19 at 865 South Figueroa Street, Suite 2900, Los
 20 Angeles, California, commencing at 10:06 a.m.,
 21 Tuesday, January 16, 2007, before Elizabeth
 22 Borrelli, a Certified Shorthand Reporter for
 23 the State of California, License No. 7844.
 24 ***
 25

1 APPEARANCES OF COUNSEL:
 2
 3 For the Plaintiff:
 4 NYE, PEABODY & STIRLING, LLP
 BY: TIMOTHY C. HALE
 Attorney at Law
 5 33 West Mission Street
 Suite 201
 6 Santa Barbara, California 93101
 (805) 963-2345
 -AND-
 8 LAW OFFICES OF R. THOMAS GRIFFITH
 BY: R. THOMAS GRIFFITH
 Attorney at Law
 9 P.O. Box 20002
 Santa Barbara, California 93120
 (805) 965-4323
 11 For the Defendants:
 12 HENNIGAN, BENNETT & DORMAN LLP
 BY: BLESS YOUNG
 Attorney at Law
 13 865 South Figueroa Street
 Suite 2900
 14 Los Angeles, California 90017
 (213) 694-1120
 16 Also Present:
 17 LEE BOSSETT, Videographer
 18 GRADILLAS COURT REPORTERS
 345 North Maple Drive
 Suite 185
 19 Beverly Hills, California 90210
 (310) 859-6677
 20
 21
 22
 23
 24
 25

1 INDEX
 2 WITNESS PAGE
 3 [REDACTED], VOLUME 1
 4 BY MS. YOUNG 6
 5
 6
 7
 8
 9 EXHIBITS
 10 EXHIBIT DESCRIPTION PAGE
 11 1 Copy of a card addressed to Mr. 168
 12 [REDACTED], from Father Kelly,
 13 Bates Nos. JR4474 through
 14 JR4477, 4 pages
 15 INFORMATION REQUESTED
 16 (None.)
 17 INSTRUCTIONS NOT TO ANSWER
 18 Page Line
 19 28 21
 20 29 6
 21 29 15
 22 REFERENCE REQUESTED
 23 (None.)
 24
 25

1 LOS ANGELES, CALIFORNIA; TUESDAY, JANUARY 16, 2007
 2 10:06 A.M
 3 THE VIDEOGRAPHER: This is the videotaped
 4 deposition of [REDACTED] in the matter of the
 5 Clergy Cases I, [REDACTED] versus Archdiocese of
 6 Los Angeles Education and Welfare Corporation, et al.,
 7 in the Superior Court of the State of California, for
 8 the County of Los Angeles.
 9 The case number is [REDACTED].
 10 Today's date is January 16th, 2007. The time
 11 is 10:07 a.m. The video operator is Lee Bossett, an
 12 associate of Gradillas Court Reporting, located at 345
 13 North Maple Drive, Beverly Hills, California.
 14 This recording is taking place at 865 South
 15 Figueroa Street, Los Angeles, California, and was
 16 noticed by the law offices of Hennigan, Bennett &
 17 Dorman.
 18 Counsel, please voice identify yourselves and
 19 state your appearance for the record.
 20 MS. YOUNG: Bless Young, Hennigan, Bennett &
 21 Dorman, for defendant Archbishop of Los Angeles
 22 Corporation, sole.
 23 MR. HALE: Tim Hale, for plaintiff.
 24 MR. GRIFFITH: R. Thomas Griffith, for
 25 plaintiff.

1 THE VIDEOGRAPHER: We are on the record.
 2 Would the reporter please swear in the witness.
 3 [REDACTED],
 4 having been duly administered an oath in
 5 accordance with CCP 2094, was examined
 6 and testified as follows:
 7 EXAMINATION
 8 BY MS. YOUNG:
 9 Q Good morning, Mr. [REDACTED].
 10 Have you ever had your deposition taken
 11 before?
 12 A I don't think so.
 13 MS. YOUNG: Whoops.
 14 MR. HALE: Is this the mike? Oh, wow. Let's
 15 try that. There. Okay.
 16 BY MS. YOUNG:
 17 Q Okay.
 18 Let me tell you a little bit about it. I'm
 19 sure you prepared with your lawyers and they've told you
 20 something about it, but as you see, there's a reporter
 21 here today. She's taking down your testimony, and
 22 you're under oath, and your testimony today has the same
 23 full force and effect as if you were in a court of law.
 24 Do you understand that?
 25 A Yes.

1 Q And because the court reporter is taking down
 2 everything you say, you'll have to try to speak clearly
 3 so that she understands and can take down what you're
 4 saying. And I'll try to wait until you finish your
 5 answer before I ask a question, if you'll try to wait
 6 until I finish a question before you answer, so that she
 7 can take down each one of us.
 8 Do you understand that?
 9 A Yeah.
 10 Q And you should answer the questions if
 11 possible, or when possible, "yes" or "no" instead of
 12 shaking your head or shrugging your shoulders so that
 13 the reporter can get an audible response.
 14 Do you understand that?
 15 A Yes.
 16 Q And I'm entitled to your best estimate today,
 17 but neither your lawyer nor I want you to guess.
 18 Do you understand that?
 19 A Yes.
 20 Q Okay.
 21 And during the course of the deposition, if
 22 you need a break, just let me know. We can take a
 23 break, but I would appreciate it if you wouldn't ask for
 24 a break while a question is pending.
 25 So if you need a break, you can answer the

1 question, and we can then take a break.
 2 Do you understand that?
 3 A Yes.
 4 Q And during the course of the deposition, your
 5 lawyer -- your lawyers will probably be making some
 6 objections to my questions. But unless they instruct
 7 you not to answer and you follow that instruction, I'm
 8 entitled to your answer.
 9 Do you understand that?
 10 A Yes.
 11 Q At the end of the deposition, the court
 12 reporter will transcribe everything that's said today
 13 into a booklet, and you'll have the opportunity to read
 14 it and make any corrections, but if you make substantive
 15 corrections, of course, we will have the opportunity to
 16 comment on those at the time of trial. So it's best for
 17 you to give your most accurate answers here today.
 18 Do you understand that?
 19 A Yes.
 20 Q Have you taken any medications within the last
 21 24 hours?
 22 A Yes.
 23 Q What medications have you taken? Let's do one
 24 at a time. Let's start with any prescription
 25 medications.

1 A Lamictal.
 2 Q I'm sorry?
 3 A Lamictal.
 4 Q And how do you spell that?
 5 A I'm not absolute. L-A-M -- I don't -- I'm not
 6 absolute.
 7 Q Okay.
 8 What -- what is that medi- -- medication
 9 prescribed for?
 10 A Bipolar disorder.
 11 Q And was that prescribed by Dr. [REDACTED]? And
 12 I'm not sure how to pronounce his name.
 13 A [REDACTED].
 14 Q How do you pronounce it?
 15 A [REDACTED].
 16 Q [REDACTED].
 17 It was prescribed by him?
 18 A Yes.
 19 Q What is the dosage?
 20 A 100 milligrams.
 21 Q Per day?
 22 A Yes.
 23 Q And have you been taking that regularly for a
 24 period of time?
 25 A Yes.

1 Q For how long?
 2 A I'm not absolutely certain.
 3 Q What's your best estimate?
 4 A Maybe -- I'm not sure. I'm not sure.
 5 Q Have you been taking it for more than a month?
 6 A Yes.
 7 Q More than six months?
 8 A Yes.
 9 Q Okay.
 10 And does it have any effect on your ability to
 11 remember facts?
 12 A I don't know.
 13 Q Are you taking any other prescription
 14 medication?
 15 A Yes. One for sleep.
 16 Q What's the name of that one?
 17 A I don't know. I have the pill if you want to
 18 see it.
 19 Q Sure. The bottle, you mean?
 20 A No.
 21 Q Oh. Well, I don't know that the pill will do
 22 us any good.
 23 A Well, then --
 24 MR. HALE: Is there any writing on the pill?
 25 THE WITNESS: No, I don't think it -- I never

1 looked at it, but...
 2 BY MS. YOUNG:
 3 Q Well, we can take a look at it and maybe it
 4 will give us a hint. Do you know what the dosage is?
 5 A No.
 6 Q The color of it may give us a hint, if that --
 7 okay, so --
 8 MR. HALE: It didn't help. It's --
 9 MS. YOUNG: Does it say anything on it?
 10 MR. HALE: No.
 11 MS. YOUNG: No. It's a little oval, looks
 12 like light blue.
 13 MR. HALE: It's got some numbers on the other
 14 side, but that's not gonna, I'm afraid, tell us anything
 15 about it.
 16 MS. YOUNG: It looks like a little oval, light
 17 blue pill. And your eyes are younger than mine. Do you
 18 want to read those numbers?
 19 MR. HALE: It looks like the top numbers are
 20 either 66 or 00, probably 66, and then the bottom
 21 numbers are 258.
 22 Here you go.
 23 BY MS. YOUNG:
 24 Q Now, did you take one of those pills last
 25 night, Mr. [REDACTED]?

1 A Half.
 2 Q A half of the pill last night.
 3 Do you take those pills regularly, for sleep?
 4 A Only when I feel a little insomnia.
 5 Q And how often is that? Once a week? Twice a
 6 week? Three times a week? Less?
 7 A Recently it's pretty -- pretty frequent.
 8 Q Pretty frequently?
 9 A Like -- well, since I started taking them,
 10 half a day.
 11 Q I'm sorry?
 12 A I haven't been taking them very long.
 13 Q So this is a new sleeping medication,
 14 relatively new?
 15 A Yes.
 16 Q And you don't remember the name of it?
 17 A No.
 18 Q If I said it, would you remember? Ambien?
 19 A No.
 20 Q Does -- Solquel [phonetic] --
 21 THE REPORTER: Solquel?
 22 MS. YOUNG: I'm not sure how you spell it
 23 either, with a Q after --
 24 THE REPORTER: Okay.
 25 THE WITNESS: No, I don't.

1 BY MS. YOUNG:
 2 Q No?
 3 A I don't know.
 4 Q Does it leave you with -- does this pill that
 5 you take leave you with any side effects in the morning?
 6 A No.
 7 Q Does it help you sleep?
 8 A Yes.
 9 Q Any other prescription medications you've
 10 taken within the last 24 hours?
 11 A No.
 12 Q Any nonprescription medications you've taken
 13 within the last 24 hours?
 14 A No.
 15 Q Have you consumed any alcohol within the last
 16 24 hours?
 17 A No.
 18 Q Is there any reason you believe that any of
 19 these medications that you've taken within the last 24
 20 hours would have an effect on your ability to give your
 21 best testimony today?
 22 A I don't know. I don't think so, but I don't
 23 know.
 24 Q Well, you say you don't think so but you don't
 25 know. What's -- and your --

1 A Well, I feel fine.
 2 Q What's giving you pause? Like what makes you
 3 thinks that perhaps you're not sure?
 4 A From being here, knowing that I have to be
 5 here and talk to you people, it doesn't exactly make me
 6 feel good.
 7 Q I understand that.
 8 Now, but does that have anything to do with
 9 the medication, the effects of the medication?
 10 A Probably not.
 11 Q Now you understand, Mr. [REDACTED], that I
 12 represent the Roman Catholic Archbishop of Los Angeles
 13 and that you have sued the Roman Catholic Bishop --
 14 Archbishop of Los Angeles, asking for damages from the
 15 Roman Catholic Archbishop of Los Angeles, for sexual
 16 abuse that you claim you suffered at the hands of Father
 17 Kelly when you were a minor.
 18 Do you understand that?
 19 A Yes, I understand that.
 20 Q You understand that I don't represent Father
 21 Kelly, who is deceased?
 22 A You're representing the church.
 23 Q The Roman Catholic Archbishop of Los Angeles,
 24 that's correct.
 25 You understand that?

1 A Yes.
 2 Q When were you first diagnosed with bipolar
 3 disease?
 4 A I don't remember. It's -- I don't remember.
 5 It's been a bit.
 6 Q Were you first diagnosed by Dr. -- I forgot
 7 how you pronounce his name.
 8 A [REDACTED]
 9 Q [REDACTED]?
 10 A [REDACTED]
 11 Q [REDACTED]
 12 Is that who first diagnosed you?
 13 A Yes.
 14 Q Do you recall the first time you visited
 15 Dr. [REDACTED]?
 16 A No. It's been a while.
 17 Q Excuse me?
 18 A It's been a while.
 19 Q A while being five years? Six years? More?
 20 A I don't remember.
 21 Q Do you think you have -- do you feel you have
 22 a good memory?
 23 A Average.
 24 Q Do you have trouble remembering things that
 25 happened five years ago?

1 A This, I do.
 2 Q This being what?
 3 A Repeat the question.
 4 MS. YOUNG: You can read it back.
 5 (Record read.)
 6 BY MS. YOUNG:
 7 Q And your answer, I believe, was, "This, I do."
 8 And I want to know what you're referring to by "this."
 9 A I'm not fully understanding of your question.
 10 Q Okay.
 11 Would you say your memory is better with
 12 things that happened more recently than with things that
 13 happened more than five years ago?
 14 A If you're referring to the molestation, yeah,
 15 I remember now.
 16 Q And what about referring to when you first saw
 17 Dr. [REDACTED]?
 18 A No.
 19 Q You don't remember that?
 20 A No.
 21 Q How old were you when -- the first time that
 22 you're -- you say Father Kelly sexually abused you, how
 23 old were you?
 24 A I was about 12.
 25 Q Twelve?

1 A (Inaudible response.)
 2 Q What year would that have been; do you
 3 remember?
 4 A I guess -- I think '69.
 5 Q And you were born in 19 -- November 19th,
 6 1955; is that correct?
 7 A Right.
 8 Q Do you recall what your address was at the
 9 time of the first abuse, where you were living?
 10 A [REDACTED]. I don't remember the -- the
 11 address.
 12 Q What was the street name?
 13 A [REDACTED].
 14 Q Can you spell it that, please?
 15 A [REDACTED].
 16 Q And those are two separate words, right?
 17 A Yes.
 18 Q When did you first realize that you had been
 19 sexually abused by Father Kelly?
 20 A After I had a dream -- I need to -- give me a
 21 minute.
 22 MS. YOUNG: Do you need a tissue?
 23 THE WITNESS: No.
 24 I had -- I had a dream sometime after he died.
 25 BY MS. YOUNG:

Page 18

1 Q And what -- do you remember what year he died?
 2 A I think it was 2002.
 3 Q And what was your dream?
 4 A He was trying to talk to me. But I couldn't
 5 hear him very well. And then I noticed that in his --
 6 his arms he had some stitches, here (indicating).
 7 Q The witness is indicating --
 8 A Here (indicating) and up here (indicating).
 9 Q -- his wrist, his elbow and his shoulder.
 10 A (Inaudible response.)
 11 Excuse me.
 12 MS. YOUNG: Hang on.
 13 Sharon, it's Bless. Could you do me a favor
 14 and bring in a box of tissue to the conference room
 15 where I am. Thank you.
 16 MR. HALE: Thanks.
 17 BY MS. YOUNG:
 18 Q And in this dream, was Father Kelly younger or
 19 older -- was he at the age -- the time that he molested
 20 you or was it -- was he older?
 21 MS. YOUNG: Come in.
 22 THE WITNESS: He was younger.
 23 BY MS. YOUNG:
 24 Q And you say he was trying to talk to you, but
 25 you couldn't hear him very well?

Page 19

1 A I remember looking up at him, he was very
 2 tall, and I was very sm- -- I was very small. Because I
 3 can see his wrist, and I knew that, but I didn't think
 4 about that until later.
 5 Q What do you mean, you didn't think about what
 6 until later?
 7 A Because I -- little by little, more things
 8 came -- started coming back to me.
 9 Q What was he saying to you in your dream?
 10 A I couldn't make it out very well. I kept
 11 asking him. I don't know what he was trying to say. I
 12 only think that he was trying to tell me he had to
 13 leave.
 14 Q That he had to leave where?
 15 A I don't -- at the time, when he was trying to
 16 tell me, when we both started walking like up an -- a
 17 little hill, like a little crevice in a -- like a little
 18 bit of a cave, he told me he had to leave, and I told
 19 him -- I started to be able to hear, and he said he had
 20 to leave, and so I told him that I wanted to go with
 21 him. And he told me, "Go away, you can't." So he put
 22 me in something, and I -- I went back down.
 23 Q Back down to where?
 24 A To where we started walking. And then I
 25 looked back and I saw him standing there. And then he

Page 20

1 came apart in little pieces and just floated away.
 2 Q Now, so that was the dream -- that was the
 3 nature of the dream, that you've just described?
 4 A That's how -- that's how -- that's how it
 5 happened, and...
 6 Q The stitches -- I mean the -- did you say you
 7 saw stitches next to his wrist, his elbow, and his
 8 shoulder?
 9 A No, they were on his wrist, in his elbow right
 10 here (indicating).
 11 Q The inside of his elbow?
 12 A Yes.
 13 Q And the shoulder area?
 14 A Yes.
 15 Q Did those signify anything to you?
 16 A I was just scared.
 17 Q Did you --
 18 A I wanted to talk to him.
 19 Q Did he -- in real life, did Father Kelly when
 20 he was younger, when you knew him during the time that
 21 you claim he molested you, did -- did he have those
 22 stitches in his arm?
 23 A Say that again. I --
 24 Q Back during the time when you were 12, did
 25 Father Kelly have those stitches in his arm?

Page 21

1 A I don't know. He always wore long-sleeved
 2 shirts. How do I know?
 3 Q And did the stitches signify anything to you
 4 in the dream?
 5 A I don't know. I just knew he went away.
 6 Q Were you sad when Father Kelly died?
 7 A Yes. He was -- I thought he was my friend.
 8 Q And what was it about the dream that triggered
 9 your memories of abuse?
 10 A Because I didn't think about them that much,
 11 even though I went to the funeral, and after I started
 12 to think more and more about him and when we met, all
 13 the places we went, being at the cabin, raking the
 14 leaves, and then later, a little bit later, I started
 15 remembering, being -- more things about the cabin, being
 16 there.
 17 Q And what triggered those memories?
 18 A I don't know. Just trying to remember him.
 19 Q So prior -- now, let's go back to the dream
 20 for a minute. You said the dream -- that you had the
 21 dream after Father Kelly died, correct?
 22 A Yeah, it was a little bit, like months later I
 23 had that dream.
 24 Q A few months later.
 25 Now, Father Kelly died in what month of 2002;

Page 22

1 do you remember that?
 2 A No.
 3 Q Do you remember what month you had the dream?
 4 A It was a little bit before December.
 5 Q So before the end of 2002, toward the end of
 6 that year?
 7 A Yeah, I think it was.
 8 I -- I was still living in a different address
 9 and -- and I woke up from that dream and I was totally
 10 disconnected.
 11 Q Now, when you were living at the different
 12 address, were you living with your wife at the time?
 13 A Yes.
 14 Q And did you tell her about the dream?
 15 A That morning?
 16 Q That morning.
 17 A No.
 18 Q Did -- was your wife still at home --
 19 A She was asleep.
 20 Q -- when you woke up?
 21 She was asleep when you woke up?
 22 A (Inaudible response.)
 23 MR. HALE: Make sure you let her finish her
 24 question before you answer, okay.
 25 BY MS. YOUNG:

Page 23

1 Q Did you notice -- did she notice when she woke
 2 up that anything was the matter with you?
 3 A No, she was still asleep.
 4 Q So she was still asleep when you left the
 5 house?
 6 A Yes.
 7 Q Where did you go that morning when you left
 8 the house?
 9 A I tried to tell her that I had to leave to
 10 work.
 11 Q So when she was still in bed, you told her
 12 that?
 13 A Yes, but I don't think she heard me.
 14 Q And you went to work?
 15 A No.
 16 Q Where did you go?
 17 A I got into a van.
 18 Q Your van?
 19 A Yes. And I was shaking and I lost control of
 20 all my senses. I was just shaking and I had no control
 21 of anything in my body. I was just -- I didn't know it
 22 was -- I didn't know what was wrong. But I knew that I
 23 wanted to yell for some reason, really bad, but
 24 extremely bad.
 25 And I got in the car -- in the van and I

Page 24

1 decided I needed to get -- whatever it was, I wanted it
 2 out of me. I wanted to go somewhere where I thought I
 3 could -- that nobody would hear me.
 4 And I went up into the mountains. It was a
 5 foggy day or -- when the fog is kind of low, and I -- I
 6 parked on the side of the road. I tried to yell in the
 7 car, but it didn't do me any good.
 8 I wanted to really, really yell. And I
 9 started to scream into the hills. And I was asking for
 10 Father Kelly to help me. I didn't -- I didn't know what
 11 was wrong with me.
 12 It was from that point that I started
 13 remembering more and more and thinking about him.
 14 Q When was the first time that you told anyone
 15 that Father Kelly had abused you when you were a minor?
 16 A I didn't know. I was already much older. I
 17 was already a -- it was then. It wasn't before. I
 18 don't remember that before, ma'am. I'm sorry. I just
 19 didn't -- I remember that -- I just remember that --
 20 Q So it was after 2000, after Father Kelly
 21 died --
 22 A After I had that dream, I started to remember.
 23 Q And how did that dream trigger your
 24 recollection? Do you know? What about the dream
 25 triggered the recollection?

Page 25

1 A I don't know.
 2 Q So when was the first time after the dream
 3 that you told anyone that you were abused by Father
 4 Kelly as a minor, when you were a minor?
 5 A You're still asking me if I was a minor. I
 6 wasn't a minor. I'm sorry, but I was not a minor. I
 7 was a -- this is three years ago.
 8 Q No, I understand that. And maybe you
 9 misunderstood my question.
 10 When Father Kelly abused you, you were a
 11 minor; is that correct?
 12 A Yes.
 13 Q So my question is: When was the first time
 14 you told anyone that when you were minor, Father Kelly
 15 had abused you? Do you understand the question?
 16 A I was keeping it to myself for a long time,
 17 and I was -- I don't -- I don't remember that I was --
 18 first I was scared and then I was very mad at myself for
 19 not remembering.
 20 Q So was the first time you told anyone after
 21 your lawyer sent you to a psychologist?
 22 MR. HALE: Assumes facts not in evidence.
 23 THE WITNESS: No.
 24 BY MS. YOUNG:
 25 Q Who was the first person you told?

1 A I didn't want to remember anything. I don't
 2 know. I can't think of that right now.
 3 Q Well, I know this is difficult for you,
 4 Mr. [REDACTED], but you have to understand that my client
 5 is entitled to your best recollection, and your best
 6 recollection now, not when you testify at trial.
 7 And as I said before, you know, we don't
 8 represent Father Kelly. We represent the Roman Catholic
 9 Archbishop, who you're suing for damages because Father
 10 Kelly abused you when you were a child.
 11 A I don't remember right now who I told first.
 12 Q Was it a doctor or psychiatrist or
 13 psychologist?
 14 A I -- it could have been my wife.
 15 Q But you don't remember when that was, other
 16 than it was after Father Kelly died, correct?
 17 A After the dream.
 18 Q After the dream.
 19 Which was, you said, somewhere around
 20 December of 2002?
 21 A (Inaudible response.)
 22 Q What did you tell your wife?
 23 A I don't remember. I know that I was pretty
 24 upset. I didn't tell her for a little while because I
 25 was too embarrassed.

1 Q And did you -- when you say you didn't tell
 2 her for a little while because you were too embarrassed,
 3 you mean a little while after the dream or a little
 4 while after something else?
 5 A After the dream.
 6 Q So you --
 7 A Because I started to remember little by little
 8 by little.
 9 Q So you told your wife, maybe it wasn't until
 10 2003?
 11 A I'm not sure.
 12 Q Who was the first medical practitioner or
 13 therapist that you told that you were abused by Father
 14 Kelly?
 15 A I don't remember right now.
 16 Q Is there anything that would refresh your
 17 recollection?
 18 A Probably taking a break.
 19 MS. YOUNG: Okay. Why don't we take a
 20 five-minute break.
 21 THE WITNESS: I need to get some fresh air. I
 22 can't -- I can't be in this room right now.
 23 THE VIDEOGRAPHER: We're going off the record.
 24 The time is 10:44 a.m.
 25 (Recess.)

1 THE VIDEOGRAPHER: We are going back on the
 2 record. The time is 10:54 a.m. Please continue.
 3 MS. YOUNG: What was my last question? I know
 4 it was if -- whether there's anything that would refresh
 5 his recollection, but what was the question before that.
 6 (Record read.)
 7 THE WITNESS: I think it was Dr. [REDACTED].
 8 BY MS. YOUNG:
 9 Q Do you remember seeing a Dr. [REDACTED]?
 10 A Yes, not -- what you call a therapist?
 11 Q A psychi- -- psychologist?
 12 A I guess, yeah. Here in Los Angeles.
 13 Q And how was it that you came to see Dr. [REDACTED]?
 14 A I was told to go to get an evaluation.
 15 Q How many times did you see Dr. [REDACTED]?
 16 A Just once.
 17 Q Do you recall what year that was?
 18 A No.
 19 Q And who told you to go get an evaluation by
 20 Dr. [REDACTED]?
 21 MR. HALE: Objection. Attorney-client
 22 privilege.
 23 THE WITNESS: I don't remember.
 24 BY MS. YOUNG:
 25 Q And you don't remember what year it was?

1 A (Inaudible response.)
 2 Q You're shaking your head no?
 3 A "No."
 4 Q Did you tell Dr. [REDACTED] about what Father Kelly
 5 did to you when you were a minor?
 6 MR. HALE: Objection. Attorney-client,
 7 attorney work product. Instruct you not to answer.
 8 That was the certificate of merit evaluation.
 9 BY MS. YOUNG:
 10 Q I'm not sure that that's -- you only saw
 11 Dr. [REDACTED] one time?
 12 A Yes.
 13 Q Did you tell Dr. [REDACTED] about Father Kelly?
 14 That's a yes-or-no question.
 15 MR. HALE: Same objection. Instruct you not
 16 to answer.
 17 MS. YOUNG: Well, Counsel, if he didn't tell
 18 Dr. [REDACTED] about Dr. Kelly -- about Father Kelly, then
 19 it's not attorney-client work product, so I think --
 20 MR. HALE: Doctor --
 21 MS. YOUNG: -- I am entitled to a yes-or-no
 22 answer.
 23 MR. HALE: I don't think that Dr. [REDACTED] is a
 24 retained consultant of this law firm of plaintiffs.
 25 It's absolutely protected. In fact, it's been heavily

1 litigated by you guys. You guys tried to gain access to
 2 those documents already, and you lost.
 3 MS. YOUNG: But -- but what I'm asking him --
 4 that's what I'm asking him, if he told Dr. [REDACTED] about
 5 Father Kelly. If he told him about something else,
 6 then -- I -- I don't know that it has anything to do
 7 with this lawsuit.
 8 BY MS. YOUNG:
 9 Q So are you going to follow your attorney's
 10 instruction not to answer, Mr. [REDACTED]?
 11 A Yes.
 12 MR. HALE: I mean, I think you guys have the
 13 face page that shows Dr. [REDACTED]'s name on it. You
 14 probably have more than the face page.
 15 I can absolutely represent to you we sent him
 16 to be evaluated by Dr. [REDACTED] for this lawsuit.
 17 BY MS. YOUNG:
 18 Q Did you talk to Dr. [REDACTED] before you told
 19 Dr. [REDACTED] about Father Kelly's abuse?
 20 A I don't remember.
 21 Q Is there anything that would refresh your
 22 recollection?
 23 A I can't -- I don't -- I can't remember right
 24 now.
 25 Q Well, you say you can't remember right now,

1 A I had no idea.
 2 Q When you were 19 years old, I understand you
 3 tried to commit suicide; is that correct?
 4 A Yes.
 5 Q Do you remember what year that was?
 6 A No.
 7 Q Was it when you were in the Marines or after
 8 you left the Marines?
 9 A After.
 10 Q Did you have a girlfriend at the time?
 11 A I don't remember.
 12 Q And where were you when you tried to commit
 13 suicide?
 14 A In my bedroom.
 15 Q At your home?
 16 A Yes.
 17 Q Do you remember what address you were living
 18 at at the time, what street?
 19 A It's on [REDACTED].
 20 Q I'm sorry. What was that?
 21 A On [REDACTED].
 22 Q [REDACTED]?
 23 A Yes.
 24 Q And what did you do to try to commit suicide?
 25 A I tried to slit my wrist.

1 and what I'm asking you is there anything you can think
 2 of that would refresh your recollection. Any document?
 3 A I don't know.
 4 Q So is it your testimony that prior to the
 5 dream that you described to us earlier today, you did
 6 not realize that Father Kelly had abused you when you
 7 were a minor?
 8 A Speak to me more in layman terms because
 9 I'm -- you're confusing me a little bit, please.
 10 Q I'm trying to think about how I -- I could put
 11 that more simply. Prior to your dream --
 12 A Before my dream is what you're asking?
 13 MR. HALE: Hang on, let her finish the
 14 question.
 15 THE WITNESS: Okay.
 16 BY MS. YOUNG:
 17 Q Prior to the time that you had the dream,
 18 after Father Kelly died, are you saying that prior to
 19 that dream, you had no idea that you were abused by
 20 Father Kelly when you were a minor?
 21 A Before the dream?
 22 Q Before the dream, you had no idea that Father
 23 Kelly had abused you when you were a minor?
 24 A No.
 25 Q No, you had no -- you had no idea?

