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 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  
 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

CL/CASE: BC358718 LEA/DEFA:  
 RECEIPT #: 0847728010  
 DATE PAID: 09/25/07 08:37:39 AM  
 RECEIVED: 40.00  
 CHECKS:  
 CASH:  
 CHANGE:  
 CARD:  
 DEPT: 42

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

**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  
17  
18  
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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
<b>Michael L. Cypers</b> <b>Evan M. Wooten</b> <b>Elena G. Griffin</b> <b>MAYER BROWN LLP</b> 350 S. Grand Avenue, 25 <sup>th</sup> Floor Los Angeles, CA 90071-1503 Fax: (213) 625-0248 Email: <a href="mailto:mcypers@mayerbrown.com">mcypers@mayerbrown.com</a> <a href="mailto:ewooten@mayerbrown.com">ewooten@mayerbrown.com</a> <a href="mailto:egriffin@mayerbrown.com">egriffin@mayerbrown.com</a>			XX	
<b>Don Woods</b> <b>James Habel</b> <b>HENNIGAN, BENNETT &amp; DORMAN LLP</b> 865 South Figueroa Street, Suite 2900 Los Angeles, CA 90017 Fax: (213) 694-1234 Email: <a href="mailto:woodsd@hbdlawyers.com">woodsd@hbdlawyers.com</a> <a href="mailto:habelj@hbdlawyers.com">habelj@hbdlawyers.com</a>			XX	
<b>Steven R. Selsberg (Pro Hac Vice)</b> <b>MAYER, BROWN, ROWE &amp; LAW, LLP</b> 700 Louisiana Street, Suite 3400 Houston, TX 77002-2730 Fax: (713) 238-4888 Email: <a href="mailto:srselsberg@mayerbrown.com">srselsberg@mayerbrown.com</a>			XX	
<b>Jeffrey Anderson</b> <b>Michael G. Finnegan</b> <b>Jeff Anderson &amp; Associates</b> E-1000 First National Bank Bldg. 332 Minnesota Street St. Paul, MN 55101 Fax: (651) 297-6543 Email: <a href="mailto:Jeff@andersonadvocates.com">Jeff@andersonadvocates.com</a> <a href="mailto:Mike@andersonadvocates.com">Mike@andersonadvocates.com</a> <a href="mailto:Therese@andersonadvocates.com">Therese@andersonadvocates.com</a>			XX	

1	<b>Martin D. Gross</b> Law Offices of Martin D. Gross 2001 Wilshire Blvd., Suite 300 Santa Monica, CA 90403 Fax: (310) 861-1359 Email: <a href="mailto:martin@lawgross.com">martin@lawgross.com</a>			XX	
2					
3	<b>Gary Dolinski</b> Joseph W. Carcione, Jr. CARCIONE, CATTERMOLE, et al. 601 Brewster Avenue P.O. Box 3389 Redwood City, CA 94064 Fax: (650) 367-0367 Email: <a href="mailto:Gdolinski@carcionelaw.com">Gdolinski@carcionelaw.com</a>			XX	
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9					

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.

14 **E-MAIL:** By transmitting same via electronic email between the hours of 8:30 a.m. and 5:00  
 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  
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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

23 v.

24 CARDINAL ROGER MAHONY, et  
al.,

25 Defendants.

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

26  
27  
28 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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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
<b>Michael L. Cypers</b> <b>Evan M. Wooten</b> <b>Elena G. Griffin</b> <b>MAYER BROWN LLP</b> 350 S. Grand Avenue, 25 <sup>th</sup> Floor Los Angeles, CA 90071-1503 Fax: (213) 625-0248 Email: <a href="mailto:mcypers@mayerbrown.com">mcypers@mayerbrown.com</a> <a href="mailto:ewooten@mayerbrown.com">ewooten@mayerbrown.com</a> <a href="mailto:egriffin@mayerbrown.com">egriffin@mayerbrown.com</a>			XX	
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<b>Jeffrey Anderson</b> <b>Michael G. Finnegan</b> <b>Jeff Anderson &amp; Associates</b> <b>E-1000 First National Bank Bldg.</b> <b>332 Minnesota Street</b> <b>St. Paul, MN 55101</b> <b>Fax: (651) 297-6543</b> <b>Email: <a href="mailto:Jeff@andersonadvocates.com">Jeff@andersonadvocates.com</a></b> <b><a href="mailto:Mike@andersonadvocates.com">Mike@andersonadvocates.com</a></b> <b><a href="mailto:Therese@andersonadvocates.com">Therese@andersonadvocates.com</a></b>			XX	
<b>Martin D. Gross</b> <b>Law Offices of Martin D. Gross</b> <b>2001 Wilshire Blvd., Suite 300</b> <b>Santa Monica, CA 90403</b> <b>Fax: (310) 861-1359</b> <b>Email: <a href="mailto:martin@lawgross.com">martin@lawgross.com</a></b>			XX	
<b>Gary Dolinski</b> <b>Joseph W. Carcione, Jr.</b> <b>CARCIONE, CATERMOLE, et al.</b> <b>601 Brewster Avenue</b> <b>P.O. Box 3389</b> <b>Redwood City, CA 94064</b> <b>Fax: (650) 367-0367</b> <b>Email: <a href="mailto:Gdolinski@carcionelaw.com">Gdolinski@carcionelaw.com</a></b>			XX	

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**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

2025/01/28  
 10:00 AM

1 Laurence E. Drivon, SBN 46660  
David E. Drivon, SBN 158369  
2 Robert T. Waters, SBN 196833  
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Telephone: (650) 367-6811  
15  
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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COURT REPORTERS INDEX OF "INSTRUCTIONS NOT TO ANSWER (regarding both deponents)	224

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  
10 Father Nicholas Aguilar Rivera's diocese The Diocese of Tehuacan was discussed and if it was  
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. 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  
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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 **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  
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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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  
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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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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



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