

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

JOAQUIN AGUILAR MENDEZ,

Plaintiff,

vs.

Case No. BC358718

CARDINAL ROGER MAHONY, THE  
ROMAN CATHOLIC ARCHBISHOP OF  
LOS ANGELES, A CORPORATION SOLE,  
CARDINAL NORBERTO RIVERA, THE  
DIOCESE OF TEHUACAN, FATHER  
NICHOLAS AGUILAR, AND DOES  
1 - 100,

Defendants.

DEPOSITION OF CARDINAL NORBERTO RIVERA  
Mexico City, Mexico  
Wednesday, August 8, 2007

Reported by: Dana Christensen

HAHN & BOWERSOCK (800) 660-3187 FAX (714)662-1398  
151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626

SCANNED

<div>1 SUPERIOR COURT OF THE STATE OF CALIFORNIA</div> <div>2 COUNTY OF LOS ANGELES - CENTRAL DISTRICT</div> <div>3</div> <div>4 JOAQUIN AGUILAR MENDEZ, )</div> <div>5 )</div> <div>6 Plaintiff, )</div> <div>7 vs. ) Case No. BC358718</div> <div>8 )</div> <div>9 CARDINAL ROGER MAHONY, THE )</div> <div>10 ROMAN CATHOLIC ARCHBISHOP OF )</div> <div>11 LOS ANGELES, A CORPORATION SOLE, )</div> <div>12 CARDINAL NORBERTO RIVERA, THE )</div> <div>13 DIOCESE OF TEHUACAN, FATHER )</div> <div>14 NICHOLAS AGUILAR, AND DOES )</div> <div>15 1 - 100, )</div> <div>16 )</div> <div>17 Defendants. )</div> <div>18</div> <div>19 Deposition of CARDINAL NORBERTO RIVERA, taken on</div> <div>20 behalf of the Plaintiff, at Durango No. 90, Col. Roma,</div> <div>21 06700 Mexico, D.F. Mexico, beginning at 9:22 a.m. and</div> <div>22 ending at 6:01 p.m., on Wednesday, August 8, 2007, before</div> <div>23 DANA CHRISTENSEN, Certified Shorthand Reporter</div> <div>24 No. 11251.</div> <div>25</div>	<div>1 APPEARANCES: (continued):</div> <div>2</div> <div>3 MEXICAN COUNSEL FOR DEFENDANTS:</div> <div>4 FERNANDEZ DEL CASTILLO &amp; ASSOCIATES</div> <div>5 BY: BERNARDO FERNANDEZ DEL CASTILLO Q.</div> <div>6 Av. Oaxaca No. 86 1er Piso</div> <div>7 06700 Mexico, D.F.</div> <div>8 Telephone/Fax: 5533-6700</div> <div>9 5533-6701</div> <div>10</div> <div>11 SPANISH INTERPRETER:</div> <div>12 VERNON TUCK</div> <div>13 (713) 552-0155</div> <div>14</div> <div>15 VIDEOGRAPHER:</div> <div>16 MARIO TINOCO</div> <div>17 044 5540-963126</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div> <div>25</div>
<div>1 HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398</div> <div>2 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</div>	<div>1 HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398</div> <div>2 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</div>
<div>1 APPEARANCES OF COUNSEL:</div> <div>2</div> <div>3 FOR PLAINTIFF:</div> <div>4 THE DRIVON LAW FIRM</div> <div>5 BY: ROBERT T. WATERS, ESQ.</div> <div>6 - and -</div> <div>7 DAVID E. DRIVON, ESQ.</div> <div>8 215 North San Joaquin Street</div> <div>9 Stockton, California 95202-2481</div> <div>10 (209) 644-1234</div> <div>11 FAX: 463-7668</div> <div>12 E-MAIL: rwaters@drivonlaw.com</div> <div>13 ddrivon@drivonlaw.com</div> <div>14</div> <div>15 MEXICAN COUNSEL FOR PLAINTIFF:</div> <div>16 JOSE BONELLA SADA, ESQ.</div> <div>17 MEXICO CITY, D.F.</div> <div>18 (52) 55 3563-0691</div> <div>19</div> <div>20 FOR DEFENDANTS:</div> <div>21</div> <div>22 MAYER, BROWN, ROWE &amp; MAW, LLP</div> <div>23 BY: STEVEN R. SELSBERG, ESQ.</div> <div>24 700 Louisiana Street</div> <div>25 Suite 3400</div> <div>26 Houston, Texas 77002-2730</div> <div>27 (713) 238-2664</div> <div>28 FAX: 238-4664</div> <div>29 E-MAIL: srselsberg@mayerbrownrowe.com</div> <div>30</div> <div>31 CO-COUNSEL FOR DEFENDANTS:</div> <div>32</div> <div>33 MAYER, BROWN, ROWE &amp; MAW, LLP</div> <div>34 BY: EVAN M. WOOTEN, ESQ.</div> <div>35 350 South Grant Avenue</div> <div>36 Los Angeles, California 90071</div> <div>37 (213) 621-9450</div> <div>38 E-MAIL: ewooten@mayerbrownrowe.com</div> <div>39</div> <div>40</div> <div>41</div> <div>42</div> <div>43</div>	<div>1 INDEX</div> <div>2</div> <div>3</div> <div>4 WITNESS EXAMINATION</div> <div>5</div> <div>6 CARDINAL NORBERTO RIVERA</div> <div>7 PAGE</div> <div>8</div> <div>9 BY MR. WATERS 9</div> <div>10 BY MR. SELSBERG 170</div> <div>11</div> <div>12 EXHIBITS</div> <div>13</div> <div>14</div> <div>15</div> <div>16</div> <div>17</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div> <div>25</div>
<div>1</div> <div>2</div> <div>3</div> <div>4</div> <div>5</div> <div>6</div> <div>7</div> <div>8</div> <div>9</div> <div>10</div> <div>11</div> <div>12</div> <div>13</div> <div>14</div> <div>15</div> <div>16</div> <div>17</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div> <div>25</div>	<div>1</div> <div>2</div> <div>3</div> <div>4</div> <div>5</div> <div>6</div> <div>7</div> <div>8</div> <div>9</div> <div>10</div> <div>11</div> <div>12</div> <div>13</div> <div>14</div> <div>15</div> <div>16</div> <div>17</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div> <div>25</div>



1 opportunity to describe what we are doing here today as  
2 well.

3 Basically the lawsuit is in the procedural  
4 posture to see if the California courts can exercise  
5 jurisdiction over yourself as well as the defendants in  
6 the Diocese of Tehuacan. I will ask you questions today  
7 and hopefully you will provide responses to those  
8 questions.

9 A couple of things are very important. The most  
10 important thing is that you understand my question. If at  
11 anytime today you do not understand the question, please  
12 let me know and then I will try to rephrase the question  
13 in such a manner that you understand the question. Will  
14 do you that?

15 A Correct.

16 Q The other thing is that the court reporter is  
17 taking down everything that is said in the room here  
18 today, and that is an official transcript of today's  
19 proceedings. Ms. Christensen is a very talented court  
20 reporter but what she cannot do is take down two people  
21 speaking at once, so it's very important today that you  
22 extend me the courtesy of allowing me to finish my  
23 question and I will extend you the same courtesy and wait  
24 for you to finish your response until I ask my next  
25 question. Does that make sense?

1.0

HAHN & BOWERSOCK (800) 660-3187 FAX (714)662-1398  
151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626

1 A Correct.

2 Q Another thing is the court reporter cannot take  
3 down nonverbal communication. You are doing a good job.  
4 We need to make sure we communicate today verbally. If  
5 you nod your head or say uh-huh or huh-uh, I may say a  
6 word or is that a yes or is that a no. I am not trying to  
7 be critical. I'm just trying to make sure that we have  
8 accurate representation of today's proceedings.

9 Another thing is during some of my questions  
10 today your attorney, who is a very experienced attorney,  
11 may have an objection to the question, and so if he states  
12 his objection for the record and instructs you not to  
13 answer and you want to follow his instruction, we will  
14 take that up with the judge at the end of the day.  
15 However, if he just states an objection but fails to  
16 instruct you not to answer, I am entitled to a response to  
17 the question so long as you understand the question that  
18 is asked. Do you understand that?

19 A Yes, I understand.

20 Q The other thing is that the oath that you took  
21 is the same oath that you will take if called to testify  
22 in this matter in a court of the United States of America,  
23 and so although we're in the palatial confines in the  
24 diocese offices, the testimony here today is sworn  
25 testimony and has the same force and effect as testimony

1.1

HAHN & BOWERSOCK (800) 660-3187 FAX (714)662-1398  
151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626

1 in court. Do you understand that?

2 A I understood that.

3 Q So today we are entitled to your full, complete,  
4 and truthful responses to our questions. Do you  
5 understand that?

6 A I understood it.

7 Q At the end of the proceeding the court reporter  
8 will type up today's proceedings in a booklet form and she  
9 will send you a copy or your attorney a copy and they will  
10 send you a copy, but you will be able to review the  
11 transcript. Upon review of the transcript you're free to  
12 make any changes to the transcript. However, I must  
13 caution you that if you change a substantive response, for  
14 example a yes to a no, then either myself or another  
15 attorney will be able to make a comment upon that change  
16 at other proceedings in this matter. And to be quite  
17 honest with you, Norberto, the reason we will be making  
18 the comment is to try to show that the testimony today was  
19 inaccurate, and therefore it might have an effect on your  
20 credibility. Do you understand that?

21 A I understood.

22 Q So in summary if you answer a question here  
23 today, myself as well as everybody that reads the  
24 transcript are going to assume a couple of things. We  
25 will assume that you understood the question. We will

1.2

HAHN & BOWERSOCK (800) 660-3187 FAX (714)662-1398  
151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626

1 understand that your response was full, complete, and  
2 truthful. Does that make sense?

3 A Yes.

4 Q Is there any reason why we cannot obtain your  
5 full, complete, and truthful testimony here today?

6 A No.

7 Q Prior to today's deposition have you had any  
8 comments or conversations with anybody besides your  
9 attorney regarding this deposition?

10 A Only, my only instructions have been from my  
11 lawyers.

12 Q My question was a little different. I want to  
13 know if you have spoken about this deposition with anybody  
14 besides your attorneys?

15 A No.

16 Q Prior to today's deposition did you review any  
17 documents to prepare yourself for your sworn testimony?

18 A Yes.

19 Q Which documents did you review?

20 A The documents that my attorneys presented to  
21 me.

22 Q Did you bring those documents with you here  
23 today?

24 A No.

25 Q Do you know if your attorneys have copies of

1.3

HAHN & BOWERSOCK (800) 660-3187 FAX (714)662-1398  
151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626

<p>1 those documents which you reviewed?</p> <p>2 A I don't know if they brought them.</p> <p>3 MR. WATERS: Steve, I would like to take a look at</p> <p>4 the documents that he reviewed in preparation for today's</p> <p>5 deposition.</p> <p>6 MR. SELSBERG: I will stipulate to you that the only</p> <p>7 documents are documents that we presented to you in the</p> <p>8 case, period, and we did not show him all of those.</p> <p>9 MR. WATERS: I'd like to see the documents that you</p> <p>10 showed him in preparation for the deposition.</p> <p>11 MR. SELSBERG: Do you want to see them now? I will</p> <p>12 show them to you at a break or something. It's the same</p> <p>13 documents. They are all letters that he wrote or were</p> <p>14 sent to him.</p> <p>15 MR. WATERS: No problem. I will take a look at them</p> <p>16 on a break. That's a good idea.</p> <p>17 BY MR. WATERS:</p> <p>18 Q Prior to reviewing the documents in preparation</p> <p>19 for today's deposition, did you recall personally your</p> <p>20 involvement, or lack thereof, with Father Nicholas Aguilar</p> <p>21 and his movement from the Diocese of Tehuacan to the</p> <p>22 Archdiocese of Los Angeles and his return back to Mexico?</p> <p>23 A Yes.</p> <p>24 Q Tell me what you remembered -- or when reviewing</p> <p>25 the documents, did new memories come to service regarding</p> <p style="text-align: right;">14</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>	<p>1 BY MR. WATERS:</p> <p>2 Q Anything besides dates?</p> <p>3 A I don't remember.</p> <p>4 Q When did you review these documents in</p> <p>5 preparation for today's sworn testimony?</p> <p>6 A Yesterday and the day before yesterday.</p> <p>7 Q How long did you devote to reviewing these</p> <p>8 records? We'll start with two days ago, which would be</p> <p>9 Monday the 6th.</p> <p>10 A I didn't count the hours.</p> <p>11 Q Was it more than one hour?</p> <p>12 A Yes.</p> <p>13 Q More than five hours?</p> <p>14 A I don't believe.</p> <p>15 Q Besides the range of more than one hour and you</p> <p>16 don't believe more than five hours, can you provide me a</p> <p>17 better estimate as to the time spent in reviewing these</p> <p>18 documents?</p> <p>19 A Around four hours.</p> <p>20 Q Let me -- that's a good point. I should have</p> <p>21 told you this at the beginning. During today's testimony</p> <p>22 nobody wants you to guess at anything. If you are</p> <p>23 guessing, it's called speculation and there's no competent</p> <p>24 testimony based on speculation. What we are entitled to</p> <p>25 today though is an entitlement to your best estimate, so a</p> <p style="text-align: right;">16</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>
<p>1 that same topic?</p> <p>2 A Yes.</p> <p>3 Q What memories resurfaced upon your review of</p> <p>4 those documents?</p> <p>5 A Some dates.</p> <p>6 Q Sure. I'm poor with dates as well.</p> <p>7 MR. SELSBERG: By the way, I'm sorry. I meant to ask</p> <p>8 you this before, did you get our letter that was</p> <p>9 supplemented with the supplemental to interrogatories?</p> <p>10 MR. WATERS: Yes, we're getting to that. I did not</p> <p>11 get the letter but Mr. Wooten explained it to us this</p> <p>12 morning.</p> <p>13 BY MR. WATERS:</p> <p>14 Q In reviewing these documents in preparation for</p> <p>15 today's sworn testimony, did any other memories become</p> <p>16 refreshed besides dates?</p> <p>17 A I don't remember it at this moment.</p> <p>18 Q So is it an accurate statement that in reviewing</p> <p>19 the documents in preparation for today's deposition no</p> <p>20 substantive matters regarding your involvement or lack</p> <p>21 thereof in the movement of Father Nicholas Aguilar from</p> <p>22 the Diocese of Tehuacan to Los Angeles Archdiocese and the</p> <p>23 return to Mexico were refreshed?</p> <p>24 MR. SELSBERG: Objection. Vague. I'm not trying to</p> <p>25 make this difficult, but I consider dates substantive.</p> <p style="text-align: right;">15</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>	<p>1 lot people say what is the difference between a guess and</p> <p>2 an estimate, and the example we use in California to</p> <p>3 explain it to a witness is I can ask you the length of</p> <p>4 this table. I don't believe you have a tape measure with</p> <p>5 you so you could not tell me exactly how long it is but</p> <p>6 you can eyeball it and tell me what you estimate the</p> <p>7 length of this table to be. So that's an estimate. On</p> <p>8 the other hand, if I tell you that I have a desk in my</p> <p>9 office and I was to ask you what the length of this desk</p> <p>10 was, you have never been to my office so that would be a</p> <p>11 guess because you have no personal knowledge upon which to</p> <p>12 base your response. Do you understand the difference</p> <p>13 between a guess and an estimate?</p> <p>14 A I understand.</p> <p>15 Q We're entitled to estimates. Nobody wants you</p> <p>16 to guess, and if you're giving us an approximation, let us</p> <p>17 know.</p> <p>18 So am I correct in my understanding on Monday</p> <p>19 August 6th, you spent approximately four hours reviewing</p> <p>20 documents in preparation for today's sworn testimony?</p> <p>21 A Approximately.</p> <p>22 Q Great. And you also took a look at those</p> <p>23 documents yesterday, correct?</p> <p>24 A Correct.</p> <p>25 Q Approximately how long did you spend reviewing</p> <p style="text-align: right;">17</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>

<p>1 those documents yesterday, which was Tuesday, August 2 7th?</p> <p>3 A Approximately three hours.</p> <p>4 Q Besides your attorneys, if they were there, was 5 anybody else present during the review on Monday the 6 6th?</p> <p>7 A My two attorneys who speak English and an 8 attorney who speaks Spanish.</p> <p>9 Q Nobody else?</p> <p>10 A Nobody else.</p> <p>11 Q No employees from the Archdiocese in Mexico?</p> <p>12 A No, only employees of the house who may have 13 brought us soft drinks or water.</p> <p>14 Q I appreciate that. No employees of the Diocese 15 of Tehuacan?</p> <p>16 A No.</p> <p>17 Q Regarding your review yesterday for the three 18 hours, anybody present besides those people you've already 19 mentioned?</p> <p>20 MR. SELSBERG: Objection. Asked and answered. I'm 21 sorry, he's asking about yesterday and the prior question 22 was the day before yesterday.</p> <p>23 MR. WATERS: Correct, he reviewed the documents for 24 two days.</p> <p>25 MR. SELSBERG: Sorry.</p> <p style="text-align: right;">18</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>	<p>1 reporter mark it with a sticker?</p> <p>2 BY MR. WATERS:</p> <p>3 Q My first question is have you ever seen this 4 document before today?</p> <p>5 A Yes.</p> <p>6 Q When was the first time that you had seen this 7 document?</p> <p>8 A Approximately May or June. I don't remember the 9 date.</p> <p>10 Q Sure. I will make the representation for the 11 record that this document was served on July 20th, 2007. 12 I am not telling you anything you probably don't already 13 know. In legal matters a lot of paperwork is generated 14 and so -- and one similar document preceded this document 15 so it would be physically impossible for you to have 16 reviewed this document in May or June, but it could have 17 been a similar document. Between May and June and today, 18 do you recall receiving this document?</p> <p>19 A Unless it was a document that was similar.</p> <p>20 Q What this is, this is called Amended Notice of 21 Taking Deposition and Request for Production of Documents, 22 and this document is responsible for us getting here today 23 in this pleasant setting.</p> <p>24 In addition to requiring you to be personally 25 present here today, it also requires you to present</p> <p style="text-align: right;">20</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>
<p>1 BY MR. WATERS:</p> <p>2 Q Yesterday when you reviewed the documents was 3 anybody present besides the individuals which you 4 mentioned that were present on Monday the 6th?</p> <p>5 A The same ones who were with me the day before 6 only.</p> <p>7 Q Excellent. Did you create any notes regarding 8 your review of the documents on either day?</p> <p>9 A No.</p> <p>10 Q Since yesterday after you completed your review 11 of the documents have you had any conversations with 12 anybody besides your attorneys regarding the documents 13 reviewed?</p> <p>14 A With nobody.</p> <p>15 MR. WATERS: May I have this document marked as 16 Exhibit 1.</p> <p>17 What I am having marked as Exhibit 1 I will show 18 your attorney, and after his review I will ask him to hand 19 it to you.</p> <p>20 (The document referred to was marked as 21 Plaintiff's Exhibit 1 for identification and 22 attached to this deposition.)</p> <p>23 MR. WATERS: Your attorney has handed you what I have 24 marked as Exhibit 1.</p> <p>25 MR. SELSBERG: In California you don't have the court</p> <p style="text-align: right;">19</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>	<p>1 documents which were requested. At anytime before today 2 did you cause or yourself search Diocesan files for 3 documents responsive to request by plaintiff's 4 attorneys?</p> <p>5 MR. SELSBERG: For these requests, because there was 6 a prior set of questions?</p> <p>7 MR. WATERS: We're referring to any request because 8 he's not sure if he reviewed this document so I thought 9 that would be the best way to go about it.</p> <p>10 MR. SELSBERG: I recognize you're entitled to answer 11 so go ahead and answer the question, but if this helps 12 you.</p> <p>13 For the record, Exhibit 1 is in English, so what 14 we did was we, with the help of our Mexican counsel 15 because I do not speak Spanish, we went through it with 16 the Cardinal, the witness, and he helped ask the question 17 in Spanish, and we have it. We have the document to 18 produce for you. We have these documents that were 19 produced for you in response to the subpoena attached to 20 Exhibit 1, and we're just confirming because there are not 21 anymore. I will have that answer for you at the same time 22 that I give you the documents that you asked for earlier 23 during a break.</p> <p>24 MR. WATERS: Okay.</p> <p>25 MR. SELSBERG: I only have one copy of these right</p> <p style="text-align: right;">21</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>

<p>1 now.</p> <p>2 MR. WATERS: We'll make a copy. I will have these</p> <p>3 marked.</p> <p>4 (The document referred to was marked as</p> <p>5 Plaintiff's Exhibit 2 for identification and</p> <p>6 attached to this deposition.)</p> <p>7 BY MR. WATERS:</p> <p>8 Q I appreciate your counsel's statement, and</p> <p>9 that's the reason why my question was very broad.</p> <p>10 What I want to know is at anytime did you cause</p> <p>11 or did you personally search Archdiocesan files for</p> <p>12 documents requested by plaintiff's counsel?</p> <p>13 A Yes, I did.</p> <p>14 Q And when did you first cause the Archdiocese</p> <p>15 files to be searched?</p> <p>16 MR. SELSBERG: That's a different question, Rob.</p> <p>17 That's a totally different question. Can you clarify</p> <p>18 whether you want him to answer with request to this</p> <p>19 subpoena with request to production of documents or</p> <p>20 anything?</p> <p>21 MR. WATERS: Like I said, broad question. At anytime</p> <p>22 did he cause or himself search the Archdiocesan offices</p> <p>23 for documents responsive to plaintiff's question.</p> <p>24 MR. SELSBERG: Okay. You didn't put the plaintiff's</p> <p>25 response to plaintiff's request in that question.</p> <p style="text-align: right;">22</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>	<p>1 case of Father Aguilar, both in Tehuacan as well as in</p> <p>2 this Archdiocese.</p> <p>3 Q Let me ask this question, is Father Baldemar a</p> <p>4 Father of the Archdiocese in Mexico or an employee of the</p> <p>5 Archdiocese in Tehuacan?</p> <p>6 A That's two questions. Which question do you</p> <p>7 want to answer?</p> <p>8 Q I want to ask whether Father Baldemar, whether</p> <p>9 he's an employee of the -- or the Archdiocese in Mexico?</p> <p>10 A Yes.</p> <p>11 Q Is he also an employee of the Diocese in</p> <p>12 Tehuacan?</p> <p>13 A Also.</p> <p>14 Q And what is his official title within the</p> <p>15 Archdiocese in Mexico?</p> <p>16 A Responsible for press.</p> <p>17 Q Does he have an official title besides Father?</p> <p>18 A He's an attorney --</p> <p>19 INTERPRETER TUCK: Strike that.</p> <p>20 THE WITNESS: He's an esquire. He has a degree in</p> <p>21 communications.</p> <p>22 BY MR. WATERS:</p> <p>23 Q Is he a Vicar in the Diocese?</p> <p>24 A Is he a Vicar, no.</p> <p>25 Q Does he hold an office in the Diocese?</p> <p style="text-align: right;">24</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>
<p>1 MR. WATERS: Okay.</p> <p>2 BY MR. WATERS:</p> <p>3 Q Do you understand the question?</p> <p>4 A Yes.</p> <p>5 Q When did you first have the Archdiocesan files</p> <p>6 searched for documents responsive to plaintiff's</p> <p>7 request?</p> <p>8 A A few days after my lawyers showed me the</p> <p>9 document.</p> <p>10 Q Do you recall that date?</p> <p>11 A I don't remember the date.</p> <p>12 Q Do you remember the month?</p> <p>13 A No.</p> <p>14 Q Which files -- did you personally search the</p> <p>15 files?</p> <p>16 A No, I gave an order.</p> <p>17 Q And to whom did you give the order?</p> <p>18 A To Father Hugo Baldemar.</p> <p>19 MR. WATERS: Can you please spell the last name for</p> <p>20 the court reporter?</p> <p>21 INTERPRETER TUCK: B-a-l-d-e-m-a-r.</p> <p>22 BY MR. WATERS:</p> <p>23 Q What was the substance of the order which you</p> <p>24 gave to Father Baldemar?</p> <p>25 A That he gather up all documents concerning the</p> <p style="text-align: right;">23</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>	<p>1 A In the communications office.</p> <p>2 Q And does he head that office?</p> <p>3 A Correct.</p> <p>4 Q How long has he had that position within the</p> <p>5 Archdiocese in Mexico?</p> <p>6 A Close to four years.</p> <p>7 Q Are you aware of the position which he holds in</p> <p>8 the Diocese in Tehuacan?</p> <p>9 A I did not understand which Father you're talking</p> <p>10 about.</p> <p>11 Q Father Baldemar, the Father we're speaking of.</p> <p>12 A No office.</p> <p>13 Q But it's your testimony that he is an employee</p> <p>14 of the Diocese of Tehuacan?</p> <p>15 A No, of this Archdiocese.</p> <p>16 Q So let me ask this question because I think I</p> <p>17 got you wrong in my own mind. Is Father Baldemar an</p> <p>18 employee of the Diocese of Tehuacan?</p> <p>19 A No.</p> <p>20 MR. WATERS: We need to change tapes.</p> <p>21 (Pause in proceedings.)</p> <p>22 BY MR. WATERS:</p> <p>23 Q Father, or Norberto, I should have told you</p> <p>24 earlier this morning, you're free to request a break at</p> <p>25 anytime for any reason. This is not an endurance contest.</p> <p style="text-align: right;">25</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>