1 Q Both wrists or one wrist?
 2 A One.
 3 Q Which one?
 4 A This one (indicating).
 5 Q Your left?
 6 A My left.
 7 Q And with a knife?
 8 A With a razorblade.
 9 Q Was anyone at home when you did that?
 10 A Yes.
 11 Q Who?
 12 A I don't remember. I was -- I had the door
 13 closed.
 14 Q Who lived with you at the time?
 15 A My brothers and sisters and my mother and
 16 stepfather.
 17 Q And what prompted you to do that to yourself?
 18 A Just a lot of pressures.
 19 Q What type of pressure?
 20 A I don't know. Everything was wrong.
 21 Q Did it have anything to do with your
 22 stepfather?
 23 A Maybe. I don't know.
 24 Q Well, were you depressed? I'm not using that
 25 term clinically, but were you sad and upset about

Page 34

1 anything?
 2 A Yeah, I was upset.
 3 Q What were you upset about?
 4 A I don't remember.
 5 Q You don't remember what you were upset about?
 6 A (Inaudible response.)
 7 Q The witness is shaking his head no. You have
 8 to answer "yes" --
 9 A I know.
 10 Q -- or "no."
 11 A I know. I know. I'm trying to remember.
 12 Q Were you upset with your mother for not
 13 protecting you?
 14 A I don't know.
 15 Q Well, what was going on in your life at that
 16 point in time?
 17 A A lot of things.
 18 Q Like what?
 19 A I don't remember.
 20 Q Tell me.
 21 Well, you say "a lot of things." Let's start
 22 with one.
 23 A Just a lot of things happened in my life. I
 24 don't --
 25 Q Well, what was happening at that time that

Page 35

1 would prompt you to try to slit your wrist?
 2 A I don't remember. It's too long ago.
 3 Q But there was something going on in your life
 4 back then that prompted you to try to slit your wrist
 5 and commit suicide?
 6 A I don't -- I don't remember why I was going to
 7 do that, but I was really upset.
 8 Q Upset with what?
 9 A I don't know. It's been too long.
 10 Q Do you remember telling your therapist that
 11 you were upset because you felt your mother never
 12 protected you from your stepfather?
 13 A I don't remember saying that.
 14 Q Did you feel that way?
 15 A I didn't like him. That's all there is to it.
 16 My stepfather, I didn't like him but...
 17 Q You didn't like him. Why didn't you like him?
 18 A I didn't like him.
 19 Q Do you ever remember telling a therapist that
 20 he was a pedophile and sexually abused [REDACTED]?
 21 A I don't remember, but I -- if I did, I
 22 wouldn't have even thought of it as pedophilia or
 23 pedophile or whatever you want to call it, child
 24 molester. It just didn't connect.
 25 Q What didn't connect?

Page 36

1 A I didn't know anything about pedophilia. I
 2 didn't know what that -- even what that meant.
 3 Q What did your stepfather do to [REDACTED]
 4 [REDACTED]?
 5 A Well, they told me that he molested them, I
 6 think.
 7 Q When did they tell you that?
 8 A Some years ago.
 9 Q Did you know that when you were 19?
 10 A No. That was much later.
 11 Q Was your -- was your stepfather violent toward
 12 you?
 13 A I just didn't like him.
 14 Q Why didn't you like him?
 15 A He made me uncomfortable at home.
 16 Q Do you remember telling one of your therapists
 17 that he physically abused you as a child?
 18 A Yes.
 19 Q What did he do to you to physically abuse you?
 20 A He hit me really hard when I was asleep.
 21 THE REPORTER: "When I was asleep"?
 22 THE WITNESS: (Inaudible response.)
 23 BY MS. YOUNG:
 24 Q How old were you then?
 25 A Probably five or six.

Page 37

1 Q Did he do that on more than one occasion?
 2 A I don't remember. I just remember that
 3 because it scared me really bad.
 4 Q And did you tell your mother, way back then
 5 when he did that?
 6 A No.
 7 Q How else --
 8 A Uh --
 9 Q Go ahead. Were you going to say something?
 10 A I just couldn't forget it.
 11 Q Now, you have had some therapy --
 12 A Yes.
 13 Q -- for --
 14 A I'm sorry.
 15 Q That's okay.
 16 -- for problems you've had as a result of
 17 abuse by your stepfather, correct?
 18 A I don't think so.
 19 Q You don't recall having therapy for that?
 20 A (Inaudible response.)
 21 Q "No"?
 22 A (Inaudible response.)
 23 Q Okay.
 24 MR. HALE: You gotta answer it affirmatively,
 25 whatever your answer is, so that we can have a clear

1 record.
 2 THE WITNESS: Ask you what --
 3 BY MS. YOUNG:
 4 Q Well, the question --
 5 A Can you repeat that?
 6 Q -- was, have you ever had therapy for the
 7 problems that your -- that you faced as a result of the
 8 abuse by your stepfather?
 9 A I brought it up later in -- in -- but it was
 10 not the -- the reason that I was there for.
 11 Q When you say you brought it up later, was this
 12 with Dr. [REDACTED]?
 13 A I don't remember. I probably told him.
 14 Q When you say you "brought it up later," was it
 15 before or after you brought up abuse by Father Kelly?
 16 A I don't remember.
 17 Q Do you remember working with a therapist to
 18 try to be able to communicate better with your mother
 19 about the situation -- about what had happened in the
 20 past with your stepfather?
 21 A Yes. Not communicate, just -- I just
 22 wasn't -- I wasn't -- I was just uncertain.
 23 Q Uncertain about what?
 24 A Whether she really understood.
 25 Q We'll come back to that. Let's go back to the

1 A I don't remember. It's been too long.
 2 Q Was Father Kelly putting pressure on you then?
 3 A I thought he was there as my friend.
 4 Q I'm sorry, what did you say?
 5 A I thought he was my friend.
 6 Q Well, when you were 19, he was your friend,
 7 wasn't he?
 8 A I think so, but now I say I don't remember
 9 him -- no, he wasn't my friend.
 10 Q Well, I understand that you've remembered that
 11 now, that you say that that's what you remember now.
 12 What I'm trying to ask you is, what, when you
 13 were 19, compelled you to try to take your life? That's
 14 not a normal event.
 15 A No, it isn't.
 16 Q So what is it when you were 19 that prompted
 17 you to try to do that to yourself?
 18 A I don't remember. It's been too long.
 19 Please, I really want to remember that, but I don't. I
 20 just cannot.
 21 Q Prior to your trying to commit suicide when
 22 you were 19, when was the last time just prior to that
 23 that you had seen Father Kelly?
 24 A Before?
 25 Q Before you tried to commit suicide.

1 suicide attempt.
 2 Did you leave a note?
 3 A Yes.
 4 Q What did the note say?
 5 A I wouldn't get fooled again.
 6 Q And what were you referring to when you wrote
 7 that?
 8 A I had listened to that song in Father Kelly's
 9 car. He'd play it all the time.
 10 Q What song?
 11 A That song, the one that's called "Don't Get
 12 Fooled" -- "Won't Get Fooled Again."
 13 Q Did you write anything else in the note
 14 besides I won't get fooled again?
 15 A I don't remember.
 16 Q Who has the note?
 17 A I don't know. It's been years.
 18 Q Well, how did you remember that that's what
 19 you wrote in the note?
 20 A Because I remember the song.
 21 Q So you remember that that's what you wrote in
 22 the note, but you don't remember what triggered you to
 23 try to commit suicide?
 24 A Just pressures, a lot of pressures.
 25 Q What type of pressure?

1 A I don't remember, but I had seen him pretty
 2 frequently.
 3 Q Did you have a falling out with him when you
 4 were 19?
 5 A No. You mean did I have a problem with him
 6 or --
 7 Q A problem --
 8 A -- or a fight with him?
 9 Q -- with him.
 10 A No.
 11 Q So would you agree that it was something other
 12 than Father Kelly that prompted you to try to commit
 13 suicide when you were 19?
 14 MR. HALE: May call for expert testimony.
 15 MS. YOUNG: Well, I'm asking him.
 16 MR. HALE: I realize that, and I'm making my
 17 record.
 18 THE WITNESS: I don't remember.
 19 BY MS. YOUNG:
 20 Q Was there a period of time, before you tried
 21 to commit suicide, when you felt Father Kelly was
 22 abusing you and you became depressed by that?
 23 A Say that again.
 24 Q Wasn't there a -- was there a period of time
 25 just prior to you trying to commit suicide when you felt

1 Father Kelly was abusing you and you were depressed
 2 because of that?
 3 A No. He was my friend. I thought he was my
 4 friend. No. I tried to talk to him about that, I
 5 think. We talked.
 6 Q You tried to talk to him about what?
 7 A For him to help me.
 8 Q What?
 9 A For him to help me.
 10 Q When? When you were 19?
 11 A I knew him for a lot of years. I thought he
 12 was there to help me.
 13 Q I'm trying to figure out what you talked to
 14 him about when you were 19.
 15 A I talked to him about a lot of things.
 16 Q So was there something that happened when you
 17 were 19 between you and Father Kelly that made you
 18 depressed enough to try to commit suicide?
 19 A No, not with Father Kelly. I don't remember
 20 that. But I know -- I don't think I -- I don't know, I
 21 just didn't -- I don't know what it was, but I -- I
 22 really don't know what it was.
 23 Q So you don't remember what triggered the
 24 suicide attempt, but you know exactly what the note
 25 said?

1 A I don't remember.
 2 Q Do you remember telling one of your therapists
 3 that you didn't -- you weren't really going to kill
 4 yourself, you just wanted to get some attention?
 5 A I don't remember.
 6 Q Who would you say knows the most about your
 7 attempted suicide?
 8 A I don't know.
 9 Q You don't remember who found you?
 10 A It's too long ago.
 11 Q It was too long ago for you to remember?
 12 A Yeah.
 13 Q Was your memory of things that happened a long
 14 time ago -- important things that happened a long time
 15 ago bad?
 16 A Something I don't care to remember.
 17 Q Well, whether you care to remember it or not,
 18 we're -- we're entitled to your best recollection. So
 19 you really have to try.
 20 A That is my best recollection, ma'am. Please,
 21 that is it. I didn't want to remember.
 22 Q In the papers that you submitted for your
 23 previous addresses, it states that for some period of
 24 time, you --
 25 A Excuse me. Excuse me.

1 MR. HALE: Objection.
 2 THE WITNESS: I remember the song.
 3 MR. HALE: Argumentative. Asked and answered.
 4 You can -- you can answer.
 5 THE WITNESS: I remember --
 6 BY MS. YOUNG:
 7 Q Who found --
 8 A -- the song.
 9 Q Who found you?
 10 A I don't remember.
 11 Q Did anyone find the note?
 12 A Yes, they did.
 13 Q Who is "they"?
 14 A I don't remember who it was. It's been too
 15 long.
 16 Q And you don't know if anybody has the note
 17 today?
 18 A No, I don't.
 19 Q Did your mother take you to the hospital after
 20 your suicide attempt?
 21 A I don't know who took me.
 22 Q Now, in connection with your suicide attempt,
 23 besides slitting your wrist, did you do anything else?
 24 A I don't remember.
 25 Q Did you take pills?

1 Q Sure. For some period of time, you lived at
 2 Father Kelly's cabin in the Santa Ynez Mountains; is
 3 that correct?
 4 A Yes.
 5 Q And how old were you when you lived there for
 6 that period of time?
 7 A About 28.
 8 Q Twenty-eight?
 9 A (Inaudible response.) Yes.
 10 Q How long did you live there?
 11 A Just a matter of -- just not very long, about
 12 maybe a month, maybe two months.
 13 Q A month or two?
 14 A I don't know. I think so. It doesn't
 15 really -- I can't remember that well.
 16 Q Was anyone else living there at the time?
 17 A No.
 18 Q So would that have been in about 1983?
 19 A I don't remember.
 20 Q Why were you living there?
 21 A I don't remember. I just wanted to get away,
 22 I guess. I don't remember.
 23 Q Get away from what?
 24 A I don't know. I liked the mountains.
 25 Q And nobody was living at the cabin with you?

1 Was Father Kelly living there with you?
 2 A Say that again.
 3 Q Was anybody living in the cabin with you?
 4 A No.
 5 Q Were you paying rent for the cabin?
 6 A No.
 7 Q So did you -- how did it come about that you
 8 got to live in the cabin for a month or two? Did you
 9 ask Father Kelly if you could do that?
 10 A Yes.
 11 Q And he said yes?
 12 A Yes.
 13 Q Did Father Kelly ever tell you that when he
 14 died, he was gonna leave that cabin to you?
 15 A Yes.
 16 Q When did he tell you that?
 17 A When I was about 12.
 18 Q And did he repeat that to you at various
 19 points after you were 12, when you were older?
 20 A Yes.
 21 Q Now, when Father Kelly died, he had already
 22 sold that cabin; is that correct?
 23 A Yes.
 24 Q When was the first time you found out that
 25 Father Kelly sold the cabin?

1 Q Father Kelly's will?
 2 A (Inaudible response.)
 3 And I think it explained that the cabin had
 4 been sold before two -- I think two years before, and
 5 that it was sold.
 6 Q Was this a letter from a lawyer?
 7 A I don't know.
 8 Q Or was it a letter from someone you knew?
 9 A I never knew that person.
 10 Q You didn't know the person who wrote the
 11 letter?
 12 A No. I didn't know who had sent it.
 13 Q What did you --
 14 A It just came to me.
 15 Q Go ahead.
 16 A No, they just mailed it to me. I'd remember
 17 if they mailed it to me, but I just -- that's how I got
 18 the letter. I just got the letter.
 19 Q And what did you do with the letter?
 20 A I don't know right now.
 21 Q Do you have it?
 22 A Maybe.
 23 Q Have you given a copy to your lawyers?
 24 Your lawyer is shaking his head no. So does
 25 that mean that you haven't?

1 A When somebody mailed me a letter.
 2 Q Who mailed you a letter?
 3 A I don't remember the person.
 4 Q What did -- when was this?
 5 A After his death.
 6 Q After his death?
 7 A (Inaudible response.) Yes.
 8 Q That was the first time. So you didn't find
 9 out until after he died that he had sold the cabin to
 10 someone else?
 11 A Yes.
 12 Q And so you say somebody mailed you a letter.
 13 What did the letter say?
 14 A I don't remember what it said. I don't
 15 remember how it was phrased. I just don't remember.
 16 Q I'm not -- you don't have to tell me exactly
 17 what was said, but what was the gist of it?
 18 A Say that again.
 19 Q You don't have to tell me exactly word for
 20 word what the letter said, but what was the gist of it?
 21 A Give me the layman's terms of "gist." I don't
 22 understand what that word means.
 23 Q What was the -- basically what did the letter
 24 say, not word for word but just a summary?
 25 A It was about, I think, his -- his -- his will.

1 A I don't think so.
 2 Q Okay. Mr. [REDACTED], I would ask that you go
 3 home or wherever that letter might be and find it and
 4 give a copy or the original to your lawyer, including
 5 the envelope if -- if you still have that, so that it
 6 can be produced to me.
 7 Do you agree to do that?
 8 A I'll try.
 9 Q Thank you.
 10 Did you contact someone after Father Kelly
 11 died to find out whether he had left you the cabin?
 12 A I don't remember. I think I --
 13 Q Didn't you call someone or get in touch with
 14 somebody to ask about that cabin?
 15 A I think I talked to my brother.
 16 Q And would this be your brother [REDACTED]?
 17 A Yes.
 18 Q And why would you talk to your brother [REDACTED]?
 19 You have a -- you have a lot of brothers and sisters,
 20 right?
 21 A Pardon?
 22 Q You have a lot of brothers and sisters, right?
 23 A Yes.
 24 Q Why -- what -- why was it that you contacted
 25 [REDACTED] about the cabin?

Page 50

1 A Because [redacted] lived closer to him.
 2 Q Lived closer to who?
 3 A To Father Kelly.
 4 Q You mean he lived geographically close to
 5 Father Kelly?
 6 A Yes.
 7 Q And [redacted] knew Father Kelly?
 8 A Yes.
 9 Q So you contacted your brother [redacted]. This
 10 would have been after Father Kelly died?
 11 A Yes.
 12 Q And what did you say to [redacted] during that --
 13 was it a telephone conversation?
 14 A Yes.
 15 Q What did you say to [redacted]?
 16 A I asked him what had happened, and he told me
 17 that -- that Father Kelly needed an operation, and so I
 18 didn't think nothing of it, and that he had to sell it,
 19 and I said okay.
 20 Q So he told you that -- you asked him what
 21 happened to the cabin, and he told you that Father Kelly
 22 needed an operation and had to sell the cabin; is that
 23 correct? That's what [redacted] told you?
 24 A Yes.
 25 Q Did that bother you?

Page 51

1 A Yeah, that he needed the operation and he
 2 didn't tell me.
 3 Q Who didn't tell you, Father Kelly didn't tell
 4 you?
 5 A Yep.
 6 Q And Father Kelly never told you that he had to
 7 sell the cabin to someone else?
 8 A No.
 9 Q That bothered you?
 10 A Not really at first.
 11 Q Why did you call your brother [redacted] about the
 12 cabin?
 13 A I don't remember. I think -- I'm not sure if
 14 he called me. I don't remember. It's been -- now it's
 15 been a little while and I just kind of just blow it off
 16 as, well, it happened, it happened.
 17 Q Do you know when Father Kelly sold the cabin?
 18 A I think it was two -- two years before his
 19 death.
 20 Q And how did you find that out?
 21 A From the letter.
 22 Q When was the last time you saw Father Kelly
 23 before he died?
 24 A Two weeks before he died.
 25 Q And what was the occasion of that visit? Did

Page 52

1 you go visit him at Nazareth House?
 2 A Yes.
 3 Q What was the occasion of that visit? Why did
 4 you go?
 5 A Because somebody told me he was getting
 6 really -- he was possibly dying.
 7 Q Who told you that?
 8 A I don't remember. So I rushed over there.
 9 And I was trying to -- he said that he wouldn't eat, so
 10 I was trying to make him eat.
 11 Q Who said he wouldn't eat?
 12 A The nurse, that he was probably dying.
 13 Q Did -- when was the last time you talked to
 14 your brother [redacted]?
 15 A It's been a long time.
 16 Q Did your brother [redacted] ever tell you in the
 17 year 2000 that he sold Father Kelly's cabin or helped
 18 Father Kelly sell his cabin?
 19 A No, he didn't -- I don't -- I don't know how
 20 it happened. I really don't know the details.
 21 Q Were you aware of the fact that prior to the
 22 time Father Sel- -- Father Kelly sold the cabin, he
 23 rented the cabin?
 24 A I vaguely remember something like that.
 25 Q You do remember that?

Page 53

1 A Yeah, I think somebody -- I think he said
 2 something, that he -- he needed to rent it out.
 3 Q Father Kelly told you that?
 4 A No, I think my brother did.
 5 Q [redacted]?
 6 A (Inaudible response.)
 7 Q You're nodding your head yes? You have to
 8 answer "yes" or "no."
 9 A Well, I don't remember that well.
 10 Q Well, you said you thought your brother told
 11 you that. Would that brother have been [redacted] or would
 12 it have been another brother?
 13 A Probably was [redacted].
 14 Q Was [redacted] good friends with Father Kelly?
 15 A Yeah, we were -- I thought we were all good
 16 friends of his.
 17 Q Didn't [redacted] tell you that he helped Father
 18 Kelly sell the cabin prior to June of 2000?
 19 A I don't -- I don't know. I don't think so. I
 20 know -- I thought it was Father Kelly that sold it.
 21 Q Yeah, that he -- didn't [redacted] tell you that he
 22 helped Father Kelly sell the cabin prior to June of
 23 2000?
 24 A I don't remember that.
 25 Q Do you remember going to the therapist in June

1 of 2000 on your own --
 2 A I don't know.
 3 Q -- because you were depressed?
 4 A I went to go see [REDACTED]. I don't know
 5 what -- exactly what year that is right now, but I --
 6 Q That was later, I believe, than 2000. We're
 7 talking about the year 2000.
 8 A 2000? 2000? Not in -- not in 2000. I'm
 9 going to take another break. My head is getting kind of
 10 warm.
 11 MS. YOUNG: Okay.
 12 THE VIDEOGRAPHER: We're going off the record.
 13 The time is 11:39 a.m.
 14 (Recess.)
 15 THE VIDEOGRAPHER: We're going back on the
 16 record. The time is 11:46 a.m. Please continue.
 17 MS. YOUNG: Thank you.
 18 BY MS. YOUNG:
 19 Q Mr. [REDACTED], you understand that you're still
 20 under oath?
 21 A Yes.
 22 Q When was the first time you went to see
 23 Dr. [REDACTED]?
 24 A I don't remember.
 25 Q You don't remember?

1 A Say that question again.
 2 MS. YOUNG: You can read it back, please.
 3 She'll read it back to you.
 4 (Record read.)
 5 THE WITNESS: I don't remember.
 6 BY MS. YOUNG:
 7 Q Is there anything that would refresh your
 8 recollection, any document or anything else you can
 9 think of?
 10 A Right now, no.
 11 Q Excuse me?
 12 A Right now, no, I can't -- I can't, ma'am,
 13 sorry.
 14 Q You mentioned earlier that the first time
 15 Father Kelly sexually abused you, you say you were 12
 16 years old; is that correct?
 17 A Yes.
 18 Q What did he do to you?
 19 A He touched me.
 20 Q Where did he touch you?
 21 A On my leg.
 22 Q Where on your leg?
 23 A From my knee working upward.
 24 Q And what was the -- where were you at the
 25 time?

1 A (Inaudible response.)
 2 It's been a few years. I don't know.
 3 Q How was it that you came to see him? Did
 4 you -- were you referred by somebody or did you just go?
 5 A I just went on my own.
 6 Q You went because you were depressed?
 7 A Yes.
 8 Q What were you depressed about?
 9 A I didn't know.
 10 Q You don't know what you were depressed about?
 11 A (Inaudible response.)
 12 MR. HALE: Asked and answered.
 13 BY MS. YOUNG:
 14 Q The witness is shaking his head no.
 15 Were you depressed because you were abused by
 16 your stepfather?
 17 A I don't know why I was depressed.
 18 Q So as we sit here today, why do you think you
 19 were depressed back then?
 20 MR. HALE: May call for expert testimony.
 21 THE WITNESS: I don't know.
 22 BY MS. YOUNG:
 23 Q At the time you first went to Dr. [REDACTED]
 24 because you were depressed, were you already aware of
 25 the fact that Father Kelly had sold his cabin?

1 A I was in bed.
 2 Q In the cabin?
 3 A (Inaudible response.)
 4 Q You have to answer "yes" --
 5 A Yes.
 6 Q -- or "no."
 7 A Yes.
 8 Q Was anyone else at the cabin besides you and
 9 Father Kelly?
 10 A No.
 11 Q And you remember that you were 12 at the time;
 12 is that correct?
 13 A Yes.
 14 Q Now, how is it that you came to remember that?
 15 What helped you remember that?
 16 MR. HALE: Assumes facts.
 17 THE WITNESS: After the dream.
 18 BY MS. YOUNG:
 19 Q The dream helped you remember that?
 20 A Yes, because I started procrastinating from
 21 the beginning, when I met him, and when -- all the
 22 places we went and all the times that I stayed there.
 23 Q So tell me about that first time. He started
 24 touching you from your knee up on your leg while you
 25 were in bed. Were you asleep? I mean, did he wake you

1 up?
 2 A I had been drinking. I was drunk. So was he.
 3 Q Now, how do you know that he was drunk?
 4 A Because he always started it.
 5 Q Okay.
 6 So tell me what happened that time at the
 7 cabin. How -- how did it come to pass that you were at
 8 the cabin?
 9 A Because he invited me to rake the leaves.
 10 Q He invited you to rake the leaves?
 11 A Yeah, to --
 12 Q Had you ever been there before?
 13 A Yes.
 14 Q Had you ever been there before by yourself?
 15 A I don't remember. I just knew I raked the
 16 leaves.
 17 Q When was the first time you went to the cabin?
 18 A I don't remember. I was really -- I was very
 19 young.
 20 Q How young is very young? Five?
 21 A No, 12.
 22 Q Okay. So you were 12.
 23 Yes?
 24 A Around there, yes. Around there, yes. Yes,
 25 ma'am, I'm -- it's around there.

1 Q And how did you first come to go to the cabin
 2 when you were 12, the first time? Not the first time he
 3 sexually abused you, but the first time you were ever at
 4 the cabin.
 5 A He invited us. He invited --
 6 Q Who's "us"?
 7 A Well, once we went up with some other kids.
 8 We -- he just invited us to be up there to -- just to
 9 spend the day.
 10 Q So who did he invite that day to spend the
 11 day?
 12 A Just --
 13 Q You say "us."
 14 A Just some other guys.
 15 Q Who were the other guys?
 16 A Just other guys.
 17 Q Who?
 18 A I don't remember all of them.
 19 Q Well, who were the ones you remember?
 20 A My brother, I think.
 21 Q Which brother?
 22 A My brother [redacted].
 23 Q Who else?
 24 A I don't remember. I know there was my brother
 25 [redacted]. He was supposed to be watching over me.

1 Q How -- how much -- is your brother [redacted] older
 2 than you are?
 3 A Yes, by one year.
 4 Q When is your brother [redacted]'s birthday?
 5 A He's born in the same month I'm born.
 6 Q So he was born in November?
 7 A (Inaudible response.)
 8 Q But a year earlier?
 9 A Yeah, on November 2nd.
 10 Q November 2nd?
 11 A (Inaudible response.)
 12 Q Of 1954?
 13 A I guess, yeah, around there, yeah.
 14 Q So your brother [redacted] was supposed to be
 15 watching over you?
 16 A (Inaudible response.)
 17 Q What do you mean by that?
 18 A Well, he was taking care of me.
 19 Q Now, did your brother [redacted] ask you if you
 20 wanted to go to the cabin?
 21 A I don't remember.
 22 Q Where were you when you were asked if you
 23 wanted to go to the cabin?
 24 A Where was I? I don't remember. Probably at
 25 my house. I don't know.

1 Q So you were at your house. And who asked you
 2 while you were at your house whether you wanted to go to
 3 the cabin?
 4 A I don't remember.
 5 MR. HALE: Misstates testimony.
 6 THE WITNESS: I don't remember.
 7 BY MS. YOUNG:
 8 Q And who else --
 9 A I just know I went to go help to rake the
 10 leaves, okay.
 11 Q What? Say it again.
 12 A I just know I went to help rake the leaves and
 13 to visit and to -- to have -- to play.
 14 Q And who else was with you besides your brother
 15 [redacted]?
 16 A I don't remember.
 17 Q There were other kids, though?
 18 A I don't remember.
 19 Q So is it fair to say you don't remember much
 20 of anything other than the fact that Father Kelly
 21 sexually assaulted you?
 22 MR. HALE: Argumentative. Misstates
 23 testimony. Harassing.
 24 BY MS. YOUNG:
 25 Q You don't remember anyone else who was there

Page 62

1 that -- that first time?
 2 A I wanted to be with my brother, okay. And
 3 I -- I wanted -- I wanted to go. I just wanted to be
 4 with my brother and go to the mountains and that's it.
 5 Q So you went there the first time.
 6 Was that a day trip?
 7 A Yes.
 8 Q Do you remember what day of the week it was?
 9 A No.
 10 Q Do you remember whether it was a weekend or a
 11 weekday?
 12 A No.
 13 Q Do you remember what time of day you left to
 14 go up to the cabin?
 15 A No.
 16 Q You went in Father Kelly's car?
 17 A Yes.
 18 Q Did you go meet him somewhere or did he pick
 19 you up somewhere?
 20 A He picked us up.
 21 Q Picked you up where?
 22 A At my house.
 23 Q Had Father Kelly ever been to your house
 24 before?
 25 A He had been to my house many times. I don't

Page 63

1 remember before or after. He had been to my -- he had
 2 been to my house too -- not inside the house, but just
 3 to the house.
 4 Q So he had come --
 5 A He had been in the house just one time that I
 6 remember. He came for dinner, I think.
 7 Q Was that after you went to the cabin or before
 8 you went to the cabin?
 9 A I don't remember.
 10 Q And how did it -- did he come to dinner by
 11 himself, just Father Kelly, or was he with anyone else?
 12 A By himself.
 13 Q Did somebody invite him to dinner?
 14 A I don't remember.
 15 Q And you don't remember how old you were when
 16 he came to dinner?
 17 A I was very young.
 18 Q And "very young" means...
 19 A Around 12 years old, okay.
 20 Q Do you remember who was at that dinner?
 21 A No, I don't remember that. I know that he
 22 just was there.
 23 Q Did your mother cook for him?
 24 A I guess.
 25 Q Was your stepfather there?

Page 64

1 A I don't remember.
 2 Q Prior to the first time you were ever at
 3 Father Kelly's cabin, had your brother been there
 4 before?
 5 A Yes.
 6 Q Did your brother used to go often?
 7 A I don't remember.
 8 Q So what happened the first time you were at
 9 the cabin, the time that it was just a day trip? Did
 10 you rake leaves?
 11 A Yes.
 12 Q And what else did you do there?
 13 A Went down to the bottom of the hill to look at
 14 the river.
 15 Q Who was with you when you went down to look at
 16 the river?
 17 A I don't remember.
 18 Q Do you know what time of year it was?
 19 A No.
 20 Q Was there more than one person down at the
 21 bottom of the river with you when you were looking at
 22 the river?
 23 A I don't remember.
 24 Q And what else did you do that day at the
 25 cabin?

Page 65

1 A I don't remember.
 2 Q Did your brother take you down to look at
 3 the river?
 4 A I don't remember.
 5 Q Did you swim in the river?
 6 A No. I don't think so because I don't -- I
 7 don't like swimming.
 8 Q You don't like to swim?
 9 A (Inaudible response.)
 10 Q Is that what you said?
 11 A (Inaudible response.)
 12 Q So when you were a little boy, you didn't like
 13 to swim, either?
 14 A I just don't like water, other than to work
 15 with it when I do .
 16 Q Did you ever swim in that river down there at
 17 the cabin?
 18 A Yes, I've been in that water. Had my feet in
 19 the water.
 20 Q You've had your feet in the water?
 21 A (Inaudible response.)
 22 Q That's all? You never swam in it?
 23 A No, because I -- I don't know how to swim.
 24 Q Okay.
 25 Well, just tell me that. That's fair enough.

Page 66

1 A Well, I mean I'm a 51-year-old man. Do you
 2 think I feel right telling people that I don't know how
 3 to swim?
 4 Q Well, I'm not testifying, but you know what,
 5 my father never learned how to swim and he lived until
 6 he was 85.
 7 A I'm sorry. Well, for me that's --
 8 Q So it's not unusual to me.
 9 Okay. So you don't know how to swim, so you
 10 never went swimming down there.
 11 Did your brother know how to swim, your
 12 brother [REDACTED]?
 13 A I think he does.
 14 Q Did you ever see him swimming in there?
 15 A I don't remember.
 16 Q So what else did you do that day, that first
 17 day, besides rake leaves?
 18 A I don't remember.
 19 Q You don't remember anything that you did that
 20 day, other than --
 21 A I went to play.
 22 Q -- rake leaves?
 23 A I just went to play and to help.
 24 Q And when you say you went "to play," what did
 25 you do to play when you got there?

