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15 Attorneys for Plaintiff

16
 17 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 18 LOS ANGELES COUNTY, CENTRAL DISTRICT

19
 20 JOAQUIN AGUILAR MENDEZ,
 21 Plaintiff,
 22 v.
 23 CARDINAL ROGER MAHONY, et
 24 al.,
 25 Defendants.

CASE NO. BC358718
 NOTICE OF MOTION AND MOTION
 FOR ORDER COMPELLING
 ANSWERS TO DEPOSITION
 QUESTIONS AND PRODUCTION
 OF DOCUMENTS

DATE: 11/2/07
 TIME: 8:30 A.M.
 DEPT: 42

CLERK: JENNIFER LEA/DEFA
 RECEIPT #: 0847728010
 DATE PAID: 09/25/07 08:37:39 AM
 RECEIVED: 40.00
 CHECKS: 40.00
 CASH:
 CHANGE:
 CARD:

26 TO ALL PARTIES HEREIN AND THEIR ATTORNEYS OF RECORD:
 27 PLEASE TAKE NOTICE that on 11/2/07 at 8:30 Am in Department 42 of this
 28

FILED
 LOS ANGELES SUPERIOR COURT
 Sep 25, 2007
 SEP 25 2007
 JOHN A. CLARKE, CLERK
 BY RUGENA LOPEZ, DEPUTY

1 Court located at 111 North Hill Street, Room 109, Los Angeles, CA 90012, plaintiff
2 JOAQUIN AGUILAR MENDEZ will move the Court for an order compelling deponents
3 Cardinal Roger Mahony and Bishop Thomas Curry to answer certain questions propounded at
4 each respective deposition that the deponent refused to answer on advice of counsel (as shown
5 in the Statement of Questions filed with this motion), and to produce that they each were
6 required to produce pursuant to the notices of deposition.

7 This motion will be and is made on the ground that the questions asked were relevant
8 to the subject matter of the action and deponents' respective refusals to answer and produce
9 such documents was without substantial justification. The motion will be based upon this
10 notice, the attached memorandum of points and authorities, the declaration hereto, the records
11 and filed in this action, and a certified copy of the relevant portions of the deposition
12 proceedings attached herewith.

13 Dated: September , 2007

14 THE DRIVON LAW FIRM

15
16 ROBERT T. WATERS
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PROOF OF SERVICE

I declare that:

I am employed in the County of San Joaquin, State of California. I am over the age of eighteen (18) years and not a party to the within cause of action; my business address is 215 North San Joaquin Street, Stockton, California 95202.

On September 19, 2007, I served the within:

NOTICE OF MOTION AND MOTION FOR ORDER COMPELLING ANSWERS TO DEPOSITION QUESTIONS AND PRODUCTION OF DOCUMENTS

on all interested parties in said action, addressed as follows:

INTERESTED PARTY	MAIL	HAND DELIVERY	E-MAIL	FAX
Michael L. Cypers Evan M. Wooten Elena G. Griffin MAYER BROWN LLP 350 S. Grand Avenue, 25 th Floor Los Angeles, CA 90071-1503 Fax: (213) 625-0248 Email: mcypers@mayerbrown.com ewooten@mayerbrown.com egriffin@mayerbrown.com			XX	
Don Woods James Habel HENNIGAN, BENNETT & DORMAN LLP 865 South Figueroa Street, Suite 2900 Los Angeles, CA 90017 Fax: (213) 694-1234 Email: woodsd@hbdlawyers.com habelj@hbdlawyers.com			XX	
Steven R. Selsberg (Pro Hac Vice) MAYER, BROWN, ROWE & LAW, LLP 700 Louisiana Street, Suite 3400 Houston, TX 77002-2730 Fax: (713) 238-4888 Email: srselsberg@mayerbrown.com			XX	
Jeffrey Anderson Michael G. Finnegan Jeff Anderson & Associates E-1000 First National Bank Bldg. 332 Minnesota Street St. Paul, MN 55101 Fax: (651) 297-6543 Email: Jeff@andersonadvocates.com Mike@andersonadvocates.com Therese@andersonadvocates.com			XX	

1	Martin D. Gross Law Offices of Martin D. Gross 2001 Wilshire Blvd., Suite 300 Santa Monica, CA 90403 Fax: (310) 861-1359 Email: martin@lawgross.com			XX	
2					
3	Gary Dolinski Joseph W. Carcione, Jr. CARCIONE, CATTERMOLE, et al. 601 Brewster Avenue P.O. Box 3389 Redwood City, CA 94064 Fax: (650) 367-0367 Email: Gdolinski@carcionelaw.com			XX	
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10 **MAIL:** Being familiar with the practice of this office for the collection and the processing of
 11 correspondence for mailing with the United States Postal Service, and deposited in the United
 12 States Mail copies of the same to the business addresses set forth above, in a sealed envelope
 fully prepaid.

13 **HAND:** By placing a true copy thereof in a sealed envelope and causing said envelope to be
 delivered by hand to the address(s) noted above, during normal business hours.

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 15 p.m. to the addressee(s) noted above at the email addresses shown.

16 **FAX:** By personally transmitting same via an electronic facsimile machine between the hours of
 8:30 a.m. and 5:00 p.m., to the addressee(s) noted above at the facsimile number shown.

17 I declare under penalty of perjury under the laws of the State of California that the
 18 foregoing is true and correct. Executed on the above date at Stockton, California.

19 
 20 JAMIE R. FRANK

21
22
23
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25
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15 Attorneys for Plaintiff
16

17 SUPERIOR COURT OF THE STATE OF CALIFORNIA
18 LOS ANGELES COUNTY, CENTRAL DISTRICT
19

20
21 JOAQUIN AGUILAR MENDEZ,

CASE NO. BC358718

22 Plaintiff,

MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
23 MOTION FOR ORDER COMPELLING
ANSWERS TO DEPOSITION
24 QUESTIONS AND PRODUCTION OF
DOCUMENTS

25 v.

26 CARDINAL ROGER MAHONY, et
al.,

27 Defendants.
28

DATE: 11/2/07
TIME: 8:30 A.M.
DEPT: 42

Plaintiff JOAQUIN AGUILAR MENDEZ herein submits his memorandum of points
and authorities in support of his motion to compel answers to deposition questions of party

1.

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION FOR ORDER COMPELLING
ANSWERS TO DEPOSITION QUESTIONS AND PRODUCTION OF DOCUMENTS

1 CARDINAL ROGER MAHONY and witness Bishop Thomas Curry and to produce
2 documents as follows:

3 **I. BRIEF FACTUAL OVERVIEW:**

4 This matter involves the childhood sexual clergy abuse. Defendant NICHOLAS
5 AGUILAR, molested numerous children after becoming ordained in Mexico in 1970. In 1987,
6 AGUILAR was sent to California where additional molestations were perpetrated in the
7 Diocese of Los Angeles under church leader CARDINAL ROGER MAHONY. Plaintiff
8 alleges, among other things, that CARDINAL ROGER MAHONY, knew of the previous
9 sexual abuse of children in Mexico and despite such knowledge assigned and appointed
10 AGUILAR to priestly positions in the Los Angeles Diocese. After such molestations occurred
11 therein, CARDINAL MAHONY aided AGUILAR and assisted and facilitated his ability to
12 flee the United States to Mexico. Deponent Msgr. Thomas Curry was, at the time, the Vicar
13 for Clergy for the Archdiocese of Los Angeles (he is now a Bishop). The defendants in this
14 lawsuit are CARDINAL MAHONY; THE ROMAN CATHOLIC ARCHBISHOP OF LOS
15 ANGELES; CARDINAL NORBERTO RIVERA and THE DIOCESE OF TEHUACAN (the
16 "MEXICAN" defendants); and AGUILAR.

17 **I. FACTS RELATING TO THIS MOTION:**

18 The deposition of CARDINAL ROGER MAHONY and Bishop Thomas Curry took
19 place in Los Angeles on September 13, 2007. By order of the Court, the Court granted the
20 depositions be limited to inquiries of each witness relevant to personal jurisdiction by the State
21 of California over CARDINAL RIVERA and the DIOCESE OF TEHUACAN (the
22 "MEXICAN" defendants – a Mexican citizen and MEXICAN corporation, respectively).
23 Both deponents were instructed by counsel to "not" answer many questions (see Statement of
24 Questions in dispute) on the basis of relevancy. In all, counsel advised deponent CARDINAL
25 MAHONY to not answer appx. 91 times; Bishop Curry 32 times.

26 Additionally, plaintiff's (amended) notice of taking deposition contained 14 requests
27 each for the production of various documents at deposition. See Exhibits "A" and "B" hereto.
28 Deponents failed to produce ALL documents, rather Deponents only produced the documents

1 from the priest personnel file which they believed were relevant.

2 **II. LAW & ARGUMENT:**

3 *California Code of Civil Procedure §2025.480* provides that if a deponent fails to
4 answer any question or to produce any document under the deponents's control that is
5 specified in the deposition notice, the party seeking discovery may move the court for an order
6 compelling that answer or production.

7 *California Code of Civil Procedure §2025.450* provides that if a deponent fails to
8 produce for inspection any document described in the deposition notice, the party giving the
9 notice may move for an order compelling the deponent's attendance and testimony and for the
10 production for inspection of the document described in the deposition notice.

11 Each instruction to both deponents by their counsel to not answer was on the basis of
12 relevancy. Relevancy is, for the most part, is an inappropriate objection at deposition. Such as
13 is stated in Los Angeles Superior Court, Rule 7.12 (e)(9): Counsel should not direct a
14 deponent to refuse to answer questions unless they seek privileged information or are
15 "manifestly irrelevant" or "calculated to harass". The questioning by plaintiffs' counsel was
16 not "manifestly irrelevant" – conversely, it was well within the parameter of the Court's order
17 pertaining to allowable questioning inquiring into the personal jurisdiction of the MEXICAN
18 defendants.

19 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
20 the subject matter involved in the pending action or to the determination of any motion made
21 in that action, if the matter either is itself admissible in evidence or appears reasonably
22 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
23 *2017.010.*) At issue in this matter is the sexual abuse of plaintiff, what defendants knew of
24 Father Nicholas Aguilar Rivera's proclivities to engage in child sexual abuse, when they knew
25 it and what they did with that information. Defendants Cardinal Norberto Rivera and The
26 Diocese of Tehuacan were aware of Father Nicholas Aguilar Rivera's unfitness for priestly
27 duties prior to sending Father Nicholas Aguilar Rivera to the Archdiocese of Los Angeles. On
28 January 8, 1988 the Archdiocese of Los Angeles became aware of allegations of Father

1 Nicholas Aguilar Rivera committing child sexual abuse and thereby his unfitness for priestly
2 duties. On January 9, 1988 Bishop Curry met with Father Nicholas Aguilar Rivera. The Los
3 Angeles Archdiocese did not notify Los Angeles authorities until three days later, January 11,
4 1988. During the three day delay in reporting the allegations to authorities, Father Nicholas
5 Aguilar Rivera left Los Angeles never to return and thereby avoided capture. From January 9,
6 1988 until present Father Nicholas Aguilar Rivera has remained a priest incardinated in the
7 Diocese of Tehuacan. During the depositions of Cardinal Roger Mahony and Bishop Thomas
8 Curry plaintiff's counsel attempted to inquire as to what was said between Cardinal Mahony
9 and Bishop Curry, Bishop Curry and Father Nicholas Aguilar Rivera, and Bishop Curry and
10 Father McClean when these individuals became aware of the allegations leveled against Father
11 Nicholas Aguilar Rivera. The purpose of this line of inquiry was to ascertain if the issue of
12 contacting Father Nicholas Aguilar Rivera's Superior, Bishop Norberto Rivera, or contacting
13 Father Nicholas Aguilar Rivera's diocese The Diocese of Tehuacan was discussed and if it was
14 not discussed the reasons therefore. It is clear that while Father Nicholas Aguilar was an
15 extern priest in Los Angeles he remained under the authority of his bishop, Bishop Norberto
16 Rivera. It is also clear that while an extern priest in Los Angeles up until present Father
17 Nicholas Aguilar Rivera must obey orders from the Bishop of the Diocese of Tehuacan. The
18 questions blocked by defense attorney's improper instruction precludes plaintiff from inquiring
19 into relevant matters that will shed light on whether California Courts may exercise
20 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
21 and complete inquiry can be made.

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1 **III. CONCLUSION:**

2 Plaintiff herein requests that the Court order the deponents to continuing depositions
3 wherein they are compelled to answer the questions posed to them, and additionally to produce
4 all documents responding to plaintiff's notice of taking depositions.

5 Dated: September 19, 2007

6 THE DRIVON LAW FIRM

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9 _____
10 ROBERT T. WATERS
11 Attorney for Plaintiff
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NO. 137011/

PROOF OF SERVICE

I declare that:

I am employed in the County of San Joaquin, State of California. I am over the age of eighteen (18) years and not a party to the within cause of action; my business address is 215 North San Joaquin Street, Stockton, California 95202.

On September 19, 2007, I served the within:

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION FOR ORDER COMPELLING ANSWERS TO DEPOSITION QUESTIONS AND PRODUCTION OF DOCUMENTS

on all interested parties in said action, addressed as follows:

INTERESTED PARTY	MAIL	HAND DELIVERY	E-MAIL	FAX
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Jeffrey Anderson Michael G. Finnegan Jeff Anderson & Associates E-1000 First National Bank Bldg. 332 Minnesota Street St. Paul, MN 55101 Fax: (651) 297-6543 Email: Jeff@andersonadvocates.com Mike@andersonadvocates.com Therese@andersonadvocates.com			XX	
Martin D. Gross Law Offices of Martin D. Gross 2001 Wilshire Blvd., Suite 300 Santa Monica, CA 90403 Fax: (310) 861-1359 Email: martin@lawgross.com			XX	
Gary Dolinski Joseph W. Carcione, Jr. CARCIONE, CATERMOLE, et al. 601 Brewster Avenue P.O. Box 3389 Redwood City, CA 94064 Fax: (650) 367-0367 Email: Gdolinski@carcionelaw.com			XX	

MAIL: Being familiar with the practice of this office for the collection and the processing of correspondence for mailing with the United States Postal Service, and deposited in the United States Mail copies of the same to the business addresses set forth above, in a sealed envelope fully prepaid.

HAND: By placing a true copy thereof in a sealed envelope and causing said envelope to be delivered by hand to the address(s) noted above, during normal business hours.

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on the above date at Stockton, California.



 JANIE R. FRANK

2010/01/28

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David E. Drivon, SBN 158369
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16 Attorneys for Plaintiff

17 SUPERIOR COURT OF THE STATE OF CALIFORNIA
18 LOS ANGELES COUNTY, CENTRAL DISTRICT
19

20 JOAQUIN AGUILAR MENDEZ,

CASE NO. BC358718

21 Plaintiff,

SEPARATE STATEMENT OF
DISPUTED QUESTIONS AND
ANSWERS

22 v.

23 CARDINAL ROGER MAHONY, et
24 al.,

DATE: 11/2/07
TIME: 8:30 A.M.
DEPT: 42

25 Defendants.

26 The following is the separate statement of questions and answers and document
27 requests submitted with plaintiff's JOAQUIN AGUILAR MENDEZ'S motion to compel
28 answers to deposition questions and production of documents.

1 Additionally, for the convenience of the Court, attached hereto is a copy of the index of
2 each deponent's "Instructions Not To Answer" prepared by the Court Reporter. Such index
3 follows the deposition questions and production requests.

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THE FOLLOWING QUESTIONS ARE TAKEN FROM THE DEPOSITION OF BISHOP THOMAS CURRY:

1. Question:

10 Q And this appears to be a letter in response
11 to the letter we just reviewed, number 24, authored by
12 Nicolas Aguilar Rivera to Norberto Rivera, correct?

Response/Objection:

13 MR. WOODS: I'm going to object that it calls for
14 speculation. He didn't write either of the letters. He

04:24:39 15 didn't get either of the letters. So it's pure

16 speculation as to whether it's a response to that letter
17 or not. I'll instruct him not to answer.

18 BY MR. WATERS:

19 Q And you're going to follow that instruction?

04:24:57 20 A Yes.

Reason answer should be compelled:

Any party may obtain discovery regarding any matter, not privileged, that is relevant to the subject matter involved in the pending action or to the determination of any motion made in that action, if the matter either is itself admissible in evidence or appears reasonably calculated to lead to the discovery of admissible evidence. (Code of Civil Procedure Section 2017.010.) At issue in this matter is the sexual abuse of plaintiff, what defendants knew of Father Nicholas Aguilar Rivera's proclivities to engage in child sexual abuse, when they knew it and what they did with that information. Defendants Cardinal Norberto Rivera and The Diocese of Tehuacan were aware of Father Nicholas Aguilar Rivera's unfitness for priestly duties prior to sending Father Nicholas Aguilar Rivera to the Archdiocese of Los Angeles. On January 8, 1988 the Archdiocese of Los Angeles became aware of allegations of Father Nicholas Aguilar Rivera committing child sexual abuse and thereby his unfitness for priestly duties. On January 9, 1988 Bishop Curry met with Father Nicholas Aguilar Rivera. The Los Angeles Archdiocese did not notify Los Angeles authorities until three days later, January 11,

50-111-9

1 1988. During the three day delay in reporting the allegations to authorities, Father Nicholas
2 Aguilar Rivera left Los Angeles never to return and thereby avoided capture. From January 9,
3 1988 until present Father Nicholas Aguilar Rivera has remained a priest incardinated in the
4 Diocese of Tehuacan. During the depositions of Cardinal Roger Mahony and Bishop Thomas
5 Curry plaintiff's counsel attempted to inquire as to what was said between Cardinal Mahony
6 and Bishop Curry, Bishop Curry and Father Nicholas Aguilar Rivera, and Bishop Curry and
7 Father McClean when these individuals became aware of the allegations leveled against Father
8 Nicholas Aguilar Rivera. The purpose of this line of inquiry was to ascertain if the issue of
9 contacting Father Nicholas Aguilar Rivera's Superior, Bishop Norberto Rivera, or contacting
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12 extern priest in Los Angeles he remained under the authority of his bishop, Bishop Norberto
13 Rivera. It is also clear that while an extern priest in Los Angeles up until present Father
14 Nicholas Aguilar Rivera must obey orders from the Bishop of the Diocese of Tehuacan. The
15 questions blocked by defense attorney's improper instruction precludes plaintiff from inquiring
16 into relevant matters that will shed light on whether California Courts may exercise
17 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
18 and complete inquiry can be made.

19 2. **Question:**

20 7 Q You'd agree with me, Bishop, that this letter
21 8 puts forth some pretty serious accusations regarding
22 9 Nicolas Aguilar Rivera's fitness to serve as a priest
23 04:26:46 10 for the Catholic church, correct?

24 **Response/Objection:**

25 11 MR. WOODS: I'm going to object to the question
26 12 as irrelevant to the jurisdictional issues involved.
27 13 It's calling for speculation and opinion, not relevant
28 14 to this proceeding, and instruct the witness not to

1 04:27:05 15 answer.

2 16 BY MR. WATERS:

3 17 Q Are you going to follow that instruction?

4 18 A Yes.

5 Reason answer should be compelled:

6 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
7 the subject matter involved in the pending action or to the determination of any motion made
8 in that action, if the matter either is itself admissible in evidence or appears reasonably
9 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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5 questions blocked by defense attorney's improper instruction precludes plaintiff from inquiring
6 into relevant matters that will shed light on whether California Courts may exercise
7 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
8 and complete inquiry can be made.

9 **3. Question:**

10 3 Q And you wouldn't have granted him faculties
11 4 to serve in the Archdiocese of Los Angeles because,
12 04:27:42 5 based upon the information in this letter, it appears
13 6 he's unfit for service as a priest, correct?

14 **Response/Objection:**

15 7 MR. WOODS: Okay. Object.
16 8 MR. SELSBERG: Objection; calls for speculation.
17 9 MR. WOODS: Calls for speculation, beyond the
18 04:27:50 10 subject matter of this deposition, and I will instruct
19 11 the witness not to answer.

20 **Reason answer should be compelled:**

21 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
22 the subject matter involved in the pending action or to the determination of any motion made
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19 Nicholas Aguilar Rivera must obey orders from the Bishop of the Diocese of Tehuacan. The
20 questions blocked by defense attorney's improper instruction precludes plaintiff from inquiring
21 into relevant matters that will shed light on whether California Courts may exercise
22 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
23 and complete inquiry can be made.

24 4. Question:

25 13 Q Had you received this March 23rd, 1987

26 14 letter, number 26, would you have questioned --

27 04:28:07 15 questioned Nicolas Aguilar Rivera regarding its

28 16 contents?

1 **Response/Objection:**

2 17 MR. WOODS: Calls for speculation, it's a
3 18 hypothetical, not relevant to the jurisdictional issues,
4 19 and I instruct him not to answer.

5 **Reason answer should be compelled:**

6 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
7 the subject matter involved in the pending action or to the determination of any motion made
8 in that action, if the matter either is itself admissible in evidence or appears reasonably
9 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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23 Curry plaintiff's counsel attempted to inquire as to what was said between Cardinal Mahony
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6 into relevant matters that will shed light on whether California Courts may exercise
7 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
8 and complete inquiry can be made.

9 **5. Question:**

10 21 Q Would you have investigated into the
11 22 accusations put forth in the March 23rd, 1987 letter had
12 23 you received it?

13 **Response/Objection:**

14 24 MR. WOODS: Same objection, same instruction

15 **Reason answer should be compelled:**

16 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
17 the subject matter involved in the pending action or to the determination of any motion made
18 in that action, if the matter either is itself admissible in evidence or appears reasonably
19 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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16 into relevant matters that will shed light on whether California Courts may exercise
17 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
18 and complete inquiry can be made.

19 **6. Question:**

20 1 Q As you sit here today, do you believe that

21 2 Father -- strike that.

22 3 As you sit here today, do you believe that

23 4 Norberto Rivera wrote this letter and had it transmitted

24 04:28:39 5 to the Archdiocese of Los Angeles in March of 1987?

25 **Response/Objection:**

26 6 MR. WOODS: Calls for speculation and beyond the

27 7 scope of this deposition. I instruct him not to

28 8 answer.

1 9 BY MR. WATERS:

2 04:28:50 10 Q Are you going to follow that instruction?

3 11 A Yes.

4 Reason answer should be compelled:

5 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
6 the subject matter involved in the pending action or to the determination of any motion made
7 in that action, if the matter either is itself admissible in evidence or appears reasonably
8 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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5 into relevant matters that will shed light on whether California Courts may exercise
6 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
7 and complete inquiry can be made.

8 7. **Question:**

9 24 Q Can you -- as you sit here today, can you
10 04:43:18 25 recall what you did once you became aware of the
11 4:43:21 1 allegations of misconduct?

12 **Response/Objection:**

13 2 A Yes. Okay.

14 3 MR. WOODS: I would object that the response of

15 4 the Archdiocese to the allegations of misconduct other

16 04:43:34 5 than communications to and from the Mexican defendants

17 6 involved in this case are beyond the scope of the

18 7 jurisdictional issues, and I would instruct the witness

19 8 not to answer.

20 9 And in order to make it a little simpler, if

21 04:43:50 10 you could narrow your question, I'll let him answer it,

22 11 if you narrow it to what I'm not objecting to.

23 12 BY MR. WATERS:

24 13 Q Are you going to follow his instruction?

25 14 A Yes.

26 **Reason answer should be compelled:**

27 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
28 the subject matter involved in the pending action or to the determination of any motion made

1 in that action, if the matter either is itself admissible in evidence or appears reasonably
2 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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26 questions blocked by defense attorney's improper instruction precludes plaintiff from inquiring
27 into relevant matters that will shed light on whether California Courts may exercise
28 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full

1 and complete inquiry can be made.

2 8. Question:

3 15 Q After becoming aware of the allegations of
4 16 misconduct on that Friday in early January of '88, did
5 17 you immediately go speak to Roger Mahony regarding the
6 18 information that was presented to you?

7 Response/Objection:

8 19 MR. WOODS: I'm going to object to the question

9 04:44:16 20 as beyond the scope of the jurisdictional issues

10 21 involved and instruct the witness not to answer.

11 22 BY MR. WATERS:

12 23 Q You're going to follow that instruction?

13 24 A Yes.

14 04:44:25 25 MR. WOODS: I'll stipulate that he'll follow all

15 04:44:27 1 instructions not to answer.

16 2 MR. WATERS: Okay. Is that --

17 3 MR. WOODS: You don't need to ask him.

18 4 THE WITNESS: Yes.

19 04:44:34 5 MR. WATERS: Okay. Thank you.

20 Reason answer should be compelled:

21 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
22 the subject matter involved in the pending action or to the determination of any motion made
23 in that action, if the matter either is itself admissible in evidence or appears reasonably
24 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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20 questions blocked by defense attorney's improper instruction precludes plaintiff from inquiring
21 into relevant matters that will shed light on whether California Courts may exercise
22 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
23 and complete inquiry can be made.

24 9. Question:

25 16 Q The allegations of misconduct against Father
26 17 Nicolas Aguilar Rivera were not the first allegations of
27 18 misconduct that you have ever received on a priest in
28 19 the Archdiocese of Los Angeles, correct?

1 **Response/Objection:**

2 04:47:38 20 MR. WOODS: I'm going to object to the question.

3 21 It calls for information beyond the scope of the

4 22 jurisdictional issues and instruct the witness not to

5 23 answer.

6 **Reason answer should be compelled:**

7 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
8 the subject matter involved in the pending action or to the determination of any motion made
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10 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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7 into relevant matters that will shed light on whether California Courts may exercise
8 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
9 and complete inquiry can be made.