<p>1 A Thank you very much.</p> <p>2 Q However, you must also be aware that after each</p> <p>3 break you're still under oath; do you understand that?</p> <p>4 A Correct.</p> <p>5 Q We were talking about you having Father Baldemar</p> <p>6 search the Diocesan files for records responsive to</p> <p>7 plaintiff's request. Which files did Father Baldemar</p> <p>8 search?</p> <p>9 MR. SELSBERG: Objection. Calls for speculation.</p> <p>10 BY MR. WATERS:</p> <p>11 Q Which files did you instruct or order Father</p> <p>12 Baldemar to inspect?</p> <p>13 A I repeat, I sent him to Tehuacan as well as to</p> <p>14 the files of this Archdiocese.</p> <p>15 Q Prior to your ascent or being named as</p> <p>16 Archbishop of Mexico, you were Bishop of Tehuacan,</p> <p>17 correct?</p> <p>18 A That's correct.</p> <p>19 Q While you were Archbishop -- sorry, while you</p> <p>20 were Bishop of Tehuacan, did the Diocese of Tehuacan</p> <p>21 maintain sub secreto files?</p> <p>22 A Yes.</p> <p>23 Q To your knowledge did Father Baldemar search sub</p> <p>24 secreto files for information responsive to plaintiff's</p> <p>25 request?</p> <p style="text-align: right;">26</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>	<p>1 matters, on any person.</p> <p>2 Q If there was a diocesan employee where there</p> <p>3 were allegations of sexual misconduct with minors and</p> <p>4 there were documents evidencing that, would that type of</p> <p>5 document be kept in the sub secreto files?</p> <p>6 MR. SELSBERG: Objection. Assumes facts not in</p> <p>7 evidence.</p> <p>8 THE WITNESS: All of the documents are there and they</p> <p>9 can all be obtained.</p> <p>10 BY MR. WATERS:</p> <p>11 Q I understand that. My question though is a</p> <p>12 little different.</p> <p>13 A Yes, tell me.</p> <p>14 Q I'm talking about as far as when you were the</p> <p>15 Bishop of the Diocese of Tehuacan and the type of</p> <p>16 documents that would be put in the sub secreto files.</p> <p>17 What I want to know is if there were</p> <p>18 allegations, written allegations or any documents</p> <p>19 evidencing claims of sexual misconduct by an employee of</p> <p>20 the Diocese of Tehuacan, would those types of documents be</p> <p>21 placed in sub secreto files?</p> <p>22 MR. SELSBERG: Objection. Assumes facts not in</p> <p>23 evidence and calls for speculation. You can answer.</p> <p>24 THE WITNESS: The documents were available to the</p> <p>25 Bishop, to the secretary, and to the General Vicar's</p> <p style="text-align: right;">28</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>
<p>1 A He received orders to bring all the documents.</p> <p>2 Q And so when you gave him the order to bring all</p> <p>3 documents, did you have in your mind that that included a</p> <p>4 search of the sub secreto files of the Diocese of</p> <p>5 Tehuacan?</p> <p>6 A I repeat, all the documents.</p> <p>7 Q My question is, though, is a little different.</p> <p>8 MR. WATERS: Please read the question back.</p> <p>9 (Record read:</p> <p>10 "Question: And so when you gave him the order</p> <p>11 to bring all documents, did you have in your</p> <p>12 mind that that included a search of the sub</p> <p>13 secreto files of the Diocese of Tehuacan?")</p> <p>14 THE WITNESS: Yes.</p> <p>15 BY MR. WATERS:</p> <p>16 Q Did Father Baldemar ever inform you that he</p> <p>17 actually searched the sub secreto files at the Diocese of</p> <p>18 Tehuacan?</p> <p>19 A No. All he told me was that these were all of</p> <p>20 the documents in existence.</p> <p>21 Q What categories of documents were kept in the</p> <p>22 sub secreto files in the Diocese of Tehuacan while you</p> <p>23 were Bishop of the Diocese?</p> <p>24 A Secret documents kept by the secretary of the</p> <p>25 Diocese; those are concerning matters, confidential</p> <p style="text-align: right;">27</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>	<p>1 office.</p> <p>2 MR. WATERS: My question though is a little</p> <p>3 different. Would you please read the last question back?</p> <p>4 (Record read:</p> <p>5 "Question: I'm talking about as far as when you</p> <p>6 were the Bishop of the Diocese of Tehuacan and</p> <p>7 the type of documents that would be put in the</p> <p>8 sub secreto files.</p> <p>9 "What I want to know is if there were</p> <p>10 allegations, written allegations or any</p> <p>11 documents evidencing claims of sexual misconduct</p> <p>12 by an employee of the Diocese of Tehuacan, would</p> <p>13 those types of documents be placed in sub</p> <p>14 secreto files?")</p> <p>15 MR. SELSBERG: Objection. Assumes facts not in</p> <p>16 evidence and calls for speculation.</p> <p>17 THE WITNESS: No.</p> <p>18 BY MR. WATERS:</p> <p>19 Q Where would those types of documents be kept?</p> <p>20 MR. SELSBERG: Objection. Calls for speculation,</p> <p>21 assumes facts not in evidence.</p> <p>22 THE WITNESS: In the ordinary file.</p> <p>23 BY MR. WATERS:</p> <p>24 Q Where -- when you were Bishop of the Diocese of</p> <p>25 Tehuacan, where were the sub secreto files located?</p> <p style="text-align: right;">29</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>



<p>1 A In a file of the curate's office; that's the</p> <p>2 government entity, the government house.</p> <p>3 Q Who had access to the file cabinet in the</p> <p>4 curia's office where the sub secreto files or documents</p> <p>5 were kept?</p> <p>6 A The Bishop, the secretary, and the General</p> <p>7 Vicar's office.</p> <p>8 Q The Diocese of Tehuacan at the time that you</p> <p>9 were Bishop of the Diocese of Tehuacan, did you have a</p> <p>10 canon lawyer on your staff?</p> <p>11 A Yes.</p> <p>12 Q Was there a head or chief canon lawyer for the</p> <p>13 Diocese of Tehuacan during the time you were Bishop of</p> <p>14 Tehuacan?</p> <p>15 A No.</p> <p>16 Q Did you have an official title for the canon</p> <p>17 lawyer that was employed by the Diocese of Tehuacan during</p> <p>18 the time that you were Bishop of the Diocese of</p> <p>19 Tehuacan?</p> <p>20 A No.</p> <p>21 Q Did you have more than one canon lawyer?</p> <p>22 A No.</p> <p>23 Q Who was -- what was the name of the canon</p> <p>24 lawyer?</p> <p>25 MR. SELSBERG: Objection. When are you talking</p> <p style="text-align: right;">30</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>	<p>1 conversation with Father Perez?</p> <p>2 A Close to two years ago.</p> <p>3 Q When is the last time that you saw him?</p> <p>4 A Two years ago.</p> <p>5 Q What was the occasion of that meeting two years</p> <p>6 ago?</p> <p>7 A He came to congratulate me and to have breakfast</p> <p>8 with me.</p> <p>9 Q During this meeting two years ago did you have</p> <p>10 any conversations with Father Perez regarding Father</p> <p>11 Nicholas Aguilar?</p> <p>12 A Not at all.</p> <p>13 Q At anytime during this meeting two years ago did</p> <p>14 you have any conversation with Father Perez regarding Juan</p> <p>15 Aguilar Mendez?</p> <p>16 A No.</p> <p>17 Q Do you know Father Perez's name -- his age. I'm</p> <p>18 sorry. Do you have any idea regarding Father Perez's</p> <p>19 age?</p> <p>20 A No.</p> <p>21 Q Can you provide an estimate for his age?</p> <p>22 A Approximately 60.</p> <p>23 Q Do you have any understanding regarding his</p> <p>24 current health?</p> <p>25 A I don't know.</p> <p style="text-align: right;">32</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>
<p>1 about? Time frame.</p> <p>2 MR. WATERS: During the time he was Bishop of</p> <p>3 Tehuacan. If there's more than one, I'm sure he'll tell</p> <p>4 me, but you're right, it probably does lack foundation.</p> <p>5 MR. DRIVON: Vague as to time.</p> <p>6 THE WITNESS: Francisco Aristeo Perez.</p> <p>7 BY MR. WATERS:</p> <p>8 Q Was there another canon lawyer?</p> <p>9 A In the Diocese?</p> <p>10 Q While you were Bishop of the Diocese of</p> <p>11 Tehuacan.</p> <p>12 A Yes, but I never consulted him.</p> <p>13 Q So is -- am I correct with my understanding that</p> <p>14 Father Perez was the only canon lawyer that you used as a</p> <p>15 consultant as to canon law issues?</p> <p>16 A That's correct.</p> <p>17 Q Is Father Perez still living?</p> <p>18 A Yes.</p> <p>19 Q Are you aware of his physical location?</p> <p>20 A Not at the moment. In Tehuacan though.</p> <p>21 Q That was my next question. Is it your</p> <p>22 understanding that he remains employed by the Diocese of</p> <p>23 Tehuacan?</p> <p>24 A I don't know.</p> <p>25 Q When is the last time that you had a</p> <p style="text-align: right;">31</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>	<p>1 Q When you saw him two years ago, was Father Perez</p> <p>2 in good health?</p> <p>3 A Not very good.</p> <p>4 Q The file cabinet in the curia where the sub</p> <p>5 secreto files are kept, is that file cabinet under lock</p> <p>6 and key?</p> <p>7 A Correct.</p> <p>8 Q And who has access to the key?</p> <p>9 A Now I don't know.</p> <p>10 Q During the time that you were Bishop of</p> <p>11 Tehuacan?</p> <p>12 A The Secretary Chancellor, Francisco Aristeo</p> <p>13 Perez.</p> <p>14 Q So is my understanding correct that two people</p> <p>15 had access to the key, one, the secretary Chancellor and</p> <p>16 the other one is your canon lawyer, Francisco Perez?</p> <p>17 A It was the same person.</p> <p>18 Q Oh, the same person. Did anybody besides Father</p> <p>19 Perez have access to the key to the sub secreto file</p> <p>20 cabinet?</p> <p>21 MR. SELSBERG: Objection. Calls for speculation.</p> <p>22 You can answer.</p> <p>23 THE WITNESS: With permission of the Bishop, the</p> <p>24 general Vicar's office.</p> <p>25 INTERPRETER TUCK: In case I'm not too strong on this</p> <p style="text-align: right;">33</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>

<p>1 terminology, every place in the record where I say the</p> <p>2 "General Vicar's" office, the Spanish words are Vicario,</p> <p>3 V-i-c-a-r-i-o, General.</p> <p>4 MR. WATERS: I pronounce it Vicar General.</p> <p>5 BY MR. WATERS:</p> <p>6 Q Did you yourself maintain a copy of the key to</p> <p>7 the file cabinet where the sub secreto files were kept?</p> <p>8 MR. SELSBERG: While he was Bishop of Tehuacan?</p> <p>9 MR. WATERS: Of course.</p> <p>10 THE WITNESS: No.</p> <p>11 BY MR. WATERS:</p> <p>12 Q So is my understanding correct that the only</p> <p>13 person that had a key to the file cabinet would be your</p> <p>14 Secretary Chancellor Father Percz?</p> <p>15 A That's correct.</p> <p>16 Q If somebody from the Vicar General's office</p> <p>17 wanted access to the sub secreto files, they would have to</p> <p>18 request access through you as Bishop, correct?</p> <p>19 A That's correct.</p> <p>20 Q Did you have any procedures regarding how that</p> <p>21 request would need to be made?</p> <p>22 A It's ordered in canon law.</p> <p>23 Q Is my understanding correct that you followed</p> <p>24 the procedure as prescribed by canon law regarding access</p> <p>25 to the sub secreto files?</p> <p style="text-align: right;">34</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>	<p>1 A That's what he told me. He had access to all</p> <p>2 the files.</p> <p>3 Q Did Father Baldemar ever inform you that he</p> <p>4 discovered any documents regarding documents requested by</p> <p>5 plaintiffs in sub secreto files maintained by the Diocese</p> <p>6 of Tehuacan?</p> <p>7 A The documents were delivered to the lawyers.</p> <p>8 MR. SELSBERG: Objection. Nonresponsive.</p> <p>9 BY MR. WATERS:</p> <p>10 Q I understand that all documents were given to</p> <p>11 your attorneys. What I want to know was whether Father</p> <p>12 Baldemar ever informed you that he did in fact find</p> <p>13 documents responsive to plaintiff's request in any sub</p> <p>14 secreto files maintained by the Diocese of Tehuacan?</p> <p>15 A No secret document.</p> <p>16 Q So am I correct in my understanding that Father</p> <p>17 Baldemar never told you that he found any responsive</p> <p>18 documents in sub secreto files maintained by the Diocese</p> <p>19 of Tehuacan?</p> <p>20 A He only told me that he had access to all the</p> <p>21 documents.</p> <p>22 Q Does the Archdiocese of Mexico maintain sub</p> <p>23 secreto files?</p> <p>24 A Every curia should have them.</p> <p>25 Q I understand that the canon law talks about the</p> <p style="text-align: right;">36</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>
<p>1 A That's correct.</p> <p>2 Q How were the files in the sub secreto file</p> <p>3 cabinet organized during the time you were Bishop of the</p> <p>4 Diocese of Tehuacan?</p> <p>5 A It was -- that was the jurisdiction of the</p> <p>6 secretary's office.</p> <p>7 Q As you sit here today do you recall there being</p> <p>8 a sub secreto file on Father Nicholas Aguilar?</p> <p>9 A I never knew.</p> <p>10 Q Besides the Secretary Chancellor Perez or the</p> <p>11 Vicar General when he requested access to the file</p> <p>12 cabinet, at anytime during the time that you were Bishop</p> <p>13 of the Diocese of Tehuacan did you grant any other</p> <p>14 employee access to the sub secreto files?</p> <p>15 A To nobody.</p> <p>16 Q Is it your understanding that the Diocese of</p> <p>17 Tehuacan currently maintains sub secreto files?</p> <p>18 A I don't know.</p> <p>19 Q To your knowledge did Father Baldemar request</p> <p>20 access to any sub secreto files after you ordered him to</p> <p>21 search the Diocese of Tehuacan for documents responsive to</p> <p>22 plaintiff's request?</p> <p>23 A Yes.</p> <p>24 Q And it's your understanding that he was granted</p> <p>25 access to search those files?</p> <p style="text-align: right;">35</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>	<p>1 maintenance of sub secreto files.</p> <p>2 MR. SELSBERG: I object to the responsiveness to that</p> <p>3 answer.</p> <p>4 BY MR. WATERS:</p> <p>5 Q My question though is whether or not currently</p> <p>6 the Archdiocese of Mexico of which you're the Archbishop</p> <p>7 maintains sub secreto files?</p> <p>8 A That's correct.</p> <p>9 Q And what type of documents are kept in the sub</p> <p>10 secreto files maintained by the Archdiocese of Mexico?</p> <p>11 A Documents that judge the Secretary Chancellor</p> <p>12 that must be kept separately, of which they should only be</p> <p>13 accessible by the secretary himself and the Bishop.</p> <p>14 INTERPRETER TUCK: I may want to correct a term</p> <p>15 in that answer.</p> <p>16 (Record read:</p> <p>17 "Answer: Documents that judge the Secretary</p> <p>18 Chancellor that must be kept separately, of</p> <p>19 which they should only be accessible by the</p> <p>20 secretary himself and the Bishop.")</p> <p>21 INTERPRETER TUCK: That should have been: Documents</p> <p>22 which in the "judgment" of the Secretary Chancellor should</p> <p>23 be. I don't know how to fix it or if it needs fixing.</p> <p>24 MR. WATERS: Is the interpreter finished with his</p> <p>25 correction?</p> <p style="text-align: right;">37</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>

<p>1 INTERPRETER TUCK: Well, I'm still not sure. I sort 2 of think that that should have been: Those documents that 3 in the judgment of the Secretary Chancellor should be kept 4 there. 5 BY MR. WATERS: 6 Q Does the Secretary Chancellor have sole 7 discretion in determining which documents should be placed 8 in the sub secreto files? 9 A As well as the Bishop. 10 Q And that Bishop being you, correct, today? 11 A I am the Bishop. 12 Q If at any point you feel that a document has a 13 possibility of causing scandal to your Diocese or the 14 church, is it your policy to place that type of document 15 in the sub secreto file? 16 MR. SELSBERG: Objection. Assumes facts not in 17 evidence. 18 THE WITNESS: That has not happened. 19 BY MR. WATERS: 20 Q Let me make sure I understand your response. At 21 no time since being elevated to Archbishop of Mexico have 22 you ordered a document to be placed in a sub secreto file 23 because you felt that the document may lead to scandal to 24 the Archdiocese or the Roman Catholic church? 25 A I've never -- I have not sent any document to</p> <p style="text-align: right;">38</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>	<p>1 A I don't know. 2 Q How old is Juan De Dios? 3 A Approximately 50. 4 Q Do you have an understanding regarding his 5 general health? 6 A His health is good. 7 Q Good. You testified that while you were Bishop 8 of Tehuacan in addition to sub secreto files there were 9 also ordinary files? 10 A That's correct. 11 Q What type of documents would go in the ordinary 12 files during the time you were Bishop of Tehuacan? 13 A Letters that the Bishop writes and letters 14 received by the Bishop. The curriculum, the resume of 15 priests. The most important activities of the Diocese 16 such as congresses, conferences, documents we receive from 17 the Holy See and the conference Bishops. 18 Q How were these ordinary files maintained? For 19 example, did each priest employed by the Diocese have 20 their own file or were they obtained or maintained by 21 parish or both? 22 A I don't understand the question. 23 Q What I want to try to understand is the 24 organization structure for these ordinary files maintained 25 by the Diocese at Tehuacan during the time you were</p> <p style="text-align: right;">40</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>
<p>1 the secret file. 2 Q So my understanding is correct? During the time 3 that you have been Archbishop of Mexico you have never 4 directed a document to be placed in the sub secreto file? 5 MR. SELSBERG: Objection. Asked and answered. 6 THE WITNESS: I answered that no document has been 7 sent to the secret file. 8 BY MR. WATERS: 9 Q By you, correct? 10 MR. SELSBERG: Objection. Asked and answered. 11 THE WITNESS: Once again I answer. I have not sent 12 any document to the secret file. 13 BY MR. WATERS: 14 Q Have you ever directed that another employee 15 send a document to the sub secreto file? 16 A No. 17 Q Who is the current Secretary Chancellor for the 18 Archdiocese of Mexico? 19 A Juan De Dios. 20 MR. WATERS: Can you please spell the last name for 21 the court reporter? 22 INTERPRETER TUCK: D-e, D-i-o-s. 23 BY MR. WATERS: 24 Q To your knowledge has Father De Dios ever sent 25 any document to the sub secreto file?</p> <p style="text-align: right;">39</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>	<p>1 Bishop. 2 A For Tehuacan? 3 Q Yes. 4 A I never saw the order of the file. It was the 5 secretary who took care of that matter. 6 Q And were these ordinary files maintained in the 7 curia? 8 A That's correct. 9 Q Were these ordinary files maintained in the same 10 file cabinet as the sub secreto files? 11 A The secret file should always be separate than 12 the general file. 13 Q So is it your understanding that the sub secreto 14 files and the ordinary files maintained by the Diocese of 15 Tehuacan while you were Bishop were separated? 16 A That's what I believe. 17 Q Are the ordinary files maintained under lock and 18 key? 19 A That's correct. 20 Q Who has access to the key? 21 A The Secretary Chancellor. 22 Q During the time that you were in the Diocese of 23 Tehuacan, that was your canon lawyer, Father Perez, 24 correct? 25 A That's correct.</p> <p style="text-align: right;">41</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>

<p>1 Q If somebody needed to pull a file out of the 2 ordinary files during the time that you were Bishop of the 3 Diocese of Tehuacan, would they have to make a notation on 4 a sign-out sheet or any other record to indicate that they 5 were either removing an entire file or documents from a 6 file?</p> <p>7 MR. SELSBERG: Objection. Assumes facts not in 8 evidence.</p> <p>9 MR. WATERS: You can provide a response if you 10 understand the question.</p> <p>11 THE WITNESS: Repeat please.</p> <p>12 (Record read: 13 "Question: If somebody needed to pull a file 14 out of the ordinary files during the time that 15 you were Bishop of the Diocese of Tehuacan, 16 would they have to make a notation on a sign-out 17 sheet or any other record to indicate that 18 they were either removing an entire file or 19 documents from a file?")</p> <p>20 MR. SELSBERG: Objection. Assumes facts not in 21 evidence.</p> <p>22 THE WITNESS: That was not my responsibility.</p> <p>23 BY MR. WATERS: 24 Q I understand, and I should have probably told 25 you this starting out today, if you do not have facts or a</p> <p style="text-align: right;">42</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>	<p>1 A No.</p> <p>2 Q You're currently Archbishop for the Diocese of 3 Mexico, correct?</p> <p>4 A That's correct.</p> <p>5 Q And in the Archdiocese of Mexico do you maintain 6 ordinary files on diocesan employees?</p> <p>7 A No.</p> <p>8 Q Do you cause to have maintained ordinary files 9 on Archdiocesan employees?</p> <p>10 A That's correct.</p> <p>11 Q Who is in charge of maintaining the ordinary 12 files on Archdiocesan employees for the Archdiocese of 13 Mexico?</p> <p>14 A The Secretary Chancellor.</p> <p>15 Q And that would be Juan De Dios?</p> <p>16 A Juan De Dios, yes.</p> <p>17 Q Do you have any knowledge as to what types of 18 documents are maintained in the Archdiocese of Mexico's 19 ordinary files? And if your understanding is it's the 20 same type of documents when you were the Bishop of 21 Tehuacan, for brevity sake you can just tell me that.</p> <p>22 A That's correct, they are the same type but there 23 are more of them.</p> <p>24 Q The Archdiocese of Mexico is much larger than 25 the Diocese of Tehuacan, correct?</p> <p style="text-align: right;">44</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>
<p>1 response to my question, just let me know you don't know. 2 Again --</p> <p>3 A But I did not understand the question, that's 4 why I asked you to repeat it.</p> <p>5 Q That's fine. I just want you to know it's 6 perfectly okay if you do not recall a response to my 7 question and it's also okay if you forgot, and if that 8 happens and you respond I don't know or I can't recall, I 9 may ask a follow-up question. Again, I'm not trying to be 10 critical. I'm just trying to see if I can jog your 11 memory.</p> <p>12 A Okay, but I did not understand the question 13 because it was long.</p> <p>14 Q No problem, but your response when it was read 15 back to you, you understood the question?</p> <p>16 A Correct. I answered.</p> <p>17 Q I will try to make my questions shorter.</p> <p>18 A Okay, and one by one.</p> <p>19 Q Yes. At anytime while you were Bishop of the 20 Diocese of Tehuacan did you ever review the ordinary file 21 maintained on Father Nicholas Aguilar?</p> <p>22 A No.</p> <p>23 Q At anytime during the time that you were Bishop 24 of the Diocese of Tehuacan did you ever review a sub 25 secreto file maintained on Father Nicholas Aguilar?</p> <p style="text-align: right;">43</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>	<p>1 A The largest in the world.</p> <p>2 Q Regarding where these ordinary files are 3 maintained, what is your understanding as to where they 4 are maintained?</p> <p>5 A In a place specifically devoted to that.</p> <p>6 Q Where is that place?</p> <p>7 A It's close to the Secretary Chancellor's 8 office.</p> <p>9 Q Are the documents or files maintained in the 10 ordinary files kept under lock and key?</p> <p>11 A Everything is.</p> <p>12 Q To your understanding who has access to the key 13 to the ordinary files?</p> <p>14 A Only the Secretary Chancellor.</p> <p>15 Q And to your knowledge if an individual needs to 16 retrieve information from ordinary files are they required 17 to make a notation on a sign-out sheet or any other 18 document which would evidence that the file was reviewed 19 and that a document was removed from the file if that took 20 place?</p> <p>21 A That's not one of my responsibilities.</p> <p>22 Q So if I wanted to find out the procedures 23 regarding the ordinary files and the maintenance of those 24 files, you'd tell me, Rob, ask Father De Dios?</p> <p>25 A Go to Father De Dios and he will tell you the</p> <p style="text-align: right;">45</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>

<p>1 procedure.</p> <p>2 Q Excellent. Thank you. When we're talking about</p> <p>3 ordinary files, you described the type of documents in</p> <p>4 there, and my understanding means that these are just</p> <p>5 ordinary documents generated in the day-to-day operation</p> <p>6 of the Archdiocese?</p> <p>7 A That's correct.</p> <p>8 Q And you're using the term "ordinary files" in no</p> <p>9 way refers to documents solely by the office of the</p> <p>10 ordinary?</p> <p>11 MR. SELSBERG: I'm not understanding.</p> <p>12 MR. DRIVON: Let me clarify. In nomenclature of the</p> <p>13 Roman Catholic Church, "ordinary" can refer to Bishop, an</p> <p>14 Archbishop, or the General Superior of an order, so it's</p> <p>15 an official title. We think it means general information</p> <p>16 in the in the general file, it's not. It's kind of a</p> <p>17 technical word.</p> <p>18 THE WITNESS: That's correct. The term ordinary</p> <p>19 refers to several people.</p> <p>20 BY MR. WATERS:</p> <p>21 Q During the time that you have been Archbishop</p> <p>22 of the Archdiocese of Mexico, have you ever reviewed the</p> <p>23 ordinary file maintained on Father Nicholas Aguilar?</p> <p>24 A I've never gone to review the file.</p> <p>25 Q During your time as Archbishop of the</p> <p style="text-align: right;">46</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>	<p>1 source was one file or the other.</p> <p>2 MR. WATERS: Thank you.</p> <p>3 BY MR. WATERS:</p> <p>4 Q Besides the ordinary file we discussed and the</p> <p>5 sub secreto file we discussed, during the time that you</p> <p>6 were Bishop of Tehuacan did you cause to have any other</p> <p>7 files maintained on clerics employed by the Diocese of</p> <p>8 Tehuacan?</p> <p>9 A No.</p> <p>10 Q Same question regarding the Archdiocese of</p> <p>11 Mexico.</p> <p>12 A No, only the historic file.</p> <p>13 Q And what is the historic file?</p> <p>14 A The historic file should keep all documents that</p> <p>15 go beyond 50 years.</p> <p>16 Q Okay. And so I think I have the understanding</p> <p>17 that if a document in an ordinary file is older than 50</p> <p>18 years old, it will be moved to the historical files?</p> <p>19 A After 50 years it should be removed to the</p> <p>20 historic file.</p> <p>21 Q And where -- for the Diocese of Tehuacan where</p> <p>22 are the historic files maintained?</p> <p>23 A In the curia.</p> <p>24 Q And for the Archdiocese in Mexico where are the</p> <p>25 historical files maintained?</p> <p style="text-align: right;">48</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>
<p>1 Archdiocese of Mexico have you ever reviewed any sub</p> <p>2 secreto file maintained regarding Father Nicholas</p> <p>3 Aguilar?</p> <p>4 A I've never gone to the secret file.</p> <p>5 Q My question is a little different. My question</p> <p>6 isn't if you have ever gone to the secret file. My</p> <p>7 question is specific as to a sub secreto file maintained</p> <p>8 on Father Nicholas Aguilar. And what I want to know is</p> <p>9 during the time that you were or have been Archbishop of</p> <p>10 the Archdiocese of Mexico, have you ever personally</p> <p>11 reviewed a sub secreto file maintained on Father Nicholas</p> <p>12 Aguilar?</p> <p>13 A I don't know where Father Hugo brought the</p> <p>14 documents to me from.</p> <p>15 Q Has Father Hugo Baldemar ever informed you that</p> <p>16 he found any documents regarding Father Nicholas Aguilar</p> <p>17 in any sub secreto files maintained by the Archdiocese of</p> <p>18 Mexico?</p> <p>19 A My answer is again the Father informed me that</p> <p>20 he had access to all the files.</p> <p>21 Q But he never specifically told you or discussed</p> <p>22 where each document came from?</p> <p>23 MR. SELSBERG: Objection. Asked and answered.</p> <p>24 THE WITNESS: I already answered that he told me that</p> <p>25 they were from all the files. I don't know whether the</p> <p style="text-align: right;">47</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>	<p>1 A Here in this curia.</p> <p>2 Q Are the historical documents maintained by the</p> <p>3 Diocese of Tehuacan under lock and key?</p> <p>4 A That's correct.</p> <p>5 Q And who has access to the key?</p> <p>6 A The Secretary Chancellor.</p> <p>7 Q And for the Archdiocese of Mexico are the</p> <p>8 historical files maintained under lock and key?</p> <p>9 A That's correct.</p> <p>10 Q And who has access to the key?</p> <p>11 A The person responsible for the historic file.</p> <p>12 Q If an individual removes a file from historical</p> <p>13 files, does that individual have to sign a sign-out sheet</p> <p>14 or any other document which evidences the fact that the</p> <p>15 file or a document maintained in the file was removed?</p> <p>16 A That's correct.</p> <p>17 Q And where are the sign-out sheets for documents</p> <p>18 maintained for the Archdiocese in Mexico?</p> <p>19 A For the historic files, in the office of</p> <p>20 historic files here in Mexico.</p> <p>21 Q And if a historic file were removed during the</p> <p>22 time that you were Bishop of Tehuacan, would somebody have</p> <p>23 to sign a sign-out sheet or other document evidencing that</p> <p>24 the file or a document in the file was removed?</p> <p>25 A I suppose that the secretary would keep track of</p> <p style="text-align: right;">49</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>