Page 67

1 A That, what I told you, to walk down into the
 2 wat- -- to the bottom of the hill and look around at the
 3 cabin and being in the mountains. I was happy to be in
 4 the mountains.
 5 Q Do you remember anything else that you did
 6 that day?
 7 A No, it's been too long.
 8 Q And eventually that day, that same day, you
 9 all went home?
 10 A Yes.
 11 Q Did you go straight home?
 12 A Father Kelly took us to our house.
 13 Q He dropped you off at your house --
 14 A (Inaudible response.)
 15 Q -- you and [REDACTED]?
 16 A (Inaudible response.)
 17 Q "Yes"?
 18 A I believe so. I think so.
 19 Q And -- and you don't remember whether there
 20 was anybody else in the car going home?
 21 A Oh, I don't remember.
 22 Q How long were you at the cabin that day --
 23 do you remember that -- approximately?
 24 A I don't remember.
 25 Q When was the next time you went to the cabin

Page 68

1 with Father Kelly?
 2 A Oh, not very long. I don't remember.
 3 Q By the way, when you went that first time, was
 4 it light out when you got there? Was it daytime when
 5 you got there?
 6 A Yes.
 7 Q So it wouldn't have been on a school day?
 8 A I don't remember.
 9 Q Was it light when you came home?
 10 A Yes.
 11 Q Before you went that first day, did you tell
 12 your parents where you were going, your mother and your
 13 stepfather?
 14 A Yes.
 15 Q What did you tell them?
 16 A That I was going to go help, I think. I don't
 17 remember for certain, but I -- I had to tell my mother
 18 where I was going.
 19 Q And you say after that first time, it wasn't
 20 very long before you went back again; is that what you
 21 said?
 22 A (Inaudible response.)
 23 Q Do you remember the second time you went?
 24 A (Inaudible response.) No.
 25 Q Do you remember whether the second time was a

Page 69

1 day trip, like the first time, or whether it was an
 2 overnight trip?
 3 A No.
 4 Q Do you remember who was with you the second
 5 time you went?
 6 A No.
 7 Q How many times had you been at the cabin
 8 before Father Kelly sexually assaulted you?
 9 A Repeat the question.
 10 MS. YOUNG: You can read it back, please.
 11 (Record read.)
 12 THE WITNESS: I don't remember. It's been a
 13 few -- it had been a few times, I think.
 14 BY MS. YOUNG:
 15 Q Had you ever been at the cabin overnight
 16 before he sexually assaulted you?
 17 A I'm not sure.
 18 Q How did you meet Father Kelly?
 19 A I don't even remember now. Probably -- my
 20 brother belonged to a group called the Blue Jacket
 21 Teenage Club.
 22 Q Your brother [REDACTED]?
 23 A Yeah.
 24 And he was -- I was -- he was my older
 25 brother. I wanted to, you know, be around him, you

1 know, and I liked the things that he was doing. So I
 2 followed him.
 3 Q So you followed him where?
 4 A Well, the things that he wanted to do, I
 5 wanted to do.
 6 Q So the question was how did you meet Father
 7 Kelly? Your brother [redacted] introduced you to Father Kelly?
 8 Is that what you're saying?
 9 A I think so.
 10 Q Did your brother [redacted] ever warn you about
 11 Father Kelly?
 12 A No.
 13 Q So we were talking about the first time that
 14 Father Kelly sexually molested you.
 15 You told me he put his hand -- you were both
 16 drunk, you said. How much did you drink, you?
 17 A I don't remember. It was a lot.
 18 Q It was a lot. What was it? What was the
 19 drink?
 20 A It was beer.
 21 Q But you don't remember how many -- was it cans
 22 of beer, bottles of beer?
 23 A Cans.
 24 Q What kind of beer?
 25 A Budweiser.

1 Q And how many did you drink, how many cans?
 2 A I don't know. I knew -- there was always beer
 3 there.
 4 Q Well, when was the first time you had a beer?
 5 A There.
 6 Q When?
 7 A I don't remember. He was always telling us we
 8 were -- we looked thirsty. How ironic that sounds now.
 9 Q So he was telling you you looked thirsty
 10 and --
 11 A After raking the leaves.
 12 Q After you raked leaves.
 13 And that first time you went to the cabin for
 14 the day trip, did you have a beer then?
 15 A No.
 16 Q So when was the first time you had a beer?
 17 A Sometime after.
 18 Q But you don't remember when?
 19 A No.
 20 Q And prior to that, you had never had a beer
 21 before; is that correct?
 22 A I don't think so. I'm not a --
 23 Q You're not sure?
 24 A I was introduced there, I think.
 25 Q Introduced to beer there at his cabin?

1 A Yep.
 2 Q "Yes"?
 3 A (Inaudible response.)
 4 Q So the first time you were introduced to beer
 5 there, how many beers did you drink?
 6 A I didn't even finish it. I just tasted it.
 7 Q You didn't like the taste?
 8 A (Inaudible response.)
 9 Q You're --
 10 A No.
 11 Q -- shaking your head no?
 12 A No.
 13 Q And you said that wasn't on your first trip
 14 there; that was sometime after that?
 15 A Yeah.
 16 Q But you don't remember how many trips after
 17 that it was?
 18 A Not exactly. I don't remember.
 19 Q How many times did you go to the cabin prior
 20 to the time Father Kelly sexually assaulted you?
 21 MR. HALE: Asked and answered.
 22 THE WITNESS: I had been there many times.
 23 BY MS. YOUNG:
 24 Q You had been there many times before he
 25 sexually assaulted you?

1 A Oh.
 2 Q My question --
 3 A Maybe --
 4 Q Maybe you didn't understand.
 5 A Maybe I didn't understand it.
 6 Q You didn't understand it, maybe.
 7 What I'm asking you is, there was one time
 8 that you described to us where you went on an overnight
 9 trip with Father Kelly and -- to the cabin and he
 10 sexually assaulted you. That was the first time, you
 11 said, that he sexually assaulted you.
 12 My question is: How many times before that
 13 had you been to the cabin?
 14 A I don't remember. But I had been there a few
 15 times.
 16 Q A few times? A few being --
 17 A I just --
 18 Q -- less than five?
 19 A I -- I don't remember.
 20 Q Try to remember.
 21 A It's --
 22 Q It's important.
 23 A -- too long ago. I just know I went to go
 24 rake leaves.
 25 Q I understand that.

Page 74

1 My question is: Before the first time Father
 2 Kelly assaulted you, how many times had you been at the
 3 cabin?
 4 A I can't remember that far back.
 5 Q Well, sir, you know, you're remembering
 6 certain things that happened that far back. You're
 7 remembering what happened that far back the things that
 8 you want to remember. So you're gonna have to try to
 9 remember the things that we would like you to remember.
 10 MR. HALE: Objection. Argumentative.
 11 THE WITNESS: But --
 12 BY MS. YOUNG:
 13 Q Had you been there -- prior to the time Father
 14 Kelly assaulted you, had you been there five times? Had
 15 you been there more than five times?
 16 A I don't remember. It's happened too long ago.
 17 Q But you do remember that the first time you
 18 tasted the beer was before the incident when Father
 19 Kelly assaulted you; is that correct?
 20 A Yeah, because I didn't -- I didn't drink beer.
 21 Q So you tasted the beer and you didn't like
 22 it --
 23 A No --
 24 Q -- correct?
 25 A -- it didn't taste good.

Page 75

1 Q So the next time you came to the cabin after
 2 that, did you have a beer?
 3 A I don't remember.
 4 Q But you said the time that you -- the first
 5 time Father Kelly assaulted you, you had consumed some
 6 amount of beer that you don't remember, but it was a --
 7 enough to make you drunk; is that correct?
 8 A Yes, I was very skinny.
 9 Q What?
 10 A I say, "I was very skinny." I was a very
 11 small person.
 12 Q So how many beers did it take to make you
 13 drunk that time? How many did you drink?
 14 A I don't know.
 15 Q And do you remember whether anyone else was at
 16 the cabin with you?
 17 A No. It was just me and Father Kelly.
 18 Q So that time it was just you and Father Kelly
 19 and you were 12.
 20 How are you sure that you were 12 and not 13,
 21 for example? How do you remember that?
 22 A Because of the car.
 23 Q What car?
 24 A The car, he had just purchased it.
 25 Q And what car was it that he had just

Page 76

1 purchased?
 2 A It was a Skylark.
 3 Q A Buick Skylark?
 4 A (Inaudible response.)
 5 Q When did he purchase that?
 6 A When he came to dinner.
 7 Q But you told me a little while ago you don't
 8 remember whether he came to dinner before that first
 9 time you were assaulted or after.
 10 A I --
 11 MR. HALE: Misstates testimony.
 12 THE WITNESS: The lights didn't work on that
 13 car.
 14 BY MS. YOUNG:
 15 Q Yes.
 16 A That's how I remember that car. When he
 17 brought it to the house, the lights didn't work.
 18 Q When he brought it to the house -- and he
 19 brought it to the house when he came to dinner?
 20 A Yes.
 21 Q And that was when you were 12?
 22 A Yes.
 23 Q And how do you know that you were 12 and not
 24 13? That's what I'm asking. How do you remember that
 25 you were 12 versus 13 -- well, versus 11, for that

Page 77

1 matter?
 2 A I was just a kid.
 3 Q I understand that. But you're a kid not only
 4 when you're 12, you're a kid when you're 10, you're a
 5 kid when you're 11, you're a kid when you're 12, you're
 6 a kid when you're 13.
 7 So how do you remember that you were 12?
 8 That's my question.
 9 A At the moment I can't tell you that. I don't
 10 know.
 11 Q Do you know what year the Buick Skylark was?
 12 A I think it was a '69 or '70.
 13 Q '69 or '70? You're not sure?
 14 A (Inaudible response.)
 15 I didn't know a whole lot about cars back
 16 then.
 17 Q Did he buy it new?
 18 A Yes, it was new.
 19 Q And you don't remember what month it was when
 20 he came to dinner with that car?
 21 A No.
 22 Q Was that the first time you had seen the car?
 23 A Yes.
 24 Q And when you say the lights didn't work, what
 25 do you mean? How did you know the lights didn't work?

1 A Because when he was getting ready to leave, it
 2 was dusk and he wanted to turn the lights on and they
 3 didn't go on.
 4 Q What else can you tell me about that first
 5 assault? You said he was touching your leg from your
 6 knee upwards. How far upwards?
 7 A All the way up.
 8 Q So he did touch your penis on that -- we're
 9 still talking about that first time.
 10 A I don't remember if he touched me then, that
 11 particular time.
 12 Q You don't remember?
 13 A I just know he touched me.
 14 Q You mean you just know he touched you at some
 15 point after that, for sure, you know that much?
 16 A I thought he was having a bad dream. He was
 17 moving in the bed and I thought he was having a bad
 18 dream.
 19 Q Had you ever masturbated prior to that time?
 20 A I was 12 years old.
 21 Q Is that a "yes" or a "no"?
 22 A No.
 23 MS. YOUNG: Why don't we -- we have to take a
 24 break because we're out of tape. So why don't we take a
 25 three-minute break.

1 So you were telling us before the break that
 2 on that first instance of sexual abuse by Father Kelly
 3 in the cabin, you thought he was having a bad dream. Is
 4 that what you said?
 5 A Yes.
 6 Q And why did you think he was having a bad
 7 dream?
 8 A Because he was moving.
 9 Q And where was he moving?
 10 A On his side of the bed. He was moving around.
 11 Q So you were on one side of the bed and he was
 12 on the other side of the bed?
 13 A Yes.
 14 Q How big a bed was it? Was it like a double
 15 bed? A queen size bed? A king size bed?
 16 A Enough for two people to sleep on.
 17 Q But you don't remember how big? So at least a
 18 double bed, but you don't remember if it was bigger than
 19 that?
 20 A A double bed is -- I don't know how --
 21 Q A double bed is for two people to sleep on.
 22 A Then I --
 23 Q That's the smallest two people can sleep on.
 24 A I guess.
 25 Q Was there space between the two of you when

1 THE VIDEOGRAPHER: We're going off the record.
 2 The time is 12:21 p.m. This is the end of Media No. 1.
 3 (Recess.)
 4 THE VIDEOGRAPHER: We're going back on the
 5 record. The time is 12:28 p.m. This is the beginning
 6 of Media No. 2. Please continue.
 7 MS. YOUNG: Thank you.
 8 BY MS. YOUNG:
 9 Q Mr. [REDACTED], you're still under oath. You
 10 understand that?
 11 A Yes.
 12 Q Now, Mr. [REDACTED], I'm not trying to be mean to
 13 you, but you -- you filed this lawsuit against my
 14 client. You're asking for a lot of money. And we have,
 15 the Archdiocese, the Archbishop has the right to
 16 understand exactly what happened and why you're holding
 17 them responsible.
 18 Do you understand that?
 19 A Say it again.
 20 MS. YOUNG: You can read it back, please.
 21 Because I can't remember what I said.
 22 (Record read.)
 23 THE WITNESS: Yes.
 24 BY MS. YOUNG:
 25 Q Okay.

1 you went to sleep in the bed?
 2 A Yes.
 3 Q Who got into bed first that night? And I'm
 4 talking about that first night, the night when he
 5 first -- the first time he assaulted you.
 6 A I don't remember.
 7 Q What did you wear to bed that night?
 8 A Pajamas.
 9 Q You brought them with you from home?
 10 A No.
 11 Q Where did you get them?
 12 A He gave them to me.
 13 Q So did you know when you went up there that
 14 you were staying overnight that night?
 15 A I don't remember.
 16 Q Would you have told your mother? You
 17 testified before you had to tell your mother where you
 18 were going.
 19 A I don't remember whether I told her, but I
 20 probably did.
 21 Q But you didn't bring any pajamas with you; is
 22 that your testimony?
 23 A (Inaudible response.) No.
 24 Q So Father Kelly gave you pajamas to wear?
 25 A Yes.

Page 82

1 Q Were they too big on you?
 2 A They were adjustable.
 3 Q What do you mean by that?
 4 A You could take them in.
 5 Q Like the pants you mean, a drawstring?
 6 A With the little buttons.
 7 Q On the pants?
 8 A Yes.
 9 Q Were they long pants?
 10 A I don't remember. Were they long? They
 11 fitted down to my --
 12 Q Down to the floor, I mean, as opposed to
 13 shorts.
 14 A They were long.
 15 Q Were they too long on you?
 16 A Probably. I don't remember.
 17 Q How tall were you back then?
 18 A I don't remember how tall I was.
 19 Q How tall are you today?
 20 A Well, they told me six-one.
 21 Q Do you remember when -- how old you were when
 22 you came to be six feet?
 23 A No. Probably junior high, high school. I was
 24 very tall. I think I was tall.
 25 Q You were tall in junior high. So junior high

Page 84

1 A Explain to me puberty.
 2 Q Well, let me rephrase the question.
 3 How old were you the first time you had an
 4 erection?
 5 A I don't remember.
 6 Q You don't remember?
 7 A No.
 8 Q How old were you the first time you had sex
 9 with a woman or girl -- girl?
 10 God, my stomach.
 11 A In ninth grade.
 12 Q Eighth grade, did you say?
 13 A No.
 14 Q I'm sorry, I didn't hear you.
 15 A I think it was in the ninth grade or --
 16 Q Ninth?
 17 A Ninth grade.
 18 Q Do you remember who that was?
 19 A Yeah.
 20 Q What was her name?
 21 A [REDACTED].
 22 Q Was she your girlfriend at the time or
 23 somebody you had been dating?
 24 A I probably had sex with her a little bit
 25 later, but I -- I remember I went with her to the high

Page 83

1 is seventh to ninth grade?
 2 A Yes.
 3 Q Now, did Father Kelly give you -- when you say
 4 he gave you pajamas, you described the bottoms. Did he
 5 give you a top also?
 6 A Yes.
 7 Q And was it a short-sleeved or long-sleeved
 8 top?
 9 A Long-sleeved.
 10 Q Was it too big on you?
 11 A Yes.
 12 Q Did he tell you whose it was?
 13 A No. Probably -- I thought -- assumed it was
 14 his.
 15 Q And -- and you mentioned earlier Father Kelly
 16 was tall. How tall was Father Kelly then?
 17 A I don't know. About my height, I guess.
 18 Maybe a little taller.
 19 Q So he was a little over six feet, you think?
 20 A (Inaudible response.)
 21 Q Is that a "yes"?
 22 A Yes.
 23 Q How old were you when you went through puberty
 24 the first time -- I mean -- the first time -- how old
 25 were you when you went through puberty?

Page 85

1 school prom -- the junior high prom.
 2 Q The junior high prom.
 3 A (Inaudible response.)
 4 And then that's where I met her, so it was
 5 probably a little bit after.
 6 Q So ninth grade -- was the junior high prom was
 7 in ninth grade?
 8 A I think I had sex with her after that. I
 9 didn't -- I didn't know her that well then.
 10 Q But when you went to the prom with her, it was
 11 ninth grade?
 12 A Yeah.
 13 Q Was she the same grade as you?
 14 A Yes.
 15 Q And sometimes when I ask you these questions
 16 and you answer them, you act as if I should know the
 17 answers. I don't know the answers.
 18 A I don't know which -- which question are you
 19 talking about?
 20 Q A lot of them.
 21 What else happened that first evening when
 22 Father Kelly molested you? You said he started moving
 23 in the bed, his side of the bed.
 24 Did you know what was happening?
 25 A No. I thought he was just having a bad dream.

1 Q So did you try to wake him up?
 2 A No. I thought it was very disrespectful.
 3 Q It would have been disrespectful to wake him
 4 up?
 5 A No, it would have been disrespectful to ask
 6 him.
 7 Q So you didn't try to wake him up?
 8 A No, not the first time.
 9 Q And when he was moving on his side of the bed,
 10 was he touching you?
 11 A Yeah.
 12 Q Where?
 13 A On my leg.
 14 Q So which way were you facing? Were you facing
 15 each other?
 16 A I don't remember. I thought I was just facing
 17 straight up. I don't remember.
 18 Q You don't remember whether you were laying on
 19 your back or on one side or the other side or your
 20 stomach?
 21 A I think I was laying on my back, I think.
 22 Q You think you were laying on your back?
 23 A (Inaudible response.)
 24 Q Is that how you usually slept when you were 12
 25 years old, on your back?

1 A Sometimes, because I had a -- a breathing
 2 problem and I couldn't breathe very well. So sometimes
 3 I'd lay on my -- on my back so I could breathe better.
 4 Q So you had a breathing problem back when you
 5 were 12 years old before --
 6 A I didn't know it was a problem.
 7 Q You found out later?
 8 A Yeah.
 9 Q But you remember as a kid you had trouble
 10 breathing when you went to sleep?
 11 A No, I just felt more comfortable and I could
 12 breathe better.
 13 Q And was Father Kelly, when this was going on,
 14 this moving, what you thought was a bad dream, was he on
 15 his back or was he on his side or was he on his stomach?
 16 A I don't remember.
 17 It was --
 18 Q But --
 19 A -- dark in the room.
 20 Q Excuse me?
 21 A It was dark in the room.
 22 Q What was he wearing in the bed?
 23 A His pajamas.
 24 Q A top and a bottom?
 25 A Yes.

1 Q Were they long pants pajamas?
 2 A Yes.
 3 Q And long-sleeved shirt?
 4 A Yes.
 5 Q And did he have his pajamas on when he was
 6 moving in the bed?
 7 A Pardon?
 8 Q Did he have the pajamas on when he was moving
 9 in the bed?
 10 A Yes. I really don't know, because with the
 11 blankets around me, I couldn't really tell, but I --
 12 Q You didn't see him take them off?
 13 A No.
 14 Q So was any other part of his body touching you
 15 other than his hand or arm?
 16 A No, no.
 17 Q And where was his hand specifically while he
 18 was moving?
 19 MR. HALE: Asked and answered.
 20 THE WITNESS: He touched --
 21 BY MS. YOUNG:
 22 Q You can answer.
 23 A He touched me on my leg and then he started
 24 going up.
 25 Q And how far up did he get that first time?

1 MR. HALE: Same objection.
 2 BY MS. YOUNG:
 3 Q You can answer.
 4 A There were times I woke up and I felt like
 5 somebody had touched me all the way to the top.
 6 Q But I'm just asking you about this first time
 7 now. We want to start with the first time. We'll go
 8 through the other times later.
 9 A Say the question again.
 10 Q You said that that first time he had his
 11 hand -- he started at your knee and then he started
 12 moving up. And I said, "How far up did he go that first
 13 time?"
 14 A I don't remember.
 15 Q And what else happened that first time, other
 16 than what you just described? Anything else?
 17 A Well, after a while he stopped moving and went
 18 to sleep.
 19 Q And did you fall asleep then?
 20 A I was already -- I was drunk. I was already
 21 trying to -- trying to sleep. All that moving just woke
 22 me up, but I was kind of groggy and I just went right
 23 back to sleep. I was drunk.
 24 Q Was that the first time you had ever been
 25 drunk?

Page 90

1 A I think so.
 2 Q You think so?
 3 A (Inaudible response.) I do.
 4 Q Were you sick? In other words, were you --
 5 did you puke?
 6 A No, I just didn't like the taste. In the
 7 very, very beginning, I didn't like the taste.
 8 Q No, I'm talking about that night.
 9 A I don't remember.
 10 Q But you remember you were drunk?
 11 A Yes, but if I threw up, I don't remember that.
 12 I know I had a headache.
 13 Q You had a headache after?
 14 A Yeah, didn't feel good.
 15 Q The next morning, you mean?
 16 A Yeah.
 17 Q And you don't remember how many beers you
 18 drank?
 19 A No.
 20 Q Is there anything else you remember about that
 21 night, that first night that he assaulted you when you
 22 were drunk?
 23 A I can't remember right now. I don't think so.
 24 I can't remember. It's been too long.
 25 Q When was the first time that you remembered

Page 91

1 the details that you just told me about that assault,
 2 that first time that he assaulted you?
 3 A It was after I had the dream, a little bit
 4 later I started remembering and remembering and
 5 remembering, and then I got -- I got really scared.
 6 Q How do you know what really happened that
 7 night? You were drunk, right? It was the first time
 8 you were ever drunk. How do you know what really
 9 happened?
 10 A Because now that I think about it, when I go
 11 back and it sounded even more now -- it sounds
 12 more like --
 13 THE REPORTER: I'm sorry?
 14 THE WITNESS: I said it sounded, after
 15 remembering all the times I had been there and all
 16 the -- the -- the nights sleeping in the bed, and it
 17 sounded more like a -- like a -- what do you call that
 18 after you -- after you masturbate?
 19 BY MS. YOUNG:
 20 Q I -- I don't know.
 21 MR. HALE: You gotta testify. She can't
 22 testify for you.
 23 THE WITNESS: Well, I'm -- what I'm saying is
 24 after you -- you have sex and you're finished.
 25 BY MS. YOUNG:

Page 92

1 Q But my question is: How do you know that that
 2 happened, after all these years? You keep telling me
 3 all these years it's so hard to remember. How do you
 4 know that that's what happened that night?
 5 A Because after the dream, I told you, I started
 6 remembering him.
 7 But when I first met him, I started dwelling
 8 on him. When I met him and what we used to do at the
 9 cabin and when I started staying there and -- and I
 10 thought they were going to be nice memories, but they
 11 didn't turn out being nice memories. They turned out to
 12 be -- more and more detail, I started remembering that
 13 it turned out being something else.
 14 Q And was this -- when you say "more and more,
 15 they didn't turn out to be nice memories," and was this
 16 before you sought the help, or your lawyers sent you to,
 17 or either one, a psychologist to help you?
 18 A I don't remember. I had that -- during --
 19 after I had the dream. After I had the dream.
 20 MR. HALE: Belatedly, misstates testimony.
 21 BY MS. YOUNG:
 22 Q And you had the dream, you said, earlier in
 23 December, approximately, of 2002, correct?
 24 A Yeah, I think that's when it is.
 25 Q Excuse me?

Page 93

1 A I believe that's what I thought it was, 2002,
 2 because I moved out of my house after that -- that --
 3 Q You moved to a different house?
 4 A Yeah, at that time. And it happened when I
 5 was still in that house.
 6 Q And have you had -- well, after it happened,
 7 right after the dream, you testified that you went up in
 8 a van and you went to the mountains and you tried to
 9 scream and you told us all about that.
 10 But then did you go to a therapist?
 11 A After, after I -- after my body didn't really
 12 want to move anymore, I was kind of like stuck in one
 13 spot and I was trying to figure out what was wrong. I
 14 couldn't -- I didn't know what was wrong. But there was
 15 something wrong. I knew there was something wrong, but
 16 I couldn't place it.
 17 So as I realized that I was being stuck more
 18 and more into one spot, I had to reach out for help.
 19 And so I was gonna call a doctor, but then I thought to
 20 myself, well, it doesn't -- the problem seems to be more
 21 like in my head than it is inside my -- physically I
 22 didn't hurt myself or anything. So I thought about it,
 23 and I said, well, maybe I should call the psychiatrist,
 24 something's wrong, or a -- somebody.
 25 Q And who did you call?

1 A I don't remember.
 2 Q But this would have been early 2003, you
 3 think?
 4 A Yep.
 5 Q And you don't remember who you called.
 6 And when you called that person, whoever it
 7 was, and you went to see them?
 8 A I made an appointment.
 9 Q What did you tell them? I mean when you got
 10 to your first appointment.
 11 A That I didn't know what was causing it, but I
 12 was having some -- I couldn't move and I couldn't be
 13 that way because I needed to work.
 14 Q Did you tell them that you had been abused by
 15 Father Kelly?
 16 A I don't remember.
 17 Q Did you tell them that you had a dream and you
 18 just remembered, because of the dream, that you had been
 19 abused by Father Kelly?
 20 A I started telling him later. I couldn't say
 21 anything to anybody right away.
 22 Q And would later be --
 23 A I started remembering more and more later and
 24 so I started -- as I started to remember more and more
 25 later, then I came out and told him, and I couldn't stop

1 Q Well, give me some idea what -- what was it
 2 when it was less and what was it when it was more?
 3 A Sometimes it was \$20. Sometimes it was \$40,
 4 50, sometimes a hundred.
 5 Q This is for raking the leaves when you used to
 6 go up during the day?
 7 A (Inaudible response.)
 8 Q So sometimes -- this is before the assault?
 9 I'm talking about before the assault, before the first
 10 time you were assaulted by Father Kelly, when you used
 11 to go up with your brother for a day trip to the cabin
 12 to rake the leaves.
 13 A Say it again now.
 14 Q Before Father Kelly ever assaulted you, the
 15 trips that we talked about where you used to just go up
 16 for the day to rake the leaves, you say he gave you
 17 money on those times, correct?
 18 A Yes.
 19 Q How much?
 20 A Most of the time those were just like \$20. To
 21 me that was a lot of money.
 22 Q And then you say he dropped you off when --
 23 the first assault, you said -- I said, "What happened in
 24 the morning?" and you said he took you home and he
 25 dropped you off at your house, and he gave you money,

1 crying.
 2 Q And would that have been after you spoke to
 3 your lawyers for the first time?
 4 A I don't remember.
 5 Q The next morning after that first night that
 6 you spent with Father Kelly where you say he abused you,
 7 the next morning, what happened?
 8 A Say it again.
 9 Q After the first night you described to us that
 10 you spent with Father Kelly where he abused you for the
 11 first time, what happened the next morning?
 12 A He took me home.
 13 Q Dropped you off at your house?
 14 A Yeah, gave me some money and took me home.
 15 Q Was that the first time he ever gave you any
 16 money?
 17 A No. He gave me money for raking the leaves.
 18 Q When you went up for the day, you mean?
 19 A When I went to go help rake the leaves.
 20 Q He gave you money on those times?
 21 A He gave me money all the time.
 22 Q So how much did he give you for raking the
 23 leaves?
 24 A Sometimes -- it changed. Sometimes it was
 25 more; sometimes it was less.

1 correct?
 2 A (Inaudible response.)
 3 Q How much money did he give you that time?
 4 A I don't remember.
 5 Q Did you eat breakfast with him that morning?
 6 A I don't think so.
 7 Q So you think you woke up and he took you right
 8 home? No breakfast?
 9 A I don't remember.
 10 Q Did you talk that morning, to Father Kelly, I
 11 mean?
 12 A I always talked to him. I was always talking
 13 to him.
 14 Q So what was the conversation that morning
 15 after that first assault; do you remember?
 16 A No.
 17 Q You don't remember anything about it?
 18 A Conversation?
 19 Q The conversation.
 20 A We talked about a lot things.
 21 Q What did you talk about that first morning?
 22 A I don't remember. It was too long ago.
 23 Q But you remember the assault; that was the
 24 same amount of time ago?
 25 MR. HALE: Objection. Argumentative.

Page 98

1 A I don't remember.
 2 BY MS. YOUNG:
 3 Q Were you upset with Father Kelly that morning?
 4 A No.
 5 Q When was the next time you went to the cabin?
 6 A I don't remember, but it wasn't very long.
 7 Q The next time you went to the cabin, was it a
 8 day trip or an overnight trip?
 9 A I don't remember.
 10 Q Were there other people there?
 11 A I don't remember.
 12 Q When was the next time that Father Kelly --
 13 that -- that you say Father Kelly sexually assaulted
 14 you?
 15 A I don't remember.
 16 Q Was it on the very next trip to the cabin?
 17 A I don't remember.
 18 Q Is there anything that would help refresh your
 19 recollection?
 20 A Yeah.
 21 Q What?
 22 A If you can take me back in time, I could tell
 23 you.
 24 I can't remember.
 25 He was my friend. I thought he was my friend.

