

LAW OFFICES OF
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A PROFESSIONAL CORPORATION

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RICHARD H. SCHOENBERGER (State Bar #122190)
DORIS CHENG (State Bar #197731)
ATTORNEYS FOR PLAINTIFFS
MARY ANN M., IRENE G., MARION P. AND MARIE C.

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

Coordination Proceeding
Special Title (Rule 1550(b))

THE CLERGY CASES II

[Case No. JCCP 4297
Coordination Trial Judge: Honorable Haley J.
Fromholz]

MARY ANN M., IRENE G., MARION P. and
MARIE C.,

Plaintiffs,

v.

ARCHDIOCESE OF LOS ANGELES, DIOCESE
OF SAN DIEGO, DIOCESE OF SAN
BERNARDINO, HOLY SPIRIT CHURCH, ST.
JOAN OF ARC CHURCH, ST. GEORGE
CHURCH and DOES 7 through 100 inclusive,

Defendants.

Case No. GIC821122

**DECLARATION OF RICHARD H.
SCHOENBERGER IN SUPPORT OF
MOTION FOR LEAVE TO AMEND
COMPLAINT TO ALLEGE PUNITIVE
DAMAGES AGAINST DEFENDANT
DIOCESE OF SAN DIEGO**

ASSIGNED TO HON. JAY M. BLOOM
—DEPARTMENT 70

Date: December 27, 2006
Time: 8:30 a.m.
Dept: 20

Trial Date: February 2, 2007

I, RICHARD H. SCHOENBERGER, hereby declare as follows:

1. I am an attorney at law duly licensed to practice before all of the courts of the State of California and am a partner in the firm of Walkup, Melodia, Kelly, Wecht & Schoenberger, attorneys of record for plaintiffs. If called as a witness I could competently testify thereto.

1 2. Exhibit 1 is a true and correct copy of an anonymous letter pertaining to Franz Robier
2 maintained by the Los Angeles Archdiocese.

3 3. Exhibit 2 is a true and correct copy of the Roman Catholic Archdiocese of Los
4 Angeles' responses to Request for Admissions, verifying the genuineness of Exhibit 1 which is
5 attached herewith as Exhibit 2.

6 4. Exhibit 3 is a true and correct copy of the RCALA meeting of the Archdiocesan
7 Consultants dated March 29, 1955.

8 5. Exhibit 4 is a true and correct copy of a letter from Bishop Timothy Manning to
9 Father Franz Robier dated March 31, 1955.

10 6. Exhibit 5 is a true and correct copy of a letter from Father Franz Robier to Bishop
11 Charles Buddy dated May 7, 1955.

12 7. Exhibit 6 is a true and correct copy of a letter from Bishop Charles Buddy to Father
13 Franz Robier dated May 10, 1955.

14 8. Exhibit 7 is a true and correct copy of a letter from Rev. Donald Doxie (Secretary to
15 the Bishop of San Diego) dated May 17, 1955.

16 9. Exhibit 8 is a true and correct copy of excerpts from the deposition of Mary Ann M.

17 10. Exhibit 9 is a true and correct copy of excerpts from the deposition of Irene G.

18 11. Exhibit 10 is a true and correct copy of excerpts from the deposition of Marion P.

19 12. Exhibit 11 is a true and correct copy of a letter from Bishop Charles Buddy to Rev.
20 Gerald Fitzgerald dated September 28, 1957.

21 13. Exhibit 12 is a true and correct copy of a letter from Most Reverend Edward V. Byrne
22 Archbishop of Santa Fe to Bishop Charles Buddy dated January 29, 1949.

23 14. Exhibit 13 is a true and correct copy of a letter from Rev. Gerald Fitzgerald to Bishop
24 Charles Buddy dated June 21, 1953.

25 15. Exhibit 14 is a true and correct copy of promotional materials from Via Coeli
26 Monastery dated August, 1956.

27 16. Exhibit 15 is a true and correct copy of a letter dated August 15, 1956 from Rev.
28 Fitzgerald which is in the RCBSD's possession.

1 17. Exhibit 16 is a true and correct copy of a letter from Bishop Charles Buddy to Rev.
2 Gerald Fitzgerald dated March 22, 1954.

3 18. Exhibit 17 is a true and correct copy of a letter from Rev. Gerald Fitzgerald to Bishop
4 Charles Buddy dated February 11, 1955.