<p>1 . that.</p> <p>2 MR. SELSBERG: I don't want you to guess and he</p> <p>3 doesn't want you to guess.</p> <p>4 BY MR. WATERS:</p> <p>5 Q That's your estimate?</p> <p>6 A I think so.</p> <p>7 Q That's your assumption based upon the fact that</p> <p>8 you were the head of the Tehuacan Diocese prior to your</p> <p>9 promotion to the Archdiocese of Mexico?</p> <p>10 A Currently I don't know how it's kept. I suppose</p> <p>11 that they would observe the laws of canon law. Once</p> <p>12 again, I'm supposing.</p> <p>13 Q I have some questions regarding Exhibit 1. If</p> <p>14 you can please turn to page 3 of Exhibit 1. On page 3 of</p> <p>15 Exhibit 1 there are 14 categories of documents which we</p> <p>16 requested you to produce here today for inspection. Your</p> <p>17 attorney has provided two documents here today, which have</p> <p>18 been marked Exhibit 2.</p> <p>19 My question is do you have any other documents</p> <p>20 that are responsive to the categories requested on page 3</p> <p>21 of Exhibit 1?</p> <p>22 A No.</p> <p>23 MR. SELSBERG: We're checking to just make sure that</p> <p>24 we've been through them. We're checking, and as I told</p> <p>25 you, when we take a break and get the documents and get</p> <p style="text-align: right;">50</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>	<p>1 not waiving our right to inspect the original documents</p> <p>2 that are responsive to page 3 of Exhibit 1. Is that</p> <p>3 agreed?</p> <p>4 MR. SELSBERG: Well, I don't -- point me to the</p> <p>5 request in the document that you review the original.</p> <p>6 MR. WATERS: We ask that all documents be produced</p> <p>7 here today.</p> <p>8 MR. SELSBERG: Well, we are producing the documents.</p> <p>9 You want to look at the original, then I understand what</p> <p>10 you're saying and you're not waiving your right.</p> <p>11 MR. WATERS: No problem then.</p> <p>12 MR. SELSBERG: Okay.</p> <p>13 MR. WATERS: And the documents that -- maybe when we</p> <p>14 come back from break you can identify the documents by</p> <p>15 Bate's number that you produced prior to today that are</p> <p>16 responsive to the documents, the categories requested on</p> <p>17 page 3 of Exhibit 1.</p> <p>18 MR. SELSBERG: No. I mean for example you ask in No.</p> <p>19 2 and 1 all documents concerning Father Aguilar. We've</p> <p>20 already -- you've asked that already and we've already</p> <p>21 produced them and they are Bate-stamped produced. You</p> <p>22 have them all. I will not go through and do that again</p> <p>23 for you.</p> <p>24 MR. WATERS: I'm sorry. My request must have been</p> <p>25 ambiguous. I'm not asking you to identify by Bates number</p> <p style="text-align: right;">52</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>
<p>1 the answer, I will tell you either way.</p> <p>2 MR. WATERS: It's my understanding that off the</p> <p>3 record you made representation that there were documents</p> <p>4 that were responsive to these requests that were not</p> <p>5 produced today because they had been produced in response</p> <p>6 to a document request made by plaintiffs.</p> <p>7 MR. SELSBERG: Actually, I think that's probably</p> <p>8 true. I would have to read them again now. I will have</p> <p>9 to read these over again now, but the answer to your</p> <p>10 question is if we have already produced them, then we are</p> <p>11 not producing it again.</p> <p>12 MR. WATERS: And we are going to want to take a look</p> <p>13 at the original documents, and we requested that they be</p> <p>14 produced here today.</p> <p>15 MR. SELSBERG: Are you talking about original</p> <p>16 documents that were produced earlier in the case?</p> <p>17 MR. WATERS: I'm talking about original documents</p> <p>18 responsive to the category of documents placed on page 3</p> <p>19 of Exhibit 1. At some point in this litigation we are</p> <p>20 going to want to review the original documents, okay, and</p> <p>21 I have no problem with your representation that you have</p> <p>22 produced some responsive documents in response to a</p> <p>23 verified request for production of documents; I have no</p> <p>24 problem with that representation but what I want to make</p> <p>25 sure is on the record and is crystal clear is that we're</p> <p style="text-align: right;">51</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>	<p>1 each document responsive to each category. I'm just</p> <p>2 asking you simply to acknowledge for the record that on</p> <p>3 whatever date you produced documents Bates number whatever</p> <p>4 through whatever are all documents in the custody and</p> <p>5 control of the defendant, they are responsive to the</p> <p>6 categories of the documents on page 3 of Exhibit 1.</p> <p>7 MR. SELSBERG: That's fine.</p> <p>8 MR. WATERS: We'll do that on the break. We need to</p> <p>9 change the tape.</p> <p>10 (Break taken from 11:10 a.m. to 11:18 a.m.)</p> <p>11 BY MR. WATERS:</p> <p>12 Q Back on the record. Norberto, during anytime</p> <p>13 did Father Baldemar ever tell you that somebody else</p> <p>14 besides himself searched any files for any documents</p> <p>15 responsive to plaintiff's request?</p> <p>16 A No.</p> <p>17 Q So as you sit here today it's your understanding</p> <p>18 that only Father Baldemar searched the files for</p> <p>19 responsive documents to plaintiff's request?</p> <p>20 MR. SELSBERG: Objection. That misconstrues his last</p> <p>21 answer.</p> <p>22 THE WITNESS: Only Father Baldemar. The only person</p> <p>23 that I coordinated the search of the documents with was</p> <p>24 Father Baldemar.</p> <p>25 BY MR. WATERS:</p> <p style="text-align: right;">53</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>

1 Q And at no time did Father Baldemar tell you that  
2 another person assisted him in his search?  
3 MR. SELSBERG: Objection. Asked and answered.  
4 THE WITNESS: No.  
5 BY MR. WATERS:  
6 Q Norberto, would you please give me a brief  
7 background regarding your education from elementary school  
8 through the seminary and any post-graduate degrees.  
9 A With great pleasure. I studied elementary  
10 school in my town of La Purissima. I studied humanities  
11 at the Seminary Consiliar de Durango. I studied  
12 philosophy for three years at the same seminary in  
13 Durango. I studied for one year of theology in the same  
14 seminary. I studied for four years theology at the  
15 Gregorian University.  
16 Q Is that a complete summary of your educational  
17 background?  
18 A In the seminary and the university, yes.  
19 Q And the Gregorian University, is that located in  
20 Rome?  
21 A It's in Rome.  
22 Q And all other educational facilities which you  
23 spoke of are located in the country of Mexico?  
24 A In Durango, Mexico.  
25 Q And Durango is a state?

54

HAHN & BOWERSOCK (800) 660-3187 FAX (714)662-1398  
151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626

1 A No.  
2 Q So during these two years you also had other  
3 courses?  
4 A Correct.  
5 Q Do you today hold yourself out as a Canon  
6 lawyer?  
7 A No.  
8 Q At anytime during your employment by any  
9 instrumentality of the Roman Catholic Church have you ever  
10 held yourself out as a Canon lawyer?  
11 A Never.  
12 Q Have you ever held yourself out as an expert in  
13 Canon law?  
14 A No.  
15 Q During the time that you were a Bishop of the  
16 Diocese of Tehuacan, if you had a Canon law issue, you  
17 would rely on the -- on a Canon lawyer; is that correct?  
18 A Yes.  
19 Q And that Canon lawyer is the Secretary  
20 Chancellor you identified, Francisco Ortiz Perez,  
21 correct?  
22 A No, that's not correct. It's Francisco Aristeo  
23 Perez.  
24 Q Thank you for the correction on the  
25 pronounciation. And thank you for the summary of your

56

HAHN & BOWERSOCK (800) 660-3187 FAX (714)662-1398  
151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626

1 A Durango is a state.  
2 Q Besides the education and institutions  
3 mentioned, have you received any other formal education or  
4 degrees?  
5 A Only these institutions.  
6 Q Do you maintain any degree in Canon law?  
7 A No.  
8 Q At anytime have you caused to study Canon law,  
9 or have you studied Canon law?  
10 A Yes.  
11 Q Can you please run down for me any studies you  
12 had in Canon law?  
13 A For two years at the School of Theology is where  
14 I studied Canon law.  
15 Q During those two years --  
16 A It's my understanding that's two years because  
17 I'm talking of four semesters.  
18 Q And during those two years that you studied  
19 theology, or where you studied Canon law at the School of  
20 Theology, were your full-time studies devoted to Canon law  
21 or was it just you had a class or two in Canon law?  
22 A Which question do you want me to answer?  
23 Q What I want to know is during the two years that  
24 you studied Canon law at the School of Theology, was it a  
25 full-time study of the topic of Canon law?

55

HAHN & BOWERSOCK (800) 660-3187 FAX (714)662-1398  
151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626

1 education. Could you likewise please provide a brief  
2 summary of the involvement which you have had with the  
3 Roman Catholic Church from the date of ordination to  
4 present.  
5 A With great pleasure. The first year I worked as  
6 an associate vicar in the parish of Rio Grande Zacatecas.  
7 MR. WATERS: Would the translator please spell that  
8 for the court reporter as well as myself?  
9 INTERPRETER TUCK: Z-a-c-a-t-e-c-a-s.  
10 THE WITNESS: Afterwards I was transferred to Durango  
11 in order to teach theology in the superior seminary; I did  
12 so for 18 years. During that same time I had several  
13 positions in San Martin de Porres, P-o-r-r-e-s, as the  
14 youth assistant, as the marriage assistant, as a counselor  
15 to the Bishop, as a pastoral consultant in Canon matters  
16 of the cathedral.  
17 In 1983 I was appointed professor of dogmatic  
18 theology at the University Pontificia de Mexico. I taught  
19 for three semesters in that university. In December of  
20 1985 I was transferred to Tehuacan as Bishop. In June  
21 1995 I was transferred as Archbishop for the Archdiocese  
22 of Mexico.  
23 In 1998 his Holiness, John Paul, II, appointed  
24 me Cardinal of the church of San Francisco of Ripa Grande.  
25 Q Thank you. I'm sorry. Do you have more?

57

HAHN & BOWERSOCK (800) 660-3187 FAX (714)662-1398  
151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626

1 A And here I am.  
2 Q Thank you. You were appointed as Bishop of the  
3 Diocese of Tehuacan in December of 1985, correct?  
4 A Yes.  
5 Q Who was the prior Bishop of the Diocese of  
6 Tehuacan?  
7 A Rafael Y. Ayala, A-y-a-l-a. The letter Y,  
8 A-y-a-l-a.  
9 Q Were you transferred because Bishop Ayala passed  
10 away or for some other reason?  
11 A Because the Pope appointed me. I was appointed  
12 by the Pope.  
13 Q Do you have any knowledge as to why Bishop Ayala  
14 was removed as Bishop of Tehuacan or no longer made as a  
15 Bishop of Tehuacan? I'm not trying to imply any reason.  
16 I'm just trying to understand why he left and you came in.  
17 A The Bishop Ayala had died on July 3rd.  
18 Q And July 3rd, 1985, correct?  
19 A Of '85.  
20 Q And in June of 1995 you were appointed  
21 Archbishop for the Archdiocese of Mexico?  
22 A That's correct.  
23 Q And who was the prior Archbishop?  
24 A Ernesto Corripio, C-o-r-r-i-p-i-o, Ahumada,  
25 A-h-u-m-a-d-a.

58

HAHN & BOWERSOCK (800) 660-3187 FAX (714)662-1398  
151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626

1 A Approximately 88 years old.  
2 Q What is your understanding regarding Archbishop  
3 Ahumada's current health?  
4 A He's ill.  
5 Q Is he ill physically, mentally, or both? What  
6 is your understanding as to ill?  
7 A Physically.  
8 Q Are you aware of any elements which he suffers?  
9 A Yes.  
10 Q What elements are you aware that he suffers?  
11 A One of his legs was amputated.  
12 Q Anything else regarding his physical illness?  
13 A The normal things for a person of that age.  
14 Q I understand. Prior to your appointment as  
15 Bishop of Tehuacan, was there an interim superior  
16 overseeing the Diocese of Tehuacan after the passing of  
17 Father, or Bishop, Ayala?  
18 A There was an administrator Diocese,  
19 administrator.  
20 Q And who was the Diocese administrator?  
21 A Father Pacheco, P-a-c-h-e-c-o, Rodrigo,  
22 R-o-d-r-i-g-o.  
23 Q Prior to him being the Diocese administrator,  
24 are you aware of the position which Father Pacheco held in  
25 the Diocese of Tehuacan?

60

HAHN & BOWERSOCK (800) 660-3187 FAX (714)662-1398  
151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626

1 Q And what is your understanding as to why you  
2 were appointed Archbishop in June of '95 to succeed the  
3 prior Archbishop?  
4 A Because that was the decision made by John Paul  
5 the Second.  
6 Q Was Archbishop Ahumada alive in June of 1995?  
7 A That's correct.  
8 Q Is Archbishop Ahumada currently alive?  
9 A That's correct.  
10 Q Do you know the time frame that Archbishop  
11 Ahumada served as Archbishop for the Archdiocese of  
12 Mexico?  
13 A Approximately for 18 years.  
14 Q Do you have the address for the Archbishop  
15 Ahumada, his present address?  
16 A I know where he lives. I don't remember the  
17 name of the street, nor the house number. I know how to  
18 get there.  
19 Q I understand. Is it a private residence or is  
20 it a residence maintained by the Archbishop, Archdiocese  
21 of Mexico?  
22 A It's private property. I don't know who it  
23 belongs to but it does not belong to the Archdiocese.  
24 Q What is -- to your knowledge how old is  
25 Archbishop Ahumada?

59

HAHN & BOWERSOCK (800) 660-3187 FAX (714)662-1398  
151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626

1 A He was a parish priest.  
2 Q To your knowledge is Father Pacheco still  
3 alive?  
4 A Yes.  
5 Q To your knowledge where is Father Pacheco  
6 residing?  
7 A I don't know.  
8 Q Do you know if he's still located within the  
9 Diocese of Tehuacan?  
10 A He's in the Diocese of Tehuacan.  
11 Q It's your understanding that he is still  
12 employed by the Diocese of Tehuacan?  
13 A The priests are not employees.  
14 Q What are the priests?  
15 A They are priests.  
16 Q Is it your understanding that he's still a  
17 priest within the Diocese of Tehuacan?  
18 A A priest.  
19 Q How old is Father Pacheco?  
20 A Close to 65.  
21 Q Do you have any understanding regarding Father  
22 Pacheco's health?  
23 A I don't know at present.  
24 Q When you assumed the role of Bishop of the  
25 Diocese of Tehuacan, did you have an opportunity to meet

61

HAHN & BOWERSOCK (800) 660-3187 FAX (714)662-1398  
151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626



<p>1 with Father Pacheco, the interim Diocese administrator, 2 regarding the priests working in the Diocese of 3 Tehuacan? 4 A That's correct. 5 Q And when did this meeting take place? 6 A The following day, the day after I got there to 7 Tehuacan. 8 Q What did this meeting entail? 9 A The matters that were dealt with as far as I can 10 recall was the history of the Diocese, the affection they 11 had for the previous Bishop, their good willingness to 12 work with me as co-workers, not as employees, and that I 13 should not have any prejudices toward them. 14 Q Was this meeting with all priests working for 15 the Diocese of Tehuacan, or was this a meeting with just 16 Father Pacheco as the Diocesan administrator? 17 A It was with the Presbyterians and it was 18 attended by at least most of them. 19 Q When you became Bishop of the Diocese of 20 Tehuacan, were you provided a list of priests working for 21 your Diocese? 22 A Nobody gave me any kind of a list. 23 Q When you became the Bishop for the Diocese of 24 Tehuacan, how did you become aware of the priests serving 25 in your Diocese?</p> <p style="text-align: right;">62</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>	<p>1 A I don't understand the term "brothers." 2 Q Religious brothers, order brothers. 3 A For us those are priests. 4 Q What I want to know is at anytime that you were 5 head of the Diocese of Tehuacan, did you ever request 6 information from the Chancellery regarding information of 7 all priests or other clerics serving under you in the 8 Diocese of Tehuacan? 9 A No. 10 Q To your knowledge did the Chancellery maintain 11 that information when were you appointed as the Bishop at 12 Tehuacan? 13 A I don't understand the question. 14 Q Sure. Does the Diocese of Tehuacan have a 15 chancellery office? 16 MR. SELSBERG: Does it have it now or then? 17 THE WITNESS: That's correct. 18 BY MR. WATERS: 19 Q When you were appointed Bishop, did it have a 20 chancellery office? 21 A Yes, that's correct. 22 Q Was the chancellery office in charge of 23 personnel issues regarding priests serving in the Diocese 24 of Tehuacan? 25 A I already answered that the Chancellor kept the</p> <p style="text-align: right;">64</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>
<p>1 A I visited them little by little. 2 Q Did you ever request someone inform you verbally 3 or via writing of the names of the priests and their 4 locations in the Diocese of Tehuacan at the time you 5 became the Bishop of Tehuacan? 6 A No. 7 Q So the way that you were -- the way that you 8 became aware of the priests working in the Diocese of 9 Tehuacan, the names of the priests, the locations of the 10 their parish, and their job functions was through these 11 personal visits? 12 A That's correct. 13 Q Any other way that you became familiar with the 14 priests' job duties, locations in the Diocese of 15 Tehuacan? 16 A I myself would ask questions. 17 Q You'd ask questions to other priests or to 18 people in the chancellery? 19 A No, I would direct my questions directly to the 20 priests. 21 Q At anytime while you were the Bishop of the 22 Diocese of Tehuacan, had you ever requested anybody in the 23 chancellery provide you information as to the name, job 24 duty, work location for all clerics, priests, and brothers 25 functioning in your Diocese at Tehuacan?</p> <p style="text-align: right;">63</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>	<p>1 corresponding documentation. 2 Q My question is whether, to your knowledge, at 3 the time that you were appointed as Bishop of Tehuacan and 4 during your time as Bishop at Tehuacan, to your knowledge 5 did the chancellery office maintain a list of the priests 6 serving in your Diocese? 7 A I believe that was correct. 8 Q Was that list on computer? 9 A At that time none existed. 10 Q At anytime while you were Bishop of Tehuacan do 11 you know if that list was maintained on any type of 12 computer? 13 A I'm not sure. 14 Q How long did it take you to meet or to come to 15 an understanding of all the priests serving under you in 16 the Diocese of Tehuacan from the time you were appointed 17 in December 1985 to the time you left in June of '95, if 18 you feel that you ever got an understanding of the priests 19 serving under you? 20 MR. SELSBERG: Objection. Compound and assumes facts 21 not in evidence. Are you asking if he met them or 22 understood them because you said them both? 23 MR. WATERS: I'm trying to find out if he ever in his 24 mind came to a feeling of confidence that he knew all of 25 the people he was responsible for in the Diocese of</p> <p style="text-align: right;">65</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>

<p>1 Tehuacan.</p> <p>2 MR. SELSBERG: That's different than what you</p> <p>3 asked.</p> <p>4 MR. WATERS: I'm just trying to find out.</p> <p>5 THE WITNESS: More or less in a year I had knowledge</p> <p>6 of the names in the positions, but I cannot presume to</p> <p>7 have full knowledge.</p> <p>8 BY MR. WATERS:</p> <p>9 Q Did you have any discussions regarding personal</p> <p>10 matters with Father Pacheco during the transition of the</p> <p>11 Diocese being run by Father Pacheco as administrator and</p> <p>12 the Diocese being run by you as Bishop?</p> <p>13 A No.</p> <p>14 Q I would like to turn now to the time frame that</p> <p>15 you were appointed or transferred as Archbishop, the</p> <p>16 Archdiocese of Mexico, and basically I want to try to get</p> <p>17 the same understanding regarding the transition from</p> <p>18 Archbishop Alameda to yourself as leader of the</p> <p>19 Archdiocese.</p> <p>20 After being appointed Archbishop of the</p> <p>21 Archdiocese of Mexico, did you have any meetings with</p> <p>22 anybody in the Archdiocese regarding the priests or</p> <p>23 personnel serving under you as arch -- since you were the</p> <p>24 Archbishop?</p> <p>25 A Yes.</p> <p style="text-align: right;">66</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>	<p>1 functioning in their geographic area?</p> <p>2 A No.</p> <p>3 Q At anytime did they tell you verbally the names</p> <p>4 of all the priests or -- and the assignments of those</p> <p>5 priests in their geographic areas?</p> <p>6 A Only when it dealt with a matter of making</p> <p>7 changes or was some kind of an important issue like an</p> <p>8 illness.</p> <p>9 Q When you took over as Archbishop for the</p> <p>10 Archdiocese of Mexico in June of 1995, there was an</p> <p>11 existing chancellery office, correct?</p> <p>12 A I never said that there had been -- that I had</p> <p>13 assumed the position of Archdiocese in June. I said that</p> <p>14 I was appointed in June 1995.</p> <p>15 Q Okay. When did you assume the duties of</p> <p>16 Archbishop?</p> <p>17 A I assumed the duty on July 26th.</p> <p>18 Q Sorry for the incorrect date. When you assumed</p> <p>19 the duties of Archbishop for the Archdiocese of Mexico,</p> <p>20 was there an existing chancellery department?</p> <p>21 A That's correct.</p> <p>22 Q And was the chancellery department in charge of</p> <p>23 maintaining records and information on priests functioning</p> <p>24 in the Archdiocese in Mexico?</p> <p>25 A That's correct.</p> <p style="text-align: right;">68</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>
<p>1 Q And when did this meeting take place?</p> <p>2 A Every week.</p> <p>3 Q And who was this meeting with?</p> <p>4 A The vicar -- the Episcopal vicars.</p> <p>5 Q Who were the Episcopal vicars at this time?</p> <p>6 A The General Vicar was Mr. Rutilio,</p> <p>7 R-u-t-i-l-i-o, Ramos. Mr. Francisco Aguilar,</p> <p>8 A-g-u-i-l-a-r, Luis Mena, M-e-n-a. Felipe, excuse me,</p> <p>9 Felipe Tejeda, T-e-j-e-d-a, and Father Arriola,</p> <p>10 A-r-r-i-o-l-a. Father -- who else? Father Pedro of the</p> <p>11 8th Vicar's office. Father -- how many is that now?</p> <p>12 There is still some more. Yes, Father -- I already</p> <p>13 mentioned Father Arriola. I mentioned Mr. Tejeda,</p> <p>14 Aguilar, Rutilio Ramos, and I'm missing the second one</p> <p>15 exactly. That's Father --</p> <p>16 Q If you remember later, you can tell us.</p> <p>17 A I will certainly complete the list.</p> <p>18 Q It's my understanding that each of these</p> <p>19 Episcopal vicars are in charge of the different</p> <p>20 geographical areas within the Tehuacan Diocese on priest</p> <p>21 personnel matters?</p> <p>22 A Yes. Not all of them. Father Ramos is the</p> <p>23 general vicar. The others, that's correct as to them.</p> <p>24 Q And during these weekly meetings, did these</p> <p>25 individuals present you with a list of the priests</p> <p style="text-align: right;">67</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>	<p>1 Q To your knowledge in June of '95 when were you</p> <p>2 appointed Archbishop for the Archdiocese in Mexico, did</p> <p>3 the chancellery office maintain a list of all priests and</p> <p>4 other clerics of the Roman Catholic Church serving under</p> <p>5 the Archbishop for the Archdiocese in Mexico?</p> <p>6 A I think so.</p> <p>7 Q To this date have you ever reviewed a list that</p> <p>8 we've been discussing?</p> <p>9 A I did not understand the question. Have I</p> <p>10 personally?</p> <p>11 Q Yes.</p> <p>12 A I have not reviewed the list.</p> <p>13 Q At anytime?</p> <p>14 A No. I repeat, I personally have not reviewed</p> <p>15 the list of all the priests. This is done by the</p> <p>16 vicars.</p> <p>17 Q To your knowledge, in 1995 when you were</p> <p>18 appointed as Archbishop for the Archdiocese of Mexico,</p> <p>19 which Episcopal vicar oversaw the church of San Miguel</p> <p>20 Arcangel, A-r-c-a-n-g-e-l, located in Col. San Miguel</p> <p>21 Chapultepec, C-h-a-p-u-l-t-e-p-e-c?</p> <p>22 A I want to remember the name of the Father,</p> <p>23 Daniel Nolasco, N-o-l-a-s-c-o, that was the one that was</p> <p>24 missing here.</p> <p>25 Q Okay, got you. To your knowledge is Father</p> <p style="text-align: right;">69</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>

1 Daniel Nolasco still alive?  
 2 A Yes.  
 3 Q And approximately how old is Father Nolasco?  
 4 A At least 80 years.  
 5 Q And where is he currently residing?  
 6 A In this Archdiocese.  
 7 Q Do you know the name of the street on which he  
 8 resides? Is he living in Mexico City?  
 9 A In Mexico City.  
 10 Q Is he currently employed by the Archdiocese of  
 11 Mexico?  
 12 A That's correct.  
 13 Q And what is his current position?  
 14 A He is responsible for a rectory, or chapel.  
 15 Q What is your understanding as to his health?  
 16 A About -- how you would be if you were 80 years  
 17 old?  
 18 Q Is the place where he's residing a property  
 19 owned by the Archdiocese of Mexico?  
 20 A No.  
 21 Q Do you know the name of the facility in which  
 22 Father Nolasco is residing?  
 23 A I don't remember the name of the chapel but I'm  
 24 sure that it does not belong to the Archdiocese because  
 25 all those properties are federally owned.