10 10. Question:

11 1 Q What was -- what did you say to Father
12 2 Nicolas Aguilar Rivera during this meeting?

13 Response/Objection:

14 3 MR. WOODS: I'm going to object to the question
15 4 unless it's more narrowly circumscribed in that it goes
16 04:49:24 5 way beyond issues of jurisdiction and instruct him not
17 6 to answer that question as phrased.

18 7 I invite you to narrow it to issues relating
19 8 to contacts with his superior or other officials in
20 9 Mexico or something that is a jurisdictional issue.

21 Reason answer should be compelled:

22 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
23 the subject matter involved in the pending action or to the determination of any motion made
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22 into relevant matters that will shed light on whether California Courts may exercise
23 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
24 and complete inquiry can be made.

25 **11. Question:**

26 Q What did Father Nicolas Aguilar Rivera tell
27 you during this meeting?

28 **Response/Objection:**

1 13 MR. WOODS: Same objection, same instruction.

2 Reason answer should be compelled:

3 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
4 the subject matter involved in the pending action or to the determination of any motion made
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3 into relevant matters that will shed light on whether California Courts may exercise
4 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
5 and complete inquiry can be made.

6 **12. Question:**

7 Q After the meeting with Father Nicolas Aguilar

8 04:50:24 25 Rivera, did you discuss the subject matter with Cardinal

9 04:50:34 1 Mahony?

10 **Response/Objection:**

11 2 MR. WOODS: I'm going to object to the question

12 3 as beyond the scope of the jurisdictional issues unless

13 4 it's more carefully crafted and instruct the witness not

14 04:50:43 5 to answer.

15 **Reason answer should be compelled:**

16 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
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17 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
18 and complete inquiry can be made.

19 13. Question:

20 23 Q During your meeting with Nicolas Aguilar
21 24 Rivera, did he at any time inform you that he was
22 04:55:20 25 planning on leaving the United States?

23 Response/Objection:

24 04:55:27 1 MR. WOODS: Hold on. I'm going to object to that
25 2 question as beyond the scope of jurisdiction and
26 3 instruct the witness not to answer.

27 Reason answer should be compelled:

28 Any party may obtain discovery regarding any matter, not privileged, that is relevant to

1 the subject matter involved in the pending action or to the determination of any motion made
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1 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
2 and complete inquiry can be made.

3 14. Question:

4 24 Q And the reason why you didn't think he was
5 04:58:50 25 fit to continue to serve here was why?

6 Response/Objection:

7 04:58:53 1 MR. WOODS: Okay. I'm going to object to any
8 2 further inquiry along this line as beyond the scope of
9 3 jurisdiction and instruct the witness not to answer.

10 Reason answer should be compelled:

11 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
12 the subject matter involved in the pending action or to the determination of any motion made
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10 questions blocked by defense attorney's improper instruction precludes plaintiff from inquiring
11 into relevant matters that will shed light on whether California Courts may exercise
12 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
13 and complete inquiry can be made.

14 **15. Question:**

15 Q Between January -- or when did you first
16 6 become -- come to the conclusion, in your mind, that
17 7 Father Nicolas Aguilar Rivera was not fit to serve
18 8 within the Archdiocese of Los Angeles?

19 **Response/Objection:**

20 9 MR. WOODS: Same objection, same instruction.

21 **Reason answer should be compelled:**

22 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
23 the subject matter involved in the pending action or to the determination of any motion made
24 in that action, if the matter either is itself admissible in evidence or appears reasonably
25 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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23 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
24 and complete inquiry can be made.

25
26
27
28

16. Question:

Q Between January 8, 1988, and January 11th,
12 1988, Friday to Monday, did you tell anybody besides
13 Father Nicolas Aguilar Rivera that you felt that he was

1 14 unfit to serve in the Archdiocese of Los Angeles?

2 **Response/Objection:**

3 04:59:46 15 MR. WOODS: Object to the scope of the question

4 16 as beyond the scope of jurisdiction except to the extent

5 17 it might include communications with Aguilar Rivera's

6 18 Ordinary or other officials in Mexico. And if you were

7 19 to limit it to that, I would let him answer. But

8 05:00:06 20 otherwise, I'm going to instruct him not to answer.

9 21 MR. WATERS: Okay. So you instruct not to answer

10 22 that question?

11 23 THE WITNESS: Correct.

12 **Reason answer should be compelled:**

13 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
14 the subject matter involved in the pending action or to the determination of any motion made
15 in that action, if the matter either is itself admissible in evidence or appears reasonably
16 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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13 into relevant matters that will shed light on whether California Courts may exercise
14 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
15 and complete inquiry can be made.

16 **17. Question:**

17 Q At the time that you wrote this letter, had
18 13 you or anybody affiliated with the Archdiocese reported
19 14 the accusations to the authorities?

20 **Response/Objection:**

21 05:02:12 15 MR. WOODS: Okay. I'm going to object to the
22 16 question as beyond the scope of this deposition and
23 17 instruct the witness not to answer.

24 **Reason answer should be compelled:**

25 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
26 the subject matter involved in the pending action or to the determination of any motion made
27 in that action, if the matter either is itself admissible in evidence or appears reasonably
28 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*

NO
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1 Father Nicholas Aguilar Rivera's proclivities to engage in child sexual abuse, when they knew
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24 into relevant matters that will shed light on whether California Courts may exercise
25 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
26 and complete inquiry can be made.

27 **8. Question:**

28 **Q** After you learned that this was -- when

1 10:30:43 1 Monsignor Curry brought this information to you as vicar
2 2 for clergy, did you direct him to take action responsive
3 3 to the situation involving Nicolas Aguilar Rivera?

4 **Response/Objection:**

5 4 MR. WOODS: I'm going to object to the form of
6 10:31:00 5 the question as beyond the scope of this deposition and
7 6 instruct the witness not to answer.

8 7 MR. ANDERSON: Relevancy?

9 8 MR. WOODS: Yes.

10 **Reason answer should be compelled:**

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12 the subject matter involved in the pending action or to the determination of any motion made
13 in that action, if the matter either is itself admissible in evidence or appears reasonably
14 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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22 Rivera. It is also clear that while an extern priest in Los Angeles up until present Father
23 Nicholas Aguilar Rivera must obey orders from the Bishop of the Diocese of Tehuacan. The
24 questions blocked by defense attorney's improper instruction precludes plaintiff from inquiring
25 into relevant matters that will shed light on whether California Courts may exercise
26 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
27 and complete inquiry can be made.

28 18. Question:

1 Q Did you meet -- did your meeting on
2 05:02:28 20 January 9th 1988, precede you or the Archdiocese
3 21 notifying the authorities of these accusations?

4 **Response/Objection:**

5 22 MR. WOODS: Same objection, same instruction.

6 **Reason answer should be compelled:**

7 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
8 the subject matter involved in the pending action or to the determination of any motion made
9 in that action, if the matter either is itself admissible in evidence or appears reasonably
10 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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26 Father McClean when these individuals became aware of the allegations leveled against Father
27 Nicholas Aguilar Rivera. The purpose of this line of inquiry was to ascertain whether there
28 were signs that Father Nicholas Aguilar Rivera intended to flee the jurisdiction prior to a full

1 investigation could be made. If such signs were present then it is contended that the
2 Archdiocese of Los Angeles did or should have contacted Father Nicholas Aguilar Rivera's
3 Bishop, Bishop Norberto Rivera. It is clear that while Father Nicholas Aguilar was an extern
4 priest in Los Angeles he remained under the authority of his bishop, Bishop Norberto Rivera.
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7 blocked by defense attorney's improper instruction precludes plaintiff from inquiring into
8 relevant matters that will shed light on whether California Courts may exercise jurisdiction
9 over the Mexican Defendants. Defendant must be compelled to answer so a full and complete
10 inquiry can be made.

11 **19. Question:**

12 Q During your meeting of January 9th, 1988, did
13 18 you inform Father Nicolas Aguilar Rivera that he needs
14 19 to remain in the jurisdiction of the Archdiocese of
15 05:03:55 20 Los Angeles so this full investigation can take place?

16 **Response/Objection:**

17 21 MR. WOODS: Object to the scope of the question
18 22 as beyond the scope of jurisdiction and instruct the
19 23 witness not to answer.

20 **Reason answer should be compelled:**

21 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
22 the subject matter involved in the pending action or to the determination of any motion made
23 in that action, if the matter either is itself admissible in evidence or appears reasonably
24 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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22 relevant matters that will shed light on whether California Courts may exercise jurisdiction
23 over the Mexican Defendants. Defendant must be compelled to answer so a full and complete
24 inquiry can be made.

25 **20. Question:**

26 Q If Aguilar Rivera had told you during the
27 22 January 9th, 1988, meeting that he was planning on
28 23 returning to Mexico at the first of the week 1-11, would

1 24 you have advised him to stay within the jurisdiction of
2 05:07:08 25 the Archdiocese of Los Angeles so a full investigation
3 05:07:11 1 could take place?

4 **Response/Objection:**

5 2 MR. WOODS: Object.

6 3 MR. SELSBERG: Objection; calls for speculation.

7 4 MR. WOODS: Same objection. Plus, it's beyond

8 05:07:18 5 the scope of the jurisdictional issues, and I instruct

9 6 the witness not to answer.

10 **Reason answer should be compelled:**

11 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
12 the subject matter involved in the pending action or to the determination of any motion made
13 in that action, if the matter either is itself admissible in evidence or appears reasonably
14 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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12 relevant matters that will shed light on whether California Courts may exercise jurisdiction
13 over the Mexican Defendants. Defendant must be compelled to answer so a full and complete
14 inquiry can be made.

15 **21. Question:**

16 Q Do you recall ever having any conversation
17 19 with Father McClean regarding these accusations?

18 **Response/Objection:**

19 05:08:08 20 MR. WOODS: Okay. I'm going to object. That's
20 21 beyond the scope of the jurisdictional issues and
21 22 instruct the witness not to answer.

22 **Reason answer should be compelled:**

23 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
24 the subject matter involved in the pending action or to the determination of any motion made
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24 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
25 and complete inquiry can be made.

26 22. Question:

27 Q Do you recall having any conversations with

28 05:08:16 25 Sister Renee, the principal, regarding accusations of

1 05:08:22 1 childhood sexual abuse made against Father Nicolas
2 2 Aguilar Rivera?

3 **Response/Objection:**

4 3 MR. WOODS: Same objection, and the same
5 4 instruction.

6 05:08:31 5 MR. WATERS: I'm just asking if he recalls having
7 6 a conversation.

8 7 MR. WOODS: Unless the conversation relates to
9 8 contacts by the Mexican nationals with California, it's
10 9 beyond the scope of this depo, in my opinion.

11 05:08:43 10 MR. WATERS: Well, we don't know until he answers
12 11 the question as to whether or not there were
13 12 conversations.

14 13 MR. WOODS: No, but this is a limited deposition
15 14 by court order. So you have to limit the question to
16 05:08:51 15 the scope that's permissible, and then he'll answer it.

17 16 MR. WATERS: I did. I asked if he had any
18 17 conversations with Sister Renee and asked if he had any
19 18 conversations with Father McClean, and you've blocked
20 19 the questions.

21 05:09:03 20 MR. WOODS: No, no. Ask him if he had any
22 21 conversations with Sister Renee about Cardinal Rivera
23 22 doing business in California or living in California or
24 23 coming to California frequently or --

25 24 MR. WATERS: I have to ask the --

26 05:09:15 25 MR. WOODS: -- or about Mr. Mendez, your client,

27 05:09:18 1 being in California or being abused in California or
28 2 something to that effect. Then I'll let him answer it.

1 3 MR. WATERS: Don, I really think you're
2 4 obstructing the inquiry here. I mean I need to ask
3 05:09:29 5 these foundational questions in order to get to the next
4 6 questions, and it's improper for you to instruct on the
5 7 foundational question.

6 8 MR. WOODS: I appreciate your desire to do a good
7 9 job for your client and I appreciate that you want to
8 05:09:40 10 ask questions that go to the merits of the case, but
9 11 this isn't the place or the time for it.

10 12 MR. ANDERSON: The questions are about Nicolas
11 13 Aguilar Rivera being in California as an agent of
12 14 Norberto Rivera.

13 05:09:54 15 MR. WOODS: An agent?

14 16 MR. ANDERSON: -- the diocese.

15 17 MR. WOODS: Ask him if they had a conversation
16 18 about him being an agent of Cardinal Rivera, I'll let
17 19 him ask it.

18 05:10:05 20 MR. WATERS: Give me a break.

19 21 MR. ANDERSON: He is the one doing business in
20 22 California. The question goes to Nicolas Aguilar Rivera
21 23 and -- and his contacts with California.

22 24 MR. WATERS: I mean I think -- we'll get the
23 05:10:21 25 judge involved. I understand why you're taking an

24 05:10:23 1 approach regarding the scope of this, but I really

25 2 think -- I'm not trying to get a broadbrush here. I'm

26 3 trying to ask the foundational questions to get more

27 4 information. I think that you're being too narrow, and

28 05:10:34 5 I think that we're going to have to get the judge

Q-10-11-10

1 6 involved. I'll move on to another topic.

2 **Reason answer should be compelled:**

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16 1988. During the three day delay in reporting the allegations to authorities, Father Nicholas
17 Aguilar Rivera left Los Angeles never to return and thereby avoided capture. From January 9,
18 1988 until present Father Nicholas Aguilar Rivera has remained a priest incardinated in the
19 Diocese of Tehuacan. During the depositions of Cardinal Roger Mahony and Bishop Thomas
20 Curry plaintiff's counsel attempted to inquire as to what was said between Cardinal Mahony
21 and Bishop Curry, Bishop Curry and Father Nicholas Aguilar Rivera, and Bishop Curry and
22 Father McClean when these individuals became aware of the allegations leveled against Father
23 Nicholas Aguilar Rivera. The purpose of this line of inquiry was to ascertain if the issue of
24 contacting Father Nicholas Aguilar Rivera's Superior, Bishop Norberto Rivera, or contacting
25 Father Nicholas Aguilar Rivera's diocese The Diocese of Tehuacan was discussed and if it was
26 not discussed the reasons therefore. It is clear that while Father Nicholas Aguilar was an
27 extern priest in Los Angeles he remained under the authority of his bishop, Bishop Norberto
28 Rivera. It is also clear that while an extern priest in Los Angeles up until present Father

1 Nicholas Aguilar Rivera must obey orders from the Bishop of the Diocese of Tehuacan. The
2 questions blocked by defense attorney's improper instruction precludes plaintiff from inquiring
3 into relevant matters that will shed light on whether California Courts may exercise
4 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
5 and complete inquiry can be made.

6 **23. Question:**

7 Q Were you concerned that the publicity was
8 18 bringing scandal to the church?

9 **Response/Objection:**

10 19 MR. WOODS: Object. Does not relate to the
11 05:19:37 20 jurisdictional issues. Instruct the witness not to
12 21 answer.

13 **Reason answer should be compelled:**

14 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
15 the subject matter involved in the pending action or to the determination of any motion made
16 in that action, if the matter either is itself admissible in evidence or appears reasonably
17 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
18 *2017.010.*) At issue in this matter is the sexual abuse of plaintiff, what defendants knew of
19 Father Nicholas Aguilar Rivera's proclivities to engage in child sexual abuse, when they knew
20 it and what they did with that information. Defendants Cardinal Norberto Rivera and The
21 Diocese of Tehuacan were aware of Father Nicholas Aguilar Rivera's unfitness for priestly
22 duties prior to sending Father Nicholas Aguilar Rivera to the Archdiocese of Los Angeles. On
23 January 8, 1988 the Archdiocese of Los Angeles became aware of allegations of Father
24 Nicholas Aguilar Rivera committing child sexual abuse and thereby his unfitness for priestly
25 duties. On January 9, 1988 Bishop Curry met with Father Nicholas Aguilar Rivera. The Los
26 Angeles Archdiocese did not notify Los Angeles authorities until three days later, January 11,
27 1988. During the three day delay in reporting the allegations to authorities, Father Nicholas
28 Aguilar Rivera left Los Angeles never to return and thereby avoided capture. From January 9,

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1 1988 until present Father Nicholas Aguilar Rivera has remained a priest incardinated in the
2 Diocese of Tehuacan. During the depositions of Cardinal Roger Mahony and Bishop Thomas
3 Curry plaintiff's counsel attempted to inquire as to what the Archdiocese of Los Angeles did
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12 Angeles up until present Father Nicholas Aguilar Rivera must obey orders from the Bishop of
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14 precludes plaintiff from inquiring into relevant matters that will shed light on whether
15 California Courts may exercise jurisdiction over the Mexican Defendants. Defendant must be
16 compelled to answer so a full and complete inquiry can be made.

17 **24. Question:**

18 Q During this meeting with Father Nicolas
19 05:43:38 15 Aguilar Rivera, did you advise him that you were going
20 16 to contact law enforcement?

21 **Response/Objection:**

22 17 MR. WOODS: I'm going to object that the question
23 18 is beyond the scope of the jurisdictional issues and
24 19 instruct the witness not to answer.

25 **Reason answer should be compelled:**

26 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
27 the subject matter involved in the pending action or to the determination of any motion made
28 in that action, if the matter either is itself admissible in evidence or appears reasonably

1 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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25 questions blocked by defense attorney's improper instruction precludes plaintiff from inquiring
26 into relevant matters that will shed light on whether California Courts may exercise
27 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
28 and complete inquiry can be made.

1 25. **Question:**

2 Q As you sit here today, can -- do you have a
3 9 reason or can you think of a reason as to why you didn't
4 05:44:47 10 inform him to stay in Los Angeles?

5 **Response/Objection:**

6 11 MR. WOODS: Object to the question as beyond the
7 12 scope of jurisdiction and instruct the witness not to
8 13 answer.

9 **Reason answer should be compelled:**

10 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
11 the subject matter involved in the pending action or to the determination of any motion made
12 in that action, if the matter either is itself admissible in evidence or appears reasonably
13 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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27 Curry plaintiff's counsel attempted to inquire as to what the Archdiocese of Los Angeles did
28 after receiving notice of the allegations of sexual abuse. This information is relevant to

1 analyze the Archdiocese statements that they did not contact Bishop Norberto Rivera or the
2 Diocese of Tehuacan until the letter of January 11, 1988. The purpose of this line of inquiry
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10 precludes plaintiff from inquiring into relevant matters that will shed light on whether
11 California Courts may exercise jurisdiction over the Mexican Defendants. Defendant must be
12 compelled to answer so a full and complete inquiry can be made.

13 **26. Question:**

14 Q During the January 9th, 1988, meeting with
15 16 Father Nicolas Aguilar Rivera, did you explain to him
16 17 the severity of the accusations?

17 **Response/Objection:**

18 18 MR. WOODS: Same objection, same instruction.

19 **Reason answer should be compelled:**

20 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
21 the subject matter involved in the pending action or to the determination of any motion made
22 in that action, if the matter either is itself admissible in evidence or appears reasonably
23 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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26 it and what they did with that information. Defendants Cardinal Norberto Rivera and The
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9 Curry plaintiff's counsel attempted to inquire as to what the Archdiocese of Los Angeles did
10 after receiving notice of the allegations of sexual abuse. This information is relevant to
11 analyze the Archdiocese statements that they did not contact Bishop Norberto Rivera or the
12 Diocese of Tehuacan until the letter of January 11, 1988. The purpose of this line of inquiry
13 was to ascertain if the issue of contacting Father Nicholas Aguilar Rivera's Superior, Bishop
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17 of his bishop, Bishop Norberto Rivera. It is also clear that while an extern priest in Los
18 Angeles up until present Father Nicholas Aguilar Rivera must obey orders from the Bishop of
19 the Diocese of Tehuacan. The questions blocked by defense attorney's improper instruction
20 precludes plaintiff from inquiring into relevant matters that will shed light on whether
21 California Courts may exercise jurisdiction over the Mexican Defendants. Defendant must be
22 compelled to answer so a full and complete inquiry can be made.

23 27. Question:

24 Q During the conversation of January 9th, 1988,

25 21 did you inform Father Nicolas Aguilar Rivera of your

26 22 duty or your responsibility to inform the authorities of

27 23 the accusations as evidenced in your January 11th letter

28 24 to Norberto Rivera?

1 **Response/Objection:**

2 05:45:30 25 MR. WOODS: Okay. That -- I'm going to have

3 05:45:32 1 to -- it's beyond the issues of jurisdiction, and I

4 2 instruct him not to answer.

5 **Reason answer should be compelled:**

6 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
7 the subject matter involved in the pending action or to the determination of any motion made
8 in that action, if the matter either is itself admissible in evidence or appears reasonably
9 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
10 *2017.010.*) At issue in this matter is the sexual abuse of plaintiff, what defendants knew of
11 Father Nicholas Aguilar Rivera's proclivities to engage in child sexual abuse, when they knew
12 it and what they did with that information. Defendants Cardinal Norberto Rivera and The
13 Diocese of Tehuacan were aware of Father Nicholas Aguilar Rivera's unfitness for priestly
14 duties prior to sending Father Nicholas Aguilar Rivera to the Archdiocese of Los Angeles. On
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22 Diocese of Tehuacan. During the depositions of Cardinal Roger Mahony and Bishop Thomas
23 Curry plaintiff's counsel attempted to inquire as to what the Archdiocese of Los Angeles did
24 after receiving notice of the allegations of sexual abuse. This information is relevant to
25 analyze the Archdiocese statements that they did not contact Bishop Noberto Rivera or the
26 Dicocese of Tehuacan until the letter of January 11, 1988. The purpose of this line of inquiry
27 was to ascertain if the issue of contacting Father Nicholas Aguilar Rivera's Superior, Bishop
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5 the Diocese of Tehuacan. The questions blocked by defense attorney's improper instruction
6 precludes plaintiff from inquiring into relevant matters that will shed light on whether
7 California Courts may exercise jurisdiction over the Mexican Defendants. Defendant must be
8 compelled to answer so a full and complete inquiry can be made.

9 **28. Question:**

10 Q This morning during Cardinal Mahony's
11 05:45:47 5 testimony, he testified that it was his recollection
12 6 that you informed him of the accusations against Father
13 7 Nicolas Aguilar Rivera as soon as you found out about
14 8 the accusations of childhood sexual abuse. Is that
15 9 consistent with your recollection?

16 **Response/Objection:**

17 05:46:08 10 MR. WOODS: Okay. I object to the summary of the
18 11 testimony this morning. I think the record will reflect
19 12 what it -- what it was, and I frankly don't recall.
20 13 But I'm going to object. It's beyond the
21 14 scope of jurisdiction and instruct the witness not to
22 05:46:29 15 answer.

23 **Reason answer should be compelled:**

24 Any party may obtain discovery regarding any matter, not privileged, that is
25 relevant to the subject matter involved in the pending action or to the determination of any
26 motion made in that action, if the matter either is itself admissible in evidence or appears
27 reasonably calculated to lead to the discovery of admissible evidence. (*Code of Civil*
28 *Procedure Section 2017.010.*) At issue in this matter is the sexual abuse of plaintiff, what

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1 defendants knew of Father Nicholas Aguilar Rivera's proclivities to engage in child sexual
2 abuse, when they knew it and what they did with that information. Defendants Cardinal
3 Norberto Rivera and The Diocese of Tehuacan were aware of Father Nicholas Aguilar Rivera's
4 unfitness for priestly duties prior to sending Father Nicholas Aguilar Rivera to the Archdiocese
5 of Los Angeles. On January 8, 1988 the Archdiocese of Los Angeles became aware of
6 allegations of Father Nicholas Aguilar Rivera committing child sexual abuse and thereby his
7 unfitness for priestly duties. On January 9, 1988 Bishop Curry met with Father Nicholas
8 Aguilar Rivera. The Los Angeles Archdiocese did not notify Los Angeles authorities until
9 three days later, January 11, 1988. During the three day delay in reporting the allegations to
10 authorities, Father Nicholas Aguilar Rivera left Los Angeles never to return and thereby
11 avoided capture. From January 9, 1988 until present Father Nicholas Aguilar Rivera has
12 remained a priest incardinated in the Diocese of Tehuacan. During the depositions of Cardinal
13 Roger Mahony and Bishop Thomas Curry plaintiff's counsel attempted to inquire as to what
14 was said between Cardinal Mahony and Bishop Curry, Bishop Curry and Father Nicholas
15 Aguilar Rivera, and Bishop Curry and Father McClean when these individuals became aware
16 of the allegations leveled against Father Nicholas Aguilar Rivera. The purpose of this line of
17 inquiry was to ascertain if the issue of contacting Father Nicholas Aguilar Rivera's Superior,
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20 while Father Nicholas Aguilar was an extern priest in Los Angeles he remained under the
21 authority of his bishop, Bishop Norberto Rivera. It is also clear that while an extern priest in
22 Los Angeles up until present Father Nicholas Aguilar Rivera must obey orders from the Bishop
23 of the Diocese of Tehuacan. The questions blocked by defense attorney's improper instruction
24 precludes plaintiff from inquiring into relevant matters that will shed light on whether
25 California Courts may exercise jurisdiction over the Mexican Defendants. Defendant must be
26 compelled to answer so a full and complete inquiry can be made.

27 29. Question:

28 Q In 1987, was there a policy and procedure

1 18 regarding the time in which you were required to inform
2 19 your superior of any allegations of misconduct on behalf
3 05:46:46 20 of a clergy with faculties in the Archdiocese of
4 21 Los Angeles?

5 **Response/Objection:**

6 22 MR. WOODS: I'm going to object that the term
7 23 "any misconduct" is overly broad, vague and ambiguous,
8 24 and impossible to answer as phrased and instruct the
9 05:47:00 25 witness not to answer.

