

<p style="text-align: center;">1</p> <p>1 STATE OF MINNESOTA IN DISTRICT COURT</p> <p>2 COUNTY OF RAMSEY SECOND JUDICIAL DISTRICT</p> <p>3</p> <p>4</p> <p>5 DOE 26,</p> <p>6 Plaintiff,</p> <p>7 vs.</p> <p>8 ARCHDIOCESE OF ST. PAUL AND MINNEAPOLIS,</p> <p>9 and FATHER JEROME C. KERN,</p> <p>10 Defendants.</p> <p>11</p> <p>12</p> <p>13 Videotape deposition of FATHER JEROME</p> <p>14 KERN, taken pursuant to Notice of Taking</p> <p>15 Deposition, and taken before Gary W. Hermes, a</p> <p>16 Notary Public in and for the County of Ramsey,</p> <p>17 State of Minnesota, on the 15th day of April,</p> <p>18 2014, at 445 Minnesota Street, St. Paul,</p> <p>19 Minnesota, commencing at approximately 9:31</p> <p>20 o'clock a.m.</p> <p>21</p> <p>22</p> <p>23</p> <p>24 AFFILIATED COURT REPORTERS</p> <p>25 2935 OLD HIGHWAY 8</p> <p>ST. PAUL, MN 55113 (612)338-4348</p>	<p style="text-align: center;">3</p> <p style="text-align: center;">INDEX</p> <p>1</p> <p>2 EXAMINATION BY MR. ANDERSON.....4</p> <p>3</p> <p>4 DEPOSITION EXHIBIT A.....10</p> <p>5 DEPOSITION EXHIBIT F.....12</p> <p>6 DEPOSITION EXHIBIT D.....115</p> <p>7 DEPOSITION EXHIBIT C.....115</p> <p>8 DEPOSITION EXHIBIT 5.....118</p> <p>9</p> <p>10 * * *</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: center;">2</p> <p>1 <u>APPEARANCES:</u></p> <p>2 JEFFREY R. ANDERSON, ESQ., and</p> <p>3 MICHAEL G. FINNEGAN, ESQ., Attorneys at Law,</p> <p>4 366 Jackson Street, Suite 100, St. Paul,</p> <p>5 Minnesota 55101, appeared for Plaintiff.</p> <p>6 KRISTA J. ROBERTSON, ESQ., Attorney</p> <p>7 at Law, 30 East 7th Street, Suite 3200, St.</p> <p>8 Paul, Minnesota 55101, appeared for</p> <p>9 Archdiocese of St. Paul and Minneapolis.</p> <p>10 JOHN C. GUNDERSON, ESQ., Attorney at</p> <p>11 Law, 445 Minnesota Street, Suite 2200, St.</p> <p>12 Paul, Minnesota 55101, appeared for</p> <p>13 Archdiocese of St. Paul and Minneapolis.</p> <p>14 PAUL ENGH, ESQ., Attorney at Law, 220</p> <p>15 South 6th Street, Suite 1225, Minneapolis,</p> <p>16 Minnesota 55402, appeared for Father Jerome</p> <p>17 Kern.</p> <p>18</p> <p>19 <u>ALSO PRESENT:</u></p> <p>20 Gary Leeane, videographer</p> <p>21</p> <p>22</p> <p>23</p> <p>24 * * *</p> <p>25</p>	<p style="text-align: center;">4</p> <p style="text-align: center;">PROCEEDINGS</p> <p>1</p> <p>2 * * *</p> <p>3 MR. LEEANE: Today's date is April</p> <p>4 15th, 2014. The time is approximately 9:31</p> <p>5 a.m. This is the video deposition of Father</p> <p>6 Jerome Kern. Will counsel please identify</p> <p>7 themselves for the video record?</p> <p>8 MR. ANDERSON: For the plaintiff</p> <p>9 Doe, Jeff Anderson.</p> <p>10 MR. FINNEGAN: For the plaintiff</p> <p>11 Doe, Mike Finnegan.</p> <p>12 MR. ENGH: For Father Kern, Paul</p> <p>13 Engh.</p> <p>14 MR. GUNDERSON: John Gunderson for</p> <p>15 the archdiocese.</p> <p>16 MS. ROBERTSON: I'm Krista Robertson</p> <p>17 for the archdiocese.</p> <p>18 MR. LEEANE: Would the court</p> <p>19 reporter please swear in the witness?</p> <p>20 FATHER JEROME KERN,</p> <p>21 called as a witness, being first duly sworn,</p> <p>22 was examined and testified as follows:</p> <p>23 MR. LEEANE: Proceed.</p> <p>24 EXAMINATION</p> <p>25 BY MR. ANDERSON:</p>

1 **Q.** Father, would you please state your full name
2 for the record?
3 **A. Jerome C. Kern.**
4 **Q.** You are a priest of the Archdiocese of St.
5 Paul and Minneapolis, correct?
6 **A. Yes.**
7 **Q.** And you've been ordained a priest of the
8 Archdiocese of St. Paul and Minneapolis since
9 1966. Correct?
10 **A. Yes.**
11 **Q.** Did you review any materials in preparation
12 for this deposition today?
13 **A. With my attorney, we went through things,**
14 **yeah.**
15 **Q.** What materials did you look at?
16 **A. Well, the priest file.**
17 MR. ENGH: He's asking you if you
18 looked at documents.
19 MR. ANDERSON: Yes.
20 MR. ENGH: I believe the question is
21 whether you reviewed actual documents.
22 **A. No. No.**
23 BY MR. ANDERSON:
24 **Q.** Did you look at any documents at all in your
25 file -- pertaining to your file, for example?

1 **A. No.**
2 **Q.** Have you ever seen your file?
3 **A. No.**
4 **Q.** Have you ever, Father, been interviewed by any
5 law enforcement agency or police officer
6 concerning your conduct as a priest towards
7 children?
8 **A. No.**
9 **Q.** To your knowledge, has your conduct towards
10 children as a priest ever been reported to any
11 law enforcement agency?
12 **A. No.**
13 **Q.** In your estimation, since 1966, how many kids,
14 while working as a priest, have you engaged in
15 sexual conduct with where you touched the
16 genitals of or engaged in some sexual contact
17 with the kids?
18 **A. Well, that's such a general question, I don't**
19 **know how to answer it.**
20 **Q.** Well, let me put it more simply to you. Since
21 1966, as a priest, how many different times
22 have you sexually abused a child under your
23 control?
24 **A. I never saw anything myself in terms of sexual**
25 **abuse. And I've given hugs (Indicating), you**

1 **know, to young people. And, you know, so like**
2 **the AM --**
3 **Q.** I'm just asking you the number now. Listen to
4 my question, okay?
5 Since 1966, while working as a
6 priest, how many different kids have you
7 touched the genitals of where you laid your
8 hands upon their genitals? How many in
9 number?
10 **A. Skin to skin? None.**
11 **Q.** Okay. How many different kids, while working
12 as a priest, have you engaged in any sexual
13 contact with? Now, sexual contact is where --
14 **A. I --**
15 **Q.** Just a moment.
16 **A. I don't understand.**
17 **Q.** Sexual contact is where you take your hand or
18 any part of your body and place it against the
19 genitals or the buttocks of any minor.
20 **A. Well, with clothes on, you're talking about?**
21 **I --**
22 **Q.** Clothed or unclothed.
23 **A. Oh.**
24 **Q.** Sexual contact.
25 **A. Okay. The --**

1 **Q.** Just give me a number. How many?
2 **A. Well, I -- I don't -- I don't know. Various**
3 **small --**
4 **Q.** More than 20?
5 **A. Oh, no. No, no, no, no, no.**
6 **Q.** More than ten?
7 **A. No. No.**
8 **Q.** Less than ten?
9 **A. Yes, without --**
10 **Q.** Less than five?
11 **A. The AM thing -- well, I have to think.**
12 **Q.** Just give me a number, your best estimate,
13 since you've been a priest, of the number of
14 kids under your control that you engaged in
15 some sexual contact with. Give me your best
16 estimate of the number.
17 **A. Well, under five, certainly. And --**
18 **Q.** When was the last time you did that?
19 **A. It's -- it's so vague, I can't -- I don't even**
20 **know. I need something specific to jiggle my**
21 **mind.**
22 **Q.** Tell me as best you can remember the last time
23 you engaged a child, while you were a priest,
24 in some sexual contact. Last year, the year
25 before?

- 1 **A. No, no, no, no, no.**
 2 **Q.** When was the last time then?
 3 **A. I don't know, 30 years, 40 -- it's so long**
 4 **ago. It -- 35 years.**
 5 **Q.** So you stopped doing that at some point in
 6 time, Father?
 7 **A. Oh, yes.**
 8 **Q.** What made you stop?
 9 **A. Well, the -- the lawsuit, of course, with AM,**
 10 **and the -- I just gradually realized that you**
 11 **cannot give these hugs (Indicating), you know,**
 12 **to anybody, really. And so I -- I don't know**
 13 **a point in time, if that's what you're asking,**
 14 **you know, but that was just a gradual thing I**
 15 **learned, you know.**
 16 **Q.** So it sounds like there's two things that made
 17 you stop --
 18 **A. Yeah -- go ahead.**
 19 **Q.** -- and the first is you say you realized you
 20 can't give these hugs. Is that one of the
 21 things?
 22 **A. Yes, right.**
 23 **Q.** And that was a realization you came to on your
 24 own?
 25 **A. Pretty much, yeah. Right. Right.**

- 1 **Q.** And then it sounds like the second thing that
 2 you just told us that made you stop was the
 3 lawsuit with AM. AM is a youth that sued you?
 4 **A. Right.**
 5 MR. ANDERSON: Mr. Engh, would you
 6 hand Father Kern the Doe list?
 7 BY MR. ANDERSON:
 8 **Q.** And we've marked this, Father, as Exhibit A.
 9 This is a confidential and by agreement sealed
 10 list of the name -- a number of individuals
 11 whose names we will not use, but who we will
 12 identify only as John Does by number.
 13 You gave an initial for AM and I'm
 14 going to have you write on this exhibit.
 15 (Discussion out of the hearing of
 16 the court reporter)
 17 MR. ANDERSON: Oh, okay.
 18 BY MR. ANDERSON:
 19 **Q.** Look at John Doe 15. Is that the AM you're
 20 referring to?
 21 **A. Yes.**
 22 **Q.** Okay. And are you aware that that individual,
 23 who you referred to as AM, has gone public
 24 with the claims of sexual abuse of him by you?
 25 Are you aware that he's made that public?

- 1 **A. I don't know what you mean by "public." It**
 2 **was -- the lawsuit was public, I think. I**
 3 **mean --**
 4 **Q.** Yes. So you know what -- you know that his
 5 name is Al Michaud?
 6 **A. Yeah.**
 7 **Q.** His is a name who we will use here because he
 8 has chosen to be public concerning what he has
 9 alleged you did to him and how it was handled,
 10 so we have no problem using his name.
 11 So just so we are clear, then, it's
 12 your testimony under oath today that there are
 13 no kids that you have abused sexually as a
 14 priest since you sexually abused AM or Al
 15 Michaud. Is that your testimony?
 16 **A. The names on this list here?**
 17 **Q.** No. I'm talking about time.
 18 **A. See, the time thing I -- I get confused.**
 19 **Q.** Yeah, I was trying to ask you, Father, the
 20 last time you engaged in any sexual contact or
 21 the touching of genitals of any of these kids
 22 while you were a priest. And I thought I
 23 heard you say the last one was Al Michaud. Is
 24 that your testimony first, he was the last in
 25 time?

- 1 **A. I don't know the answer. That's why I'm**
 2 **trying to think who else. You know, it --**
 3 **because I don't -- I don't even remember that**
 4 **date of -- of Al. It's hard for me to --**
 5 **Q.** Why don't you on exhibit -- on this Exhibit F,
 6 why don't you just write down the names of the
 7 kids that you did sexually abuse or touch the
 8 genitals of while you were a priest, that you
 9 recall?
 10 **A. Well, AM**
 11 **Q.** Just write it down.
 12 **A. Can I use this?**
 13 MR. FINNEGAN: No. Without. Let's
 14 start without.
 15 BY MR. ANDERSON:
 16 **Q.** That you remember, Father. And for now, don't
 17 look at that list, that's a list that we
 18 prepared.
 19 **A. Yeah.**
 20 **Q.** I want you to turn that list over and use your
 21 own memory at this point in time. Not look at
 22 that list. Don't look at Exhibit A. Turn
 23 that over.
 24 Okay. Now, tell me the names --
 25 write down the names of the people, the kids

<p style="text-align: center;">13</p> <p>1 who you engaged in sexual contact, that you</p> <p>2 can remember and identify by name.</p> <p>3 A. Let's see. AM. We talked about AM. I just</p> <p>4 forget the names of -- AM. I need help to --</p> <p>5 the -- with the memory.</p> <p>6 Q. Okay. If you have no ability to recall any of</p> <p>7 those names right now, we'll move to another</p> <p>8 line of questions and then if --</p> <p>9 A. It comes up --</p> <p>10 Q. -- memory gets --</p> <p>11 A. It gets --</p> <p>12 Q. If your memory gets refreshed, we'll help you</p> <p>13 do that.</p> <p>14 (Discussion out of the hearing of</p> <p>15 the court reporter)</p> <p>16 BY MR. ANDERSON:</p> <p>17 Q. Do you remember the first time -- or the name</p> <p>18 of the first individual that you ever -- first</p> <p>19 kid that you ever engaged in sexual abuse of</p> <p>20 as a priest?</p> <p>21 A. (No response).</p> <p>22 Q. Do you remember that kid's name?</p> <p>23 A. Oh, yes.</p> <p>24 Q. Okay.</p> <p>25 A. Heutmaker.</p>	<p style="text-align: center;">15</p> <p>1 Q. But, no. The question is, do you remember any</p> <p>2 of the first names? And you gave me the name</p> <p>3 of one of them. So do you remember any of the</p> <p>4 other first names without giving me their</p> <p>5 names?</p> <p>6 MR. FINNEGAN: Without saying their</p> <p>7 names out loud, just a yes or no question, do</p> <p>8 you remember any first names, and then if you</p> <p>9 do, he's going to ask you to put them on the</p> <p>10 list.</p> <p>11 THE WITNESS: Oh.</p> <p>12 MR. FINNEGAN: Without saying their</p> <p>13 names out loud.</p> <p>14 THE WITNESS: You want me to --</p> <p>15 MR. FINNEGAN: Write down any first</p> <p>16 names. Do you know of any first names besides</p> <p>17 those two?</p> <p>18 THE WITNESS: Oh, besides those two?</p> <p>19 MR. FINNEGAN: Yeah.</p> <p>20 A. Al Michaud, Heutmaker. I need help.</p> <p>21 BY MR. ANDERSON:</p> <p>22 Q. Okay.</p> <p>23 A. I'm sorry, I --</p> <p>24 Q. Okay. Let me ask you this, Father. Since</p> <p>25 1966 and you became a priest, from that point</p>
<p style="text-align: center;">14</p> <p>1 Q. Okay.</p> <p>2 A. So Heutmaker would be down.</p> <p>3 Q. Now, here's what we have to do. Don't use</p> <p>4 that name -- because he's been public, there's</p> <p>5 no harm in you using the name. But we're</p> <p>6 going to be using the list that you have,</p> <p>7 Exhibit A, to identify any other names. So do</p> <p>8 not give me any other names on this record,</p> <p>9 okay?</p> <p>10 MR. FINNEGAN: Just don't say them</p> <p>11 out loud. You can write them on the exhibit.</p> <p>12 BY MR. ANDERSON:</p> <p>13 Q. Don't say them out loud, you can write it on</p> <p>14 the exhibit. So write that name on the</p> <p>15 exhibit.</p> <p>16 A. Heutmaker?</p> <p>17 Q. Yes.</p> <p>18 (Discussion out of the hearing of</p> <p>19 the court reporter)</p> <p>20 BY MR. ANDERSON:</p> <p>21 Q. Okay. Do you remember the first names of any</p> <p>22 of these kids who you sexually abused, yes or</p> <p>23 no?</p> <p>24 A. Well, I think it was James, something like</p> <p>25 that, James.</p>	<p style="text-align: center;">16</p> <p>1 in time to the present, have you ever been</p> <p>2 concerned that you would be arrested by the</p> <p>3 police for what you did to these kids?</p> <p>4 A. No. Because I thought it was a -- at that</p> <p>5 time I thought it was appropriate, you know.</p> <p>6 Now I realize it's not, but --</p> <p>7 Q. When in time, Father, did you first realize</p> <p>8 that what you did to these kids as a priest</p> <p>9 was a crime that could send you to prison?</p> <p>10 When in time did you first realize that what</p> <p>11 you did to any of these kids was a crime that</p> <p>12 could send you to prison?</p> <p>13 MR. ENGH: I object to the form of</p> <p>14 the question and on foundation grounds, but</p> <p>15 answer if you can, Father.</p> <p>16 A. Well, I never did. I mean, I -- I thought it</p> <p>17 was appropriate to wrestle, to hug, you know,</p> <p>18 someone. I grew up doing that, you know</p> <p>19 (Indicating). And -- and, see, I never</p> <p>20 thought of it as sexual, that's the</p> <p>21 difference, you know. Myself I'm talking, you</p> <p>22 know, I never thought of anything as sexual.</p> <p>23 And I thought it was legitimate recreation,</p> <p>24 you know. And whether it was, you know, I</p> <p>25 mean, putting your arms around someone and,</p>

you know, like in football we did all the time, you know, and -- or, you know, pretend wrestling, you know. I never really wrestled with anybody in my life, you know, competitively, but just -- we always called it horsing around when I was young, you know, horsing around, jostling and, you know, spraying water. And I always thought it was okay. It's only when, you know, there was an objection or, you know, the lawsuit and I realized, you know, you cannot do the -- do anything like that, you know.