5 19. Exhibit 18 is a true and correct copy of excerpts of the deposition of Steven Callahan
6 dated October 3, 2006 taken in the subject case.

7 20. Exhibit 19 is a true and correct copy of the Declaration of Steven Callahan dated April
8 19, 2005.

9 21. Exhibit 20 is a true and correct copy of an excerpt from the deposition of Father
10 Steven Callahan taken July 14, 2005 in the *Melanie H.* case.

11 22. Exhibit 21 is a true and correct copy of a letter from Father Franz Robier to Bishop
12 Charles Buddy dated October 29, 1957.

13 23. Exhibit 22 is a true and correct copy of a letter from Bishop Charles Buddy to Father
14 Franz Robier dated October 31, 1957.

15 24. Exhibit 23 is a true and correct copy of Father Robier's personal record.

16 25. Plaintiffs are in possession of confidential questionnaires from other Robier victims.
17 These questionnaires set forth in painstaking detail the nature and frequency of abuse from other
18 victims of Father Robier. No fewer than eight other little girls were abused by Father Robier before
19 September, 1957 based upon these questionnaires filed under penalty of perjury. In addition, one of
20 these victims confidentially named Betty P. told Father William Kraft about the abuse in 1955.

21 26. Depositions of seven notice witnesses are currently scheduled to occur the week of
22 December 4 in the subject case.

23 27. Because none of the aforementioned cases has yet been released, I did not want to
24 violate any terms of the protective order by attaching the confidential questionnaires or attaching our
25 detailed special interrogatory response which also outlines the other victims' abuse. However, I am
26 prepared to bring the questionnaires or our interrogatory response to any hearing for an *in camera*
27 inspection. Furthermore, it is my understanding that all of these questionnaires have been uploaded
28 on Sousa and are accessible and viewable by the defendants.

1 I declare under penalty of perjury under the laws of the State of California that the
2 foregoing is true and correct as far as known to me, except as to matters stated upon information
3 and belief, and as to those matters, I am informed and believe them to be true.

4 Executed this 27th day of November, 2006, in San Francisco, California.

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7 _____
8 RICHARD N. SCHOENBERGER
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PROOF OF SERVICE (CCP 1013a, 2015.5)

I am over the age of eighteen years and not a party to the within action; my business address is and I am employed at Walkup, Melodia, Kelly, Wecht & Schoenberger, 650 California Street, San Francisco, California 94108.

On the date below I served the following document(s), the original of which was/were produced on paper purchased as recycled, in accordance with Rules of Court §201(b):

DECLARATION OF RICHARD H. SCHOENBERGER IN SUPPORT OF MOTION FOR LEAVE TO AMEND COMPLAINT TO ALLEGE PUNITIVE DAMAGES AGAINST DEFENDANT DIOCESE OF SAN DIEGO

to:

Susan L. Oliver, Esq.
WHITE & OLIVER
550 West C Street, Suite 950
San Diego, CA 92101-3551

Counsel for Defendant The Roman Catholic Bishop of San Diego

Robert W. Buckley, Esq.
LAW OFFICE OF ROBERT BUCKLEY
7825 Fay Avenue, Suite 200
La Jolla, CA 92037

Counsel for Holy Spirit Church, St. Joan of Arc Church and St. George Church

Wilfrid C. Lemann, Esq.
Daniel W. Holden, Esq.
FULLERTON, LEMANN, SCHAEFER
& DOMINICK
215 North D Street, First Floor
San Bernardino, CA 92401-1712

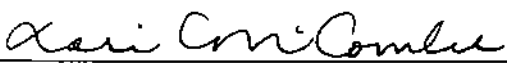
Counsel for Defendant The Roman Catholic Bishop of San Bernardino, a corporation sole

BY MAIL. I caused such envelope with postage thereon fully prepaid to be placed in the United States mail at San Francisco, California.

BY PERSONAL SERVICE. I caused such document(s) to be delivered by hand to the office of the person(s) listed above.

BY FACSIMILE TRANSMISSION. I caused such document(s) to be delivered by facsimile transmission at or about Enter time on that date. This document was transmitted by using a facsimile machine that complies with California Rules of Court Rule 2003(3), telephone number (415) 391-6965. The transmission was reported as complete and without error. A copy of the transmission report, properly issued by the transmitting machine, is attached. The names and facsimile numbers of the person(s) are as set forth above.

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 28, 2006, at San Francisco, California.


LORI McCOMBE