10 **Reason answer should be compelled:**

11 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
12 the subject matter involved in the pending action or to the determination of any motion made
13 in that action, if the matter either is itself admissible in evidence or appears reasonably
14 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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16 Father Nicholas Aguilar Rivera's proclivities to engage in child sexual abuse, when they knew
17 it and what they did with that information. Defendants Cardinal Norberto Rivera and The
18 Diocese of Tehuacan were aware of Father Nicholas Aguilar Rivera's unfitness for priestly
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25 Aguilar Rivera left Los Angeles never to return and thereby avoided capture. From January 9,
26 1988 until present Father Nicholas Aguilar Rivera has remained a priest incardinated in the
27 Diocese of Tehuacan. During the depositions of Cardinal Roger Mahony and Bishop Thomas
28 Curry plaintiff's counsel attempted to inquire as to what the Archdiocese of Los Angeles did

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2 analyze the Archdiocese statements that they did not contact Bishop Norberto Rivera or the
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11 precludes plaintiff from inquiring into relevant matters that will shed light on whether
12 California Courts may exercise jurisdiction over the Mexican Defendants. Defendant must be
13 compelled to answer so a full and complete inquiry can be made.

14 **30. Question:**

15 Q Can you describe for me Father Nicolas
16 12 Aguilar Rivera's demeanor during your meeting on
17 13 January 9th, 1988?

18 **Response/Objection:**

19 14 MR. WOODS: Object. Calls for speculation,
20 05:52:55 15 beyond the scope of jurisdiction, and instruct the
21 16 witness not to answer.

22 **Reason answer should be compelled:**

23 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
24 the subject matter involved in the pending action or to the determination of any motion made
25 in that action, if the matter either is itself admissible in evidence or appears reasonably
26 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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28 Father Nicholas Aguilar Rivera's proclivities to engage in child sexual abuse, when they knew

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23 precludes plaintiff from inquiring into relevant matters that will shed light on whether
24 California Courts may exercise jurisdiction over the Mexican Defendants. Defendant must be
25 compelled to answer so a full and complete inquiry can be made.

26 **31. Question:**

27 Q During the January 9th, 1988, meeting with

28 19 Father Nicolas Aguilar Rivera, did he express concerns

1 05:53:08 20 regarding the allegations of childhood sexual abuse?

2 **Response/Objection:**

3 21 MR. WOODS: Beyond the scope of jurisdiction, and

4 22 I instruct the witness not to answer.

5 **Reason answer should be compelled:**

6 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
7 the subject matter involved in the pending action or to the determination of any motion made
8 in that action, if the matter either is itself admissible in evidence or appears reasonably
9 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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6 precludes plaintiff from inquiring into relevant matters that will shed light on whether
7 California Courts may exercise jurisdiction over the Mexican Defendants. Defendant must be
8 compelled to answer so a full and complete inquiry can be made.

9 **32. Question:**

10 Q During the January 9th, 1988, meeting, did
11 05:53:22 25 Father Nicolas Aguilar Rivera express concerns regarding
12 05:53:28 1 potential criminal charges being brought against him in
13 2 Los Angeles?

14 **Response/Objection:**

15 3 MR. WOODS: I object that it's beyond the scope
16 4 of jurisdiction and instruct the witness not to answer.

17 **Reason answer should be compelled:**

18 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
19 the subject matter involved in the pending action or to the determination of any motion made
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1 **THE FOLLOWING QUESTIONS ARE TAKEN FROM THE**
2 **DEPOSITION OF CARDINAL ROGER MAHONY:**

3 1. **Question:**

4 Q Okay. We'll go back to that, and that may --

5 9 may help refresh your recollection as to a date or time.

6 10:19:45 10 Let's go back, then, Cardinal, to the moment

7 11 or day in time where you first learned from Monsignor

8 12 Curry that Nicolas Aguilar Rivera had been or was

9 13 suspected of crimes against children.

10 14 What did Monsignor Curry tell you?

11 **Response/Objection:**

12 10:20:12 15 MR. WOODS: Okay. I object to the question as

13 16 beyond the scope of the limited nature of this

14 17 deposition. As my preliminary statement indicated, this

15 18 deposition is limited to contacts with the two Mexican

16 19 defendants.

17 10:20:31 20 Discussions between Monsignor Curry and the

18 21 Cardinal about complaints or allegations of misconduct

19 22 by Aguilar Rivera do not relate to jurisdiction, and so

20 23 I'm going to instruct the witness not to answer that

21 24 question.

22 10:20:51 25 MR. ANDERSON: Counsel, I'm going to urge you to

23 10:20:53 1 reconsider that instruction. It is an inquiry that is

24 2 essential to the central inquiry here, and that is

25 3 Monsignor Curry and others could have already been in

26 4 contact with the foreign defendant here.

27 10:21:15 5 MR. WOODS: You can ask him that.

28 6 MR. ANDERSON: No. That doesn't -- that doesn't

7 permit a full inquiry into this, both circumstantially

1 8 and otherwise. And in order to make a full or fair
2 9 inquiry into the jurisdiction, it is imperative that I
3 10:21:34 10 be allowed to inquire as to what the Cardinal heard from
4 11 Monsignor Curry and anybody else possessed of the
5 12 knowledge of -- of Nicolas Aguilar Rivera.

6 13 And if -- if you persist in that, that
7 14 will -- that will hasten this deposition towards a quick
8 10:21:57 15 court appearance before Judge Berle.

9 16 MR. WOODS: Okay. Well, if you persist in
10 17 thinking and arguing that discussions about the
11 18 allegations of misconduct has some relevance to
12 19 jurisdiction over the Mexican defendants, I think you'll
13 10:22:15 20 have to get an order from the judge. Because, you know,
14 21 my reading of the case law on jurisdiction does not
15 22 indicate that that has any relevance whatsoever to
16 23 jurisdiction.

17 24 MR. ANDERSON: And so the basis for the
18 10:22:33 25 instruction to not answer is relevance?

19 10:22:37 1 MR. WOODS: Yes.

20 2 BY MR. ANDERSON:

21 3 Q Are you going to follow that instruction,
22 4 Cardinal?

23 10:22:42 5 A Yes.

24 6 Q Okay.

25 7 MR. SELSBERG: Excuse me. Can y'all inquire to
26 8 the judge whether he's willing to resolve any of these
27 9 disputes on the scope of the deposition today while
28 10:22:56 10 we're all here?

1 11 MR. ANDERSON: Let's see where it goes. No
2 12 inquiry's been made. I didn't anticipate, frankly, such
3 13 an objection. So it comes as a surprise to me, so we'll
4 14 see where it goes.

5 10:23:10 15 MR. SELSBERG: He was willing to do it with
6 16 respect to our deposition. Perhaps he'd be willing to
7 17 do it with respect to this one.

8 18 MR. ANDERSON: Well, let's see. Let's see.

9 19 MR. SELSBERG: On behalf of my clients, I'm
10 10:23:21 20 asking you both to -- to seek relief from -- from the
11 21 court today as it -- unless -- we would like to finish
12 22 this deposition and not reconvene or brief the issue.
13 23 We oppose any delay in the hearing date. So we ask that
14 24 y'all contact the judge and see if he's willing to do

15 10:23:43 25 that.

16 10:23:44 1 MR. ANDERSON: I think we should ask more
17 2 questions to formulate the foundation for that, and I
18 3 have no objection to attempting to make contact with the
19 4 court.

20 **Reason answer should be compelled:**

21 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
22 the subject matter involved in the pending action or to the determination of any motion made
23 in that action, if the matter either is itself admissible in evidence or appears reasonably
24 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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26 Father Nicholas Aguilar Rivera's proclivities to engage in child sexual abuse, when they knew
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5 Angeles Archdiocese did not notify Los Angeles authorities until three days later, January 11,
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7 Aguilar Rivera left Los Angeles never to return and thereby avoided capture. From January 9,
8 1988 until present Father Nicholas Aguilar Rivera has remained a priest incardinated in the
9 Diocese of Tehuacan. During the depositions of Cardinal Roger Mahony and Bishop Thomas
10 Curry plaintiff's counsel attempted to inquire as to what was said between Cardinal Mahony
11 and Bishop Curry, Bishop Curry and Father Nicholas Aguilar Rivera, and Bishop Curry and
12 Father McClean when these individuals became aware of the allegations leveled against Father
13 Nicholas Aguilar Rivera. The purpose of this line of inquiry was to ascertain if the issue of
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15 Father Nicholas Aguilar Rivera's diocese The Diocese of Tehuacan was discussed and if it was
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17 extern priest in Los Angeles he remained under the authority of his bishop, Bishop Norberto
18 Rivera. It is also clear that while an extern priest in Los Angeles up until present Father
19 Nicholas Aguilar Rivera must obey orders from the Bishop of the Diocese of Tehuacan. The
20 questions blocked by defense attorney's improper instruction precludes plaintiff from inquiring
21 into relevant matters that will shed light on whether California Courts may exercise
22 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
23 and complete inquiry can be made.

24 **2. Question:**

25 Q How did Monsignor Curry learn that Nicolas
26 7 Aguilar Rivera was suspected of criminal sexual conduct?

27 **Response/Objection:**

28 8 MR. WOODS: Same objection.

1 9 MR. SELSBERG: Objection; calls for speculation

2 10:24:28 10 MR. WOODS: And same instruction.

3 Reason answer should be compelled:

4 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
5 the subject matter involved in the pending action or to the determination of any motion made
6 in that action, if the matter either is itself admissible in evidence or appears reasonably
7 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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18 Aguilar Rivera left Los Angeles never to return and thereby avoided capture. From January 9,
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28 extern priest in Los Angeles he remained under the authority of his bishop, Bishop Norberto

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1 Rivera. It is also clear that while an extern priest in Los Angeles up until present Father
2 Nicholas Aguilar Rivera must obey orders from the Bishop of the Diocese of Tehuacan. The
3 questions blocked by defense attorney's improper instruction precludes plaintiff from inquiring
4 into relevant matters that will shed light on whether California Courts may exercise
5 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
6 and complete inquiry can be made.

7 **3. Question:**

8 Q How long was your conversation with Monsignor
9 13 Curry?

10 **Response/Objection:**

11 14 MR. WOODS: Same objection, same instruction.

12 **Reason answer should be compelled:**

13 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
14 the subject matter involved in the pending action or to the determination of any motion made
15 in that action, if the matter either is itself admissible in evidence or appears reasonably
16 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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19 it and what they did with that information. Defendants Cardinal Norberto Rivera and The
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2 Curry plaintiff's counsel attempted to inquire as to what was said between Cardinal Mahony
3 and Bishop Curry, Bishop Curry and Father Nicholas Aguilar Rivera, and Bishop Curry and
4 Father McClean when these individuals became aware of the allegations leveled against Father
5 Nicholas Aguilar Rivera. The purpose of this line of inquiry was to ascertain if the issue of
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12 questions blocked by defense attorney's improper instruction precludes plaintiff from inquiring
13 into relevant matters that will shed light on whether California Courts may exercise
14 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
15 and complete inquiry can be made.

16 **4. Question:**

17 Q At the time that Monsignor Curry communicated
18 17 this information to you, had he spoken to Nicolas
19 18 Aguilar Rivera?

20 **Response/Objection:**

21 19 MR. WOODS: Same objection, same instruction.

22 10:25:12 20 MR. SELSBERG: Objection; calls for speculation.

23 **Reason answer should be compelled:**

24 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
25 the subject matter involved in the pending action or to the determination of any motion made
26 in that action, if the matter either is itself admissible in evidence or appears reasonably
27 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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20 extern priest in Los Angeles he remained under the authority of his bishop, Bishop Norberto
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24 into relevant matters that will shed light on whether California Courts may exercise
25 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
26 and complete inquiry can be made.

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27 5. Question:
28 Q What did you do, Cardinal, responsive to

1 23 Monsignor Curry immediately bringing this information to
2 24 you that Nicolas Aguilar Rivera was suspected of
3 10:25:29 25 criminal sexual conduct?

4 **Response/Objection:**

5 10:25:31 1 MR. WOODS: All right. That's a very broad
6 2 question. I'd ask you to rephrase it to limit it to
7 3 what did he do in terms of contacting any of the
8 4 defendant -- Mexican defendants in this case.

9 10:25:48 5 Inquiry along those lines, I would permit.

10 6 But any other responses to it are beyond the scope of
11 7 this jurisdictional deposition, and I would instruct the
12 8 witness not to answer. And since the question is so
13 9 broad, it's difficult for a lay witness to deal with

14 10:26:02 10 those two distinctions.

15 11 I'm going to instruct him not to answer the
16 12 question as phrased.

17 **Reason answer should be compelled:**

18 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
19 the subject matter involved in the pending action or to the determination of any motion made
20 in that action, if the matter either is itself admissible in evidence or appears reasonably
21 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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18 into relevant matters that will shed light on whether California Courts may exercise
19 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
20 and complete inquiry can be made.

21 6. **Question:**

22 Q Okay. What did you do in response to what
23 17 Monsignor Curry told you about Nicolas Aguilar Rivera?

24 **Response/Objection:**

25 18 MR. WOODS: Okay. The same objection. That's
26 19 the same question. It's the same objection I made to
27 10:26:24 20 the last question, and I'll instruct him not to answer
28 21 it.

1 22 MR. ANDERSON: Is the instruction "relevancy"?

2 23 MR. WOODS: It's -- yes. As I explained, the

3 24 question is so broad.

4 10:26:36 25 MR. ANDERSON: Just give me the legal objection

5 10:26:37 1 so we can deal with the judge.

6 2 MR. WOODS: Just legal. It's relevance --

7 3 MR. ANDERSON: Okay.

8 4 MR. WOODS: -- as explained when you asked the

9 10:26:42 5 same question before.

10 Reason answer should be compelled:

11 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
12 the subject matter involved in the pending action or to the determination of any motion made
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11 into relevant matters that will shed light on whether California Courts may exercise
12 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
13 and complete inquiry can be made.

14 **7. Question:**

15 Q What next – did you take any action
16 8 responsive to what Monsignor Curry told you?

17 **Response/Objection:**

18 9 MR. WOODS: Same objection. The question is so
19 10:27:06 10 broad that it includes matter relevant to this inquiry
20 11 and matter that isn't relevant to this inquiry. So I'm
21 12 going to instruct him not to answer but invite you to
22 13 rephrase the question to include relevant matter.

23 **Reason answer should be compelled:**

24 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
25 the subject matter involved in the pending action or to the determination of any motion made
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24 into relevant matters that will shed light on whether California Courts may exercise
25 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
26 and complete inquiry can be made.

27 **8. Question:**

28 Q After you learned that this was -- when

1 10:30:43 1 Monsignor Curry brought this information to you as vicar

2 2 for clergy, did you direct him to take action responsive

3 3 to the situation involving Nicolas Aguilar Rivera?

4 **Response/Objection:**

5 4 MR. WOODS: I'm going to object to the form of

6 10:31:00 5 the question as beyond the scope of this deposition and

7 6 instruct the witness not to answer.

8 7 MR. ANDERSON: Relevancy?

9 8 MR. WOODS: Yes.

10 **Reason answer should be compelled:**

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12 the subject matter involved in the pending action or to the determination of any motion made
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11 into relevant matters that will shed light on whether California Courts may exercise
12 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
13 and complete inquiry can be made.

14 **9. Question:**

15 Q Do you know if Monsignor Curry did take
16 11 action responsive to the information he received
17 12 concerning the risk posed by Aguilar Rivera?

18 **Response/Objection:**

19 13 MR. WOODS: Same objection, same instruction.

20 **Reason answer should be compelled:**

21 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
22 the subject matter involved in the pending action or to the determination of any motion made
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21 into relevant matters that will shed light on whether California Courts may exercise
22 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
23 and complete inquiry can be made.

24 **10. Question:**

25 **Q** Monsignor Curry gave you enough information

26 16 to know that Nicolas Aguilar Rivera posed a danger to

27 17 children in the Archdiocese, didn't he?

28 **Response/Objection:**

1 18 MR. WOODS: Same objection, same instruction.

2 Reason answer should be compelled:

3 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
4 the subject matter involved in the pending action or to the determination of any motion made
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15 Angeles Archdiocese did not notify Los Angeles authorities until three days later, January 11,
16 1988. During the three day delay in reporting the allegations to authorities, Father Nicholas
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28 Rivera. It is also clear that while an extern priest in Los Angeles up until present Father

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2 questions blocked by defense attorney's improper instruction precludes plaintiff from inquiring
3 into relevant matters that will shed light on whether California Courts may exercise
4 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
5 and complete inquiry can be made.

6 **11. Question:**

7 Q After the conversation with Monsignor Curry,
8 21 when is the next time you received information from any
9 22 source that Nicolas Aguilar Rivera posed a risk of harm
10 23 to children?

11 **Response/Objection:**

12 24 MR. WOODS: Same objection, same instruction

13 **Reason answer should be compelled:**

14 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
15 the subject matter involved in the pending action or to the determination of any motion made
16 in that action, if the matter either is itself admissible in evidence or appears reasonably
17 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
18 *2017.010.*) At issue in this matter is the sexual abuse of plaintiff, what defendants knew of
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13 questions blocked by defense attorney's improper instruction precludes plaintiff from inquiring
14 into relevant matters that will shed light on whether California Courts may exercise
15 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
16 and complete inquiry can be made.

17 **12. Question:**

18 Q What did the Archdiocesan officials, acting
19 2 at your direction, or you, as the Cardinal Archbishop,
20 3 do to protect the children of the Archdiocese of L.A.
21 4 and -- and Mexico from the risk of harm posed by Nicolas
22 10:32:29 5 Aguilar Rivera?

23 **Response/Objection:**

24 6 MR. WOODS: Okay. I'm going to object that the
25 7 question assumes numerous facts not in evidence, is
26 8 argumentative, and is beyond the scope of the limited
27 9 nature of this deposition and instruct the witness not
28 10:32:43 10 to answer.

9
2
2
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1 Reason answer should be compelled:

2 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
3 the subject matter involved in the pending action or to the determination of any motion made
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2 into relevant matters that will shed light on whether California Courts may exercise
3 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
4 and complete inquiry can be made.

5 13. Question:

6 Q Okay. And it is you, then, as the Ordinary
7 23 that relied upon Bishop Rivera when he certified the
8 24 fitness of Nicolas Aguilar -- Nicolas Aguilar Rivera to
9 10:55:25 25 serve.

10 Response/Objection:

11 10:55:27 1 MR. SELSBERG: Objection; assumes facts not in
12 2 evidence and mischaracterizes his testimony.

13 3 MR. WOODS: It's -- it's a very difficult
14 4 question because --

15 10:55:34 5 MR. ANDERSON: What's the objection?

16 6 MR. WOODS: The word "you" is confusing.

17 7 BY MR. ANDERSON:

18 8 Q You in your capacity as Archbishop, Cardinal.

19 9 Do you understand that, Cardinal?

20 10:55:43 10 MR. WOODS: No. That's confusing. I mean --

21 11 MR. ANDERSON: It's not confusing to him. This

22 12 witness has given testimony before. He understands the

23 13 question. He understands the question as well as I

24 14 understand the protocol. He is the Ordinary. He is the

25 10:56:00 15 one responsible. If he doesn't understand it, he can

26 16 tell me. I don't need you to tell me that.

27 17 MR. WOODS: Well, it's also the jury that will

28 18 hear this testimony if taken out of context. The "you"

1 19 that you're proposing to him is a delegated
2 10:56:20 20 responsibility that he, "you," accepts. He's accepted
3 21 that several times. He told you he accepts
4 22 responsibility. But he may not have even seen this
5 23 letter, and I think he said that too.
6 24 So I mean I think you have to be clear in
7 10:56:39 25 your question to prevent -- prevent some kind of misuse
8 10:56:43 1 of it down the line.
9 2 BY MR. ANDERSON:
10 3 Q Okay. Cardinal, every question that I'm
11 4 asking you is in your capacity as the Archbishop
12 10:56:53 5 Cardinal. And in your capacity as the Archbishop
13 6 Cardinal, it's correct to say that you relied upon the
14 7 certification given in this letter in permitting Nicolas
15 8 Aguilar Rivera to work in the L.A. Archdiocese?
16 9 MR. WOODS: Okay.
17 10:57:17 10 MR. SELSBERG: Objection; assumes facts not in
18 11 evidence and mischaracterizes his testimony.
19 12 MR. WOODS: Yeah. I think if you said "Did you
20 13 personally" versus "you accepting the" -- the -- the --
21 14 MR. ANDERSON: Don't tell me how -- let him
22 10:57:32 15 answer the question.
23 16 MR. WOODS: Okay. But the question --
24 17 MR. ANDERSON: Don't tell me how to ask it. I
25 18 don't need your help.
26 19 MR. WOODS: It's confusing. It's confusing for
27 10:57:38 20 the reasons I've stated, so I'm going to instruct him
28 21 not to answer it because I think you can rephrase it.

1 22 MR. ANDERSON: Unless the Cardinal says it's

2 23 confusing, Don, let's not waste time on this.

3 Reason answer should be compelled:

4 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
5 the subject matter involved in the pending action or to the determination of any motion made
6 in that action, if the matter either is itself admissible in evidence or appears reasonably
7 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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3 questions blocked by defense attorney's improper instruction precludes plaintiff from inquiring
4 into relevant matters that will shed light on whether California Courts may exercise
5 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
6 and complete inquiry can be made.

7 **14. Question:**

8 Q It states there were grown men stayed
9 4 overnight and homosexual incident that precipitated the
10 11:10:16 5 assault on Father Aguilar.

11 6 Would the Archdiocese of L.A. accepted this
12 7 priest if it and you had known that in August of '86,
13 8 grown men had stayed overnight and there had been a
14 9 homosexual incident that precipitated the assault?

15 **Response/Objection:**

16 11:10:40 10 MR. SELSBERG: Objection; assumes facts not in
17 11 evidence.

18 12 MR. WOODS: Okay. Also, it read from the
19 13 document incorrectly as -- by way of a preamble. So,
20 14 could you just ask him the question? I object that it's

21 11:10:56 15 confusing. Instruct him not to answer. Just ask him if
22 16 they would accept under these circumstances.

23 **Reason answer should be compelled:**

24 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
25 the subject matter involved in the pending action or to the determination of any motion made
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24 into relevant matters that will shed light on whether California Courts may exercise
25 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
26 and complete inquiry can be made.

27 15. Question:

28 Q Cardinal, what does the Spanish term

1 11:14:35 25 "chamaco" mean to you?

2 **Response/Objection:**

3 11:14:38 1 MR. WOODS: I'm going to object to the question

4 2 as beyond the scope of this deposition, which is limited

5 3 to jurisdictional issues, and instruct the witness not

6 4 to answer.

7 11:14:48 5 MR. SELSBERG: I object to the competency of the

8 6 witness to answer that question.

9 **Reason answer should be compelled:**

10 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
11 the subject matter involved in the pending action or to the determination of any motion made
12 in that action, if the matter either is itself admissible in evidence or appears reasonably
13 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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9 questions blocked by defense attorney's improper instruction precludes plaintiff from inquiring
10 into relevant matters that will shed light on whether California Courts may exercise
11 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
12 and complete inquiry can be made.

13 16. Question:

14 Q Cardinal, if you -- in Exhibit 23, the letter
15 9 of fitness from Cardinal Rivera to you upon which you
16 11:15:09 10 relied, it said that Nicolas Aguilar was suspected of
17 11 homosexual incidents with chamacos, what would that have
18 12 meant to you?

19 Response/Objection:

20 13 MR. SELSBERG: Objection. That calls for
21 14 speculation.

22 11:15:32 15 MR. WOODS: I'm going to object that it's not --
23 16 sorry.

24 17 MR. SELSBERG: And it assumes facts not in
25 18 evidence.

26 19 MR. WOODS: I'm going to object that it's
27 11:15:39 20 hypothetical, facts not in evidence. It's not the facts
28 21 that were presented, and it's beyond the scope of this

1 22 deposition. And I'll instruct the witness not to

2 23 answer.

3 **Reason answer should be compelled:**

4 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
5 the subject matter involved in the pending action or to the determination of any motion made
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7 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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21 for over fifty years. Archbishop Roger Mahony has acted as the ordinary for The Diocese of
22 Fresno, The Diocese of Stockton and The Archdiocese of Los Angeles. In this position he has
23 accepted numerous extern priests for service within his diocese. Archbishop Roger Mahony
24 has the background and knowledge necessary to respond to this question. This question is
25 relevant because in order for an extern priest to serve in the Archdiocese of Los Angeles or any
26 Diocese in the Catholic Church, the extern priests superior must recommend him for service
27 and certify he is fit to serve as a priest. During the depositions of Cardinal Roger Mahony and
28 Bishop Thomas Curry plaintiff's counsel attempted to inquire as to the import of the January

1 1987 letter. The purpose of this line of inquiry was to ascertain if the further contact with
2 Father Nicholas Aguilar Rivera's Superior, Bishop Norberto Rivera, or contacting Father
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8 questions blocked by defense attorney's improper instruction precludes plaintiff from inquiring
9 into relevant matters that will shed light on whether California Courts may exercise
10 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
11 and complete inquiry can be made.

12 **17. Question:**

13 Q And when he says it's an introduction and you
14 11:20:47 5 say it's a recommendation, in -- in -- in the parlance
15 6 of the church, how can there be a difference between the
16 7 two, you and he?

17 **Response/Objection:**

18 8 MR. SELSBERG: Objection; calls for speculation.

19 9 MR. WOODS: I agree it calls for speculation and

20 11:21:07 10 instruct him not to answer.

21 **Reason answer should be compelled:**

22 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
23 the subject matter involved in the pending action or to the determination of any motion made
24 in that action, if the matter either is itself admissible in evidence or appears reasonably
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27 into relevant matters that will shed light on whether California Courts may exercise
28 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full

1 and complete inquiry can be made.