BY MR. ANDERSON:

Q. When did you realize or were told by anybody that it was wrong or that it was harmful and you cannot do that?

A. Nobody.

Q. Has any official of the archdiocese, from the archbishop that you first were ordained under, Byrnes, to Archbishop Roach, to Archbishop Flynn or to the current archbishop, Nienstedt, or any of those officials working under them, from Father O'Connell to Father McDonough, ever told you that what you did to these kids as a priest was a crime?

A. No.

Q. Have any of the officials of the archdiocese, either those identified for you or any others, since your ordination and since information first surfaced concerning a complaint about you in 1969, ever told you -- ever told you that you should not do that or repeat that?

A. No. And -- and --

Q. So the realization that this was wrong basically came to you that made you stop it and not based on something else somebody said to you, correct?

A. Yeah, yeah. Nobody in authority, you know, and -- (Nods head).

Q. And as a priest, you've always been under the authority of the archbishop, correct?

A. Yes.

Q. And the one that ordained you and all of his successors to the present?

A. Yes.

Q. And you remain under the authority of the current archbishop then?

A. Yes.

Q. And you were actually removed or asked to resign from active ministry in 2002, correct?

A. Yes.

Q. And the archbishop, that was then Archbishop Flynn?

A. Yes.

Q. And at all times, the archbishop has been your boss effectively --

A. Yes.

Q. -- correct? Did anybody from the archdiocese or any of those officials ever suggest to you that you could go to jail for what you had done to these kids by touching their genitals and engaging in sexual contact with them?

A. No.

Q. So you've never worried about going to jail, have you?

A. No. I really haven't.

(Discussion out of the hearing of the court reporter)

BY MR. ANDERSON:

Q. Before 2002, had you, Father, ever been restricted or limited in your ministry or prevented from being around kids by the archbishop or any of the archbishops or any of the archbishop's advisors?

A. No.

Q. When was the first time you were ever restricted, if at all, from your ability to be around kids as a priest?

A. Never, no.

Q. Look at the John Doe list, Exhibit A. And now I'll run down the names of those people and see if you recognize any of those names without stating them --

A. Without stating the name?

Q. Without stating the name, but look at the list and then identify by number if you abused any of those kids listed as Does 1 through 19 and 26. And then if you did, state the Doe number and then I will ask you. But don't state their name. Okay. Do you see the list?

A. You said a lotta questions there.

Q. Look at the list on the left-hand side.

A. Yeah.

Q. You see Doe numbers, right?

A. Right.

Q. Look on the right-hand side, it lines up.

A. Right, names.

Q. You see John Doe 1, you see that name?

A. Uh huh.

Q. Yes?

- 1 **A. Yes.**
 2 **Q.** Okay. And then you see at the bottom, you see
 3 John Doe 26, yes?
 4 **A. Yes.**
 5 **Q.** And you see that name to its right? Don't say
 6 the name.
 7 **A. Uh huh.**
 8 **Q.** Yes?
 9 **A. Yes.**
 10 **Q.** Okay. And that is the plaintiff in this case,
 11 so don't say his name, but I'll be referring
 12 to him as John Doe 26. Understood?
 13 **A. Uh huh.**
 14 **Q.** Okay. Now, look at those names, Father, and
 15 without stating the names, look at and
 16 identify the numbers that correspond to the
 17 names of the kids that you remember having
 18 abused.
 19 **A. (Examining documents) Can I ask something**
 20 **first?**
 21 **Q.** Sure.
 22 **A. I'm not always sure what -- what "abuse"**
 23 **means, see, that's -- that's where I hesitate,**
 24 **Jeff.**
 25 **Q.** Let me say abuse for purposes of this question

- 1 is where you at any time took your hand while
 2 a priest and laid it upon the genitals or the
 3 buttocks of any of these kids who were minors
 4 while you were a priest.
 5 **A. With clothes on?**
 6 **Q.** Yes.
 7 **A. Yeah, okay.**
 8 **Q.** With or without clothes.
 9 **A. Yeah. Yeah. Yeah.**
 10 **Q.** We call that sexual contact.
 11 **A. Oh, I see. I don't know all the terms. Okay.**
 12 **Q.** Now, look at the numbers and see what numbers
 13 correspond to the names you can identify as
 14 kids you did that to and give me the numbers,
 15 if you can.
 16 **A. Yeah. Two. Can I say more than a number? I**
 17 **mean --**
 18 **Q.** Not for this question.
 19 **A. Oh, okay.**
 20 **Q.** Just give me the numbers.
 21 **A. Because there's a misspelling, that's why --**
 22 **Q.** That's okay. We'll get that corrected.
 23 **A. Well, 11, 15, and that's it.**
 24 **Q.** I'm going to direct your attention to Doe 26.
 25 Do you recognize that name?

- 1 **A. No.**
 2 **Q.** He reports that you took him to your bedroom
 3 at Our Lady of Grace. Do you remember taking
 4 any kids to your bedroom at Our Lady of Grace?
 5 **A. No.**
 6 **Q.** Where was your bedroom at Our Lady of Grace?
 7 **A. At the rectory.**
 8 **Q.** How many priests lived at that rectory?
 9 **A. Two.**
 10 **Q.** Yourself and who else?
 11 **A. Custodio, Father Custodio.**
 12 **Q.** And Father Custodio was somewhat ill at that
 13 time, was he not, at the time he lived with
 14 you?
 15 **A. Well, for -- for a bit, but mostly well most**
 16 **of the time.**
 17 **Q.** Excuse me, I might have been mistaken. I
 18 think it was Baglio that is somewhat ill. Do
 19 you remember Father Baglio?
 20 **A. Oh, yes.**
 21 **Q.** Was he at Our Lady of Grace?
 22 **A. Yes.**
 23 **Q.** Was he ill?
 24 **A. Sometimes.**
 25 **Q.** Did you have your own bedroom at Our Lady of

- 1 Grace?
 2 **A. Yes.**
 3 **Q.** And where was that in relation to the bedroom
 4 used by Father Custodio?
 5 **A. No. At Our Lady of Grace -- Custodio was at**
 6 **Minnetonka, not Our Lady of Grace.**
 7 **Q.** So at Our Lady of Grace, it was Father Baglio
 8 that was there, is that right?
 9 **A. Uh huh. Yes.**
 10 **Q.** And it was Father Baglio that was somewhat ill
 11 during the time that you were there --
 12 **A. Yes.**
 13 **Q.** -- correct?
 14 **A. Yes.**
 15 **Q.** And he wasn't able to minister very much and
 16 do the ministerial duties, so they fell upon
 17 your shoulders, correct?
 18 **A. Yes.**
 19 **Q.** Do you deny ever taking any kids to your
 20 bedroom at Our Lady of Grace?
 21 **A. Yes.**
 22 **Q.** John Doe 26 has claimed in this suit that at
 23 the age of 12 or 13, he went to you for
 24 counseling. Did you counsel kids at Our Lady
 25 of Grace?

- 1 **A. No.**
 2 **Q.** Never?
 3 **A. No.**
 4 **Q.** Isn't it a part of your job to counsel those
 5 that seek your aid, comfort, guidance and
 6 advice?
 7 **A. Well, I'm not a counselor. I never, you know,**
 8 **for -- of any kind, professional counselor,**
 9 **you know. Even with adults. Like people**
 10 **would ask for, you know, like marriage**
 11 **counseling, and I would never -- I'm not a**
 12 **counselor-type. And certainly not with young**
 13 **people.**
 14 **Q.** Well, let's use a different word. Isn't it
 15 correct that youth would often seek you out
 16 for help and guidance, spiritual and
 17 otherwise?
 18 **A. Well, not -- not much of anything, yeah. I**
 19 **was so busy administering, I didn't do**
 20 **counseling as such.**
 21 **Q.** Well, you provided aid and comfort to those in
 22 need when they sought you out, did you not?
 23 **A. Well, yes.**
 24 **Q.** And when you say you're busy administering,
 25 that means busy ministering, does it not?

- 1 **A. Yes.**
 2 **Q.** And one of the things you did as a minister,
 3 as a reverend, as a Catholic priest, was to
 4 hear confessions?
 5 **A. Yes.**
 6 **Q.** That was both of kids and adults, correct?
 7 **A. Yes.**
 8 **Q.** And they were required to go to you for
 9 confession, were they not?
 10 **A. Well, I think required is too strong a word.**
 11 **Nobody had to go to a sacrament. I mean, at**
 12 **least in my ministry that was true.**
 13 **Q.** In this case, Doe 26 has made the claim that
 14 in your bedroom at the rectory at Our Lady of
 15 Grace, he was referred to you by his mother
 16 for some problems he was having. Do you
 17 remember helping some kids for problems they
 18 were having when you were at Our Lady of
 19 Grace --
 20 **A. (Shakes head).**
 21 **Q.** -- and them seeking you out for help?
 22 **A. No.**
 23 **Q.** Do you deny ever having done that to any kids,
 24 helped them when they sought you out?
 25 **A. I'm trying to think of an example and I can't.**

- 1 **Q.** Well, let me see if you have any memory of
 2 this. Doe 26 has alleged that you took him,
 3 after he was referred to you by his mother, to
 4 your bedroom and in it you laid your hands
 5 upon his genitals and caused him to have his
 6 first orgasm. Do you have any memory of
 7 having done that to any kid?
 8 **A. No.**
 9 **Q.** At any time?
 10 **A. Yes.**
 11 **Q.** Do you deny that?
 12 **A. Yes.**
 13 **Q.** He reports that you told him that if he said
 14 anything about that, that he wouldn't be
 15 believed because he was already in trouble for
 16 drinking. Do you remember telling that to any
 17 kid or this kid?
 18 **A. Nope.**
 19 **Q.** Do you remember a kid being sent to you by his
 20 mother because he was in trouble for drinking?
 21 **A. No.**
 22 **Q.** This Doe 26 reports there were -- the next two
 23 times this was repeated when he went to you
 24 for problems that he was having, including
 25 drinking, and that happened two more times.

- 1 Do you deny that that happened?
 2 **A. Yes.**
 3 **Q.** He reports that on two occasions when he had
 4 gone to mass alone, you made him go into the
 5 basement of the church/school, into the
 6 cafeteria. Did you ever take any kids into
 7 the church/school cafeteria?
 8 **A. No.**
 9 **Q.** Ever?
 10 **A. I can't recall, you know.**
 11 **Q.** Do you recall this kid or any other kid in or
 12 about 1977 while at Our Lady of Grace
 13 expressing concerns that he was gay to you?
 14 **A. No.**
 15 **Q.** Doe 26 reports that you told him that you were
 16 going to tell his parents that he was gay
 17 unless you let him touch his genitals (sic).
 18 Do you deny that?
 19 **A. I deny it.**
 20 **Q.** He also reports that one of the times you made
 21 him perform fellatio on him (sic).
 22 **A. Not true.**
 23 **Q.** And at least one other occasion masturbated
 24 and fondled him to orgasm. Do you deny that?
 25 **A. Yes.**

- 1 Q. He reports that once when he was going to
2 confession, there was an open confession. Did
3 you do open confessions at Our Lady of Grace?
- 4 A. **I forget when they kinda started. I may have,**
5 **yeah. Well --**
- 6 Q. And where did you do the open confessions?
- 7 A. **Well, you just set up chairs in the church,**
8 **you know, two chairs, and it could be anyplace**
9 **in -- inside the church.**
- 10 Q. It would be in a private area, but in a room
11 face-to-face as opposed to in a traditional
12 confessional booth --
- 13 A. **Right.**
- 14 Q. -- correct?
- 15 A. **Right.**
- 16 Q. And he reports that at one time in an open
17 confession, while on the kneeler, you engaged
18 in sexual contact with him. Do you deny that?
- 19 MR. ENGH: May I lodge an objection?
- 20 By statute, also church canon law, a priest
21 cannot reveal what has occurred in a
22 confession. He's not permitted to do it. If
23 he does it, he's violating church law. So I
24 lodge an objection and I instruct him not to
25 answer, even though it may be a public

- 1 confession, but in this one area of your
2 questioning, Mr. Anderson, that's problematic.
3 If you can rephrase it, perhaps, but as it
4 stands, I instruct you not to answer because
5 it's violating church law and also statutory
6 law.
- 7 MR. ANDERSON: Well, I'll rephrase
8 that because I can deal with that objection.
9 BY MR. ANDERSON:
- 10 Q. Did you engage this kid, Doe 26, in sexual
11 contact while in the sacrament of confession?
- 12 A. **No.**
- 13 Q. Are you aware that it is a canonical crime to
14 engage or solicit any sex in the confessional?
- 15 A. **Yes.**
- 16 Q. When did you learn that?
- 17 A. **Well, in the seminary, you know.**
- 18 Q. He reports that at some point he tried to get
19 away from you and you followed him. Do you
20 remember having ever done that to this kid or
21 any other kid while at Our Lady of Grace?
- 22 A. **No.**
- 23 (Discussion out of the hearing of
24 the court reporter)
- 25 BY MR. ANDERSON:

- 1 Q. Did you touch the genitals of kids while you
2 were in the seminary?
- 3 A. **No.**
- 4 Q. Well, what made you start doing it as a
5 priest?
- 6 A. **Well, when you said "touching genitals,"**
7 **that's what -- you know, I thought it**
8 **appropriate to recreate with -- we were**
9 **encouraged, you know, to recreate in different**
10 **sports with the young people. And I did that.**
11 **Whether it was playing basketball, throwing**
12 **the football, you know, whatever, the**
13 **different sports, you know, recreation and**
14 **that was encouraged, you know. And that was**
15 **the good priest, you know, to be seen with the**
16 **young people and -- and in those days there**
17 **were so many priests that, you know, you --**
18 **you could kinda divide things up and -- but --**
19 **so I played sports, you know, I recreated and**
20 **-- and I was always a teaser, and I liked to**
21 **tease, you know, and I -- I never thought of**
22 **it as sexual, though, you know.**
- 23 Q. So when you were in seminary, you became a
24 deacon at some point in time --
- 25 A. **Yes.**

- 1 Q. -- correct?
- 2 A. **Yes.**
- 3 Q. And as a deacon and while in seminary you were
4 encouraged to recreate with kids, were you
5 not, and develop relationships with them?
- 6 A. **Yes, and with adults, of course.**
- 7 Q. Okay. But youth as well?
- 8 A. **Yes. Yes.**
- 9 Q. And you were encouraged to help in their
10 formation and development, spiritual and
11 otherwise?
- 12 A. **Uh huh.**
- 13 Q. Yes?
- 14 A. **Yes.**
- 15 Q. He can't record an uh huh, huh uh, so you have
16 to say yes or no. Okay?
- 17 A. **Okay.**
- 18 Q. And so during the period of time as a deacon
19 and while in seminary, did you engage in this
20 kind of recreation with youth where you would
21 have contact with their genitals?
- 22 A. **No.**
- 23 Q. So what, in your view, made you start engaging
24 in recreation with these youth where you would
25 have contact with their genitals after you

- 1 became a priest in 1966? What was it that
2 made you start to do that, Father?
- 3 **A. Well, you have to remember, when I was a**
4 **deacon, you know, I was in Italy and -- and**
5 **there was -- that was so heavily academic over**
6 **there and we had no time -- you're studying**
7 **all the time in Rome, and so you had no time**
8 **to be with young people or, you know.**
- 9 **Q.** So do you have any insight into what made you
10 have this kind of sexual contact with youth
11 that you've described as wrestling? What made
12 you do that?
- 13 **A. No, I don't.**
- 14 **Q.** You were under a vow of celibate chastity, in
15 other words, to not have any sexual contact,
16 correct?
- 17 **A. Yes.**
- 18 **Q.** Is that a way you satisfied your sexual
19 desires and impulses is to wrestle with these
20 kids and put your hands on their genitals?
- 21 **A. Yeah, subliminally you mean or -- I -- I don't**
22 **know.**
- 23 **Q.** Did it turn you on, Father?
- 24 **A. No.**
- 25 **Q.** Did you get erect?