Page 99

1 Q So how do you know he wasn't your friend?
 2 A Because now I think about it more and more
 3 now. He wasn't there to help me.
 4 Q He wasn't there to help you when?
 5 A When I was in my troubled times.
 6 Q When was that?
 7 A All through my life.
 8 Q What?
 9 A All through my life, from the time that I met
 10 him.
 11 Q What did you want him to help you with?
 12 A At least to answer questions that I couldn't
 13 get, like there's things I wanted to know.
 14 Q Like what?
 15 A Everything a father, you would expect, would
 16 be able to answer.
 17 Q Well, did you ask him questions and he didn't
 18 answer them; is that what you're saying?
 19 A Oh, I answered -- I asked him a lot of
 20 questions, yes.
 21 Q Okay.
 22 What questions did you ask him that he didn't
 23 answer?
 24 A That he didn't answer?
 25 Q Isn't that what you just said, you wanted him

Page 100

1 to answer questions?
 2 A No, I wanted to talk -- I always liked talking
 3 to him because he was a very talkative person and -- and
 4 I can -- you know, I can talk to him just about
 5 anything.
 6 Q So did you ever talk to him and ask him things
 7 and ask him for help with something and he refused to
 8 answer you or refused to help you?
 9 A He was always there to listen.
 10 Q Is that a "yes" or a "no"?
 11 A Ask me the question again.
 12 MS. YOUNG: Can you read it, please.
 13 (Record read.)
 14 THE WITNESS: I don't remember. I know he
 15 always -- if I needed a ride somewhere, he was there to
 16 give me the ride. If I needed money, he was always
 17 there to give it to me. He was always there. It seemed
 18 like he had lots of time on his hands, lots of time.
 19 BY MS. YOUNG:
 20 Q And I take it you never told him, when you
 21 were older, that you felt he had abused you when you
 22 were a child?
 23 A He was my friend.
 24 Q It's a yes-or-no answer. Move to strike.
 25 Did you ever tell him when you were older that

Page 101

1 you felt he had abused you when you were a child?
 2 A No.
 3 Q When is the next time you remember him
 4 assaulting you sexually? We need to go through each
 5 instance.
 6 A It's been too long it's happened.
 7 Q Sir, you say it's been too long, but you're
 8 suing for a lot of money because of these assaults. You
 9 can't just say --
 10 A I've been there many times.
 11 Q -- it's been too long.
 12 A Sometimes there were day trips and sometimes
 13 day trips turned to night trips.
 14 Q So when was the next time after that first
 15 time? Do you remember --
 16 A I don't remember.
 17 Q -- when the next time --
 18 A It's been too long.
 19 Q What other specific assaults by Father Kelly
 20 do you remember?
 21 A It was always the same thing. I thought he
 22 was having a nightmare.
 23 Q So on each instance in the cabin, the same
 24 thing occurred that you described to us that occurred
 25 the first time and you thought he was having a

1 nightmare?
 2 A Uh-huh.
 3 Q Is that a "yes"?"
 4 A Say that again.
 5 MS. YOUNG: Can you read it back, please.
 6 (Record read.)
 7 THE WITNESS: Yes.
 8 BY MS. YOUNG:
 9 Q And on how many -- did it ever vary? Did
 10 anything different ever happen?
 11 A No, it seemed pretty much the same thing.
 12 Q And on each of those instances, were you
 13 drunk?
 14 A We always drank up there.
 15 Q That wasn't my question. On each of those
 16 instances, were you drunk?
 17 A I don't know. I'd say yes.
 18 Q Did you ever get sick when you were drunk on
 19 any of those occasions, throw up?
 20 A Yeah, the next day.
 21 Q You threw up the next day?
 22 A Yeah, sometimes I did.
 23 Q Did you ever black out after you drank, pass
 24 out?
 25 A Excuse me. Yeah, I remember I did once:

1 A Not many.
 2 Q Is that two? Is it four? Is it one? Is it
 3 six? Six-pack?
 4 A Maybe three.
 5 Q Three? Three cans?
 6 A Yeah.
 7 Q Were they 12-ounce cans? Were they 16-ounce
 8 cans?
 9 A Sometimes they were -- some of them were
 10 bigger and some of them were smaller.
 11 Q You don't remember?
 12 A Yes, I said sometimes they were bigger and
 13 sometimes they were smaller.
 14 Q Well, were the smaller ones 12-ounce cans?
 15 A Yes.
 16 Q And the bigger ones were...
 17 A 16-ounce cans.
 18 Q So would it take three 12-ounce cans to get
 19 you drunk when you were 12 or three 16-ounce cans?
 20 A The 12-ounce cans, I think.
 21 Q And how is it that you came -- the first time
 22 you said you tasted the beer, you had a sip and you
 23 didn't like it. How is it that you came to drink more
 24 beer?
 25 A Because he offered it. He always offered it.

1 Q Just once?
 2 A I don't remember, but I -- it happened.
 3 Q So it happened on a number of occasions?
 4 A I was drinking hard liquor.
 5 Q So was that when you were older than 12?
 6 A Yeah.
 7 Q Let's stick with when you were 12 for --
 8 initially. When you were 12, did -- did he assault you
 9 more than just that one time when you were 12, the one
 10 time that you described --
 11 A Yes.
 12 Q And on each of the occasions when you were 12,
 13 did you drink prior to that -- prior to the assault?
 14 A Yes.
 15 Q Was it always beer when you were 12?
 16 A Yes.
 17 Q And did you ever pass out on any of those
 18 occasions?
 19 MR. HALE: Asked and answered.
 20 BY MS. YOUNG:
 21 Q When you were 12, I'm talking about now.
 22 A I don't remember.
 23 Q And when you were 12, do you remember how many
 24 beers it took to get you to a point where you were
 25 drunk?

1 Q What do you mean by "he offered it"? He said,
 2 "Here, do you want a beer"?
 3 A I don't remember. Just -- he just worked up
 4 to it all the time.
 5 Q Well, did he have soda at the house also?
 6 A Yes.
 7 Q So did you ever say, because you didn't like
 8 the beer, "No, I'll have a soda"?
 9 A I don't remember.
 10 Q So you don't remember how it was that you --
 11 did he ever force you to drink a beer? Did he ever say,
 12 "Here, you have to drink this"?
 13 A No, he always made the suggestion.
 14 Q Did you ever see Father Kelly abuse your
 15 brother [REDACTED] at the cabin?
 16 A No.
 17 Q How many times while you were 12 --
 18 MR. HALE: Stop making --
 19 BY MS. YOUNG:
 20 Q -- did Father Kelly sexually assault you at
 21 the cabin, approximately?
 22 A Repeat the question.
 23 Q Approximately how many times when you were 12
 24 did Father Kelly assault you at the cabin?
 25 A I don't know. It was a few.

1 Q A few?
 2 A (Inaudible response.)
 3 Q Less than 10 or more than 10?
 4 A I don't remember.
 5 Q You have no idea?
 6 A He was always inviting.
 7 Q He was always inviting?
 8 A (Inaudible response.)
 9 Q You mean inviting you to the cabin?
 10 A (Inaudible response.)
 11 MR. HALE: Is that a "yes"?
 12 BY MS. YOUNG:
 13 Q "Yes"?
 14 A Yes.
 15 Q And you always went?
 16 A Yes.
 17 Q Just the two of you?
 18 A Yes.
 19 Q And this would have been in 1960 what?
 20 A Well, the car was '69, so maybe -- well, I'd
 21 say the car was '69, I think it was, or '70.
 22 Q So if the car was 1970 and it was 1970, you
 23 would have been 15?
 24 A I don't know.
 25 Q You said you were 12.

1 kind of just --
 2 Q Well, would you agree with me that if this
 3 happened after your 1969 birthday, you would have been
 4 14?
 5 A I would have to write it out, figure it out.
 6 Q Would you agree that you're really not sure
 7 how old you were when the first -- when father -- when
 8 you say Father Kelly first molested you? You know you
 9 were a minor; you were under eighteen?
 10 A Yes.
 11 Q But you don't know exactly how old you were?
 12 A I was around 12 or 13, somewhere in there.
 13 MS. YOUNG: Why don't we break for lunch.
 14 MR. HALE: Forty-five minutes again or...
 15 MS. YOUNG: Yeah, that should be fine.
 16 THE VIDEOGRAPHER: We're going off the record.
 17 The time is 1:12 p.m.
 18 (Lunch taken.)
 19 THE VIDEOGRAPHER: We're going back on the
 20 record. The time is 2:02 p.m. Please continue.
 21 MS. YOUNG: Thank you.
 22 BY MS. YOUNG:
 23 Q Mr. [REDACTED], you understand you're still under
 24 oath?
 25 A Yes.

1 A Yeah, I was very young.
 2 Q So now you don't remember whether you were 12
 3 or whether you were 13 or 14 or 15?
 4 MR. HALE: Objection. Argumentative.
 5 BY MS. YOUNG:
 6 Q You said the car was '69 or '70.
 7 A I don't know what year it was, but I know it
 8 was new.
 9 Q Are you sure you were 12 when this happened
 10 the first time?
 11 A I was very young.
 12 Q That wasn't my question.
 13 A I understand.
 14 Q Are you sure you were 12?
 15 A I could have been 13.
 16 Q Could you have been 14?
 17 You were 14 in November of 1969, correct?
 18 A I don't know.
 19 Q What?
 20 A I don't know.
 21 Q Well, you were born in 1955? Correct?
 22 A Yes.
 23 Q So after November 1969, you would be 14; is
 24 that correct? You can add it up.
 25 A Ma'am, my mind is not really -- right now, I'm

1 Q Okay.
 2 Did you have a good lunch?
 3 A Yes.
 4 Q Did you eat with your attorneys?
 5 A Yes.
 6 Q Did Father Kelly ever sexually assault you
 7 while you were a minor at any place other than his cabin
 8 in the Santa Ynez Mountains?
 9 A Yes.
 10 Q Where?
 11 A I went to a lot -- I went to a lot of places
 12 with him. Right now I don't remember. I went to a lot
 13 of places with him.
 14 Q So you don't remember where -- where else
 15 other than his cabin he sexually assaulted you while you
 16 were a minor?
 17 A No, because most of it happened at the cabin.
 18 Q Most of it happened at the cabin, but you're
 19 saying some of it didn't happen at the cabin, correct?
 20 A Yes.
 21 Q And I'm asking you, where else did it happen?
 22 A I think it happened in San Simeon.
 23 Q San Simeon?
 24 A (Inaudible response.)
 25 Q Okay.

1 Where is San Simeon?
 2 A Just before you reach Hearst Castle.
 3 Q San Simeon, California?
 4 A (Inaudible response.)
 5 I don't remember if I was a minor at that
 6 time.
 7 Q Oh. So you may not -- you may have been over
 8 18 is what you're saying?
 9 A I don't remember.
 10 Q Is there anything that would refresh your
 11 recollection?
 12 A I have went to too many places with him.
 13 Q Okay.
 14 So what happened -- what was the occasion of
 15 your going to San Simeon with Father Kelly?
 16 A To visit Hearst Castle.
 17 Q Did you go in his car?
 18 A Yes.
 19 Q Where were you living at the time, what
 20 address?
 21 A I don't remember.
 22 Q You don't remember the street?
 23 A No.
 24 Q Were you still living with your mother and
 25 your stepfather?

1 weren't awake?
 2 MR. HALE: Misstates --
 3 THE WITNESS: He woke me up --
 4 MR. HALE: Objection. Misstates prior
 5 testimony.
 6 Go ahead. You can answer.
 7 THE WITNESS: He woke me -- I would get woken
 8 up because of the movement in the bed, but not all the
 9 time was I fully awake.
 10 BY MS. YOUNG:
 11 Q What about the time in San Simeon, were you
 12 fully awake?
 13 A I don't think so because I drove all the way;
 14 I was tired.
 15 Q So you drove to San Simeon?
 16 A (Inaudible response.)
 17 Q "Yes"? You're -- you can't nod your head --
 18 A Yes.
 19 Q -- you have to --
 20 A Yes --
 21 Q -- say "yes" --
 22 A Yes.
 23 Q -- or "no."
 24 A He let me do the driving most of the time.
 25 Q Most of the time, even when you went to the

1 A I don't remember. That was a long time ago.
 2 Q All of this happened a long time ago, correct?
 3 A Yep.
 4 Q So how is it that you come to remember some
 5 instances but not others?
 6 MR. HALE: Objection. Argumentative.
 7 THE WITNESS: Because at the cabin that's
 8 where I drank.
 9 BY MS. YOUNG:
 10 Q So in San Simeon, you didn't drink?
 11 A I don't think I did.
 12 Q You don't think you did?
 13 A (Inaudible response.)
 14 Q "No"? You're shaking your head no.
 15 A (Inaudible response.)
 16 Q Wouldn't you think you would remember more the
 17 times when you didn't drink and your thoughts were
 18 clearer than when you were drunk?
 19 A I don't remember. I was probably asleep.
 20 Q You were asleep when?
 21 A I was asleep.
 22 Q When?
 23 A Well, all of these happened when I was in bed
 24 asleep.
 25 Q So you were asleep when they happened; you

1 cabin, he let you drive?
 2 A Yes.
 3 Q When you were 12?
 4 A Now that I think of it, it's probably like
 5 around closer to 14, and I know I was driving that car
 6 at 14.
 7 Q So he would let you drive to the cabin when
 8 you were 14? Is that what you -- what you're saying?
 9 A In the beginning, no. Not in the very
 10 beginning.
 11 Q When did he let you start driving his car?
 12 A It was still pretty new. I don't know exactly
 13 when it was I drove it. I started driving it pretty
 14 young.
 15 Q But he let you drive it to the cabin when you
 16 were pretty young; is that what you're saying?
 17 A Yeah, from the mailbox to the house.
 18 Q Oh. So not all the way from your house to the
 19 cabin?
 20 A Not all the time, no, when I first started
 21 driving it.
 22 Q When did he first start letting you drive all
 23 the way to the cabin?
 24 A I don't remember. I was -- just know I was
 25 pretty young.

1 Q You didn't have a driver's license yet?
 2 A I don't think so.
 3 Q And I take it when he let you drive all the
 4 way from your house to the cabin, you never got pulled
 5 over by the cops?
 6 A Never got pulled over with him.
 7 Q What happened in San Simeon?
 8 A We spent the night.
 9 Q In a hotel?
 10 A Yes.
 11 Q So how do you know that he sexually assaulted
 12 you when you spent the night in that hotel?
 13 A Because it was almost the same thing, only I
 14 was tired.
 15 Q "It was almost the same thing," only you were
 16 tired, what does that mean?
 17 A Well, I was -- I was tired from driving and I
 18 went to sleep.
 19 Q And then do you remember what happened?
 20 A Yeah, he touched my leg.
 21 Q He touched your leg, you remember that?
 22 A Yes. He tried to pulled me towards him.
 23 Q And what did you do?
 24 A I tried to push him away.
 25 Q And how old were you then?

1 A I had been there a few times, so I --
 2 sometimes I had -- there were times I -- yeah, I did.
 3 Q That's not what I am asking.
 4 A Sometimes I went up there, I had a license,
 5 sometimes.
 6 Q That's not what I am asking you.
 7 What I am asking you is, when you went there
 8 with Father Kelly on the time we're talking about where
 9 he supposedly sexually assaulted you, did you have a
 10 driver's license?
 11 A I don't remember. I had been there a few
 12 times.
 13 Q So you had been there before that, before --
 14 A After.
 15 Q -- the time he sexually assaulted you?
 16 A After.
 17 Q Okay.
 18 Well, I'm talking about the specific time that
 19 you're saying -- that you're alleging that he sexually
 20 assaulted you in San Simeon.
 21 Did you have a driver's license?
 22 A I don't remember.
 23 Q But you're saying that you drove that time; is
 24 that correct?
 25 A I've drove times over there. I don't remember

1 A I don't remember.
 2 Q So you may have been 19, you may have been
 3 younger?
 4 A Younger, I think.
 5 Q But you don't remember?
 6 A The car was pretty new, so I think I was
 7 younger.
 8 Q So a few minutes ago you said you may have
 9 been -- you may have been over 18. What made you say
 10 that?
 11 A I said that?
 12 Q Yes.
 13 A I said that?
 14 Q How old were you when you got your driver's
 15 license?
 16 A I got a permit I think at 16, 15, 16.
 17 Q Fifteen or 16?
 18 A Yeah, 16, I think.
 19 Q When you went to San Simeon, did you already
 20 have your driver's permit?
 21 A I don't know.
 22 Q You don't know?
 23 A (Inaudible response.)
 24 Q Did you have a driver's license when you went
 25 to San Simeon?

1 whether I drove over there that particular time, but I
 2 did go over there. I've been over there. I've driven
 3 over there.
 4 Q Okay.
 5 So but that particular time is what we're
 6 focusing on. Do you understand that you're asking for
 7 damages for particular instances of sexual assault?
 8 A Yes.
 9 Q So we're talking about that particular time.
 10 Did you drive on that particular time when
 11 you're alleging Father Kelly assaulted you in San
 12 Simeon?
 13 A I think I did, because I was tired.
 14 Q You think you drove because you were tired?
 15 A (Inaudible response.)
 16 Q That's what makes you think you drove, because
 17 you were tired when you got there?
 18 A (Inaudible response.)
 19 Q "Yes"? You're nodding your head.
 20 A Yes, I drove and I was tired.
 21 Q Okay.
 22 A Just like every time I drive, when I go out
 23 there, I'm tired by the time I get there.
 24 Q Okay.
 25 But you don't remember how old you were?

1 A No, but I was young.
 2 Q When did you stop being young? What do you
 3 consider not young?
 4 A Well, I was not a -- I was not a minor.
 5 Q Oh, so now you're sure you were not a minor on
 6 that time?
 7 A I didn't say that. I said when I was a minor
 8 and if I was driving.
 9 Q So on that time in San Simeon when Father
 10 Kelly assaulted you, were you over 18 or under 18?
 11 A I don't remember.
 12 Q And what specifically did he do to you in San
 13 Simeon?
 14 A I told you he put his hand on my -- my leg.
 15 Q Where on your leg? The same thing as you
 16 described earlier?
 17 A Yeah.
 18 Q Did he do anything different?
 19 A Well, sometimes he --
 20 Q No, on that -- I'm talking -- let's focus on
 21 San Simeon -- San Simeon?
 22 A It happened so many times, man, I can't --
 23 every time wasn't exact perfectly the same.
 24 Q Well, what happened at San Simeon?
 25 A He put his hand on me, on my leg.

1 Q By the time he took you to San Simeon on that
 2 first time in San Simeon when the sexual abuse occurred,
 3 had you already masturbated?
 4 A Say that again.
 5 Q At the time he took you to San Simeon or you
 6 took him in his car to San Simeon when the sexual abuse
 7 occurred in San Simeon, had you previously masturbated?
 8 A I don't know.
 9 Q You don't know?
 10 A (Inaudible response.)
 11 Q "No"?
 12 A I don't -- I don't know. I don't think so.
 13 Q So what happened when you pushed him away in
 14 San Simeon?
 15 A I went back to sleep.
 16 Q Did anything else happen that night?
 17 A No.
 18 Q Did you say anything to him in the morning?
 19 A No.
 20 Q Why not?
 21 A Because I thought he was having a bad dream.
 22 I thought it would be hard to be a priest.
 23 Q You thought --
 24 A Priests -- I thought priests had a tough, hard
 25 job. Maybe they heard too many confessions or whatever,

1 Q Where on your leg?
 2 A Just above my knee.
 3 Q And what else did he do?
 4 A He started bringing his hand up.
 5 Q To where?
 6 A Up to the center of my legs.
 7 Q And what else did he do?
 8 A I pushed him away.
 9 Q Was he sleeping?
 10 A I thought he was. I thought he was just
 11 having a bad dream.
 12 Q Another bad dream?
 13 A Yeah.
 14 Q So every time he did this to you, you thought
 15 he was just having a bad dream?
 16 A Yeah, 'cause he always moved around.
 17 Q And that's why you thought he was having a bad
 18 dream, because he moved around?
 19 A Yeah.
 20 Q Now, when you -- when you went to San Simeon
 21 and you drove, you were older than the incidents that
 22 you described at the cabin --
 23 A I don't --
 24 Q -- or not?
 25 A I don't remember.

1 too many -- hearing too many people's problems.
 2 Q And that's why he was having bad dreams,
 3 that's what you thought?
 4 A That's what I thought.
 5 Q So when was the first time that you realized
 6 that Father Kelly assaulted you in San Simeon?
 7 A After I had my nightmare and that dream and
 8 later, started thinking about all the places I went with
 9 him.
 10 Q And -- and you started thinking about all the
 11 places you went with him and decided that in each of
 12 those places, he had assaulted you sexually?
 13 MR. HALE: Misstates prior testimony. Assumes
 14 facts not in evidence. Argumentative.
 15 BY MS. YOUNG:
 16 Q You can answer.
 17 A Say the question again.
 18 Q So you started thinking about -- you said that
 19 after you had that dream that you discussed earlier this
 20 morning, you started thinking about all the places that
 21 you were with Father Kelly.
 22 A Yes.
 23 Q And my question was: And you assumed that in
 24 each of those places that you were with him, he
 25 assaulted you?

1 MR. HALE: Same objections.
 2 BY MS. YOUNG:
 3 Q You can answer.
 4 A Not in every place.
 5 Q So how did you know that he assaulted you in
 6 San Simeon?
 7 A I don't remember right now.
 8 Q You don't really know that he did, do you?
 9 MR. HALE: Objection. Argumentative. Same
 10 objections.
 11 BY MS. YOUNG:
 12 Q You can answer.
 13 A Because now that I'm older and I know what it
 14 is to do that.
 15 Q But you've been older enough to know what it
 16 is to do that for years before the year 2000, haven't
 17 you?
 18 A But I didn't have the dream until just
 19 recently, that's why. I didn't start thinking about
 20 him. I'm thinking about when I remembered it.
 21 Q And you're sure that's what happened in San
 22 Simeon?
 23 MR. HALE: Vague and ambiguous.
 24 BY MS. YOUNG:
 25 Q You're sure he sexually assaulted you in San

1 MR. HALE: Objection. Misstates testimony.
 2 THE WITNESS: Yes, but he was my friend.
 3 BY MS. YOUNG:
 4 Q And you traveled with him frequently, as an
 5 adult?
 6 A Yes.
 7 Q And while you were an adult, you knew what
 8 masturbation was, didn't you?
 9 A Yes.
 10 Q Now, are you undergoing therapy to help you
 11 remember these alleged molestations by Father Kelly,
 12 where Father Kelly assaulted you sexually?
 13 MR. HALE: Assumes facts not in evidence.
 14 THE WITNESS: To help me remember?
 15 BY MS. YOUNG:
 16 Q Yes. Is anybody trying to help you remember
 17 what happened?
 18 MR. HALE: Same objection.
 19 BY MS. YOUNG:
 20 Q You can answer.
 21 A No, that comes from me from just dwelling on
 22 him, from remembering after that dream.
 23 Q And you've described everything that you
 24 remember about that dream?
 25 A Yes.

1 Simeon?
 2 MR. HALE: Objection. Argumentative.
 3 BY MS. YOUNG:
 4 Q You can answer.
 5 MR. HALE: Asked and answered, too.
 6 THE WITNESS: Yes, I think he did.
 7 BY MS. YOUNG:
 8 Q And how do you know that?
 9 MR. HALE: Same objections.
 10 THE WITNESS: Because now that I'm older and
 11 now that I remembered -- now I remember after I started
 12 remembering after his death and everything, I now
 13 started thinking about him and I know what that sort of
 14 thing is.
 15 BY MS. YOUNG:
 16 Q Now, didn't you know what that sort of thing
 17 was when you were 30 years old?
 18 A But I didn't think of him until after he died.
 19 Q Now you say you didn't think --
 20 A After --
 21 Q -- of him --
 22 A -- after the dream.
 23 Q Now, you say you didn't think of him, but in
 24 fact, you spent time with him and traveled with him
 25 while you were an adult, didn't you?

1 Q And it was just that one dream?
 2 A Yes, because it was very traumatic.
 3 Q Is that the only dream you've ever had about
 4 him since then, or have you had others?
 5 That wasn't a good question. I'll withdraw
 6 it.
 7 Have you had other dreams about him since that
 8 one that you described to us?
 9 A Yes.
 10 Q And when was the second dream you had about
 11 him?
 12 A I don't remember. It was sometime after,
 13 maybe.
 14 Q How long after? A month? A week?
 15 A I don't remember. I just started thinking
 16 about him.
 17 Q No, you said you had more than one dream. I'm
 18 asking you about the dreams now.
 19 A Oh.
 20 Q When was the second dream you had about Father
 21 Kelly? You described one dream to us after he died that
 22 you had in around December of 2002.
 23 When was the next dream? You said you've had
 24 others. Have you had others?
 25 A I don't remember because the -- when the first

1 one was so overpowering that it just -- it was the one I
 2 just -- I just -- I just kept thinking about it.
 3 Q But there was nothing in that first dream
 4 about -- there was nothing sexual in that first dream,
 5 was there?
 6 A No.
 7 Q And since then, is it your testimony that
 8 you've had other dreams that have helped you recall
 9 these incidents?
 10 MR. HALE: Misstates testimony.
 11 MS. YOUNG: I'm asking him if it is his
 12 testimony. I don't --
 13 MR. HALE: I realize that.
 14 THE WITNESS: I don't remember. Just -- I
 15 just kept dwelling on him.
 16 BY MS. YOUNG:
 17 Q On the first dream?
 18 MR. HALE: Misstates testimony.
 19 THE WITNESS: I just been --
 20 BY MS. YOUNG:
 21 Q You can answer.
 22 A -- thinking about him, that's all. I just
 23 been thinking about him a lot after.
 24 Q After he died?
 25 A After I had the dream.

1 told you that?
 2 A No, no, just you right now.
 3 Q Did you travel anywhere else with Father Kelly
 4 while you were a minor where he sexually assaulted you,
 5 other than what you've already told us?
 6 A I've been with him a lot of places, ma'am.
 7 Q And did he sexually assault you in each one of
 8 those places?
 9 A I told you it mainly happened at the cabin.
 10 Q And I'm asking you now where else did it
 11 happen, and you've told me that one place was Hearst
 12 Castle.
 13 A San Simeon.
 14 Q San Simeon.
 15 Where else?
 16 A There was one time I went to -- we went to
 17 Ensenada,
 18 Q In Mexico?
 19 A Yeah.
 20 Q And when was that? Do you remember the year?
 21 A No, I don't.
 22 Q Do you remember the -- how old you were?
 23 A No, I don't.
 24 Q Were you under 18?
 25 A I don't remember.

1 Q Which was after he died?
 2 A Later, after he died, not right away.
 3 Q Did you miss him after he died?
 4 A Actually, I still thought he was still alive.
 5 Q What do you mean by that? You went to his
 6 funeral, right?
 7 A Yes.
 8 Q So you knew he was dead?
 9 A That day I did.
 10 Q But after that, you still thought he was
 11 alive?
 12 A I still walked around as if he were still
 13 alive.
 14 Q What do you mean by that?
 15 A It didn't hurt me. It didn't affect me.
 16 Q So the fact that he died didn't hit you until
 17 later; is that what you're saying?
 18 A Yep.
 19 Q "Yes"?
 20 A Must have.
 21 Q And have any of the doctors and therapists
 22 you've seen told you that that's fairly normal, that
 23 when somebody that you love or are close to dies,
 24 sometimes it won't hit you right away, the reality of
 25 their death won't set in immediately? Has anybody ever

1 Q How did you get to Ensenada?
 2 A He took me there.
 3 Q In his car?
 4 A Yes.
 5 Q And what was the occasion of your going to
 6 Ensenada?
 7 A He wanted to show me Ensenada. I had never
 8 been there before.
 9 Q And you stayed in a hotel?
 10 A Yes.
 11 Q But you don't remember how old you were?
 12 A (Inaudible response.)
 13 Q "No"? You're shaking your head no.
 14 A "No."
 15 Q Did you take pictures in Ensenada?
 16 A No.
 17 Q Photos? No?
 18 A No.
 19 Q Do you remember Father Kelly taking photos in
 20 Ensenada?
 21 A No.
 22 Q How long did you stay in Ensenada, how many
 23 nights?
 24 A I don't remember.
 25 Q More than one?

1 A I don't remember.
 2 Q Now, so you're saying, though, that you do
 3 remember that he assaulted you while you were in
 4 Ensenada that time?
 5 A I didn't say that.
 6 Q Oh. What did you say?
 7 A I said we went to Ensenada.
 8 Q Oh, so you don't remember whether he sexually
 9 assaulted you in Ensenada?
 10 A No, I said I -- just right now I don't
 11 remember that you said that -- you said -- I said that.
 12 Q Did Father Kelly sexually assault you when you
 13 were in Ensenada that time that you're describing?
 14 A I don't remember because we went to Husong's.
 15 Q You went to where?
 16 A Husong's. It's a bar.
 17 Q Husong's Cantina?
 18 A Yes.
 19 Q I'm familiar with it, believe it or not.
 20 A Husong's is a cantina in Ensenada, and he got
 21 so drunk that when he stood up, he pass- -- he fell
 22 down.
 23 Q And did you drink, as well, in Husong's
 24 Cantina?
 25 A Yes.

1 Q Were you -- did you consider Father Kelly an
 2 alcoholic then, when you went to Ensenada? Was he an
 3 alcoholic, to your knowledge?
 4 A I didn't know what an alcoholic was.
 5 Q Oh, you didn't.
 6 A Nope.
 7 Q How much did you drink in Ensenada that night
 8 at Husong's?
 9 A At Husong's, oh, I don't remember. I drank a
 10 few.
 11 Q You drank what?
 12 A Maybe -- could be about three, three
 13 margaritas.
 14 Q Three margaritas, and what was Father Kelly
 15 drinking?
 16 A Same thing.
 17 Q Margaritas?
 18 A (Inaudible response.)
 19 Q Did he drink more than three?
 20 A He was drinking them more faster than I was.
 21 Q So he drank more than three?
 22 A I think so.
 23 MR. HALE: Can we take a quick three-minute
 24 break?
 25 MS. YOUNG: Sure.

1 MR. HALE: Thanks.
 2 THE VIDEOGRAPHER: We're going off the record.
 3 The time is 2:30 p.m.
 4 (Recess.)
 5 THE VIDEOGRAPHER: We're going back on the
 6 record. The time is 2:37 p.m. Please continue.
 7 MS. YOUNG: Thank you.
 8 BY MS. YOUNG:
 9 Q Mr. [REDACTED], you understand you're still under
 10 oath?
 11 A Yes.
 12 Q And did you have the opportunity to talk to
 13 your attorney during the break?
 14 A Yes.
 15 Q Do you remember anything else about the
 16 incident in Ensenada?
 17 A Other than that we -- that we drank at
 18 Husong's.
 19 Q You drank a lot of margaritas at Husong's?
 20 A Yes.
 21 Q Do you remember anything else? You said
 22 Father Kelly passed out on the -- at Husong's?
 23 A He fell down.
 24 Q He fell down?
 25 A And I -- and I caught him before he hit the

1 floor.
 2 Q I see.
 3 And what did you do when you caught him before
 4 he hit the floor?
 5 A I picked him back up.
 6 Q So you caught him as he was falling before he
 7 hit the floor?
 8 A Yep, but he --
 9 Q And --
 10 A -- was too heavy.
 11 Q What?
 12 A He was too heavy.
 13 Q Oh, so did he hit the floor?
 14 A I think he -- his knees -- his knees hit the
 15 floor and then I caught him.
 16 Q So when he -- when you went to Husong's on
 17 that trip in Ensenada, had you reached your full height
 18 yet, six-one?
 19 A I don't remember.
 20 Q Were you over 6 feet by then?
 21 A I don't know.
 22 Q Now, when Father Kelly fell and you said his
 23 knees hit the floor, you caught him, what happened then?
 24 A I told somebody to call me a taxi.
 25 Q Somebody at Husong's?