2 18. Question:

3 Q Cardinal Rivera has asserted in this

4 17 declaration and under oath at no time did he recommend

5 18 Nicolas Aguilar Rivera to this Archdiocese for duties.

6 19 What do you say to that?

7 Response/Objection:

8 11:21:54 20 MR. WOODS: I'm going to object to the form of

9 21 the question. It's not a question. And I'll instruct

10 22 him not to answer. Are you asking him does he agree or

11 23 disagree? Is that the question?

12 24 BY MR. ANDERSON:

13 11:22:07 25 Q You can answer the question as asked.

14 11:22:09 1 MR. WOODS: Okay. I instruct him not to answer

15 Reason answer should be compelled:

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17 the subject matter involved in the pending action or to the determination of any motion made

18 in that action, if the matter either is itself admissible in evidence or appears reasonably

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18 Tehuacan. The questions blocked by defense attorney's improper instruction precludes
19 plaintiff from inquiring into relevant matters that will shed light on whether California Courts
20 may exercise jurisdiction over the Mexican Defendants. Defendant must be compelled to
21 answer so a full and complete inquiry can be made.

22 19. Question:

23 Q He goes on to state under oath, "As such, I

24 18 did not grant a license to Father Aguilar to take up

25 19 priestly duties in Los Angeles, granting such licensure

26 11:26:33 20 was beyond my authority as bishop of the diocese in any

27 21 event, nor did I recommend him for such duties."

28 22 Is this the first time you've read this?

1 **Response/Objection:**

2 23 A Yes.

3 24 Q Okay. He's saying that -- what is your

4 11:27:04 25 response to your reading of that?

5 11:27:06 1 MR. WOODS: Okay. I'm going to object. That's

6 2 not even a question, really.

7 3 MR. HABEL: It's argumentative.

8 4 MR. WOODS: Instruct not to answer.

9 11:27:15 5 Argumentative.

10 **Reason answer should be compelled:**

11 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
12 the subject matter involved in the pending action or to the determination of any motion made
13 in that action, if the matter either is itself admissible in evidence or appears reasonably
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17 it and what they did with that information. Defendants Cardinal Norberto Rivera and The
18 Diocese of Tehuacan were aware of Father Nicholas Aguilar Rivera's unfitness for priestly
19 duties prior to sending Father Nicholas Aguilar Rivera to the Archdiocese of Los Angeles. On
20 January 8, 1988 the Archdiocese of Los Angeles became aware of allegations of Father
21 Nicholas Aguilar Rivera committing child sexual abuse and thereby his unfitness for priestly
22 duties. On January 9, 1988 Bishop Curry met with Father Nicholas Aguilar Rivera. The Los
23 Angeles Archdiocese did not notify Los Angeles authorities until three days later, January 11,
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25 Aguilar Rivera left Los Angeles never to return and thereby avoided capture. From January 9,
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27 Diocese of Tehuacan. Archbishop Roger Mahony has served the Church in various positions
28 for over fifty years. Archbishop Roger Mahony has acted as the ordinary for The Diocese of

1 Fresno, The Diocese of Stockton and The Archdiocese of Los Angeles. In this position he has
2 accepted numerous extern priests for service within his diocese. Archbishop Roger Mahony
3 has the background and knowledge necessary to respond to this question. This question is
4 relevant because in order for an extern priest to serve in the Archdiocese of Los Angeles or any
5 Diocese in the Catholic Church, the extern priests superior must recommend him for service
6 and certify he is fit to serve as a priest. The purpose of this line of inquiry was to ascertain if
7 the further contact with Father Nicholas Aguilar Rivera's Superior, Bishop Norberto Rivera, or
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9 prior to granting faculties to minister in Los Angeles. It is clear that while Father Nicholas
10 Aguilar was an extern priest in Los Angeles he remained under the authority of his bishop,
11 Bishop Norberto Rivera. It is also clear that while an extern priest in Los Angeles up until
12 present Father Nicholas Aguilar Rivera must obey orders from the Bishop of the Diocese of
13 Tehuacan. The questions blocked by defense attorney's improper instruction precludes
14 plaintiff from inquiring into relevant matters that will shed light on whether California Courts
15 may exercise jurisdiction over the Mexican Defendants. Defendant must be compelled to
16 answer so a full and complete inquiry can be made.

17 **20. Question:**

18 Q If the term "chamacos" had been used there,
19 18 would that have a different meaning for you as a reader?

20 **Response/Objection:**

21 19 MR. SELSBERG: Objection; calls for speculation,
22 11:51:58 20 and I object to the competency of this witness to do
23 21 translations.

24 22 BY MR. ANDERSON:

25 23 Q You can answer.

26 24 MR. WOODS: I also object that it's a
27 11:52:08 25 hypothetical, not conforming with the facts presented
28 11:52:14 1 here, and instruct the witness not to answer.

1 2 MR. ANDERSON: On the basis of? What's the legal
2 3 objection --
3 4 MR. WOODS: You're asking --
4 11:52:25 5 MR. ANDERSON: -- for the instruction?
5 6 MR. WOODS: You're asking him for an expert in
6 7 translation of the Spanish language. You're asking him
7 8 as expert in church law.
8 9 MR. ANDERSON: No, I'm not. Is it relevancy, or
9 11:52:37 10 is it --
10 11 MR. WOODS: All of those things I've mentioned.
11 12 MR. ANDERSON: Just give me the legal objections
12 13 so we can deal with it in court. Relevancy or what?
13 14 MR. WOODS: Okay. It calls for an expert
14 11:52:46 15 opinion. He's not been designated or being asked to
15 16 testify here as an expert. It calls for translation.
16 17 He's not here as an expert in translation. It assumes
17 18 facts not in evidence and is argumentative and is
18 19 confusing, and it's not relevant to the jurisdictional
19 11:53:08 20 issue.
20 21 MR. HABEL: Hypothetical.
21 22 MR. WOODS: It's a hypothetical.
22 23 BY MR. ANDERSON:
23 24 Q I'm going to --
24 11:53:30 25 MR. WOODS: Let me just --
25 11:53:31 1 MR. ANDERSON: Just a minute.
26 2 MR. WOODS: Okay.
27 3 MR. ANDERSON: We're going to go to court over
28 4 this.

1 11:53:34 5 MR. WOODS: Fine.
2 6 MR. ANDERSON: If you want to let him answer now,
3 7 that's fine. If you don't, we're fighting this thing.
4 8 MR. WOODS: Okay.
5 9 MR. ANDERSON: I just want you to know so, you
6 11:53:42 10 know, if you want to reconsider, that's fine.
7 11 MR. SELSBERG: I ask that you all do that today.
8 12 MR. ANDERSON: Well, look, we've got questions to
9 13 ask. If we can do it, we will. But we've got other
10 14 questions to ask, and you've already made it difficult
11 11:53:57 15 enough and used enough time making what I consider
12 16 frivolous objections that -- you know, we're going to
13 17 try to use the time to get to the substance of this.

14 **Reason answer should be compelled:**

15 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
16 the subject matter involved in the pending action or to the determination of any motion made
17 in that action, if the matter either is itself admissible in evidence or appears reasonably
18 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
19 *2017.010.*) At issue in this matter is the sexual abuse of plaintiff, what defendants knew of
20 Father Nicholas Aguilar Rivera's proclivities to engage in child sexual abuse, when they knew
21 it and what they did with that information. Defendants Cardinal Norberto Rivera and The
22 Diocese of Tehuacan were aware of Father Nicholas Aguilar Rivera's unfitness for priestly
23 duties prior to sending Father Nicholas Aguilar Rivera to the Archdiocese of Los Angeles. On
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25 Nicholas Aguilar Rivera committing child sexual abuse and thereby his unfitness for priestly
26 duties. On January 9, 1988 Bishop Curry met with Father Nicholas Aguilar Rivera. The Los
27 Angeles Archdiocese did not notify Los Angeles authorities until three days later, January 11,
28 1988. During the three day delay in reporting the allegations to authorities, Father Nicholas

1 Aguilar Rivera left Los Angeles never to return and thereby avoided capture. From January 9,
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3 Diocese of Tehuacan. Archbishop Roger Mahony has served the Church in various positions
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6 accepted numerous extern priests for service within his diocese. Archbishop Roger Mahony
7 has the background and knowledge necessary to respond to this question. This question is
8 relevant because in order for an extern priest to serve in the Archdiocese of Los Angeles or any
9 Diocese in the Catholic Church, the extern priests superior must recommend him for service
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11 the further contact with Father Nicholas Aguilar Rivera's Superior, Bishop Norberto Rivera, or
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13 prior to granting faculties to minister in Los Angeles. It is clear that while Father Nicholas
14 Aguilar was an extern priest in Los Angeles he remained under the authority of his bishop,
15 Bishop Norberto Rivera. It is also clear that while an extern priest in Los Angeles up until
16 present Father Nicholas Aguilar Rivera must obey orders from the Bishop of the Diocese of
17 Tehuacan. The questions blocked by defense attorney's improper instruction precludes
18 plaintiff from inquiring into relevant matters that will shed light on whether California Courts
19 may exercise jurisdiction over the Mexican Defendants. Defendant must be compelled to
20 answer so a full and complete inquiry can be made.

21 **21. Question:**

22 Q And -- yes. And then go ahead and read what
23 11:56:43 25 it says.

24 **Response/Objection:**

25 11:56:46 1 A I have to do it in Spanish, you mean?

26 2 MR. WOODS: Just read it to yourself, he means.

27 3 BY MR. ANDERSON:

28 4 Q No. As you read it, beginning with "I work

1 11:56:52 5 here at the service of the parish in the afternoon."

2 6 Why don't you read what the Spanish version says to you

3 7 as you read it.

4 8 MR. WOODS: Okay. I'm going to object to the

5 9 question. It's calling for a translation, which has

6 11:57:04 10 nothing to do with jurisdiction. This is a document

7 11 that never was communicated from Mexico to United

8 12 States. It has nothing to do with any purposeful

9 13 activity by the Mexican defendants in doing business in

10 14 California. It never was presented.

11 11:57:26 15 You're now going -- what you're trying to do

12 16 is get a translation of a specific word or a sentence.

13 17 That's not his job to do translations. You can hire a

14 18 person to do a translation. He's not here to do

15 19 translations.

16 11:57:42 20 MR. ANDERSON: Counsel, it -- it is central to

17 21 the inquiry.

18 22 MR. WOODS: It's central to your case --

19 23 MR. ANDERSON: No.

20 24 MR. WOODS: -- not central to jurisdiction.

21 11:57:49 25 MR. ANDERSON: This is -- this is what -- this is

22 11:57:50 1 what Bishop Norberto knew about the fitness of this guy

23 2 to serve as ministry.

24 3 MR. WOODS: I'm not sure that's true.

25 4 MR. ANDERSON: He knew --

26 11:57:59 5 MR. SELSBERG: Counsel, it's very clear in the

27 6 deposition transcript --

28 7 MR. ANDERSON: I'm not going to argue with you.

1 8 I'm going to address his objection. He gave me a legal
2 9 objection. And if you have a legal objection, I'm going
3 11:58:07 10 to let you make it.
4 11 MR. SELSBERG: You're not asking a question.
5 12 MR. ANDERSON: Just a moment.
6 13 MR. SELSBERG: You just mis- --
7 14 MR. ANDERSON: Counsel --
8 11:58:12 15 MR. SELSBERG: Okay. I'll let you finish.
9 16 MR. ANDERSON: Make a legal objection.
10 17 MR. SELSBERG: Go ahead.
11 18 BY MR. ANDERSON:
12 19 Q Okay. Don, I'm going to -- I'm going to
13 11:58:22 20 simply ask him to read it as he reads it, and -- and it
14 21 is probative to this inquiry.
15 22 MR. HABEL: To what end?
16 23 MR. WOODS: Wait. I was going to ask the same
17 24 question. I mean to what -- how can his translation of
18 11:58:39 25 this sentence have anything to do? A sentence never
19 11:58:43 1 communicated to him, never communicated to anyone in the
20 2 church in Los Angeles, how can this have anything to do
21 3 with jurisdiction over these defendants?
22 4 MR. ANDERSON: It has to do with Norberto
23 11:58:52 5 Rivera's knowledge of fitness and a misrepresentation
24 6 concerning it to the Archdiocese of L.A.
25 7 MR. SELSBERG: And I'd like to state for the
26 8 record --
27 9 MR. ANDERSON: And -- and why it is jurisdiction
28 11:59:04 10 lies here, because they knowingly sent the priest here

1 11 knowing that he had abused chamacos, youngsters, and
2 12 kids.

3 13 MR. SELSBERG: And I'd like to state for the
4 14 record that that's a gross mischaracterization of
5 11:59:20 15 Cardinal Rivera's testimony. It's crystal-clear in this
6 16 deposition transcript, at least two places, that he
7 17 testified unequivocally that he never --

8 18 MR. ANDERSON: Give -- state your objection.

9 19 MR. SELSBERG: There's no question.
10 11:59:31 20 -- that he never saw this police report.

11 21 Okay? So what you said is grossly unfair.

12 22 MR. ANDERSON: Okay.

13 23 MR. SELSBERG: There's no question, so I can't
14 24 give a legal objection. My legal objection to him -- to
15 11:59:43 25 the witness testifying about Spanish to English
16 11:59:46 1 interpretations is that he's not competent to do that.

17 2 MR. WOODS: And I'm going to instruct him not to
18 3 answer the question. So why don't you move on, and
19 4 we'll take it up with the judge in due course.

20 **Reason answer should be compelled:**

21 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
22 the subject matter involved in the pending action or to the determination of any motion made
23 in that action, if the matter either is itself admissible in evidence or appears reasonably
24 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
25 *2017.010*.) At issue in this matter is the sexual abuse of plaintiff, what defendants knew of
26 Father Nicholas Aguilar Rivera's proclivities to engage in child sexual abuse, when they knew
27 it and what they did with that information. Defendants Cardinal Norberto Rivera and The
28 Diocese of Tehuacan were aware of Father Nicholas Aguilar Rivera's unfitness for priestly

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Diocese of Tehuacan. Archbishop Roger Mahony has served the Church in various positions
for over fifty years. Archbishop Roger Mahony has acted as the ordinary for The Diocese of
San Jose, The Diocese of Stockton and The Archdiocese of Los Angeles. In this position he has
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relevant because in order for an extern priest to serve in the Archdiocese of Los Angeles or any
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present Father Nicholas Aguilar Rivera must obey orders from the Bishop of the Diocese of
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plaintiff from inquiring into relevant matters that will shed light on whether California Courts
can exercise jurisdiction over the Mexican Defendants. Defendant must be compelled to
allow so a full and complete inquiry can be made.

MOVING

27 **Question:**
28 Okay. And later on, looking at the English

1 12:00:10 10 version, four lines down, it states "this youngster had
2 11 not had, that the maid of the priest Nicolas Aguilar
3 12 Rivera, who could also affirm under oath that they come
4 13 from several areas." Do you see the word "chamaco"
5 14 appearing for "youngster" there also?

6 **Response/Objection:**

7 12:00:36 15 MR. SELSBERG: I object. It assumes facts not in
8 16 evidence. This interpretation is not the interpretation
9 17 that we have, so we do not agree that this is a correct
10 18 interpretation of the document from Spanish to English.

11 19 MR. WOODS: This is just asking someone to
12 12:00:52 20 interpret something. It's not the purpose of this
13 21 deposition. The witness isn't qualified to make a
14 22 court-type interpretation, and it's got nothing to do
15 23 with jurisdiction. I'm going to instruct him not to
16 24 answer.

17 **Reason answer should be compelled:**

18 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
19 the subject matter involved in the pending action or to the determination of any motion made
20 in that action, if the matter either is itself admissible in evidence or appears reasonably
21 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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8 Fresno, The Diocese of Stockton and The Archdiocese of Los Angeles. In this position he has
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14 the further contact with Father Nicholas Aguilar Rivera's Superior, Bishop Norberto Rivera, or
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17 Aguilar was an extern priest in Los Angeles he remained under the authority of his bishop,
18 Bishop Norberto Rivera. It is also clear that while an extern priest in Los Angeles up until
19 present Father Nicholas Aguilar Rivera must obey orders from the Bishop of the Diocese of
20 Tehuacan. The questions blocked by defense attorney's improper instruction precludes
21 plaintiff from inquiring into relevant matters that will shed light on whether California Courts
22 may exercise jurisdiction over the Mexican Defendants. Defendant must be compelled to
23 answer so a full and complete inquiry can be made.

24 **23. Question:**

25 Q Okay. And if you had the benefit of this

26 12:04:01 10 police report or had been informed of this police report

27 11 or its existence or the information contained in it,

28 12 would that have influenced your decision and that of the

1 13 Archdiocese to have accepted this priest?

2 **Response/Objection:**

3 14 MR. SELSBERG: Objection. That calls for
4 12:04:16 15 speculation.

5 16 MR. WOODS: Same objection. It's a hypothetical.

6 17 It wasn't presented to him. It's not even relevant to

7 18 the inquiry, and I instruct him not to answer that.

8 **Reason answer should be compelled:**

9 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
10 the subject matter involved in the pending action or to the determination of any motion made
11 in that action, if the matter either is itself admissible in evidence or appears reasonably
12 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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12 plaintiff from inquiring into relevant matters that will shed light on whether California Courts
13 may exercise jurisdiction over the Mexican Defendants. Defendant must be compelled to
14 answer so a full and complete inquiry can be made.

15 **24. Question:**

16 Q You were concerned, weren't you? I mean it
17 11 was alarming information that this Aguilar had molested
18 12 kids?

19 **Response/Objection:**

20 13 MR. WOODS: I'm going to object. His concern has
21 14 got nothing to do with jurisdiction over these
22 12:20:57 15 defendants. It's argumentative, and I'm going to
23 16 instruct him not to answer.

24 17 MR. ANDERSON: It does have to do with whether he
25 18 would communicate it and the communications between them
26 19 by interstate and otherwise --

27 12:21:09 20 MR. WOODS: Well, questions about what --

28 21 MR. ANDERSON: Just -- Don, let me finish.

1 22 It does have to do with jurisdiction because
2 23 the Cardinal's concern about him having a molester from
3 24 another jurisdiction goes to jurisdiction. And the
4 12:21:20 25 Cardinal's concern about that, both what he did and what
5 12:21:23 1 his practice would have been, is probative to this.

6 2 MR. WOODS: I don't believe that's accurate, so
7 3 I'm going to instruct him not to answer.

8 4 MR. ANDERSON: Okay.

9 Reason answer should be compelled:

10 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
11 the subject matter involved in the pending action or to the determination of any motion made
12 in that action, if the matter either is itself admissible in evidence or appears reasonably
13 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
14 *2017.010.*) At issue in this matter is the sexual abuse of plaintiff, what defendants knew of
15 Father Nicholas Aguilar Rivera's proclivities to engage in child sexual abuse, when they knew
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17 Diocese of Tehuacan were aware of Father Nicholas Aguilar Rivera's unfitness for priestly
18 duties prior to sending Father Nicholas Aguilar Rivera to the Archdiocese of Los Angeles. On
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21 duties. On January 9, 1988 Bishop Curry met with Father Nicholas Aguilar Rivera. The Los
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12 Tehuacan. The questions blocked by defense attorney's improper instruction precludes
13 plaintiff from inquiring into relevant matters that will shed light on whether California Courts
14 may exercise jurisdiction over the Mexican Defendants. Defendant must be compelled to
15 answer so a full and complete inquiry can be made.

16 **25. Question:**

17 Q And at the time this letter was sent, what
18 12:27:23 25 report had been made to civil authorities?

19 **Response/Objection:**

20 12:27:26 1 MR. WOODS: I will object to the question as
21 2 beyond the scope of the jurisdictional issues which are
22 3 the purpose of this deposition and instruct the witness
23 4 not to answer.

24 **Reason answer should be compelled:**

25 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
26 the subject matter involved in the pending action or to the determination of any motion made
27 in that action, if the matter either is itself admissible in evidence or appears reasonably
28 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*

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9 Angeles Archdiocese did not notify Los Angeles authorities until three days later, January 11,
10 1988. During the three day delay in reporting the allegations to authorities, Father Nicholas
11 Aguilar Rivera left Los Angeles never to return and thereby avoided capture. From January 9,
12 1988 until present Father Nicholas Aguilar Rivera has remained a priest incardinated in the
13 Diocese of Tehuacan. During the depositions of Cardinal Roger Mahony and Bishop Thomas
14 Curry plaintiff's counsel attempted to inquire as to what the Archdiocese of Los Angeles did
15 after receiving notice of the allegations of sexual abuse. This information is relevant to
16 analyze the Archdiocese statements that they did not contact Bishop Noberto Rivera or the
17 Diocese of Tehuacan until the letter of January 11, 1988. The purpose of this line of inquiry
18 was to ascertain if the issue of contacting Father Nicholas Aguilar Rivera's Superior, Bishop
19 Norberto Rivera, or contacting Father Nicholas Aguilar Rivera's diocese The Diocese of
20 Tehuacan was discussed and if it was not discussed the reasons therefore. It is clear that while
21 Father Nicholas Aguilar was an extern priest in Los Angeles he remained under the authority
22 of his bishop, Bishop Norberto Rivera. It is also clear that while an extern priest in Los
23 Angeles up until present Father Nicholas Aguilar Rivera must obey orders from the Bishop of
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25 precludes plaintiff from inquiring into relevant matters that will shed light on whether
26 California Courts may exercise jurisdiction over the Mexican Defendants. Defendant must be
27 compelled to answer so a full and complete inquiry can be made.

28

1 26. Question:

2 Q When you first and Monsignor Curry first

3 7 received information that this priest was a child

4 8 molester, was there a desire by you and/or Monsignor

5 9 Curry to keep this secret and among you and his

6 12:28:12 10 superior?

7 Response/Objection:

8 11 MR. WOODS: Object to the form of the question as

9 12 argumentative, beyond the scope of jurisdiction, and I

10 13 will instruct the witness not to answer.

11 Reason answer should be compelled:

12 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
13 the subject matter involved in the pending action or to the determination of any motion made
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26 Aguilar Rivera left Los Angeles never to return and thereby avoided capture. From January 9,
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1 Curry plaintiff's counsel attempted to inquire as to what the Archdiocese of Los Angeles did
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3 analyze the Archdiocese statements that they did not contact Bishop Norberto Rivera or the
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9 of his bishop, Bishop Norberto Rivera. It is also clear that while an extern priest in Los
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11 the Diocese of Tehuacan. The questions blocked by defense attorney's improper instruction
12 precludes plaintiff from inquiring into relevant matters that will shed light on whether
13 California Courts may exercise jurisdiction over the Mexican Defendants. Defendant must be
14 compelled to answer so a full and complete inquiry can be made.

15 **27. Question:**

16 Q Okay. Who was to report this to civil

17 24 authorities, Norberto Rivera or you?

18 **Response/Objection:**

19 12:28:49 25 MR. SELSBERG: Objection; calls for speculation.

20 12:28:52 1 MR. WOODS: And also is a confusing question

21 2 because there are numerous other possibilities. Those

22 3 are not the only two --

23 4 MR. ANDERSON: Let him answer it.

24 12:29:04 5 MR. WOODS: Okay. But it's confusing, so I will

25 6 instruct him not to answer. It's also irrelevant to

26 7 jurisdictional issues.

27 **Reason answer should be compelled:**

28 Any party may obtain discovery regarding any matter, not privileged, that is relevant to

1 the subject matter involved in the pending action or to the determination of any motion made
2 in that action, if the matter either is itself admissible in evidence or appears reasonably
3 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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5 Father Nicholas Aguilar Rivera's proclivities to engage in child sexual abuse, when they knew
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2017.010

1 California Courts may exercise jurisdiction over the Mexican Defendants. Defendant must be
2 compelled to answer so a full and complete inquiry can be made.

3 28. Question:

4 Q Cardinal, it is written "According to the
5 12:29:15 10 civil law here, the accusations must be reported to the
6 11 authorities."

7 12 My question to you, as this is written to
8 13 Norberto Rivera, who is supposed to report this to civil
9 14 authorities?

10 Response/Objection:

11 12:29:35 15 MR. WOODS: I'm going to object to the question
12 16 as calling for legal conclusion, irrelevant to the
13 17 jurisdictional issue, and instruct him not to answer.

14 Reason answer should be compelled:

15 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
16 the subject matter involved in the pending action or to the determination of any motion made
17 in that action, if the matter either is itself admissible in evidence or appears reasonably
18 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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15 precludes plaintiff from inquiring into relevant matters that will shed light on whether
16 California Courts may exercise jurisdiction over the Mexican Defendants. Defendant must be
17 compelled to answer so a full and complete inquiry can be made.

18 **29. Question:**

19 Q What was then the procedure in 1988

20 12:29:58 20 pertaining to educators and the Archdiocese reporting

21 21 suspected sexual abuse to civil authorities?

22 **Response/Objection:**

23 22 MR. WOODS: Objection; calls for a legal opinion,

24 23 it's beyond the scope of this jurisdiction, and I

25 24 instruct the witness not to answer.

26 12:30:24 25 MR. ANDERSON: Counsel, he's the one who's

27 12:30:25 1 writing to -- to the foreign defendant saying this must
28 2 be reported.

1 3 MR. WOODS: Okay.
2 4 MR. HABEL: Actually, it's Curry.
3 12:30:33 5 MR. ANDERSON: Well, it's him through Curry.
4 6 MR. WOODS: It's the same issue.
5 7 MR. ANDERSON: Does your instruction stand not to
6 8 answer?
7 9 MR. WOODS: Huh?
8 12:30:44 10 MR. ANDERSON: Does your instruction stand not to
9 11 answer?
10 12 MR. WOODS: Yes.