- 1 **A. No.**
- 2 **Q.** Did you have any sexual contact or sexual
3 activity beyond what you've described with
4 anybody since your ordination to satisfy your
5 sexual impulses?
- 6 **A. Are you talking about adolescents or --**
- 7 **Q.** Anybody.
- 8 **A. Who -- since ordination? Yes. Yeah.**
- 9 **Q.** How did you satisfy your sexual impulse?
- 10 **A. By far one thing, masturbation.**
- 11 **Q.** With any other individual?
- 12 **A. No. By myself, yeah.**
- 13 **Q.** In 19 --
- 14 (Discussion out of the hearing of
15 the court reporter)
16 BY MR. ANDERSON:
- 17 **Q.** When you would masturbate, did you fantasize
18 about kids or adolescents who were boys?
- 19 **A. I would fantasize about ladies and men.**
- 20 **Q.** Do you consider yourself gay, heterosexual or
21 bisexual?
- 22 **A. Bisexual.**
- 23 **Q.** And have you always had a sexual attraction to
24 male adolescents, young males?
- 25 **A. No. Not -- I've always had -- can I answer?**

- 1 **I've always had an attraction to women, I**
2 **mean, you know. Now, this goes way back,**
3 **right, to -- can I answer? To -- to the very**
4 **beginning, you know, high school. I liked**
5 **girls, dated a bit, felt an attraction there.**
6 **And, yet, I also wondered about the whole gay**
7 **thing, you know, attraction there, Jeff. And**
8 **-- and -- and yet, what happened in my life,**
9 **I'm -- you know, talking about me, right? And**
10 **I always had to put that to the side because**
11 **of priesthood, you know. And I always had to**
12 **push it to the side because I knew I could not**
13 **develop anything and because of celibacy.**
14 **And, you know, celibacy has dominated my life.**
15 **I don't know if that's a good word, but, you**
16 **know, it's governed my life, and -- but I've**
17 **always felt attraction to ladies, to a -- to**
18 **-- to a woman, whoever. I mean, to this day,**
19 **I still and dream about Judy, the gal I loved**
20 **in high school, but could not do anything**
21 **there. And -- and, yet, I've always -- also**
22 **have homosexual feelings and -- and they**
23 **became more as -- I think I became more aware**
24 **of them as I got older, whereas in high**
25 **school, you know, way back, 60, 70 years ago**

- 1 -- well, first of all, the whole gay thing, I
2 didn't even hear the word. I was a senior in
3 high school -- now, this may sound funny, but
4 it's true. I was at Nazareth Hall -- to give
5 you a concrete example, I was at Nazareth
6 Hall. I was a senior in high school. And two
7 of the seminarians were talking about this
8 homosexual. I did not -- I'm a senior in high
9 school, right, Jeff? I did not know what that
10 word meant. I'm 17, 18 years old. And so I
11 remember going back to the library and opening
12 up the dictionary, you know, what is that, you
13 know. So what I'm -- but what I'm saying is,
14 you know, I do feel bisexual feelings,
15 homosexual feelings. I have for some time.
16 And, yet, women -- a woman, if I could have
17 done it, I've always thought would make me
18 happy, you know. And -- but I always said no,
19 no, no, because of the demand of celibacy, you
20 know.
- 21 **Q.** And I think in an earlier deposition you
22 described that you were taught and understood
23 that your own sexuality and sex drive is
24 probably so strong, it's only second to your
25 need to survive. Is that --

- 1 **A. Well, I would say eating would be in there.**
 2 **Q.** Okay. That goes with survival.
 3 **A. Oh, oh, okay. Okay. Yeah.**
 4 **Q.** The homosexual urges or fantasies that you
 5 have had, have they been towards post-
 6 pubescent boys?
 7 **A. Towards men, yeah.**
 8 **Q.** What about youth?
 9 **A. No.**
 10 **Q.** Not at all?
 11 **A. No. Not really. No. No.**
 12 **Q.** In 1966 was your first assignment to St.
 13 Mark's in St. Paul?
 14 **A. Yes.**
 15 **Q.** And look at the Doe list, Doe number 1. You
 16 see that name?
 17 **A. Yes.**
 18 **Q.** And there are indications that a claim has
 19 been made that you sexually abused or engaged
 20 in sexual contact with Doe 1 when he was,
 21 then, 11 years old and you were a priest at
 22 St. Mark's. Did you do that to him?
 23 **A. No.**
 24 **Q.** Did you wrestle with him?
 25 **A. I don't recall wrestling with him. I -- I**

- 1 **know who it is.**
 2 **Q.** Did you wrestle with kids at St. Mark's for
 3 recreation and other reasons as a priest?
 4 **A. I would have to have a name, but --**
 5 **Q.** Well, look at that name. Do you deny having
 6 touched the genitals of Doe 1?
 7 **A. Yes.**
 8 **Q.** Do you deny having wrestled with Doe 1?
 9 **A. I don't recall if -- we played basketball over**
 10 **there and -- and whether I ever put my arms**
 11 **around him, I don't recall that, Jeff**
 12 **(Indicating).**
 13 **Q.** Look at Doe 2, you used his name and he went
 14 by Jamie, and he has been public, so we can --
 15 you've already used his name, so I'm not going
 16 to worry about that, it's Heutmaker. Did you
 17 -- did you touch his genitals?
 18 **A. No. Can I explain the whole --**
 19 **Q.** Well, it's a yes or no. Did you touch his
 20 genitals?
 21 **A. No.**
 22 **Q.** Do you deny touching his genitals?
 23 **A. Now, let me think, I have to think what --**
 24 **this is Heutmaker. Yeah, I do not recall**
 25 **touching his suit on the outside. I do recall**

- 1 **having -- I was holding him like this, you**
 2 **know, chest, stomach, and I do recall**
 3 **squeezing him and my, you know, finger or fing**
 4 **-- you know, was a little bit inside the suit,**
 5 **his suit, whatever he was wearing, yeah, I do**
 6 **recall that. And I mentioned that to them**
 7 **afterwards and -- but I did not, you know, go**
 8 **over to the center and touch his genitals, you**
 9 **know (Indicating).**
 10 **Q.** Did you touch the outside of his genitals on
 11 the outside of his swimsuit?
 12 **A. Yeah, that's a good question. I don't recall**
 13 **that. What I recall is this thing**
 14 **(Indicating). That's what I recall. And --**
 15 **and I remember talking about that afterwards**
 16 **to Mr. and Mrs. Heutmaker. But I know for**
 17 **sure I did not come over, you know, to the**
 18 **center. For sure I had my arms around him.**
 19 **For sure we wrestled a little bit, I remember**
 20 **that. But I don't recall on the outside**
 21 **(Indicating).**
 22 **Q.** When you say "wrestled," is that that Italian
 23 wrestling you had learned earlier --
 24 **A. No.**
 25 **Q.** -- that you referred to?

- 1 **A. Yeah, that's a freaky whatever you -- that's**
 2 **just a word.**
 3 **Q.** Was it your belief that Italian wrestling
 4 included putting the hands on the genitals of
 5 the kid you were wrestling with?
 6 **A. No.**
 7 **Q.** Is that what you mean?
 8 **A. No. Not really, no.**
 9 **Q.** What about his friend did you do the
 10 same thing to
 11 **A. No. Not at all.**
 12 **Q.** Did you make any attempt to touch ;
 13 genitals or wrestle with his friend?
 14 **A. No. Yeah, I put my arms on -- I felt so sorry**
 15 **for .**
 16 **Q.** Well, if you said no, is that your answer?
 17 You deny having touched or making any
 18 attempt to touch
 19 **A. Sexually?**
 20 **Q.** Well --
 21 **A. I -- I touched his shoulders getting out of**
 22 **the swimming pool area (Indicating). I felt**
 23 **sorry for because I -- I spent the**
 24 **time with Jamie.**
 25 **Q.** Well, let's talk about the physical contact

1 that you had with Tell us what
 2 physical contact you had with
 3 **A. Just (Indicating).**
 4 **Q.** Did you wrestle with him?
 5 **A. I don't recall that at all. All I --**
 6 **Q.** Were you in the pool with him --
 7 **A. Yes.**
 8 **Q.** -- or at Lake Nokomis?
 9 **A. Yes.**
 10 **Q.** Did you lay your hand upon any part of his
 11 swimsuit?
 12 **A. Not that I can recall.**
 13 **Q.** has claimed that you did do that, lay
 14 your hands upon him and his genitals. Do you
 15 know why he would make such a claim if you
 16 hadn't?
 17 **A. No, I don't. I basically ignored him, you**
 18 **know.**
 19 **Q.** Father, you're aware that reports were made to
 20 parents and Jamie's parents, are you
 21 not?
 22 **A. Yes.**
 23 **Q.** And after it was reported to their parents,
 24 who brought that information to you and how
 25 did you learn that a complaint had been made

1 that you had sexually touched these kids?
 2 **A. I had a wedding for Jamie's sister, I think it**
 3 **was, and she canceled -- I was on a trip or**
 4 **some place and I came back and she wanted**
 5 **another priest to do her wedding. So, then, I**
 6 **called the Heutmakers up and then they wanted**
 7 **me to come over and that's when they -- we**
 8 **talked about it.**
 9 (Discussion out of the hearing of
 10 the court reporter)
 11 BY MR. ANDERSON:
 12 **Q.** So what do you remember having happened, then,
 13 once you learned a report had been made about
 14 you having touched the boys?
 15 **A. I missed the first part.**
 16 **Q.** What happened?
 17 **A. With what?**
 18 **Q.** After a report was made by the parents that
 19 you had touched their boys, what happened to
 20 you?
 21 **A. Oh. Nothing.**
 22 **Q.** Did anybody scold you, reprimand you,
 23 discipline you or warn you not to do that?
 24 **A. No.**
 25 **Q.** And so you continued in ministry?

1 **A. Yes.**
 2 **Q.** You continued to minister at St. Mark's to the
 3 parents and the kids, correct?
 4 **A. Yes.**
 5 **Q.** And you continued to recreate with kids by
 6 wrestling with them as you had before --
 7 **A. Yes.**
 8 **Q.** -- correct? And then --
 9 (Discussion out of the hearing of
 10 the court reporter)
 11 BY MR. ANDERSON:
 12 **Q.** Who met with you or brought to your attention
 13 the fact that this report had been made about
 14 your conduct? Who at the archdiocese?
 15 **A. Who contacted me?**
 16 **Q.** Yes. You had learned a complaint had been
 17 made --
 18 **A. Yeah.**
 19 **Q.** -- about you and two kids, right, by the
 20 parents?
 21 **A. Yeah, there was no report like an official**
 22 **report, you know.**
 23 **Q.** Well, a complaint was verbally communicated.
 24 **A. Yeah. Yeah. Bill Kenney met with me to talk**
 25 **about the change of assignment to Our Lady of**

1 **Grace.**
 2 **Q.** And did he meet with you to tell you -- he was
 3 acting under the authority of the archbishop
 4 when --
 5 **A. Right.**
 6 **Q.** -- he met with you, I trust?
 7 **A. Yes.**
 8 **Q.** And did he tell you the archbishop had learned
 9 of the report and was considering reassigning
 10 you because of it?
 11 **A. I forget the words. I mean, he mentioned --**
 12 **just mentioned the Heutmaker thing because**
 13 **Monsignor Gilligan and I were not always**
 14 **getting along in terms of the general stuff in**
 15 **the parish, so -- so, you know, they wanted me**
 16 **to move because of that, the differences**
 17 **between Monsignor Gilligan and myself. And so**
 18 **we talked about that for a bit and they**
 19 **mentioned --**
 20 **Q.** Were you aware that Gilligan had also received
 21 the report?
 22 **A. We never talked about it.**
 23 **Q.** Okay. And did it become clear to you that you
 24 were -- they were considering assigning you
 25 out of St. Mark's because of difficulties with

- 1 Gilligan and because of what had been reported
2 to the parents and the complaint made by them?
3 **A. Yes.**
4 **Q.** And you were, then, assigned out of St.
5 Mark's --
6 **A. Yes.**
7 **Q.** -- sometime after that by the archbishop,
8 correct?
9 **A. Yes.**
10 **Q.** And it was Kenney, under the authority of the
11 archbishop, that discussed that with you,
12 correct?
13 **A. Yes.**
14 **Q.** Did Kenney at that time ask you if you had
15 touched the boys inappropriately?
16 **A. We never talked about it, yeah.**
17 **Q.** So he didn't ask?
18 **A. Right.**
19 **Q.** Did he ask you if you had sexual thoughts
20 about boys or fantasies about youth at that
21 time?
22 **A. No.**
23 **Q.** Did he suggest to you that to touch boys as
24 had been reported by these parents would be
25 against the law or a crime?

- 1 **A. No.**
2 **Q.** So you continued as a priest as you had before
3 and were assigned by the then archbishop to
4 Our Lady of Grace?
5 **A. Yes.**
6 **Q.** And that assignment was effective in 1969, not
7 long after these reports were made, right?
8 **A. I think I came to Our Lady of Grace in 1970,**
9 **but early -- January, 1970.**
10 **Q.** Did the archbishop or any of the other
11 officials besides Kenney talk to you about
12 this problem?
13 **A. No.**
14 **Q.** Did you see it as a problem then?
15 **A. No.**
16 **Q.** Was anybody else told about why you were moved
17 out of St. Mark's or the circumstances of you
18 having been moved from St. Mark's to Our Lady
19 of Grace?
20 **A. I missed that first part.**
21 **Q.** Let me ask you this. What was the reason
22 given for your assignment out of St. Mark's to
23 Our Lady of Grace to the parishioners?
24 **A. To St. Mark's parishioners?**
25 **Q.** Yes.

