

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

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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11 duties prior to sending Father Nicholas Aguilar Rivera to the Archdiocese of Los Angeles. On
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13 Nicholas Aguilar Rivera committing child sexual abuse and thereby his unfitness for priestly
14 duties. On January 9, 1988 Bishop Curry met with Father Nicholas Aguilar Rivera. The Los
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
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
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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
7 **23. Question:**

8 Q Were you concerned that the publicity was
9 18 bringing scandal to the church?

10 **Response/Objection:**

11 19 MR. WOODS: Object. Does not relate to the
12 05:19:37 20 jurisdictional issues. Instruct the witness not to
13 21 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
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1 1988 until present Father Nicholas Aguilar Rivera has remained a priest incardinated in the
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3 Curry plaintiff's counsel attempted to inquire as to what the Archdiocese of Los Angeles did
4 after receiving notice of the allegations of sexual abuse. This information is relevant to
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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
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1 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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27 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
28 and complete inquiry can be made.

Q
A
Q
A
Q
A
Q
A

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
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13 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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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:**

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21 the subject matter involved in the pending action or to the determination of any motion made
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23 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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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
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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 **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
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13 Roger Mahony and Bishop Thomas Curry plaintiff's counsel attempted to inquire as to what
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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
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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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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
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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:**

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

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

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NO. 137011

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*
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,
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
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 **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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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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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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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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