11 **Reason answer should be compelled:**

12 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
13 the subject matter involved in the pending action or to the determination of any motion made
14 in that action, if the matter either is itself admissible in evidence or appears reasonably
15 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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10 Angeles up until present Father Nicholas Aguilar Rivera must obey orders from the Bishop of
11 the Diocese of Tehuacan. The questions blocked by defense attorney's improper instruction
12 precludes plaintiff from inquiring into relevant matters that will shed light on whether
13 California Courts may exercise jurisdiction over the Mexican Defendants. Defendant must be
14 compelled to answer so a full and complete inquiry can be made.

15 **30. Question:**

16 Q The next paragraph states, "I spoke to Father
17 12:30:55 15 Aguilar Rivera on Saturday, January 9th." Did you know
18 16 that Monsignor Curry was speaking to Aguilar before he
19 17 went to do so?

20 **Response/Objection:**

21 18 MR. WOODS: Object to the question as beyond the
22 19 scope of the jurisdictional issues and instruct him not
23 12:31:19 20 to answer.

24 **Reason answer should be compelled:**

25 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
26 the subject matter involved in the pending action or to the determination of any motion made
27 in that action, if the matter either is itself admissible in evidence or appears reasonably
28 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*

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23 Angeles up until present Father Nicholas Aguilar Rivera must obey orders from the Bishop of
24 the Diocese of Tehuacan. The questions blocked by defense attorney's improper instruction
25 precludes plaintiff from inquiring into relevant matters that will shed light on whether
26 California Courts may exercise jurisdiction over the Mexican Defendants. Defendant must be
27 compelled to answer so a full and complete inquiry can be made.

28 31. Question:

1 Q What do you know about the conversation that

2 23 Monsignor Curry had with Nicolas Aguilar referenced in

3 24 this letter?

4 **Response/Objection:**

5 12:31:30 25 MR. WOODS: Same objection, same instruction.

6 **Reason answer should be compelled:**

7 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
8 the subject matter involved in the pending action or to the determination of any motion made
9 in that action, if the matter either is itself admissible in evidence or appears reasonably
10 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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23 Diocese of Tehuacan. During the depositions of Cardinal Roger Mahony and Bishop Thomas
24 Curry plaintiff's counsel attempted to inquire as to what was said between Cardinal Mahony
25 and Bishop Curry, Bishop Curry and Father Nicholas Aguilar Rivera, and Bishop Curry and
26 Father McClean when these individuals became aware of the allegations leveled against Father
27 Nicholas Aguilar Rivera. The purpose of this line of inquiry was to ascertain if the issue of
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4 Rivera. It is also clear that while an extern priest in Los Angeles up until present Father
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6 questions blocked by defense attorney's improper instruction precludes plaintiff from inquiring
7 into relevant matters that will shed light on whether California Courts may exercise
8 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
9 and complete inquiry can be made.

10 **32. Question:**

11 12:38:01 1 Q And my question, then, is did you direct or
12 2 have Monsignor direct that Nicolas Aguilar stay here so
13 3 that you could do the full canonical investigation and
14 4 the LAPD could do theirs?

15 **Response/Objection:**

16 12:38:18 5 MR. WOODS: Object to the form of the question.

17 6 Or sorry. Let me start all over again. I object to the
18 7 question as beyond the scope of the jurisdictional
19 8 issues which are the subject of this deposition and
20 9 instruct the witness not to answer.

21 12:38:33 10 What the Archdiocese did in terms of
22 11 investigating, what the police did in terms of
23 12 investigating are not relevant to jurisdiction over the
24 13 Mexican nationals.

25 **Reason answer should be compelled:**

26 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
27 the subject matter involved in the pending action or to the determination of any motion made
28 in that action, if the matter either is itself admissible in evidence or appears reasonably

1 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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25 questions blocked by defense attorney's improper instruction precludes plaintiff from inquiring
26 into relevant matters that will shed light on whether California Courts may exercise
27 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
28 and complete inquiry can be made.

1 33. Question:

2 Q Okay. Do you know if any official of the
3 16 Archdiocese of L.A. or Tehuacan ordered Nicolas Aguilar
4 17 Rivera to stay in L.A. so that a full investigation
5 18 could be done by the police and the L.A. Archdiocese?

6 Response/Objection:

7 19 MR. WOODS: Okay. Object to the question as
8 12:41:54 20 beyond the scope of jurisdiction over the defendants and
9 21 instruct him not to answer.

10 Reason answer should be compelled:

11 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
12 the subject matter involved in the pending action or to the determination of any motion made
13 in that action, if the matter either is itself admissible in evidence or appears reasonably
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10 into relevant matters that will shed light on whether California Courts may exercise
11 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
12 and complete inquiry can be made.

13 **34. Question:**

14 Q Did the Archdiocese ever do any -- any kind
15 24 of full investigation canonically, as you referred?

16 **Response/Objection:**

17 12:42:15 25 MR. WOODS: Object. Beyond the scope of the
18 12:42:16 1 jurisdictional issues and instruct the witness not to
19 2 answer.

20 **Reason answer should be compelled:**

21 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
22 the subject matter involved in the pending action or to the determination of any motion made
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21 into relevant matters that will shed light on whether California Courts may exercise
22 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
23 and complete inquiry can be made.

24 35. Question:

25 Q Do you know if they did or you don't -- do

26 12 you have any knowledge of whether or not they did, or do

27 13 you believe they did no investigation?

28 14 A I have no knowledge.

1 12:42:51 15 Q Okay. Did you ever ask?

2 16 A No.

3 17 Q Why not?

4 **Response/Objection:**

5 18 MR. WOODS: I'm going to object to the form of
6 19 the question and to the question as beyond the scope of
7 12:43:03 20 the jurisdictional issues. The contacts, what he did
8 21 ask for or what he did say, relevant. What he could
9 22 have done or might have done or should have done,
10 23 irrelevant.

11 24 MR. ANDERSON: Instruct not to answer?

12 12:43:21 25 MR. WOODS: Instruct him not to answer.

13 **Reason answer should be compelled:**

14 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
15 the subject matter involved in the pending action or to the determination of any motion made
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14 into relevant matters that will shed light on whether California Courts may exercise
15 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
16 and complete inquiry can be made.

17 **36. Question:**

18 Q In this letter, Exhibit 30, he states, "I
19 3 spoke to Father Aguilar Rivera on Saturday,
20 4 January 9th." The police records -- do you know whether
21 12:43:57 5 a police report was made?

22 **Response/Objection:**

23 6 MR. WOODS: I'm going to -- hold on. I'm going
24 7 to object to the question as beyond the scope of the
25 8 jurisdictional issues and instruct the witness not to
26 9 answer.

27 **Reason answer should be compelled:**

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19 Father McClean when these individuals became aware of the allegations leveled against Father
20 Nicholas Aguilar Rivera. The purpose of this line of inquiry was to ascertain if the issue of
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24 extern priest in Los Angeles he remained under the authority of his bishop, Bishop Norberto
25 Rivera. It is also clear that while an extern priest in Los Angeles up until present Father
26 Nicholas Aguilar Rivera must obey orders from the Bishop of the Diocese of Tehuacan. The
27 questions blocked by defense attorney's improper instruction precludes plaintiff from inquiring
28 into relevant matters that will shed light on whether California Courts may exercise

1 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
2 and complete inquiry can be made.

3 **37. Question:**

4 Q Are you aware, Cardinal, that Monsignor Curry
5 12 went to Nicolas Aguilar and told him he was under
6 13 investigation before the police received the report and
7 14 could investigate?

8 **Response/Objection:**

9 12:44:26 15 MR. WOODS: Object to the question as beyond the
10 16 scope of the jurisdictional issues and instruct the
11 17 witness not to answer.

12 **Reason answer should be compelled:**

13 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
14 the subject matter involved in the pending action or to the determination of any motion made
15 in that action, if the matter either is itself admissible in evidence or appears reasonably
16 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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18 Father Nicholas Aguilar Rivera's proclivities to engage in child sexual abuse, when they knew
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12 questions blocked by defense attorney's improper instruction precludes plaintiff from inquiring
13 into relevant matters that will shed light on whether California Courts may exercise
14 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
15 and complete inquiry can be made.

16 **38. Question:**

17 Q Are you -- do you have any knowledge that
18 12:44:38 20 Monsignor Curry went and alerted Mon- -- went and
19 21 alerted Nicolas Aguilar to the fact that a police
20 22 investigation was under way?

21 **Response/Objection:**

22 23 MR. WOODS: Object to the question as beyond the
23 24 scope of jurisdiction and instruct the witness not to
24 12:44:59 25 answer.

25 **Reason answer should be compelled:**

26 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
27 the subject matter involved in the pending action or to the determination of any motion made
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26 into relevant matters that will shed light on whether California Courts may exercise
27 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
28 and complete inquiry can be made.

1 39. Question:

2 Q Are there provisions in the Canon law
3 3 protocols under which you operate as a bishop that
4 4 requires you and others to keep matters that are
5 12:45:17 5 scandalous secret?

6 Response/Objection:

7 6 MR. WOODS: I object to the question as beyond
8 7 the scope of jurisdiction and instruct the witness not
9 8 to answer.

10 Reason answer should be compelled:

11 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
12 the subject matter involved in the pending action or to the determination of any motion made
13 in that action, if the matter either is itself admissible in evidence or appears reasonably
14 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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10 questions blocked by defense attorney's improper instruction precludes plaintiff from inquiring
11 into relevant matters that will shed light on whether California Courts may exercise
12 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
13 and complete inquiry can be made.

14 **40. Question:**

15 Q Is there a requirement of secrecy involving
16 11 matters of scandal, such as sexual abuse, that would
17 12 also apply to Norberto Rivera as then a bishop and now a
18 13 cardinal?

19 **Response/Objection:**

20 14 MR. WOODS: Same objection, same instruction.

21 **Reason answer should be compelled:**

22 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
23 the subject matter involved in the pending action or to the determination of any motion made
24 in that action, if the matter either is itself admissible in evidence or appears reasonably
25 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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21 questions blocked by defense attorney's improper instruction precludes plaintiff from inquiring
22 into relevant matters that will shed light on whether California Courts may exercise
23 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
24 and complete inquiry can be made.

25 41. Question:

26 Q Is it correct to say that when you are
27 17 installed as a cardinal, that you take -- are made to
28 18 take an oath of secrecy to the Vatican or the Holy See?

1 **Response/Objection:**

2 19 MR. WOODS: Same objection, same instruction.

3 **Reason answer should be compelled:**

4 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
5 the subject matter involved in the pending action or to the determination of any motion made
6 in that action, if the matter either is itself admissible in evidence or appears reasonably
7 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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3 questions blocked by defense attorney's improper instruction precludes plaintiff from inquiring
4 into relevant matters that will shed light on whether California Courts may exercise
5 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
6 and complete inquiry can be made.

7 42. Question:

8 Q And is this an oath taken by cardinals during
9 2 a ceremony at which they are installed or promoted to
10 3 the position of cardinal?

11 Response/Objection:

12 4 MR. WOODS: I object to the form. I object to
13 12:46:34 5 the question as beyond the scope of the jurisdictional
14 6 issues and instruct the witness not to answer

15 Reason answer should be compelled:

16 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
17 the subject matter involved in the pending action or to the determination of any motion made
18 in that action, if the matter either is itself admissible in evidence or appears reasonably
19 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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15 questions blocked by defense attorney's improper instruction precludes plaintiff from inquiring
16 into relevant matters that will shed light on whether California Courts may exercise
17 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
18 and complete inquiry can be made.

19 **43. Question:**

20 Q And if this is the oath, in the middle of it,

21 9 I'll direct your attention to the provision that says "I

22 12:46:51 10 am not to reveal to anyone what is confided to me in

23 11 secret nor divulge what may bring harm or dishonor to

24 12 the Holy Church."

25 13 Is it correct to say, Cardinal, that a sexual

26 14 abuse by a priest and public knowledge of it could and

27 12:47:13 15 would bring harm or dishonor to the Holy Church?

28 **Response/Objection:**

1 16 MR. WOODS: Object to the question as beyond the
2 17 scope of the jurisdictional issues and instruct the
3 18 witness not to answer.

4 **Reason answer should be compelled:**

5 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
6 the subject matter involved in the pending action or to the determination of any motion made
7 in that action, if the matter either is itself admissible in evidence or appears reasonably
8 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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5 into relevant matters that will shed light on whether California Courts may exercise
6 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
7 and complete inquiry can be made.

8 **44. Question:**

9 17 Q Are you aware that the law enforcement
10 18 detectives that were investigating Nicolas Aguilar on
11 19 the report made of sexual abuse would have arrested him
12 12:49:03 20 immediately based on the information given them?

13 **Response/Objection:**

14 21 MR. SELSBERG: Objection; calls for speculation.

15 22 MR. WOODS: I agree it calls for speculation. I

16 23 also object as beyond the issues of jurisdiction and

17 24 instruct the witness not to answer.

18 **Reason answer should be compelled:**

19 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
20 the subject matter involved in the pending action or to the determination of any motion made
21 in that action, if the matter either is itself admissible in evidence or appears reasonably
22 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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19 into relevant matters that will shed light on whether California Courts may exercise
20 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
21 and complete inquiry can be made.

22 45. Question:

23 Q Are you aware, Cardinal, that the police

24 2 received enough information on January 8th and

25 3 immediately thereafter from more than one source enough

26 4 to have -- excuse me.

27 12:49:42 5 When do you -- when do you believe the police

28 6 were -- were notified?

1 **Response/Objection:**

2 7 MR. WOODS: Object to the --

3 8 MR. ANDERSON: -- of the information that

4 9 Monsignor Curry or other employees of the Archdiocese

5 12:49:55 10 had concerning this?

6 11 MR. WOODS: Object to the question as beyond the

7 12 scope of jurisdiction and instruct the witness not to

8 13 answer.

9 **Reason answer should be compelled:**

10 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
11 the subject matter involved in the pending action or to the determination of any motion made
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10 into relevant matters that will shed light on whether California Courts may exercise
11 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
12 and complete inquiry can be made.

13 **46. Question:**

14 Q What do you know about who reported it to the
15 16 police?

16 **Response/Objection:**

17 17 MR. WOODS: Same objection, same instruction

18 **Reason answer should be compelled:**

19 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
20 the subject matter involved in the pending action or to the determination of any motion made
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22 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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20 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
21 and complete inquiry can be made.

22 47. **Question:**

23 Q Cardinal, when did Nicolas Aguilar leave the
24 12:52:12 15 Archdiocese of L.A.?

25 **Response/Objection:**

26 16 MR. WOODS: I object to the question as beyond
27 17 the scope of jurisdiction and instruct the witness not
28 18 to answer.

1 Reason answer should be compelled:

2 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
3 the subject matter involved in the pending action or to the determination of any motion made
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17 1988 until present Father Nicholas Aguilar Rivera has remained a priest incardinated in the
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26 extern priest in Los Angeles he remained under the authority of his bishop, Bishop Norberto
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28 Nicholas Aguilar Rivera must obey orders from the Bishop of the Diocese of Tehuacan. The

1 questions blocked by defense attorney's improper instruction precludes plaintiff from inquiring
2 into relevant matters that will shed light on whether California Courts may exercise
3 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
4 and complete inquiry can be made.

5 **48. Question:**

6 Q When did Nicolas Aguilar return to Mexico?

7 **Response/Objection:**

8 21 MR. WOODS: Same obstruction, same answer.

9 22 Same -- same objection, same instruction. Why don't you

10 23 ask him if he knows when he left.

11 **Reason answer should be compelled:**

12 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
13 the subject matter involved in the pending action or to the determination of any motion made
14 in that action, if the matter either is itself admissible in evidence or appears reasonably
15 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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12 into relevant matters that will shed light on whether California Courts may exercise
13 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
14 and complete inquiry can be made.

15 **49. Question:**

16 Q Who facilitated or aided him in his return
17 12:52:35 1 from L.A. to Mexico?

18 **Response/Objection:**

19 2 MR. WOODS: I object to the question as beyond
20 3 the scope of the jurisdictional issues and instruct the
21 4 witness not to answer.

22 12:52:45 5 MR. HABEL: It's argumentative.

23 6 MR. SELSBERG: And it assumes facts not in
24 7 evidence.

25 **Reason answer should be compelled:**

26 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
27 the subject matter involved in the pending action or to the determination of any motion made
28 in that action, if the matter either is itself admissible in evidence or appears reasonably

1 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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25 questions blocked by defense attorney's improper instruction precludes plaintiff from inquiring
26 into relevant matters that will shed light on whether California Courts may exercise
27 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
28 and complete inquiry can be made.

1 50. Question:

2 Q What was Monsignor Curry's role in – beyond

3 12:52:56 10 advising him that he was under suspicion and a full

4 11 investigation was to be taking place, role in Aguilar's

5 12 departure from L.A.?

6 Response/Objection:

7 13 MR. WOODS: Same objection, same instruction.

8 Reason answer should be compelled:

9 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
10 the subject matter involved in the pending action or to the determination of any motion made
11 in that action, if the matter either is itself admissible in evidence or appears reasonably
12 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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9 into relevant matters that will shed light on whether California Courts may exercise
10 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
11 and complete inquiry can be made.

12 **51. Question:**

13 Q Was Auxiliary Bishop or Father Stephen Blaire
14 16 involved in Nicolas Aguilar's departure in any way?

15 **Response/Objection:**

16 17 MR. WOODS: Same objection, same instruction.

17 **Reason answer should be compelled:**

18 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
19 the subject matter involved in the pending action or to the determination of any motion made
20 in that action, if the matter either is itself admissible in evidence or appears reasonably
21 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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17 questions blocked by defense attorney's improper instruction precludes plaintiff from inquiring
18 into relevant matters that will shed light on whether California Courts may exercise
19 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
20 and complete inquiry can be made.

21 **52. Question:**

22 Q Did you ever discuss with Stephen Blaire the
23 12:53:28 20 suspicions of sexual abuse by Nicolas Aguilar?

24 **Response/Objection:**

25 21 MR. WOODS: Same objection, same instruction.

26 **Reason answer should be compelled:**

27 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
28 the subject matter involved in the pending action or to the determination of any motion made

1 in that action, if the matter either is itself admissible in evidence or appears reasonably
2 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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26 questions blocked by defense attorney's improper instruction precludes plaintiff from inquiring
27 into relevant matters that will shed light on whether California Courts may exercise
28 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full

1 and complete inquiry can be made.

2 53. Question:

3 Q Did Stephen Blaire -- was Stephen Blaire at
4 24 this time in residence at St. Bernadette's?

5 Response/Objection:

6 12:53:49 25 MR. WOODS: Same objection, same instruction.

7 Reason answer should be compelled:

8 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
9 the subject matter involved in the pending action or to the determination of any motion made
10 in that action, if the matter either is itself admissible in evidence or appears reasonably
11 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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7 questions blocked by defense attorney's improper instruction precludes plaintiff from inquiring
8 into relevant matters that will shed light on whether California Courts may exercise
9 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
10 and complete inquiry can be made.

11 **54. Question:**

12 Q Was he involved in this in any way?

13 **Response/Objection:**

14 3 MR. WOODS: Same objection, same instruction.

15 **Reason answer should be compelled:**

16 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
17 the subject matter involved in the pending action or to the determination of any motion made
18 in that action, if the matter either is itself admissible in evidence or appears reasonably
19 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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15 questions blocked by defense attorney's improper instruction precludes plaintiff from inquiring
16 into relevant matters that will shed light on whether California Courts may exercise
17 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
18 and complete inquiry can be made.

19 **55. Question:**

20 Q Was there any attempt to -- by Archdiocesan
21 16 officials to contact Mexican police authorities?

22 **Response/Objection:**

23 17 MR. WOODS: Object to the question as beyond the
24 18 scope of this deposition and instruct the witness not to
25 19 answer.

26 **Reason answer should be compelled:**

27 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
28 the subject matter involved in the pending action or to the determination of any motion made

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27 into relevant matters that will shed light on whether California Courts may exercise
28 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full

1 and complete inquiry can be made.

2 **56. Question:**

3 Q Was there any attempt by you or anybody at
4 22 your request to keep Aguilar in the country so he would
5 23 not go back to Mexico?

6 **Response/Objection:**

7 24 MR. WOODS: Argumentative, beyond the scope of
8 12:54:52 25 jurisdiction, instruct the witness not to answer.

9 **Reason answer should be compelled:**

10 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
11 the subject matter involved in the pending action or to the determination of any motion made
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13 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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11 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
12 and complete inquiry can be made.

13 **57. Question:**

14 Q Did the Archdiocesan officials advise the
15 3 police that he was staying with -- that Nicolas Aguilar
16 4 was staying with members -- with members of his family
17 12:55:08 5 and had an intention to return to Mexico?

18 **Response/Objection:**

19 6 MR. WOODS: Same objection, same instruction.

20 **Reason answer should be compelled:**

21 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
22 the subject matter involved in the pending action or to the determination of any motion made
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21 into relevant matters that will shed light on whether California Courts may exercise
22 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
23 and complete inquiry can be made.

24 **58. Question:**

25 Q On January 11th, police records indicate that

26 18 Sister Renee reported to police. Are you aware of that?

27 **Response/Objection:**

28 19 MR. WOODS: Object to the question as beyond the

1 12:55:51 20 scope of jurisdiction and instruct the witness not to

2 21 answer.

3 Reason answer should be compelled:

4 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
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4 into relevant matters that will shed light on whether California Courts may exercise
5 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
6 and complete inquiry can be made.

7 **59. Question:**

8 Q It states, "On January 8th, 1988, Mrs.
9 7 "blank" contacted Our Lady of Guadalupe Church and
10 8 revealed the allegations of molestation. The pastor,
11 9 Father McClean, immediately notified Monsignor Curry."

12 12:57:51 10 Did you know that to have been the case?

13 **Response/Objection:**

14 11 MR. WOODS: Object to the question as beyond the
15 12 scope of jurisdiction or with Mexican nationals who are
16 13 defendants and instruct the witness not to answer.

17 **Reason answer should be compelled:**

18 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
19 the subject matter involved in the pending action or to the determination of any motion made
20 in that action, if the matter either is itself admissible in evidence or appears reasonably
21 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
22 *2017.010.*) At issue in this matter is the sexual abuse of plaintiff, what defendants knew of
23 Father Nicholas Aguilar Rivera's proclivities to engage in child sexual abuse, when they knew
24 it and what they did with that information. Defendants Cardinal Norberto Rivera and The
25 Diocese of Tehuacan were aware of Father Nicholas Aguilar Rivera's unfitness for priestly
26 duties prior to sending Father Nicholas Aguilar Rivera to the Archdiocese of Los Angeles. On
27 January 8, 1988 the Archdiocese of Los Angeles became aware of allegations of Father
28 Nicholas Aguilar Rivera committing child sexual abuse and thereby his unfitness for priestly

1 duties. On January 9, 1988 Bishop Curry met with Father Nicholas Aguilar Rivera. The Los
2 Angeles Archdiocese did not notify Los Angeles authorities until three days later, January 11,
3 1988. During the three day delay in reporting the allegations to authorities, Father Nicholas
4 Aguilar Rivera left Los Angeles never to return and thereby avoided capture. From January 9,
5 1988 until present Father Nicholas Aguilar Rivera has remained a priest incardinated in the
6 Diocese of Tehuacan. During the depositions of Cardinal Roger Mahony and Bishop Thomas
7 Curry plaintiff's counsel attempted to inquire as to what was said between Cardinal Mahony
8 and Bishop Curry, Bishop Curry and Father Nicholas Aguilar Rivera, and Bishop Curry and
9 Father McClean when these individuals became aware of the allegations leveled against Father
10 Nicholas Aguilar Rivera. The purpose of this line of inquiry was to ascertain if the issue of
11 contacting Father Nicholas Aguilar Rivera's Superior, Bishop Norberto Rivera, or contacting
12 Father Nicholas Aguilar Rivera's diocese The Diocese of Tehuacan was discussed and if it was
13 not discussed the reasons therefore. It is clear that while Father Nicholas Aguilar was an
14 extern priest in Los Angeles he remained under the authority of his bishop, Bishop Norberto
15 Rivera. It is also clear that while an extern priest in Los Angeles up until present Father
16 Nicholas Aguilar Rivera must obey orders from the Bishop of the Diocese of Tehuacan. The
17 questions blocked by defense attorney's improper instruction precludes plaintiff from inquiring
18 into relevant matters that will shed light on whether California Courts may exercise
19 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
20 and complete inquiry can be made.

21 **60. Question:**

22 ... Do you know how Father Aguilar got to the
23 21 airport and out of the country?

24 22 A No.

25 23 Q Who in the L.A. Archdiocese may know that?

26 **Response/Objection:**

27 24 MR. WOODS: I'm going to -- hold on. I'm going
28 01:00:12 25 to object to the question as beyond the scope of the

1 01:00:14 1 jurisdictional issues and instruct the witness not to

2 2 answer. It also calls for speculation.

3 **Reason answer should be compelled:**

4 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
5 the subject matter involved in the pending action or to the determination of any motion made
6 in that action, if the matter either is itself admissible in evidence or appears reasonably
7 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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19 1988 until present Father Nicholas Aguilar Rivera has remained a priest incardinated in the
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21 Curry plaintiff's counsel attempted to inquire as to what was said between Cardinal Mahony
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3 questions blocked by defense attorney's improper instruction precludes plaintiff from inquiring
4 into relevant matters that will shed light on whether California Courts may exercise
5 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
6 and complete inquiry can be made.

7 **61. Question:**

8 ... My question to you is are you aware that Ann
9 01:05:09 20 Curry called up Tehuacan and actually talked to Norberto
10 21 Rivera as reported by the police?