- 1 **A. I don't know what they were told.**
2 **Q.** What time of year was that that that --
3 **A. Well, I thought --**
4 **Q.** -- you believe that was made?
5 **A. I thought I went to Our Lady of Grace January**
6 **of '70.**
7 **Q.** Did Kenney, when you met with him, tell you to
8 stop doing what you had done that caused the
9 complaint to have been made?
10 **A. No.**
11 **Q.** And when you were sent to Our Lady of Grace,
12 you continued to recreate with youth there as
13 you had at St. Mark's, correct?
14 **A. Yes.**
15 **Q.** Including wrestling with them, correct?
16 **A. Yes.**
17 **Q.** And look at Exhibit A, Doe 4. Do you see that
18 name, Doe 4?
19 **A. Yes.**
20 **Q.** Did you wrestle with that kid at Our Lady of
21 Grace?
22 **A. No. I don't know.**
23 **Q.** Do you see --
24 **A. Well --**
25 **Q.** Did you wrestle with that kid at any time?

- 1 **A. Well, I'm trying to -- this is --**
2 **Q.** While you were a priest at Our Lady --
3 **A. -- a parishioner? This is a parishioner?**
4 **Q.** Well, actually, you can see the name.
5 **A. Yeah, that's why --**
6 **Q.** So it can be either a parishioner or non-
7 parishioner. My question to you is, did you
8 engage in this wrestling with Doe 4 the same
9 way you had with Doe 2 and 3?
10 **A. Well, 2 and 3 were different.**
11 **Q.** I know.
12 **A. Oh.**
13 **Q.** Well, they're different people, but did --
14 **A. No.**
15 **Q.** -- you do the same kind of thing to Doe 4 that
16 you did to 2 and 3 or --
17 **A. But 2 and 3 is different. We talked about**
18 **that already. And you're putting them**
19 **together.**
20 **Q.** Did you do the same thing to Doe 4 as you did
21 to Doe 2, that is, Jamie?
22 **A. No.**
23 **Q.** Did you engage in any sexual contact with Doe
24 4?
25 **A. No.**

- 1 Q. None at all?
- 2 A. **(Shakes head).**
- 3 Q. You have to answer audibly.
- 4 A. **No.**
- 5 Q. Okay. Did you have any sexual impulses or
- 6 attraction to Doe 4?
- 7 A. **No.**
- 8 Q. Look at Doe 5. Did you engage in any kind of
- 9 contact with Doe 5 that you had with Jamie at
- 10 St. Mark's?
- 11 A. **Not at all.**
- 12 Q. Do you deny any sexual contact with him, that
- 13 is, the touching of his genitals, wrestling or
- 14 anything else outside his clothing at any
- 15 time?
- 16 A. **I -- whoop. I can't say the name, right?**
- 17 Q. Correct.
- 18 A. **I --**
- 19 Q. You can say you did or you didn't.
- 20 A. **No. Nothing with 5.**
- 21 Q. Look at number 6. Did you engage in any
- 22 sexual contact or wrestling as you've
- 23 described it with 6?
- 24 A. **No.**
- 25 Q. Look at the name 7, did you engage in any

- 1 sexual contact or wrestling as you have
- 2 described it with 7?
- 3 A. **No.**
- 4 Q. Do you recognize the name?
- 5 A. **I recognize the last name, it was a big**
- 6 **family, so I'm not --**
- 7 Q. Okay. Look at Doe 8. Did you engage in any
- 8 sexual contact or wrestling as you've
- 9 described it with Doe 8?
- 10 A. **No.**
- 11 Q. Look at Doe 9. Did you engage in any sexual
- 12 contact or wrestling as you've described it
- 13 with 9?
- 14 A. **No.**
- 15 Q. Look at Doe 10. In 19 -- early 1970s, did you
- 16 engage in any sexual contact or wrestling as
- 17 you've described it with Doe 10?
- 18 A. **No.**
- 19 Q. Look at Doe 11. Did you engage -- you did
- 20 tell us that you did engage in some kind of
- 21 contact with Doe 11, correct?
- 22 A. **Yes, but --**
- 23 Q. Okay. The name is misspelled.
- 24 A. **Yes.**
- 25 Q. And you can make a correction on the exhibit

- 1 as to the correct spelling of the name.
- 2 A. **Oops. Here (Indicating)?**
- 3 Q. Yeah, don't state what it is, but write it on
- 4 the typewritten Exhibit A. Just don't state
- 5 the name.
- 6 THE WITNESS: (Indicating) Is that
- 7 what he wants?
- 8 MR. ENGH: Yes.
- 9 A. **Okay.**
- 10 **BY MR. ANDERSON:**
- 11 Q. So referring to Doe 11, then, what did you do
- 12 to him? Was he 11 years old at that time?
- 13 A. **Maybe about.**
- 14 Q. What did you do?
- 15 A. **We were at the seminary and I forget what**
- 16 **sport we played, basketball or -- I forget,**
- 17 **but then we went into the weight room, did**
- 18 **some -- some machine stuff there and then we**
- 19 **just rested on the mat. There was some**
- 20 **wrestling mats there. And then I put -- put**
- 21 **my arm around him and he's like this, you**
- 22 **know, and I touched the upper part of his**
- 23 **buttocks for two seconds or whatever. And I**
- 24 **never touched the genitals on the outside,**
- 25 **much less the inside, so -- but I do remember,**

- 1 **you know, what I said, yeah (Indicating).**
- 2 Q. Was that for your own sexual purpose?
- 3 A. **I did not consider it any sexual thing.**
- 4 Q. Did it turn you on?
- 5 A. **No.**
- 6 Q. Why did you do it if it wasn't for a sexual
- 7 purpose?
- 8 A. **Well, I just -- I just don't see wrestling as**
- 9 **sexual. I mean --**
- 10 Q. Did you make a settlement with this kid?
- 11 A. **No.**
- 12 Q. Are you aware that a claim was made?
- 13 A. **No.**
- 14 Q. Have you made any settlements with any of
- 15 these kids?
- 16 A. **Here (Indicating)?**
- 17 Q. Yes.
- 18 A. **(Examining documents) No.**
- 19 Q. Write down the name of the kid on your list
- 20 and write it down as, we'll call it, Doe 20,
- 21 and we'll want to keep that name confidential,
- 22 so I will ask you not to state the name of the
- 23 individual, but I'll want you to write it on
- 24 the exhibit.
- 25 MR. ENGH: What's the question?

1 **A. Yeah.**
 2 BY MR. ANDERSON:
 3 **Q.** The name of the individual with whom you made
 4 a settlement.
 5 MR. ENGH: May I lodge an objection?
 6 MR. ANDERSON: Yes.
 7 MR. ENGH: The objection is, we've
 8 disclosed in discovery there was a settlement,
 9 the nature of the settlement was confidential
 10 and by the terms as I've read the settlement
 11 is that it could not be disclosed.
 12 MR. ANDERSON: But this is under
 13 seal by a court order.
 14 MR. ENGH: The entire deposition is
 15 under seal.
 16 MR. ANDERSON: No. But this
 17 particular exhibit and the identities of these
 18 particular people are by stipulation in this
 19 deposition under a complete seal.
 20 MR. ENGH: Well, I'll lodge my
 21 objection, but so that we don't have to come
 22 back --
 23 MR. ANDERSON: Sure.
 24 MR. ENGH: -- I preserve my
 25 objection for future litigation, should we

1 have it --
 2 MR. ANDERSON: Understood.
 3 MR. ENGH: -- and without waiving
 4 any confidentiality that he's promised on that
 5 agreement, you may put the name of the
 6 individual down there, Father, so that we may
 7 progress on the discovery rather than come
 8 back.
 9 **A. (Writing name) I forget the last name.**
 10 MR. ENGH: If you know the name,
 11 write the name. If you don't know the last
 12 name, you can't write it, but --
 13 **A. Can't think of it.**
 14 **BY MR. ANDERSON:**
 15 **Q.** We'll have you write it later and maybe
 16 counsel can help you at that time. We'll have
 17 you write it later.
 18 MR. ENGH: For the record, he's got
 19 the first name.
 20 MR. ANDERSON: Okay.
 21 MR. ENGH: Maybe after the break we
 22 can look at it.
 23 MR. ANDERSON: Okay.
 24 BY MR. ANDERSON:
 25 **Q.** I'm going to direct your attention back to the

1 time frame of the early 1970s while you were
 2 at Our Lady of Grace and specifically in 1973.
 3 Let's see. 1972, 1973, and I think I had
 4 asked you last about Doe 10 and then Doe 11
 5 and I'm now at Doe 12.
 6 Look at Doe 12. Did you engage Doe
 7 12 in any sexual contact or wrestling as
 8 you've described it?
 9 **A. No.**
 10 **Q.** Look at Doe 13. In 1973, '74, did you engage
 11 in any sexual contact with Doe 13 or wrestling
 12 as you've described it?
 13 **A. No.**
 14 **Q.** In 1976, it appears that you were assigned to
 15 Immaculate Heart of Mary in Minnetonka and you
 16 were a co-pastor there with Father Custodio --
 17 I think it's Custodio, correct?
 18 **A. Yes.**
 19 **Q.** Why were you reassigned from Our Lady of Grace
 20 to Immaculate Heart of Mary? Was it because
 21 of something that had happened with one of
 22 these kids like at St. Mark's?
 23 **A. No.**
 24 **Q.** What time of year was the assignment?
 25 **A. June.**

1 **Q.** Assignments are usually made in June, aren't
 2 they?
 3 **A. More of 'em, right.**
 4 **Q.** The assignment that had been made by the
 5 archbishop of you from St. Mark's to Our Lady
 6 of Grace, however, was made in December, not
 7 the ordinary time of assignments, correct?
 8 **A. Correct.**
 9 **Q.** That was because of the complaint that had
 10 been made and the concern around it?
 11 **A. I think so.**
 12 **Q.** Okay. And so the assignment to Immaculate
 13 Heart of Mary, in any case, didn't have
 14 anything to do with a complaint, as far as you
 15 know, correct?
 16 **A. Right.**
 17 **Q.** And then when you were there, did you continue
 18 to wrestle with the kids, recreate with the
 19 kids and do pretty much the same things you
 20 had done with the kids that you had at your
 21 earlier parishes?
 22 **A. In general, yes.**
 23 **Q.** And you believed it was innocent conduct, not
 24 criminal in nature when you did this, didn't
 25 you?

- 1 **A. Yes.**
 2 **Q.** And you now know it wasn't innocent conduct,
 3 don't you?
 4 **A. I know it's now inappropriate, yes.**
 5 **Q.** Well, do you know that it does harm to kids
 6 over whom you have control, over whom you have
 7 a position of trust, over whom you have a
 8 special position of power and that when you
 9 engage them in the conduct that you did, it
 10 confuses them and causes them harm? Do you
 11 know that, Father?
 12 **A. I've come to realize that, yeah.**
 13 **Q.** When did you realize that?
 14 **A. There was no magic date, you know, just**
 15 **gradually, you know.**
 16 **Q.** While at Immaculate Heart of Mary and when you
 17 were assigned there, was anybody there, either
 18 your fellow pastors or the staff, told about
 19 the allegations that had been made against you
 20 earlier concerning the kids at St. Mark's?
 21 **A. Not that I can recall.**
 22 **Q.** That had always been kept kind of secret and
 23 on the down low, hadn't it?
 24 **A. Yes.**
 25 **Q.** And so while at Immaculate Heart, then, look

- 1 at Doe 14. Did you engage Doe 14 in some
 2 sexual contact or wrestling as you've
 3 described it while you were pastor or
 4 co-pastor --
 5 **A. No. I touched his shoulders, I remember, once**
 6 **and that was it.**
 7 **Q.** Did you wrestle with him?
 8 **A. No.**
 9 **Q.** In 1977, tell us what you did to Doe 15, which
 10 has now been publicly self-disclosed as Al
 11 Michaud.
 12 **A. What happened?**
 13 **Q.** What you did to him.
 14 **A. Yeah, right. Well, we were at the seminary**
 15 **and at the swimming pool and a whole bunch of**
 16 **people, I don't know how many, 20, 25, a lotta**
 17 **people, and -- I'm tired. This is AM, right?**
 18 **Q.** Yes.
 19 **A. Yes. Anyway, I had my arms around him in my**
 20 **hold that I told you about before, my famous**
 21 **hold, and kids were coming and going. This**
 22 **was a Boy Scout thing, you know. And they**
 23 **were trying to dunk me, spraying water in my**
 24 **face, I was spraying water in their face --**
 25 **and what's the number? And 15 was right**

- 1 **there. I had my hands on his waist like this**
 2 **and -- and I know I put my arms around him.**
 3 **And, like I say, all kindsa stuff was going**
 4 **on. It was a busy place, you know, it's a**
 5 **swimming pool. It was. And I would let go of**
 6 **him, you know, a kid would try to take me**
 7 **down -- I mean by taking down, just, you know,**
 8 **what I call horsing around, you know. And so,**
 9 **I mean, I would let go of 15 -- I would let go**
 10 **of 15, somebody comes on top of me, right?**
 11 **And -- and he never moved away. You know,**
 12 **kids would come and go, you know, but 15 never**
 13 **did.**
 14 **And -- but -- but I did have my arms**
 15 **around him like this on his sides. I did put**
 16 **my arms around him in front and -- and at some**
 17 **-- I touched him on the outside, never the**
 18 **inside of the suit, not the inside of the**
 19 **suit. And -- and at some point, you know, I**
 20 **thought, does -- does he have an erection?**
 21 **And -- and that was it. I was surprised and**
 22 **-- (Indicating).**
 23 **Q.** And this is a teenage boy, correct?
 24 **A. Yes.**
 25 **Q.** And you had brought him to the seminary on

- 1 that day to recreate with him?
 2 **A. See, I don't recall --**
 3 **Q.** Or he was at the seminary.
 4 **A. He was at the seminary. I recall I took him**
 5 **home and I don't recall taking him there,**
 6 **though. I don't -- I don't know how that --**
 7 **what happened there.**
 8 **Q.** Okay. And anything else sexual happen?
 9 **A. No.**
 10 **Q.** Now, look at Doe list number 16 and the name.
 11 Did you engage in sexual contact with him in
 12 1977 or '78 when he was 11 years old, either
 13 sexual contact or the kind of wrestling you
 14 described?
 15 **A. No.**
 16 **Q.** Look at Doe 17. In 1977 or '78, did you
 17 engage in sexual contact with him or the kind
 18 of wrestling as you've described?
 19 **A. No.**
 20 **Q.** Did you do anything with any of these Does
 21 like you had with Doe 15 where they got an
 22 erection?
 23 **A. No.**
 24 **Q.** At this point in time in your sexual
 25 experience or wrestling experience with all of

1 the kids we've identified, had any of the
 2 other kids gotten erections besides Doe 15,
 3 AM?
 4 **A. All these names?**
 5 **Q.** So far, yeah.
 6 **A. Yeah, not that I can recall.**
 7 **Q.** Did you get an erection?
 8 **A. No.**
 9 **Q.** Never?
 10 **A. Nope.**
 11 **Q.** In 1979, did you engage in wrestling with or
 12 any sexual contact with Doe 18?
 13 **A. No.**
 14 **Q.** In 1981 or '82, did you engage in sexual
 15 contact or wrestling as you described it with
 16 Doe 19? What were you going to say about 18?
 17 **A. Yeah. I'm -- I'm trying to get the names**
 18 **here. Remember what -- can I go back a little**
 19 **bit?**
 20 **Q.** If you need to.
 21 **A. Well, I'm just trying to figure -- I forget, I**
 22 **cannot say the name.**
 23 **Q.** Just use the number.
 24 **A. Yeah. Before I said about touching the**
 25 **shoulders, you know, of -- when you mentioned**

1 **4 -- when you mentioned 14, I was thinking of**
 2 **18.**
 3 **Q.** Okay. Okay.
 4 **A. Okay?**
 5 **Q.** Because of the similarity of names, right?
 6 **A. Yeah -- well, and they're two different**
 7 **people, but -- but nothing happened with 14,**
 8 **but I did touch the shoulder -- shoulders and**
 9 **kidded around with 18, but I got --**
 10 **Q.** What time was that?
 11 **A. Oh, I don't know.**
 12 **Q.** That's okay.
 13 **A. I don't know.**
 14 **Q.** What assignment were you at when that
 15 happened?
 16 **A. It's so long ago.**
 17 **Q.** Did you wrestle with him?
 18 **A. No. No.**
 19 **Q.** Okay. Look at Doe 19 then. Did you engage in
 20 any sexual contact or wrestling as you've
 21 described it with 19?
 22 **A. No. I -- I don't know this name.**
 23 **Q.** At some point in time, did you learn that John
 24 Doe 26 had written a letter to Archbishop
 25 Roach?