70

HAHN & BOWERSOCK (800) 660-3187 FAX (714)662-1398  
 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626

1 MR. WATERS: It's the same difference.  
 2 MR. SELSBERG: It's not to me.  
 3 BY MR. WATERS:  
 4 Q Who was in charge of maintaining lists of the  
 5 residences of priests serving in the Archdiocese of  
 6 Mexico?  
 7 A There's an official in charge of the directory  
 8 and it's published and you can buy one --  
 9 Q I have one.  
 10 A -- in these offices.  
 11 Q That's a good commercial, and I have one.  
 12 A Very well.  
 13 Q What's the name of the employee that is in  
 14 charge of gathering that information?  
 15 A I don't remember the Father's name. There's  
 16 2100 priests.  
 17 Q In the calendar year 1995 or thereafter, did you  
 18 ever have a conversation with Father Nolasco regarding  
 19 Father Nicholas Aguilar?  
 20 A No. I've only received some information that I  
 21 saw in the files and on one occasion he stated to me, he  
 22 mentioned to me an incident that occurred in his parish.  
 23 Q We'll get to that.  
 24 MR. SELSBERG: I object to the responsiveness of the  
 25 answer in part.

72

HAHN & BOWERSOCK (800) 660-3187 FAX (714)662-1398  
 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626

1 Q As you sit here today you do not recall the name  
 2 of the facility or the name of the rectory?  
 3 MR. SELSBERG: Objection.  
 4 THE WITNESS: I don't remember.  
 5 MR. SELSBERG: Objection. Asked and answered.  
 6 BY MR. WATERS:  
 7 Q If I wanted to obtain the name of the facility  
 8 or the address of the facility where Father Nolasco is  
 9 residing, to whom would I have to request that  
 10 information?  
 11 MR. SELSBERG: Objection. It calls for speculation  
 12 and you're asking him to -- I don't understand the  
 13 competence of this witness to give you that information.  
 14 MR. WATERS: He's the head of the Archdiocese. I'm  
 15 sure he has people that work underneath him to give him  
 16 the location of employees of Archdiocese or the priests of  
 17 the Archdiocese.  
 18 MR. SELSBERG: That's a different question.  
 19 Basically you're asking him to tell you how to do your  
 20 job.  
 21 MR. WATERS: No, I'm not. I'm asking him the name of  
 22 the person that would know the name of the locality of  
 23 Father Nolasco.  
 24 MR. SELSBERG: Then ask it that way. Or if you don't  
 25 agree with me --

71

HAHN & BOWERSOCK (800) 660-3187 FAX (714)662-1398  
 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626

1 BY MR. WATERS:  
 2 Q To your knowledge, in July of 1995 was Father  
 3 Nicholas Aguilar functioning as a parochial vicar for the  
 4 church of San Miguel in Chapultepec?  
 5 A I wasn't here.  
 6 Q In July 1995 you were here.  
 7 A But not until July. Not in June.  
 8 Q Okay. In July of 1995 were you aware that  
 9 Father Nicholas Aguilar was serving as a parochial vicar  
 10 for the Church of San Miguel Arcangel?  
 11 A No.  
 12 Q As you sit here today have you ever become  
 13 aware?  
 14 A I have now through the documents.  
 15 Q When was the first time that you became aware  
 16 that in June of 1995 Father Nicholas Aguilar was serving  
 17 as the parochial vicar for the Church of San Miguel  
 18 Arcangel?  
 19 A Recently with the documents.  
 20 Q Can you provide me an estimate of the time  
 21 frame? Was it before the filing of this lawsuit?  
 22 A No, after.  
 23 Q So sometime in the calendar year 2006 or 2007,  
 24 correct?  
 25 MR. SELSBERG: Misleading. The lawsuit was filed 1

73

HAHN & BOWERSOCK (800) 660-3187 FAX (714)662-1398  
 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626

1 believe September 11.  
 2 MR. WATERS: I'm not trying to be misleading.  
 3 THE WITNESS: I don't understand.  
 4 MR. WATERS: No problem. I just want to make sure  
 5 I'm correct. I'll make the representation that this  
 6 lawsuit was filed on September 19th, 2006.  
 7 BY MR. WATERS:  
 8 Q It was sometime between September 19, 2006 and  
 9 today that you became aware that Father Nicholas Aguilar  
 10 was serving as a parochial vicar for the Church of San  
 11 Miguel Arcangel.  
 12 MR. SELSBERG: He answered in June of 1995.  
 13 BY MR. WATERS:  
 14 Q June 1995?  
 15 A Excuse me. When I got here I didn't know that.  
 16 Q No problem, and I understand that's your  
 17 testimony. I just want to make sure I'm clear that it was  
 18 not until after September 19, 2006 that you became aware  
 19 that in June of 1995 Father Nicholas Aguilar Rivera --  
 20 A Repeat the dates for me.  
 21 Q Strike that. I just want to make clear that my  
 22 understanding is correct as to your testimony on this  
 23 particular issue, and it's my understanding that your  
 24 testimony is that it was not until after the complaint was  
 25 filed, September 19, 2006, that you became aware that

74

HAHN & BOWERSOCK (800) 660-3187 FAX (714)662-1398  
 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626

1 Q Is this the document which gave you information  
 2 regarding Father Nicholas Aguilar Rivera serving as  
 3 parochial vicar for the parish of Saint Miguel Arcangel in  
 4 the calendar of 1995?  
 5 A Of this appointment, yes.  
 6 Q What is this document?  
 7 (Pause in proceedings.)  
 8 (The document referred to was marked as  
 9 Plaintiff's Exhibit 3 for identification and  
 10 attached to this deposition.)  
 11 BY MR. WATERS:  
 12 Q Father, before the power went out, we were  
 13 discussing what I have had marked Exhibit 3, and I was  
 14 asking you if you could describe for me --  
 15 A Is this it?  
 16 Q Yes. And I was asking if you could describe for  
 17 me what this document is. What is this document?  
 18 A The essence of it is that I am giving you  
 19 ordinary ministerial authorities until December 31st,  
 20 1995.  
 21 Q And this document contains what appears to be a  
 22 stamp.  
 23 A Yes.  
 24 Q And what is -- first of all, do you recognize  
 25 that stamp?

76

HAHN & BOWERSOCK (800) 660-3187 FAX (714)662-1398  
 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626

1 Father Nicholas Aguilar was serving as a parochial vicar  
 2 for the Church of San Miguel Arcangel in July of -- excuse  
 3 me, from February of 1995 through December 31st, 1995?  
 4 MR. SELSBERG: Objection. Assumes facts not in  
 5 evidence.  
 6 THE WITNESS: That's correct.  
 7 BY MR. WATERS:  
 8 Q And you became aware of that fact through  
 9 reviewing a letter; is that correct?  
 10 MR. SELSBERG: Objection. Assumes facts not in  
 11 evidence.  
 12 MR. WATERS: I'm laying foundation.  
 13 THE WITNESS: I became aware of that appointment  
 14 recently.  
 15 BY MR. WATERS:  
 16 Q And you became aware of the appointment by  
 17 reviewing a letter, correct?  
 18 A No, I know of the appointment because of  
 19 official letters.  
 20 MR. WATERS: May I please have this marked next in  
 21 order. What I am providing you is Plaintiff's Exhibit 3.  
 22 BY MR. WATERS:  
 23 Q My first question is have you ever reviewed this  
 24 document?  
 25 A With my lawyers yesterday and the day before.

75

HAHN & BOWERSOCK (800) 660-3187 FAX (714)662-1398  
 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626

1 A It appears to be a stamp.  
 2 Q Do you --  
 3 A It's illegible here.  
 4 Q You have ever seen a stamp like this?  
 5 A Something similar, yes.  
 6 Q Where have you seen something similar?  
 7 A Here in this curia.  
 8 Q I also make reference to Exhibit 2, which  
 9 appears to have a stamp as well.  
 10 A This one is clearer.  
 11 Q Then we'll talk about the one on Exhibit 2.  
 12 What is this stamp depicting, or what is the purpose of  
 13 this stamp?  
 14 A This is the seal used by the Vicars' office of  
 15 this Archdiocese.  
 16 Q And Exhibit 3, that is a document that was  
 17 generated from the office of the Bishop for the  
 18 Archdiocese of Mexico, correct?  
 19 A I'm --  
 20 MR. SELSBERG: Can you repeat that question?  
 21 (Record read:  
 22 "Question: And Exhibit 3, that is a document  
 23 that was generated from the office of the Bishop  
 24 for the Archdiocese of Mexico, correct?")  
 25 THE WITNESS: I'm not sure.

77

HAHN & BOWERSOCK (800) 660-3187 FAX (714)662-1398  
 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626

1 BY MR. WATERS:  
2 Q This Exhibit 3 appears to be on letterhead,  
3 correct?  
4 A That's correct.  
5 Q Do you recognize this letter?  
6 A It's similar to this letterhead.  
7 Q Is Exhibit 3 a document generated by the office  
8 of the Archbishop for the Archdiocese of Mexico?  
9 A I'm not sure.  
10 Q Do you believe that what I have marked as  
11 Exhibit 3 was not generated by the office of the  
12 Archbishop for the Archdiocese of Mexico?  
13 A I don't know. I was not here.  
14 Q Do you have any basis to dispute the genuineness  
15 of the document which I have had marked as Exhibit 3?  
16 A I'm not an expert.  
17 Q I'm not asking you if you are an expert, sir.  
18 I'm asking if you have any information or basis to dispute  
19 the genuineness or authenticity of the copy of this letter  
20 which I have had marked Exhibit 3?  
21 A I repeat, I'm not sure as to its authenticity.  
22 I was not here.  
23 Q No problem. Do you have -- I will make the  
24 representation that this document was provided by your  
25 attorneys in response to a request for production of

78

HAHN & BOWERSOCK (800) 660-3187 FAX (714)662-1398  
151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626

1 documents, which plaintiffs have signed.  
2 When reviewing the documents that Father  
3 Baldemar gathered, did you review this document?  
4 A That's how they presented it to me yesterday.  
5 Q My question is a little different. Let me lay  
6 some foundation first. You requested -- you charged  
7 Father Baldemar with an order to search the files of the  
8 Diocese of Tehuacan and the files of the Archdiocese of  
9 Mexico for documents responsive in a request by plaintiffs  
10 in this lawsuit?  
11 A That's correct.  
12 Q Father Baldemar returned to you and told you  
13 that he found some documents responsive, correct?  
14 A That's correct.  
15 Q At that point did you review the documents that  
16 Father Baldemar found?  
17 A The lawyers, not me.  
18 Q The first time you reviewed any documents  
19 provided by Father Baldemar was at some time at some  
20 meeting with your attorneys?  
21 A Yesterday and day before, some documents.  
22 Q Prior to me giving you Exhibit 3, had you ever  
23 seen what I've marked Exhibit 3?  
24 A This document?  
25 MR. SELSBERG: Objection. Asked and answered.

79

HAHN & BOWERSOCK (800) 660-3187 FAX (714)662-1398  
151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626

1 THE WITNESS: That's correct.  
2 MR. WATERS: Nonresponsive.  
3 BY MR. WATERS:  
4 Q My question is prior to me handing you what I  
5 marked as Exhibit 3, had you ever seen this document?  
6 MR. SELSBERG: Objection. Asked and answered.  
7 BY MR. WATERS:  
8 Q Is that a yes?  
9 A Yes.  
10 Q And when was the first time that you saw this  
11 document?  
12 MR. SELSBERG: Objection. Asked and answered.  
13 THE WITNESS: I already answered. I saw it with the  
14 lawyers.  
15 BY MR. WATERS:  
16 Q Either on August 6th or August 7th?  
17 A That's correct.  
18 Q Have you ever had a conversation with the Vicar  
19 General Rutilio Ramos Rico regarding Father Nicholas  
20 Aguilar Rivera and his role as a parochial vicar for  
21 church of San Miguel Arcangel?  
22 MR. SELSBERG: Objection. Assumes facts not in  
23 evidence.  
24 THE WITNESS: It's not my practice to talk with dead  
25 people. It's not my practice to talk with dead people.

80

HAHN & BOWERSOCK (800) 660-3187 FAX (714)662-1398  
151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626

1 BY MR. WATERS:  
2 Q Probably a good practice to adhere to. At  
3 anytime prior to Father Ramos Rico's passing, had you ever  
4 had a conversation with him regarding Father Nicholas  
5 Aguilar Rivera being appointed as parochial vicar for the  
6 church of San Miguel Arcangel?  
7 A I did not know of the appointment so I could not  
8 have talked to him about it.  
9 Q So your answer is no?  
10 A No.  
11 Q Have you ever had a conversation with the vice  
12 chancellor noted on Exhibit 3, Dr. Gerardo Sanchez Santos,  
13 I believe?  
14 A No.  
15 Q Is Dr. Sanchez Santos still alive?  
16 A That's correct.  
17 Q And is Dr. Sanchez Santos -- is that the correct  
18 name?  
19 A Gerardo Sanchez.  
20 Q Is Dr. Gerardo Sanchez still employed by the  
21 Archdiocese of Mexico?  
22 A He's not an employee. He's a parishioner.  
23 Q Is he affiliated in any official capacity with  
24 the Archdiocese of Mexico?  
25 A That's correct.

81

HAHN & BOWERSOCK (800) 660-3187 FAX (714)662-1398  
151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626

1 Q And what is his current title?  
2 A Parishioner and Vicar of the Cause of the  
3 Saints.  
4 Q How old is Dr. Sanchez?  
5 A I believe he's approximately 45 years old.  
6 Q Do you have any understanding as to his general  
7 health?  
8 A I have no information.  
9 Q Do you know his current residence address?  
10 A He's at his parish.  
11 Q And what is the name of his parish?  
12 A I don't remember.  
13 Q At the time that you were appointed Archbishop  
14 for the Archdiocese in Mexico, did you maintain a priest  
15 personnel board?  
16 INTERPRETER TUCK: Like a bulletin board?  
17 MR. WATERS: No, like a committee.  
18 (Record read:  
19 "Question: At the time that you were appointed  
20 Archbishop for the Archdiocese in Mexico, did  
21 you maintain a priest personnel board?")  
22 THE WITNESS: No.  
23 BY MR. WATERS:  
24 Q At the time that you were appointed -- strike  
25 that. Currently do you maintain a priest personnel

82

HAHN & BOWERSOCK (800) 660-3187 FAX (714)662-1398  
151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626

1 board?  
2 A A priest, yes.  
3 Q One priest?  
4 A One priest.  
5 Q And who is the name of that priest?  
6 A I'll repeat that, I don't remember his name  
7 right now.  
8 Q But he's currently a priest whom you consult  
9 with regarding personnel issues?  
10 A No.  
11 Q When did you consult with him regarding priest  
12 personnel issues?  
13 A I didn't consult with him.  
14 Q Then I'm not following and it's probably my  
15 fault. It's my understanding that your testimony is you  
16 didn't maintain a priest personnel board at the time you  
17 were appointed Archbishop of Mexico; is that correct?  
18 A Correct.  
19 Q It's also my understanding that at some point  
20 after you became Archbishop of Mexico, you would consult  
21 with one priest regarding --  
22 A No.  
23 Q Clarify for me, please. My misunderstanding.  
24 A I did not consult. I created a person  
25 responsible for the directory of the Presbyters of

83

HAHN & BOWERSOCK (800) 660-3187 FAX (714)662-1398  
151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626

1 Mexico.  
2 Q When did you create that?  
3 A Approximately four years ago.  
4 Q So you created this position where this priest  
5 would just document the individuals affiliated with the  
6 Archdiocese of Mexico in a clerical function, because I  
7 know you don't like calling them employees?  
8 A Which question shall I answer, the first one or  
9 the second one?  
10 Q You can answer this question. I'll withdraw the  
11 other one. Approximately four years ago you created a  
12 position where a priest would document the priest clerics  
13 and religious workers within the Archdiocese of Mexico?  
14 A That's correct.  
15 Q However, you would not consult with this  
16 individual regarding personnel issues?  
17 A No.  
18 Q Now, at anytime have you ever made a board or  
19 maintained a board of consultants regarding priest  
20 personnel issues?  
21 A My auxiliary Bishops.  
22 Q And who are the auxiliary Bishops?  
23 A The auxiliary Bishops are Monsignor Moreno  
24 Bravo; Monsignor Carlos Arch; Monsignor Marcelino  
25 Hernandez; Monsignor Jonas, J-o-n-a-s, Guerrero; Monsignor

84

HAHN & BOWERSOCK (800) 660-3187 FAX (714)662-1398  
151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626

1 Francisco Clavel; Monsignor Felipe Tejada. That's how  
2 many? Six Monsignors. Antonio -- Monsignor Antonio,  
3 Vicar of the fifth, no, the Fourth Vicaria.  
4 Q And you consulted these auxiliary Bishops  
5 regarding these issues?  
6 A Only when they are dealing with matters.  
7 Q When dealing with these auxiliary Bishops  
8 regarding priest issues, are minutes or notes kept  
9 regarding discussions?  
10 A Yes.  
11 Q Where are these minutes or notes maintained?  
12 A By the Secretary Chancellor.  
13 Q Are they placed in a certain file?  
14 A He has his file.  
15 Q If I wanted to get copies of these minutes, how  
16 would I have to identify them so that you would understand  
17 that I want a copy of these documents?  
18 MR. SELSBERG: Are you just asking him what he calls  
19 them?  
20 MR. WATERS: I'm asking him what I need to put in a  
21 request for production of documents so I don't get an  
22 objection from you saying it's vague and ambiguous.  
23 MR. SELSBERG: I'm sorry but I cannot agree that  
24 you're allowed to ask him how to phrase your request. You  
25 can ask him what he calls them.

85

HAHN & BOWERSOCK (800) 660-3187 FAX (714)662-1398  
151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626

1 MR. WATERS: That's basically what I'm doing.  
2 MR. SELSBERG: Then please just do me a favor and ask  
3 him that because I don't want to be in a position where  
4 he's telling you how to draft your request for production  
5 but if you ask him -- I'm not instructing him but just ask  
6 him what he calls it, please.

7 BY MR. WATERS:

8 Q That's fine. What do you call the file, binder,  
9 cabinet where these minutes are kept?

10 A I didn't understand. Minutes of the Episcopal  
11 council.

12 Q And so these auxiliary Bishops who you  
13 identified are members of the Episcopal council?

14 A Yes.

15 Q And so it's the same council that you met with  
16 back in July of '95 when you were appointed Archbishop for  
17 the Diocese, Archdiocese of Mexico, not the same  
18 individuals but the same committee?

19 A That's correct. They are not the same  
20 members.

21 Q When you --

22 A May I add something, an omission?

23 Q Sure.

24 A I didn't mention Monsignor Esquivel,  
25 Es-q-u-i-v-e-l.

1 United States whereabouts, in 1994. He becomes Archbishop  
2 in 1995, and I want to know what the procedures were for  
3 the Archdiocese to put a person in that position. I think  
4 it's relevant to show that he -- there was a method  
5 available for him to send Aguilar back to the authorities  
6 in the United States, and as a result of him either not  
7 doing his homework or his failure to do it adequately, the  
8 failure to re -- the felon was able to remain at large,  
9 and his intentional failure to do that would be a further  
10 act in support of the alleged conspiracy.

11 MR. SELSBERG: I understand what you're saying but I  
12 don't understand what this question for appointing Vicars  
13 in 1995 has to do with that, and there's no evidence that  
14 Nicholas was here under his authority in 1995 and no  
15 evidence that he appointed him in '95, so I don't  
16 understand the connection there.

17 MR. WATERS: There is evidence that he was under the  
18 authority of the Archbishop for the Archdiocese in Mexico  
19 in '95; that's Exhibit 3.

20 MR. SELSBERG: Not after July.

21 MR. WATERS: Exhibit 3 appoints him as that position  
22 through December 31.

23 MR. SELSBERG: You mean -- so what does this have to  
24 do with that? What does the question of procedures  
25 appointing vicars have to do with your other argument? I

86  
HAHN & BOWERSOCK (800) 660-3187 FAX (714)662-1398  
151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626

88  
HAHN & BOWERSOCK (800) 660-3187 FAX (714)662-1398  
151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626

1 Q And Monsignor Esquivel is currently a member of  
2 the Episcopal Vicars?

3 A Yes.

4 Q When you became Archbishop of the Archdiocese of  
5 Mexico in July of 1995, what were the procedures for  
6 appointing an individual a parochial Vicar?

7 A I don't understand the question. To appoint him  
8 or remove him or what?

9 Q Yes, to appoint him. To appoint the priest what  
10 were the procedures if the Archdiocese wanted a pastor to  
11 become a parochial Vicar?

12 MR. SELSBERG: Stop for one second, please. I'm  
13 giving you a lot of leeway. Can you explain to me what  
14 this has to do with jurisdiction because as I understand  
15 it from the complaint, the alleged rape was in 1994? This  
16 is 1995 and Cardinal Rivera, or Norberto Rivera, in  
17 Mexico. Can you explain the connection or the  
18 jurisdiction?

19 MR. WATERS: Sure. Here's why I believe it's  
20 relevant to the jurisdiction. The Archbishop is in charge  
21 of appointing individuals to positions to become  
22 Archdiocese of Mexico. It's in the discretion of the  
23 Archbishop which priest goes to which position.

24 Defendant Rivera claims that he has no knowledge  
25 of the -- of Father Aguilar, who pled justice in the

1 understand the other argument but I don't understand how  
2 this relates to it.

3 MR. WATERS: In response to his question regarding  
4 Exhibit 3, at least I got the feeling that he had  
5 questions regarding the genuineness of the document as  
6 well as the information contained therein. So the  
7 Archbishop himself did not sign that document, his Vicar  
8 General did and some other guy. So I want to find out  
9 when he --

10 MR. SELSBERG: Go ahead.

11 BY MR. WATERS:

12 Q So my question is in July of 1995 when you  
13 became Archbishop for the Archdiocese in Mexico, what were  
14 the procedures for appointing a priest to the position of  
15 a parochial Vicar?

16 A Up to the extent that I had knowledge of the  
17 procedure that was followed was that there would be a  
18 meeting of the Episcopal Vicars and the General Vicar gave  
19 the appointments -- made the appointments.

20 Q And the General Vicar made the appointments  
21 pursuant to delegated authority by the Archbishop for the  
22 Archdiocese in Mexico?

23 A The Archbishop of Mexico was very ill during his  
24 last three years.

25 Q Okay, and so would the Vicar General in

87  
HAHN & BOWERSOCK (800) 660-3187 FAX (714)662-1398  
151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626

89  
HAHN & BOWERSOCK (800) 660-3187 FAX (714)662-1398  
151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626

1 . appointing a priest to the position of parochial Vicar be  
2 acting on authority delegated by the Archbishop for the  
3 Archdiocese in Mexico?

4 A That's correct.

5 Q And in deciding which priest to be appointed as  
6 a parochial Vicar, would a potential priest's fitness to  
7 serve be considered?

8 A I don't know their criteria.

9 Q When you became Archbishop in July of 1995, did  
10 you consider a priest's fitness to serve as a factor in  
11 determining whether they should be appointed to the  
12 position of a parochial Vicar?

13 A I acknowledged the appointments that I had  
14 familiarity with.

15 Q Did you ever acknowledge the appointment as  
16 evidenced in Exhibit 3?

17 A I never had knowledge of this appointment.

18 Q To your knowledge in 1995 was Father Nicholas  
19 Aguilar Rivera a priest incardinated in the Archdiocese in  
20 Mexico?

21 A No.

22 Q To your knowledge has Father Nicholas Aguilar  
23 Rivera ever been incardinated in the Archdiocese in  
24 Mexico?

25 A I have no knowledge of his incardination.

90

HAHN & BOWERSOCK (800) 660-3187 FAX (714)662-1398  
151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626

1 Q Besides Exhibit 3, do you have any information  
2 regarding Father Nicholas Aguilar Rivera being granted  
3 faculties to serve in the Archdiocese in Mexico?

4 A I have knowledge of this appointment and I don't  
5 know if he would have received other appointments.

6 Q You acknowledge at the time of Exhibit 3  
7 Monsignor Rutilio Ramos Rico was in fact Vicar General for  
8 the Archdiocese in Mexico?

9 A He was the General Vicar.

10 Q Thank you. Norberto, where is Father Nicholas  
11 Aguilar Rivera?

12 A I don't know.

13 Q When is the last time you had any knowledge  
14 regarding the location of Father Nicholas Rivera?

15 A News or personal knowledge?

16 Q We'll start with personal knowledge.

17 A When he left Tehuacan.

18 Q Do you recall the year that he left Tehuacan?

19 A At the beginning of 1987.

20 Q You have ever reviewed any news articles or  
21 obtained any secondary information regarding the location  
22 of Father Nicholas Aguilar Rivera?

23 A After when?

24 Q At anytime since he left in 1987.

25 A Yes.

91

HAHN & BOWERSOCK (800) 660-3187 FAX (714)662-1398  
151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626

1 Q And what information do you have in that  
2 regard?

3 A He wrote me from Los Angeles, Cardinal Mahony  
4 asked me for information. Monsignor Curry also did so.

5 Q And these requests from the Archdiocese, both  
6 Mahony and Curry, were after he left the Archdiocese of  
7 Los Angeles, correct?

8 A Correct. After he got to Los Angeles.

9 Q Okay. Have you ever reviewed any news articles  
10 or reports regarding the current whereabouts of Father  
11 Nicholas Aguilar Rivera?

12 A Yes.

13 Q And, first of all, what reports?

14 A Some contact from a newspaper person with him.

15 Q Do you know the name of the newspaper person?

16 A San Juana Martinez published the fact that she  
17 had had a conversation with him. I believe that's a  
18 woman.

19 Q And she published an article saying that she had  
20 a conversation with Father Nicholas Aguilar Rivera?

21 A That's correct.

22 Q And where, to your knowledge, did this  
23 conversation take place?

24 A She didn't reveal the name.

25 Q To your knowledge did this conversation take

92

HAHN & BOWERSOCK (800) 660-3187 FAX (714)662-1398  
151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626

1 place within the Archdiocese of Mexico?

2 A I don't know.

3 Q To your knowledge does Father Nicholas Aguilar  
4 Rivera currently hold himself out as a priest for the  
5 Roman Catholic Church?