11 **Response/Objection:**

12 22 MR. WOODS: Objection. Object to the
13 23 question as --

14 24 MR. SELSBERG: Objection; assumes facts not in
15 01:05:23 25 evidence.

16 01:05:24 1 MR. WOODS: Object to the question as beyond the
17 2 scope of jurisdiction and instruct the witness not to
18 3 answer.

19 **Reason answer should be compelled:**

20 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
21 the subject matter involved in the pending action or to the determination of any motion made
22 in that action, if the matter either is itself admissible in evidence or appears reasonably
23 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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19 questions blocked by defense attorney's improper instruction precludes plaintiff from inquiring
20 into relevant matters that will shed light on whether California Courts may exercise
21 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
22 and complete inquiry can be made.

23 **62. Question:**

24 Q At this time on January 8th through
25 6 January 11th, 1988, were you laboring under the belief
26 7 that Norberto Rivera was not accessible to you and your
27 8 designees by telephone?

28 **Response/Objection:**

1 9 MR. WOODS: I'm going to object to the question
2 01:05:54 10 as beyond the scope of jurisdiction and instruct the
3 11 witness not to answer.

4 **Reason answer should be compelled:**

5 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
6 the subject matter involved in the pending action or to the determination of any motion made
7 in that action, if the matter either is itself admissible in evidence or appears reasonably
8 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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4 questions blocked by defense attorney's improper instruction precludes plaintiff from inquiring
5 into relevant matters that will shed light on whether California Courts may exercise
6 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
7 and complete inquiry can be made.

8 **63. Question:**

9 Q Was there something, Cardinal, that kept you
10 14 from making the call that Ann Curry made as reflected in
11 01:06:07 15 this report to Norberto Rivera?

12 **Response/Objection:**

13 16 MR. WOODS: I object to the question as beyond
14 17 the scope of jurisdiction and instruct the witness not
15 18 to answer.

16 **Reason answer should be compelled:**

17 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
18 the subject matter involved in the pending action or to the determination of any motion made
19 in that action, if the matter either is itself admissible in evidence or appears reasonably
20 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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15 Nicholas Aguilar Rivera must obey orders from the Bishop of the Diocese of Tehuacan. The
16 questions blocked by defense attorney's improper instruction precludes plaintiff from inquiring
17 into relevant matters that will shed light on whether California Courts may exercise
18 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
19 and complete inquiry can be made.

20 **64. Question:**

21 Q Was there something that kept Monsignor Curry

22 21 from making the call?

23 **Response/Objection:**

24 22 MR. WOODS: Same objection, same instruction.

25 **Reason answer should be compelled:**

26 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
27 the subject matter involved in the pending action or to the determination of any motion made
28 in that action, if the matter either is itself admissible in evidence or appears reasonably

1 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
2 *2017.010.*) At issue in this matter is the sexual abuse of plaintiff, what defendants knew of
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4 it and what they did with that information. Defendants Cardinal Norberto Rivera and The
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17 Father McClean when these individuals became aware of the allegations leveled against Father
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25 questions blocked by defense attorney's improper instruction precludes plaintiff from inquiring
26 into relevant matters that will shed light on whether California Courts may exercise
27 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
28 and complete inquiry can be made.

1 65. Question:

2 Q When Nicolas Aguilar first served, it was at
3 6 Our Lady of Guadalupe? He went to Our Lady of Guadalupe
4 7 and then was moved to St. Agatha's. What do you know
5 8 about that?

6 Response/Objection:

7 9 MR. WOODS: Object. The question is beyond the
8 01:29:05 10 scope of jurisdiction over Mexican nationals and
9 11 instruct the witness not to answer.

10 12 MR. SELSBERG: I object. It's vague.

11 Reason answer should be compelled:

12 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
13 the subject matter involved in the pending action or to the determination of any motion made
14 in that action, if the matter either is itself admissible in evidence or appears reasonably
15 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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11 questions blocked by defense attorney's improper instruction precludes plaintiff from inquiring
12 into relevant matters that will shed light on whether California Courts may exercise
13 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
14 and complete inquiry can be made.

15 **66. Question:**

16 Q And why did you write the letter, Cardinal?

17 **Response/Objection:**

18 01:30:50 10 MR. WOODS: I'm going to object to the form --
19 11 strike that.

20 12 I'm going to object to the question as beyond
21 13 the scope of the jurisdictional issues and instruct the
22 14 witness not to answer. His state of mind has nothing to
23 01:31:05 15 do with jurisdiction.

24 **Reason answer should be compelled:**

25 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
26 the subject matter involved in the pending action or to the determination of any motion made
27 in that action, if the matter either is itself admissible in evidence or appears reasonably
28 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*

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2 Father Nicholas Aguilar Rivera's proclivities to engage in child sexual abuse, when they knew
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25 into relevant matters that will shed light on whether California Courts may exercise
26 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
27 and complete inquiry can be made.
28

1 67. Question:

2 Q At the time that you wrote this letter,

3 21 Nicolas Aguilar was under the exclusive control of

4 22 Bishop Rivera as his Ordinary, was he not?

5 Response/Objection:

6 23 MR. SELSBERG: Objection; assumes facts not in

7 24 evidence.

8 01:31:45 25 MR. WOODS: I'm going to object that it's beyond

9 1 the scope of the jurisdictional issues and instruct the

10 2 witness not to answer.

11 Reason answer should be compelled:

12 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
13 the subject matter involved in the pending action or to the determination of any motion made
14 in that action, if the matter either is itself admissible in evidence or appears reasonably
15 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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12 into relevant matters that will shed light on whether California Courts may exercise
13 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
14 and complete inquiry can be made.

15 **68. Question:**

16 Q Yes. And at this point in time that you
17 13 wrote the letter or at any time before this, was there
18 14 anything that prevented from Nicolas -- excuse me --
19 01:32:41 15 that prevented Bishop Rivera from sending such a letter
20 16 to the other bishops in Mexico warning them that this
21 17 guy was a molester?

22 **Response/Objection:**

23 18 MR. WOODS: I'm going to object to the question
24 19 as beyond the scope of the jurisdictional issues and
25 01:32:56 20 instruct the witness not to answer.

26 **Reason answer should be compelled:**

27 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
28 the subject matter involved in the pending action or to the determination of any motion made

1 in that action, if the matter either is itself admissible in evidence or appears reasonably
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27 into relevant matters that will shed light on whether California Courts may exercise
28 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full

1 and complete inquiry can be made.

2 69. Question:

3 Q Is there anything under Canon Law that
4 23 prevented Bishop Rivera from cooperating with the
5 24 extradition of Nicolas Aguilar back to the U.S. for
6 01:33:17 25 prosecution?

7 Response/Objection:

8 1 MR. WOODS: Same objection, same instruction.

9 Reason answer should be compelled:

10 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
11 the subject matter involved in the pending action or to the determination of any motion made
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2 Nicholas Aguilar Rivera. The purpose of this line of inquiry was to ascertain if the issue of
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4 Father Nicholas Aguilar Rivera's diocese The Diocese of Tehuacan was discussed and if it was
5 not discussed the reasons therefore. It is clear that while Father Nicholas Aguilar was an
6 extern priest in Los Angeles he remained under the authority of his bishop, Bishop Norberto
7 Rivera. It is also clear that while an extern priest in Los Angeles up until present Father
8 Nicholas Aguilar Rivera must obey orders from the Bishop of the Diocese of Tehuacan. The
9 questions blocked by defense attorney's improper instruction precludes plaintiff from inquiring
10 into relevant matters that will shed light on whether California Courts may exercise
11 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
12 and complete inquiry can be made.

13 70. **Question:**

14 Q Okay. And, in fact, there's a number of
15 01:34:21 20 things that Bishop Rivera could do that you didn't have
16 21 the power to do to both get this guy back here and to
17 22 prevent other kids from being harmed in Mexico?

18 **Response/Objection:**

19 23 MR. WOODS: Objection.

20 24 MR. SELSBERG: Objection; calls for speculation

21 01:34:43 25 and assumes facts not in evidence.

22 01:34:45 1 MR. WOODS: Object. Beyond the scope of the

23 2 jurisdictional issues and instruct the witness not to

24 3 answer.

25 **Reason answer should be compelled:**

26 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
27 the subject matter involved in the pending action or to the determination of any motion made
28 in that action, if the matter either is itself admissible in evidence or appears reasonably
calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*

1 2017.010.) At issue in this matter is the sexual abuse of plaintiff, what defendants knew of
2 Father Nicholas Aguilar Rivera's proclivities to engage in child sexual abuse, when they knew
3 it and what they did with that information. Defendants Cardinal Norberto Rivera and The
4 Diocese of Tehuacan were aware of Father Nicholas Aguilar Rivera's unfitness for priestly
5 duties prior to sending Father Nicholas Aguilar Rivera to the Archdiocese of Los Angeles. On
6 January 8, 1988 the Archdiocese of Los Angeles became aware of allegations of Father
7 Nicholas Aguilar Rivera committing child sexual abuse and thereby his unfitness for priestly
8 duties. On January 9, 1988 Bishop Curry met with Father Nicholas Aguilar Rivera. The Los
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14 Curry plaintiff's counsel attempted to inquire as to what was said between Cardinal Mahony
15 and Bishop Curry, Bishop Curry and Father Nicholas Aguilar Rivera, and Bishop Curry and
16 Father McClean when these individuals became aware of the allegations leveled against Father
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23 Nicholas Aguilar Rivera must obey orders from the Bishop of the Diocese of Tehuacan. The
24 questions blocked by defense attorney's improper instruction precludes plaintiff from inquiring
25 into relevant matters that will shed light on whether California Courts may exercise
26 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
27 and complete inquiry can be made.

28 71. Question:

Q Bishop, as -- as an Ordinary, you have the

1 6 ability to locate priests under your control, do you

2 7 not?

3 **Response/Objection:**

4 8 MR. WOODS: Same objection, same instruction.

5 **Reason answer should be compelled:**

6 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
7 the subject matter involved in the pending action or to the determination of any motion made
8 in that action, if the matter either is itself admissible in evidence or appears reasonably
9 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
10 *2017.010.*) At issue in this matter is the sexual abuse of plaintiff, what defendants knew of
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23 Curry plaintiff's counsel attempted to inquire as to what was said between Cardinal Mahony
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4 questions blocked by defense attorney's improper instruction precludes plaintiff from inquiring
5 into relevant matters that will shed light on whether California Courts may exercise
6 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
7 and complete inquiry can be made.

8 **72. Question:**

9 Q And to investigate both their whereabouts and
10 11 their activities, at least the priests under your
11 12 control, correct?

12 **Response/Objection:**

13 13 MR. WOODS: Same objection, same instruction.

14 **Reason answer should be compelled:**

15 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
16 the subject matter involved in the pending action or to the determination of any motion made
17 in that action, if the matter either is itself admissible in evidence or appears reasonably
18 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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13 questions blocked by defense attorney's improper instruction precludes plaintiff from inquiring
14 into relevant matters that will shed light on whether California Courts may exercise
15 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
16 and complete inquiry can be made.

17 73. **Question:**

18 Q And at this time, besides the civil
19 01:35:35 20 authorities, Bishop Rivera was the one who had the most
20 21 control over Nicolas Aguilar because he was a priest of
21 22 Tehuacan?

22 **Response/Objection:**

23 23 MR. SELSBERG: Objection; calls for speculation.

24 24 MR. WOODS: I agree. Calls for speculation.

25 01:35:54 25 It's also beyond the scope of jurisdictional issues and

26 01:35:57 1 instruct the witness not to answer.

27 **Reason answer should be compelled:**

28 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
the subject matter involved in the pending action or to the determination of any motion made

1 in that action, if the matter either is itself admissible in evidence or appears reasonably
2 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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17 and Bishop Curry, Bishop Curry and Father Nicholas Aguilar Rivera, and Bishop Curry and
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27 into relevant matters that will shed light on whether California Courts may exercise
28 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
and complete inquiry can be made.

1 74. Question:

2 25 Q And if he didn't know where he was at this
3 1 point in time as the bishop of Tehuacan, he could have
4 2 written to other bishops in Mexico and said "I've got a
5 3 priest who I'm trying to locate" and seek information
6 4 from the other -- the bishops in Mexico the same way you
7 01:39:48 5 wrote this letter to him, right?

8 Response/Objection:

9 6 MR. WOODS: Object that it goes beyond the scope
10 7 of the jurisdictional issues and instruct the witness
11 8 not to answer.

12 Reason answer should be compelled:

13 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
14 the subject matter involved in the pending action or to the determination of any motion made
15 in that action, if the matter either is itself admissible in evidence or appears reasonably
16 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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12 into relevant matters that will shed light on whether California Courts may exercise
13 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
14 and complete inquiry can be made.

15 **75. Question:**

16 Q Okay. "And from U.S. and Mexican press."

17 9 At the last paragraph on this -- on this full
18 01:47:28 10 paragraph on this page beginning with "The priest's
19 11 parents," I'd like you to go down and address the
20 12 sentence -- I'll read it to you, then ask you a
21 13 question.

22 14 It states, "You will understand that I'm not
23 01:47:44 15 in a position to find him, much less force him to return
24 16 and appear in court."

25 17 Cardinal, is it correct to say that as a
26 18 bishop, he is in a position to attempt to locate them
27 19 through his resources, and if he does, order him to
28 01:48:18 20 return to the U.S. and appear in court?

Response/Objection:

1 21 MR. SELSBERG: Objection; compound, calls for
2 22 speculation.

3 23 MR. WOODS: I am going to object to the question
4 24 as beyond the scope of the jurisdictional facts and

5 01:48:34 25 instruct the witness not to answer. Plus, we've plowed

6 01:48:38 1 this territory about a hundred times already.

7 **Reason answer should be compelled:**

8 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
9 the subject matter involved in the pending action or to the determination of any motion made
10 in that action, if the matter either is itself admissible in evidence or appears reasonably
11 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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4 Rivera. It is also clear that while an extern priest in Los Angeles up until present Father
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6 questions blocked by defense attorney's improper instruction precludes plaintiff from inquiring
7 into relevant matters that will shed light on whether California Courts may exercise
8 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
9 and complete inquiry can be made.

10 **76. Question:**

11 Q Okay. You state here, "I would like to tell
12 19 you I have not received any letter nor any other
13 01:53:37 20 information." The next -- actually, the last full
14 21 paragraph beginning with "I'm very confused," I'm going
15 22 to read that and ask you a question.
16 23 "I'm very confused because in your letter of
17 24 January 27, '87, you did not mention any other personal
18 01:54:00 25 problem concerning Father Aguilar." It must be "If you
19 01:54:06 1 had written me that Father Aguilar had some homosexual
20 2 problem, I assure you that we haven't received that in
21 3 the Archdiocese. We have here in the Archdiocese of
22 4 Los Angeles quite a clear plan of action: We do not
23 01:54:25 5 admit priests with any homosexual problems."
24 6 At this point in time, where had it been
25 7 written that there was a plan of action in the
26 8 Archdiocese that you do not admit any priests with any
27 9 homosexual problem?

28 **Response/Objection:**

01:54:47 10 MR. WOODS: I'm going to object to the question

1 11 as beyond the scope of jurisdiction and instruct the

2 12 witness not to answer.

3 **Reason answer should be compelled:**

4 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
5 the subject matter involved in the pending action or to the determination of any motion made
6 in that action, if the matter either is itself admissible in evidence or appears reasonably
7 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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9 Father Nicholas Aguilar Rivera's proclivities to engage in child sexual abuse, when they knew
10 it and what they did with that information. Defendants Cardinal Norberto Rivera and The
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2 questions blocked by defense attorney's improper instruction precludes plaintiff from inquiring
3 into relevant matters that will shed light on whether California Courts may exercise
4 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
5 and complete inquiry can be made.

6 **77. Question:**

7 Q Is it fair to say, Cardinal, that as an
8 7 Ordinary, as a Cardinal Archbishop, you are required to
9 8 avoid scandal under the Canons and the protocols you
10 9 operate?

11 **Response/Objection:**

12 01:56:45 10 MR. WOODS: I'm going to object -- I'm going to
13 11 object to the question as beyond the scope of the
14 12 jurisdictional issues and instruct the witness not to
15 13 answer.

16 **Reason answer should be compelled:**

17 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
18 the subject matter involved in the pending action or to the determination of any motion made
19 in that action, if the matter either is itself admissible in evidence or appears reasonably
20 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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15 questions blocked by defense attorney's improper instruction precludes plaintiff from inquiring
16 into relevant matters that will shed light on whether California Courts may exercise
17 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
18 and complete inquiry can be made.

19 **78. Question:**

20 Q Is it fair to say that the sexual molestation
21 16 by a priest is considered under the church protocols to
22 17 be scandalous and kept -- to be dealt with by church
23 18 authorities alone?

24 **Response/Objection:**

25 19 MR. WOODS: Object to the question as beyond the
26 01:57:15 20 scope of the deposition and instruct the witness not to
27 21 answer.

28 **Reason answer should be compelled:**

Any party may obtain discovery regarding any matter, not privileged, that is relevant to

1 the subject matter involved in the pending action or to the determination of any motion made
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28 into relevant matters that will shed light on whether California Courts may exercise
jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full

1 and complete inquiry can be made.

2 **79. Question:**

3 23 Q In 1987 and 1988, was there a protocol in
4 24 place that required priests and, in particular,
5 01:57:29 25 Ordinaries to avoid scandal and keep accusations of
6 01:57:35 1 sexual molestation among themselves?

7 **Response/Objection:**

8 2 MR. WOODS: I'm going to object to the question
9 3 as beyond the scope of jurisdiction and instruct the
10 4 witness not to answer.

11 **Reason answer should be compelled:**

12 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
13 the subject matter involved in the pending action or to the determination of any motion made
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11 into relevant matters that will shed light on whether California Courts may exercise
12 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
13 and complete inquiry can be made.

14 **80. Question:**

15 Q Are you familiar with the 1962 document
16 7 solicitation and a confessional promulgated by the
17 8 Vatican that establishes a protocol for keeping matters
18 9 of sexual abuse secret and among church authorities?

19 **Response/Objection:**

20 01:58:10 10 MR. WOODS: I object to the question as beyond
21 11 the scope of the jurisdictional issues and instruct the
22 12 witness not to answer.

23 **Reason answer should be compelled:**

24 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
25 the subject matter involved in the pending action or to the determination of any motion made
26 in that action, if the matter either is itself admissible in evidence or appears reasonably
27 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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7 Angeles Archdiocese did not notify Los Angeles authorities until three days later, January 11,
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9 Aguilar Rivera left Los Angeles never to return and thereby avoided capture. From January 9,
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11 Diocese of Tehuacan. During the depositions of Cardinal Roger Mahony and Bishop Thomas
12 Curry plaintiff's counsel attempted to inquire as to what was said between Cardinal Mahony
13 and Bishop Curry, Bishop Curry and Father Nicholas Aguilar Rivera, and Bishop Curry and
14 Father McClean when these individuals became aware of the allegations leveled against Father
15 Nicholas Aguilar Rivera. The purpose of this line of inquiry was to ascertain if the issue of
16 contacting Father Nicholas Aguilar Rivera's Superior, Bishop Norberto Rivera, or contacting
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18 not discussed the reasons therefore. It is clear that while Father Nicholas Aguilar was an
19 extern priest in Los Angeles he remained under the authority of his bishop, Bishop Norberto
20 Rivera. It is also clear that while an extern priest in Los Angeles up until present Father
21 Nicholas Aguilar Rivera must obey orders from the Bishop of the Diocese of Tehuacan. The
22 questions blocked by defense attorney's improper instruction precludes plaintiff from inquiring
23 into relevant matters that will shed light on whether California Courts may exercise
24 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
25 and complete inquiry can be made.

26 81. Question:

27 Q If such a Vatican - document had been issued

28 01:58:20 15 by the papal office and the congregation of the doctrine

16 in 1962 and issued to all of the Ordinaries across the

1 17 world, it would have applied to you, as an Ordinary, as
2 18 well as Norberto Rivera?

3 **Response/Objection:**

4 19 MR. WOODS: Objection.

5 01:58:41 20 MR. SELSBERG: Objection; calls for speculation,
6 21 assumes facts not in evidence.

7 22 MR. WOODS: Object to the question as compound,
8 23 confusing, and beyond the scope of the jurisdictional
9 24 issues and instruct the witness not to answer.

10 **Reason answer should be compelled:**

11 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
12 the subject matter involved in the pending action or to the determination of any motion made
13 in that action, if the matter either is itself admissible in evidence or appears reasonably
14 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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8 Nicholas Aguilar Rivera must obey orders from the Bishop of the Diocese of Tehuacan. The
9 questions blocked by defense attorney's improper instruction precludes plaintiff from inquiring
10 into relevant matters that will shed light on whether California Courts may exercise
11 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
12 and complete inquiry can be made.

13 **82. Question:**

14 Q Did you think that that letter was lost or
15 13 not sent by him?

16 **Response/Objection:**

17 14 MR. SELSBERG: Objection; calls for speculation.

18 02:10:26 15 MR. WOODS: Calls for speculation and beyond the

19 16 scope of the jurisdictional issues. Instruct the

20 17 witness not to answer.

21 **Reason answer should be compelled:**

22 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
23 the subject matter involved in the pending action or to the determination of any motion made
24 in that action, if the matter either is itself admissible in evidence or appears reasonably
25 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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18 Rivera. It is also clear that while an extern priest in Los Angeles up until present Father
19 Nicholas Aguilar Rivera must obey orders from the Bishop of the Diocese of Tehuacan. The
20 questions blocked by defense attorney's improper instruction precludes plaintiff from inquiring
21 into relevant matters that will shed light on whether California Courts may exercise
22 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
23 and complete inquiry can be made.

24 **83. Question:**

25 Q -- the March 23rd, 1987, letter, was never
26 6 sent?

27 **Response/Objection:**

28 7 MR. WOODS: Object to the question as calls for
8 speculation and beyond the scope of the deposition and

1 9 instruct the witness not to answer.

2 Reason answer should be compelled:

3 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
4 the subject matter involved in the pending action or to the determination of any motion made
5 in that action, if the matter either is itself admissible in evidence or appears reasonably
6 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
7 *2017.010.*) At issue in this matter is the sexual abuse of plaintiff, what defendants knew of
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17 Aguilar Rivera left Los Angeles never to return and thereby avoided capture. From January 9,
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27 extern priest in Los Angeles he remained under the authority of his bishop, Bishop Norberto
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1 questions blocked by defense attorney's improper instruction precludes plaintiff from inquiring
2 into relevant matters that will shed light on whether California Courts may exercise
3 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
4 and complete inquiry can be made.

5 **84. Question:**

6 Q Okay. I read this to be an Archdiocese of
7 02:16:10 25 Mexico document stating that Nicolas Aguilar is going to
8 02:16:14 1 be at a parish, and it also notes that he will need
9 2 permission from his bishop to serve in such a parish.

10 3 Do you read this letter that way?

11 **Response/Objection:**

12 4 MR. WOODS: I'm going to object to the question
13 02:16:32 5 as beyond the scope of the jurisdictional issues and
14 6 instruct the witness not to answer. It also calls for
15 7 speculation, the document speaks for itself.

16 **Reason answer should be compelled:**

17 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
18 the subject matter involved in the pending action or to the determination of any motion made
19 in that action, if the matter either is itself admissible in evidence or appears reasonably
20 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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15 questions blocked by defense attorney's improper instruction precludes plaintiff from inquiring
16 into relevant matters that will shed light on whether California Courts may exercise
17 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
18 and complete inquiry can be made.

19 85. Question:

20 22 Q At the second paragraph, he says "As my
21 23 permission to provide services to the Archdiocese of
22 24 Los Angeles is about to end, I am pleading with his
23 02:28:23 25 Excellency to grant me an extension for an indefinite
24 02:28:28 1 period of time to remain in the same and specifically
25 2 the Archdiocese of Los Angeles."

26 3 This writing by Nicolas Aguilar to his
27 4 bishop, in effect, is -- is the formal protocol and
28 02:28:46 5 request that, if granted, would allow him to stay,
6 correct?

1 **Response/Objection:**

2 7 MR. SELSBERG: Objection; calls for speculation.

3 8 MR. WOODS: Okay. I'm going to object that it

4 9 calls for an expert opinion, it's an incomplete

5 02:29:06 10 hypothetical, it has nothing to do with jurisdiction in

6 11 this case.

7 12 Do you understand the question? I'm going to

8 13 instruct him not to answer.

9 **Reason answer should be compelled:**

10 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
11 the subject matter involved in the pending action or to the determination of any motion made
12 in that action, if the matter either is itself admissible in evidence or appears reasonably
13 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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8 questions blocked by defense attorney's improper instruction precludes plaintiff from inquiring
9 into relevant matters that will shed light on whether California Courts may exercise
10 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
11 and complete inquiry can be made.

12 **86. Question:**

13 17 Q So does this now lead you to believe that he
14 18 was here illegally or not in full compliance with the
15 19 immigration laws?

16 **Response/Objection:**

17 02:33:30 20 MR. WOODS: Okay. I'm going to object to the
18 21 question as beyond the scope of jurisdictional issues
19 22 and instruct the witness not to answer, calls for
20 23 speculation, calls for expert opinion.

21 **Reason answer should be compelled:**

22 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
23 the subject matter involved in the pending action or to the determination of any motion made
24 in that action, if the matter either is itself admissible in evidence or appears reasonably
25 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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20 questions blocked by defense attorney's improper instruction precludes plaintiff from inquiring
21 into relevant matters that will shed light on whether California Courts may exercise
22 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
23 and complete inquiry can be made.