1 **A. No.**
 2 **Q.** Have you ever heard that?
 3 **A. No.**
 4 **Q.** Have you ever heard that Archbishop Roach or
 5 anybody at the Chancery received a letter from
 6 Doe 26 reporting sexual abuse by you of him as
 7 a youth?
 8 **A. No.**
 9 **Q.** When is the next time, after having been
 10 removed from St. Mark's for the reasons you've
 11 described and sent to Our Lady of Grace, did
 12 any archdiocesan officials discuss with you
 13 concerns about your relationships to or
 14 conduct with youth?
 15 **A. I -- I understand your question -- I think**
 16 **understand your question. I never -- I never**
 17 **talked to anybody in authority -- that's what**
 18 **you're talking about?**
 19 **Q.** Yes.
 20 **A. -- Jeff, about any of this.**
 21 **Q.** Okay.
 22 **A. The archbishops, I mean -- well --**
 23 **Q.** What about Father McDonough?
 24 **A. Okay. Yeah. I was thinking of bishops and --**
 25 **Q.** Okay.

1 **A. Yeah, because I went for evaluations, but we**
 2 **never -- I guess that was really the -- the**
 3 **main thing, they sent me to get an evaluation,**
 4 **you know, but it -- I didn't talk to them**
 5 **about it, I talked to the evaluators, you**
 6 **know.**
 7 **Q.** Right.
 8 **A. Yeah.**
 9 **Q.** So are you aware of any other reports made to
 10 the archbishop, besides the 1969 report of the
 11 two moms?
 12 **A. I don't understand the question.**
 13 **Q.** Are you aware of any reports going to the
 14 archdiocese, besides the reports that you --
 15 **A. Oh, the '69.**
 16 **Q.** -- mom made in 1969?
 17 **A. Yeah. No.**
 18 **Q.** Are you aware of any reports or complaints
 19 being lodged with staff members that worked
 20 with you or for you at any of the parishes
 21 about your conduct towards the youth?
 22 **A. No.**
 23 **Q.** Are you aware of rumors going around about you
 24 and your conduct towards youth and being a
 25 problem?

- 1 **A. No. It never got back to me, no.**
 2 **Q.** Do you have any knowledge that in 1987, the
 3 mothers that had made the original complaint,
 4 Jamie's mother being one of them, met with
 5 archdiocese officials about you? Do you have
 6 any knowledge of that?
 7 **A. No.**
 8 **Q.** You did say that at some point in time you
 9 were sent by the archdiocese and those in --
 10 some officials to be evaluated, is that right?
 11 **A. Yes.**
 12 **Q.** What year was that, Father?
 13 **A. Okay. Let me think now. The year. Oh, I**
 14 **think I know. '87, I think.**
 15 **Q.** Okay. And what were you told about why you
 16 were being sent and by whom? Tell us the
 17 circumstances. How did that come up? What
 18 happened?
 19 **A. How did it come up? Well, I don't know what**
 20 **went on at the Chancery, you know, I wasn't**
 21 **part of that, you know. So I don't know that**
 22 **history at all.**
 23 **Q.** What were you told?
 24 **A. Oh, I got -- I got -- yeah, right, exactly,**
 25 **Jeff. Who called me?**

- 1 **Q.** Was it Father O'Connell?
 2 **A. Well, he would have been the one because he**
 3 **was the vicar general then.**
 4 **Q.** Yes.
 5 **A. And it wasn't the bishop or the archbishop, it**
 6 **was Mike and -- oh, yeah, now I remember,**
 7 **yeah. And they just said, you know, they did**
 8 **some review, Mike said something like this, I**
 9 **-- don't quote me, I don't know the exact**
 10 **words, you know, and -- I have a bad throat.**
 11 **Q.** That's okay.
 12 **A. But, yeah, I remember now. And I got a call**
 13 **from Michael and he said, "Jerry, we -- we'd**
 14 **like you to do an evaluation." And so I did,**
 15 **I mean --**
 16 **Q.** Okay. So let's just make sure we're talking
 17 about the same thing at the same time. You
 18 said the year was 1987?
 19 **A. I think so.**
 20 **Q.** You're contacted by the then vicar general,
 21 Michael O'Connell?
 22 **A. Yes.**
 23 **Q.** And you know that he's acting under the
 24 authority of then Archbishop Roach, correct?
 25 **A. Yes.**

- 1 **Q.** Okay. And when he contacts you under the
 2 authority of Archbishop Roach, he tells you
 3 that he'd like to have an evaluation done of
 4 you, correct?
 5 **A. Yes.**
 6 **Q.** He also imparts to you that some problem has
 7 arisen that would cause him to be concerned
 8 enough to have this evaluation done, correct?
 9 **A. (No response).**
 10 **Q.** Did he tell you what it was?
 11 **A. Now, see, I forget that part, if -- I --**
 12 **Q.** Did he give you any clue that there was a
 13 concern --
 14 **A. Well, that's why --**
 15 **Q.** -- about you posing a danger of harm to the
 16 kids?
 17 **A. Yeah.**
 18 **Q.** Did he clue you in on that?
 19 **A. Well, that's -- that's not what he said, I**
 20 **mean --**
 21 **Q.** I know. But what did he say, then --
 22 **A. Well, yeah --**
 23 **Q.** -- about the reason that he wanted you to have
 24 an evaluation done?
 25 **A. I forget what he said. I mean, that they were**

- 1 **going over records or something or -- I forget**
 2 **what he said. All I remember is what**
 3 **happened, I mean --**
 4 **Q.** Okay. Before he said that to you in 1987
 5 under the authority of the archbishop, had you
 6 ever gotten any counseling or been required to
 7 get any counseling or therapy by the
 8 archdiocese?
 9 **A. No.**
 10 **Q.** Had you ever received any?
 11 **A. No.**
 12 **Q.** Okay. And you were sent someplace to have
 13 this evaluation done by the archbishop through
 14 Father O'Connell, correct?
 15 **A. Yes.**
 16 **Q.** And that was to Servants of the Paraclete?
 17 **A. Yes.**
 18 **Q.** And you knew that that was a facility in New
 19 Mexico, correct?
 20 **A. Yes.**
 21 **Q.** And you went down there for this assessment,
 22 did you not?
 23 **A. Yes.**
 24 **Q.** And when you did, you also knew that the
 25 archdiocese officials, that is, Father

<p style="text-align: center;">69</p> <p>1 O'Connell and the archbishop, would get</p> <p>2 reports from the assessment done by the people</p> <p>3 at the Servants of Paraclete?</p> <p>4 A. Yes.</p> <p>5 Q. And that they were free to ask the people at</p> <p>6 the Servants of Paraclete questions about the</p> <p>7 assessment and about your fitness and about</p> <p>8 your history and anything else they needed to</p> <p>9 know, correct?</p> <p>10 A. Uh huh. Yes.</p> <p>11 Q. In other words, if you had some kind of</p> <p>12 medical privilege, you knew that you were</p> <p>13 giving that up, correct?</p> <p>14 MR. ENGH: I object to the form of</p> <p>15 the question. The objection is that the</p> <p>16 medical privilege is given up in a limited</p> <p>17 sense to the archbishop and his staff.</p> <p>18 MR. ANDERSON: Well, let him answer</p> <p>19 the question and see what he says.</p> <p>20 BY MR. ANDERSON:</p> <p>21 Q. You understood that they were free to get</p> <p>22 whatever information the Servants of Paraclete</p> <p>23 had, correct?</p> <p>24 A. Who was free?</p> <p>25 Q. Father O'Connell and the archdiocese.</p>	<p style="text-align: center;">71</p> <p>1 short break here, Father?</p> <p>2 MR. ENGH: We've been at it for an</p> <p>3 hour-and-a-half. You want to take a short</p> <p>4 break?</p> <p>5 MR. ANDERSON: Sure.</p> <p>6 (Recess taken)</p> <p>7 MR. FINNEGAN: There's one more name</p> <p>8 that I realized that we don't have on the John</p> <p>9 Doe list, I'd like to write that on there and</p> <p>10 then we'll ask him, so I'm going to write that</p> <p>11 on there. I put John Doe 20 at the bottom and</p> <p>12 then put a name next to it on the John Doe</p> <p>13 list on Exhibit A. I'm showing that to</p> <p>14 counsel.</p> <p>15 (Discussion out of the hearing of</p> <p>16 the court reporter)</p> <p>17 MR. LEEANE: Back on the video</p> <p>18 record at 11:15 a.m.</p> <p>19 BY MR. ANDERSON:</p> <p>20 Q. All right, Father. I direct your attention</p> <p>21 back to the time before you're sent by Father</p> <p>22 O'Connell, the vicar general, under the</p> <p>23 authority of the archbishop to the Servants of</p> <p>24 Paraclete facility. You knew that was a</p> <p>25 treatment facility that you were being sent</p>
<p style="text-align: center;">70</p> <p>1 A. Were free to --</p> <p>2 Q. Get access to whatever information was</p> <p>3 garnered about you at Servants of Paraclete.</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And so when you were down there, were</p> <p>6 you told by Father O'Connell or any official</p> <p>7 of the archdiocese that it had to do with you</p> <p>8 being a risk of harm by reason of sexual</p> <p>9 conduct to youth while working as a priest?</p> <p>10 Did they give you any idea that was the</p> <p>11 reason?</p> <p>12 A. They never said that, but, I mean --</p> <p>13 Q. Did you ask, "Why are you sending me down to</p> <p>14 the place?"</p> <p>15 A. Well, yeah. I had a, you know, clue that, you</p> <p>16 know, it was because of that whole topic, you</p> <p>17 know, and --</p> <p>18 Q. The topic is sexual conduct with youth?</p> <p>19 A. Right. Right.</p> <p>20 Q. Okay.</p> <p>21 A. Yeah.</p> <p>22 Q. And so --</p> <p>23 MR. LEEANE: I'm sorry, off the</p> <p>24 video record to change media.</p> <p>25 MR. ANDERSON: You want to take a</p>	<p style="text-align: center;">72</p> <p>1 to, didn't you?</p> <p>2 A. Yes.</p> <p>3 Q. And before you actually went there at the</p> <p>4 direction of Father O'Connell and the</p> <p>5 archbishop, did Father O'Connell or any other</p> <p>6 official of the archdiocese sit down with you</p> <p>7 and say to you, "Father, tell us everything</p> <p>8 you have done to any kid while being a priest</p> <p>9 at Our Lady of Grace, at St. Mark's or any</p> <p>10 other parish"? Did anybody ever ask you that</p> <p>11 question?</p> <p>12 A. Not that I can recall.</p> <p>13 Q. Let's talk about at Servants of Paraclete.</p> <p>14 You were down there for how many days?</p> <p>15 A. I'm not sure. Four or five.</p> <p>16 Q. The records look like they show about five</p> <p>17 days down there.</p> <p>18 A. Yeah.</p> <p>19 Q. Does that sound about right?</p> <p>20 A. Yeah, that sounds about right.</p> <p>21 Q. And you were interviewed by a number of people</p> <p>22 down there, were you not?</p> <p>23 A. Yes.</p> <p>24 Q. Were you asked about your sexual history by</p> <p>25 those people?</p>

1 MR. ENGH: I'm going to lodge a
2 standing objection as to privilege as to his
3 treatment and evaluation. I appreciate Judge
4 Van de North's contrary ruling, I take issue
5 with it, but I do lodge the objection. May I
6 have a standing objection, Mr. Anderson?

7 MR. ANDERSON: You may have a
8 continuing.

9 MR. ENGH: You may answer under
10 those circumstances.

11 BY MR. ANDERSON:

12 Q. Don't have to worry about that, this is what
13 lawyers do. We have to say certain things at
14 certain times, but what you need to know is
15 I'll ask you the question again.

16 When you went down to stay at the
17 Servants of Paraclete, you were interviewed by
18 a number of people at that time, some of whom
19 were priests, some of whom were psychologists,
20 right?

21 A. Yes.

22 Q. And some of whom were priests and
23 psychologists?

24 A. I'm not sure.

25 Q. Do you remember who it was that interviewed

1 you at St. Luke's -- I mean, at Servants of
2 Paraclete?

3 A. No. The names I don't know.

4 Q. And did they ask you about your sexual history
5 and ask you to tell them about your sexual
6 history at the Servants of Paraclete, your
7 sexual attraction and things like that?

8 A. I can't remember. We talked about different
9 things. I --

10 Q. And when you returned from the Servants of
11 Paraclete, did you understand that the
12 archdiocese officials and Father O'Connell,
13 the vicar general, would get information from
14 them about their findings?

15 A. Yes.

16 Q. And do you know what their findings were?
17 Were you told that by Father O'Connell or
18 anybody else?

19 A. Good question. What happened? I can't -- I
20 never -- I can't remember a meeting. Now, you
21 mean going over the evaluation.

22 Q. Yeah, what they found, if there was something
23 wrong or --

24 A. Yeah, right.

25 Q. -- problems in your sexual history or acting

1 out or --

2 A. I don't recall sitting down and -- and talking
3 about it.

4 Q. Okay. When you returned from the Servants of
5 Paraclete, what happened to you and your
6 status as a -- in terms of assignment?

7 A. Nothing.

8 Q. Okay. And so you were allowed to continue in
9 ministry as you had before?

10 A. Yes.

11 Q. And at that time you were at Immaculate Mary,
12 correct?

13 A. Immaculate Heart.

14 Q. Did anybody from the archdiocese, as far as
15 you know, go down and visit you or those that
16 were seeing you down at Servants of Paraclete
17 in New Mexico?

18 A. Not that I can recall.

19 Q. Okay.

20 (Discussion out of the hearing of
21 the court reporter)

22 BY MR. ANDERSON:

23 Q. Who paid for that assessment?

24 A. The archdiocese.

25 Q. And have you seen any of the correspondence

1 between the archdiocese and the Servants of
2 Paraclete about sending you there or the
3 reasons for it or the findings, if any?

4 A. Yeah. Not that -- not that I can recall,
5 yeah, like a report or something or a
6 document. I --

7 Q. The records reflect that it might have been in
8 the summer of '87 that you went down there.
9 Do you remember it was the summer, it was hot
10 down there?

11 A. Yeah, it was warm, I remember that.

12 Q. That's a nice facility down there, though,
13 isn't it?

14 A. Pretty nice.

15 Q. In November of that year, about five months
16 after you'd been sent to Servants of
17 Paraclete, did something come up that you're
18 aware of where Father Custodio reported that
19 you had a habit of pulling young boys onto
20 your lap and tickling them? Do you remember a
21 problem like that?

