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

21 6. **Question:**

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

24 **Response/Objection:**

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

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

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

3 24 question is so broad.

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

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

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

7 3 MR. ANDERSON: Okay.

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

9 10:26:42 5 same question before.

10 Reason answer should be compelled:

11 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
12 the subject matter involved in the pending action or to the determination of any motion made
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*
15 *2017.010.*) At issue in this matter is the sexual abuse of plaintiff, what defendants knew of
16 Father Nicholas Aguilar Rivera's proclivities to engage in child sexual abuse, when they knew
17 it and what they did with that information. Defendants Cardinal Norberto Rivera and The
18 Diocese of Tehuacan were aware of Father Nicholas Aguilar Rivera's unfitness for priestly
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11 into relevant matters that will shed light on whether California Courts may exercise
12 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
13 and complete inquiry can be made.

14 **7. Question:**

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

17 **Response/Objection:**

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

23 **Reason answer should be compelled:**

24 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
25 the subject matter involved in the pending action or to the determination of any motion made
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*
28 *2017.010.*) At issue in this matter is the sexual abuse of plaintiff, what defendants knew of

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

27 **8. Question:**

28 Q After you learned that this was -- when

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

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

3 3 to the situation involving Nicolas Aguilar Rivera?

4 **Response/Objection:**

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

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

7 6 instruct the witness not to answer.

8 7 MR. ANDERSON: Relevancy?

9 8 MR. WOODS: Yes.

10 **Reason answer should be compelled:**

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12 the subject matter involved in the pending action or to the determination of any motion made
13 in that action, if the matter either is itself admissible in evidence or appears reasonably
14 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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11 into relevant matters that will shed light on whether California Courts may exercise
12 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
13 and complete inquiry can be made.

14 9. Question:

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

18 Response/Objection:

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

20 Reason answer should be compelled:

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

25 Q Monsignor Curry gave you enough information
26 16 to know that Nicolas Aguilar Rivera posed a danger to
27 17 children in the Archdiocese, didn't he?

28 **Response/Objection:**

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

2 Reason answer should be compelled:

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

6 **11. Question:**

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

11 **Response/Objection:**

12 24 MR. WOODS: Same objection, same instruction

13 **Reason answer should be compelled:**

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

17 **12. Question:**

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

23 **Response/Objection:**

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

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2 into relevant matters that will shed light on whether California Courts may exercise
3 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
4 and complete inquiry can be made.

5 13. Question:

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

10 Response/Objection:

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

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

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

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

17 7 BY MR. ANDERSON:

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

19 9 Do you understand that, Cardinal?

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

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

22 12 witness has given testimony before. He understands the

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

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

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

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

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

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

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

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

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

3 Reason answer should be compelled:

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5 the subject matter involved in the pending action or to the determination of any motion made
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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 **14. Question:**

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

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

15 **Response/Objection:**

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

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

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

23 **Reason answer should be compelled:**

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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.

27 15. Question:

28 Q Cardinal, what does the Spanish term

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

2 **Response/Objection:**

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

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

5 3 to jurisdictional issues, and instruct the witness not

6 4 to answer.

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

8 6 witness to answer that question.

9 **Reason answer should be compelled:**

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

1 Father McClean when these individuals became aware of the allegations leveled against Father
2 Nicholas Aguilar Rivera. The purpose of this line of inquiry was to ascertain if the issue of
3 contacting Father Nicholas Aguilar Rivera's Superior, Bishop Norberto Rivera, or contacting
4 Father Nicholas Aguilar Rivera's diocese The Diocese of Tehuacan was discussed and if it was
5 not discussed the reasons therefore. It is clear that while Father Nicholas Aguilar was an
6 extern priest in Los Angeles he remained under the authority of his bishop, Bishop Norberto
7 Rivera. It is also clear that while an extern priest in Los Angeles up until present Father
8 Nicholas Aguilar Rivera must obey orders from the Bishop of the Diocese of Tehuacan. The
9 questions blocked by defense attorney's improper instruction precludes plaintiff from inquiring
10 into relevant matters that will shed light on whether California Courts may exercise
11 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
12 and complete inquiry can be made.

