

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*  
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

1 duties prior to sending Father Nicholas Aguilar Rivera to the Archdiocese of Los Angeles. On  
2 January 8, 1988 the Archdiocese of Los Angeles became aware of allegations of Father  
3 Nicholas Aguilar Rivera committing child sexual abuse and thereby his unfitness for priestly  
4 duties. On January 9, 1988 Bishop Curry met with Father Nicholas Aguilar Rivera. The Los  
5 Angeles Archdiocese did not notify Los Angeles authorities until three days later, January 11,  
6 1988. During the three day delay in reporting the allegations to authorities, Father Nicholas  
7 Aguilar Rivera left Los Angeles never to return and thereby avoided capture. From January 9,  
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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  
14 contacting Father Nicholas Aguilar Rivera's Superior, Bishop Norberto Rivera, or contacting  
15 Father Nicholas Aguilar Rivera's diocese The Diocese of Tehuacan was discussed and if it was  
16 not discussed the reasons therefore. It is clear that while Father Nicholas Aguilar was an  
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 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  
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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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  
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*  
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19 Diocese of Tehuacan. During the depositions of Cardinal Roger Mahony and Bishop Thomas  
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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  
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 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  
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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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  
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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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  
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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  
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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  
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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:**

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

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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