22 A. No. No.

23 Q. Do you remember Father O'Connell getting
24 involved again in November of that year, five
25 months after you'd come back from Servants of

- 1 Paraclete about your involvement with kids at
2 the parish?
- 3 **A. A meeting with him or --**
- 4 **Q.** Meeting or something being brought to your
5 attention or a problem, either from Father
6 O'Connell or Father Custodio?
- 7 **A. No.**
- 8 **Q.** Do you remember receiving information that
9 Father then Carlson, who was, I think at that
10 time, was Bob Carlson, a chancellor or
11 auxiliary bishop, do you remember, in 1987?
- 12 **A. (No response).**
- 13 **Q.** Do you remember Bob Carlson getting involved?
- 14 **A. No.**
- 15 **Q.** Okay. Did you ever receive any information
16 that Father Carlson saw you at Loring Park at
17 a time of night where there's a high degree of
18 men soliciting for sex and he brought that to
19 the attention of the archdiocese?
- 20 **A. I don't recall that, no.**
- 21 **Q.** Do you remember seeing Bob Carlson in Loring
22 Park --
- 23 **A. No.**
- 24 **Q.** -- at night?
- 25 **A. No.**

- 1 **Q.** Do you remember being asked to see a local
2 psychologist by the name of Gary Schoener in
3 Minneapolis?
- 4 **A. Yes.**
- 5 **Q.** What caused them to have you go back and see
6 Dr. Schoener in 1987 after having been sent to
7 the Servants of Paraclete?
- 8 **A. The reason I was told was because they did not**
9 **-- they must have been understaffed in New**
10 **Mexico when I was down there and there were a**
11 **couple things they did not do. I remember the**
12 **one big thing was like the Minnesota**
13 **Multiphasic, whatever that's called, you know.**
14 **So there was -- there was some test they did**
15 **-- did not complete in New Mexico and then**
16 **Gary -- Gary did it up in Minneapolis.**
- 17 **Q.** Did you receive information before being sent
18 to Dr. Schoener that Father O'Connell had seen
19 you with a young boy at the seminary in
20 November of '87 and that caused further
21 concern for him, given your history?
- 22 **A. No.**
- 23 **Q.** Had anybody raised with you at that time
24 concerns about you having had or pulling young
25 boys onto your lap?

- 1 **A. No. No one --**
- 2 **Q.** Had you been doing that?
- 3 **A. I don't recall, but you're saying that. No.**
4 **Nobody said anything to me.**
- 5 **Q.** Are you aware that the archdiocese was free to
6 get information from Dr. Schoener about his
7 findings and assessment of you?
- 8 **A. I assumed that.**
- 9 **Q.** You told Dr. Schoener that all the things you
10 had done before was basically roughhousing and
11 you were innocent of any sexual abuse of kids,
12 didn't you?
- 13 MR. ENGH: I lodge the same
14 objection with Dr. Schoener as I did with the
15 Paracletes. You may continue, Father.
- 16 **A. Yeah, forget the question --**
- 17 **BY MR. ANDERSON:**
- 18 **Q.** Did you tell Dr. Schoener that you had not
19 engaged in any sex with kids?
- 20 **A. Yes.**
- 21 **Q.** Did you tell Father O'Connell that you'd never
22 engaged in sex with kids?
- 23 **A. I think so. I'm not -- I forget.**
- 24 **Q.** When you were sent to the Servants of
25 Paraclete, were any of the parishioners told

- 1 that you were being -- what were the
2 parishioners told about why you departed and
3 left?
- 4 **A. I don't think anything, but I'm not sure of**
5 **that. I was gone, you know, something could**
6 **have happened when I was gone that I --**
- 7 **Q.** Other than the officials of the archdiocese
8 that sent to you Dr. Schoener, was anybody
9 told that you were being assessed again by Dr.
10 Schoener?
- 11 **A. I don't think so.**
- 12 **Q.** In 1988, there's some kind of an apology
13 letter from you to the parents that had
14 complained back in 1969, Heutmaker and the
15 other mom. Do you remember why you wrote
16 that?
- 17 **A. Yes, and I wrote it because Mike O'Connell**
18 **asked me to, yeah.**
- 19 **Q.** And did he tell you why that is being written
20 in 1988 when the events had happened in 1969?
- 21 **A. He didn't say why.**
- 22 **Q.** Did he --
- 23 **A. No.**
- 24 **Q.** -- suggest to you that there were concerns
25 that this could go public and we have to keep

1 this among ourselves and try to keep these
 2 parents from making this public?
 3 **A. Well, he didn't say that.**
 4 **Q.** Did he imply it?
 5 **A. I'm trying to think of what -- not really. I**
 6 **mean, he -- he -- he basically said to me by**
 7 **telephone, I remember the telephone call, that**
 8 **-- I'm trying to think of something -- there**
 9 **were two things. Maybe I should forget the**
 10 **first thing because I don't know -- I can't**
 11 **remember, that's why I can't -- that's why I'm**
 12 **fuzzy.**

13 **I was going to say, the first thing**
 14 **was I thought that he said that, but I'm not**
 15 **sure now, that they did have a letter from me,**
 16 **but that they had lost it, that's what I'm**
 17 **thinking, they had lost it and would you do**
 18 **another letter, you know. And for sure he**
 19 **said that, you know, I remember for sure he**
 20 **said, would you -- "All the Heutmakers want is**
 21 **to get a letter of apology and that's all they**
 22 **want and everything is fine." I remember that**
 23 **clearly. And whether they had lost a letter**
 24 **before, see, I don't -- that may not be true.**
 25 **I -- I can't remember that.**

1 **Q.** Did he imply to you that if you do that, then,
 2 it won't go to the police and the public won't
 3 know?
 4 **A. No. Nothing like that was said.**
 5 **Q.** Was it implied?
 6 **A. No.**
 7 **Q.** Was this matter being handled entirely
 8 internally, that is, by the archbishop and
 9 those under his authority with you?
 10 **A. I think so.**
 11 **Q.** And nobody else knew about it, right?
 12 **A. I -- from what I know, yeah.**
 13 **Q.** And so in 1990, did it come to your attention
 14 that there were concerns about you having
 15 earlier taken your pants off in front of a boy
 16 in a group setting sometime before? Anybody
 17 ever raise that with you?
 18 **A. No.**
 19 **Q.** In 1992, look at Doe number 6 and that name,
 20 okay? I want you to put that name in your
 21 head. See Doe number 6?
 22 **A. Uh huh. Yes.**
 23 **Q.** In 1992, did Father McDonough talk to you
 24 about your sexual history and a problem
 25 concerning that kid?

1 **A. I talked to him.**
 2 **Q.** Okay. Without using that kid's name, what did
 3 you tell Father McDonough?
 4 **A. That somebody -- somebody called me up, said**
 5 **he was having marriage problems and wanted to**
 6 **just talk things over and made an appointment.**
 7 **Then at whatever day that was, two guys show**
 8 **up, which -- which surprised me, of course,**
 9 **right off the -- you know, two different guys**
 10 **showed up, one of 'em being 6. And I -- you**
 11 **know, I didn't know who they were. And he**
 12 **asked me, "Did you abuse me?" I says, "No."**
 13 **And I -- I didn't know who they were.**
 14 **Q.** And so what came of that? What happened?
 15 **A. Well, what happened is, I remember I called**
 16 **Kevin McDonough up and told him these two guys**
 17 **had come to my office and -- and told 'em just**
 18 **what I just said to you, you know, and --**
 19 **Q.** And you denied to Kevin McDonough that you had
 20 sexually abused Doe 6 --
 21 **A. Yes.**
 22 **Q.** -- as he had claimed?
 23 **A. Yes.**
 24 **Q.** Do you know if McDonough interviewed Doe 6?
 25 **A. I don't know.**

1 **Q.** But you volunteered to McDonough that Doe had
 2 confronted you with having sexually abused
 3 him --
 4 **A. Yes.**
 5 **Q.** -- when he was a teen at -- was it at Blessed
 6 -- where was it at, Mary --
 7 **A. Immaculate Heart.**
 8 **Q.** Immaculate Heart?
 9 **A. Yes. Well, I don't know where -- was from.**
 10 **Q.** Well, that's okay.
 11 **A. Sorry.**
 12 **Q.** Do you know if Kevin McDonough asked you if
 13 you had actually abused this kid or what your
 14 relationship was to him?
 15 **A. Well, I told him I had not and I did not even**
 16 **know him and that was it.**
 17 **Q.** And so did he press you? How long was that
 18 conversation with McDonough?
 19 **A. Not too long. I mean, I don't know. Ten**
 20 **minutes, five -- I don't know.**
 21 **Q.** And so you continued in ministry at that time?
 22 **A. Yes.**
 23 **Q.** Okay. And then the next year, did it come to
 24 your attention that Al Michaud had contacted
 25 Father McDonough and reported to Father

- 1 McDonough that you had abused him as a child?
- 2 Did that come to your attention?
- 3 **A. Well, the -- see, I forget now sequence here.**
- 4 **Q.** This would be the year after Doe 6 had come
- 5 forward and complained to you --
- 6 **A. Yeah.**
- 7 **Q.** -- and you had denied it. And now the next
- 8 year, in 1993, did you become aware that Al
- 9 Michaud had come forward to Kevin McDonough
- 10 and reported that he had been sexually abused
- 11 by you earlier and he's now an adult? Did you
- 12 learn that from Father McDonough or any other
- 13 official of the archdiocese?
- 14 **A. I wasn't -- let's see, what's the number, 15?**
- 15 **I'm not -- my mind is not working. I forget**
- 16 **your sequence there. I'm sorry, Jeff.**
- 17 **Q.** That's okay. So the sequence is first Doe 6
- 18 contacts you --
- 19 **A. Yeah, right.**
- 20 **Q.** -- and says, "You sexually abused me."
- 21 **A. Yeah, yeah, yeah, I got all that.**
- 22 **Q.** You contacted Father McDonough and said, "I
- 23 got this guy that contacted me" --
- 24 **A. Right.**
- 25 **Q.** -- "and says that I (sic) sexually abused me,

- 1 I met with McDonough," and I heard you say
- 2 that he met with you for a short period of
- 3 time and you denied it, right, abusing Doe 6?
- 4 **A. Oh, yeah, yeah, yeah.**
- 5 **Q.** And then the next year, do you recall you
- 6 receiving information that Al Michaud had come
- 7 forward and reported that you had sexually
- 8 abused him? Did you learn that?
- 9 **A. Well, I learned it, yeah, at the time of the**
- 10 **lawsuit, you know.**
- 11 **Q.** Okay. Before you got sued, did you know that
- 12 he had come forward?
- 13 **A. Oh, I see your question now. Sorry. I just**
- 14 **can't recall, I'm sorry, I can't.**
- 15 **Q.** You do remember getting sued and you remember
- 16 that I represented him, right?
- 17 **A. I sure do.**
- 18 **Q.** And, actually, you sat for a deposition in
- 19 that case, didn't you?
- 20 **A. Yes.**
- 21 **Q.** And you denied having sexually abused him,
- 22 didn't you?
- 23 **A. In how I understood sexual abuse, yeah, at**
- 24 **that time, yeah.**
- 25 **Q.** And in 1993, before -- at the time that you

- 1 got sued, you certainly denied that you had
- 2 sexually abused him and you claimed to have
- 3 been innocent, correct?
- 4 **A. Well, yes.**
- 5 **Q.** And do you recall that Archbishop Roach --
- 6 ever talking to him about this and your guilt
- 7 or innocence?
- 8 **A. No.**
- 9 **Q.** Who from the archdiocese did you deal with
- 10 then, only McDonough?
- 11 **A. With 15?**
- 12 **Q.** Yes.
- 13 **A. Yes.**
- 14 **Q.** And any other officials of the archdiocese
- 15 besides Kevin McDonough?
- 16 **A. No.**
- 17 **Q.** Okay. Did Father McDonough tell you to keep
- 18 it on the down low so the parishioners
- 19 wouldn't hear or know about this complaint?
- 20 **A. He never said that to me.**
- 21 **Q.** He didn't have to for you to keep it quiet,
- 22 correct?
- 23 **A. Well, I wasn't about to advertise it, you**
- 24 **know, but he never said that, no, to me.**
- 25 **Q.** So at that point in time, the only ones that

- 1 knew about what Doe 6 had reported and now
- 2 what Al Michaud is reporting are Father
- 3 McDonough, the archbishop, yourself and
- 4 presumably those that had treated you, they're
- 5 the only ones that know about it, right?
- 6 **A. Probably, yeah.**
- 7 **Q.** When Al Michaud sued you, we filed that
- 8 complaint and made it public, you're aware of
- 9 that, aren't you?
- 10 **A. Yes.**
- 11 **Q.** And that was the first time the public had
- 12 ever been informed that you had ever been
- 13 accused of sexual abuse of a minor, correct?
- 14 **A. I'm not sure --**
- 15 **Q.** Well, when I made that public, correct?
- 16 **A. Yeah. Yeah. Yeah. Okay. Yeah.**
- 17 **Q.** Is that correct?
- 18 **A. Yes, probably.**
- 19 **Q.** Is it also correct that shortly after that
- 20 lawsuit was filed, the archbishop appeared at
- 21 your parish and addressed the parishioners?
- 22 **A. I have no recollection of that.**
- 23 **Q.** Do you recall him, Archbishop Roach, preparing
- 24 a letter to the parishioners?
- 25 **A. No.**

- 1 Q. Do you recall ever seeing or hearing that he
2 prepared a letter to the parishioners at
3 Immaculate Heart of Mary, informing them that
4 a lawsuit had been filed, that abuse had been
5 alleged and that you denied it?
- 6 A. **Now, there's a letter, but I know it became
7 public and I denied it publicly.**
- 8 Q. The fact that you denied it and you claimed to
9 have been innocent became public also, didn't
10 it?
- 11 A. **Yes. Yes. Yes.**
- 12 Q. Are you aware that Kevin McDonough came to
13 talk to the parishioners at Immaculate Heart?
- 14 A. **Yes.**
- 15 Q. What did he tell them?
- 16 A. **Oh, boy. I forget. I really -- I can't
17 remember. He just told about the complaint, I
18 mean, you know, sexual abuse complaint and --**
- 19 Q. He also told them that there was no evidence
20 that you had committed that, correct?
- 21 A. **I can't remember that, Jeff.**
- 22 Q. You told him that you denied it?
- 23 A. **Okay.**
- 24 Q. Because you had, correct?
- 25 A. **Yeah.**

- 1 Q. And he told them you were innocent, didn't he?
- 2 A. **You know, probably. I can't remember what he
3 said.**
- 4 Q. Did he ever tell them that you had been
5 accused of similar conduct before by others
6 going back to '69?
- 7 A. **Not that I recall.**
- 8 Q. You told -- were you finished? I'm sorry.
- 9 A. **Yeah.**
- 10 Q. He also told them, didn't he, that actually,
11 this lawsuit had been brought claiming sexual
12 abuse, but the facts as reported by you and
13 reported to him to the parishioners was that
14 this happened in a pool and there were 70
15 others in the pool and the plaintiff wasn't a
16 parishioner and the plaintiff had no prior
17 relationship with you, and he kinda made the
18 case to those people that you hadn't done
19 this, didn't he?
- 20 A. **Well, perhaps. I just don't remember the --
21 the talk.**
- 22 Q. And you continued in ministry after that,
23 didn't you?
- 24 A. **Yes. Yes.**
- 25 Q. So the parishioners pretty much came to your

- 1 support, believing that you hadn't done any
2 wrong, correct?
- 3 A. **Yes, I think so.**
- 4 Q. And do you recall that Archbishop Roach at
5 some point in time communicated to the
6 parishioners and proclaimed that this kid, now
7 adult, Al Michaud, was actually lying when he
8 claimed to have been sexually abused by you?
- 9 A. **I don't recall that.**
- 10 Q. Okay. Sometime after the parishioners came to
11 your support after this was made public and
12 McDonough addressed the parish, did it come to
13 your attention that Al Michaud wrote a letter
14 of his own to the parishioners, telling them
15 his version?
- 16 A. **I know that AM distributed something in the
17 parking lot.**
- 18 Q. Yes.
- 19 A. **I remember because somebody told me about
20 that.**
- 21 Q. Right.
- 22 A. **I never read it, but I heard about it.**
- 23 Q. Are you aware that what he distributed was
24 basically a letter that said, "Kern abused me
25 and I learned from Kevin McDonough and the