24 87. **Question:**

25 Q Well, in any case, the fact that he didn't

26 02:33:44 1 have a permit when he came here the first time, it's

27 2 clear that his bishop knew he didn't have it, correct?

28 **Response/Objection:**

3 MR. WOODS: No. Hold on. I'm going to object to

1 4 the continual speculative nature of the question. It
2 02:34:02 5 assumes a speculated situation. It has nothing to do
3 6 with jurisdiction, and I instruct the witness not to
4 7 answer.

5 8 MR. ANDERSON: I'll take that one.

6 9 There's -- there's a full line of questions
7 02:34:23 10 about this and his -- but I'm going to have the judge
8 11 decide it.

9 12 MR. WOODS: Okay.

10 13 MR. ANDERSON: I'm not going to --

11 14 MR. WATERS: Just so the -- just so the record's
12 02:34:35 15 clear, continual inquiry regarding the immigration
13 16 status of Aguilar Rivera will be blocked and instruction
14 17 not to answer based upon the relevance objection?

15 18 MR. WOODS: Do you know anything about his
16 19 immigration status?

17 02:34:50 20 THE WITNESS: No.

18 21 MR. WOODS: I mean I'll let him answer some
19 22 questions, but I'm not going to let him just sit here
20 23 and speculate.

21 **Reason answer should be compelled:**

22 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
23 the subject matter involved in the pending action or to the determination of any motion made
24 in that action, if the matter either is itself admissible in evidence or appears reasonably
25 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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19 Nicholas Aguilar Rivera must obey orders from the Bishop of the Diocese of Tehuacan. The
20 questions blocked by defense attorney's improper instruction precludes plaintiff from inquiring
21 into relevant matters that will shed light on whether California Courts may exercise
22 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
23 and complete inquiry can be made.

24 **88. Question:**

25 Q Well, let me put it -- let me put it this
26 02:39:39 25 way. Tell me what you know about what investigations
27 02:39:43 1 Archdiocese conducted to find out how many kids were
28 2 actually abused by Nicolas Aguilar --

Response/Objection:

1 3 MR. WOODS: Okay.

2 4 BY MR. ANDERSON:

3 02:39:52 5 Q -- while he worked in the Archdiocese of L.A.

4 6 or before he came here.

5 7 MR. WOODS: Okay. We object to the question as

6 8 beyond the scope of this deposition and instruct the

7 9 witness not to answer. Also, it's compound and

8 02:40:07 10 confusing.

9 **Reason answer should be compelled:**

10 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
11 the subject matter involved in the pending action or to the determination of any motion made
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9 into relevant matters that will shed light on whether California Courts may exercise
10 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
11 and complete inquiry can be made.

12 89. Question:

13 Q And he could have sent the same letter to all
14 14 the suffragan dioceses in Mexico that you sent to this
15 02:45:40 15 guy.

16 Response/Objection:

17 16 MR. SELSBERG: Objection; calls for speculation.

18 17 BY MR. ANDERSON:

19 18 Q Couldn't he have?

20 19 MR. WOODS: I'm going to -- I mean obviously

21 02:45:47 20 anything is possible. You could send a letter to

22 21 anybody you want to. I don't think that's what you're

23 22 trying to ask.

24 23 So what you're asking is whether the

25 24 Archbishop of Mexico City has jurisdiction to send a

26 02:45:59 25 letter to those in the Xalapa province, which is calling

27 02:46:03 1 for an ecclesiastical expert opinion. I'm going to

28 2 instruct him not to answer. It's irrelevant.

3 MR. ANDERSON: Well, that's not what I'm asking.

1 **Reason answer should be compelled:**

2 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
3 the subject matter involved in the pending action or to the determination of any motion made
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27 Rivera. It is also clear that while an extern priest in Los Angeles up until present Father
28 Nicholas Aguilar Rivera must obey orders from the Bishop of the Diocese of Tehuacan. The

1 questions blocked by defense attorney's improper instruction precludes plaintiff from inquiring
2 into relevant matters that will shed light on whether California Courts may exercise
3 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
4 and complete inquiry can be made.

5 **90. Question:**

6 Q And he is able to send the same letter, if he
7 16 so chooses, to all the other diocese in Mexico or
8 17 wherever Nicolas Aguilar Rivera is known to be, correct?

9 **Response/Objection:**

10 18 MR. WOODS: Calls --

11 19 MR. SELSBERG: Objection; assumes facts not in
12 02:46:57 20 evidence.

13 21 MR. WOODS: And not relating to jurisdiction.

14 22 Instruct the witness not to answer.

15 **Reason answer should be compelled:**

16 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
17 the subject matter involved in the pending action or to the determination of any motion made
18 in that action, if the matter either is itself admissible in evidence or appears reasonably
19 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
20 *2017.010.*) At issue in this matter is the sexual abuse of plaintiff, what defendants knew of
21 Father Nicholas Aguilar Rivera's proclivities to engage in child sexual abuse, when they knew
22 it and what they did with that information. Defendants Cardinal Norberto Rivera and The
23 Diocese of Tehuacan were aware of Father Nicholas Aguilar Rivera's unfitness for priestly
24 duties prior to sending Father Nicholas Aguilar Rivera to the Archdiocese of Los Angeles. On
25 January 8, 1988 the Archdiocese of Los Angeles became aware of allegations of Father
26 Nicholas Aguilar Rivera committing child sexual abuse and thereby his unfitness for priestly
27 duties. On January 9, 1988 Bishop Curry met with Father Nicholas Aguilar Rivera. The Los
28 Angeles Archdiocese did not notify Los Angeles authorities until three days later, January 11,
1988. During the three day delay in reporting the allegations to authorities, Father Nicholas

1 Aguilar Rivera left Los Angeles never to return and thereby avoided capture. From January 9,
2 1988 until present Father Nicholas Aguilar Rivera has remained a priest incardinated in the
3 Diocese of Tehuacan. During the depositions of Cardinal Roger Mahony and Bishop Thomas
4 Curry plaintiff's counsel attempted to inquire as to what was said between Cardinal Mahony
5 and Bishop Curry, Bishop Curry and Father Nicholas Aguilar Rivera, and Bishop Curry and
6 Father McClean when these individuals became aware of the allegations leveled against Father
7 Nicholas Aguilar Rivera. The purpose of this line of inquiry was to ascertain if the issue of
8 contacting Father Nicholas Aguilar Rivera's Superior, Bishop Norberto Rivera, or contacting
9 Father Nicholas Aguilar Rivera's diocese The Diocese of Tehuacan was discussed and if it was
10 not discussed the reasons therefore. It is clear that while Father Nicholas Aguilar was an
11 extern priest in Los Angeles he remained under the authority of his bishop, Bishop Norberto
12 Rivera. It is also clear that while an extern priest in Los Angeles up until present Father
13 Nicholas Aguilar Rivera must obey orders from the Bishop of the Diocese of Tehuacan. The
14 questions blocked by defense attorney's improper instruction precludes plaintiff from inquiring
15 into relevant matters that will shed light on whether California Courts may exercise
16 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
17 and complete inquiry can be made.

18 **91. Question:**

19 Q If you were Cardinal Rivera and this was your
20 02:47:11 25 priest that was sent to another jurisdiction and
21 02:47:14 1 abuse was discovered as it was here, tell me all the
22 2 things you could have done to protect children to get
23 3 him back to the U.S. after you learned he left.

24 **Response/Objection:**

25 4 MR. WOODS: Okay.
26 02:47:29 5 MR. SELSBERG: Objection. That calls for
27 6 speculation.
28 7 MR. WOODS: I object to the question as beyond
8 the scope of jurisdiction over these two particular

02:47:29

1 9 Mexican nationals and instruct the witness not to

2 02:47:41 10 answer.

3 Reason answer should be compelled:

4 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
5 the subject matter involved in the pending action or to the determination of any motion made
6 in that action, if the matter either is itself admissible in evidence or appears reasonably
7 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
8 *2017.010.*) At issue in this matter is the sexual abuse of plaintiff, what defendants knew of
9 Father Nicholas Aguilar Rivera's proclivities to engage in child sexual abuse, when they knew
10 it and what they did with that information. Defendants Cardinal Norberto Rivera and The
11 Diocese of Tehuacan were aware of Father Nicholas Aguilar Rivera's unfitness for priestly
12 duties prior to sending Father Nicholas Aguilar Rivera to the Archdiocese of Los Angeles. On
13 January 8, 1988 the Archdiocese of Los Angeles became aware of allegations of Father
14 Nicholas Aguilar Rivera committing child sexual abuse and thereby his unfitness for priestly
15 duties. On January 9, 1988 Bishop Curry met with Father Nicholas Aguilar Rivera. The Los
16 Angeles Archdiocese did not notify Los Angeles authorities until three days later, January 11,
17 1988. During the three day delay in reporting the allegations to authorities, Father Nicholas
18 Aguilar Rivera left Los Angeles never to return and thereby avoided capture. From January 9,
19 1988 until present Father Nicholas Aguilar Rivera has remained a priest incardinated in the
20 Diocese of Tehuacan. During the depositions of Cardinal Roger Mahony and Bishop Thomas
21 Curry plaintiff's counsel attempted to inquire as to what was said between Cardinal Mahony
22 and Bishop Curry, Bishop Curry and Father Nicholas Aguilar Rivera, and Bishop Curry and
23 Father McClean when these individuals became aware of the allegations leveled against Father
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28 extern priest in Los Angeles he remained under the authority of his bishop, Bishop Norberto
Rivera. It is also clear that while an extern priest in Los Angeles up until present Father

1 Nicholas Aguilar Rivera must obey orders from the Bishop of the Diocese of Tehuacan. The
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4 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
5 and complete inquiry can be made.

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1 DOCUMENTS TO BE PRODUCED IN THE NOTICES OF TAKING
2 DEPOSITION PERTAINING TO BOTH DEONENTS, CARDINAL
3 MAHONY AND BISHOP CURRY:

4 The following is the discussion between plaintiff's and defense counsel pertaining to
5 the production of documents for both deponents which transpired at the deposition of
6 CARDINAL MAHONY (See Deposition of CARDINAL MAHONY submitted herewith at
7 P.16:1 - 22:15). Such discussion is pertinent to the Response/Objection of the production of
8 documents and the meet and confer process. Relevant portions are restated as follows:

9 09:55:15 1 Q And for the record, Counsel, we'll mark

10 2 Exhibit A the notice of deposition with the request for
11 3 production of documents appended to it as Exhibit A.

12 4 (Whereupon, Exhibit A was introduced and

13 09:55:25 5 marked for identification by the Certified Shorthand

14 6 Reporter, a copy of which is attached hereto.)

15 7 MR. WOODS: Okay. Fine.

16 8 MR. ANDERSON: And any -- for the record,

17 9 Counsel, any documents requested in Exhibit A that have

18 09:55:37 10 not been produced here today, which I have not had an

19 11 opportunity to examine, but I will, are there any

20 12 documents that exist responsive to this request that

21 13 have not been produced or are being withheld pursuant to

22 14 a privilege or an objection?

23 09:56:01 15 MR. WOODS: Well, since one of your requests asks

24 16 for any document that even mentions the name Aguilar

25 17 Rivera, there's obviously a number of documents that

26 18 have not been produced because, in our opinion, they are

27 19 outside the scope of this deposition.

28 09:56:23 20 And there are no documents within the scope

21 of the deposition as I have interpreted it in my opening

1 22 statement that have been excluded because of privilege,
2 23 any kind of privilege. Okay. All the correspondence
3 24 with Mexican officials and documents referring to it
4 09:56:42 25 have been produced.

5 09:56:44 1 MR. ANDERSON: So any document or file in the
6 2 possession of the Archdiocese pertaining to Nicolas
7 3 Aguilar or Nicolas Aguilar Rivera have now been produced
8 4 in this production; is that correct?

9 09:57:02 5 MR. WOODS: I think that's a -- if I heard you
10 6 correctly, that's a broader statement than the one I
11 7 made. We've produced all documents relating to the
12 8 jurisdictional issues. We have not withheld any
13 9 documents in that category because of privilege. But we
14 09:57:19 10 have excluded -- let me just explain.

15 11 Father Nicolas Aguilar Rivera has a clergy
16 12 file -- it's called a clergy file. Okay -- kept by the
17 13 Archdiocese. And you'll see production numbers on these
18 14 documents. Those are -- all the documents in the clergy
19 09:57:43 15 file have been numbered with a production number.

20 16 You'll see that there's gaps in the numbers.
21 17 Wherever there's a gap in the number, documents have
22 18 been withheld because they do not relate to
23 19 jurisdiction -- the issues relevant to jurisdiction. So
24 09:58:03 20 there -- there is a file that has 150-some-odd pages in
25 21 it that is his file, which would cover everything.

26 22 MR. WATERS: And just for the record, when you
27 23 say "not responsive to jurisdiction" --

28 24 MR. ANDERSON: Let me --

09:58:18 25 MR. WATERS: -- "jurisdiction" -- oh, sorry.

1 09:58:22 1 MR. ANDERSON: Counsel, I'm looking at the
2 2 production, for example, documents in Exhibit B numbered
3 3 20 and then there's a gap, 20 -- and the next one is 37
4 4 as Bates stamped, so there are approximately 17
5 09:58:38 5 documents there that have been -- that are in the file
6 6 of Nicolas Aguilar Rivera that you referred to as the
7 7 clergy file, those documents are being withheld on the
8 8 basis they are not relevant to the jurisdictional
9 9 inquiry that's being permitted here?

10 09:58:55 10 MR. WOODS: Correct.

11 11 MR. ANDERSON: Isn't the relevancy objection for
12 12 the court and us to decide? Is that really a proper
13 13 basis to withhold documentation pertaining to the priest
14 14 file?

15 09:59:12 15 MR. WOODS: Well, we may have a dispute about it.
16 16 But I'm comfortable that the court on a number of
17 17 occasions in this matter has specifically stated that
18 18 this should be a short deposition specifically focusing
19 19 on jurisdictional facts and not getting into the
20 09:59:32 20 underlying substance or any other issues that might be
21 21 relevant to the lawsuit, in general, but just
22 22 jurisdiction.

23 23 And so with that in mind, the witness has
24 24 been prepared for that limited type of inquiry, and we
25 09:59:46 25 have produced documents limited to that inquiry. And

26 09:59:50 1 it's up to you if you want to take it up with the judge,
27 2 but -- and we will obviously be guided by his ruling.
28 3 But we understand that he's already ruled this way.

4 MR. ANDERSON: The purpose of this deposition is

1 10:00:03 5 to do discovery on jurisdiction. I agree with you on
2 6 that. I don't agree that it permits you to withhold
3 7 documents in the clergy file maintained by the
4 8 Archdiocese pertaining to Nicolas Aguilar Rivera. And
5 9 so it would be our intention to take that up with the
6 10:00:23 10 court.

7 11 As an alternative, I would invite you to
8 12 consider a sealed production of those documents, that
9 13 is, a separate production to us of those documents that
10 14 allows us to review them to determine whether or not

11 10:00:37 15 there may or may not be something in there that is
12 16 relevant to the jurisdictional inquiry. And then if
13 17 there is something we consider relevant to the
14 18 jurisdictional inquiry, you and I will do a meet and
15 19 confer and decide whether or not we need to use it.

16 10:00:52 20 So please consider that proposal, and we'll
17 21 have time through the course of this morning to do that
18 22 as an alternative to utilizing the court on this issue.

19 23 MR. WOODS: Okay.

20 24 MR. ANDERSON: Because I think it's clear that
21 10:01:06 25 there is documents that have not been produced on the
22 10:01:09 1 basis of relevancy.

23 2 Are there any other -- is there any other
24 3 basis on which documents in the clergy file of Nicolas
25 4 Aguilar Rivera have not been produced besides relevancy?

26 10:01:22 5 MR. WOODS: As I said before, we limit the scope
27 6 to jurisdictional facts. We have produced all the
28 7 documents relating to jurisdictional facts. None
8 relating to jurisdictional facts have been withheld

1 9 because of a privilege.

2 10:01:39 10 And obviously, just to make it clear, to say

3 11 the opposite, there are privileged documents in the

4 12 file, but they don't relate to jurisdiction. So nothing

5 13 has been withheld from our scope of production because

6 14 of a privilege.

7 10:01:58 15 MR. ANDERSON: What privileges do you believe are

8 16 assertable pertaining to the documents that have been

9 17 withheld?

10 18 MR. WOODS: We haven't made an ascertainment. We

11 19 haven't made a discernment of that because they're

12 10:02:10 20 totally irrelevant to this proceeding.

13 21 MR. ANDERSON: If they're in the file of Nicolas

14 22 Aguilar Rivera, how can they be irrelevant to this

15 23 proceeding?

16 24 MR. WOODS: There may be attorney-client

17 10:02:20 25 communications. There may be psychiatric-patient

18 10:02:25 1 privilege communications. I don't know. Because we

19 2 didn't -- we didn't make a discernment of documents that

20 3 are beyond the scope of this deposition.

21 4 MR. ANDERSON: Okay. I'm going to ask you to

22 10:02:39 5 give me an answer to my alternative proposal to the

23 6 nonproduction before the conclusion of the deposition,

24 7 obviously, of Cardinal Mahony, and I'll simply advise

25 8 you that it is our position that you're required to

26 9 produce the file of Nicolas Aguilar Rivera.

27 10:02:58 10 If there are privileges that are assertable,

28 11 they need to be identified as such, and we need to be

12 allowed -- be allowed to inquire as to whether they're

1 13 relevant or whether they fall within an identifiable
2 14 privilege. And for --
3 10:03:15 15 MR. WOODS: Right. Well, I can respond to that
4 16 right now. I mean it's not appropriate, it's not
5 17 customary within our discovery procedures to turn over
6 18 irrelevant or privileged matter to an opponent so that
7 19 they can determine whether, in their opinion, it's
8 10:03:30 20 relevant and privileged.

9 21 We make the determination. And if you want
10 22 to challenge it, you take it up with the judge, and the
11 23 judge, if anyone, would make that determination. But we
12 24 certainly wouldn't give it to our opponent. That would
13 10:03:43 25 defeat the whole purpose of asserting the objections.

14 10:03:47 1 MR. ANDERSON: Counsel, I wasn't suggesting you
15 2 give us the document on which you're asserting the
16 3 privilege. I was suggesting you give us -- identify the
17 4 nature of the document and the privilege on which it's
18 10:03:58 5 being withheld so that that can be scrutinized. I'm not
19 6 suggesting you give us the document.

20 7 As -- as to the documents being withheld on
21 8 the basis of relevancy pertaining to jurisdiction, I am
22 9 suggesting, as the alternative proposal, you give us
23 10:04:12 10 those documents. Do you understand?

24 11 MR. WOODS: I hear it.

25 12 MR. ANDERSON: Okay.

26 13 MR. WOODS: You have my response, and we'll --
27 14 we'll let the judge decide.

28 10:04:18 15 MR. ANDERSON: Okay.

1. Document Requested:

1 ALL documents concerning Father Nicolas Aguilar (aka Nicolas Aguilar Rivera).

2 **Response/Objection:**

3 See above discussion between counsel.

4 **Reason production should be compelled:**

5 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
6 the subject matter involved in the pending action or to the determination of any motion made
7 in that action, if the matter either is itself admissible in evidence or appears reasonably
8 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
9 *2017.010.*) At issue in this matter is the sexual abuse of plaintiff, what defendants knew of
10 Father Nicolas Aguilar Rivera's proclivities to engage in child sexual abuse, when they knew
11 it and what they did with that information. Defendants Cardinal Norberto Rivera and The
12 Diocese of Tehuacan were aware of Father Nicolas Aguilar Rivera's unfitness for priestly
13 duties prior to sending Father Nicolas Aguilar Rivera to the Archdiocese of Los Angeles. On
14 January 8, 1988 the Archdiocese of Los Angeles became aware of allegations of Father
15 Nicholas Aguilar Rivera committing child sexual abuse and thereby his unfitness for priestly
16 duties. On January 9, 1988 Bishop Curry met with Father Nicolas Aguilar Rivera. The Los
17 Angeles Archdiocese did not notify Los Angeles authorities until three days later, January 11,
18 1988. During the three day delay in reporting the allegations to authorities, Father Nicolas
19 Aguilar Rivera left Los Angeles never to return and thereby avoided capture. From January 9,
20 1988 until present Father Nicolas Aguilar Rivera has remained a priest incardinated in the
21 Diocese of Tehuacan. During the depositions of Cardinal Roger Mahony and Bishop Thomas
22 Curry plaintiff's counsel attempted to inquire as to what was said between Cardinal Mahony
23 and Bishop Curry, Bishop Curry and Father Nicolas Aguilar Rivera, and Bishop Curry and
24 Father McClean when these individuals became aware of the allegations leveled against Father
25 Nicholas Aguilar Rivera. The purpose of this line of inquiry was to ascertain if the issue of
26 contacting Father Nicolas Aguilar Rivera's Superior, Bishop Norberto Rivera, or contacting
27 Father Nicolas Aguilar Rivera's diocese The Diocese of Tehuacan was discussed and if it was
28 not discussed the reasons therefore. It is clear that while Father Nicolas Aguilar was an
extern priest in Los Angeles he remained under the authority of his bishop, Bishop Norberto

1 Rivera. It is also clear that while an extern priest in Los Angeles up until present Father
2 Nicholas Aguilar Rivera must obey orders from the Bishop of the Diocese of Tehuacan.

3 **2. Document Requested:**

4 ALL DOCUMENTS containing the name "Father Nicolas Aguilar (aka Nicolas Aguilar
5 Rivera)" in any formulation of those words.

6 **Response/Objection:**

7 See above discussion between counsel.

8 **Reason production should be compelled:**

9 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
10 the subject matter involved in the pending action or to the determination of any motion made
11 in that action, if the matter either is itself admissible in evidence or appears reasonably
12 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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15 it and what they did with that information. Defendants Cardinal Norberto Rivera and The
16 Diocese of Tehuacan were aware of Father Nicholas Aguilar Rivera's unfitness for priestly
17 duties prior to sending Father Nicholas Aguilar Rivera to the Archdiocese of Los Angeles. On
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19 Nicholas Aguilar Rivera committing child sexual abuse and thereby his unfitness for priestly
20 duties. On January 9, 1988 Bishop Curry met with Father Nicholas Aguilar Rivera. The Los
21 Angeles Archdiocese did not notify Los Angeles authorities until three days later, January 11,
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24 1988 until present Father Nicholas Aguilar Rivera has remained a priest incardinated in the
25 Diocese of Tehuacan. During the depositions of Cardinal Roger Mahony and Bishop Thomas
26 Curry plaintiff's counsel attempted to inquire as to what was said between Cardinal Mahony
27 and Bishop Curry, Bishop Curry and Father Nicholas Aguilar Rivera, and Bishop Curry and
28 Father McClean when these individuals became aware of the allegations leveled against Father
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3 not discussed the reasons therefore. It is clear that while Father Nicholas Aguilar was an
4 extern priest in Los Angeles he remained under the authority of his bishop, Bishop Norberto
5 Rivera. It is also clear that while an extern priest in Los Angeles up until present Father
6 Nicholas Aguilar Rivera must obey orders from the Bishop of the Diocese of Tehuacan.

7 **3. Document Requested:**

8 ALL DOCUMENTS containing the personnel file of Father Nicolas Aguilar (aka
9 Nicolas Aguilar Rivera).

10 **Response/Objection:**

11 See above discussion between counsel.

12 **Reason production should be compelled:**

13 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
14 the subject matter involved in the pending action or to the determination of any motion made
15 in that action, if the matter either is itself admissible in evidence or appears reasonably
16 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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18 Father Nicholas Aguilar Rivera's proclivities to engage in child sexual abuse, when they knew
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20 Diocese of Tehuacan were aware of Father Nicholas Aguilar Rivera's unfitness for priestly
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25 Angeles Archdiocese did not notify Los Angeles authorities until three days later, January 11,
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2 and Bishop Curry, Bishop Curry and Father Nicholas Aguilar Rivera, and Bishop Curry and
3 Father McClean when these individuals became aware of the allegations leveled against Father
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7 not discussed the reasons therefore. It is clear that while Father Nicholas Aguilar was an
8 extern priest in Los Angeles he remained under the authority of his bishop, Bishop Norberto
9 Rivera. It is also clear that while an extern priest in Los Angeles up until present Father
10 Nicholas Aguilar Rivera must obey orders from the Bishop of the Diocese of Tehuacan.

11 **4. Document Requested:**

12 ALL DOCUMENTS containing the Sub Secreto file of Father Nicolas Aguilar (aka
13 Nicolas Aguilar Rivera).

14 **Response/Objection:**

15 See above discussion between counsel.

16 **Reason production should be compelled:**

17 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
18 the subject matter involved in the pending action or to the determination of any motion made
19 in that action, if the matter either is itself admissible in evidence or appears reasonably
20 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
21 *2017.010.*) At issue in this matter is the sexual abuse of plaintiff, what defendants knew of
22 Father Nicholas Aguilar Rivera's proclivities to engage in child sexual abuse, when they knew
23 it and what they did with that information. Defendants Cardinal Norberto Rivera and The
24 Diocese of Tehuacan were aware of Father Nicholas Aguilar Rivera's unfitness for priestly
25 duties prior to sending Father Nicholas Aguilar Rivera to the Archdiocese of Los Angeles. On
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27 Nicholas Aguilar Rivera committing child sexual abuse and thereby his unfitness for priestly
28 duties. On January 9, 1988 Bishop Curry met with Father Nicholas Aguilar Rivera. The Los
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3 1988 until present Father Nicholas Aguilar Rivera has remained a priest incardinated in the
4 Diocese of Tehuacan. During the depositions of Cardinal Roger Mahony and Bishop Thomas
5 Curry plaintiff's counsel attempted to inquire as to what was said between Cardinal Mahony
6 and Bishop Curry, Bishop Curry and Father Nicholas Aguilar Rivera, and Bishop Curry and
7 Father McClean when these individuals became aware of the allegations leveled against Father
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11 not discussed the reasons therefore. It is clear that while Father Nicholas Aguilar was an
12 extern priest in Los Angeles he remained under the authority of his bishop, Bishop Norberto
13 Rivera. It is also clear that while an extern priest in Los Angeles up until present Father
14 Nicholas Aguilar Rivera must obey orders from the Bishop of the Diocese of Tehuacan.