1 A Yes.
 2 Q And did they?
 3 A Yes.
 4 Q And you took a taxi?
 5 A Yes.
 6 Q Where?
 7 A Back to where we were staying.
 8 Q What was the hotel; do you remember the name
 9 of it?
 10 A I think it was called El Cortez.
 11 Q And you say you got to El Cortez -- you got to
 12 Ensenada by driving in Father Kelly's car; is that
 13 correct?
 14 A Yes.
 15 Q And how did you get from the hotel to
 16 Husong's?
 17 A We walked over there.
 18 Q You walked?
 19 A (Inaudible response.)
 20 Q How far a walk was it? A block? Two blocks?
 21 A Maybe three.
 22 Q Three blocks, you think?
 23 A Something -- I would say about three blocks.
 24 It could be three or four, somewhere in there.
 25 Q And so you walked there and you took a taxi

1 back to the hotel, correct?
 2 A Yes.
 3 Q Was Father Kelly passed out in the taxi?
 4 A No.
 5 Q Was he sick?
 6 A He was drunk.
 7 Q He was drunk. Did he say anything to you?
 8 A I don't know. I don't remember if he said
 9 anything.
 10 Q Were you drunk?
 11 A I was feeling pretty good.
 12 Q Does -- is that an euphemism for being drunk?
 13 A I don't --
 14 Q What do you mean?
 15 A -- remember back then.
 16 Q Feeling pretty good? Feeling no pain?
 17 A Yeah, I was just -- I was -- I guess you could
 18 say I was drunk. Maybe I was a little bit drunk. I
 19 didn't drink as much as he did.
 20 Q Forget about what he drank. I am asking you
 21 about whether you were drunk.
 22 You had three margaritas, right?
 23 A Yes.
 24 Q Were you drunk?
 25 A I guess that's -- depends on how they're made

1 if they're made really strong.
 2 Q Wait. No, no, no, no, no, no. I'm asking if
 3 you were drunk.
 4 A I guess I was.
 5 MR. HALE: Don't guess. Just whatever you
 6 remember, testify to it.
 7 THE WITNESS: I can't remember.
 8 BY MS. YOUNG:
 9 Q Were the margaritas on the rocks or were they
 10 that frozen stuff?
 11 A What do you mean by that? You mean on ice,
 12 you mean?
 13 Q Were they -- the margaritas, were they
 14 on-the-rocks margaritas, like on ice, or were they that
 15 frozen, slushy stuff?
 16 A Neither one.
 17 Q What?
 18 A Neither one.
 19 Q They were straight, no rocks?
 20 A Just straight, just a mix with tequila, that's
 21 it.
 22 Q Okay.
 23 So it wasn't on ice --
 24 A No.
 25 Q -- as far as you remember?

1 A I -- I don't think it was on ice.
 2 Q And what happened when you got back to the
 3 hotel with Father Kelly, in the Hotel Cortez in
 4 Ensenada?
 5 A The taxi driver helped me bring him in --
 6 bring him in.
 7 Q When you say helped you bring him in, were you
 8 each on either side of him, or did you have to carry
 9 him? How did that work?
 10 A We were balancing him and bringing him inside.
 11 Q And what happened after the -- how -- did the
 12 taxi driver help you take him all the way up to the
 13 room?
 14 A Yes.
 15 Q What floor was the room on?
 16 A I think it was the first floor.
 17 Q Same floor as the lobby?
 18 A I think so.
 19 Q So the taxi driver helped you take him to the
 20 room? Did the taxi driver go in the room with you?
 21 A I don't remember.
 22 Q Did you put Father Kelly on the bed --
 23 A Yes.
 24 Q -- when you got into the room?
 25 A Yes.

1 Q How many beds were in the room?
 2 A I don't remember.
 3 Q Well, were you sleeping in two separate
 4 beds -- well, let me --
 5 A I don't remember.
 6 Q -- withdraw that.
 7 Did you only have one room between the two of
 8 you?
 9 A Yes.
 10 Q And you don't remember whether there was one
 11 bed or two beds in the room?
 12 A No.
 13 Q Do you remember whether you slept in the same
 14 bed as Father Kelly when you were in Ensenada at the
 15 Hotel Cortez on this time that you're describing?
 16 A No, I don't remember.
 17 Q Did Father Kelly sexually assault you during
 18 this trip to the Hotel Cortez in Ensenada?
 19 A No.
 20 Q Okay.
 21 Can you think of any other places that you
 22 went with Father Kelly when you believe you were under
 23 18 where he assaulted you sexually?
 24 A I can't remember. I've been a lot of places
 25 with him.

1 Q I know. But my question is: Were any of
 2 those places that you went with him places where he
 3 sexually assaulted you when you were under 18?
 4 A I can't remember right now, ma'am.
 5 Q Is there anything that would help refresh your
 6 recollection as to whether he sexually assaulted you in
 7 any other places when you were under 18?
 8 A No, I can't think of any right now.
 9 Q Are you an alcoholic, sir?
 10 A Yes, I consider myself one now.
 11 Q And when was the last time you had a drink?
 12 A At my son's birthday.
 13 Q Which was when?
 14 A I'm lousy for remembering birthdays, but it
 15 was probably maybe two or three months ago.
 16 Q And during your life, have you been to
 17 Alcoholics Anonymous meetings?
 18 A Yes.
 19 Q When was the last time you went to such a
 20 meeting, Alcoholics Anonymous?
 21 A It was a long time ago.
 22 Q How long ago? Are we talking ten years?
 23 Fifteen years? Five years?
 24 A More like 17 years ago.
 25 Q Seventeen years ago.

1 Do you still drink alcohol?
 2 A Very rarely.
 3 Q So do you feel you have that problem under
 4 control?
 5 A Yes.
 6 Q Even though you still drink occasionally?
 7 A Yes.
 8 Q Do you have a driver's license?
 9 A Yes.
 10 Q I guess you have to to have your plumbing
 11 company.
 12 Do you have it with you?
 13 A Yes.
 14 Q Could you -- do you know the number by heart?
 15 A Which number are you speaking of?
 16 Q Your driver's license number.
 17 A Yes.
 18 Q What is it?
 19 A It's [REDACTED].
 20 Q [REDACTED]?
 21 A Yes.
 22 Q California driver's license?
 23 A Yes.
 24 Q Is it a license for a commercial vehicle?
 25 A I don't know.

1 Q Do you currently own your own home?
 2 A The bank -- we're buying a house, yeah.
 3 Q I mean, do you -- I understand you might have
 4 a mortgage, but my question is, do you own as opposed to
 5 rent?
 6 A Yes.
 7 Q Have you ever had your deposition taken
 8 before?
 9 A I don't remember. I don't think so.
 10 Q Who is [REDACTED]?
 11 A [REDACTED]? I think she was a -- a lady I had
 12 to take to court once.
 13 Q What did you take her to court for?
 14 A I had a contract to do a job for her.
 15 Q A [REDACTED] job?
 16 A Yes.
 17 Q And what happened?
 18 A She refused to let me finish the job.
 19 Q Do you recall what year that was?
 20 A No. It was one of the first jobs I started.
 21 Q Do you recall what year you took her to court?
 22 A No.
 23 Q Would it have been 1992?
 24 A I don't know.
 25 Q And so you started a [REDACTED] job for her and

1 she refused to let you finish? Did she refuse to pay
 2 you?
 3 A She refused to let me finish.
 4 Q And so what did you take her to court for?
 5 A Because she had told me something that made me
 6 very angry.
 7 Q What was that?
 8 A She told me that she had worked for an
 9 attorney and that -- that all that was gonna happen is
 10 that she -- they were just gonna pay me for what I had
 11 done and that's all I was gonna get.
 12 Q And so you filed a lawsuit against her?
 13 A Yeah, she told me that she knew what was gonna
 14 happen because she worked for an attorney.
 15 Q Were you represented by counsel in that
 16 lawsuit that you filed against Ms. [REDACTED]?
 17 A No, it was small claims court, I think.
 18 Q So you took her to small claims court. How
 19 much did you sue for?
 20 A Well, I don't remember.
 21 Q Do you still have the papers?
 22 A No.
 23 Q Did you win?
 24 A Yes.
 25 Q And how much did you recover? How much money

1 were you awarded?
 2 A Just the amount that she said I would be
 3 awarded.
 4 Q Which was how much?
 5 A I think it was like \$450.
 6 Q So you didn't get the rest of it, you didn't
 7 get to finish the job; is that what you're saying?
 8 A Yep; yes.
 9 Q Did you ever file any other court cases?
 10 A I don't remember.
 11 Q You don't remember whether you did or not?
 12 A No, I don't remember whether I did or not.
 13 Q Did anybody ever file a court case against
 14 you?
 15 A I don't remember.
 16 Q Do you recall being in a traffic accident, a
 17 car accident where somebody sued you four or five years
 18 ago?
 19 A Four or five years ago? Oh, yeah, yeah, I
 20 know what happened.
 21 Q What was the name of the person who sued you?
 22 A I don't remember that person.
 23 Q But you remember somebody did sue you over a
 24 traffic accident?
 25 A I don't know how that worked, but I -- I -- I

1 felt I wasn't responsible, so I went to court. And --
 2 Q So in answer to my question, did somebody sue
 3 you over the traffic accident, was the answer yes?
 4 I'm not asking whether you were responsible or
 5 whether you felt you were, but did someone sue you?
 6 A Well, they -- they collected 30,000 from my
 7 insurance.
 8 MR. HALE: Reynaldo, listen to the question
 9 and respond to the question.
 10 THE WITNESS: Well, I don't know.
 11 BY MS. YOUNG:
 12 Q Did somebody file a lawsuit against you
 13 because of that particular traffic accident?
 14 A Yes, I guess they did.
 15 Q And do you know that person's name?
 16 A No.
 17 Q Who was your insurance company at the time?
 18 A Allstate Insurance.
 19 Q What is the name of your -- what was the name
 20 of your Allstate agent?
 21 A [REDACTED].
 22 Q Is he in Santa Barbara?
 23 A Yes.
 24 Q And do you recall testifying at trial in that
 25 case?

1 A Yes.
 2 Q Was it a jury trial?
 3 A No.
 4 Q What was the outcome of the trial?
 5 A They said that I was driving faster than safe
 6 than the -- than the weather conditions.
 7 Q So the plaintiff in that case won?
 8 A Yes.
 9 Q Had you been drinking?
 10 A No.
 11 Q So there was nothing involving alcohol, just
 12 that you were driving too fast under the weather
 13 conditions?
 14 A That's what they said.
 15 Q That's what the judge said?
 16 A (Inaudible response.)
 17 Q Is that --
 18 A No --
 19 Q -- "yes"?
 20 A -- that's what the attorneys said -- I mean,
 21 that's what they said. I -- I don't believe I was.
 22 Q Well, but somebody handed down a verdict. You
 23 said it wasn't a jury trial. So it must have been a
 24 judge that de- -- that made a decision that you lost the
 25 case.

1 A There was a police officer that was there and
 2 he said that I was driving faster than it was safe,
 3 according to what they believed of the way the accident
 4 happened.
 5 Q And do you recall what the verdict was in the
 6 case, what the -- what the judge said?
 7 A No, I don't.
 8 Q Did he agree with the police officer?
 9 A I guess he did. I don't remember.
 10 Q Did your insurance company defend you in that
 11 case?
 12 A No.
 13 Q Did you have a lawyer?
 14 A Yes.
 15 Q Who was your lawyer?
 16 A I don't remember his name.
 17 Q It was a male?
 18 A Yes.
 19 Q Somebody from Santa Barbara?
 20 A Yes.
 21 Q And how many years ago was that?
 22 A I don't remember how many years ago it was.
 23 Q Was it less than five years ago?
 24 A I don't remember.
 25 I was living at the other house.

1 Q When did you move into your current home?
 2 A A little over three years ago.
 3 Q So it was more than three years ago, correct?
 4 A Yep.
 5 Q But you don't remember whether it was more or
 6 less than five years ago?
 7 A No.
 8 Q Somewhere around five years ago, would you
 9 say?
 10 A I don't know.
 11 Q What car were you driving at the time?
 12 A My work truck.
 13 Q And have you had that work truck for quite a
 14 long time?
 15 A Yes.
 16 Q Okay.
 17 So that wouldn't give you any clue as to when
 18 it was.
 19 How long have you had your work truck?
 20 A Since I first started working in plumbing on
 21 my own.
 22 Q So 1985?
 23 A Yeah, about there, '80 -- I don't remember
 24 exactly when I started, but...
 25 Q But this car accident that we're talking

1 about, that was more recent, wasn't it?
 2 A It was when -- it was later.
 3 Q Was it before Father Kelly died?
 4 A I think it was before Father Kelly died.
 5 Q And how much money -- was there money awarded
 6 against you in that trial?
 7 A How much did the insurance have to pay out?
 8 Q Well, how much was the judgment? How much
 9 money was awarded to the plaintiff?
 10 A 30,000.
 11 Q And your insurance paid that on your behalf?
 12 A Yes.
 13 Q So earlier, a few minutes ago, you said
 14 something about your insurance paid you 30,000.
 15 A No, I didn't.
 16 Q You didn't, okay.
 17 But what happened was, there was a judgment of
 18 30,000 and your insurance company paid that on your
 19 behalf to the plaintiff, is that correct, or to the
 20 plaintiff's insurance company?
 21 A Insurance company paid; I never paid them.
 22 Q They paid the other side?
 23 A (Inaudible response.)
 24 Q "Yes"?
 25 A Uh-huh.

1 Q Have you been in any other automobile
 2 accidents?
 3 A Yes.
 4 Q When was the most recent, other than the one
 5 we've already discussed?
 6 A Let's see. I bumped my car once into the back
 7 of another car, into a truck.
 8 Q While you were moving?
 9 A Yes.
 10 Q You mean while you were driving, you
 11 rear-ended somebody?
 12 A I was moving very slowly and I -- I wasn't
 13 paying attention. I was looking for my daughter.
 14 Q How long ago was that?
 15 A Probably last year, maybe.
 16 Q And I take it there were no police involved in
 17 that automobile accident?
 18 A No, it was not serious at all.
 19 Q Okay.
 20 And were you involved in any more serious
 21 automobile accidents in the past?
 22 A Yes.
 23 Q Any in the past five years?
 24 A In the past five years?
 25 Q Have you been involved in any more serious

1 motor vehicle accidents in the past five years?
 2 A I don't remember.
 3 Q What other motor vehicle accidents have you
 4 been involved in?
 5 A In -- a while back ago, I -- a long time ago,
 6 maybe about 18 years ago, I -- I got in an accident on
 7 Mus- -- Muscle Shoals.
 8 Q In -- up in Muscle Shoals --
 9 A It's --
 10 Q -- Beach, Ventura?
 11 A -- in between Ventura and -- it's part of
 12 Ventura, I guess. Ventura County.
 13 Q Were you on the freeway?
 14 A I was trying to get on the freeway and
 15 somebody put their high -- high beams on me and blinded
 16 me.
 17 Q And what happened?
 18 A I froze and -- 'cause there was a bunch of
 19 posts in between where I put -- where I was going
 20 through the middle and when the guy put the high beams
 21 on, the -- the shadows of it started to move around and
 22 confuse me, so I put my foot on the brake and stopped
 23 completely. I didn't know where I was at. And he hit
 24 me from the side, on the driver's side.
 25 Q And this was, you say, about 18 years ago?

1 A Yeah.
 2 Q And it was at night?
 3 A Yes.
 4 Q And did the police come to the scene?
 5 A Yes.
 6 Q Were you cited for anything by the police?
 7 A I don't know. Nothing ever came from it.
 8 Q Nothing ever happened? Were you injured?
 9 A Yes.
 10 Q How were you injured? What happen -- what
 11 were the injuries?
 12 A I bumped my kidney on the armrest and I was
 13 bleeding from my urine.
 14 Q Oh, and they took you to -- did they take you
 15 to the hospital?
 16 A Yes.
 17 Q Somebody took you? Who took you?
 18 A The ambulance.
 19 Q Oh, well, when you say "nothing ever came from
 20 it," you mean --
 21 A Nobody ever -- there was no -- no --
 22 Q -- no lawsuit?
 23 A -- lawsuit or anything like that.
 24 Q But there was a police report, to your
 25 knowledge, or no?

1 A Yes, there was.
 2 Q Did you ever read it?
 3 A I think I did.
 4 Q What did it say?
 5 A I don't remember.
 6 Q Had you been drinking?
 7 A Yeah, way, way earlier in the day. I was just
 8 mad when I left.
 9 Q You were what?
 10 A When I left -- I left Santa Paula and I --
 11 I -- I was -- I was not -- I was already sober by that
 12 time, long time before that.
 13 Q Do you remember seeing anything in the police
 14 report about you having alcohol?
 15 A No.
 16 Q What were you in Santa Paula for that day?
 17 A That's where I lived.
 18 Q Okay.
 19 So you had been drinking in Santa Paula, but
 20 you were already fine by the time you got on the road
 21 that evening --
 22 A Yes.
 23 Q -- whenever the accident occurred?
 24 A Uh-huh.
 25 Q "Yes"?

1 A (Inaudible response.)
 2 Q Did the police in the report say whose fault
 3 the accident was?
 4 A I don't know how that worked out, but nobody
 5 ever did anything.
 6 Q But do you remember reading in the police
 7 report whose fault they said it was?
 8 A No, I don't remember.
 9 Q What car were you driving?
 10 A I was driving my -- my Cutlass Supreme.
 11 Q What year is that?
 12 A I don't remember what year it was.
 13 Q Do you still have it?
 14 A No. It was a total loss.
 15 Q So your car was totaled in the accident?
 16 A Yes.
 17 Q And you had some kidney damage and some
 18 urine -- urinary tract damage?
 19 A I was bleeding from my urine.
 20 Q And did they -- did they do surgery?
 21 A No.
 22 Q What did they do?
 23 A They put a catheter in me and -- and then I
 24 had to drink a lot of ice water.
 25 Q And that's it?

1 A And stay there for a while.
 2 Q And how long did you stay in the hospital?
 3 A I don't remember.
 4 Q Was it more than one night?
 5 A I don't remember.
 6 Q Did you ever have any DUI arrests, driving
 7 under the influence?
 8 A Yes.
 9 Q How many?
 10 A Three.
 11 Q When was the first?
 12 A I don't remember. It's been a while now.
 13 Q Well, how long ago? Was it 20 years ago? Was
 14 it 15 years ago? Was it --
 15 A Probably somewhere closer to -- I don't think
 16 it was 20.
 17 Q More recent than 20?
 18 A Yes.
 19 Q How old were you, do you remember,
 20 approximately?
 21 A Late 20s, early 30s.
 22 Q Do you remember where you were coming from
 23 when you were arrested?
 24 A Which time?
 25 Q The first time.

1 A No.
 2 Q No? What about the second time, how old were
 3 you then, or were these all approximately in the same
 4 time frame?
 5 A I believe they were.
 6 Q So the three DUIs were all within -- would you
 7 say all in -- within a period of a year or less?
 8 A I don't remember. I know two of the DUIs were
 9 within -- they were run concurrently back to back.
 10 Q Did you serve time in jail?
 11 A Yes.
 12 Q How long?
 13 A Ninety days.
 14 Q Which jail?
 15 A Santa Barbara.
 16 Q And you were how old when that happened, did
 17 you say?
 18 A I don't remember.
 19 Q Did anything bad happen to you when you were
 20 in jail?
 21 A Well, I didn't like being there. That's all
 22 there is to it.
 23 Q Well, that's not my -- that wasn't my
 24 question. Did anything bad happen to you while you were
 25 in there?

1 A Like getting beat up or anything like that?
 2 Q Getting beat up, getting sexually assaulted,
 3 anything like that?
 4 A No.
 5 Q Have you ever been sexually assaulted other
 6 than by Father Kelly?
 7 A No.
 8 Q Do you suffer from ringing in your ears?
 9 A When I was in the military, I -- it happened
 10 that I had ringing in my ears because they used to --
 11 they fired rounds behind my -- behind me and it left a
 12 ringing in my ears.
 13 Q And did you ever file any claim for disability
 14 because of that ringing in your ears?
 15 A I was going to.
 16 Q When?
 17 A After getting out of the military.
 18 Q After you got out of the military?
 19 A (Inaudible response.)
 20 Q And -- and when you say you were going to,
 21 what does that mean? Did you start filling out forms?
 22 A I don't remember.
 23 Q You don't remember whether you ever filled out
 24 any forms?
 25 A I probably filled something out, but I

1 didn't -- I didn't proceed it.
 2 Q Why not?
 3 A Me, one little man against the government?
 4 Forget it.
 5 Q And that was back right after you got out of
 6 the military? So you would have been how old then?
 7 A About 18, 19; 19, I think. I don't remember.
 8 Q Was that right before you tried to commit
 9 suicide?
 10 A I don't remember.
 11 Q Did you review any documents in preparation
 12 for your deposition today?
 13 A No.
 14 Q Did you ever have a meeting with your
 15 attorneys at which your brother [REDACTED] was present?
 16 A No.
 17 Q Do you know whether your brother [REDACTED] ever met
 18 with your attorneys?
 19 A No.
 20 Q You don't know?
 21 A No.
 22 Q Did you and your brother [REDACTED] ever talk about
 23 this lawsuit?
 24 A Yes.
 25 Q When?

1 A When I remember, I talked to him later, much
 2 later.
 3 Q When did you and your brother talk about this
 4 lawsuit?
 5 A I don't remember. I was just real mad.
 6 Q What?
 7 A I was just very mad when I remembered.
 8 Q When you remembered what?
 9 A After having the dream, I remembered.
 10 Q But that doesn't answer my question.
 11 When did you talk to your brother [REDACTED] about
 12 the lawsuit?
 13 A After that, later. After that.
 14 Q Was it after you filed the lawsuit or before
 15 you filed the lawsuit?
 16 A I don't remember. I had the -- I just -- I
 17 was really angry.
 18 Q Move to strike as nonresponsive.
 19 Why did you file the lawsuit against the
 20 Archbishop of Los Angeles, the Roman Catholic Archbishop
 21 of Los Angeles?
 22 A Because they need to know what they did was
 23 wrong. By covering this up is not right.
 24 Q Did your parents or your stepfather and your
 25 mother suspect that Father Kelly was abusing you way

1 back then?
 2 MR. HALE: Speculation.
 3 THE WITNESS: No.
 4 BY MS. YOUNG:
 5 Q How do you know that the Roman Catholic
 6 Archbishop of Los Angeles knew that Father Kelly was
 7 abusing you back in -- when you were a minor?
 8 MR. HALE: And excluding --
 9 THE WITNESS: That was --
 10 MR. HALE: Hang on. Hang on. Hang on.
 11 Excluding anything you've learned from your attorneys.
 12 BY MS. YOUNG:
 13 Q Right.
 14 MR. HALE: So if you have --
 15 BY MS. YOUNG:
 16 Q You can answer the question.
 17 MR. HALE: If you have knowledge that you
 18 can -- you can -- you can -- you obtained from some
 19 source other than your attorneys, fire way.
 20 THE WITNESS: It was on the news.
 21 BY MS. YOUNG:
 22 Q What was on the news?
 23 A These cases that were going on.
 24 Q When?
 25 A I saw a few case -- things on the news.

1 THE REPORTER: I'm sorry?
 2 THE WITNESS: I saw a few things on the news.
 3 BY MS. YOUNG:
 4 Q Recently?
 5 A No. It was a while back ago.
 6 Q Was it after Father Kelly died?
 7 A It was after -- yeah, like later, much later.
 8 Q So was it in 2003, you think? How much later?
 9 A When I knew about that? When I heard about
 10 that?
 11 Q When you saw your first news article or on the
 12 news, you said. I don't know whether that means -- a
 13 TV, were you talking about?
 14 A TV, yeah.
 15 Q So TV. So when was the first time you saw
 16 anything about this on TV?
 17 A Oh, I don't remember. It was like -- so
 18 probably in 2003.
 19 Q 2003. So that was before you filed your
 20 lawsuit, right?
 21 A I don't remember.
 22 Q You don't remember when you filed your
 23 lawsuit?
 24 A It's been a few years.
 25 Q Is the answer to that question no, you don't

1 remember when you filed your lawsuit?
 2 A No, not the exact date.
 3 Q How about the exact year?
 4 A I said it's been a few years, ma'am.
 5 Q How many?
 6 A I think two.
 7 Q How did you come to file the lawsuit?
 8 A After I started remembering the -- the --
 9 everything. I started seeing things on -- on TV, I
 10 just -- somebody called me and wanted to know something
 11 about Father Kelly.
 12 Q Who called you?
 13 A Somebody. I don't remember.
 14 Q You don't remember who called you?
 15 A (Inaudible response.)
 16 Q Was it a friend? Was it somebody you knew?
 17 A It wasn't anybody I knew. I was doing a job
 18 and I didn't want to talk about it.
 19 Q So somebody called you. And what did they
 20 say? Was this a person that's also suing Father Kelly?
 21 A I don't know.
 22 Q I mean also suing.
 23 A I don't know. They just called me and wanted
 24 to know a lot of things about it, and I didn't want
 25 to --

1 Q Like what? What did they ask you?
 2 A If I knew that -- whether he was a -- had
 3 sexually assaulted people, kids.
 4 Q And what did you say?
 5 A I told them I didn't know.
 6 Q Did you tell them that he had assaulted you?
 7 A I did later.
 8 Q What -- what did you say during that telephone
 9 conversation? This person called you, this person, and
 10 you don't remember who he is.
 11 A I didn't want to say anything because I was
 12 too afraid.
 13 Q Afraid of what?
 14 A I didn't want to remember.
 15 Q So -- and you don't know who this person is
 16 that called you?
 17 A Not right now I don't.
 18 Q What do you mean by "not right now"? Will you
 19 know at trial?
 20 A I don't know.
 21 MR. HALE: If -- if you know the identity of
 22 the person right now, you definitely need to tell them
 23 the name of that person. If you don't recall --
 24 THE WITNESS: I don't recall.
 25 MR. HALE: Okay.

1 BY MS. YOUNG:
 2 Q So this stranger called you, somebody that you
 3 don't know and that you've never known, correct?
 4 A (Inaudible response.)
 5 Q Called you on your phone. Where were you? At
 6 home? In your office?
 7 A I was on a job.
 8 Q You were on a job.
 9 So, called you on the cell phone?
 10 A Yes.
 11 Q Do you know how they got your number?
 12 A No.
 13 Q And so they called you on your cell phone.
 14 And pretend I'm that -- pretend I'm you. What did that
 15 person say to you?
 16 A They wanted to know if I would be -- if I --
 17 if I could answer some questions about Father Kelly.
 18 Q Did the person identify who they were?
 19 A They did, but I got shocked and I was scared,
 20 and I didn't want to -- I didn't want to talk to them.
 21 Q When the person identified who they were, did
 22 they say "I'm an investigator" or "I'm a lawyer," or
 23 were they just a regular person?
 24 A I'm sure they said something, but I don't
 25 remember right now --

1 Q And --
 2 A -- because I didn't want to talk to them.
 3 Q And so what did you say?
 4 A I didn't want to talk to them.
 5 Q So that's all that was said during the
 6 conversation, you didn't talk to them at all?
 7 MR. HALE: Misstates testimony.
 8 BY MS. YOUNG:
 9 Q Did you talk to them? You said you didn't
 10 want to talk to them.
 11 A Right.
 12 Q And you told them that?
 13 A That's it. That's what I told them.
 14 Q And what did they say?
 15 A They asked me if I had known that Father
 16 Kelly had touched -- you know, had -- if he was a
 17 pedophile. And I told him, I -- I didn't want to talk
 18 about it. I told him I had nothing to say.
 19 Q And was that the end of the conversation?
 20 A Yes.
 21 Q So you hung up?
 22 A Yes. I was scared.
 23 Q And you don't remember when that conversation
 24 occurred?
 25 A It happened a few years ago, longer than a few

1 years ago, I think.
 2 Q But you don't remember what year?
 3 A No. I don't want to remember that.
 4 Q Well, you're gonna have to try to remember
 5 whether you want to or not --
 6 A I understand.
 7 Q -- if you're going to pursue this lawsuit.
 8 A I understand that, ma'am.
 9 Q So can you try to remember what year it was?
 10 A I can't remember what year that was.
 11 MS. YOUNG: Okay. Let's go off the record
 12 because we're out of tape. Take a short break.
 13 THE VIDEOGRAPHER: We're going off the record.
 14 The time is 3:24 p.m. This is the end of Media No. 2.
 15 (Recess.)
 16 THE VIDEOGRAPHER: We're going back on the
 17 record. The time is 3:37 p.m. This is the beginning of
 18 Media No. 3. Please continue.
 19 MS. YOUNG: Thank you.
 20 BY MS. YOUNG:
 21 Q Mr. [REDACTED], you understand you're still under
 22 oath?
 23 A Yes.
 24 Q Did you have a chance to talk to your lawyers
 25 during that break?

1 A Yes.
 2 Q How long did you meet with your lawyers in
 3 preparation for today's deposition?
 4 A I don't remember how many hours.
 5 Q You don't remember how many hours?
 6 A (Inaudible response.)
 7 Q Approximately?
 8 A (Inaudible response.)
 9 Q No?
 10 When did that meeting take place? Was it
 11 recently?
 12 A Oh, they were just going to tell me what just
 13 gonna happen here.
 14 MR. HALE: Hang on. No, no, no.
 15 BY MS. YOUNG:
 16 Q I'm not asking you what they said.
 17 MR. HALE: Don't disclose --
 18 BY MS. YOUNG:
 19 Q I'm saying --
 20 MR. HALE: You're not --
 21 BY MS. YOUNG:
 22 Q -- when did the meeting take place?
 23 MR. HALE: You don't disclose any
 24 communications between yourselves -- yourself and your
 25 attorneys.

1 THE WITNESS: Oh.
 2 BY MS. YOUNG:
 3 Q I'm just asking you when it took place. Like
 4 a day.
 5 A Yesterday.
 6 Q Yesterday.
 7 And you don't remember how many hours it
 8 lasted; is that correct?
 9 A Yes.
 10 Q Was it in the morning or the afternoon?
 11 A In the morning.
 12 Q Do you remember what time in the morning it
 13 started?
 14 A 10:00.
 15 Q Did it end before lunch or after lunch?
 16 A A little bit after lunch.
 17 Q After lunch?
 18 A Yeah, a little bit after lunch.
 19 Q Did you ever meet with your attorneys when
 20 other people were present, people other than you and
 21 your attorneys?
 22 A No.
 23 Q Have you ever written any letters regarding
 24 the alleged abuse of you by Father Kelly?
 25 A Say that again.