- 1 archdiocese that, from his file, he had done
2 it to others going back to 1969"?
- 3 A. **See, I don't know what that part of it is.**
- 4 Q. You don't know about that?
- 5 A. **All I know is that he was circulating
6 something and -- but I never read it and --**
- 7 Q. That lawsuit got settled, did it not?
- 8 A. **Yes.**
- 9 Q. After it did, you were allowed to live at St.
10 Paul Seminary, weren't you, take a sabbatical?
- 11 A. **Yes.**
- 12 Q. And it was St. Paul Seminary where you had
13 abused or engaged in that conduct with Al
14 Michaud or AM --
- 15 A. **Yes.**
- 16 Q. -- right? And after that, you were given a
17 sabbatical with pay and benefits?
- 18 A. **Yes.**
- 19 Q. And continued on full faculties to minister if
20 you so chose, correct?
- 21 A. **Well, I wasn't under -- I think yes is the
22 answer, but I wasn't working anywhere, I mean.**
- 23 Q. Right. But you were free to do supply work?
- 24 A. **Oh, yes.**
- 25 Q. When you went to -- you were allowed to go to

- 1 South America, I presume, on personal
2 vacation? Or why did you go to South America?
- 3 **A. The reason? I was told it's a great place to**
4 **go. No. That's true.**
- 5 **Q.** Who told you that?
- 6 **A. Greg Piso -- no. Not Greg Pisolatta. Greg**
7 **Robillard, who's now deceased, but he was with**
8 **Cummings Engines, but anyway, but he always**
9 **knew -- anyway, that's a long story.**
- 10 **Q.** So the archbishop and the archdiocese, you're
11 still a priest under his control and so you
12 have to get permission to leave and do that,
13 right?
- 14 **A. Oh, no. To travel?**
- 15 **Q.** Yes.
- 16 **A. No. You can travel anywhere you want.**
- 17 **Q.** While you're on sabbatical?
- 18 **A. Sure.**
- 19 **Q.** When you're not assigned.
- 20 **A. What?**
- 21 **Q.** When you're not assigned to a parish.
- 22 **A. Well, even if you are assigned to a parish,**
23 **you don't get permission to go on a vacation,**
24 **priests just do that on their own, you know.**
- 25 **Q.** Were you still allowed to wear your collar at

- 1 this time?
- 2 **A. Yes.**
- 3 (Discussion out of the hearing of
4 the court reporter)
- 5 BY MR. ANDERSON:
- 6 **Q.** Any restrictions imposed on you by the
7 archbishop or Father McDonough that you're to
8 not have any contact with youth?
- 9 **A. Now?**
- 10 **Q.** Yes.
- 11 **A. Yes.**
- 12 **Q.** No. In 1993.
- 13 **A. Oh, '93, no. No.**
- 14 **Q.** The first time restriction was imposed was
15 2002, wasn't it?
- 16 **A. Yes.**
- 17 **Q.** And so I took your -- or one of my colleagues
18 took your deposition in 1994, didn't he? Do
19 you remember sitting for something like this?
- 20 **A. Yes.**
- 21 (Discussion out of the hearing of
22 the court reporter)
- 23 BY MR. ANDERSON:
- 24 **Q.** At some point in time in 1995, you were
25 appointed a temporary -- as temporary

- 1 administrator at St. Dominick's in Northfield,
2 were you not?
- 3 **A. Yes.**
- 4 **Q.** And do you know why you were made a temporary
5 administrator by the archdiocese as opposed to
6 an associate or pastor?
- 7 **A. Yes, I do know. Because after the lawsuit**
8 **with 15, I got a letter -- I got a letter from**
9 **-- from Kevin McDonough saying that any future**
10 **assignments would be pastor/administrator,**
11 **parochial vicar and maybe there was something**
12 **else, but -- but not a pastor was the -- was**
13 **the point, you know.**
- 14 **Q.** And did he tell you that if you were
15 administrator, it's a lot easier to pull you
16 out if there's a complaint or a problem as
17 opposed to if you're a pastor, it's more
18 difficult?
- 19 **A. It's taken for granted, yeah.**
- 20 **Q.** It's kind of understood?
- 21 **A. Understood, right. Right.**
- 22 **Q.** In 1995, you were assigned to St. Peter's in
23 Forest Lake, correct?
24 (Discussion off the record)
- 25 BY MR. ANDERSON:

- 1 **Q.** Oh, by the way, did they tell anybody at St.
2 Dominick's in Northfield why you were being
3 called temporary administrator versus pastor?
- 4 **A. I don't know what they told the parish, you**
5 **know, I wasn't part of that, you know.**
- 6 **Q.** How about the staff, did any of the staff know
7 why that was so?
- 8 **A. Well, I do know that -- what happened at a**
9 **trustee meeting and that was I assumed I was**
10 **going in there temporarily, but I wasn't sure,**
11 **but that was kind of a hint that the personnel**
12 **director told me by telephone. I was at the**
13 **seminary then, you know, and -- but he said**
14 **something like, "Well, don't pack too heavily,**
15 **Jerry, you might not be there too long." But**
16 **then -- but when I got down there, I got kinda**
17 **the same hint from the deacon there, whoever**
18 **he was. I don't -- I forget -- I forget his**
19 **name. And -- but then the trustees, we had a**
20 **trustee meeting and -- and at the trustee**
21 **meeting, one of the -- a woman, whatever her**
22 **name, but she says, "What's this about a**
23 **lawsuit?" You know. And then I said, "Call**
24 **Kevin McDonough," that's what I told her. And**
25 **I didn't want to get into it, you know, with**

1 **her, you know, that -- and -- and which we did**
 2 **not. So -- so the trustee knew, the deacon --**
 3 **well, see, I don't -- I think there was a**
 4 **letter sent to the parish, but I never read**
 5 **it, so I just don't -- I don't really know.**
 6 **Q.** And this is the lawsuit that --
 7 **A. Yeah.**
 8 **Q.** -- Kevin McDonough and Archbishop Roach had
 9 said you had been innocent of having committed
 10 the crime of sexual abuse, right?
 11 **A. Well, whatever they said, you know. I**
 12 **wasn't --**
 13 **Q.** And as temporary administrator, even though
 14 you were called that, you still enjoyed all
 15 the privileges and responsibilities of a
 16 pastor, you just weren't called pastor, right?
 17 **A. Yes.**
 18 **Q.** And then you were in 1995 --
 19 (Discussion out of the hearing of
 20 the court reporter)
 21 BY MR. ANDERSON:
 22 **Q.** And that means you were allowed to work with
 23 kids and do whatever you had done before with
 24 kids and all the other responsibilities with
 25 youth, right?

1 **A. Yes.**
 2 **Q.** And then you were in 1995 assigned to St.
 3 Peter's in Forest Lake and there's a grade
 4 school there, right?
 5 **A. Yes.**
 6 **Q.** And you worked as a -- were you administrator
 7 there?
 8 **A. No. Parochial vicar.**
 9 **Q.** Parochial vicar. So that gave them the same
 10 opportunity of removing you if they so chose,
 11 just not -- as far as the people knew, you had
 12 all the privileges and rights of a pastor and
 13 responsibilities?
 14 **A. Well, they knew I wasn't pastor.**
 15 **Q.** What did they call you, Father?
 16 **A. Sure. Sure. Yeah.**
 17 **Q.** So you basically operated as the priest at the
 18 parish, unrestricted and able to do whatever
 19 the fathers do in a parish, right?
 20 **A. Yes.**
 21 **Q.** In and out of the grade school, administer the
 22 sacraments, hear confessions and do the like?
 23 **A. Whatever.**
 24 **Q.** Yeah. In 1996 at St. Peter's in Forest Lake,
 25 is anybody told about any of the things that

1 we've talked about here, about complaints of
 2 abuse, complaints concerning kids and the way
 3 you wrestled with them or anything like that
 4 in the parish?
 5 **A. The parish was told, you know, something**
 6 **and --**
 7 **Q.** By whom?
 8 **A. Kevin, through, I mean --**
 9 **Q.** What do you know they were told?
 10 **A. Well, that's -- like in written form, for**
 11 **example, I don't know.**
 12 **Q.** Well, in any form.
 13 **A. Well, let's see. I can't remember this.**
 14 **Kevin came out to St. Peter's Church and I**
 15 **forget what he all said now, I mean, but he**
 16 **said something and -- was it on Sunday? I**
 17 **forget. But the parish was informed. I**
 18 **forget all what was said, though. I mean, I**
 19 **don't know. I don't know. You'd have to ask**
 20 **Kemp.**
 21 **Q.** Were they informed that you had admitted to
 22 having touched the genitals of Al Michaud
 23 under oath or any kid?
 24 **A. Well, they didn't speak like that. I mean --**
 25 **Q.** Well, did they say that you had a history of

1 sexual abuse or pose a danger of harm or give
 2 them any warning that you could hurt a kid?
 3 **A. No.**
 4 **Q.** And, in fact, in your deposition, you had
 5 admitted to having touched the genitals of him
 6 outside his swimsuit, had you not, under oath,
 7 that is, Al Michaud?
 8 **A. Yeah, just that I thought of sexual abuse**
 9 **differently.**
 10 **Q.** Well, you didn't see it as sexual abuse, but
 11 you admitted having touched his genitals,
 12 right?
 13 **A. Well, just a brush, yeah, but --**
 14 **Q.** In any case, the people at St. Peter's in
 15 Forest Lake didn't know that, right, and
 16 weren't told it by you --
 17 **A. Yeah -- no.**
 18 **Q.** -- or anybody else as far as you know,
 19 correct?
 20 **A. As far as I know, no. Right.**
 21 **Q.** In 1969, Father McDonough -- excuse me, in
 22 1996, after having been assigned to St.
 23 Peter's in Forest Lake in '95, did he engage
 24 you and have you go to St. John Vianney in
 25 some way? Do you know St. John Vianney, were

- 1 you sent there?
- 2 **A. No.**
- 3 **Q.** Were you --
- 4 (Discussion out of the hearing of
- 5 the court reporter)
- 6 **BY MR. ANDERSON:**
- 7 **Q.** It's also called the Andros Center. Did you
- 8 have some involvement with them in '96?
- 9 **A. No.**
- 10 **Q.** Okay. Do you recall having been sent to
- 11 anyplace else in 1996?
- 12 **A. '96?**
- 13 **Q.** Yeah.
- 14 **A. Yes.**
- 15 **Q.** Where?
- 16 **A. I went to Philadelphia.**
- 17 **Q.** Okay. What for?
- 18 **A. They just asked that I do an evaluation, Kevin**
- 19 **did.**
- 20 **Q.** And you didn't know the reason and you weren't
- 21 told?
- 22 **A. I assumed it was about this whole topic, you**
- 23 **know, yeah.**
- 24 **Q.** Concerns about sexual conduct towards youth --
- 25 **A. Uh huh.**

- 1 **Q.** -- while a priest, right?
- 2 **A. Yes.**
- 3 **Q.** And before you were sent there, what were you
- 4 told about -- were you asked by Father
- 5 McDonough -- was it McDonough that sent you
- 6 there?
- 7 **A. Yes.**
- 8 **Q.** Under the authority of the archbishop?
- 9 **A. Yes.**
- 10 **Q.** And how long were you there?
- 11 **A. About a week maybe.**
- 12 **Q.** And did you understand that the information
- 13 they compiled would be shared with the
- 14 archdiocese officials?
- 15 **A. Yes.**
- 16 **Q.** And did you ever hear or read what their
- 17 findings were?
- 18 **A. Well, I know they recommended -- yeah, we --**
- 19 **MR. ENGH:** Well, I make the same
- 20 objection as to privilege.
- 21 **MR. ANDERSON:** You have a
- 22 continuing.
- 23 **MR. ENGH:** Thank you. It's a new
- 24 facility, just for consistency.
- 25 **MR. ANDERSON:** Sure.

- 1 **MR. ENGH:** Go ahead.
- 2 **A. Tired.**
- 3 **BY MR. ANDERSON:**
- 4 **Q.** Do you want me to repeat the question?
- 5 **A. No. It -- no. The findings you're talking**
- 6 **about?**
- 7 **Q.** Yeah, the question is --
- 8 **A. Yeah. No. I got it, I think.**
- 9 **Q.** What were you told about the findings that
- 10 they made?
- 11 **A. Yeah. The -- somebody came out from the**
- 12 **archdiocese, not Kevin, a layman, chancellor**
- 13 **somebody, and then we got together -- Dillon?**
- 14 **No. Whatever his name was. And got together**
- 15 **with a representative from there and myself**
- 16 **and -- and they just said they thought it**
- 17 **would be good if I just got some therapy, you**
- 18 **know.**
- 19 **Q.** Did you?
- 20 **A. No.**
- 21 **Q.** And that was Fallon, wasn't it?
- 22 **A. Fallon.**
- 23 **Q.** F-a-l-l-o-n --
- 24 **A. Yes.**
- 25 **Q.** -- the chancellor then?

- 1 **A. Yes. Yes.**
- 2 **Q.** And he was a non-cleric?
- 3 **A. Yes.**
- 4 **Q.** And were the parishioners told that you were
- 5 going to Philadelphia for this evaluation?
- 6 **A. I don't think so, but I don't know. Sometimes**
- 7 **things happen when you're not there, you know,**
- 8 **and --**
- 9 **Q.** Were the parishioners told that you were being
- 10 pulled out of ministry temporarily because
- 11 there were concerns about you being a risk to
- 12 the children in the parish or a danger of any
- 13 kind?
- 14 **A. I don't think so.**
- 15 **Q.** The records reflect that on February 28th,
- 16 2002, when Boston had exploded and the bishops
- 17 meet for the Charter for the Protection of
- 18 Children and there's all this going on in the
- 19 public, is it correct to say that at that time
- 20 you were asked to resign in public ministry?
- 21 **A. Yes.**
- 22 **Q.** And were you told that, in effect, because
- 23 there was concern that your past could become
- 24 known and the archdiocese didn't really want
- 25 that made public?