6 A I don't know.

7 Q When did you first meet Father Nicholas Aguilar  
8 Rivera?

9 A Soon after I got to Tehuacan in 1985 or the  
10 beginning of '86.

11 Q And what was the occasion that brought you two  
12 together?

13 A I visited his parish in San Sebastian  
14 Cuacnopalan.

15 Q Prior to meeting Father Nicholas Aguilar Rivera  
16 had you reviewed the files, if any, maintained by the  
17 Diocese of Tehuacan on him?

18 A No.

19 Q After meeting Father Nicholas Aguilar Rivera and  
20 prior to the initiation of this lawsuit have you ever  
21 reviewed the files maintained by the Diocese of Tehuacan,  
22 if any, on Father Nicholas Aguilar Rivera?

23 A No.

24 Q What did you and Father Nicholas Rivera talk  
25 about at the first time you met him?

93

HAHN & BOWERSOCK (800) 660-3187 FAX (714)662-1398  
151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626



1 A As far as I can recall as to how he was doing,  
2 his job, as to the difficulties he had because he expanded  
3 the atrium of the charge. I don't remember anything  
4 else.  
5 Q Did you discuss with him any accusations of  
6 childhood sexual abuse during the first meeting?  
7 A No.  
8 Q Did you discuss with him any alleged allegations  
9 of homosexual behavior at this first meeting?  
10 A Nothing.  
11 Q At the time that you first met Father Nicholas  
12 Aguilar Rivera, what was his position within the Diocese  
13 of Tehuacan?  
14 A He was named as the parish priest of San  
15 Sebastian Cuacnopalan.  
16 Q Was this a one-priest parish or were there other  
17 parish -- other priests at the parish?  
18 A I don't understand the question. At the same  
19 time?  
20 Q Yes, at the same time. At the time that you  
21 first met Father Nicholas Aguilar Rivera was he --  
22 A Is the question were there other priests?  
23 Q Yes, other priests at that church?  
24 A No, he was the only one in that church.  
25 Q Did the church have a school affiliated with

94

HAHN & BOWERSOCK (800) 660-3187 FAX (714)662-1398  
151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626

1 it?  
2 A No.  
3 Q After your meeting with Father Nicholas Aguilar  
4 Rivera, did you discuss him with any other member  
5 affiliated with the Diocese of Tehuacan?  
6 MR. SELSBERG: Objection, Vague.  
7 MR. WATERS: What I want to know is --  
8 MR. SELSBERG: At what time?  
9 BY MR. WATERS:  
10 Q Initially, after the meeting did you kind of  
11 check his references or inquire as to other individuals  
12 that may have knowledge of Father Nicholas Aguilar?  
13 A No.  
14 Q During -- or shortly after your first meeting  
15 with Father Nicholas Aguilar Rivera did you discuss his  
16 service with the church with any parishioners of the  
17 church to gauge how the parishioners were accepting him in  
18 his role?  
19 A Yes.  
20 Q Do you recall the names of the parishioners with  
21 whom you met?  
22 A Impossible.  
23 Q Do you recall the substance of what their  
24 conversation was with you regarding Father Nicholas  
25 Aguilar Rivera?

95

HAHN & BOWERSOCK (800) 660-3187 FAX (714)662-1398  
151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626

1 A Yes.  
2 Q What was the substance of what they told you?  
3 A Some people mentioned -- made very positive  
4 mentions to me as to his work of the Fathers because he  
5 remodeled the parish materially. Other people  
6 demonstrated their irritation because the expansion that  
7 had been made was a result of a disoccupation or the  
8 eviction of some federal property that they were illegally  
9 occupying.  
10 Q Did any parishioners voice any concerns  
11 regarding Father Nicholas Aguilar Rivera engaging in  
12 inappropriate sexual contact with minors?  
13 A At that time?  
14 MR. SELSBERG: At what time?  
15 BY MR. WATERS:  
16 Q At that time.  
17 A I think it was by the following year when I got  
18 more or less -- in the month of August I was presented by  
19 a commission of persons who were from that town to  
20 communicate to me that the Father had been beaten up by  
21 some young people; maybe not young, some guys.  
22 Q That would be my question. Do you recall the  
23 name of the entity? Well, yes, first we'll start with the  
24 name. Do you recall the name of the individuals that beat  
25 up Father Nicholas Aguilar Rivera?

96

HAHN & BOWERSOCK (800) 660-3187 FAX (714)662-1398  
151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626

1 A I never knew them.  
2 Q Do you know the ages of the individuals that  
3 beat up Father Nicholas Aguilar Rivera?  
4 A No, just the only information I got was that it  
5 was some guys.  
6 Q Did you ever receive any information as to why  
7 these young guys, these guys, beat up Father Nicholas  
8 Aguilar Rivera?  
9 A The version of the people that visited me was  
10 that it was in revenge for him having evicted them, some  
11 of the people who had been occupying those places.  
12 Q Do you have any other information as to why  
13 these men beat up Father Nicholas Aguilar?  
14 A Yes.  
15 Q What other information do you have?  
16 A After these people visited me, that same day I  
17 sent word to the Father for him to explain to me as to  
18 that event.  
19 Q What did Father Nicholas Aguilar Rivera explain  
20 to you regarding that event?  
21 A The day after I called him he came to my office  
22 and he gave me a different version.  
23 Q And what was the version that Father Nicholas  
24 Aguilar Rivera gave you?  
25 A He told me that he had put up two guys in his

97

HAHN & BOWERSOCK (800) 660-3187 FAX (714)662-1398  
151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626

1 house and that they slept with him in his same room and  
2 that that night they got up, they beat him up, and they  
3 fled through the window.

4 Q Did Father Nicholas Aguilar Rivera inform you of  
5 the age of the two guys that spent the night in his house  
6 and slept with him in the same room?

7 A No.

8 Q Did Father Nicholas Aguilar Rivera describe  
9 these as adults or as minors?

10 A He just spoke about some guys.

11 Q Did you inquire as to why -- as to the age of  
12 these individuals?

13 A No.

14 Q At the time that -- this was in August of 1986;  
15 is that correct?

16 A Toward the beginning of August '86.

17 Q During this time did the Diocese of Tehuacan  
18 maintain any policies or procedures regarding lay  
19 individuals spending the night in the room of a priest in  
20 his official residence?

21 A In the church it's always been seen as  
22 inappropriate for a priest to sleep with other people.

23 Q And so am I correct in understanding that in  
24 August of 1986 it would be inappropriate for a priest in  
25 the Diocese of Tehuacan to allow a lay individual to spend

98

HAHN & BOWERSOCK (800) 660-3187 FAX (714)662-1398  
151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626

1 presenting to me in the first place was incorrect and that  
2 it wasn't believable, that the version of the events that  
3 he was giving me was not believable.

4 Q Why did you feel that the version of the events  
5 that he was giving you was not believable?

6 A It's not correct for a priest to receive in his  
7 own bedroom persons who were unknown to him just as he  
8 said these were.

9 Q So I don't know -- I want to make sure I'm  
10 correct. Did you tell him that you did not believe what  
11 he was telling you, or did you tell him I cannot believe  
12 you did that, meaning allow lay people to spend the night  
13 in the private living quarters?

14 A I believe that he had received them in his  
15 bedroom because he was beaten up. He was visibly very  
16 perturbed, so that I did believe. What I did not believe  
17 was his version that he didn't know those guys and that  
18 they beat him up without any reason whatsoever.

19 Q Did you form the impression during this  
20 conversation that in fact there had been inappropriate  
21 sexual contact between Father Nicholas Aguilar Rivera and  
22 these gentlemen?

23 A I began to suspect that there was some kind of  
24 inappropriate behavior by him of the homosexual nature.

25 Q We have five minutes to take a break to change

100

HAHN & BOWERSOCK (800) 660-3187 FAX (714)662-1398  
151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626

1 the night in the private living quarters of a priest?

2 A That's correct.

3 Q Why would that be inappropriate?

4 A Because the priest must have his privacy and he  
5 has made promises of celibacy and it's not appropriate for  
6 him to live with other people, men or woman.

7 Q Adults or children, correct?

8 A Of course.

9 Q Regarding the information that you were  
10 presented by persons of the town, was this a written  
11 document?

12 A Not that I recall. It was just verbal.

13 Q At anytime have you received any written  
14 documentation regarding this August 1986 incident?

15 A No.

16 Q Did you conduct any investigation into the  
17 information which you learned from the town's members as  
18 well as from Father Nicholas Aguilar?

19 A I didn't make an investigation. I just received  
20 information they gave me.

21 Q Did you do anything with the information that  
22 you received?

23 A Yes.

24 Q What did you do with that information?

25 A I told the Father that the version that he was

99

HAHN & BOWERSOCK (800) 660-3187 FAX (714)662-1398  
151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626

1 the tape. Will you let me ask this question?

2 Are you aware as to whether or not homosexuality  
3 is a crime in Mexico at the time that this event was  
4 reported to you?

5 A At this time it was a crime and, furthermore, it  
6 was considered to be an illness.

7 Q Had you learned that -- when you learned that  
8 these guys beat up Father Aguilar, you suspected some type  
9 of sexual activity, correct?

10 MR. SELSBERG: Objection. Mischaracterizes the  
11 witness's testimony.

12 MR. WATERS: You may answer.

13 THE WITNESS: I suspected, I repeat, that there had  
14 been something improper and that improper behavior was of  
15 a homosexual nature.

16 BY MR. WATERS:

17 Q Had you learned that these individuals spending  
18 the night in the private living quarters of Father  
19 Nicholas Aguilar Rivera were in fact minors, would you  
20 have concluded or presumed that the subsequent beating was  
21 a result of inappropriate sexual contact with the  
22 minors?

23 MR. SELSBERG: Objection. Assumes facts not in  
24 evidence and calls for speculation.

25 MR. WATERS: You can answer.

101

HAHN & BOWERSOCK (800) 660-3187 FAX (714)662-1398  
151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626

<p>1 THE WITNESS: I can't talk about minors because</p> <p>2 nobody mentioned that to me. Nobody mentioned minors.</p> <p>3 BY MR. WATERS:</p> <p>4 Q But had somebody mentioned minors at this time,</p> <p>5 would you have assumed or presumed that the subsequent</p> <p>6 beating was a result of inappropriate sexual contact with</p> <p>7 the minors?</p> <p>8 MR. SELSBERG: Objection. That calls for</p> <p>9 speculation.</p> <p>10 THE WITNESS: I cannot. I can only talk about</p> <p>11 facts.</p> <p>12 MR. WATERS: Off the record.</p> <p>13 (Break taken from 1:35 p.m. to 1:55 p.m.)</p> <p>14 MR. WATERS: Back on the record.</p> <p>15 BY MR. WATERS:</p> <p>16 Q Norberto, prior to the last break we were</p> <p>17 discussing the battery of Father Nicholas Aguilar Rivera.</p> <p>18 Can you describe for me the injuries which you</p> <p>19 observed when he came to speak with you at your request?</p> <p>20 A As far as I can recall he had injuries on this</p> <p>21 side of his face (indicating).</p> <p>22 MR. WATERS: Let the record reflect that Norberto was</p> <p>23 referring to the left side of his face.</p> <p>24 THE WITNESS: Correct, this side of his face, and he</p> <p>25 was very nervous. That's what I remember?</p> <p style="text-align: right;">102</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>	<p>1 Q During this time, August of 1986, did you know</p> <p>2 an individual by the name of Hipolito, H-i-p-o-l-i-t-o,</p> <p>3 Perez Sylva?</p> <p>4 A No.</p> <p>5 Q The premises which served as Father Nicholas</p> <p>6 Aguilar Rivera's residence, did it have a maid?</p> <p>7 A I don't remember.</p> <p>8 Q Was it common in August of 1986 for priest's</p> <p>9 residence to have maids?</p> <p>10 A For some, yes, others no.</p> <p>11 Q Was -- as you sit here today do you recall as to</p> <p>12 whether or not the residence Father Nicholas Aguilar</p> <p>13 Rivera maintained in 1986 had a maid?</p> <p>14 A I don't remember.</p> <p>15 MR. SELSBERG: Objection. Asked and answered.</p> <p>16 THE WITNESS: I answered.</p> <p>17 BY MR. WATERS:</p> <p>18 Q If the residence of which Father Nicholas</p> <p>19 Aguilar Rivera did in fact have a maid, would that maid be</p> <p>20 compensated by the Diocese of Tehuacan?</p> <p>21 MR. SELSBERG: Objection. Assumes facts not in</p> <p>22 evidence and calls for speculation.</p> <p>23 THE WITNESS: The Diocese of Tehuacan has never paid</p> <p>24 for a maid for anybody.</p> <p>25 BY MR. WATERS:</p> <p style="text-align: right;">104</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>
<p>1 BY MR. WATERS:</p> <p>2 Q Did he mention to you the mechanism of injury to</p> <p>3 the left side of his face?</p> <p>4 A He did not explain how they beat him up, only</p> <p>5 that they beat him up.</p> <p>6 Q Did you notice any bite marks on Father Nicholas</p> <p>7 Aguilar Rivera's person?</p> <p>8 A No, I just saw him beat up on this side and very</p> <p>9 nervous.</p> <p>10 Q Did -- the beat-up on the left side of the face,</p> <p>11 are you talking about black-and-blue marks?</p> <p>12 A Yes.</p> <p>13 Q Cuts?</p> <p>14 A No, a big bruise.</p> <p>15 Q Did it appear that that bruise could have been</p> <p>16 inflicted by a game stick?</p> <p>17 INTERPRETER TUCK: Game stick?</p> <p>18 MR. WATERS: Yes.</p> <p>19 INTERPRETER TUCK: What is a game stick?</p> <p>20 MR. DRIVON: Like a pool cue.</p> <p>21 THE WITNESS: I would not know to explain it.</p> <p>22 BY MR. WATERS:</p> <p>23 Q During this time period, August of 1986, did you</p> <p>24 know an individual by the name of Angel Perez Castillo?</p> <p>25 A No.</p> <p style="text-align: right;">103</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>	<p>1 Q Do parishioners or members of the committee of</p> <p>2 the faithful volunteer as maids for the residence of</p> <p>3 priests? Is that a common practice or custom?</p> <p>4 A No.</p> <p>5 Q Do you know the name or do you know the</p> <p>6 individual by the name of Marina Parojas, P-a-r-o-j-a-s?</p> <p>7 A No.</p> <p>8 Q You have ever reviewed any official report</p> <p>9 regarding the August 1986 beating of Father Nicholas</p> <p>10 Aguilar Rivera?</p> <p>11 A Nobody has delivered any report to me.</p> <p>12 MR. WATERS: May I have this marked next in order?</p> <p>13 BY MR. WATERS:</p> <p>14 Q I'm handing you what I've had marked Exhibit 4.</p> <p>15 Would you please review this document, and after review my</p> <p>16 first question will be have you ever seen this document</p> <p>17 before today?</p> <p>18 (The document referred to was marked as</p> <p>19 Plaintiff's Exhibit 4 for identification and</p> <p>20 attached to this deposition.)</p> <p>21 THE WITNESS: I've read it.</p> <p>22 BY MR. WATERS:</p> <p>23 Q You have ever seen this document before today?</p> <p>24 A No.</p> <p>25 Q In this document Mr. Angel Perez Castillo</p> <p style="text-align: right;">105</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>

1 . informs a sub agent of the justice department that a  
2 priest had been bitten. The sub agent went to the  
3 priest's house and found the priest on the floor. He also  
4 states that there were prints of blood close to the table  
5 and he also found a game stick with blood on it. In  
6 inquiring about this, the sub agent spoke to Mr. Hipolito  
7 Perez Sylva who works at the parish and Mr. Perez Sylva  
8 informs him that kids were spending the night there from  
9 different communities.

10 My question is at anytime prior to today has  
11 anybody ever informed you that children from different  
12 communities were spending the night in the private living  
13 quarters of Father Nicholas Aguilar Rivera?

14 MR. SELSBERG: Objection. I want him to answer the  
15 question but it's misleading and assumes facts not in  
16 evidence, and I want to clear this up with you.

17 My version of the Spanish document and English,  
18 in English does not say that the priest had been bitten;  
19 it says he's been hit.

20 MR. WATERS: Okay.

21 MR. SELSBERG: Do you want to ask the interpreter?

22 MR. WATERS: That's no problem. We can take your  
23 reference as hit.

24 MR. SELSBERG: Okay.

25 BY MR. WATERS:

106

HAHN & BOWERSOCK (800) 660-3187 FAX (714)662-1398  
151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626

1 Q The thrust of my question is whether or not  
2 prior to today you had ever seen or heard any allegations  
3 that the beating of August 1986 was a result of many kids  
4 spending the night in the private living quarters of  
5 Father Nicholas Aguilar Rivera?

6 A That's correct. I've heard a policeman that a  
7 few days after the event came to my office and told me  
8 that the Father had been beaten up, and not only beaten up  
9 but that he suspected that there were signs of  
10 homosexuality because of the guys who came into the  
11 Father's bedroom. That's what a policeman told me.

12 MR. SELSBERG: Objection to the responsiveness to the  
13 question. That's not what he asked you.

14 BY MR. WATERS:

15 Q I appreciate that information. During this time  
16 that the policeman came to speak with you a couple of days  
17 after the beating, did the policeman tell you that little  
18 boys and kids from different communities would come and  
19 spend the night in Father Nicholas Aguilar Rivera's  
20 private living quarters?

21 A He never told me that.

22 Q Did -- do you recall the name of the priest  
23 or -- excuse me. Scratch that. Do you recall the name of  
24 the policeman who came to speak with you?

25 A I don't remember his name.

107

HAHN & BOWERSOCK (800) 660-3187 FAX (714)662-1398  
151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626

1 Q Do you recall the department or municipality for  
2 which the policeman worked?

3 A I didn't ask him.

4 Q This police report seems to be authored by an  
5 individual by the name of Miguel Perez; does that name  
6 refresh your recollection as to the name of the policeman  
7 who came to your office a couple of days after the  
8 beating?

9 A I don't know if it's the same one.

10 Q To your knowledge has Mr. Hipolito Perez Sylva  
11 ever been employed by the Diocese of Tehuacan?

12 A No, only for the parish.

13 Q Do you know if Mr. Hipolito Perez Sylva is still  
14 employed by the parish?

15 A I never met him. I don't know him and I don't  
16 know how long he may have been there.

17 Q You'd agree with me, Norberto, that Exhibit 4  
18 documents problems with children spending the night in the  
19 private living quarters of Father Nicholas Aguilar Rivera,  
20 correct?

21 MR. SELSBERG: Objection. Assumes facts not in  
22 evidence.

23 THE WITNESS: I have no knowledge of this document.  
24 I repeat, it does not speak of children. It speaks of  
25 guys, and "guys" ordinarily is understood throughout this

108

HAHN & BOWERSOCK (800) 660-3187 FAX (714)662-1398  
151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626

1 region and among ourselves, it can mean males from 18 to  
2 30 years of age. I don't see it speak of children here,  
3 or at least I don't manage to see it.

4 BY MR. WATERS:

5 Q At anytime in learning of the information  
6 related to the August 1986 beating of Mr. Aguilar, did you  
7 cause for a investigation by the Diocese of Tehuacan to be  
8 initiated?

9 A No because I already had the information.

10 Q If you had a copy of this police report  
11 identified as Exhibit 4 in 1986, would you have caused an  
12 investigation to have been initiated into the beating of  
13 Father Nicholas Aguilar Rivera?

14 MR. SELSBERG: Objection. Calls for speculation.

15 THE WITNESS: The fact is I didn't have it.

16 BY MR. WATERS:

17 Q I understand that, but had you had it?

18 MR. SELSBERG: Objection. Calls for speculation.

19 THE WITNESS: The fact is I had no knowledge of that  
20 report.

21 BY MR. WATERS:

22 Q I understand you had no knowledge of that  
23 report. My question is --

24 A If my chair had wheels, it might be a bicycle.

25 Q Well, it would also need pedals. My question

109

HAHN & BOWERSOCK (800) 660-3187 FAX (714)662-1398  
151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626

<p>1    though is a little different.</p> <p>2       A   It's a speculation.</p> <p>3       Q   Okay. Nobody wants you to speculate.</p> <p>4    MR. DRIVON: You don't even have an approximation?</p> <p>5       MR. SELSBERG: Excuse me.</p> <p>6       MR. DRIVON: Withdrawn.</p> <p>7    BY MR. WATERS:</p> <p>8       Q   Did you question Father Nicholas Aguilar Rivera</p> <p>9    about whether or not his beating was related to homosexual</p> <p>10   activity?</p> <p>11       A   I've told that I suspected, more than anything</p> <p>12   after talking with the policeman, that I suspected that</p> <p>13   that was some kind of sexual activity, and he flatly</p> <p>14   denied it.</p> <p>15       Q   When -- you said he flatly denied it. What was</p> <p>16   your accusation, as best as you can recall?</p> <p>17       A   I told him that his version didn't appear</p> <p>18   credible to me, that he had to tell me the truth.</p> <p>19       Q   And what was his denial?</p> <p>20       A   He denied that anything improper had happened,</p> <p>21   not only not homosexual but also nothing improper as to</p> <p>22   his behavior. I told him his version was not credible.</p> <p>23       Q   So you did not believe him?</p> <p>24       A   I didn't believe him.</p> <p>25       Q   As a result of not believing Father Nicholas</p>	<p>1   Tehuacan?</p> <p>2       A   That's correct.</p> <p>3       Q   What did you initiate? What proceedings did you</p> <p>4   initiate to suspend his faculties within the Diocese of</p> <p>5   Tehuacan?</p> <p>6       A   I called him back and I repeated to him that I</p> <p>7   thought that his withdrawing from there, from his parish,</p> <p>8   and he answered to me that he would present his</p> <p>9   resignation to me and he wanted to go to Los Angeles where</p> <p>10   he had family.</p> <p>11       Q   And was this resignation that he was going to</p> <p>12   present to you a resignation from his position at the</p> <p>13   parish or was it his resignation and request to be</p> <p>14   returned to the lay state?</p> <p>15       A   No.</p> <p>16       Q   So was his resignation from the parish?</p> <p>17       A   His resignation was irrevocable from the parish</p> <p>18   sometime later toward the beginning of the following year,</p> <p>19   '87.</p> <p>20       Q   Did you require that Father Nicholas Aguilar put</p> <p>21   this resignation in writing?</p> <p>22       A   That's correct.</p> <p>23       MR. WATERS: I would like this next in order.</p> <p>24   I'm handing you what has been marked Exhibit 5. For</p> <p>25   defense counsel's reference, Bate Stamp No. 00022.</p>
<p style="text-align: right;">110</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>	<p style="text-align: right;">112</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>
<p>1   Aguilar Rivera, did you remove him from his position</p> <p>2   within the Diocese of Tehuacan?</p> <p>3       A   I told him that if he was not going to give me a</p> <p>4   true explanation, he could not continue exercising his</p> <p>5   ministry in his parish.</p> <p>6       Q   Did you initiate any formal proceedings to</p> <p>7   suspend his faculties within the Diocese of Tehuacan?</p> <p>8       A   That's correct.</p> <p>9       Q   What did you do to suspend his faculties within</p> <p>10   the Diocese of Tehuacan?</p> <p>11       A   The first thing was the warning that I gave him</p> <p>12   there that if he wouldn't give me an explanation, a true</p> <p>13   explanation, that I would remove him from the parish.</p> <p>14       Q   Did he give you an explanation?</p> <p>15       A   He never gave me any explanation.</p> <p>16       Q   Did you remove him from the parish?</p> <p>17       A   Some days later I called him back to tell him to</p> <p>18   maintain that decision -- to ask him if he was still</p> <p>19   holding to that decision, and he told me that he would</p> <p>20   withdraw and that he wanted a rest.</p> <p>21       Q   Did you ask him what he meant by "a rest"?</p> <p>22       A   No.</p> <p>23       Q   As a result of this conversation, did you</p> <p>24   initiate any formal proceedings to suspend Father Nicholas</p> <p>25   Aguilar Rivera's faculties within the Diocese of</p>	<p>1       (The document referred to was marked as</p> <p>2   Plaintiff's Exhibit 5 for identification and</p> <p>3   attached to this deposition.)</p> <p>4   BY MR. WATERS:</p> <p>5       Q   Have you seen Exhibit 5 before today?</p> <p>6       A   Yes. This one, yes.</p> <p>7       Q   What is Exhibit 5? Just what is this</p> <p>8   document?</p> <p>9       A   The resignation, the irrevocable resignation</p> <p>10   from the parish of San Sebastian Martir of Cuacnopalan,</p> <p>11   which makes the Presbyter Nicholas Aguilar Rivera for</p> <p>12   health reasons on the date indicated here. Tehuacan</p> <p>13   Puebla, January 27, 1987, pursuant to the Canon 538,</p> <p>14   Paragraph 1, and the acceptance of the resignation by</p> <p>15   Norberto Rivera Carrera, Bishop of Tehuacan, and drafted</p> <p>16   and signed by Felix Rojas Rojas, Presbyter Chancellor</p> <p>17   Secretary.</p> <p>18       Q   Is Felix Rojas, Presbyter still alive? Is he</p> <p>19   still alive?</p> <p>20       A   No, he's dead.</p> <p>21       Q   Sorry. The signature above the Norberto Rivera</p> <p>22   Carrera, is that your signature?</p> <p>23       A   It was at the time. It's not my current</p> <p>24   signature.</p> <p>25       Q   But you do not dispute that that's your hand</p>
<p style="text-align: right;">111</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>	<p style="text-align: right;">113</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>