1 Q Have you ever written any letters regarding
 2 the alleged abuse of you by Father Kelly?
 3 A No.
 4 MS. YOUNG: I'd like to have marked for
 5 identification as Deposition Exhibit 1 a copy of what
 6 appears to be letter addressed to you -- I mean a card
 7 addressed to you from Father Kelly, and it's
 8 Bates-stamped JR4474 through JR4477.
 9 (Whereupon Exhibit 1 was marked for
 10 identification.)
 11 MS. YOUNG: Do you need it?
 12 MR. HALE: Thanks.
 13 BY MS. YOUNG:
 14 Q And just for the record, this is a copy of a
 15 fax -- I mean this was faxed to me by plaintiff's
 16 counsel on Saturday. And the fax logo is up on top.
 17 But take a minute to look at that,
 18 Mr. [REDACTED], and ask you a few questions about it. I --
 19 I apologize for the bad copy of the envelope, but that's
 20 the way it came to me.
 21 Do you recognize this document that's been
 22 marked as Exhibit 1, for identification?
 23 A Yes.
 24 Q And can you tell me what it is?
 25 A It was a card that was sent to me from -- by

1 Father Kelly.
 2 Q A card that was sent to you.
 3 And do you recall when you received the card?
 4 A No.
 5 Q No?
 6 A (Inaudible response.)
 7 Q Was it approximately February of 1995?
 8 A I -- I don't know. I don't remember.
 9 Q Was it more than 10 years ago, do you think?
 10 A You know, I don't know.
 11 Q You don't remember?
 12 A Uh-uh.
 13 Q No?
 14 If you look at the last page of the exhibit,
 15 where it says, "Thanks for a great week. I always feel
 16 my best after a visit." And it's signed, "Matt."
 17 Do you see that on the left-hand corner of
 18 that page?
 19 A Yes.
 20 Q Do you know what visit Father Kelly was
 21 talking about?
 22 A No.
 23 Q Was he talking about a visit with you?
 24 A I guess if he addressed it to me, it sounds to
 25 me like he's -- meant me.

1 Q But you don't know what visit?

2 A No, I don't.

3 Q The return address of the -- and again, this

4 is a bad copy, but the return -- return address on the

5 envelope from Father Kelly is Pinyon Crest at Mountain

6 Center, California.

7 A Yes.

8 Q Do you know where that is?

9 A Yes, I do.

10 Q Was that cabin -- a different cabin owned by

11 Father Kelly?

12 A I don't -- I wouldn't call it a cabin,

13 probably a house.

14 Q A house?

15 A (Inaudible response.)

16 Q And was that the house that Father Kelly lived

17 in after he retired from the priesthood?

18 A Yes, ma'am.

19 Q Did you used to go visit him there?

20 A Yes.

21 Q Did he ever sexually assault you there?

22 A No.

23 Q Also, on the last page, this is a thank-you

24 card, correct, that he sent to you? Is this a thank-you

25 card?

1 A Yeah, it says that.

2 Q After the printed card hallmark, whatever it

3 is, after the printing, Father Kelly apparently wrote

4 something there.

5 Do you -- can you read that, with two

6 exclamation part -- marks like they do in Spanish, one

7 upside down, one on the left and then the regular one on

8 the right? What does that say there?

9 A "Infinitas gracias."

10 Q And that means many thanks, correct?

11 A I -- I guess.

12 Q You don't know what that means?

13 A Gracias, I do, but I'm not --

14 Q You're not sure what infinitas means in

15 Spanish?

16 A No.

17 Q Do you speak Spanish?

18 A Kitchen Spanish. And my wife speaks Spanish,

19 but I --

20 Q Your wife --

21 A -- never really learned it really, really,

22 really well.

23 Q Your wife is from [redacted], right?

24 A Yes.

25 Q And you don't know what "infinitas" means?

1 A No.

2 Q Okay.

3 Can you read what it says below that?

4 A "Your brother [redacted]'s number is" -- well, the

5 number -- and "Irving, Texas."

6 Q Now, at this -- did your brother [redacted] ever live

7 in Irving, Texas?

8 A Yes.

9 Q And so had you lost track of your brother [redacted]

10 and Father Kelly was giving you a phone number for him?

11 A I think I asked him for the number.

12 Q So Father Kelly knew your brother [redacted]'s number

13 at this point in time, but you didn't?

14 A No, I didn't, because that's why the -- that's

15 why he has the number there.

16 Q Did Father Kelly continue a friendship with

17 your brother [redacted] when they were -- when your brother [redacted]

18 was an adult?

19 A No.

20 Q How did Father Kelly know your brother [redacted]'s

21 number, if you know?

22 A Probably through my brother [redacted].

23 Q And you don't remember the visit that you had

24 with Father Kelly that triggered his sending you this

25 card?

1 A Say that again.

2 Q You don't remember the visit that you had with

3 Father Kelly that triggered his sending you this

4 thank-you card?

5 A No.

6 Q How often did you visit Father Kelly when he

7 lived at Mountain Center?

8 A Excuse me.

9 I would say probably once a year.

10 Q Once a year?

11 A He was too --

12 Q For --

13 A He was too far away. It was like six hours to

14 his house.

15 Q Do you remember -- so when you would visit him

16 once a year, would you drive there?

17 A Yes.

18 Q So would it be six hours and then would you

19 stay overnight?

20 A Yes, I was very tired.

21 Q So the answer is "yes"?

22 A Yes.

23 Q And did he have more than one bedroom in that

24 Mountain Center house?

25 A Yes.

1 Q And so did you sleep in a different bedroom?
 2 A Same bedroom, different bed.
 3 Q How many bedrooms did that house in Mountain
 4 Center have?
 5 A Two -- how many bedrooms?
 6 Q Yes.
 7 A Oh, only one.
 8 Q So it had one bedroom with two beds?
 9 A Yes.
 10 Q And were they each single beds in the bedroom?
 11 A I think they were singles because I remember
 12 sleeping on one side.
 13 Q You think they were single beds; is that what
 14 you said?
 15 A They were -- I guess you could probably join
 16 them together, but they were -- they were always apart.
 17 Q Was there a night table in between them?
 18 A No, I don't think so.
 19 Q They were just apart?
 20 A Yeah, they were just apart.
 21 Q And was there a living room in that house?
 22 A Yes.
 23 Q And did the living room have a bed in it?
 24 A I don't remember.
 25 I know I slept on the floor once there.

1 Q On the floor in which room, in the living
 2 room?
 3 A Yes.
 4 Q Was that when Father Kelly was living in that
 5 cabin after he retired -- in that house, I'm sorry?
 6 A Say that again.
 7 Q When you say you remember sleeping on the
 8 floor there, was that after Father Kelly retired and had
 9 moved to the Mountain Center house?
 10 A Yes.
 11 Q And on that occasion where you say you slept
 12 on the floor, but why didn't you sleep in the bed? Why
 13 did you sleep on the floor and not in the bed?
 14 A Because my wife was with me.
 15 Q So your wife slept in the bed?
 16 A Yes, and I had my kids with me, too.
 17 Q Okay.
 18 So where did Father Kelly sleep?
 19 A In his bed.
 20 Q So he slept in his bed, your wife slept in the
 21 bed next to him, in the bedroom?
 22 A My wife slept with me on the floor.
 23 Q And who slept in the bed in the bedroom with
 24 Father Kelly?
 25 A Nobody.

1 Q So on that occasion where you went there with
 2 your kids and your wife, Father Kelly slept in his bed,
 3 nobody slept in the second bed in his bedroom, and you,
 4 your wife, and your kids slept on the floor?
 5 A Yes.
 6 Q Why didn't anybody use that second bed; do you
 7 know?
 8 A I don't know.
 9 Q How many kids did you have with you then?
 10 A I don't even know if I even took my kids with
 11 me at that -- I don't even know -- I know it was my wife
 12 and I, but I'm not absolutely certain whether my kids
 13 were with me. I know it was my wife and myself.
 14 Q Did you ever go on any other visits, after
 15 Father Kelly began living at the cabin in Mountain
 16 Center? Did you ever go on any other visits with either
 17 your wife or your children to see him at that -- at that
 18 house in Mountain Center?
 19 A I don't remember.
 20 Q Do you remember receiving any other cards or
 21 letters from Father Kelly, other than what's been marked
 22 as Exhibit 1?
 23 A Yes.
 24 Q What other cards and letters have you received
 25 from Father Kelly?

1 A I used to receive one every year on my
 2 birthday.
 3 Q A birthday card? This is when you were an
 4 adult?
 5 A When I was younger and when I was an adult.
 6 Q Both when you were younger and when you were
 7 an adult?
 8 A (Inaudible response.)
 9 Q So he always sent you a birthday card?
 10 A (Inaudible response.)
 11 Q Do you have any of those birthday cards?
 12 A I don't think so.
 13 Q What?
 14 A I don't believe I do. I don't remember. I
 15 don't think I have any more.
 16 Q You haven't turned them over to your lawyer?
 17 A I haven't looked for any. I don't think I
 18 have any. I don't --
 19 Q Okay.
 20 I'm going to make a request on the record that
 21 in connection with this case, we've asked that all
 22 documents that you have in your possession involving
 23 Father Kelly be produced.
 24 So could you please look for any such letters
 25 or cards and turn them over to your lawyer, and at that

1 point in time, your lawyer will be able to send us
 2 copies?
 3 A Sure.
 4 Q Okay.
 5 And do that as soon as possible if you find
 6 anything so perhaps we could have it before your next
 7 deposition.
 8 MR. HALE: You need to look everywhere,
 9 [REDACTED]. If there's something in the attic, wherever,
 10 go digging.
 11 BY MS. YOUNG:
 12 Q When did you find this card that's been marked
 13 as Exhibit 1?
 14 A Just --
 15 MR. HALE: That actually assumes facts. We --
 16 we -- we turned over a box of documents responsive to
 17 your subpoena request, and the card was in that box.
 18 BY MS. YOUNG:
 19 Q Okay.
 20 When did you find this card that you --
 21 MR. HALE: Well --
 22 BY MS. YOUNG:
 23 Q -- turned over to your lawyer?
 24 MR. HALE: I mean it literally is these
 25 massive -- I mean these boxes are like -- there's six of

1 them this big (indicating).
 2 MS. YOUNG: Okay.
 3 MR. HALE: So I don't think he ever
 4 actually --
 5 BY MS. YOUNG:
 6 Q How did you --
 7 MR. HALE: -- found it.
 8 BY MS. YOUNG:
 9 Q -- gather the documents that you turned over
 10 to your lawyer?
 11 A How did I gather them?
 12 Q In connection with this case.
 13 A How did I gather them?
 14 Q How did you go about looking for documents
 15 that involve Father Kelly or this case?
 16 MR. HALE: It was to the subpoena request you
 17 guys issued for the -- the business records. It was
 18 buried in a stack of invoices.
 19 THE WITNESS: They were -- they were in my
 20 invoices. I have boxes of invoices.
 21 BY MS. YOUNG:
 22 Q You mean for [REDACTED]?
 23 A (Inaudible response.)
 24 Q Okay.
 25 So it was in the invoices, the [REDACTED]

1 [REDACTED] invoices, that's what you turned over to your
 2 lawyers?
 3 A It was in the boxes where I keep all the
 4 invoices. I'm not sure -- it was in that box.
 5 Q Were there any other cards or letters in that
 6 box?
 7 A I didn't find any.
 8 Q Did you go through that box before you turned
 9 it over to your lawyer?
 10 A There was too many. Too many.
 11 Q So you didn't go through it?
 12 A All of them? No, it was too --
 13 Q And -- and the invoices that you turned over
 14 go from what year to what year?
 15 A Man, there's a lot of them. I don't know.
 16 MR. HALE: Yeah.
 17 BY MS. YOUNG:
 18 Q I understand there are a lot of them. I'm
 19 asking you, what year do they start and what year do
 20 they end?
 21 A I wasn't trying to put them in any particular
 22 order. I was just trying to find them all.
 23 Q So you turned over invoices from [REDACTED]
 24 [REDACTED] that you had where you had billed -- copied of
 25 invoices where you had billed clients, customers?

1 A Yes.
 2 Q And those -- and from what year to what year?
 3 Was it from the outset of your business when you first
 4 started your business? You turned over all your
 5 invoices to your lawyer from 1985?
 6 A I don't think I have that many that far back,
 7 but I tried to just find all the ones I could,
 8 everything I could find.
 9 Q And so when you were finding these, you were
 10 going through and were they in file cabinets? Where
 11 were they?
 12 A They're in those -- like those legal boxes.
 13 Q Boxes?
 14 A Yeah.
 15 Q So you didn't go through the boxes; you just
 16 gave the boxes to your lawyer?
 17 A Yes.
 18 I was trying to find all the invoices I can,
 19 all of them.
 20 Q And so I take it, then, the invoices you
 21 turned over would go all the way up to the present; is
 22 that correct?
 23 MR. HALE: If you know.
 24 THE WITNESS: No, I don't know.
 25 MR. HALE: We're going to make all of them

1 available to you, but it's just a massive amount of --
 2 MS. YOUNG: Okay. But --
 3 MR. HALE: -- paperwork.
 4 MS. YOUNG: -- Counsel, I'm entitled to his
 5 answers to the questions --
 6 MR. HALE: No, go ahead.
 7 MS. YOUNG: -- not your answers because --
 8 MR. HALE: Go ahead.
 9 MS. YOUNG: -- you weren't there.
 10 MR. HALE: Go ahead. I just wanted to let you
 11 know you're going to get the documents.
 12 MS. YOUNG: I look forward to it.
 13 THE WITNESS: There's still some in my
 14 office --
 15 MR. HALE: No, you don't. Trust me.
 16 THE WITNESS: There's some inside my office,
 17 and there's some inside my truck still.
 18 BY MS. YOUNG:
 19 Q That you didn't turn over yet?
 20 A Not yet. I was working till the very, very
 21 last minute.
 22 Q How much money did you gross last year,
 23 [REDACTED]?
 24 A I don't know exactly.
 25 Q You don't know exactly?

1 A (Inaudible response.)
 2 Q How about not exactly? How about a ballpark
 3 number? Was it more than [REDACTED]?
 4 A I would say no.
 5 Q No?
 6 MR. HALE: Counsel, are you done with the
 7 exhibit?
 8 MS. YOUNG: Sure.
 9 MR. HALE: Just give it --
 10 MS. YOUNG: You can give it back.
 11 MR. HALE: -- back to the reporter.
 12 THE WITNESS: To who? Oh.
 13 BY MS. YOUNG:
 14 Q You'd say no?
 15 Is [REDACTED] a sole proprietorship?
 16 A Yes.
 17 Q And --
 18 A I think it is.
 19 Q What?
 20 A Yes.
 21 Q In other words --
 22 A It's only me.
 23 Q -- it's not incorporated; it's not a
 24 partnership?
 25 A No. It's just me.

1 Q Do you have any employees?
 2 A No.
 3 Q And so you say last year, that was 2006, your
 4 estimate is that you grossed less than [REDACTED], correct?
 5 A Yes.
 6 Q Less than [REDACTED]?
 7 A I'm not absolute.
 8 Q Do you have any idea?
 9 A I haven't been doing well since I found out
 10 about this, and so I haven't -- I haven't been doing as
 11 well as I normally would, probably what I've done the
 12 last couple of years.
 13 Q So --
 14 A So I don't know.
 15 Q The question was, how much have you grossed,
 16 not whether you did better than the year before?
 17 A I don't know.
 18 Q You don't know?
 19 A (Inaudible response.)
 20 Q What was your best year at [REDACTED],
 21 best year financially, gross -- gross income, let's say?
 22 A I don't know. I just worked.
 23 Q And you have no idea how much money you made
 24 in any of the years?
 25 A Well, there was a lot of service calls.

1 There's a lot of jobs. I mean --
 2 Q I understand that --
 3 A -- I just work. I just --
 4 Q -- but most people have some conception of how
 5 much money they're making.
 6 A I don't know exactly.
 7 Q You don't know what your best year was?
 8 A No.
 9 Q Then how do you know that you didn't do as
 10 well this last year as you did years before that?
 11 A Because although I worked, I haven't had -- I
 12 just been forgetting to bill people, that's all.
 13 Q So you've worked, but you haven't billed
 14 people?
 15 A Yes.
 16 Q And how many people haven't you billed?
 17 A I don't remember.
 18 Q Do you remember how much money you made the
 19 year before Father Kelly died? That would have been for
 20 the year 2001.
 21 A No.
 22 Q Now, are you saying that the reason you forgot
 23 to bill people was because of Father Kelly, because of
 24 the allegations in this case?
 25 A I don't know.

1 Q Did you ever forget to bill people before
 2 Father Kelly died?
 3 A Yes, when I was overworked, but never like
 4 this.
 5 Q What year did your abusive stepfather die?
 6 A Oh, about -- it could have been about seven
 7 years ago.
 8 Q Seven years ago? Wasn't it in fact 2003?
 9 A I don't remember.
 10 Q Do you remember going to seek counseling after
 11 your abusive stepfather died and crying in the
 12 therapist's office?
 13 A Yes.
 14 Q But you don't remember -- do you remember
 15 whether that was before Father Kelly died or after
 16 Father Kelly died?
 17 A I don't even know. I don't even know who died
 18 first.
 19 Q So how do you know that your forgetting to
 20 bill was related to Father Kelly and not to the death of
 21 your stepfather or to some other event that occurred
 22 around that time?
 23 MR. HALE: Objection. Argumentative.
 24 BY MS. YOUNG:
 25 Q You can answer.

1 A Say the question again.
 2 MS. YOUNG: You can read it back, please.
 3 (Record read.)
 4 THE WITNESS: One more time.
 5 (Record read.)
 6 THE WITNESS: I don't know.
 7 BY MS. YOUNG:
 8 Q How did you first meet Mr. Griffith?
 9 A Who's he?
 10 Q The gentleman sitting next to Mr. Hale.
 11 A Oh, I'm sorry. Believe me, this has been a
 12 lot on my mind. There's a lot of pressure.
 13 In the law office, in the attorney's office.
 14 Q "In the law office," is that the answer?
 15 A (Inaudible response.)
 16 Q Do you know [REDACTED]?
 17 A [REDACTED]?
 18 Q Yes.
 19 A I know a [REDACTED].
 20 Q And who is the [REDACTED] that you know?
 21 Where do you know him from?
 22 A He's a -- I don't know if he's the same [REDACTED]
 23 [REDACTED], but I only know one guy who's a --
 24 Q Well, who is the [REDACTED] you know?
 25 A It's a guy that he's one of my customers.

1 Q Does he live in Santa Barbara?
 2 A I'm not sure. That could be Goleta,
 3 Carpenteria, Santa Barbara.
 4 Q Where did you first meet him, the [REDACTED]
 5 [REDACTED] that you know?
 6 A He called me to do a service call.
 7 Q How long ago?
 8 A Oh, it was a long time ago.
 9 Q Have you done work for him since then?
 10 A I've done work for his father. I don't --
 11 Q And his father's name is [REDACTED] also,
 12 or no?
 13 A No.
 14 Q Okay.
 15 So the [REDACTED] that you know that you
 16 did work for who called you on a service call a long
 17 time ago, how long ago was that? Was it more than five
 18 years ago?
 19 A The last one? First one? Last one?
 20 Q Well, I asked you whether you did work for him
 21 on more than one occasion, and your answer was, "I did
 22 work for his father."
 23 A Oh, I'm sorry, I meant I've done work for him,
 24 too.
 25 Q Okay.

1 So when was the first time he called you to do
 2 work for him?
 3 A Oh, I don't remember. It's a long time ago.
 4 Q A long time is more than 10 years ago?
 5 A No, he's not that old.
 6 Q Is he the same age as you are --
 7 A No, younger.
 8 Q -- approximately?
 9 He's younger than you are?
 10 A (Inaudible response.)
 11 Q Now, how do you know how old he is, just by
 12 his looks or did you have a conversation about it?
 13 A No, because when I used to do work for his
 14 father, he was just a little kid.
 15 Q I see.
 16 So how much younger than you do you think
 17 [REDACTED] is, the [REDACTED] that you know?
 18 A Oh, I would say probably 10 years.
 19 Q Ten years younger?
 20 A Yes.
 21 Q And do you know the [REDACTED] that's a
 22 plaintiff in this case, in that -- that is a plaintiff
 23 in a Father Kelly case?
 24 A No.
 25 Q The [REDACTED] that you know, when was

1 the last time you spoke to him?
 2 A Oh, like a week ago.
 3 Q A week ago?
 4 A Yeah.
 5 Q So have you ever talked about this case with
 6 him?
 7 A No.
 8 Q What was the occasion of your talking to him a
 9 week ago?
 10 A He liked my truck.
 11 Q Were you doing work for him?
 12 A No, I was at Home Depot.
 13 Q You ran into him at Home Depot?
 14 A Yes.
 15 Q Do you know what he does for a living?
 16 A He sweeps -- sweeps streets, street sweeper.
 17 Q For a company or for the City?
 18 A For his father, for the City, I guess.
 19 Q Did you ever work for a company called
 20 [REDACTED]?
 21 A Yes, I did.
 22 Q And was that the same [REDACTED]?
 23 A No.
 24 Q Different [REDACTED]?
 25 A Yes.

1 Q Was there anybody there named [REDACTED]
 2 in that company that you worked for?
 3 A No, I don't think so.
 4 Q As far as you know, have you ever met the
 5 [REDACTED] who is a plaintiff in a case involving
 6 Father Kelly?
 7 A No.
 8 Q What about [REDACTED], or [REDACTED], have you
 9 ever --
 10 A I know him.
 11 Q Where do you know him from?
 12 A From school.
 13 Q You went to school together?
 14 A Yeah, he's older than I am.
 15 Q But you went to school together?
 16 A Yeah, I used to see him, I think, in junior
 17 high when he was -- but he was much older than I was.
 18 Q How much, do you know?
 19 A Maybe two or three years.
 20 Q So you say when you were in junior high, he
 21 was --
 22 A Ahead of me.
 23 Q Ahead of you for -- two or three years ahead
 24 of you?
 25 A (Inaudible response.)

1 Q "Yes"?
 2 A About there, I would say. I'm not certain.
 3 Q So did you hang around with him when you were
 4 going to junior high?
 5 A No, I just said hi.
 6 Q Did you socialize with him at all?
 7 A No.
 8 Q Have you ever?
 9 A He just seemed like a nice guy.
 10 Q Have you ever talked to him about the Father
 11 Kelly cases?
 12 A Yeah, we talked.
 13 Q When? On more than one occasion?
 14 A Twice.
 15 Q And when was the first time?
 16 A It was a while ago.
 17 Q How long ago is a while ago?
 18 A Maybe two years ago.
 19 Q So it was after the lawsuit was filed, your
 20 lawsuit?
 21 A Yes.
 22 Q And had you talked before that at all? Did
 23 you -- in other words, did you keep in touch with [REDACTED]
 24 [REDACTED] before --
 25 A I lost total contact.

1 Q And how did you gain contact with him two
 2 years ago?
 3 A By accident.
 4 Q How did the accident occur?
 5 A I was working across the street from where he
 6 lives and he drove home.
 7 Q And you saw him?
 8 A Yes.
 9 Q And -- and you recognized him after all those
 10 years?
 11 A Yes.
 12 Q And what happened? Did he come over to talk
 13 to you? Did you go over to talk to him?
 14 A We said hi first to each other.
 15 Q And then what happened? And then what did you
 16 say or what did he say?
 17 A I started to ask him about it.
 18 Q About what?
 19 A About the case.
 20 Q About the case?
 21 A (Inaudible response.)
 22 Q What did you say to him?
 23 A I asked him if he was the [REDACTED] that was
 24 in the paper, and he told me yeah, it was true, it was
 25 him.

1 Q And then what happened? And then what did you
 2 discuss after he said that he was the [REDACTED] that was
 3 in the paper?
 4 A He didn't want to talk about it.
 5 Q What?
 6 A He didn't want to talk about it.
 7 Q What did he say to you, "I don't want to talk
 8 about it"?
 9 A Yeah.
 10 Q Did you want to talk about it?
 11 A Yeah, I did.
 12 Q So what did you say to him?
 13 A He cut me off and then left me. He didn't
 14 want to talk about it.
 15 Q He cut you off and left; is that what you
 16 said?
 17 A Yeah, he went to his house.
 18 Q How did you know that he lived there?
 19 A I didn't.
 20 Q When did you find out that that was his house?
 21 A He told me.
 22 Q So that was part of this conversation also?
 23 A Yeah. I just asked, I said, "Do you live
 24 here?"
 25 And he says, "Yeah, I live here."

1 Q I want to know everything about that
 2 conversation, so tell me everything that you remember.
 3 A It was just short; it was a short
 4 conversation.
 5 Q So what else was said between the two of you
 6 in that conversation?
 7 A I asked him if he lived there and he said yes.
 8 Q Anything else was said?
 9 A I don't remember.
 10 Q So he cut you off and then he left?
 11 A Yeah, I was -- had to do my job.
 12 Q You what?
 13 A I had to do the job I was coming there to do.
 14 Q But that's not why he left; you said he cut
 15 you off and he left?
 16 A He went into his house.
 17 Q Because he didn't want to talk about it; is
 18 that what he told you?
 19 A I don't remember. He just went to his house
 20 and I went to work. He was just coming back from work,
 21 he told me, or something like that, I think. He just
 22 went -- he just went in the house.
 23 Q But you told me he said to you, "I don't want
 24 to talk about it"?
 25 A Yeah.

1 Q So it had nothing to do with the fact that you
 2 had a job to do?
 3 A Yes, I had a job to do. I had to go to work.
 4 I had just got there.
 5 Q What time of day was it?
 6 A I don't remember.
 7 Q Do you remember the address of the job?
 8 A No.
 9 Q Do you remember whose house, who was your
 10 customer?
 11 A It was a lady. I can't think of her last
 12 name.
 13 Q So it was a home as opposed to a business?
 14 A Yes, it was a home.
 15 Q Do you remember the intersection?
 16 A It was the end of the street.
 17 Q Do you remember the intersection, the street
 18 name?
 19 A No, it was at the end of a street.
 20 Q And I'm asking you if you remember the names
 21 of the street or streets.
 22 A I don't remember the name of the street.
 23 Q You said that was the -- that there were two
 24 times you talked to Mr. [REDACTED] --
 25 A Yes.

1 Q -- about the case.
 2 Have you told me everything you remember about
 3 that first conversation?
 4 A As best I can remember.
 5 Q Are there any documents or anything else that
 6 would refresh your recollection?
 7 A No.
 8 Q Tell me about the second conversation. How --
 9 how long after the first conversation did the second
 10 conversation with Mr. [REDACTED] take place?
 11 A Maybe a year or two later.
 12 Q So recently?
 13 A Yep.
 14 Q How recently? How long ago?
 15 A Maybe -- maybe in the last two or three months
 16 ago.
 17 Q Two or three months ago? And what -- where
 18 were you the second time you talked to Mr. [REDACTED]?
 19 A On [REDACTED] Street.
 20 Q On what, [REDACTED] Street?
 21 A Yeah.
 22 Q Was this another job site?
 23 A Yes.
 24 Q And was it your job or his job?
 25 A I was doing the [REDACTED] and he was helping on

1 the [REDACTED].

2 Q So you were both working on the same -- at the

3 same job site?

4 A Yes.

5 Q Was it for a person or a business?

6 A A person.

7 Q And what did you say to him or what did he say

8 to you that started up the conversation regarding Father

9 Kelly?

10 A I don't remember how the conversation started.

11 Q What was the substance of the conversation?

12 What was said? What did you say to each other?

13 A He told me something -- I don't remember what

14 he -- he told me something about the -- I don't

15 remember -- something about the -- the truth will come

16 out.

17 Q That's what he said to you, the truth will

18 come out?

19 A Yeah.

20 Q And what did you say to him? Did you ask him

21 any questions?

22 A I said he was right, it will come out.

23 Q Now, you told me that when you had the first

24 conversation with him, you wanted to talk about it, but

25 he didn't.

1 A Right.

2 Q So this time did you talk to him about

3 whatever you wanted to talk to him about, during the

4 second conversation?

5 A I talked to him, I was telling him about --

6 about a book that Father Kelly gave me a long time ago.

7 Q And what was the name of the book?

8 A "How to Win Friends and Influence People."

9 Q Do you know the author of that book?

10 A Dale Carnegie.

11 Q What did you tell [REDACTED] about the book?

12 A I said, "After reading through the book, it

13 came to me that maybe" -- "I thought that he was using

14 all those tricks on us."

15 Q And when did Father Kelly give you that book?

16 A Just before I -- I started the business.

17 Q Before you started your plumbing business --

18 A (Inaudible response.)

19 Q -- so it would have been in the 1984-1985 time

20 frame?

21 A (Inaudible response.)

22 Q Is that a "yes" or "no"?

23 A Yes. Somewhere in that time. Whenever I

24 started.

25 Q When did you read the book for the first time?

1 A Around then.

2 Q Have you read it again since then?

3 A I bought the CDs.

4 Q You bought the CDs?

5 A (Inaudible response.)

6 Q When?

7 A About four years ago.

8 Q Do you still have the book?

9 A Yes.

10 Q Where is it?

11 A At home.

12 Q Does it have an inscription on it from Father

13 Kelly?

14 A The one that he gave me, no, I don't have that

15 one. I had bought others -- others since then.

16 Q So when I just asked you a minute ago, "Do you

17 still have the book?" And you said "Yes," and I said,

18 Where? And you said --

19 A I'm sorry.

20 Q -- "Home" --

21 A I made a mistake. I don't have the actual

22 book that he gave me.

23 Q You bought other books?

24 A I bought other books.

25 Q The same book --

1 A Same --

2 Q -- but --

3 A -- same book.

4 Q Where is the book that he gave you in 1984 or

5 '5?

6 A I don't know. Probably got lost by moving

7 from one house to the other.

8 Q Have you made any attempt to look for it?

9 A No, that's why I bought others.

10 Q So you might still have it and you don't even

11 know if you have it? Do you have boxes from your moves?

12 A Maybe. I have books, but I don't remember

13 that book.

14 Q Well, while you're looking for all these other

15 things, will you look for that book as well?

16 A Sure.

17 Q Did you have a homosexual relationship with

18 Father Kelly while you were an adult?

19 A No.

20 Q "No" is the answer?

21 A What do you mean? Explain to me a little more

22 in detail.

23 Q Did you have a homosexual relationship? Did

24 you have sex with Father Kelly when you were an adult?