- 1 **A. Well, they didn't talk like that, the way**
 2 **you're insinuating --**
 3 **Q. How did they talk?**
 4 **A. -- insinuating. You like to say things a**
 5 **certain way. What -- what -- say the question**
 6 **-- make it shorter. You don't have to do it**
 7 **as long.**
 8 **Q. Tell me what you were told, then, about why**
 9 **you were taken out of ministry and the reasons**
 10 **you were given for taking you out of active**
 11 **ministry in 2002.**
 12 **A. Well, because of the whole Boston thing that**
 13 **was, you know --**
 14 **Q. Scandal?**
 15 **A. -- spreading across the country, da, da, da,**
 16 **and they just thought it would be better if,**
 17 **you know, I no longer worked and --**
 18 **Q. Tell you it would look better to have you not**
 19 **active in the parish, given your history?**
 20 **A. Well, they didn't use those words, yeah.**
 21 **Q. Was that what was implied?**
 22 **A. I don't know what was implied. I mean, I**
 23 **can't --**
 24 **Q. Well, you're the one that heard it --**
 25 **A. Yeah, right.**

- 1 **Q. -- they're the ones that said it, so they took**
 2 **you out for a reason and they gave it to you.**
 3 **A. Yeah.**
 4 **Q. And so it was clearly an attempt by them, was**
 5 **it not --**
 6 **A. Yes.**
 7 **Q. -- to make sure that what they had been (sic)**
 8 **known and documented about you in your history**
 9 **not being widely publicized and a scandal**
 10 **would not be made worse, correct?**
 11 **A. Uh huh. Yes.**
 12 **Q. After your resignation -- by the way, at the**
 13 **time of your resignation, what were the people**
 14 **told about the reasons for the resignation,**
 15 **anything, or just you resigned?**
 16 **A. Well, see, I left -- you're talking about**
 17 **Forest Lake.**
 18 **Q. I'm talking about 2002.**
 19 **A. Yeah, Forest Lake, you're right. See, what**
 20 **happened is right before that, I mean, right**
 21 **before that, so here's the resignation here;**
 22 **right before that I was told I had cancer,**
 23 **okay? And so, I mean, this happened right at**
 24 **the same time. And so I forget how many days,**
 25 **I mean, it's a short period of time here, and**

- 1 **so when I went to the University of Minnesota**
 2 **for surgery on my leg, that night, the -- that**
 3 **night at the hospital, I did not know where I**
 4 **was going to be sleeping because I was to**
 5 **leave a parish and -- and so I never returned**
 6 **to the parish. And all my stuff was there, of**
 7 **course, at the parish, you know. And so -- so**
 8 **in terms of what they said to the parish, I**
 9 **think it's part of the answer to your**
 10 **question.**
 11 **Q. Yeah, because it sounds like it's an abrupt**
 12 **departure --**
 13 **A. -- abrupt.**
 14 **Q. -- you're just diagnosed with cancer and**
 15 **you're being told that they have to remove you**
 16 **to -- and the reason they discussed was kind**
 17 **of an abrupt departure --**
 18 **A. Right.**
 19 **Q. -- what was the reason given for your abrupt**
 20 **departure to the parish?**
 21 **A. And I don't know. I don't know that. I**
 22 **wasn't there, you know.**
 23 **Q. Okay. After that resignation, have you done**
 24 **help-out work and supply work at various**
 25 **places?**

- 1 **A. No.**
 2 **Q. Not at all?**
 3 **A. Not at all.**
 4 **Q. Have you worn collar?**
 5 **A. Nope. No.**
 6 **Q. In 2004, were you aware of whether or not any**
 7 **action was taken concerning you and your**
 8 **status as a cleric with the Vatican and a**
 9 **letter having been sent to the Congregation**
 10 **for the Doctrine of Faith?**
 11 **A. No.**
 12 **Q. Do you know anything about that?**
 13 **A. No.**
 14 **Q. Has any effort ever been made to remove you**
 15 **from the clerical state by your superior and**
 16 **your boss, the archbishop, currently presiding**
 17 **as Archbishop Nienstedt or his predecessors?**
 18 **A. No.**
 19 **Q. At some point in time, were you told that you**
 20 **were placed on monitoring by the archdiocese**
 21 **and that you were to have a monitor?**
 22 **A. Well, the POMS program, whatever it's called,**
 23 **I'm -- I'm not sure of the title, you know,**
 24 **but, yeah, this happened -- see, I forget the**
 25 **year. But, yeah, this guy comes out, it's a**

- 1 **quarter -- quarterly thing, even though a**
 2 **couple times it's been seven months -- seven**
 3 **months instead of four months, three months,**
 4 **you know, like when they change personnel and**
 5 **that and Kevin could not find somebody and all**
 6 **that. But it basically -- you wanna know what**
 7 **it says?**
 8 **Q.** Well, let me ask you a question and we'll --
 9 so at some point in time you are informed by
 10 Kevin McDonough, under the authority of the
 11 archbishop, that a decision had been made to
 12 put you into a program you called the POMS
 13 program?
 14 **A. Something like that.**
 15 **Q.** POMS, P-O-M-S, right?
 16 **A. What is it?**
 17 **Q.** POMS, P-O-M-S.
 18 **A. Maybe, yeah.**
 19 **Q.** Does that sound right?
 20 **A. It's close.**
 21 **Q.** And does that sound like that was about 2007
 22 or 2008, in that time frame?
 23 **A. Uh huh. Yes.**
 24 **Q.** About seven years ago?
 25 **A. About, uh huh.**

- 1 **Q.** And what were you told at that time as to why
 2 you were put into that program and required to
 3 comply with or participate in it? What do you
 4 remember about what they told you?
 5 **A. Well, they just said they're going to do it.**
 6 **I mean --**
 7 **Q.** Going to do what?
 8 **A. This monitor thing, you know. And I -- I**
 9 **mean -- and we did it. I mean --**
 10 **Q.** And did you have a monitor assigned you?
 11 **A. Yes.**
 12 **Q.** By them?
 13 **A. By them.**
 14 **Q.** And they selected the monitor?
 15 **A. Yes.**
 16 **Q.** And then how, if you had been, have you been
 17 monitored? Tell us about what that has been
 18 and what has been done to monitor.
 19 **A. Yeah, well, the whole thing, everything about**
 20 **it or --**
 21 **Q.** Yes. Since you were put into this program,
 22 what --
 23 **A. Yeah, he -- he comes out every -- he's**
 24 **supposed to come quarterly.**
 25 **Q.** That's four times a year?

- 1 **A. Four times a year.**
 2 **Q.** And how often has it actually been?
 3 **A. Well, not always four times a year.**
 4 **Q.** It's been less, hasn't it?
 5 **A. Yes. A couple times, I think maybe like seven**
 6 **months.**
 7 **Q.** The most has been two times a year, hasn't it?
 8 **A. No. I forget, Jeff. Pretty regular, I mean,**
 9 **but not perfect.**
 10 **Q.** Not four times a year?
 11 **A. Yeah, and -- and not always four times a year,**
 12 **yeah.**
 13 **Q.** Right. And so when you say it's a he, that's
 14 the monitor assigned you and that person
 15 visits with you, correct?
 16 **A. Right.**
 17 **Q.** And they visit with you where you're living?
 18 **A. Yes.**
 19 **Q.** And you're being paid, correct, your regular
 20 monthly stipend and housing allowance,
 21 correct?
 22 **A. I'm retired.**
 23 **Q.** But you're being paid your retirement?
 24 **A. Well, pension.**
 25 **Q.** When did you actually make the retirement?

- 1 **A. Right at that time, 2002.**
 2 **Q.** 2002?
 3 **A. Yeah, right.**
 4 **Q.** Okay. So you're being paid retirement. Are
 5 you paid any extra funds?
 6 **A. No. But, just pension and my Social Security.**
 7 **Q.** And housing?
 8 **A. No.**
 9 **Q.** No housing?
 10 **A. No. I wish.**
 11 **Q.** Have you heard reported publicly that some
 12 priests who have been accused of sexual abuse
 13 are getting paid extra money monthly beyond
 14 their retirement, like Father Kapoun, did you
 15 hear about that?
 16 **A. No, I didn't, but --**
 17 **Q.** Okay. But you didn't receive any extra money?
 18 **A. Not a penny, no.**
 19 **Q.** Okay. So tell me, then, when the monitor
 20 would come to you, how long would be those
 21 meetings?
 22 **A. About an hour.**
 23 **Q.** About an hour?
 24 **A. (Nods head).**
 25 **Q.** And are you still in that program?

- 1 **A. Yes.**
 2 **Q.** And they ask you how you're doing and they ask
 3 you if you're offending against any kids or
 4 doing any of the kinds of things that got you
 5 in trouble before, right?
 6 **A. Right.**
 7 **Q.** And you say no, right?
 8 **A. Right.**
 9 (Discussion out of the hearing of
 10 the court reporter)
 11 BY MR. ANDERSON:
 12 **Q.** Do they do anything else to interview the
 13 people around you or verify what you're
 14 telling them is true or not, that is, the
 15 monitor?
 16 **A. Say that again.**
 17 **Q.** When the monitor comes out and talks to you --
 18 **A. Yeah. Uh huh.**
 19 **Q.** -- and asks you, "Have you been doing any of
 20 these things that got you in trouble before"
 21 and you say no, do they check with anybody
 22 else to make sure you're telling the monitor
 23 the truth about what you're doing and not
 24 doing, such as those you live with, such as
 25 those you work with, such as those that know

- 1 you or anything like that?
 2 **A. Well, I don't know who they talk to, you know.**
 3 **Q.** Okay.
 4 **A. I really don't.**
 5 **Q.** As far as you know, they don't --
 6 **A. As far as I know --**
 7 **Q.** -- talk to anybody else?
 8 **A. Yeah.**
 9 MR. ANDERSON: I'm just going to
 10 take a moment here.
 11 MR. LEEANE: Off the video record at
 12 12:10 p.m.
 13 (Recess taken)
 14 MR. LEEANE: Back on the video
 15 record at 12:14 p.m.
 16 (Discussion off the record)
 17 BY MR. ANDERSON:
 18 **Q.** I'm going to go back for a moment, Father, to
 19 the facility you're sent to in Philadelphia by
 20 the archdiocese. I don't think you identified
 21 the facility. I think I have the name for it,
 22 but do you remember the name of it? Was it
 23 St. John Vianney?
 24 **A. Was that the name? I --**
 25 **Q.** Okay. But in any case, you went to a facility

- 1 in -- you were sent to the facility in
 2 Philadelphia, correct?
 3 **A. Uh huh. Yes.**
 4 **Q.** Yes? And you also knew that when you were
 5 sent there by the archdiocese, the archdiocese
 6 would also have access to whatever information
 7 you gave them, whatever records were prepared
 8 or whatever tests were done, correct?
 9 **A. Yes.**
 10 **Q.** Okay. I'm now going to show you, under the
 11 sealed record -- under the sealed record
 12 pictures of John Doe 26. And you have Exhibit
 13 D and Exhibit C before you.
 14 MR. ANDERSON: And if we have
 15 stipulation that this can be a part of the
 16 sealed record along with the Doe exhibit.
 17 MR. ENGH: So stipulated.
 18 MR. ANDERSON: Do we, counsel?
 19 MR. GUNDERSON: Yes.
 20 MR. ANDERSON: Thank you.
 21 BY MR. ANDERSON:
 22 **Q.** That means that this just keeps -- it stays
 23 under envelope and we called it sealed, okay,
 24 to protect his privacy. Do you agree with
 25 that and understand that, Father?

- 1 **A. Yes. Yes.**
 2 **Q.** Showing you pictures of him as a youth,
 3 Exhibits C and D, you didn't recognize the
 4 name before, but do you recognize him now as
 5 having been one of the kids under your charge
 6 at Our Lady of Grace?
 7 **A. No.**
 8 **Q.** Not familiar to you at all?
 9 **A. No.**
 10 **Q.** At one point when I was asking you about
 11 engaging in sexual contact and making contact
 12 with the genitals of youth, you described
 13 wrestling, and at one point in time I've seen
 14 it described, that kind of wrestling, as
 15 Italian wrestling. Is that what you used to
 16 call it, Italian wrestling?
 17 **A. No. Now you're --**
 18 **Q.** Where did that come from?
 19 **A. Well, that's -- I'm wondering the same**
 20 **question, you know, really. I think it's**
 21 **because I came back from Italy, I mean, I**
 22 **think that -- that was the connection**
 23 **somewhat.**
 24 **Q.** But you didn't call it to the kids, "This is
 25 Italian wrestling"?

1 **A. No.**
 2 **Q.** That wasn't your descriptor?
 3 **A. No. No.**
 4 **Q.** Did you tell the archdiocese that when they
 5 confronted you with these issues, that, "I was
 6 -- it was innocent, I was just doing Italian
 7 wrestling"?
 8 **A. I forget if I used that word. What --**
 9 **Q.** I'm going to direct your attention back to Doe
 10 5. Look back at the Doe list and you'll see
 11 the name at Doe 5, don't use the name, please,
 12 but you'll see that name there.
 13 **A. Yes.**
 14 **Q.** Do you remember him?
 15 **A. I know who he is and --**
 16 **Q.** Do you remember wrestling with him?
 17 **A. No.**
 18 **Q.** Not at all?
 19 **A. Not at all. I know totally -- not totally.**
 20 **And -- and he's a man who had -- we grew up --**
 21 **we're related,**
 22
 23 **Q.** Well, there you go.
 24 **MR. ENGH:** Omit the name, okay?
 25 **A. Oops.**

1 **MR. ANDERSON:** Okay. Let's just
 2 agree to delete the name from the record --
 3 **MR. ENGH:** We agree.
 4 **MR. ANDERSON:** -- in the transcript.
 5 **MR. ENGH:** Just use the -- just the
 6 number, we agree to that.
 7 **MR. FINNEGAN:** Can we agree that
 8 there's one that I caught earlier, too?
 9 **MR. ENGH:** We agree to that, too.
 10 **BY MR. ANDERSON:**
 11 **Q.** And so in any case, I guess the first question
 12 is, do you deny ever having engaged him in any
 13 kind of wrestling or inappropriate sexual
 14 contact at any time?
 15 **A. Yes.**
 16 **Q.** I'm going to show you Exhibit 5, and this has
 17 been presented as a statement by him, written
 18 before he took his own life.
 19 **A. (Examining documents).**
 20 **Q.** He states, "The past will always haunt you.
 21 Its power makes you weak and frail. Thoughts
 22 of it will never escape you, for it covers
 23 your emotions with a veil.
 24 All you need is a moment's respite.
 25 But the chance will never arise. For the past

1 is a powerful enemy. Despite the fact that it
 2 dwells inside.
 3 Take the chance to expel it. Drive
 4 it away from your thoughts. Get it out in the
 5 open. For your future is in its grasp." Have
 6 you seen this before?
 7 **A. No.**
 8 **Q.** Does it make you feel anything about or
 9 believe that you may have played some role in
 10 him having taken his own life?
 11 **A. No.**
 12 **MR. ANDERSON:** I think that's all I
 13 have, Father.
 14 **MR. ENGH:** Father, you have a right
 15 to read the deposition before you sign it. I
 16 recommend that we do that in light of the fact
 17 that it's so long and involves such a history.
 18 So, will you take my recommendation and read
 19 the deposition and sign it after you've made
 20 any corrections, if there are any?
 21 **THE WITNESS:** Yes.
 22 **MR. LEEANE:** Off the video record at
 23 12:21 p.m.
 24 (Discussion off the record)
 25 **MR. LEEANE:** Back on the video

1 record at 12:22 p.m.
 2 **BY MR. ANDERSON:**
 3 **Q.** There was one, again, we forget to ask you
 4 about and it's been written in there as John
 5 Doe 20 and it's while you would have been at
 6 St. Mark's. The question is, do you recognize
 7 that name, John Doe 20, as having been one of
 8 the kids in the parish at St. Mark's?
 9 **A. No.**
 10 **Q.** Okay.
 11 (Discussion out of the hearing of
 12 the court reporter)
 13 **BY MR. ANDERSON:**
 14 **Q.** Do you have any memory or belief that you
 15 engaged in wrestling with him, genital contact
 16 or sexual abuse of him?
 17 **A. No.**
 18 **Q.** Do you deny that you did?
 19 **A. Yes.**
 20 **MR. ANDERSON:** That's all. Thanks.
 21 **MR. ENGH:** Again, you'll read and
 22 sign, yes, Father?
 23 **THE WITNESS:** Yes.
 24 **MR. LEEANE:** Off the video record at
 25 12:22 p.m.

1 I, FATHER JEROME KERN, do hereby certify that
 2 I have read the foregoing transcript of my
 3 deposition and believe the same to be true and
 4 correct, except as follows: (Noting the page
 5 number and line number of the change or
 6 addition and the reason for it)

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Subscribed to and sworn
 before me this ___ day
 of ___, 2014.

1 STATE OF MINNESOTA
 2 COUNTY OF RAMSEY

3
 4 I hereby certify that I reported the
 deposition of FATHER JEROME KERN, on the 15th
 day of April, 2014, in St. Paul, Minnesota,
 5 and that the witness was by me first duly
 sworn to tell the whole truth;

6
 7 That the testimony was transcribed under my
 direction and is a true record of the
 testimony of the witness;

8
 9 That the cost of the original has been charged
 to the party who noticed the deposition, and
 that all parties who ordered copies have been
 10 charged at the same rate for such copies;

11
 12 That I am not a relative or employee or
 attorney or counsel of any of the parties, or
 a relative or employee of such attorney or
 counsel;

13
 14 That I am not financially interested in the
 action and have no contract with the parties,
 attorneys, or persons with an interest in the
 15 action that affects or has a substantial
 tendency to affect my impartiality;

16
 17 That the right to read and sign the deposition
 by the witness was not waived, and a copy was
 provided to him for his review;

18
 19 WITNESS MY HAND AND SEAL THIS 19th
 day of April, 2014.

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 21
 22
 23
 24
 25

Gary W. Hermes