<p>1 . putting pen to paper?</p> <p>2 MR. SELSBERG: Objection. Asked and answered.</p> <p>3 THE WITNESS: I believe that's my signature.</p> <p>4 BY MR. WATERS:</p> <p>5 Q And this document is Nicholas Aguilar Rivera</p> <p>6 tendering his irrevocable resignation at his job at the</p> <p>7 parish, correct?</p> <p>8 A Yes.</p> <p>9 Q As pastor of the parish, correct?</p> <p>10 A As the pastor of the parish of San Sebastian</p> <p>11 Cuacnopalan.</p> <p>12 Q After Father Nicholas Aguilar Rivera tendered</p> <p>13 his irrevocable resignation as evidenced in Exhibit 5, he</p> <p>14 still had faculties in the Diocese of Tehuacan, correct?</p> <p>15 A Correct.</p> <p>16 Q What were his faculties within the Diocese of</p> <p>17 Tehuacan after he provided you Exhibit 5?</p> <p>18 A I don't -- what were his what?</p> <p>19 Q Faculties.</p> <p>20 A He had no position after that, as far as I know,</p> <p>21 up to the -- up to today.</p> <p>22 Q My question is not whether or not he had a</p> <p>23 official position. My question is whether or not after</p> <p>24 tendering you this irrevocable resignation as pastor, did</p> <p>25 he still have faculties to minister within the Diocese?</p> <p style="text-align: right;">114</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>	<p>1 THE WITNESS: That's correct.</p> <p>2 BY MR. WATERS:</p> <p>3 Q And which documents to wit are you referring?</p> <p>4 A To a letter that I delivered to the Father, a</p> <p>5 letter of recommendation.</p> <p>6 INTERPRETER TUCK: Strike that. A letter of</p> <p>7 introduction.</p> <p>8 THE WITNESS: A letter of introduction so that he</p> <p>9 could be with his family in Los Angeles.</p> <p>10 BY MR. WATERS:</p> <p>11 Q At anytime did you write a letter of</p> <p>12 recommendation for Father Nicholas Aguilar?</p> <p>13 A No, only a letter of introduction.</p> <p>14 Q At anytime did you provide information to any</p> <p>15 instrumentality to the Catholic church that you did not</p> <p>16 feel that Father Nicholas Aguilar Rivera was fit to</p> <p>17 minister to the community of the faithful?</p> <p>18 A I presented to Cardinal Mahony the information I</p> <p>19 knew of up to that moment.</p> <p>20 Q And what information was that?</p> <p>21 A The information that I gave to the Cardinal as</p> <p>22 far as I can recall is that in the parish that he had been</p> <p>23 in he had a good name with some of the faithful but that I</p> <p>24 suspected that the incident that he had in that parish had</p> <p>25 aspects of homosexuality. That's what I recall about the</p> <p style="text-align: right;">116</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>
<p>1 A Not for Tehuacan because he himself stated his</p> <p>2 wish to transfer to Los Angeles.</p> <p>3 Q Did the Diocese of Tehuacan after receiving</p> <p>4 Exhibit 5 implement any proceedings to withdraw or revoke</p> <p>5 Father Nicholas Aguilar Rivera's faculties to minister?</p> <p>6 A No.</p> <p>7 Q Did the Diocese of Tehuacan ever initiate</p> <p>8 procedures for excommunication of Father Nicholas Aguilar</p> <p>9 Rivera?</p> <p>10 A No because the Father is not religious, he</p> <p>11 cannot receive a sentence of excommunication.</p> <p>12 Q Are there any documents which reflect that at</p> <p>13 anytime the Diocese of Tehuacan initiated any proceeding</p> <p>14 to return Father Nicholas Aguilar Rivera to the lay state?</p> <p>15 A No.</p> <p>16 Q Are there any documentation generated by the</p> <p>17 Diocese of Tehuacan that grants Father Nicholas Aguilar</p> <p>18 Rivera permission to live outside the Diocese of</p> <p>19 Tehuacan?</p> <p>20 MR. SELSBERG: Will you read that back?</p> <p>21 (Record read:</p> <p>22 "Question: Are there any documentation</p> <p>23 generated by the Diocese of Tehuacan that grants</p> <p>24 Father Nicholas Aguilar Rivera permission to</p> <p>25 live outside the Diocese of Tehuacan?")</p> <p style="text-align: right;">115</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>	<p>1 letter now.</p> <p>2 Q At anytime did the Diocese of Tehuacan grant</p> <p>3 Father Nicholas Aguilar Rivera permission for a leave of</p> <p>4 absence to minister in the Archdiocese of Los Angeles?</p> <p>5 A That's two questions. I'll answer the first</p> <p>6 one. I did give him permission to be absent from the</p> <p>7 Diocese of Tehuacan, and the question of exercising a</p> <p>8 ministry was not my decision. That's the decision of the</p> <p>9 Bishop who receives him. That's the decision of the</p> <p>10 Bishop who receives the priest; only he can give him the</p> <p>11 rights to minister within his Diocese.</p> <p>12 Q But don't you also have to give your -- a priest</p> <p>13 that was incardinated in your Diocese permission to serve</p> <p>14 the other Archdiocese?</p> <p>15 A I gave him permission, I repeat again, to move</p> <p>16 to the Archdiocese of Los Angeles and the Bishop of Los</p> <p>17 Angeles would decide whether or not he's going to exercise</p> <p>18 a ministry there.</p> <p>19 Q Do you have any written documentation regarding</p> <p>20 your granting Father Nicholas Aguilar Rivera leave of</p> <p>21 absence?</p> <p>22 A Yes.</p> <p>23 Q Which documentation do you have?</p> <p>24 A I didn't bring any document. I didn't bring any</p> <p>25 document.</p> <p style="text-align: right;">117</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>

<p>1 Q What type of documentation is it?</p> <p>2 A The letter of introduction that I sent and the</p> <p>3 letter in which the Cardinal asks for me for information,</p> <p>4 for confidential information.</p> <p>5 Q When a priest are incardinated into a Diocese,</p> <p>6 the priest must take an oath of obedience to the Diocese</p> <p>7 Bishop as well as his successors, correct?</p> <p>8 A That's correct.</p> <p>9 Q At anytime have you released Father Nicholas</p> <p>10 Aguilar Rivera from his oath of obedience to you?</p> <p>11 A No.</p> <p>12 Q When Father Nicholas Aguilar Rivera was residing</p> <p>13 in Los Angeles, he was still serving under that oath of</p> <p>14 obedience to you as the Bishop for the Diocese of</p> <p>15 Tehuacan, correct?</p> <p>16 A That's correct.</p> <p>17 Q And he was still incardinated in the Diocese of</p> <p>18 Tehuacan, correct?</p> <p>19 A That's correct.</p> <p>20 Q As we sit here today, do you have any</p> <p>21 information as to whether or not Father Nicholas Aguilar</p> <p>22 Rivera is currently incardinated in the Diocese of</p> <p>23 Tehuacan?</p> <p>24 A I don't know.</p> <p>25 Q Do you know as to whether or not Father Nicholas</p>	<p>1 trip?</p> <p>2 A No.</p> <p>3 Q Did the Diocese of Tehuacan facilitate with the</p> <p>4 Department of Immigration either with the United States or</p> <p>5 with Mexico Father Nicholas Aguilar Rivera's movement from</p> <p>6 the Diocese of Tehuacan to the Archdiocese of Los</p> <p>7 Angeles?</p> <p>8 A No.</p> <p>9 Q Did the Diocese of Tehuacan purchase for Father</p> <p>10 Nicholas Aguilar Rivera his plane ticket to travel to the</p> <p>11 Archdiocese of Los Angeles?</p> <p>12 A No.</p> <p>13 MR. SELSBERG: Objection. Assumes facts not in</p> <p>14 evidence.</p> <p>15 BY MR. WATERS:</p> <p>16 Q Did the Diocese of Tehuacan provide</p> <p>17 transportation of any method for Father Nicholas Aguilar</p> <p>18 from Mexico to Los Angeles?</p> <p>19 A No.</p> <p>20 Q You've made some trips to the United States,</p> <p>21 correct?</p> <p>22 A That's correct.</p> <p>23 Q When you have traveled to the United States,</p> <p>24 were you required to obtain any type of travel documents</p> <p>25 prior to leaving Mexico?</p>
<p>1.18</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>	<p>1.20</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>
<p>1 Aguilar Rivera is incardinated into the Archdiocese of</p> <p>2 Mexico?</p> <p>3 A He's not in this Archdiocese.</p> <p>4 Q At anytime have you caused to be initiated</p> <p>5 laicization proceedings against Father Nicholas Aguilar</p> <p>6 Rivera?</p> <p>7 A That's not my decision. I'm not the Bishop of</p> <p>8 Tehuacan.</p> <p>9 Q But prior to your leaving as the Bishop of</p> <p>10 Tehuacan?</p> <p>11 A I did not begin.</p> <p>12 Q To your knowledge did Father Nicholas Aguilar</p> <p>13 Rivera ever seek voluntary laicization from the Diocese of</p> <p>14 Tehuacan?</p> <p>15 A I don't know.</p> <p>16 Q To your knowledge as you sit here today, is</p> <p>17 Father Nicholas Aguilar Rivera still a member, a clerical</p> <p>18 member, of the Roman Catholic church?</p> <p>19 A I don't know what decisions may have been</p> <p>20 made.</p> <p>21 Q Did father -- strike that. Father Nicholas</p> <p>22 Aguilar Rivera informed you that he desired to travel to</p> <p>23 Los Angeles, correct?</p> <p>24 A That's correct.</p> <p>25 Q Did he provide you an itinerary regarding his</p>	<p>1 A I don't understand the question. Would you make</p> <p>2 it more clear?</p> <p>3 Q Sure. When you left Mexico to travel to the</p> <p>4 United States, were you required to obtain a visa</p> <p>5 passport?</p> <p>6 A That's correct.</p> <p>7 Q Did the Diocese of Tehuacan assist Father</p> <p>8 Nicholas Aguilar Rivera in obtaining any visas for his</p> <p>9 travel to the United States?</p> <p>10 A No.</p> <p>11 Q Did the Diocese of Tehuacan facilitate a</p> <p>12 passport being issued for Father Nicholas Aguilar Rivera</p> <p>13 for his transport to the United States?</p> <p>14 A No.</p> <p>15 MR. WATERS: Here's what I'd like to do. I would</p> <p>16 like to take a brief break at this time. We have</p> <p>17 sandwiches being brought in for this side of the table.</p> <p>18 They've informed me that there are sandwiches or food</p> <p>19 available for the defense, so I would like to take a</p> <p>20 45-minute break for some nourishment and some rest and</p> <p>21 we'll back, and I think we will be able to knock it down.</p> <p>22 MR. SELSBERG: Okay.</p> <p>23 (Lunch recess taken from 2:40 p.m. to 3:32 p.m.)</p> <p>24 BY MR. WATERS:</p> <p>25 Q We're back on the record after a lunch break.</p>
<p>1.19</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>	<p>1.21</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>

<p>1 Norberto, you realize you're still under oath?</p> <p>2 A Yes, correct.</p> <p>3 Q During the break your attorney provided me</p> <p>4 copies of documents which you reviewed in preparation for</p> <p>5 today's deposition. I will have those marked next in</p> <p>6 order as one complete exhibit.</p> <p>7 Will you please take a look at Exhibit 6, and</p> <p>8 after your review I will ask you to confirm for me and the</p> <p>9 record that those documents contained in Exhibit 6 are all</p> <p>10 the documents that you reviewed in preparation for today's</p> <p>11 deposition.</p> <p>12 (The document referred to was marked as</p> <p>13 Plaintiff's Exhibit 6 for identification and</p> <p>14 attached to this deposition.)</p> <p>15 THE WITNESS: Very well.</p> <p>16 BY MR. WATERS:</p> <p>17 Q Are those documents contained in Exhibit 6 all</p> <p>18 the documents that you reviewed prior to today's</p> <p>19 deposition?</p> <p>20 MR. SELSBERG: You mean in the last couple of days?</p> <p>21 MR. WATERS: Yes, in preparation for today's</p> <p>22 deposition.</p> <p>23 MR. SELSBERG: Yes. It's a different question.</p> <p>24 BY MR. WATERS:</p> <p>25 Q Just so the record is crystal clear, besides</p> <p style="text-align: right;">122</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>	<p>1 Exhibit 5, correct?</p> <p>2 A Correct.</p> <p>3 Q Did you at anytime consult with a Canon lawyer</p> <p>4 within the Diocese of Tehuacan regarding the proper</p> <p>5 canonical procedure for obtaining resignation of a parish</p> <p>6 priest from the parish?</p> <p>7 A I understand the term "irrevocable resignation"</p> <p>8 and when it needs to be put in question.</p> <p>9 Q Did you consult the Canon lawyer regarding</p> <p>10 accepting the resignation of Father Nicholas Aguilar</p> <p>11 Rivera?</p> <p>12 A About the acceptance of his resignation?</p> <p>13 Q Yes.</p> <p>14 A The same secretary.</p> <p>15 Q So the Canon lawyer is the person you were</p> <p>16 consulting?</p> <p>17 A He is the expert in Canon law.</p> <p>18 Q Did you consult with the same secretary</p> <p>19 regarding the sending of Father Nicholas Aguilar Rivera to</p> <p>20 the Archdiocese of Los Angeles?</p> <p>21 MR. SELSBERG: Objection. Assumes facts not in</p> <p>22 evidence and mischaracterizes the witness's testimony.</p> <p>23 MR. WATERS: And I acknowledge -- I'm not trying</p> <p>24 to -- I used a poor word, so let me withdraw the question</p> <p>25 and ask this.</p> <p style="text-align: right;">124</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>
<p>1 those documents contained in Exhibit 6, you reviewed no</p> <p>2 other documents in preparation for today's deposition?</p> <p>3 A Not in these days.</p> <p>4 Q Have you reviewed any documents at anytime</p> <p>5 besides the documents contained in Exhibit 6 for</p> <p>6 preparation for today's deposition?</p> <p>7 A No, these are the documents I have knowledge</p> <p>8 of.</p> <p>9 Q Very well. Just some housekeeping issues. I</p> <p>10 would like to refer you back to Exhibit 4.</p> <p>11 A Yes.</p> <p>12 Q And ask you how you interpret the term</p> <p>13 "chamaco"?</p> <p>14 A Boys, people 18 to 30 years of age.</p> <p>15 Q Do you interpret the term "chamaco" as a</p> <p>16 child?</p> <p>17 A I don't know what you mean when you say "child."</p> <p>18 Q Person under the age of 18.</p> <p>19 A No.</p> <p>20 Q So as you view the term chamaco, it refers to an</p> <p>21 individual above the age of 18?</p> <p>22 A That's how you normally express it.</p> <p>23 Q Okay. Prior to the lunch break you testified</p> <p>24 that Father Nicholas Aguilar Rivera tendered you his</p> <p>25 irrevocable resignation from the parish as documented by</p> <p style="text-align: right;">123</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>	<p>1 BY MR. WATERS:</p> <p>2 Q Did you consult with your Canon lawyer regarding</p> <p>3 allowing Father Nicholas Aguilar Rivera to travel to the</p> <p>4 Archdiocese of Los Angeles?</p> <p>5 A I made the decision.</p> <p>6 Q But did you consult with your Canon lawyer?</p> <p>7 A No.</p> <p>8 Q Did you consult with your Canon lawyer regarding</p> <p>9 the proper procedure for allowing Father Nicholas Aguilar</p> <p>10 Rivera to transfer, or to travel to the Archdiocese of Los</p> <p>11 Angeles?</p> <p>12 A I never sent him. As I repeated I never helped</p> <p>13 him, as I repeated. All I did was give him a permit.</p> <p>14 Q Let me ask you this then. Did you consult with</p> <p>15 your Canon lawyer regarding your granting a permit for</p> <p>16 Father Nicholas Aguilar Rivera to travel to the</p> <p>17 Archdiocese of Los Angeles?</p> <p>18 MR. SELSBERG: Hold on a second. I don't know where</p> <p>19 Vernon got the word "permit" from. You misspoke and he</p> <p>20 picked up on it.</p> <p>21 INTERPRETER TUCK: "Permission," if there's any</p> <p>22 difference. To the extent there is, it is permission.</p> <p>23 MR. SELSBERG: There is.</p> <p>24 MR. WATERS: Okay, let me just withdraw the question.</p> <p>25 I took it from the translation.</p> <p style="text-align: right;">125</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>



<p>1 MR. SELSBERG: I know you did, but he misinterpreted</p> <p>2 what the Cardinal said.</p> <p>3 MR. WATERS: No problem. Let's get the</p> <p>4 interpreter then to correct the interpretation.</p> <p>5 INTERPRETER TUCK: Strike the reference to "permit"</p> <p>6 and replace it with "permission."</p> <p>7 BY MR. WATERS:</p> <p>8 Q Did you consult with your Canon lawyer regarding</p> <p>9 your decision to grant Father Nicholas Aguilar Rivera</p> <p>10 permission to travel to the Archdiocese of Los Angeles?</p> <p>11 A No.</p> <p>12 Q Did you discuss your decision to permit -- to</p> <p>13 grant permission to Father Nicholas Aguilar Rivera to</p> <p>14 travel to the Archdiocese of Los Angeles with anybody?</p> <p>15 MR. SELSBERG: Objection, vague. Then or now?</p> <p>16 MR. WATERS: With anybody associated with the Diocese</p> <p>17 of Tehuacan.</p> <p>18 MR. SELSBERG: At anytime?</p> <p>19 MR. WATERS: At anytime.</p> <p>20 THE WITNESS: No.</p> <p>21 BY MR. WATERS:</p> <p>22 Q When a Diocesan priest is incardinated into a</p> <p>23 Diocese, that Diocesan priest is a responsibility of the</p> <p>24 Diocese in which he's incardinated, correct?</p> <p>25 MR. SELSBERG: Objection to the form. That's vague</p> <p style="text-align: right;">126</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>	<p>1 provide ministry, there must be documentation, correct?</p> <p>2 A No.</p> <p>3 Q Is there a procedure in Canon law for a Bishop</p> <p>4 to remove a Diocesan priest's faculties?</p> <p>5 A The faculties are expressly determined for the</p> <p>6 time stated in the instrument.</p> <p>7 Q My question is a little different.</p> <p>8 MR. WATERS: Please read the question.</p> <p>9 (Record read:</p> <p>10 "Question: Is there a procedure in Canon law</p> <p>11 for a Bishop to remove a Diocesan priest's</p> <p>12 faculties?")</p> <p>13 THE WITNESS: That's correct. He may remove them</p> <p>14 before the time established for a serious cause.</p> <p>15 BY MR. WATERS:</p> <p>16 Q At anytime did you remove Mr. Nicholas Aguilar</p> <p>17 Rivera's faculties for a serious cause?</p> <p>18 A No.</p> <p>19 Q When father Nicholas Aguilar Rivera traveled to</p> <p>20 the Archdiocese of Los Angeles, he still had faculties</p> <p>21 with the Diocese of Tehuacan, correct?</p> <p>22 A That's correct.</p> <p>23 Q And when Father Nicholas Aguilar Rivera left the</p> <p>24 Archdiocese of Los Angeles, he still had faculties with</p> <p>25 the Diocese of Tehuacan, correct?</p> <p style="text-align: right;">128</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>
<p>1 and misleading.</p> <p>2 THE WITNESS: For some things it's responsible. As</p> <p>3 far as for his personal actions, it's not responsible.</p> <p>4 BY MR. WATERS:</p> <p>5 Q And the Diocese in which he's incardinated</p> <p>6 remains responsible for that Diocesan priest until that</p> <p>7 Diocesan priest is separated from the Diocese by</p> <p>8 excommunication, correct?</p> <p>9 MR. SELSBERG: Same objection. It's vague. I'm</p> <p>10 having trouble with the word "responsibility."</p> <p>11 BY MR. WATERS:</p> <p>12 Q Well, an individual incardinated into a Diocese</p> <p>13 is associated with that Diocese, correct?</p> <p>14 A Correct.</p> <p>15 Q He takes an oath of obedience to the Bishop of</p> <p>16 the Diocese of which he's incardinated, correct?</p> <p>17 A I already answered that yes.</p> <p>18 Q And that oath of obedience to that Bishop of the</p> <p>19 Diocese of which he's incardinated remains in effect until</p> <p>20 that priest is excommunicated, correct?</p> <p>21 A Only when he has licenses.</p> <p>22 Q Faculties, correct? Only when he has faculties</p> <p>23 to provide ministry?</p> <p>24 A That's correct.</p> <p>25 Q And in order to withdraw those faculties to</p> <p style="text-align: right;">127</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>	<p>1 A His faculties ended in January.</p> <p>2 Q In January of which year?</p> <p>3 A Of 1987. 1987.</p> <p>4 Q And what -- is there any documentation which</p> <p>5 supports your statement that Father Nicholas Aguilar</p> <p>6 Rivera's faculties within the Diocese of Tehuacan were</p> <p>7 revoked as of January 1981 -- scratch that, 1987?</p> <p>8 A That's correct.</p> <p>9 Q Which documentation is that to which you</p> <p>10 refer?</p> <p>11 A A letter dated January 27th expressly sets forth</p> <p>12 to the Cardinal Rogelio Mahony that for family reasons and</p> <p>13 health reasons Father Nicholas Aguilar Rivera from the</p> <p>14 Parish of Cuacnopalan Pueblo, pertaining to this church of</p> <p>15 Tehuacan, wishes to remain for one year in the service of</p> <p>16 the Archdiocese of Los Angeles. I have no problem with</p> <p>17 granting this permission if Your Excellency accepts it for</p> <p>18 him to work in your local church.</p> <p>19 That's how it's understood by the Cardinal and</p> <p>20 his Vicar, Monsignor Curry. I don't remember his name.</p> <p>21 Monsignor Thomas Curry, Vicar for --</p> <p>22 MR. SELSBERG: I will object to any more answer</p> <p>23 because you have already answered the question.</p> <p>24 BY MR. WATERS:</p> <p>25 Q Do you have any documents which specifically</p> <p style="text-align: right;">129</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>

<p>1 .references the fact that Father Nicholas Aguilar Rivera's</p> <p>2 faculties within the Diocese of Tehuacan were to be</p> <p>3 revoked as of January 1987?</p> <p>4 A I repeat again, those faculties are expressly</p> <p>5 for one year, no more.</p> <p>6 Q Okay. Besides the letter to which you just</p> <p>7 referenced, the letter dated January 27, 1987 -</p> <p>8 A Excuse me.</p> <p>9 Q Besides the letter that you just referenced,</p> <p>10 that letter of January 27, 1987 from yourself to</p> <p>11 Archbishop Roger Mahony, is there any other document of</p> <p>12 which you are aware of that supports your claim that as of</p> <p>13 January 1987 Father Nicholas Aguilar Rivera's faculties</p> <p>14 within the Diocese of Tehuacan were removed?</p> <p>15 A I don't remember.</p> <p>16 MR. SELSBERG: January 1987?</p> <p>17 MR. WATERS: Yes.</p> <p>18 THE WITNESS: They ended in January of 1987.</p> <p>19 BY MR. WATERS:</p> <p>20 Q And besides the letter of January 1987 you have</p> <p>21 no other document that support your allegation?</p> <p>22 THE WITNESS: They began -- they ended in '87.</p> <p>23 INTERPRETER TUCK: That was not to your question.</p> <p>24 Can you repeat the question?</p> <p>25 MR. WATERS: I will withdraw the question.</p> <p style="text-align: right;">130</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>	<p>1 Q Was it with the Servants of the Paracletes in</p> <p>2 New Mexico?</p> <p>3 A No, it was here with some psychologists in</p> <p>4 Mexico.</p> <p>5 Q Do you recall the name of the psychologist?</p> <p>6 A No.</p> <p>7 Q Did you receive any reports from the</p> <p>8 psychologists?</p> <p>9 A I don't remember.</p> <p>10 Q Did you speak to any psychologist regarding</p> <p>11 therapy rendered to Father Nicholas Aguilar Rivera?</p> <p>12 A No, I never talked with his psychologist.</p> <p>13 Q Do you know if anybody within the Diocese of</p> <p>14 Tehuacan receives any conversations or written</p> <p>15 correspondence with any therapist regarding treatment</p> <p>16 rendered to Father Nicholas Aguilar Rivera?</p> <p>17 A I don't remember if anybody did.</p> <p>18 Q Did the Diocese of Tehuacan pay for the cost of</p> <p>19 the therapy rendered to Father Nicholas Aguilar Rivera?</p> <p>20 A Not in my time.</p> <p>21 MR. WATERS: For housekeeping, after the lunch break</p> <p>22 your attorney provided me with another document which</p> <p>23 could be responsive to our document request and we</p> <p>24 previously marked that type of document category as</p> <p>25 Exhibit 2.</p> <p style="text-align: right;">132</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>
<p>1 BY MR. WATERS:</p> <p>2 Q Referring you back to Exhibit 5.</p> <p>3 A Is this Exhibit 5?</p> <p>4 Q Yes. Do you have any idea as to the health</p> <p>5 reasons to which Father Nicholas Aguilar Rivera refers?</p> <p>6 A Yes.</p> <p>7 Q What are the health reasons?</p> <p>8 A When the Father requested this permission and</p> <p>9 when he presents his resignation, evidently he's been</p> <p>10 beaten up and evidently he was perturbed, nervous, and</p> <p>11 third, I suspected that there had been suspicions. I</p> <p>12 suspected that had there had been events, homosexual</p> <p>13 events, and homosexuality was considered in Mexico to be</p> <p>14 an illness.</p> <p>15 Q Did you send him to treatment at any mental</p> <p>16 health facility or any other facility for this illness?</p> <p>17 A No.</p> <p>18 Q Did you recommend to him that he receive</p> <p>19 therapy?</p> <p>20 A He decided it, that it would be attended to.</p> <p>21 Q To your knowledge did he ever receive therapy?</p> <p>22 A He received therapy.</p> <p>23 Q Do you know the institution or place where he</p> <p>24 received therapy?</p> <p>25 A I don't remember the name.</p> <p style="text-align: right;">131</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>	<p>1 So as long as there's no objection with opposing</p> <p>2 counsel, I will propose adding that one-page document to</p> <p>3 Exhibit 2 thereby making Exhibit 2 a three-page document.</p> <p>4 MR. SELSBERG: No objection.</p> <p>5 MR. WATERS: Thank you.</p> <p>6 BY MR. WATERS:</p> <p>7 Q Norberto, you endorsed a declaration in support</p> <p>8 of a motion to quash service of summons for lack of</p> <p>9 personal jurisdiction, correct?</p> <p>10 A That's correct.</p> <p>11 Q And in fact a copy of that declaration is</p> <p>12 contained in Exhibit 6; is that correct?</p> <p>13 A Yes, correct.</p> <p>14 Q May I ask you, who assisted you in the</p> <p>15 preparation of this declaration?</p> <p>16 A My United States attorneys together with the</p> <p>17 attorney from Mexico Fernandez del Castillo.</p> <p>18 Q Prior to your endorsements on this declaration,</p> <p>19 did you review any documents?</p> <p>20 A What kind?</p> <p>21 Q Any kind of documents.</p> <p>22 A Yes.</p> <p>23 Q Did you review all the documents which Father</p> <p>24 Baldemar obtained?</p> <p>25 A I'm not sure if it was all of them but I saw</p> <p style="text-align: right;">133</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>