25 A No.

1 Q How old were you the last time you can recall
 2 Father Kelly sexually abusing you?
 3 A I don't know, probably be -- after going into
 4 the mil- -- before going into the military is -- like
 5 around the last time is when I went into the military.
 6 Q So when you went into -- went into the
 7 military, you were approximately 17; is that correct?
 8 A Yes.
 9 Q And after that, he never sexually abused you
 10 anymore; is that correct?
 11 A I'm not sure.
 12 Q You're not sure?
 13 A I don't think so.
 14 Q Is there anything that would refresh your
 15 recollection on that that you know of?
 16 A No.
 17 Q Do you know [REDACTED]?
 18 A No.
 19 Q [REDACTED], do you know [REDACTED]?
 20 A I heard of that kind of name before and a long
 21 time ago, but I don't -- I don't know him by face. I
 22 wouldn't know who he is.
 23 Q Ever spoken to him that you know of?
 24 A No.
 25 Q Do you know [REDACTED]?

1 A No.
 2 Q Was your stepfather an alcoholic?
 3 A No, he didn't like to drink.
 4 Q So when he physically abused you or you
 5 testified hit you when you were sleeping, it was -- it
 6 wasn't because of alcohol as --
 7 MR. HALE: Speculation.
 8 BY MS. YOUNG:
 9 Q -- far as you know? Alcohol was not involved?
 10 A I don't remember. I was five years old.
 11 Q How many times did your stepfather physically
 12 abuse you, by hitting you or by doing anything else to
 13 you?
 14 A There was a lot of times.
 15 Q Was it during the entire duration, entire
 16 period that you lived at home with your mother?
 17 A No, not all of it.
 18 Q Was it after that also, after you moved out,
 19 it continued?
 20 A That's why I left.
 21 Q Well, the question was, did he continue to
 22 physically abuse you after you left?
 23 A He didn't hit me anymore, I know that.
 24 Q What did he do to abuse you after you left?
 25 A He just made it very uncomfortable for me to

1 be there.
 2 Q In what way? What did he -- what would he do
 3 that made it uncomfortable for you?
 4 A He would just make it really uncomfortable,
 5 that's all.
 6 Q Like what? Give me an example.
 7 A Well, there was no affection in his eyes for
 8 me.
 9 Q Did he ever tell you that you were stupid?
 10 A No, he called me a liar.
 11 Q He called you a liar. Was that in connection
 12 with a particular incident?
 13 A Yeah.
 14 Q Can you tell me what that was?
 15 A I don't know. I don't know why he was calling
 16 me a liar because I don't remember why he called me a
 17 liar, but he did it right in front of Father Kelly, and
 18 it embarrassed me.
 19 Q He did it in front of Father Kelly. Where
 20 were you?
 21 A Sitting in his car.
 22 Q In Father Kelly's car?
 23 A Yes.
 24 Q And what was he accusing you of lying --
 25 A I don't --

1 Q -- about?
 2 A I don't remember.
 3 Q So what happened? He just -- your stepfather
 4 just walked outside and said, "You're a liar"?
 5 A No, he asked me a question and I told him, and
 6 he called me a liar.
 7 Q And what did he ask you; do you remember?
 8 A I don't remember, but it was not a lie.
 9 Q You mean whatever you told him was not a lie?
 10 A That's right.
 11 Q But you don't remember what the question was?
 12 A No.
 13 Q No? And how old were you then; do you
 14 remember?
 15 A I don't remember. I was young, very young.
 16 Q Was that the car that Father Kelly had that
 17 was the 1969 or '70 Buick Skylark?
 18 A Yes, I believe it was.
 19 Q Did your father -- your stepfather --
 20 A Excuse me.
 21 Q Did your stepfather used to tell you you would
 22 never amount to anything? Do you recall him telling you
 23 that?
 24 A If he did, I didn't speak very much Spanish
 25 for me to understand him anyway.

1 Q So your stepfather only spoke Spanish?
 2 A Yes.
 3 Q Do you remember telling a therapist that your
 4 stepfather not only physically abused you but mentally
 5 abused you, as well?
 6 A Physically? Well, that made it uncomfortable
 7 for me to be there. It made it -- it made it -- I don't
 8 know. Maybe I did. Yes, maybe I did.
 9 Q So how did your father make it uncomfortable
 10 for you to be there? I still don't understand. You
 11 told me one instance where he told you that you were a
 12 liar?
 13 A He wanted to run me off.
 14 Q He wanted to what?
 15 A Run me off, away from the house.
 16 Q So he wanted you out of the house, that was
 17 your impression?
 18 A Yes.
 19 Q And what did he do to create that impression,
 20 in your mind? What did he do that made you feel to this
 21 day that he wanted you out of the house?
 22 A It's almost like when I came home, every time
 23 I came home, he was always following me around, trying
 24 to look for something wrong.
 25 Q And did he treat your siblings the same way he

1 treated you, or different, in your mind?
 2 A Differently.
 3 Q Did you feel that he treated you worse than he
 4 treated your siblings?
 5 A Yes.
 6 Q So you moved out to get away from your
 7 stepfather; you joined the Marines?
 8 A Yes and no.
 9 Q What do you mean by that answer, "Yes and no"?
 10 A I wasn't -- I wanted to get away and I wasn't
 11 doing much good here and I -- I just figured I wanted to
 12 just get away.
 13 Q Did your mother object to you moving out?
 14 A For a little while.
 15 Q When you were young, before you moved out, did
 16 you ever complain to your mother that your stepfather
 17 was making it uncomfortable for you and in some
 18 instances physically hitting you?
 19 A Yes.
 20 Q Did your mother do anything about it, in your
 21 opinion?
 22 A Well, when Father Kelly came around, all of a
 23 sudden he was the answer. And she thought he was the
 24 answer, too. He was there to save me.
 25 Q But did you -- that wasn't my question. Move

1 to strike.
 2 Did your mother ever do anything to keep your
 3 stepfather from abusing you?
 4 A Yes.
 5 Q What did she do?
 6 A They had arguments.
 7 Q Your mother and your stepfather had arguments?
 8 A Yes.
 9 Q Did she try to tell your stepfather not to
 10 abuse you?
 11 A Yes.
 12 Q Now, these arguments that your mother and your
 13 stepfather had, they were in Spanish, right?
 14 A Yes.
 15 Q And I thought you said you didn't understand
 16 Spanish; you didn't understand what your stepfather was
 17 saying when he talked to you?
 18 A You didn't have to. They were arguing, you
 19 could tell.
 20 Q Well, how did you know they were arguing about
 21 you?
 22 A Because it started with between -- I was -- I
 23 was -- it was -- it's kitchen Spanish.
 24 Q So you did understand it?
 25 A Somewhat of it.

1 MR. HALE: Misstates testimony.
 2 BY MS. YOUNG:
 3 Q What is kitchen Spanish?
 4 A Simple Spanish.
 5 Q Did you understand what your father -- what
 6 your mother was saying to your stepfather when you --
 7 when she had those arguments with him?
 8 A Not all the time. Not every word.
 9 Q Were these violent arguments?
 10 A In which way are you speaking of it being
 11 violent?
 12 Q Was there any violence involved? Let's start
 13 there. Physical violence?
 14 A Now you're being clear.
 15 Q Thank you.
 16 A No.
 17 Q Did you ever see any physical violence between
 18 your mother and your stepfather?
 19 A No.
 20 Q Was it your impression that your mother tried
 21 to protect your stepfather?
 22 A I don't know.
 23 Q At your expense?
 24 A I don't know.
 25 Q Where were you when your father died?

1 A My stepfather or my real father?
 2 Q No, your real father.
 3 A I don't remember.
 4 Q How old were you when your real father died?
 5 A I was 19, I think.
 6 Q So your mother -- so your real father and your
 7 mother got a divorce when you were very young --
 8 A Yes.
 9 Q -- is that correct?
 10 How old were you when your real father left
 11 home?
 12 A I don't remember. I was too young.
 13 Q When you say you were "too young," were you --
 14 it was before you were five, right?
 15 A Yes.
 16 Q Were you an infant or were you a toddler?
 17 A I don't know. I don't remember that far back.
 18 Q How old were you when your mother married your
 19 stepfather?
 20 A I don't know.
 21 Q Was it before you were five?
 22 A I don't know.
 23 Q Now, you testified earlier this morning that
 24 when you were five, approximately five, your stepfather
 25 hit you while you were sleeping.

1 A Yes.
 2 Q Where did he hit you? I mean what part of
 3 your body?
 4 A I don't know. I was hit too hard.
 5 Q Did he hit you with his hand, or he did hit
 6 you with an object?
 7 A I don't know. I believe it was his hand.
 8 Q Was that the only time he ever hit you?
 9 A No.
 10 Q Did he hit you often?
 11 Do you understand the question?
 12 A Yes, I do. I'm trying to remember, ma'am.
 13 Q Well, let me try to rephrase it. Did he hit
 14 you once a month or more than once a month?
 15 A Only when I was younger.
 16 Q When you were younger, that's what I'm talking
 17 about.
 18 When you were younger, when you were five,
 19 from the time you were five till, say, the time you were
 20 seven or eight, did he hit you often?
 21 A I only recall two instances where, when I was
 22 five, that really became very traumatic for me, but...
 23 Q And when was the second one you recall?
 24 A When my brothers and I were in the room and my
 25 stepfather came in and spanked us all with his belt.

1 Q So he spanked you and all your brothers --
 2 A Yes.
 3 Q -- that were in the room?
 4 A Yes.
 5 Q Which brothers were in the room with you?
 6 A My other two brothers.
 7 Q [redacted] and [redacted]?
 8 A Yes.
 9 Q What did he spank you for; do you know?
 10 A I don't know.
 11 Q Was there a reason for the spanking?
 12 A I don't know. I was too small.
 13 Q How old were you?
 14 A Around the same age.
 15 Q Around when you were five also?
 16 A (Inaudible response.)
 17 Q Now, when your fa- -- when your stepfather hit
 18 you that night very, very hard, you said, when you were
 19 sleeping, after that happened did you have trouble
 20 sleeping? Did that make you scared that he would do it
 21 again?
 22 A I don't remember.
 23 Q Did you see your real father after he and your
 24 mother were divorced? Did you continue to see him?
 25 A I went and saw him just before I -- say the

1 question again.
 2 Q After your mother and your father got a
 3 divorce -- and I presume that at that time your father,
 4 your real father was no longer living with you -- did
 5 you continue to have a relationship with him? Did you
 6 continue to see him?
 7 A No.
 8 Q Do you know why not?
 9 A No, I don't.
 10 Q Your mother never took you to see him?
 11 A No.
 12 Q You were mentioning a minute ago that you saw
 13 him once?
 14 A Yes.
 15 Q When?
 16 A When I was 19.
 17 Q When you were 19.
 18 Was that after you got out of --
 19 A Excuse me.
 20 Q -- the Marines?
 21 A I'm sorry. I made a mistake.
 22 I saw him when I was 17.
 23 Q Before you went into the Marines?
 24 A Before I went overseas.
 25 Q Before you went to Okinawa? Is that where you

1 went?
 2 A Yes.
 3 Q So you saw him right before you left for
 4 Okinawa?
 5 A Yes.
 6 Q Is that the only time that you remember seeing
 7 him between the time he -- he and your mother split up
 8 and then?
 9 A Yep.
 10 Q Did you ever make any effort to try to --
 11 well, strike that.
 12 How did you know where he was when you saw him
 13 when you were 17, before you went to Okinawa?
 14 A Because my brothers and sisters went to go see
 15 him, and they gave me the address.
 16 Q I see.
 17 So did your brothers and sisters maintain
 18 their father-son or -daughter relationship while they
 19 were growing up?
 20 A No.
 21 Q They just went to see him one time?
 22 A I believe so.
 23 Q And you weren't -- you weren't with them when
 24 they went that time?
 25 A No.

1 Q So you went later?
 2 A Later.
 3 Q How old did you say he was -- you were when he
 4 died? I'm sorry, I don't recall. I know you answered
 5 the question.
 6 A I was 19.
 7 Q Did you go to his funeral?
 8 A Yes.
 9 Q And he died of colon cancer; is that right?
 10 A I'm really not absolutely certain.
 11 Q Some --
 12 A Some form of cancer.
 13 Q Some form of cancer that affected his
 14 intestinal system?
 15 A I think --
 16 Q Is that your understanding?
 17 A I've asked various people. Nobody really
 18 wants to tell me.
 19 Q Did you ask your mother?
 20 A Yep.
 21 Q She doesn't want to tell you?
 22 A No. If I asked her --
 23 Q You don't remember?
 24 A I know it was some kind of cancer.
 25 Q Did you -- did you father, your real father

1 ever remarry?
 2 A Yes.
 3 Q And do you know when he remarried?
 4 A No.
 5 Q Do you know why your father -- your real
 6 father and your mother split up?
 7 A No.
 8 Q Do you know where your mother met your
 9 stepfather?
 10 A No.
 11 Q How long were you living with your mother
 12 without a father, if at all, before your stepfather
 13 moved in?
 14 A I don't know.
 15 Q Was there a time when it was just your mother
 16 and the kids that you remember?
 17 A I don't remember.
 18 Q Does your mother speak English?
 19 A Yes.
 20 Q Do you know what was the cause of your
 21 stepfather's death?
 22 A No.
 23 Q Has anybody else in your family ever been
 24 diagnosed with bipolar disease?
 25 A I don't know.

1 Q You don't know?
 2 A (Inaudible response.)
 3 Q Did your father drink alcohol?
 4 A I don't know.
 5 Q Now your father's real name -- your real
 6 father's name, sorry, is what?
 7 A [REDACTED]
 8 Q And your stepfather's name?
 9 A [REDACTED] -- I don't be- -- I'm not sure if it's
 10 [REDACTED] --
 11 THE REPORTER: What, "[REDACTED]"?
 12 THE WITNESS: I'm not sure. I think it was
 13 [REDACTED]. I'm not really sure. I just --
 14 BY MS. YOUNG:
 15 Q You're not sure about the [REDACTED] part, but
 16 you're sure about the [REDACTED] part, aren't you?
 17 A Yes.
 18 Q That's [REDACTED]?
 19 A Yes.
 20 Q Now, did he take the last name [REDACTED], your
 21 stepfather? He always stayed [REDACTED], didn't he?
 22 A My stepfather?
 23 Q Your stepfather.
 24 A Why would he change it?
 25 Q What's your mother's full name?

1 A My mother?
 2 Q Your mother.
 3 A [REDACTED]
 4 Q So she didn't keep the [REDACTED] name?
 5 A No.
 6 Q Did your mother work outside the home when you
 7 were growing up?
 8 A Yes.
 9 Q What did she do?
 10 A She works for -- she worked for Santa Barbara
 11 Junior High School.
 12 Q As -- doing what?
 13 A She -- some kind -- something to do with
 14 attendance.
 15 Q What do you mean something to do with
 16 attendance?
 17 A Well, kids -- kids that would speak the --
 18 Spanish-speaking and she also cleaned houses, cleaned --
 19 worked for being a cook for the church.
 20 Q For Our Lady of Guadalupe church?
 21 A No, I think it was for St. Raphael's up in
 22 the -- up in the Mesa -- I mean -- not in the Mesa.
 23 What do they call it? What is that area by Las Positas?
 24 Q Well, if you don't know --
 25 A Oh. It's off Las Positas, I don't know.

1 Q Do you consider yourself obsessed with
 2 [REDACTED]?
 3 MR. HALE: Vague and ambiguous --
 4 THE WITNESS: No.
 5 MR. HALE: -- as to time.
 6 THE WITNESS: No.
 7 BY MS. YOUNG:
 8 Q Have you ever been obsessed with [REDACTED]?
 9 A No. I have -- I have [REDACTED]. I don't know if
 10 I'd call it obsession.
 11 Q You have [REDACTED]. What kind of [REDACTED]?
 12 [REDACTED]?
 13 A Yes.
 14 Q And -- and how long have you had those [REDACTED]?
 15 A When I bought maybe -- I'm not absolutely
 16 certain. Maybe two or three years ago.
 17 Q And those are like [REDACTED]? Is that
 18 what you're referring to?
 19 A No, [REDACTED].
 20 Q [REDACTED]?
 21 A (Inaudible response.)
 22 Q Do you remember having any of those prior to
 23 two or three years ago?
 24 A Are you talking about before?
 25 Q Yeah, I'm sorry. Before two or three years

1 ago, say 10 years ago, 15 years ago.
 2 A Yes.
 3 Q What kind of [REDACTED] did you have then?
 4 A Same thing you're just saying now.
 5 Q I'm sorry, what?
 6 A Same one you asked me about, [REDACTED]
 7 [REDACTED].
 8 Q So you would look at the [REDACTED] in
 9 your spare time? Is that what you did with them?
 10 A Yes, I've looked at them.
 11 Q Do you [REDACTED]
 12 [REDACTED]
 13 A [REDACTED]
 14 Q [REDACTED]?
 15 A [REDACTED]
 16 Q So you told me that -- this morning that for a
 17 month or two you stayed -- you asked Father Kelly if you
 18 could stay in his cabin in the Santa Ynez mountains and
 19 he said yes, right? Remember that? And you stayed
 20 there? Remember that testimony?
 21 A Say that again.
 22 Q You told me this morning when we were
 23 discussing things that you asked Father Kelly when you
 24 were younger, when you were a teenager, if you could
 25 stay in his cabin, and you stayed in his cabin by

1 yourself for a month or two.
 2 Do you remember that testimony?
 3 A Not as a teenager.
 4 Q How old were you then? I'm sorry?
 5 A I think about 28.
 6 Q Okay.
 7 So you stayed in his cabin for a few months
 8 when you were 28 or so?
 9 A Yeah.
 10 Q Did you have any [REDACTED] with
 11 you when you stayed in his cabin in the Santa Ynez
 12 Mountains?
 13 A I don't believe I did.
 14 Q Okay.
 15 Are you sure?
 16 MR. HALE: Asked and answered.
 17 THE WITNESS: I'm not sure. I don't think so.
 18 BY MS. YOUNG:
 19 Q Would you say that the [REDACTED] that we've just
 20 been discussing that you watch, you use primarily for --
 21 I don't know how to put this, but it's normal -- to
 22 [REDACTED]?
 23 A No, I just like -- like [REDACTED].
 24 Q You what?
 25 A I just --

1 Q You like [REDACTED]
 2 A I like it when [REDACTED]
 3 Q Okay.
 4 Does your [REDACTED], too?
 5 A Unless I make a suggestion.
 6 Q What do you mean?
 7 A Unless I ask her to.
 8 Q I'm not sure you understood my question. I
 9 said does [REDACTED]
 10 [REDACTED]?
 11 A When I ask [REDACTED]
 12 Q Okay.
 13 MR. HALE: Bless, when it's convenient, if we
 14 could take one more break before we finish up tonight.
 15 MS. YOUNG: Okay. Let's do it now.
 16 MR. HALE: Right now? Okay.
 17 Obviously we're not going to finish today, I
 18 assume. So 6:00, 6:15, is that okay?
 19 MS. YOUNG: Yep.
 20 MR. HALE: Great.
 21 THE VIDEOGRAPHER: We're going off the record.
 22 The time is 4:52 p.m.
 23 (Discussion off the record.)
 24 THE VIDEOGRAPHER: This is the end of Media
 25 No. 3.

1 (Recess.)
 2 THE VIDEOGRAPHER: We're going back on the
 3 record. The time is 5:04 p.m. This is the beginning of
 4 Media No. 4. Please continue.
 5 MS. YOUNG: Thank you.
 6 BY MS. YOUNG:
 7 Q And you know, Mr. [REDACTED], you're still under
 8 oath, right?
 9 A Yes.
 10 Q Do you remember having a girlfriend who
 11 cheated on you when you were 19?
 12 A No.
 13 Q Do you ever remember having a girlfriend who
 14 [REDACTED]?
 15 A Yes.
 16 Q How old were you?
 17 A Probably about 30.
 18 Q What was her name?
 19 A [REDACTED]
 20 Q [REDACTED]?
 21 A Yes.
 22 Q Do you know [REDACTED]? Do
 23 you know [REDACTED]?
 24 A No.
 25 Q How did you know [REDACTED]?

1 A A good friend of mine told me that he was --
 2 [REDACTED]
 3 Q That she was [REDACTED]?
 4 A (Inaudible response.)
 5 Q So you -- what was your good friend's name?
 6 A Well, he wasn't a good friend. He was
 7 somebody I knew from school.
 8 Q What was his name?
 9 A I can't -- I believe his name was [REDACTED]
 10 [REDACTED].
 11 Q Was she related to him? They both had the
 12 same last name?
 13 A No.
 14 Q So a friend of -- of somebody you knew --
 15 somebody that you knew named [REDACTED] told you that
 16 your girlfriend at the time, [REDACTED], was [REDACTED]
 17 [REDACTED]?
 18 A Pardon me? Say it again.
 19 Q Somebody that you knew named [REDACTED] told
 20 you that [REDACTED]
 21 [REDACTED]?
 22 A No, not him.
 23 Q Oh, okay. I misunderstood. That's why I'm
 24 asking you.
 25 So what did [REDACTED] tell you?

1 A He told me that she was [REDACTED]
 2 [REDACTED]
 3 Q I see.
 4 But did he tell you [REDACTED]
 5 [REDACTED]?
 6 A No.
 7 Q And you were approximately 30 years old at
 8 this time?
 9 A I don't recall the guy. I think I saw him,
 10 but I don't recall -- remember his name.
 11 Q And you were approximately 30 years old at
 12 this time?
 13 A I believe so, somewhere in there.
 14 Q How long had you been going out with [REDACTED]
 15 [REDACTED]?
 16 A For a few years.
 17 Q A few years? More than two years?
 18 A I'm not absolutely certain.
 19 Q Did that hurt you when he told you that [REDACTED]
 20 [REDACTED]?
 21 A Yes.
 22 Q Did you [REDACTED]
 23 [REDACTED]?
 24 A I tried to work it out.
 25 Q By talking to her?

1 A Yes.
 2 Q And did you work it out?
 3 A She [REDACTED].
 4 Q Did you believe her?
 5 A I don't know.
 6 Q Did you continue to see her as a girlfriend?
 7 A Yes.
 8 Q For how much longer?
 9 A I don't remember.
 10 Q What was the name of your first wife?
 11 A [REDACTED].
 12 Q I'm sorry, what?
 13 A [REDACTED].
 14 Q What was her maiden name?
 15 A That was her maiden name.
 16 Q [REDACTED] was her maiden name?
 17 A Yes.
 18 Q Okay. That's right. I'm sorry. I'm getting
 19 my plaintiffs confused.
 20 And how old were you when you married her?
 21 A I was -- I believe I was 25.
 22 Q How long were you married to her?
 23 A I believe it was three or four years.
 24 Q Where did you meet her?
 25 A Santa Barbara.

1 Q Was she from Santa Barbara?
 2 A Originally I think she was.
 3 Q Why -- now you -- you had [REDACTED] children with
 4 her, right?
 5 A Yes.
 6 Q [REDACTED]?
 7 A Yes.
 8 Q And why did you and [REDACTED] get a
 9 divorce?
 10 A Too much parental interference.
 11 Q When you say "too much parental interference,"
 12 whose --
 13 A On her --
 14 Q -- parent?
 15 A -- part. Her parents.
 16 Q Her parents were interfering with your
 17 marriage?
 18 A Yes.
 19 Q In what way?
 20 A I don't remember now. I don't remember what
 21 was said back then.
 22 Q You don't remember what?
 23 A I don't remember what was said back then.
 24 Q But you felt it was too much parental
 25 interference?

1 A Yes.
 2 Q And did you -- was it your idea to get the
 3 divorce or hers or was it mutual?
 4 A It was my idea.
 5 Q Did you tell her that you wanted a divorce
 6 because her parents were interfering too much?
 7 A I was not planning on getting a divorce in the
 8 very beginning. I was -- when I left, I was not
 9 planning on getting a divorce.
 10 Q When you left for where?
 11 A When I left her.
 12 Q What were you planning on doing?
 13 A Just planning on leaving and --
 14 Q Did you tell her why you were leaving?
 15 A I don't remember.
 16 Q So you don't remember what you said to her
 17 before you left?
 18 A No, I don't remember that.
 19 Q But in your own mind, you were thinking that
 20 you were leaving because there was too much parental
 21 interference?
 22 A Yes. Her father was always interfering in my
 23 life.
 24 Q I see.
 25 And ultimately where did you go when you left

1 her?
 2 A Back to my mother's house.
 3 Q Was your stepfather still living there?
 4 A Yes.
 5 Q Did you still not get along with your
 6 stepfather when you went back to your mother's house?
 7 A Yes, didn't get along.
 8 Q Didn't get along with him at all?
 9 A Yes, still didn't get along with him.
 10 Q Was he still abusive towards you?
 11 A He didn't say much anymore.
 12 Q Then why didn't you get along with him?
 13 A I can still tell he didn't want me there.
 14 Q How could you tell? What -- what was it that
 15 showed you that he did --
 16 A Nothing I can do is right.
 17 Q Well, how did he -- how did he convey to you
 18 or show you that nothing -- that he felt nothing you did
 19 was right?
 20 A Because he questioned everything I did.
 21 Q You said he didn't talk much to you, though.
 22 A Not as much as he did when I was younger.
 23 Q But you felt that he thought everything you
 24 did was wrong? Is that how you felt back then when you
 25 moved back into your mother's house?

1 A Say that again.
 2 Q You felt when you moved -- still when you
 3 moved back into your mother's house that he still felt
 4 everything you did was wrong?
 5 A Again. Can you repeat that again, please?
 6 Q Sure. When you moved -- after you left your
 7 wife, your first wife, you moved back into your mother's
 8 house?
 9 A Uh-huh.
 10 Q Your step- -- stepfather still managed to give
 11 you the impression somehow that everything you did was
 12 wrong?
 13 A Yes.
 14 Q How long did you stay at your mother's house?
 15 A Not very long.
 16 Q How long is "not very long"? Are we talking
 17 weeks? Months? A year?
 18 A No, maybe a matter of months.
 19 Q Months?
 20 A Yeah.
 21 Q And where did you go when you left your
 22 mother's house this time?
 23 A With [REDACTED].
 24 Q That's when you started dating [REDACTED]
 25 [REDACTED]?

1 A Yes.
 2 Q You lived with her?
 3 A I visited there.
 4 Q Well, I'm talking about when did you move out
 5 of your mother's house?
 6 A I don't remember. I was going to see her
 7 and --
 8 Q Going to see [REDACTED]?
 9 A Yeah.
 10 Q Were you more or less living there with her?
 11 A More or less. Something like that. I would
 12 visit there a lot.
 13 Q To get away from your stepfather?
 14 A No, just to -- 'cause I -- at that time I -- I
 15 had just saw her again after a lot -- a long time. I --
 16 I wanted to be with her.
 17 Q So when did you move out of your mother's
 18 house? You got -- you left your first wife, [REDACTED]
 19 [REDACTED], you moved back in with your mother and your
 20 stepfather; started dating, I take it, [REDACTED]
 21 during that time.
 22 A I was just seeing her.
 23 Q Seeing her.
 24 But when did you move out of your mother and
 25 stepfather's home?

1 A I don't remember.
 2 Q You don't remember whether it was months or
 3 years that you lived there?
 4 A No, it wasn't years.
 5 Q Bless you.
 6 A It was not years.
 7 THE REPORTER: "It was not years," did you
 8 say?
 9 THE WITNESS: It was not years.
 10 BY MS. YOUNG:
 11 Q Could it have been one year?
 12 A No.
 13 Q So it was less than a year?
 14 A Yes.
 15 Q And where did you go when you moved out of
 16 your mother's house?
 17 A To where [REDACTED] was living.
 18 Q So I asked you did you live with [REDACTED] and
 19 you said no.
 20 A Not right away, I said.
 21 Q Okay.
 22 A I was just visiting her.
 23 Q So eventually --
 24 A I'm sorry.
 25 Q Eventually you moved out of your mother's

1 house and you went and lived with [REDACTED]?
 2 A Later.
 3 Q Later.
 4 But you don't remember exactly how much later?
 5 A No.
 6 Q And how long did you live with [REDACTED]
 7 [REDACTED]?
 8 A A matter of maybe all together like three
 9 years, off and on.
 10 Q Off and on for three years?
 11 A (Inaudible response.)
 12 Q Where did you live when it was off?
 13 A Well, she was living in a trailer then and
 14 they -- they put her out. So then she didn't have a
 15 place to stay.
 16 Q So where did she stay?
 17 A I took her to go stay with her father.
 18 Q You took her to stay with her father?
 19 A Yes.
 20 Q So did you live with her and her father at
 21 that point in time?
 22 A I stayed there for a while.
 23 Q Okay.
 24 And then -- and then what happened? You went
 25 back -- she got a place to stay?

1 A No. Her father got -- her and her father got
 2 in an argument and she left the house. And I went with
 3 her.
 4 Q And where did you stay with her?
 5 A In the truck.
 6 Q So you and [REDACTED] stayed in your truck for
 7 some period of time?
 8 A Yes.
 9 Q How long a period of time did you live in your
 10 truck with [REDACTED]?
 11 A Maybe a -- I don't remember. It could have
 12 been a month.
 13 Q So you lived in your truck for about a month
 14 with [REDACTED]. And then what happened? Did --
 15 A And her kids, too.
 16 Q -- you fi- --
 17 With [REDACTED] and her kids. How many kids does
 18 she have?
 19 A Three.
 20 Q So when you lived in your truck with [REDACTED]
 21 and her three kids, were they little kids?
 22 A Yes.
 23 Q How old was the oldest?
 24 A Maybe -- I'm not absolutely certain.
 25 Q Approximately?

1 A Maybe 15.
 2 Q Oh, that's not so little, 15.
 3 So the three of you -- how big is your truck?
 4 Four of you --
 5 A It was --
 6 Q -- five of you.
 7 A -- Chevy -- a Chevy pickup. It was a '72
 8 Chevy pickup with an 8-foot bed.
 9 Q An 8-foot bed. Was it a covered bed? Did it
 10 have a shell on it?
 11 A No, it had a utility bed on it.
 12 Q Oh, okay. So you lived in there.
 13 It didn't have a bathroom, though, right?
 14 A No.
 15 Q So you lived in there about a month and then
 16 did you, after that month, did you and [REDACTED] find a
 17 place to live?
 18 A We moved in with her sister.
 19 Q You and her three kids --
 20 A Yep.
 21 Q -- and her sister?
 22 A Uh-huh.
 23 Q Did her sister have kids, too?
 24 A Yes.
 25 Q Did your sis- -- where did her sister live?