13 16. Question:

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

19 Response/Objection:

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

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

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

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

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

2 23 answer.

3 **Reason answer should be compelled:**

4 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
5 the subject matter involved in the pending action or to the determination of any motion made
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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10 it and what they did with that information. Defendants Cardinal Norberto Rivera and The
11 Diocese of Tehuacan were aware of Father Nicholas Aguilar Rivera's unfitness for priestly
12 duties prior to sending Father Nicholas Aguilar Rivera to the Archdiocese of Los Angeles. On
13 January 8, 1988 the Archdiocese of Los Angeles became aware of allegations of Father
14 Nicholas Aguilar Rivera committing child sexual abuse and thereby his unfitness for priestly
15 duties. On January 9, 1988 Bishop Curry met with Father Nicholas Aguilar Rivera. The Los
16 Angeles Archdiocese did not notify Los Angeles authorities until three days later, January 11,
17 1988. During the three day delay in reporting the allegations to authorities, Father Nicholas
18 Aguilar Rivera left Los Angeles never to return and thereby avoided capture. From January 9,
19 1988 until present Father Nicholas Aguilar Rivera has remained a priest incardinated in the
20 Diocese of Tehuacan. Archbishop Roger Mahony has served the Church in various positions
21 for over fifty years. Archbishop Roger Mahony has acted as the ordinary for The Diocese of
22 Fresno, The Diocese of Stockton and The Archdiocese of Los Angeles. In this position he has
23 accepted numerous extern priests for service within his diocese. Archbishop Roger Mahony
24 has the background and knowledge necessary to respond to this question. This question is
25 relevant because in order for an extern priest to serve in the Archdiocese of Los Angeles or any
26 Diocese in the Catholic Church, the extern priests superior must recommend him for service
27 and certify he is fit to serve as a priest. During the depositions of Cardinal Roger Mahony and
28 Bishop Thomas Curry plaintiff's counsel attempted to inquire as to the import of the January

1 1987 letter. The purpose of this line of inquiry was to ascertain if the further contact with
2 Father Nicholas Aguilar Rivera's Superior, Bishop Norberto Rivera, or contacting Father
3 Nicholas Aguilar Rivera's diocese The Diocese of Tehuacan was necessary prior to granting
4 faculties to minister in Los Angeles. It is clear that while Father Nicholas Aguilar was an
5 extern priest in Los Angeles he remained under the authority of his bishop, Bishop Norberto
6 Rivera. It is also clear that while an extern priest in Los Angeles up until present Father
7 Nicholas Aguilar Rivera must obey orders from the Bishop of the Diocese of Tehuacan. The
8 questions blocked by defense attorney's improper instruction precludes plaintiff from inquiring
9 into relevant matters that will shed light on whether California Courts may exercise
10 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
11 and complete inquiry can be made.

12 **17. Question:**

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

17 **Response/Objection:**

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

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

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

21 **Reason answer should be compelled:**

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

ENCLOSURE

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2 duties prior to sending Father Nicholas Aguilar Rivera to the Archdiocese of Los Angeles. On
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27 into relevant matters that will shed light on whether California Courts may exercise
28 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full

1 and complete inquiry can be made.

2 18. Question:

3 Q Cardinal Rivera has asserted in this

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

5 18 Nicolas Aguilar Rivera to this Archdiocese for duties.

6 19 What do you say to that?

7 Response/Objection:

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

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

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

11 23 disagree? Is that the question?

12 24 BY MR. ANDERSON:

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

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

15 Reason answer should be compelled:

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

22 19. Question:

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

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

25 19 priestly duties in Los Angeles, granting such licensure

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

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

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

1 **Response/Objection:**

2 23 A Yes.

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

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

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

6 2 not even a question, really.

7 3 MR. HABEL: It's argumentative.

8 4 MR. WOODS: Instruct not to answer.

9 11:27:15 5 Argumentative.

10 **Reason answer should be compelled:**

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

17 **20. Question:**

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

20 **Response/Objection:**

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

24 22 BY MR. ANDERSON:

25 23 Q You can answer.

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