<p>1 something, I saw some documents.</p> <p>2 Q And you have personal knowledge of all facts put</p> <p>3 forth in this declaration, correct?</p> <p>4 A That's correct.</p> <p>5 Q I would like to refer you to paragraph No. 9 of</p> <p>6 your declaration. You don't need to read it out loud. I</p> <p>7 just wanted to refer you to that paragraph and then I will</p> <p>8 ask you some questions.</p> <p>9 A Okay. Thank you.</p> <p>10 Q You have read paragraph No. 9?</p> <p>11 A I read No. 9.</p> <p>12 Q Is it true that in '86 in your capacity as</p> <p>13 Bishop of the Diocese of Tehuacan you learned the</p> <p>14 Defendant, Father Nicholas Aguilar, who was then a parish</p> <p>15 priest at the parish of San Sebastian Martir had been</p> <p>16 assaulted at his parish residence on August 7t, 1986?</p> <p>17 MR. SELSBERG: Objection. Asked and answered.</p> <p>18 THE WITNESS: That's correct, and I answered that</p> <p>19 twice.</p> <p>20 BY MR. WATERS:</p> <p>21 Q Okay. And how -- besides -- have you told me</p> <p>22 every method upon which you learned of the assault, and I</p> <p>23 believe your testimony was you learned from another</p> <p>24 individual and then you contacted Father Nicholas Aguilar</p> <p>25 Rivera yourself and he informed you of the attack; is that</p> <p style="text-align: right;">134</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>	<p>1 Q Did you suggest where he should seek rest?</p> <p>2 A No.</p> <p>3 Q Did you suggest that Father Nicholas Aguilar</p> <p>4 Rivera seek rest in Los Angeles, California?</p> <p>5 A He stressed that to me that he wanted to rest in</p> <p>6 Los Angeles and that there is where he would be attended</p> <p>7 to.</p> <p>8 Q You also say that you ordered him for</p> <p>9 psychiatric help?</p> <p>10 A What?</p> <p>11 Q You also state in paragraph 10 that you ordered</p> <p>12 Father Nicholas Aguilar Rivera for psychiatric help?</p> <p>13 A Correct because he looked very disturbed to</p> <p>14 me.</p> <p>15 Q Any other basis besides his affect that you</p> <p>16 observed? Affect, A-f-f-e-c-t.</p> <p>17 A I didn't understand your question.</p> <p>18 Q Besides his physical appearance and demeanor,</p> <p>19 was there anything else that led you to order him to seek</p> <p>20 psychiatric help?</p> <p>21 A Yes.</p> <p>22 Q What else?</p> <p>23 A I have repeated several times to you that I</p> <p>24 suspected after reading information that that event of a</p> <p>25 homosexual nature had occurred.</p> <p style="text-align: right;">136</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>
<p>1 correct?</p> <p>2 A That's correct, these two, but you have</p> <p>3 forgotten that I also mentioned the policeman.</p> <p>4 Q Okay.</p> <p>5 A Also, I must say that I heard these rumors when</p> <p>6 the news was heard about the Father having been</p> <p>7 assaulted.</p> <p>8 Q And the rumors which you heard are what?</p> <p>9 Describe for me the rumors.</p> <p>10 A The rumors were that that had already happened</p> <p>11 previously and others, other guys, were coming to the</p> <p>12 parish house and were spending the night there and that</p> <p>13 these guys were from different places.</p> <p>14 Q Okay. And when you say that it had happened</p> <p>15 before, are you saying that it happened before in 1986 or</p> <p>16 was it rumored that this type of activity had happened</p> <p>17 before in the more distant past?</p> <p>18 A They were saying that it had happened before.</p> <p>19 Q Did they tell you a time frame?</p> <p>20 A They were saying that it happened before and I</p> <p>21 did not ask anybody for dates.</p> <p>22 Q Paragraph 10 of your declaration, you state that</p> <p>23 you ordered Father Nicholas Aguilar Rivera to seek rest;</p> <p>24 is that a true statement?</p> <p>25 A That's correct.</p> <p style="text-align: right;">135</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>	<p>1 Q Who was the priest that replaced Father Nicholas</p> <p>2 Aguilar Rivera?</p> <p>3 A Father Florencio de Los Santos.</p> <p>4 Q Did you explain to this Father as to why you</p> <p>5 were appointing him to replace Father Nicholas Aguilar</p> <p>6 Rivera?</p> <p>7 A It wasn't necessary.</p> <p>8 Q Do you know if this Father who replaced Father</p> <p>9 Nicholas Aguilar Rivera is still alive?</p> <p>10 A I believe so.</p> <p>11 Q Do you have any information as to where he can</p> <p>12 be located?</p> <p>13 A I don't know where he is now.</p> <p>14 Q Is he still a priest affiliated with the Diocese</p> <p>15 of Tehuacan?</p> <p>16 A I believe so.</p> <p>17 Q At anytime has this priest approached you</p> <p>18 regarding any rumors which he has heard about Father</p> <p>19 Nicholas Aguilar Rivera?</p> <p>20 A Never.</p> <p>21 Q On January 27th, 1987 you wrote a letter of</p> <p>22 introduction to Roger Mahony introducing Roger Mahony to</p> <p>23 Nicholas Aguilar Rivera, correct?</p> <p>24 A Correct.</p> <p>25 MR. WATERS: I would like this marked Exhibit 7?</p> <p style="text-align: right;">137</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>

<p>1 (The document referred to was marked as 2 Plaintiff's Exhibit 7 for identification and 3 attached to this deposition.) 4 BY MR. WATERS: 5 Q I've marked as Exhibit 7? 6 A Yes. 7 Q Do you recognize that letter? 8 A Yes. 9 Q Is that the letter of introduction which you 10 wrote to Roger Mahony? 11 A I believe so. 12 Q I notice that on that copy the document is not 13 signed by your pen? 14 A That's correct, it's not signed. 15 Q Is it your custom and practice to not retain 16 copies of documents which you signed? 17 MR. SELSBERG: You mean -- you want to state it a 18 different way? You're trying to ask him if he retains 19 copies that have his signature? 20 MR. WATERS: Exactly. 21 BY MR. WATERS: 22 Q Is it your custom to retain copies that have 23 your signature? 24 A No, lots of times I don't sign copies. 25 Q Do you recall if you signed that letter, the</p> <p style="text-align: right;">138</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>	<p>1 different. Is the phrase quote, "family and health 2 reasons," end quote, used within the church to warn that a 3 priest suffers from some sort of problem? 4 A I believe that you're distorting this letter. I 5 don't put anything in parenthesis, family reasons and 6 health reasons, at least I don't do it in this letter. 7 INTERPRETER TUCK: Strike the word "parenthesis" and 8 replace it with "quotation marks." 9 BY MR. WATERS: 10 Q I would like to refer you to page 4. 11 A Page 4 of what document? 12 Q Of your declaration. 13 A Yes, very well. Page 4, yes. 14 Q Specifically beginning at line 5, would you 15 please read that statement? 16 A "It was for health and family reasons." 17 Q Read the next sentence, please. 18 A "The phrase family and health reasons was used 19 within the church to give warning that a priest suffers 20 from some type of problem, evidently health." 21 Q When has the term "family and health reasons" 22 been used within the church to warn of a priest having 23 some sort of problem? 24 A I wouldn't know to tell you since when, and it's 25 not a term used only in the church. It's a common</p> <p style="text-align: right;">140</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>
<p>1 original of that letter? 2 A The original, I surely did. 3 Q In this letter you inform Cardinal Mahony that 4 for family and health reasons Father Nicholas Aguilar 5 Rivera desires to work in Los Angeles? 6 A That's correct. 7 Q And what do you mean when you speak of "family 8 and health reasons"? 9 A Family reasons and health reasons means that he 10 had asked to go spend time with his family and those are 11 the reasons he had to go see his family, and for health 12 reasons I've already explained. The Father, in addition 13 to having been assaulted, was also disturbed. He needed 14 to be attended to for the problem that I suspected he had, 15 which was a health problem, upon mentioning 16 homosexuality. 17 Q Is the phrase, quote, "family and health 18 reasons," end quote, used within the church to warn that a 19 priest suffers from some sort of problem? 20 A Not only in the church but it's commonly used in 21 Mexico to submit a resignation for health reasons. 22 Q No problem. 23 A Without that meaning, what kind of health 24 problems? 25 Q I understand. My question is a little</p> <p style="text-align: right;">139</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>	<p>1 everyday term. 2 Q Have you been instructed from any 3 instrumentality in Rome to use the term "family and health 4 reasons" to warn that a priest suffers from some sort of 5 problem? 6 A Never from Rome. Rome never dictates to me. 7 Q Has anybody within the Diocese of Tehuacan 8 informed you that the phrase "family and health reasons" 9 used to warn that a priest suffers from some sort of 10 problem? 11 A No. I used it because it's a common everyday 12 term. Nobody dictated it to me, neither from Rome nor 13 from Tehuacan. 14 Q To your knowledge when you authored the letter 15 of January 27th, 1987, was pedophilia considered an 16 illness? 17 A Repeat the question. I did not understand the 18 question. 19 (Record read: 20 "Question: To your knowledge when you 21 authored the letter of January 27th, 1987, 22 was pedophilia considered an illness?") 23 MR. SELSBERG: I object to that question as 24 misleading. You can ask him if it was considered an 25 illness then but it has nothing to do with the letter he</p> <p style="text-align: right;">141</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>

<p>1 wrote because the letter did not have any reference 2 whatsoever.</p> <p>3 MR. WATERS: That's fine. The question stands.</p> <p>4 THE WITNESS: I never mentioned the word pedophilia 5 as word for the father's illness.</p> <p>6 BY MR. WATERS:</p> <p>7 Q No doubt. When you wrote the letter of January 8 27th, 1987, did you in your mind view pedophilia as an 9 illness?</p> <p>10 A I considered that pedophilia was an illness, a 11 very serious one.</p> <p>12 Q And by using the term family and health reasons 13 in the January 27th, 1987 letter, you anticipated that 14 Cardinal Mahony would request more information regarding 15 Father Nicholas Aguilar Rivera's history and service in 16 the Diocese of Tehuacan, correct?</p> <p>17 A Necessarily no Bishop can receive a priest if he 18 does not have confidential information.</p> <p>19 Q And you anticipated that Cardinal Mahony would 20 request confidential information that you would have on 21 Father Aguilar Rivera, correct?</p> <p>22 A That's correct, in the events that he may need 23 him to give him some employment on ministry.</p> <p>24 Q And you anticipated that he would need this 25 information because you used the language "family and</p> <p style="text-align: right;">142</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>	<p>1 BY MR. WATERS:</p> <p>2 Q What I have had marked plaintiff's Exhibit 8 --</p> <p>3 A Very well.</p> <p>4 Q -- is this a copy of the letter which you 5 received from Father Nicholas Aguilar Rivera?</p> <p>6 A I believe so.</p> <p>7 Q In response to this letter from Father Nicholas 8 Aguilar Rivera, did you provide a letter to the 9 Archdiocese of Los Angeles in response?</p> <p>10 A Yes, I answered.</p> <p>11 Q And did you answer in written form?</p> <p>12 A Correct.</p> <p>13 Q I'm handing you what I've had marked No. 9. 14 Do you recognize what has been marked Exhibit 9?</p> <p>15 A That's correct.</p> <p>16 Q In this letter -- first of all, do you 17 personally recall transmitting this correspondence to 18 Excellency Archbishop Roger Mahony?</p> <p>19 A I dictated the letter and I had it sent to a 20 religious person to be sent through the mail.</p> <p>21 Q As you sit here today you specifically remember 22 causing this letter to be transmitted to the Archdiocese 23 of Los Angeles?</p> <p>24 A That's correct.</p> <p>25 Q And you had it transmitted to Archbishop Roger</p> <p style="text-align: right;">144</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>
<p>1 health reasons," correct?</p> <p>2 A That's correct, but not only for that reason but 3 rather because I suppose with all reasons that the 4 Cardinal knows Canon law.</p> <p>5 Q And what do you suppose he knows about Canon law 6 that would require him to request more detailed 7 information?</p> <p>8 A That in order to receive a priest he has to have 9 information on the person he's going to receive and whom 10 he wants to entrust a ministry.</p> <p>11 Q After your January 27th -- scratch that. Did 12 you give Father Nicholas Aguilar Rivera a copy of this 13 January 27th, 1987 letter to hand carry to Roger Mahony?</p> <p>14 A I did not give him a copy. I gave him an open 15 letter for him to deliver as a presentation, or 16 introduction.</p> <p>17 INTERPRETER TUCK: Strike "presentation."</p> <p>18 THE WITNESS: To the Cardinal Mahony.</p> <p>19 BY MR. WATERS:</p> <p>20 Q At some time after writing the January 27th, 21 1987 letter did you receive a request from Father Nicholas 22 Aguilar Rivera to provide more information to the 23 Archdiocese of Los Angeles?</p> <p>24 A That's correct. It seems to me --</p> <p>25 MR. SELSBERG: You answered the question.</p> <p style="text-align: right;">143</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>	<p>1 Mahony?</p> <p>2 A I wrote the letter not only to Cardinal Mahony 3 but a separate copy of the letter to Monsignor Thomas 4 Curry, General Vicar of the clergy.</p> <p>5 (The documents referred to were marked as 6 Plaintiff's Exhibits 8 and 9 for identification and 7 attached to this deposition.)</p> <p>8 MR. WATERS: We will switch the tape right now. 9 (Break taken from 4:32 p.m. to 4:36 p.m.)</p> <p>10 BY MR. WATERS:</p> <p>11 Q Norberto, in your March 23, 1987 letter you 12 inform Roger Mahony and Monsignor Thomas Curry by copy of 13 your suspicion that Father Nicholas Aguilar Rivera suffers 14 problems of homosexuality, correct?</p> <p>15 A That's correct. I repeated it several times.</p> <p>16 Q And did Cardinal -- excuse me. Did Archbishop 17 Roger Mahony ever contact you in the calendar year 1987 18 regarding the elevations put forth in your March 23, 1987 19 letter?</p> <p>20 A That's correct.</p> <p>21 Q He did contact you by telephone regarding the 22 elevations?</p> <p>23 A Yes.</p> <p>24 Q When did he contact you?</p> <p>25 A Around when I got his written communications.</p> <p style="text-align: right;">145</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>

<p>1 Q Which written communications are those that you 2 refer to?</p> <p>3 A Let me take a moment to see if I can find it. 4 I'm referring to his letter dated March 4, 1988.</p> <p>5 Q Did you call Cardinal -- excuse me. Did you 6 call Roger Mahony or did Roger Mahony call you?</p> <p>7 A He called me.</p> <p>8 Q If you can please tell me everything that Roger 9 Mahony said to you and everything that you said to him 10 during this telephone conversation.</p> <p>11 A In broad general terms I remember that he told 12 me that the Father had been accused in the parish, I don't 13 remember the parish name, where he was serving; that he 14 had left Los Angeles and that they -- that I should send 15 him information about his family members and about the 16 places where he might be located.</p> <p>17 Q And did he ask you during this telephone 18 conversation to investigate as to the whereabouts in the 19 country of Mexico as to where Father Nicholas Aguilar 20 Rivera was located?</p> <p>21 A He did not ask me to investigate, he asked 22 me -- he didn't ask me to investigate.</p> <p>23 Q After this conversation with Roger Mahony, did 24 you investigate as to the whereabouts of Father Nicholas 25 Aguilar Rivera?</p> <p style="text-align: right;">146</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>	<p>1 Q Father Mahony told you that the Mexican police 2 were investigating his whereabouts?</p> <p>3 A He reports to me the police. He speaks of the 4 police. "We know that he's gone back to Mexico and we 5 want to fully cooperate with the police from Los Angeles 6 in looking for him and arresting him. It's necessary for 7 this priest to be arrested and for him to return here to 8 Los Angeles." That's work that is already being done and 9 that's why.</p> <p>10 Q And to which letter are you referring when you 11 read that?</p> <p>12 A I've mentioned a few moments ago the letter of 13 March 4, 1988.</p> <p>14 Q And that letter is from the Archdiocese of Los 15 Angeles, correct?</p> <p>16 A That's how it's signed by the Reverend Monsignor 17 Roger Mahony, Archbishop of Los Angeles, and it has his 18 heading for the Los Angeles Diocese -- Archdiocese.</p> <p>19 Q I agree. So this letter tells you what the 20 Archdiocese of Los Angeles is doing to locate Father 21 Nicholas Aguilar Rivera, correct?</p> <p>22 A Yes.</p> <p>23 Q Is the Diocese of Tehuacan doing anything during 24 this time period to locate the whereabouts of Father 25 Nicholas Aguilar Rivera?</p> <p style="text-align: right;">148</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>
<p>1 A No.</p> <p>2 Q After this telephone conversation with Roger 3 Mahony did you cause to have an investigation begun as to 4 the whereabouts of Father Nicholas Aguilar Rivera?</p> <p>5 A No.</p> <p>6 Q At anytime since Father Nicholas Aguilar Rivera 7 traveled to the Archdiocese of Los Angeles in 1987 until 8 present have you ever instituted an investigation as to 9 his whereabouts?</p> <p>10 MR. SELSBERG: Can you read that question?</p> <p>11 (Record read:</p> <p>12 "Question: At anytime since Father 13 Nicholas Aguilar Rivera traveled to the 14 Archdiocese of Los Angeles in 1987 until present 15 have you ever instituted an investigation as to 16 his whereabouts?"</p> <p>17 THE WITNESS: No.</p> <p>18 BY MR. WATERS:</p> <p>19 Q Have you ever caused to have an investigation 20 instituted as to his whereabouts during that same time 21 frame?</p> <p>22 A No.</p> <p>23 Q Why?</p> <p>24 A Because that's being done by the police, that's 25 what Cardinal Mahony informed me of.</p> <p style="text-align: right;">147</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>	<p>1 A Yes, I did what was asked of me by the 2 Cardinal.</p> <p>3 Q Did you do anything on your own volition as 4 Bishop of the Diocese of Tehuacan to try to locate Father 5 Nicholas Aguilar Rivera after he left the Archdiocese of 6 Los Angeles?</p> <p>7 A I did what the Cardinal was asking me to do. I 8 immediately responded with another letter reporting to him 9 everything that I knew at that time.</p> <p>10 Q Did you conduct any independent investigation?</p> <p>11 A No.</p> <p>12 MR. SELSBERG: I'm sorry. Did you finish your 13 question, Rob?</p> <p>14 MR. WATERS: I did.</p> <p>15 MR. SELSBERG: I did not get a chance to object, but 16 it's vague. Did you conduct any independent investigation 17 is vague, and it's been asked and answered.</p> <p>18 BY MR. WATERS:</p> <p>19 Q In your March 23rd, 1987 letter, which is marked 20 as Exhibit 9, you mention the accusations about his 21 homosexuality are several. You tell me about -- we spoke 22 about the rumors that surrounded the beating in August of 23 '86 and you told me about past rumors about homosexual 24 activity, or which you attributed as homosexual activity. 25 Have you told my everything you know regarding</p> <p style="text-align: right;">149</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>

<p>1 accusations about Father Nicholas Aguilar Rivera's</p> <p>2 homosexuality?</p> <p>3 A What I know at this time, yes.</p> <p>4 Q I am showing you what has been marked as</p> <p>5 Plaintiff's 10, and it appears that Exhibit 10 actually</p> <p>6 precedes Exhibit 9 in the way that these letters came into</p> <p>7 existence; is that correct?</p> <p>8 MR. SELSBERG: It's the other way around.</p> <p>9 MR. WATERS: That's what I'm saying. Exhibit 10</p> <p>10 precedes Exhibit 9 chronologically.</p> <p>11 THE WITNESS: Is this 9?</p> <p>12 MR. WATERS: Yes.</p> <p>13 THE WITNESS: And this is 10.</p> <p>14 MR. SELSBERG: He's asking you which one you wrote</p> <p>15 first, if you know.</p> <p>16 THE WITNESS: I'm writing them both on the exact same</p> <p>17 date. I don't know. I believe, as far as I can recall, I</p> <p>18 believe that the letter to the Cardinal Roger Mahony is</p> <p>19 the one I wrote first.</p> <p>20 MR. WATERS: Okay.</p> <p>21 THE WITNESS: And that's why I'm mentioning to Father</p> <p>22 Nicholas that I'm sending that letter today.</p> <p>23 MR. WATERS: Thank you for clarifying that.</p> <p>24 BY MR. WATERS:</p> <p>25 Q I'm having marked next as Plaintiff's Exhibit</p> <p style="text-align: right;">150</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>	<p>1 Diocese?</p> <p>2 A That's correct.</p> <p>3 Q So, yes, under Canon law you as the Bishop of</p> <p>4 Tehuacan in which Father Nicholas Aguilar Rivera is</p> <p>5 incardinated would have to grant permission in order for</p> <p>6 him to serve permanently in the Los Angeles Archdiocese?</p> <p>7 A That's correct.</p> <p>8 Q In fact, pursuant to a document produced at</p> <p>9 today's deposition, page 3 of Exhibit 2, in order for</p> <p>10 Father Nicholas Aguilar Rivera to serve in definitely in</p> <p>11 the Archdiocese of Los Angeles he would have to be</p> <p>12 excardinated from Diocese of Tehuacan and then</p> <p>13 re-incardinated into the Archdiocese of Los Angeles,</p> <p>14 correct?</p> <p>15 A That's correct.</p> <p>16 MR. SELSBERG: I'd like you to read the exhibit</p> <p>17 before you answer.</p> <p>18 THE WITNESS: I've read it.</p> <p>19 MR. SELSBERG: And he's already answered the</p> <p>20 question.</p> <p>21 MR. WATERS: No problem.</p> <p>22 MR. WATERS: I've marked a document as Plaintiff's</p> <p>23 12.</p> <p>24 (The document referred to was marked as</p> <p>25 Defendant's Exhibit 12 for identification and</p> <p style="text-align: right;">152</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>
<p>1 11, do you recall receiving this letter?</p> <p>2 A That's correct.</p> <p>3 (The documents referred to were marked as</p> <p>4 Plaintiff's Exhibits 10 and 11 for identification</p> <p>5 and attached to this deposition.)</p> <p>6 BY MR. WATERS:</p> <p>7 Q And in this letter Father Nicholas Aguilar</p> <p>8 Rivera requests permission to serve indefinitely in the</p> <p>9 Los Angeles Diocese; is that correct?</p> <p>10 A That's correct.</p> <p>11 Q Did you respond to this letter?</p> <p>12 A No.</p> <p>13 Q At anytime did you grant -- at anytime did you</p> <p>14 grant Father Nicholas Aguilar Rivera to serve indefinitely</p> <p>15 in the Los Angeles Diocese?</p> <p>16 A No.</p> <p>17 Q Do you have any information as to why Father</p> <p>18 Nicholas Aguilar Rivera was requesting permission from you</p> <p>19 to serve indefinitely in the Los Angeles Archdiocese?</p> <p>20 MR. SELSBERG: Objection. Calls for speculation.</p> <p>21 THE WITNESS: I don't know what his reasons may be.</p> <p>22 BY MR. WATERS:</p> <p>23 Q Are you aware as to whether or not Canon law</p> <p>24 would require you as Bishop of the Diocese of Tehuacan to</p> <p>25 grant him permission to serve indefinitely in another</p> <p style="text-align: right;">151</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>	<p>1 attached to this deposition.)</p> <p>2 BY MR. WATERS:</p> <p>3 Q Do you recognize this document?</p> <p>4 A Yes.</p> <p>5 Q Did you receive this document, this</p> <p>6 correspondence dated January 11, 1988 in your official</p> <p>7 capacity as Bishop of Tehuacan?</p> <p>8 A That's correct.</p> <p>9 Q Is this the first time that you learned from any</p> <p>10 source accusations of inappropriate activity with children</p> <p>11 on behalf of Father Nicholas Aguilar Rivera?</p> <p>12 A That's correct.</p> <p>13 Q Did you have a telephone conversation with</p> <p>14 reverend Monsignor Tom J. Curry regarding this January</p> <p>15 11th, 1988 letter?</p> <p>16 A No.</p> <p>17 Q Did you have a conversation affiliated with</p> <p>18 anybody from the Archdiocese of Los Angeles regarding this</p> <p>19 January 1988 letter?</p> <p>20 A No.</p> <p>21 MR. WATERS: Please mark this as Plaintiff's next in</p> <p>22 order.</p> <p>23 BY MR. WATERS:</p> <p>24 Q Before we get to Exhibit 13 I think I have some</p> <p>25 follow-up questions regarding Exhibit 10?</p> <p style="text-align: right;">153</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>

<p>1 A Yes.</p> <p>2 Q Regarding Exhibit 9.</p> <p>3 A Yes.</p> <p>4 Q Were those documents written in your official</p> <p>5 capacity as Bishop of the Diocese of Tehuacan?</p> <p>6 A That's correct.</p> <p>7 Q In regards to -- I'm looking for the exhibit of</p> <p>8 the January 27th, 1987 letter to Los Angeles from</p> <p>9 Norberto.</p> <p>10 In regards to Exhibit 7, was that letter</p> <p>11 authored in your official capacity as the Bishop of the</p> <p>12 Diocese of Tehuacan?</p> <p>13 A Correct.</p> <p>14 Q Now, I will show you Exhibit No. 13. Do you</p> <p>15 recall receiving that correspondence?</p> <p>16 A Yes.</p> <p>17 (The document referred to was marked as</p> <p>18 Plaintiff's Exhibit 13 for identification and</p> <p>19 attached to this deposition.)</p> <p>20 BY MR. WATERS:</p> <p>21 Q And was that letter received in your official</p> <p>22 capacity as Bishop of the Diocese of Tehuacan?</p> <p>23 A Correct.</p> <p>24 Q And enclosed with that correspondence, were</p> <p>25 there newspaper articles?</p> <p style="text-align: right;">154</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>	<p>1 Aguilar Rivera?</p> <p>2 MR. SELSBERG: Apart from the letters that he wrote</p> <p>3 that he's already testified to?</p> <p>4 MR. WATERS: Yes. By telephone, sorry.</p> <p>5 MR. SELSBERG: By telephone.</p> <p>6 THE WITNESS: By telephone he called me.</p> <p>7 MR. SELSBERG: No, he asked if you contacted him by</p> <p>8 telephone.</p> <p>9 THE WITNESS: No.</p> <p>10 BY MR. WATERS:</p> <p>11 Q I've marked this as Exhibit 14. I believe we</p> <p>12 already discussed this letter because it was contained in</p> <p>13 Exhibit 6, but I want to ask you this question, did you</p> <p>14 receive Exhibit 14 in your official capacity as Bishop of</p> <p>15 the Diocese of Tehuacan?</p> <p>16 A That's correct.</p> <p>17 Q After receiving this letter you and Roger Mahony</p> <p>18 had a telephone conversation, correct?</p> <p>19 A He called me.</p> <p>20 Q And that -- you already told me everything that</p> <p>21 you can recall about that telephone conversation?</p> <p>22 A Correct.</p> <p>23 Q You have had any other telephone conversations</p> <p>24 with Roger Mahony regarding Father Nicholas Aguilar</p> <p>25 Rivera?</p> <p style="text-align: right;">156</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>
<p>1 A I remember that there would have been an article</p> <p>2 with it.</p> <p>3 Q Do you recall reading the articles?</p> <p>4 A Yes.</p> <p>5 Q After reading the article did you conduct any</p> <p>6 investigation?</p> <p>7 MR. SELSBERG: Why don't you let him use the stack</p> <p>8 that I gave you that has the articles?</p> <p>9 MR. WATERS: Exhibit 6.</p> <p>10 MR. SELSBERG: Because I think some are in Spanish</p> <p>11 and some in English.</p> <p>12 MR. WATERS: That it is right in front of you.</p> <p>13 BY MR. WATERS:</p> <p>14 Q After reviewing the articles did you investigate</p> <p>15 as to the whereabouts of Father Nicholas Aguilar Rivera?</p> <p>16 A No.</p> <p>17 Q After reviewing the articles did you cause to</p> <p>18 have an investigation initiated as to the whereabouts of</p> <p>19 Father Nicholas Aguilar Rivera?</p> <p>20 A No.</p> <p>21 MR. SELSBERG: Objection. Asked and answered.</p> <p>22 BY MR. WATERS:</p> <p>23 Q After receiving the February 23rd, 1988 Reverend</p> <p>24 Monsignor Thomas J. Curry, did you contact the Archdiocese</p> <p>25 of Los Angeles in regards to locating Father Nicholas</p> <p style="text-align: right;">155</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>	<p>1 A No.</p> <p>2 Q Have you had any other conversations with</p> <p>3 anybody affiliated with the Archdiocese of Los Angeles</p> <p>4 regarding Father Nicholas Aguilar Rivera?</p> <p>5 A No.</p> <p>6 Q I've had this document marked as Exhibit 15. Do</p> <p>7 you recognize this document?</p> <p>8 A Correct.</p> <p>9 Q Did you write this letter in your official</p> <p>10 capacity as the Bishop of the Diocese of Tehuacan?</p> <p>11 A Correct.</p> <p>12 (The documents referred to were marked as</p> <p>13 Plaintiff's Exhibits 14 and 15 for identification</p> <p>14 and attached to this deposition.)</p> <p>15 BY MR. WATERS:</p> <p>16 Q In the letter you indicate to Roger Mahony that</p> <p>17 you are not in a position to find him much less force him</p> <p>18 to return and appear in court; is that correct?</p> <p>19 A Yes.</p> <p>20 Q What do you mean you're not in a position to</p> <p>21 find him?</p> <p>22 A Because I did not know where he was.</p> <p>23 Q But at this time you were still the head of the</p> <p>24 Diocese of Tehuacan, correct?</p> <p>25 A Correct.</p> <p style="text-align: right;">157</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>