1 A She lived on -- I'm not sure what street that
 2 is.
 3 Q Did her sister have a husband at the time?
 4 A No.
 5 Q So it was just her sister, her sister's kids,
 6 you, [REDACTED] and [REDACTED]'s three kids?
 7 A Yes.
 8 Q And how long did you live with her sister?
 9 A I don't remember. It wasn't that long.
 10 Q A month or more?
 11 A I don't even think a month.
 12 Q And then what happened? Did you find
 13 someplace else to live?
 14 A Let's see. I think I rented a -- a trail- --
 15 a trail- -- a campo -- camper that goes over a -- a
 16 pickup. I rented one.
 17 Q And did you and [REDACTED] and her kids live in
 18 there?
 19 A Yes.
 20 Q For how long?
 21 A I don't remember. It was a while.
 22 Q More than a year?
 23 A I don't know.
 24 MR. HALE: Bless you.
 25 MS. YOUNG: Bless you.

1 BY MS. YOUNG:
 2 Q Did it have a bathroom?
 3 A I think it had a port-a-potty.
 4 Q A port-a-potty?
 5 A (Inaudible response.)
 6 Q Did it have a shower?
 7 A A shower was inside the house.
 8 Q Which house?
 9 A It was -- the -- the camper was in the back of
 10 somebody's house.
 11 Q Oh, I see.
 12 Whose house were you living in the back of?
 13 A Well, the owner -- the man's dead now.
 14 Q Well, who was it?
 15 A I don't remember the man's name.
 16 Q Was this somebody you knew?
 17 A I don't remember how we met them.
 18 Q Well, somebody must have known him for him to
 19 let you park your camper there, right?
 20 A No, the camper was not mine.
 21 Q Oh. Whose was -- I thought you said you
 22 rented a camper?
 23 A Well, I mean I paid rent to live there in that
 24 camper, but the camper was not mine.
 25 Q Whose was it?

1 A Theirs.
 2 Q Oh, so you rented their camper which was in
 3 the back of their house?
 4 A Yes.
 5 Q But you don't remember whose house it was or
 6 how you met him?
 7 A The man, no, I don't. The woman I -- I -- I
 8 remember -- I know she lives -- I don't remember where
 9 she lives right now. She doesn't live in that house
 10 anymore.
 11 Q Did your sisters -- by the way, what are your
 12 sisters' names?
 13 A [REDACTED]
 14 Q [REDACTED]?
 15 THE REPORTER: "[REDACTED]"?
 16 THE WITNESS: [REDACTED] And [REDACTED]. And
 17 [REDACTED] I believe.
 18 BY MS. YOUNG:
 19 Q Is that the same as [REDACTED] or [REDACTED]?
 20 A [REDACTED] was her husband to her two kids.
 21 Q I see.
 22 Now, which of the sisters -- of those sisters
 23 told you that [REDACTED]? Was
 24 it one of those sisters that you just mentioned?
 25 A I don't remember which one told me.

1 Q You don't remember which one it was that told
 2 you. Was it one of those three?
 3 A It was one of the two older ones. My sister
 4 [REDACTED] or [REDACTED] told me.
 5 Q I'm sorry, what?
 6 A My sister [REDACTED] or my sister [REDACTED] told me.
 7 Q So it was either [REDACTED] or [REDACTED]
 8 [REDACTED]?
 9 A Yes.
 10 Q Are those their married names, [REDACTED] and
 11 [REDACTED]?
 12 A Yes.
 13 Q Now, your mother also had some children with
 14 your stepfather, right?
 15 A Yes.
 16 Q How many?
 17 A Half brothers and sisters?
 18 Q Half brothers and sisters.
 19 A I have four other half brothers and sisters.
 20 Q Did -- whether it was [REDACTED] or [REDACTED],
 21 what exactly did they tell you [REDACTED]?
 22 [REDACTED]?
 23 A They said [REDACTED].
 24 Q Did he -- were they any more specific than
 25 that?

1 A No.
 2 Q And do you recall when it was that they told
 3 you this?
 4 A No. They just said that they were very young,
 5 too.
 6 Q But when did they tell you?
 7 A When did they tell me?
 8 Q Yes.
 9 A Boy.
 10 Q Was it after Father Kelly died or before
 11 Father Kelly died?
 12 A I don't remember.
 13 Q Was it before your stepfather died or after
 14 your stepfather died?
 15 A It was before he died.
 16 Q Did it make you angry when your sister told
 17 you that?
 18 A Yes.
 19 Q Did you ever confront your stepfather about
 20 it?
 21 A No.
 22 Q Did you ever confront your mother about it?
 23 A Did I ever say anything to her?
 24 Q Yes. After your sister told you that [REDACTED]
 25 [REDACTED]

1 [REDACTED] did you ever talk to your mother about that?
 2 A She already knew.
 3 Q How did she know?
 4 A Because they had already told her.
 5 Q Did they tell you when they told your mother?
 6 A Not at the same time.
 7 Q "Not at the same time," did you say?
 8 A (Inaudible response.)
 9 Q When your sister -- one of your sisters told
 10 you, had she already told your mother?
 11 A Yeah, I think so.
 12 Q So did your sister tell you that she had
 13 already told your mother about this?
 14 A Yes.
 15 Q But you -- and you never talked to your mother
 16 about it?
 17 A I asked her about it.
 18 Q When?
 19 A I don't remember.
 20 Q Shortly after your sister told you about it?
 21 A No, not right away.
 22 Q How long after?
 23 A I don't remember.
 24 Q What did your mother say?
 25 A Not much.

1 Q What is "not much"? What did she say?
 2 A Seemed like she was kind of in -- kind of in
 3 denial.
 4 Q Did she deny it?
 5 A She didn't say per se that she denied it.
 6 Q Well, what did she say to you?
 7 A She didn't really --
 8 Q What did she say?
 9 A -- want to answer.
 10 Q What?
 11 A She just didn't want to answer it.
 12 Q So she didn't answer you?
 13 What did you say to her?
 14 A I don't remember.
 15 Q Was anybody else present during your
 16 conversation with your mother where you asked her about
 17 it?
 18 A I don't remember.
 19 Q When was the conversation? Before your
 20 stepfather died?
 21 A Yeah, before he died.
 22 Q And you don't remember what you said to your
 23 mother?
 24 A No.
 25 Q And you don't remember what she said to you,

1 if anything? You said she was in denial.
 2 A She didn't want to respond.
 3 Q Did that anger you?
 4 A I'm not sure.
 5 Q You're not sure whether it angered you that
 6 she didn't want to respond?
 7 A Probably frustrated me, but...
 8 Q No big deal?
 9 MR. HALE: Misstates testimony.
 10 BY MS. YOUNG:
 11 Q Did that anger you?
 12 A I don't know. I can't remember back then.
 13 Q And you don't remember how long ago it was
 14 that that conversation took place with your mother?
 15 A No.
 16 Q Was it more than five years ago?
 17 A I don't remember.
 18 Q Did you ever tell your mother about what
 19 Father Kelly did to you when you were a minor? That --
 20 that's not a good question. Withdraw that.
 21 Did you ever tell your mother about how Father
 22 Kelly sexually abused you?
 23 A Yes.
 24 Q When did you first tell your mother?
 25 A Later, after I remembered the dream.

1 Q So in what year was that that you told your
 2 mother?
 3 A About -- about 2003.
 4 Q And do you remember that conversation?
 5 A Yes.
 6 Q What did you say to your mother?
 7 A I -- I told her, if she knew that Father Kelly
 8 was being accused of child molestation, and then she
 9 asked me if I had been molested, and I told her yes.
 10 Q And what did she say?
 11 A She said "oops."
 12 Q She said "oops"?
 13 A Yeah.
 14 Q Is that all she said?
 15 A Yeah.
 16 Q And that was the end of the conversation?
 17 A I'm pretty sure something else must have been
 18 said.
 19 Q Do you remember what?
 20 A No.
 21 Q When you had this conversation with your
 22 mother, was it after you filed your lawsuit or before
 23 you filed your lawsuit in this case?
 24 A I don't remember.
 25 Q Do you remember anything else about that

1 conversation with your mother?
 2 A No.
 3 Q When you were growing up, were you close to
 4 your sisters, [REDACTED] and [REDACTED]?
 5 A Yes.
 6 Q Are you still close to them?
 7 A No, we -- when we get together, we -- we're --
 8 we have a good time, but we -- we don't see each other
 9 regularly. My sister -- my younger -- [REDACTED] lives in
 10 [REDACTED], so I don't see her very often.
 11 Q And is she married?
 12 A Yes.
 13 Q And she has children?
 14 A Yes.
 15 Q And is it your impression that she's happily
 16 married and -- and is happy generally?
 17 A Yeah, she's very happily married.
 18 Q That's good.
 19 And what about your sister [REDACTED]?
 20 A Very happily married.
 21 Q She's happily married also?
 22 A Yes.
 23 Q Did [REDACTED] or [REDACTED] tell you whether
 24 [REDACTED] 1?
 25 A No.

1 Q They didn't mention anything about [REDACTED]?

2 A No.

3 Q Have you ever talked to your sister [REDACTED] to

4 ask her whether [REDACTED]?

5 A They told me it was [REDACTED].

6 Q I'm sorry?

7 A They told me it was just [REDACTED].

8 Q Just -- did they tell you [REDACTED]

9 when [REDACTED]?

10 A Not at -- the actual age, no.

11 Q Did they tell you [REDACTED]

12 [REDACTED]?

13 A Yes.

14 Q Did they tell you [REDACTED]

15 [REDACTED]?

16 A No. [REDACTED]

17 Q How old -- did they tell you [REDACTED]

18 [REDACTED], [REDACTED], [REDACTED]

19 [REDACTED]?

20 A No, I don't remember. I don't know.

21 Q Now, your sister [REDACTED] is [REDACTED] today? I

22 mean now, approximately [REDACTED]?

23 A Approximately.

24 Q And your sister [REDACTED] is about [REDACTED]

25 [REDACTED] than that; is that right?

1 A Somewhere, approximately.

2 Q And how old are you today?

3 A I'm 51.

4 Q So they have [REDACTED]

5 [REDACTED]?

6 A No.

7 Q Did either of them [REDACTED]

8 [REDACTED]?

9 A No.

10 Q Are you close with your sister [REDACTED]?

11 A Yes.

12 Q Where does she live?

13 A [REDACTED]

14 Q Is she married?

15 A Yes.

16 Q Happily?

17 A Yes.

18 Q And to your knowledge, [REDACTED]

19 [REDACTED]?

20 A Not that I know of.

21 Q Did you ever ask her?

22 A No.

23 Q Now, I asked you a while ago -- I think it was

24 this morning, actually -- when was the last time you

25 spoke to your brother [REDACTED]. And you mentioned that you

1 haven't spoken to him in a really long time. Is that

2 right?

3 A Yes.

4 Q Where does your brother [REDACTED] live?

5 A In [REDACTED].

6 Q Would you say you and your brother [REDACTED]

7 are -- [REDACTED]?

8 A No. Explain it to me.

9 Q Well, let me try to find a better word.

10 Would you say you and your brother [REDACTED]

11 [REDACTED]?

12 A When we used to get together, we were always

13 close. All of us were close.

14 Q [REDACTED]?

15 A [REDACTED].

16 Q Why? Was there something that [REDACTED]

17 [REDACTED]?

18 A [REDACTED].

19 Q What do you mean by that?

20 A [REDACTED]

21 [REDACTED].

22 Q How does he do that?

23 A [REDACTED].

24 Q Did you have a fight with your brother [REDACTED]

25 or a falling out with your brother [REDACTED] after Father

1 Kelly sold the cabin, the cabin at Santa Ynez?

2 A My brother had told me -- yes, I did.

3 Q And is it since then that you have not been

4 close to your brother [REDACTED]?

5 A Repeat the question before. Something is not

6 right there.

7 MS. YOUNG: You can read it back, please.

8 THE WITNESS: Two questions --

9 THE REPORTER: Did you --

10 THE WITNESS: Two questions back.

11 THE REPORTER: "Did you have a fight?" That

12 one or before?

13 MS. YOUNG: The one -- oh, okay. Go ahead.

14 BY MS. YOUNG:

15 Q I think I -- the question was: Did you have a

16 fight with your brother [REDACTED] after he sold Father

17 Kelly's San Yne- -- Santa Ynez Mountain cabin, the one

18 you were supposed to inherit?

19 A When he told me that -- about the surgery that

20 Father Kelly needed, I thought nothing of it. And then

21 my younger brother [REDACTED], which is my half brother, and

22 my wife, after I told him what he had said, I wasn't

23 thinking there was anything wrong.

24 And then they started to enlighten me about

25 what he had said, and I was a little -- I asked -- I

1 started questioning him.
 2 Q Questioning [REDACTED]?
 3 A Yes. But at first I believed him and then
 4 after, I didn't believe him.
 5 Q You didn't believe him that Father Kelly
 6 needed surgery? What didn't you believe?
 7 A The way he was telling me that it was just --
 8 seemed to me like he was trying to be very deceptive.
 9 Q What did your wife and your half brother [REDACTED]
 10 say to you that made you suspect that [REDACTED] --
 11 A I don't remember.
 12 Q -- was trying to be deceptive?
 13 A I don't remember.
 14 Q So you had told your wife prior to this
 15 time -- had you told your wife and your brother [REDACTED]
 16 that you were supposed to inherit that cabin at the
 17 Santa Ynez Mountains?
 18 A Had I told my wife?
 19 Q Yes.
 20 A I don't remember whether I did.
 21 Q You don't remember whether you had told her
 22 that you were supposed to get that cabin?
 23 A No. Until the paperwork came and the paper
 24 came and then -- I don't remember if I did. When the
 25 paper came, then I -- I was caught by surprise.

1 Q So you never knew that that cabin -- your
 2 testimony is that you never knew that the cabin had been
 3 sold until the paper came after Father Kelly died?
 4 A Yes.
 5 Q Now, your brother [REDACTED] -- I'm sorry, your
 6 brother [REDACTED] -- are you close to your brother [REDACTED]?
 7 A Yes.
 8 Q Your brother [REDACTED] had colon cancer also; is
 9 that correct -- or not also, but he had colon cancer?
 10 A He had a polyp.
 11 Q He had a polyp. Was it cancerous?
 12 A I'm not certain. I believe it was.
 13 Q How long ago was that?
 14 A Within the last six months, I think.
 15 Q And do you worry for yourself about -- because
 16 your father had some kind of intestinal cancer, your
 17 real father, and your brother now has been diagnosed,
 18 does that make you worry about yourself getting that
 19 same cancer?
 20 A I don't worry about it. I just take care of
 21 myself.
 22 Q How do you take care of yourself?
 23 A I don't smoke. I very rarely drink. And I --
 24 when I work, I try to stay away from things that can
 25 hurt me.

1 Q Do you exercise?
 2 A Yes.
 3 Q What do you do for exercise?
 4 A Lately I have not been jogging, but I used to
 5 jog like 7 miles.
 6 Q How long ago was that?
 7 A Last -- last year I was doing that.
 8 Q With your brother [REDACTED]?
 9 A I took him one time.
 10 Q Oh, he only went with you one time?
 11 A Yeah, because he couldn't -- he couldn't -- he
 12 couldn't do the distance.
 13 Q He couldn't keep up with you?
 14 A No.
 15 Q And so you haven't jogged in a year?
 16 A Yeah, because I -- I wanted to lose weight
 17 before I started to so as not to hurt myself.
 18 Q You wanted to lose weight before you what?
 19 A Started to jog again so I don't hurt myself.
 20 Q I see.
 21 Have you gained weight, a little weight?
 22 A Yes.
 23 Q And then you had [REDACTED]?
 24 A I did, but it -- I found it doesn't really
 25 much work.

1 Q You had that in 2005?
 2 A Yeah.
 3 Q Yes?
 4 A 2005? I'm not sure. I mean --
 5 Q Well, that's what the medical records that
 6 you --
 7 A Okay. Then 2005.
 8 Q -- submitted appear to indicate.
 9 Does that sound right?
 10 A Yeah.
 11 Q Did you have it in Mexico?
 12 A Yes.
 13 Q And why did you have [REDACTED]? Why did you
 14 decide to go have [REDACTED]?
 15 A I don't know.
 16 Q Where did you have the [REDACTED]?
 17 A In a town called --
 18 Q No, no, I don't mean that. I'm sorry. Bad
 19 question.
 20 What -- where [REDACTED] did you have
 21 [REDACTED]?
 22 A My -- [REDACTED]
 23 around [REDACTED].
 24 Q Up [REDACTED]?
 25 A Yeah, well --

1 Q Your [redacted]?
 2 A Yeah, because you [redacted]
 3 [redacted]
 4 Q I see.
 5 And your [redacted] [redacted]?
 6 A A little bit [redacted], a little bit over --
 7 Q [redacted]?
 8 A Yes.
 9 Q [redacted]?
 10 A Yes.
 11 Q And did your wife [redacted]
 12 [redacted]
 13 A Yes.
 14 Q So you went together?
 15 A Yes.
 16 Q And then I understand from the medical records
 17 that [redacted], is that correct?
 18 A Right.
 19 Q And what [redacted]?
 20 A The [redacted]
 21 [redacted]
 22 Q And [redacted], is that what
 23 happened? I mean, it was a [redacted] type of
 24 thing, [redacted]
 25 [redacted]?

1 A Yes.
 2 Q And did that cause you to [redacted]
 3 [redacted]?
 4 A Yes.
 5 Q When was the last time you spoke to your
 6 brother [redacted]?
 7 A Boy, I believe it's been a few years.
 8 Q When?
 9 A I don't --
 10 Q How long ago?
 11 A -- remember. Maybe two years.
 12 Q Two years?
 13 A (Inaudible response.)
 14 Q Have you spoken to him at all since Father
 15 Kelly died?
 16 A Yes.
 17 Q Did you speak to him at Father Kelly's
 18 funeral?
 19 A I don't -- I don't know if I did.
 20 Q When was the last time you remember talking to
 21 him? I mean what was the last -- what was the last
 22 conversation you remember with him? What was the nature
 23 of that conversation?
 24 A I don't remember if it was at my mother's
 25 house or -- or was at a family reunion.

1 Q Was this before your stepfather died or after
 2 your stepfather died?
 3 A I don't remember.
 4 Q And what was the nature of the conversation?
 5 A We were just talking. He was cooking.
 6 Q Have you -- nothing special?
 7 A No, he was cooking.
 8 Q He was cooking. And what --
 9 A I was just admiring the meat; he was doing
 10 like a nice job.
 11 Q Was this at a barbecue?
 12 A If it -- if it's the time that I remember at
 13 the barbecue, it was at a family reunion.
 14 Q And where was the family reunion held?
 15 A I don't remember. They're always in different
 16 places.
 17 Q When you say "they're always in different
 18 places," at someone's -- a family member's house or do
 19 you go out of state and you have a vacation?
 20 A Sometimes they're in -- sometimes they're in
 21 different houses, sometimes they're in different -- in
 22 different towns.
 23 Q And -- and how often does your family have
 24 these reunions?
 25 A Once a year.

1 Q So at the last -- when was the last family
 2 reunion?
 3 A I don't remember I attended. I was handed the
 4 pamphlet, but I didn't go.
 5 Q Oh, so this -- they have a pamphlet that
 6 invites you?
 7 A Yes.
 8 Q Tells you where it's gonna be?
 9 A Tells you where it's gonna be.
 10 Q And you didn't go to the last one?
 11 A No.
 12 Q Where was the last one?
 13 A I don't remember.
 14 Q Why didn't you go?
 15 A Because I didn't want to.
 16 Q After you [redacted] and your
 17 [redacted], do you remember telling
 18 your therapist that [redacted]?
 19 A I don't remember.
 20 Q Excuse me?
 21 A I don't remember.
 22 Q Do you ever remember telling your therapist
 23 that [redacted] that [redacted]
 24 [redacted]? This is your [redacted].
 25 A I don't remember.

1 Q Have you ever wanted to [REDACTED]?

2 A Yes.

3 Q When?

4 A It's been a few times.

5 Q When was the first time?

6 A I don't remember.

7 Q Was it after your [REDACTED]?

8 A No, it's been -- there's been times before.

9 Q Did you ever go see a therapist [REDACTED]?

10 [REDACTED]?

11 A No.

12 Q For [REDACTED] --

13 A No.

14 Q -- [REDACTED]? No?

15 Do you want to [REDACTED]?

16 A No.

17 Q Are you [REDACTED]?

18 A No.

19 Q Why not?

20 A Because [REDACTED].

21 Q Have you made any attempt to [REDACTED]?

22 A We were gonna do it at one time. We just

23 didn't -- didn't pursue it.

24 Q And how long ago was that when you were gonna

25 do it but didn't pursue it?

1 A Some time ago.

2 Q How many years ago?

3 A I don't know.

4 Q Was it after 2005 or before 2005?

5 A Before.

6 Q Was it before your stepfather died or after

7 your stepfather died?

8 A I don't remember. It's been a while.

9 Q Was it more than five years ago?

10 A I don't know.

11 Q Have you been faithful to your wife?

12 A Yes.

13 Q How long have you been married now?

14 A For -- I think 16 years, 17.

15 Q And do you believe she's been faithful to you?

16 A Yes, I believe she has.

17 Q And your wife is a dental assistant; is that

18 correct?

19 A No.

20 Q What does she do?

21 A She's a [REDACTED].

22 Q A [REDACTED]. Somebody got that one

23 wrong.

24 For a hospital?

25 A For [REDACTED].

1 Q For [REDACTED] [REDACTED]?

2 A Yes.

3 Q Does she work at a particular [REDACTED]?

4 A I believe it's [REDACTED].

5 Q And during the years you've been married to

6 your wife, has she always done that?

7 A [REDACTED]?

8 Q Yes.

9 A No.

10 Q What did she do before that?

11 A She was a -- excuse me -- [REDACTED], I

12 think, [REDACTED].

13 Q A [REDACTED]?

14 A Cert- -- cert- -- [REDACTED].

15 Q And what did she do before that?

16 A She worked in -- I think in a [REDACTED]

17 [REDACTED].

18 Q Has she always had jobs affiliated with the

19 [REDACTED]?

20 A Yes, yes.

21 Q And since you've been married, has she always

22 maintained medical insurance?

23 A Oh, I don't remember how far back that's been.

24 Q Has it been pretty far back that she's had

25 medical insurance?

1 A Yes.

2 Q And have you been on her medical insurance?

3 A Yes.

4 Q And is your current insurance Health Net or

5 has that changed?

6 A That's changed.

7 Q What is it now?

8 A Blue Shield.

9 Q So as far back as you remember, at least since

10 you've been married to her, you've been insured?

11 A Yes.

12 Not since I've been married, no. I'm sorry

13 about that.

14 Q Since when?

15 A Since -- since she started working for [REDACTED]

16 [REDACTED] after some time.

17 Q And when was that?

18 A That was probably -- maybe could have been a

19 year, two years after we got married.

20 Q Okay.

21 And you've been married how many years, did

22 you say?

23 A Seventeen years, I think.

24 Q So for the last 15 years or so, you've been

25 insured under her policy, health medical policy?

1 A I don't know because you don't get insurance
 2 right away and -- and you have to be a full-time
 3 employee or something like that. And she was only hired
 4 as a temporary.
 5 Q So how long have you been insured under one of
 6 your wife's medical policies?
 7 A I don't know. I would have to ask her.
 8 Q You don't know yourself?
 9 A No.
 10 Q What did you tell your wife when the two of
 11 you were going [REDACTED]? Did you tell
 12 [REDACTED]?
 13 A We never made it [REDACTED].
 14 Q I understand that.
 15 But did you tell her that you think [REDACTED]
 16 [REDACTED]? You said a few minutes ago that the two
 17 of you were [REDACTED].
 18 To me that says that you must have had some
 19 kind of [REDACTED].
 20 [REDACTED].
 21 A We were planning on it.
 22 Q So you were planning on it. So how did that
 23 come about? Did you say to her, [REDACTED]
 24 [REDACTED]?
 25 A I don't remember how that happened.

1 A Must have, I think. I mean, otherwise I think
 2 [REDACTED].
 3 Q So you think [REDACTED]
 4 [REDACTED], [REDACTED]
 5 [REDACTED]?
 6 A I'm thinking about it.
 7 Q You're thinking about [REDACTED]?
 8 A Yep.
 9 Q Have you [REDACTED]?
 10 A I don't know if we said anything or not. I
 11 don't know if I [REDACTED]
 12 Q You don't remember whether [REDACTED]
 13 [REDACTED]?
 14 A No.
 15 Q Since when have you [REDACTED]?
 16 A [REDACTED].
 17 Q Did your [REDACTED], did [REDACTED]
 18 [REDACTED], is that correct?
 19 A Yes.
 20 Q [REDACTED]?
 21 A Yes.
 22 Q [REDACTED]?
 23 A Yes.
 24 Q [REDACTED]?
 25 A No.

1 Q Try to remember. It's important.
 2 A I think she suggested and I told her, I say,
 3 "Sure, we should."
 4 Q Oh, she suggested it, okay.
 5 A (Inaudible response.)
 6 Q Did she say why she was suggesting it? Were
 7 you -- was there [REDACTED]
 8 [REDACTED]?
 9 A I don't remember what it was.
 10 Q And do you remember when it was that she
 11 suggested that [REDACTED]
 12 [REDACTED]?
 13 A No. It was probably at the other house.
 14 Q At the other house, being more than three
 15 years ago?
 16 A It was more than that.
 17 Q More than five years ago?
 18 A I don't remember. It was -- it was a while
 19 back, I know.
 20 Q You think it was more than five years ago?
 21 A I don't know.
 22 Q And what happened that [REDACTED]
 23 [REDACTED]? Did things [REDACTED]?
 24 A I don't remember. Must have.
 25 Q "Must have," is that what you said?

1 Q When [REDACTED]
 2 [REDACTED]?
 3 A [REDACTED]
 4 Q [REDACTED]?
 5 A Maybe -- [REDACTED]. Maybe --
 6 Q Would you say -- go ahead.
 7 A Maybe [REDACTED]
 8 Q So you say [REDACTED]?
 9 MR. HALE: Misstates testimony.
 10 THE WITNESS: I don't know. I really don't
 11 know.
 12 BY MS. YOUNG:
 13 Q Well, what is the [REDACTED]? See, the
 14 problem -- sorry, withdraw that.
 15 Approximately [REDACTED]? [REDACTED]?
 16 A Now, [REDACTED].
 17 Q [REDACTED]. Since when has it been [REDACTED]
 18 [REDACTED]?
 19 A Oh, I don't know. I don't know when that
 20 started happening.
 21 Q Well, was there a period of time after [REDACTED]
 22 [REDACTED] -- you mentioned earlier that
 23 you -- [REDACTED]
 24 [REDACTED], [REDACTED]
 25 A Well, I just didn't like [REDACTED]

1 that's all.
 2 Q Do any of the drugs that you're taking for
 3 your [REDACTED] affect your [REDACTED]?
 4 A No.
 5 Q Have you in the past been on drugs for
 6 [REDACTED] that [REDACTED]?
 7 MR. HALE: Speculation.
 8 THE WITNESS: They could have. Maybe.
 9 BY MS. YOUNG:
 10 Q Do you recall going to the doctor while you
 11 were on some of these drugs and telling the doctor that
 12 these drugs, you don't want to be on them because [REDACTED]
 13 [REDACTED]?
 14 A I don't remember.
 15 Q Are you blaming [REDACTED] on what
 16 happened, on what Father Kelly did to you?
 17 A No.
 18 MS. YOUNG: Why don't we stop.
 19 MR. HALE: Belatedly, that may call for expert
 20 testimony.
 21 MS. YOUNG: I am asking him.
 22 MR. HALE: I understand.
 23 MS. YOUNG: I asked him.
 24 MR. HALE: I understand.
 25 MS. YOUNG: Why don't we quit for today rather

1 copy can be used for purposes of trial
 2 if, and when, necessary; and that his
 3 client will have 30 days after receipt
 4 to sign and make any corrections.
 5 "Is that --
 6 "MR. HALE: That's fine.
 7 "MS. YOUNG: -- stipulatable?
 8 "Anything else?
 9 "And that Mr. Hale and I will agree
 10 among ourselves when this deposition
 11 will reconvene. We will find a date.
 12 That's it.
 13 "MR. HALE: Yep."
 14 MS. YOUNG: And we -- I'll get with his
 15 lawyers and we'll get dates to finish up the first two
 16 depositions and this one.
 17 MR. HALE: Just send me something and I'll
 18 make sure they're okay with the clients.
 19 MS. YOUNG: Okay.
 20 THE VIDEOGRAPHER: Off the record?
 21 MR. HALE: Yes.
 22 THE VIDEOGRAPHER: This concludes today's
 23 testimony in the deposition of [REDACTED], Volume
 24 No. 1.
 25 The total number of media used today was four.

1 than trying to --
 2 MR. HALE: Sure.
 3 MS. YOUNG: -- get through something else.
 4 And we'll have to get some dates to resume, so
 5 why don't we do the same stipulation as we did for the
 6 first two depositions. Is that agreeable?
 7 MR. HALE: That's fine. That's fine, yes.
 8 (Whereupon, the previous stipulation was
 9 agreed to as follows:)
 10 "MS. YOUNG: At this point in time,
 11 I think we've agreed to temporarily
 12 terminate the deposition.
 13 "And what I'd like to do, as we did
 14 in the Ruiz deposition, is to enter
 15 into a stipulation that the court
 16 reporter will be relieved of her
 17 responsibilities under the rules; and
 18 that she will send the original
 19 transcript to me and a copy to
 20 Mr. Hale; and he can arrange for his
 21 client to sign that copy and make any
 22 corrections necessary and sign the copy
 23 as if it were an original.
 24 "And if for some reason the signed
 25 copy is lost, the original or any other

1 We're going off the record. The time is 6:06 p.m.
 2 (Whereupon, the deposition adjourned at 6:05 p.m.)
 3 -oOo-
 4
 5
 6
 7
 8
 9
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

1 I declare under penalty of perjury under
2 the laws of the State of California that the foregoing
3 is true and correct.
4

5 Executed at _____ on _____
6 (Place) (Date)
7
8

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
VOLUME 1

1	ERRATA SHEET FOR THE DEPOSITION OF
2	DATE TAKEN: JANUARY 16, 2007
3	PAGE LINE CORRECTION
4	_____
5	_____
6	_____
7	_____
8	_____
9	_____
10	_____
11	_____
12	_____
13	_____
14	_____
15	_____
16	_____
17	_____
18	_____
19	_____
20	_____
21	_____
22	_____
23	_____
24	SIGNATURE OF DEPONENT: _____
25	DATE: _____

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 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
20 Dated: _____
21
22
23

24 ELIZABETH BORRELLI
25 CSR No. 7844