

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*
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20 Father Nicholas Aguilar Rivera's proclivities to engage in child sexual abuse, when they knew
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22 Diocese of Tehuacan were aware of Father Nicholas Aguilar Rivera's unfitness for priestly
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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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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:**

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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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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 for 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:**

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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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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:**

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

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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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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:**

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

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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:**

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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*
19 *2017.010.*) At issue in this matter is the sexual abuse of plaintiff, what defendants knew of
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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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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
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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 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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26 Father McClean when these individuals became aware of the allegations leveled against Father
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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 **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:**

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