15 **5. Document Requested:**

16 ALL DOCUMENTS containing the Confidential file of Father Nicolas Aguilar (aka
17 Nicolas Aguilar Rivera).

18 **Response/Objection:**

19 See above discussion between counsel.

20 **Reason production should be compelled:**

21 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
22 the subject matter involved in the pending action or to the determination of any motion made
23 in that action, if the matter either is itself admissible in evidence or appears reasonably
24 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
25 *2017.010.*) At issue in this matter is the sexual abuse of plaintiff, what defendants knew of
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27 it and what they did with that information. Defendants Cardinal Norberto Rivera and The
28 Diocese of Tehuacan were aware of Father Nicholas Aguilar Rivera's unfitness for priestly
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3 duties. On January 9, 1988 Bishop Curry met with Father Nicholas Aguilar Rivera. The Los
4 Angeles Archdiocese did not notify Los Angeles authorities until three days later, January 11,
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6 Aguilar Rivera left Los Angeles never to return and thereby avoided capture. From January 9,
7 1988 until present Father Nicholas Aguilar Rivera has remained a priest incardinated in the
8 Diocese of Tehuacan. During the depositions of Cardinal Roger Mahony and Bishop Thomas
9 Curry plaintiff's counsel attempted to inquire as to what was said between Cardinal Mahony
10 and Bishop Curry, Bishop Curry and Father Nicholas Aguilar Rivera, and Bishop Curry and
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12 Nicholas Aguilar Rivera. The purpose of this line of inquiry was to ascertain if the issue of
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14 Father Nicholas Aguilar Rivera's diocese The Diocese of Tehuacan was discussed and if it was
15 not discussed the reasons therefore. It is clear that while Father Nicholas Aguilar was an
16 extern priest in Los Angeles he remained under the authority of his bishop, Bishop Norberto
17 Rivera. It is also clear that while an extern priest in Los Angeles up until present Father
18 Nicholas Aguilar Rivera must obey orders from the Bishop of the Diocese of Tehuacan.

19 **6. Document Requested:**

20 ALL DOCUMENTS CONCERNING the incardination of Father Nicolas Aguilar (aka
21 Nicolas Aguilar Rivera).

22 **Response/Objection:**

23 See above discussion between counsel.

24 **Reason production should be compelled:**

25 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
26 the subject matter involved in the pending action or to the determination of any motion made
27 in that action, if the matter either is itself admissible in evidence or appears reasonably
28 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section
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2 it and what they did with that information. Defendants Cardinal Norberto Rivera and The
3 Diocese of Tehuacan were aware of Father Nicholas Aguilar Rivera's unfitness for priestly
4 duties prior to sending Father Nicholas Aguilar Rivera to the Archdiocese of Los Angeles. On
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6 Nicholas Aguilar Rivera committing child sexual abuse and thereby his unfitness for priestly
7 duties. On January 9, 1988 Bishop Curry met with Father Nicholas Aguilar Rivera. The Los
8 Angeles Archdiocese did not notify Los Angeles authorities until three days later, January 11,
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10 Aguilar Rivera left Los Angeles never to return and thereby avoided capture. From January 9,
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15 Father McClean when these individuals became aware of the allegations leveled against Father
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19 not discussed the reasons therefore. It is clear that while Father Nicholas Aguilar was an
20 extern priest in Los Angeles he remained under the authority of his bishop, Bishop Norberto
21 Rivera. It is also clear that while an extern priest in Los Angeles up until present Father
22 Nicholas Aguilar Rivera must obey orders from the Bishop of the Diocese of Tehuacan.

23 **7. Document Requested:**

24 ALL DOCUMENTS containing the passport of Father Nicolas Aguilar (aka Nicolas
25 Aguilar Rivera).

26 **Response/Objection:**

27 See above discussion between counsel.

28 **Reason production should be compelled:**

Any party may obtain discovery regarding any matter, not privileged, that is relevant to

1 the subject matter involved in the pending action or to the determination of any motion made
2 in that action, if the matter either is itself admissible in evidence or appears reasonably
3 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
4 *2017.010.*) At issue in this matter is the sexual abuse of plaintiff, what defendants knew of
5 Father Nicholas Aguilar Rivera's proclivities to engage in child sexual abuse, when they knew
6 it and what they did with that information. Defendants Cardinal Norberto Rivera and The
7 Diocese of Tehuacan were aware of Father Nicholas Aguilar Rivera's unfitness for priestly
8 duties prior to sending Father Nicholas Aguilar Rivera to the Archdiocese of Los Angeles. On
9 January 8, 1988 the Archdiocese of Los Angeles became aware of allegations of Father
10 Nicholas Aguilar Rivera committing child sexual abuse and thereby his unfitness for priestly
11 duties. On January 9, 1988 Bishop Curry met with Father Nicholas Aguilar Rivera. The Los
12 Angeles Archdiocese did not notify Los Angeles authorities until three days later, January 11,
13 1988. During the three day delay in reporting the allegations to authorities, Father Nicholas
14 Aguilar Rivera left Los Angeles never to return and thereby avoided capture. From January 9,
15 1988 until present Father Nicholas Aguilar Rivera has remained a priest incardinated in the
16 Diocese of Tehuacan. During the depositions of Cardinal Roger Mahony and Bishop Thomas
17 Curry plaintiff's counsel attempted to inquire as to what was said between Cardinal Mahony
18 and Bishop Curry, Bishop Curry and Father Nicholas Aguilar Rivera, and Bishop Curry and
19 Father McClean when these individuals became aware of the allegations leveled against Father
20 Nicholas Aguilar Rivera. The purpose of this line of inquiry was to ascertain if the issue of
21 contacting Father Nicholas Aguilar Rivera's Superior, Bishop Norberto Rivera, or contacting
22 Father Nicholas Aguilar Rivera's diocese The Diocese of Tehuacan was discussed and if it was
23 not discussed the reasons therefore. It is clear that while Father Nicholas Aguilar was an
24 extern priest in Los Angeles he remained under the authority of his bishop, Bishop Norberto
25 Rivera. It is also clear that while an extern priest in Los Angeles up until present Father
26 Nicholas Aguilar Rivera must obey orders from the Bishop of the Diocese of Tehuacan.

27 **8. Document Requested:**

28 ALL DOCUMENTS containing the visa of Father Nicolas Aguilar (aka Nicolas Aguilar Rivera) to travel to the United States in 1987).

1 **Response/Objection:**

2 See above discussion between counsel.

3 **Reason production should be compelled:**

4 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
5 the subject matter involved in the pending action or to the determination of any motion made
6 in that action, if the matter either is itself admissible in evidence or appears reasonably
7 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
8 *2017.010.*) At issue in this matter is the sexual abuse of plaintiff, what defendants knew of
9 Father Nicholas Aguilar Rivera's proclivities to engage in child sexual abuse, when they knew
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11 Diocese of Tehuacan were aware of Father Nicholas Aguilar Rivera's unfitness for priestly
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15 duties. On January 9, 1988 Bishop Curry met with Father Nicholas Aguilar Rivera. The Los
16 Angeles Archdiocese did not notify Los Angeles authorities until three days later, January 11,
17 1988. During the three day delay in reporting the allegations to authorities, Father Nicholas
18 Aguilar Rivera left Los Angeles never to return and thereby avoided capture. From January 9,
19 1988 until present Father Nicholas Aguilar Rivera has remained a priest incardinated in the
20 Diocese of Tehuacan. During the depositions of Cardinal Roger Mahony and Bishop Thomas
21 Curry plaintiff's counsel attempted to inquire as to what was said between Cardinal Mahony
22 and Bishop Curry, Bishop Curry and Father Nicholas Aguilar Rivera, and Bishop Curry and
23 Father McClean when these individuals became aware of the allegations leveled against Father
24 Nicholas Aguilar Rivera. The purpose of this line of inquiry was to ascertain if the issue of
25 contacting Father Nicholas Aguilar Rivera's Superior, Bishop Norberto Rivera, or contacting
26 Father Nicholas Aguilar Rivera's diocese The Diocese of Tehuacan was discussed and if it was
27 not discussed the reasons therefore. It is clear that while Father Nicholas Aguilar was an
28 extern priest in Los Angeles he remained under the authority of his bishop, Bishop Norberto
Rivera. It is also clear that while an extern priest in Los Angeles up until present Father

1 Nicholas Aguilar Rivera must obey orders from the Bishop of the Diocese of Tehuacan.

2 **9. Document Requested:**

3 ALL DOCUMENTS containing the United States government documentation allowing
4 Father Nicolas Aguilar (aka Nicolas Aguilar Rivera) to work in the United States in 1987 and
5 1988.

6 **Response/Objection:**

7 See above discussion between counsel.

8 **Reason production should be compelled:**

9 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
10 the subject matter involved in the pending action or to the determination of any motion made
11 in that action, if the matter either is itself admissible in evidence or appears reasonably
12 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
13 *2017.010.*) At issue in this matter is the sexual abuse of plaintiff, what defendants knew of
14 Father Nicholas Aguilar Rivera's proclivities to engage in child sexual abuse, when they knew
15 it and what they did with that information. Defendants Cardinal Norberto Rivera and The
16 Diocese of Tehuacan were aware of Father Nicholas Aguilar Rivera's unfitness for priestly
17 duties prior to sending Father Nicholas Aguilar Rivera to the Archdiocese of Los Angeles. On
18 January 8, 1988 the Archdiocese of Los Angeles became aware of allegations of Father
19 Nicholas Aguilar Rivera committing child sexual abuse and thereby his unfitness for priestly
20 duties. On January 9, 1988 Bishop Curry met with Father Nicholas Aguilar Rivera. The Los
21 Angeles Archdiocese did not notify Los Angeles authorities until three days later, January 11,
22 1988. During the three day delay in reporting the allegations to authorities, Father Nicholas
23 Aguilar Rivera left Los Angeles never to return and thereby avoided capture. From January 9,
24 1988 until present Father Nicholas Aguilar Rivera has remained a priest incardinated in the
25 Diocese of Tehuacan. During the depositions of Cardinal Roger Mahony and Bishop Thomas
26 Curry plaintiff's counsel attempted to inquire as to what was said between Cardinal Mahony
27 and Bishop Curry, Bishop Curry and Father Nicholas Aguilar Rivera, and Bishop Curry and
28 Father McClean when these individuals became aware of the allegations leveled against Father
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4 extern priest in Los Angeles he remained under the authority of his bishop, Bishop Norberto
5 Rivera. It is also clear that while an extern priest in Los Angeles up until present Father
6 Nicholas Aguilar Rivera must obey orders from the Bishop of the Diocese of Tehuacan.

7 **10. Document Requested:**

8 For each priest who worked in YOUR Archdiocese and thereafter worked in a diocese
9 in Mexico, the DOCUMENTS CONCERNING the change in location of their place of work.

10 **Response/Objection:**

11 See above discussion between counsel.

12 **Reason production should be compelled:**

13 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
14 the subject matter involved in the pending action or to the determination of any motion made
15 in that action, if the matter either is itself admissible in evidence or appears reasonably
16 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
17 *2017.010.*) At issue in this matter is the sexual abuse of plaintiff, what defendants knew of
18 Father Nicholas Aguilar Rivera's proclivities to engage in child sexual abuse, when they knew
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20 Diocese of Tehuacan were aware of Father Nicholas Aguilar Rivera's unfitness for priestly
21 duties prior to sending Father Nicholas Aguilar Rivera to the Archdiocese of Los Angeles. On
22 January 8, 1988 the Archdiocese of Los Angeles became aware of allegations of Father
23 Nicholas Aguilar Rivera committing child sexual abuse and thereby his unfitness for priestly
24 duties. On January 9, 1988 Bishop Curry met with Father Nicholas Aguilar Rivera. The Los
25 Angeles Archdiocese did not notify Los Angeles authorities until three days later, January 11,
26 1988. During the three day delay in reporting the allegations to authorities, Father Nicholas
27 Aguilar Rivera left Los Angeles never to return and thereby avoided capture. From January 9,
28 1988 until present Father Nicholas Aguilar Rivera has remained a priest incardinated in the
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1 Curry plaintiff's counsel attempted to inquire as to what was said between Cardinal Mahony
2 and Bishop Curry, Bishop Curry and Father Nicholas Aguilar Rivera, and Bishop Curry and
3 Father McClean when these individuals became aware of the allegations leveled against Father
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8 extern priest in Los Angeles he remained under the authority of his bishop, Bishop Norberto
9 Rivera. It is also clear that while an extern priest in Los Angeles up until present Father
10 Nicholas Aguilar Rivera must obey orders from the Bishop of the Diocese of Tehuacan.

11 **11. Document Requested:**

12 ALL DOCUMENTS containing the policy of YOUR Archdiocese CONCERNING the
13 change in location of a priest from YOUR diocese to another diocese.

14 **Response/Objection:**

15 See above discussion between counsel.

16 **Reason production should be compelled:**

17 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
18 the subject matter involved in the pending action or to the determination of any motion made
19 in that action, if the matter either is itself admissible in evidence or appears reasonably
20 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
21 *2017.010.*) At issue in this matter is the sexual abuse of plaintiff, what defendants knew of
22 Father Nicholas Aguilar Rivera's proclivities to engage in child sexual abuse, when they knew
23 it and what they did with that information. Defendants Cardinal Norberto Rivera and The
24 Diocese of Tehuacan were aware of Father Nicholas Aguilar Rivera's unfitness for priestly
25 duties prior to sending Father Nicholas Aguilar Rivera to the Archdiocese of Los Angeles. On
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4 Diocese of Tehuacan. During the depositions of Cardinal Roger Mahony and Bishop Thomas
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13 Rivera. It is also clear that while an extern priest in Los Angeles up until present Father
14 Nicholas Aguilar Rivera must obey orders from the Bishop of the Diocese of Tehuacan.

15 **12. Document Requested:**

16 ALL DOCUMENTS containing the policy of YOUR Archdiocese CONCERNING the
17 change in location of a priest from another diocese to YOUR diocese.

18 **Response/Objection:**

19 See above discussion between counsel.

20 **Reason production should be compelled:**

21 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
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17 Rivera. It is also clear that while an extern priest in Los Angeles up until present Father
18 Nicholas Aguilar Rivera must obey orders from the Bishop of the Diocese of Tehuacan.

19 **13. Document Requested:**

20 ALL DOCUMENTS containing the policy of YOUR Archdiocese CONCERNING the
21 incardination of a priest from YOUR diocese to another diocese.

22 **Response/Objection:**

23 See above discussion between counsel.

24 **Reason production should be compelled:**

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5 Dated: September 26, 2007

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THE DRIVON LAW FIRM


ROBERT T. WATERS

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

JOAQUIN AGUILAR MENDEZ,

Plaintiff,

vs.

CARDINAL ROGER MAHONY, THE
ROMAN CATHOLIC ARCHBISHOP OF
LOS ANGELES, a corporation sole,
et al.,

Defendants.

) Case No. BC 358 718
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CERTIFIED
COPY

Full Caption on Page 3.
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VIDEOTAPED DEPOSITION OF CARDINAL ROGER MAHONY

Los Angeles, California

Thursday, September 13, 2007

(Pages 1 through 205)

Reported by:

Janet M. Taylor, RMR, CSR No. 9463

Certified Realtime Reporter

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CONFIDENTIAL

PROOF OF SERVICE

I declare that:

I am employed in the County of San Joaquin, State of California. I am over the age of eighteen (18) years and not a party to the within cause of action; my business address is 215 North San Joaquin Street, Stockton, California 95202.

On September 19, 2007, I served the within:

SEPARATE STATEMENT OF DISPUTED QUESTIONS AND ANSWERS

on all interested parties in said action, addressed as follows:

INTERESTED PARTY	MAIL	HAND DELIVERY	E-MAIL	FAX
Michael L. Cypers Evan M. Wooten Elena G. Griffin MAYER BROWN LLP 350 S. Grand Avenue, 25th Floor Los Angeles, CA 90071-1503 Fax: (213) 625-0248 Email: <u>mcypers@mayerbrown.com</u> <u>ewooten@mayerbrown.com</u> <u>egriffin@mayerbrown.com</u>			XX	
Don Woods James Habel HENNIGAN, BENNETT & DORMAN LLP 865 South Figueroa Street, Suite 2900 Los Angeles, CA 90017 Fax: (213) 694-1234 Email: <u>woods@hbdlawyers.com</u> <u>habelj@hbdlawyers.com</u>			XX	
Steven R. Selsberg (<i>Pro Hac Vice</i>) MAYER, BROWN, ROWE & LAW, LLP 700 Louisiana Street, Suite 3400 Houston, TX 77002-2730 Fax: (713) 238-4888 Email: <u>srselsberg@mayerbrown.com</u>			XX	
Jeffrey Anderson Michael G. Finnegan Jeff Anderson & Associates E-1000 First National Bank Bldg. 332 Minnesota Street St. Paul, MN 55101 Fax: (651) 297-6543 Email: <u>Jeff@andersonadvocates.com</u> <u>Mike@andersonadvocates.com</u> <u>Therese@andersonadvocates.com</u>			XX	

Martin D. Gross Law Offices of Martin D. Gross 2001 Wilshire Blvd., Suite 300 Santa Monica, CA 90403 Fax: (310) 861-1359 Email: <u>martin@lawgross.com</u>			XX	
Gary Dolinski Joseph W. Carcione, Jr. CARCIONE, CATTERMOLLE, et al. 601 Brewster Avenue P.O. Box 3389 Redwood City, CA 94064 Fax: (650) 367-0367 Email: <u>Gdolinski@carcionelaw.com</u>			XX	

MAIL: Being familiar with the practice of this office for the collection and the processing of correspondence for mailing with the United States Postal Service, and deposited in the United States Mail copies of the same to the business addresses set forth above, in a sealed envelope fully prepaid.

HAND: By placing a true copy thereof in a sealed envelope and causing said envelope to be delivered by hand to the address(s) noted above, during normal business hours.

E-MAIL: By transmitting same via electronic email between the hours of 8:30 a.m. and 5:00 p.m. to the addressee(s) noted above at the email addresses shown.

FAX: By personally transmitting same via an electronic facsimile machine between the hours of 8:30 a.m. and 5:00 p.m., to the addressee(s) noted above at the facsimile number shown.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on the above date at Stockton, California.



 JANIE R. FRANK

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1 Laurence E. Drivon, SBN 46660
David E. Drivon, SBN 158369
2 Robert T. Waters, SBN 196833
THE DRIVON LAW FIRM
3 215 N. San Joaquin Street
Stockton, CA 95202
4 Telephone: (209) 644-1234

5 Michael G. Finnegan, SBN 241091
JEFF ANDERSON & ASSOCIATES
6 E-1000 First National Bank Building
332 Minnesota Street
7 St. Paul, MN 55101
Telephone: (651) 227-9990

8
9 Martin D. Gross, SBN 147426
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2001 Wilshire Boulevard, Ste. 205
10 Santa Monica, CA 90403
Telephone: (310) 453-8320

11 Joseph W. Carcione, Jr., SBN 56693
12 Gary W. Dolinski, SBN 107725
CARCIONE, CATTERMOLE, et. al.
13 601 Brewster Avenue
P. O. Box 3389
14 Redwood City, CA 94064-3389
Telephone: (650) 367-6811

15 Attorneys for Plaintiff

16
17 SUPERIOR COURT OF THE STATE OF CALIFORNIA
18 LOS ANGELES COUNTY, CENTRAL DISTRICT

19
20 JOAQUIN AGUILAR MENDEZ,

21 Plaintiff,

22 v.

23 CARDINAL ROGER MAHONY, et
al.,

24 Defendants.
25 _____/

CASE NO. BC358718

DECLARATION OF ROBERT T.
WATERS IN SUPPORT OF MOTION
FOR ORDER COMPELLING
ANSWERS TO DEPOSITION
QUESTIONS AND PRODUCTION
OF DOCUMENTS

DATE: 11/20/07
TIME: 8:30 A.M.
DEPT: 42

26 I, ROBERT T. WATERS DO HEREBY DECLARE:

27
28 I. I am an attorney with The Drivon Law Firm, one of the attorneys of record for
plaintiff JOAQUIN AGUILAR MENDEZ. I am over the age of 18 and have personal

1.

1 knowledge of the facts put forth herein and would testify thereto if called to do so.

2 2. I was present at the depositions of both CARDINAL ROGER MAHONY and
3 Bishop Thomas Curry. I examined Bishop Curry at his deposition. Plaintiff's counsel Jeffrey
4 Anderson examined CARDINAL MAHONY.

5 3. The depositions of CARDINAL MAHONY and Bishop Curry were taken on
6 September 13, 2007, in Los Angeles, California, before a certified shorthand reporter and
7 videographer pursuant to each respective's deponents amended notice of taking deposition. A
8 true and correct copy of CARDINAL MAHONY's notice of taking deposition is attached
9 hereto as Exhibit "A". A true and correct copy of Bishop Curry's notice of taking deposition is
10 attached hereto as Exhibit "B".

11 4. At each deposition, CARDINAL MAHONY and Bishop Curry refused to answer
12 certain questions on the advice of Donald F. Woods, Jr., who was acting as counsel for the
13 deponents.

14 5. For purposes of this motion, I have prepared and have filed with this declaration a
15 Statement of Questions and Responses in Dispute, setting forth the questions and the
16 deponent's refusal to answer. For the reasons stated in that Statement, the deponents should be
17 ordered to answer the respective questions.

18 6. Each deposition notice attached hereto required the respective deponent to bring to
19 the deposition certain documents. Good cause exists for the production of these documents in
20 that these documents are not privileged, are in the sole possession and control of each deponent
21 and plaintiff has no other means of obtaining the documents, such documents are necessary to
22 the prosecution of plaintiff's case. Each category of documents in the respective deposition
23 notice addresses issues highly relevant to the jurisdictional issue pending before the Court. In
24 my view, the Defendants in this case, and the Deponent and his attorneys, have blocked
25 discovery about AGUILAR to a point where the Plaintiff cannot prepare meaningfully to
26 oppose the MEXICAN DEFENDANTS' Motion To Quash Service of Summons which is to be
27 heard before this court on October 11, 2007. It is improper for the Deponent's attorneys to
28 withhold documents on the basis of "relevance", when they are the sole arbiters of

1 "relevance". The Plaintiff must be allowed to examine all of the documents, in order to make
2 an independent evaluation of "relevance".

3 7. While each deponent brought certain documents to the deposition; other documents
4 were unilaterally removed the files of documents sought.

5 In particular, the personnel file of AGUILAR (plaintiff's request No. 3 in both
6 amended notices of taking deposition) who counsel Mr. Woods referred at deposition to as
7 being in two files (i.e., a "P" file for Personnel File and the "C" file for Confidential File) had
8 been bate-stamped and as produced by MAHONY and Bishop Curry had gaps of numbered
9 pages missing. Neither deponent produced a privilege log at deposition.

10 8. At the time of the deposition, plaintiff made a good faith attempt to informally
11 resolve the issue of the production of documents which resulted as follows:

12 As pertaining to the deposition and production of documents from CARDINAL
13 MAHONY, the following ensued:

14 Mr. Anderson: Counsel, I wasn't suggesting you give us the document on
15 which you're asserting the privilege. I was suggesting you give us - identify the
16 nature of the document and the privilege on which it's being withheld so that
17 that can be scrutinized. I'm not suggesting you give us the document.

18 As - as to the documents being withheld on the basis of relevancy
19 pertaining to jurisdiction, I am suggesting as the alternative proposal, you give
20 us those documents. Do you understand?

21 Mr. Woods: I hear it.

22 Mr. Anderson: Okay.

23 Mr. Woods: You have my response, and we'll - we'll let the judge decide.

24 (The deposition of Cardinal Mahony, Exhibit C, P. 14-22:15 - cited here is P.22:1-15)

25 As pertaining to the deposition and production of documents from Bishop Curry, the following
26 ensued:

27 Mr. Waters:...Have you brought any documents responsive to this deposition
28 notice?

29 Mr. Woods: Let me just - let me just say on behalf of the witness that the
30 documents we presented this morning at the deposition of Cardinal Mahony are
31 the documents that, as he testified, Bishop Curry pulled from the file. And
32 everything I said about those documents would apply here, as well.

33 Mr. Waters: Okay. And then our objection to the fact the entire file wasn't
34 produced here today for our inspection, you understand that that's still an issue?

35 Mr. Woods: We assert all the same objections. Everything I said this morning
36 applies, we understand everything you said applies, and we will seek guidance
37 from the judge.

38 (The deposition of Bishop Thomas Curry, Exhibit D, P. 14:14-15:3).

1 9. Attached hereto as Exhibits "C" and "D" are true and correct certified copies of the
2 entire depositions of CARDINAL MAHONY and Bishop Curry, respectively. The entire
3 depositions are lodged with the Court herein as the questions, objections, and counsel
4 discussion relative to this motion is throughout each respective deposition.

5 10. The deponents' refusal to answer the proper and relevant questions and produce
6 the documents request was without substantial justification.

7 I declare under penalty of perjury under the laws of the State of California that the
8 foregoing is true and correct. Signed this 19th day of September, 2007, in Stockton California.

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12 ROBERT T. WATERS
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