<p>1 Q And at this time he was still incardinated in 2 the Diocese of Tehuacan, correct?</p> <p>3 A Correct.</p> <p>4 Q You also go on to say that you are willing to 5 collaborate so that justice is served and scandal is 6 avoided. What do you mean by "and scandal is avoided"?</p> <p>7 A I'm telling him, the Cardinal, that I'm willing 8 to cooperate with that as far as I can in those matters 9 that are within my possibilities. What else did you ask?</p> <p>10 Q Besides providing the Archdiocese of Los Angeles 11 the names of his relatives, did you do anything to try to 12 locate Father Nicholas Aguilar Rivera?</p> <p>13 MR. SELSBERG: Objection. Asked and answered.</p> <p>14 THE WITNESS: I already answered that I was informed 15 that the police were doing their job.</p> <p>16 MR. WATERS: Why don't we take a five-minute break. 17 I think I'm pretty much near the end. 18 (Break taken from 5:10 p.m. to 5:20 p.m.) 19 BY MR. WATERS: 20 Q Father, I just have a couple of follow-up 21 questions. 22 A Very well. 23 Q After being notified in January 11th, 24 1998 -- scratch that. After being notified by letter 25 dated January 11th, 1988 of allegations of Father Nicholas</p>	<p>1 Catholic clerics in Mexico regarding the search for Father 2 Nicholas Aguilar Rivera?</p> <p>3 A That's correct.</p> <p>4 Q At anytime have you contacted -- scratch that. 5 Prior to being the Archbishop for the Archdiocese in 6 Mexico, did you ever contact the Archdiocese in Mexico and 7 inquire as to whether or not anybody at Archdiocese of 8 Mexico was aware of Father Nicholas Aguilar Rivera's 9 whereabouts?</p> <p>10 A No.</p> <p>11 Q At anytime after you were informed that Father 12 Nicholas Aguilar Rivera left the Archdiocese of Los 13 Angeles did you contact or consult with any Canon lawyers 14 to inquire as to what authority you had as Bishop of 15 Tehuacan to order his return to California?</p> <p>16 A I did not consult.</p> <p>17 Q Did you have an understanding at anytime as to 18 what authority you had as Bishop of Tehuacan to order 19 Father Francisco -- scratch that, to order Father Nicholas 20 Aguilar Rivera to return to California?</p> <p>21 A I did not understand the question.</p> <p>22 Q I will withdraw it and ask another one. Sorry. 23 At anytime prior to today, did -- have you ever come to 24 the conclusion as to what authority you had as Bishop of 25 Tehuacan to order Father Nicholas Aguilar Rivera to return</p>
158	160
HAHN & BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626	HAHN & BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626
<p>1 Aguilar Rivera acting inappropriately with minors, did you 2 notify other Catholic clerics in Mexico of those 3 allegations?</p> <p>4 A No.</p> <p>5 Q At anytime have you notified other Catholic 6 clerics in Mexico of the allegations?</p> <p>7 A No.</p> <p>8 Q At anytime did you notify Catholic clerics in 9 Mexico, the Archdiocese in Los Angeles that the 10 authorities in the United States were trying to locate 11 Father Nicholas Aguilar Rivera?</p> <p>12 A No, and I'll give you my reasons.</p> <p>13 Q Shoot.</p> <p>14 A That was news that was published throughout 15 Mexico.</p> <p>16 Q And what's your basis for that information?</p> <p>17 A The press, television, the radio.</p> <p>18 Q Are you aware as to whether or not Catholic 19 clerics in Mexico read those newspapers, watch those 20 television TV shows, or listen to those radio stations?</p> <p>21 A They are informed.</p> <p>22 Q And they were informed by people besides 23 yourself; that's your testimony?</p> <p>24 A That's correct.</p> <p>25 Q But am I correct in that you never informed</p>	<p>1 to California?</p> <p>2 A Yes.</p> <p>3 Q And what understanding have you come to?</p> <p>4 A That a process had to be followed, a judicial 5 process, in which he committed the crimes both by the 6 civil authorities as well as by the ecclesiastical 7 authorities.</p> <p>8 Q And which ecclesiastical authorities are you 9 referring?</p> <p>10 A To the ecclesiastical tribunal that must exist 11 in each Diocese.</p> <p>12 Q Did you ever initiate any ecclesiastical 13 proceedings in the Diocese of Tehuacan against Father 14 Nicholas Aguilar Rivera?</p> <p>15 A No.</p> <p>16 Q At the time that Father Nicholas Aguilar Rivera 17 left the Diocese of Los Angeles, he still remained under 18 an oath of obedience to yourself as the Archbishop of the 19 Diocese of Tehuacan, correct?</p> <p>20 A Correct.</p> <p>21 Q Do you own any real property in the State of 22 California?</p> <p>23 A No.</p> <p>24 Q Do you have any bank accounts in the State of 25 California?</p>
159	161
HAHN & BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626	HAHN & BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626

<p>1 A No.</p> <p>2 Q Do you maintain any type of investment accounts,</p> <p>3 money market funds in the State of California?</p> <p>4 A No.</p> <p>5 Q Do you maintain any personal property, cars</p> <p>6 boats, trailers in the State of California?</p> <p>7 A No.</p> <p>8 Q Have you ever traveled to the state of</p> <p>9 California on business?</p> <p>10 A No.</p> <p>11 Q Have you ever appeared in the State of</p> <p>12 California as an official of the Diocese of Tehuacan?</p> <p>13 A Never.</p> <p>14 Q Have you ever appeared in the State of</p> <p>15 California as an official for the Archdiocese of Mexico?</p> <p>16 A No.</p> <p>17 Q Besides Nicholas Aguilar Rivera during the time</p> <p>18 that you were Bishop of Tehuacan did you grant any other</p> <p>19 priest or cleric permission to travel to the state of</p> <p>20 California?</p> <p>21 A Another priest.</p> <p>22 Q One other priest?</p> <p>23 A Yes.</p> <p>24 Q Only one other priest?</p> <p>25 A Yes.</p> <p style="text-align: right;">162</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>	<p>1 granted permission to go to California?</p> <p>2 A I don't remember any other.</p> <p>3 Q Have you ever accepted any priests from</p> <p>4 California to serve in the Diocese of Tehuacan while you</p> <p>5 were Bishop of Tehuacan?</p> <p>6 A No.</p> <p>7 Q What about since you have been Archbishop of</p> <p>8 Mexico?</p> <p>9 A Not that I recall.</p> <p>10 Q Have you ever received any gifts or donations</p> <p>11 from persons or entities residing in California?</p> <p>12 A Small gifts, yes.</p> <p>13 Q From whom?</p> <p>14 A From my female cousins, my first cousins.</p> <p>15 Q Anybody who is not a family member?</p> <p>16 A I don't believe.</p> <p>17 Q Does the Diocese of Tehuacan receive any</p> <p>18 donations or gifts from the citizens of the State of</p> <p>19 California?</p> <p>20 A Not that I'm aware of.</p> <p>21 Q What about the Archdiocese of Mexico?</p> <p>22 A No.</p> <p>23 Q At anytime have you provided official services</p> <p>24 in the State of California?</p> <p>25 A No.</p> <p style="text-align: right;">164</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>
<p>1 Q Can you please provide me the priest's name?</p> <p>2 A Yes.</p> <p>3 Q What his name?</p> <p>4 A Father Alfonso.</p> <p>5 MR. SELSBERG: Are you talking about him</p> <p>6 (indicating)?</p> <p>7 THE WITNESS: No. He's asking me about another one.</p> <p>8 MR. SELSBERG: Okay.</p> <p>9 BY MR. WATERS:</p> <p>10 Q Since being Archbishop of Mexico you have</p> <p>11 granted permission for a priest or other Catholic cleric</p> <p>12 to travel to the State of California?</p> <p>13 A As far as I can recall, to the State of</p> <p>14 California, one.</p> <p>15 Q And what is that priest's name?</p> <p>16 A Also Alfonso.</p> <p>17 Q As to Father --</p> <p>18 A Alfonso Roman del Real.</p> <p>19 Q As to Father Alfonso from Tehuacan, what year</p> <p>20 did you grant him permission to serve in California?</p> <p>21 A I think it was in the year '90.</p> <p>22 Q As to Father Alfonso Roman del Real, what</p> <p>23 year?</p> <p>24 A It's been more or less nine years ago.</p> <p>25 Q Any other priests or Catholic clerics which you</p> <p style="text-align: right;">163</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>	<p>1 Q Does anybody from the Diocese of Tehuacan</p> <p>2 provide official services in the State of California?</p> <p>3 A Currently I don't know.</p> <p>4 Q What about law when you were Bishop of the</p> <p>5 Diocese of Tehuacan?</p> <p>6 A Only the two priests that I mentioned.</p> <p>7 Q Got you. You were not Bishop of Tehuacan --</p> <p>8 MR. SELSBERG: I'm sorry, can you read back his last</p> <p>9 question, please.</p> <p>10 (Record read:</p> <p>11 "Question: What about law when you were Bishop</p> <p>12 of the Diocese of Tehuacan?")</p> <p>13 MR. SELSBERG: The question before that, sorry.</p> <p>14 (Record read:</p> <p>15 "Question: Does anybody from the Diocese of</p> <p>16 Tehuacan provide official services in the State</p> <p>17 of California?")</p> <p>18 BY MR. WATERS:</p> <p>19 Q My question should have been -- let me ask this</p> <p>20 question, does anybody from the Archdiocese of Mexico</p> <p>21 provide services, official services, related to the</p> <p>22 Archdiocese of Mexico in the state of California?</p> <p>23 A The one who is mentioned.</p> <p>24 Q The one who is mentioned in Exhibit 2?</p> <p>25 A Jose Alfonso Real?</p> <p style="text-align: right;">165</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>

<p>1 Q Yes.</p> <p>2 A Jorge Alfonso Armando Real.</p> <p>3 Q Anything else besides?</p> <p>4 A Not that I'm aware of.</p> <p>5 Q Were you not Bishop of Tehuacan in 1976,</p> <p>6 correct?</p> <p>7 A Correct.</p> <p>8 Q You have ever become aware of any health reasons</p> <p>9 that Father Nicholas Aguilar Rivera suffered in July of</p> <p>10 1976 which caused his formal resignation from the parish</p> <p>11 of All Saints Xochitlan, X-o-c-h-i-t-l-a-n?</p> <p>12 A I don't know.</p> <p>13 Q Have you ever seen this document?</p> <p>14 A I don't remember it.</p> <p>15 Q Norberto, you'd agree with me that it is never</p> <p>16 okay for a priest to engage in sexual touching with</p> <p>17 children, correct?</p> <p>18 A That's correct.</p> <p>19 Q And you'd agree with me that if there are</p> <p>20 circumstances suspicious for the sexual abuse of children</p> <p>21 by a priest, those circumstances should be reported to the</p> <p>22 Bishop or Archbishop, correct?</p> <p>23 MR. SELSBERG: I object to the form -- to the</p> <p>24 question as being vague and misleading, and also I'd like</p> <p>25 to know what this has to do with jurisdiction.</p> <p style="text-align: right;">166</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>	<p>1 BY MR. WATERS:</p> <p>2 Q You'd agree that if there are circumstances</p> <p>3 suspicious for childhood sexual abuse by a priest, those</p> <p>4 circumstances should be reported to the head of the</p> <p>5 Diocese?</p> <p>6 MR. SELSBERG: I object to the question as calling</p> <p>7 for speculation and assuming facts not in evidence. I</p> <p>8 also think it does not relate to jurisdiction, but since</p> <p>9 he's answering anyway, I will take that up with the judge</p> <p>10 at another time when it's relevant.</p> <p>11 MR. WATERS: You can answer the question.</p> <p>12 THE WITNESS: Suspicious should not be reported but</p> <p>13 rather facts should, or that are verified.</p> <p>14 BY MR. WATERS:</p> <p>15 Q So circumstances or facts indicative of the</p> <p>16 sexual abuse of children by a priest if observed by a</p> <p>17 member of the Diocese should be reported to the Bishop?</p> <p>18 A That's correct.</p> <p>19 Q You'd also agree with me that if a priest is</p> <p>20 found to have engaged in childhood sexual abuse, he is</p> <p>21 unfit for service in the priesthood?</p> <p>22 A No priest who has abused children can continue</p> <p>23 in the priestly ministry.</p> <p>24 Q And so as a result, if a priest has engaged in</p> <p>25 sexual childhood abuse, it's your testimony he should be</p> <p style="text-align: right;">168</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>
<p>1 MR. WATERS: Well, regarding jurisdiction we allege</p> <p>2 there were circumstances indicative or indicating the</p> <p>3 sexual abuse of children made aware to the Diocese by a</p> <p>4 reporter, and as a result of those circumstances and the</p> <p>5 potential sexual abuse of children he was transferred from</p> <p>6 the Diocese of Tehuacan to the Archdiocese of Los Angeles</p> <p>7 where he offended again. And when those circumstances</p> <p>8 became aware to the Archdiocese of Los Angeles he was</p> <p>9 assisted in fleeing the jurisdiction and accepted back in</p> <p>10 the Archdiocese in Mexico or another Diocese in Mexico.</p> <p>11 So I want to confirm that as he was the head of the</p> <p>12 Diocese of Tehuacan he would agree that the is</p> <p>13 circumstances suspicious of child sexual abuse by a priest</p> <p>14 should be reported to his office.</p> <p>15 MR. SELSBERG: We don't think there's any evidence to</p> <p>16 support any of those allegations.</p> <p>17 MR. WATERS: I understand that.</p> <p>18 MR. SELSBERG: If you want to ask him something</p> <p>19 pertaining to Nicholas Aguilar, which you've done, that's</p> <p>20 fine, but I don't think it's appropriate to ask him the</p> <p>21 question that has nothing to do with jurisdiction.</p> <p>22 MR. WATERS: I have two questions. If you want to</p> <p>23 instruct him not to answer, that's fine. I have one more</p> <p>24 and then I think I'm done.</p> <p>25 MR. SELSBERG: Ask him the question again, please.</p> <p style="text-align: right;">167</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>	<p>1 removed from the priesthood?</p> <p>2 A It should be reported. The procedure is to</p> <p>3 report him, to report all of this information.</p> <p>4 Q One more question. We sent your attorney some</p> <p>5 written questions that we asked you to respond to and one</p> <p>6 of the questions asks, and for the record it's response to</p> <p>7 Interrogatory No. 11.</p> <p>8 The question is "Is Cardinal Rivera aware that</p> <p>9 Nicholas Aguilar became associated with the Roman Catholic</p> <p>10 Archbishop of Los Angeles, a corporation sole."</p> <p>11 MR. WATERS: We will switch tapes.</p> <p>12 (Pause in proceedings.)</p> <p>13 MR. WATERS: We were taking a break and during the</p> <p>14 break Cardinal Rivera was able to review his response to</p> <p>15 Interrogatory No. 11.</p> <p>16 BY MR. WATERS:</p> <p>17 Q As drafted on the second paragraph from line 19</p> <p>18 to 20, it says "On January 27, 1987, Father Aguilar</p> <p>19 tendered his irrevocable resignation from the Diocese of</p> <p>20 Tehuacan where Cardinal Rivera then presided as Bishop."</p> <p>21 Now, Norberto, is that correct?</p> <p>22 A No. I made a mistake. He did not resign from</p> <p>23 the Diocese but rather he resigned from the parish of San</p> <p>24 Sebastian Cuacnopalan. That's an error I did not</p> <p>25 notice.</p> <p style="text-align: right;">169</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>

<p>1 Q Thank you. I thought it was an error when I</p> <p>2 read it and that's why I wanted to clarify.</p> <p>3 MR. WATERS: All right. Subject to reviewing the</p> <p>4 original documents and any questions that we might have</p> <p>5 regarding the original documents, I believe we're done.</p> <p>6 And the only question I think that I might have</p> <p>7 is on the original document review is Document RIV0019</p> <p>8 appears to have a stamp on it that is not clear on the</p> <p>9 copy and so I would like information on what the status</p> <p>10 was on the original.</p> <p>11 (The document referred to was marked as</p> <p>12 Plaintiff's Exhibit 16 for identification and</p> <p>13 attached to this deposition.)</p> <p>14 MR. SELSBERG: Okay. I'll check. I don't think we</p> <p>15 have the original. I think our copy is as bad as yours.</p> <p>16 MR. WATERS: If that's the case, let me know. Let me</p> <p>17 know by writing.</p> <p>18 MR. SELSBERG: You're passing the witness? I have a</p> <p>19 couple of questions.</p> <p>20 MR. WATERS: Yes, pass the witness.</p> <p>21 EXAMINATION</p> <p>22 BY MR. SELSBERG:</p> <p>23 Q Norberto, could you please pull Exhibit 7. It's</p> <p>24 a January 27th, 1987 letter.</p> <p>25 A January 27th, 1987.</p> <p style="text-align: right;">170</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>	<p>1 more or less from 18 years to 30 years old.</p> <p>2 Q Do you know what the word "minor" means in the</p> <p>3 United States?</p> <p>4 A I don't know exactly.</p> <p>5 Q After you became the Archbishop of the</p> <p>6 Archdiocese of the Mexico in July of 1995, did you become</p> <p>7 aware that Nicholas Aguilar served in the Archdiocese of</p> <p>8 Mexico?</p> <p>9 A I learned recently.</p> <p>10 Q Is that the document that plaintiff's counsel</p> <p>11 asked you questions about earlier today?</p> <p>12 A From those documents I suspect that he did</p> <p>13 provide services, but I didn't. I can't give assured of</p> <p>14 that.</p> <p>15 Q Let's look at Exhibit 3. Is this the document</p> <p>16 that you're referring to?</p> <p>17 A This is the document that causes me to suspect</p> <p>18 that he could render services here, but I can't affirm</p> <p>19 it.</p> <p>20 Q To the best of your knowledge is that document</p> <p>21 written on the letterhead of the Archdiocese of Mexico?</p> <p>22 A I don't know.</p> <p>23 Q To the best of your knowledge?</p> <p>24 A It looks like it.</p> <p>25 Q Do you know whether that document was ever given</p> <p style="text-align: right;">172</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>
<p>1 Q Do you recall testifying earlier today that</p> <p>2 Nicholas's faculties expired in 1987?</p> <p>3 A If I did that, I made a mistake. The license is</p> <p>4 for one year and it would end in January of 1988. If I</p> <p>5 said 1987, I made a mistake.</p> <p>6 Q You did say 1987. And is your basis for</p> <p>7 testifying the faculties expired in 1988 the statement in</p> <p>8 Exhibit 7 that the fact he has permission for one year</p> <p>9 from January 1987?</p> <p>10 A That's correct.</p> <p>11 Q Norberto, who told you -- taking you back to the</p> <p>12 attack on Nicholas Aguilar in August of 1986, who told you</p> <p>13 that the persons who attacked him were muchachos?</p> <p>14 A The people from the town said that, the ones who</p> <p>15 came to notify me. The father himself told me and the</p> <p>16 policeman also told me.</p> <p>17 Q Has anyone described the persons who attacked</p> <p>18 Nicholas Aguilar in August of 1986 as anything other than</p> <p>19 muchachos to you at anytime?</p> <p>20 A Nobody described them, they just spoke of</p> <p>21 muchachos.</p> <p>22 Q What is your understanding of the age range of</p> <p>23 muchachos?</p> <p>24 A My understanding of muchachos is that they've</p> <p>25 already reached majority age but they are still not old,</p> <p style="text-align: right;">171</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>	<p>1 to Nicholas?</p> <p>2 A I don't know. I totally don't know whether it</p> <p>3 was delivered to him or not and I don't know if it came</p> <p>4 from his office.</p> <p>5 Q Were you ever told by anyone or aware in any way</p> <p>6 before September of 2006 that Nicholas Aguilar may have</p> <p>7 served in the Archdiocese in Mexico?</p> <p>8 A Yes, I learned of it through a complaint.</p> <p>9 Q What complaint?</p> <p>10 A Filed by Mr. Aguilar saying that the Father was</p> <p>11 there in that parish, but I don't know if he had an</p> <p>12 appointment.</p> <p>13 Q Okay. Other than that complaint, did you have</p> <p>14 any other reason?</p> <p>15 A No.</p> <p>16 Q You testified earlier that Nicholas Aguilar got</p> <p>17 therapy in Mexico; do you remember that testimony?</p> <p>18 A That's correct.</p> <p>19 Q Do you know whether Nicholas Aguilar got therapy</p> <p>20 in Mexico for homosexuality?</p> <p>21 A I don't know.</p> <p>22 Q Is it possible that Nicholas Aguilar got therapy</p> <p>23 in Mexico for some other reason?</p> <p>24 MR. DRIVON: Objection. Calls for speculation.</p> <p>25 MR. WATERS: Objection. Calls for speculation.</p> <p style="text-align: right;">173</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>

<p>1 MR. SELSBERG: You can answer. Is it possible?</p> <p>2 THE WITNESS: It's possible.</p> <p>3 BY MR. SELSBERG:</p> <p>4 Q One last question. Do you know whether it's</p> <p>5 common in the church in the United States to use the</p> <p>6 phrase "family and health reasons"?</p> <p>7 MR. WATERS: Objection. Calls for speculation, jacks</p> <p>8 foundation.</p> <p>9 MR. SELSBERG: You can answer.</p> <p>10 THE WITNESS: I don't know if they use it in the</p> <p>11 United States.</p> <p>12 BY MR. SELSBERG:</p> <p>13 Q You don't know either way?</p> <p>14 A I don't know if they use it.</p> <p>15 Q Do you know whether the phrase family and health</p> <p>16 reasons is used in the church in any country outside of</p> <p>17 Mexico and the United States?</p> <p>18 A I don't know.</p> <p>19 Q But it is used in your church in Mexico?</p> <p>20 A That's correct.</p> <p>21 MR. SELSBERG: Pass the witness.</p> <p>22 THE WITNESS: You said that was the last one.</p> <p>23 MR. WATERS: No further questions. There's something</p> <p>24 we need to put on the record. Regarding the media for</p> <p>25 today's proceedings, the video, I propose the court</p> <p style="text-align: right;">174</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>	<p>1 ***</p> <p>2</p> <p>3 INTERPRETER'S AFFIDAVIT</p> <p>4</p> <p>5 I, _____, do solemnly</p> <p>6 declare under penalty of perjury that I have truly and</p> <p>7 correctly read the foregoing deposition to</p> <p>8 _____, translating</p> <p>9 the English language into _____.</p> <p>10</p> <p>11</p> <p>12</p> <p>13 In witness whereof, I hereby subscribe my name this</p> <p>14 date: _____.</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19 _____</p> <p>20 INTERPRETER SIGNATURE</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">176</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>
<p>1 reporter, who is an officer of the court of the State of</p> <p>2 California, take custody of the media, and her office has</p> <p>3 the capacity to make the DVDs and do whatever we need to</p> <p>4 do in that order, so that way I think it's a lot better</p> <p>5 and we have an officer of the court of the State of</p> <p>6 California for chain of custody, so I suggest we have a</p> <p>7 stipulation to that effect.</p> <p>8 MR. SELSBERG: So stipulated.</p> <p>9 (Proceeding concluded at 6:01 p.m.)</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">175</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>	<p>1 ***</p> <p>2</p> <p>3</p> <p>4</p> <p>5 I do solemnly declare under penalty of perjury</p> <p>6 that the foregoing is my deposition under oath; that these</p> <p>7 are the questions asked of me and my answers thereto; that</p> <p>8 I have read same and have made the necessary corrections,</p> <p>9 additions or changes to my answers that I deem necessary.</p> <p>10 In witness thereof, I hereby subscribe my name</p> <p>11 this _____ day of _____, 20____.</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19 _____</p> <p>20 Witness signature</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">177</p> <p>HAHN &amp; BOWERSOCK (800) 660-3187 FAX (714)662-1398 151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626</p>

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25


CERTIFICATE  
OF  
CERTIFIED SHORTHAND REPORTER

The undersigned certified shorthand reporter of  
the state of California does hereby certify:

That the foregoing proceeding was taken before  
me at the time and place therein set forth, at which time  
the witness was duly sworn;

That the testimony of the witness and all  
objections made at the time of the proceeding were  
recorded stenographically by me and thereafter  
transcribed, said transcript being a true copy of my  
shorthand notes thereof.

In witness threof, I have subscribed my name  
this date \_\_\_\_\_

  
Dana Christensen, CSR #11251



178

HAHN & BOWERSOCK (800) 660-3187 FAX (714)662-1398  
151 KALMUS DRIVE, SUITE L1 COSTA MESA, CA 92626