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LAW OFFICES OF
WALKUP, MELODIA, KELLY, WECHT & SCHOENBERGER
A PROFESSIONAL CORPORATION

650 CALIFORNIA STREET, 26TH FLOOR
SAN FRANCISCO, CALIFORNIA 94108-2615
(415) 981-7210

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, et al.,

Defendants.

Case No. GIC821122

**PLAINTIFFS' NOTICE OF MOTION
AND MOTION FOR LEAVE TO
AMEND COMPLAINT TO ALLEGE
PUNITIVE DAMAGES AGAINST
DEFENDANT DIOCESE OF SAN
DIEGO; MEMORANDUM OF POINTS
AND AUTHORITIES IN SUPPORT OF
MOTION FOR PUNITIVE DAMAGES;
DECLARATION OF RICHARD H.
SCHOENBERGER IN SUPPORT OF
PUNITIVE DAMAGES; NOTICE OF
LODGMNT AND [PROPOSED]
ORDER**

ASSIGNED TO HON. JAY M. BLOOM
—DEPARTMENT 70

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

Trial Date: February 2, 2007

PLEASE TAKE NOTICE that on December 27, 2006 at 8:30 a.m. in Department 20 of the above-entitled Court located at 111 North Hill Street, Los Angeles, California, plaintiffs will move this Court for an order allowing plaintiffs to amend their Complaint to add a punitive damages claim.

1 This motion is based on this notice, the Memorandum of Points and Authorities in support
2 thereof, filed concurrently, the Declaration of Richard H. Schoenberger in support thereof, the
3 Notice of Lodgment; the pleadings and other documents on file herein, and on such evidence
4 presented at the hearing.

5
6 Dated: November 28, 2006

7 WALKUP, MELODIA, KELLY,
8 WECHT & SCHOENBERGER

9 
10 RICHARD H. SCHOENBERGER
11 Attorneys for Plaintiffs

1 **PROOF OF SERVICE (CCP 1013a, 2015.5)**

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

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

7 **PLAINTIFFS' NOTICE OF MOTION AND MOTION FOR LEAVE TO AMEND**
8 **COMPLAINT TO ALLEGE PUNITIVE DAMAGES AGAINST DEFENDANT DIOCESE**
9 **OF SAN DIEGO**

10 to:

10 Susan L. Oliver, Esq.
11 WHITE & OLIVER
12 550 West C Street, Suite 950
13 San Diego, CA 92101-3551

*Counsel for Defendant The Roman Catholic
Bishop of San Diego*

13 Robert W. Buckley, Esq.
14 LAW OFFICE OF ROBERT BUCKLEY
15 7825 Fay Avenue, Suite 200
16 La Jolla, CA 92037

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

15 Wilfrid C. Lemann, Esq.
16 Daniel W. Holden, Esq.
17 FULLERTON, LEMANN, SCHAEFER
18 & DOMINICK
19 215 North D Street, First Floor
20 San Bernardino, CA 92401-1712

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

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

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

25 BY FACSIMILE TRANSMISSION. I caused such document(s) to be delivered by
26 facsimile transmission at or about Enter time on that date. This document was transmitted
27 by using a facsimile machine that complies with California Rules of Court Rule 2003(3),
28 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

LAW OFFICES OF
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A PROFESSIONAL CORPORATION

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

Coordination Proceeding
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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 H. SCHOENBERGER
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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]

Case No. GIC821122

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' MOTION FOR
PUNITIVE DAMAGES**

ASSIGNED TO HON. JAY M. BLOOM
—DEPARTMENT 70

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

Plaintiffs,

v.

ARCHDIOCESE OF LOS ANGELES, DIOCESE
OF SAN DIEGO, et al.,

Defendants.

Plaintiffs' motion for punitive damages came on regularly for hearing on December 27,
2006. This Court finds good and ample cause for granting plaintiffs' motion. Accordingly, it is
hereby ordered that plaintiffs motion is GRANTED.

IT IS SO ORDERED.

Dated: _____, 2006

THE HON. HALEY J. FROMHOLZ
Superior Court Judge

1 **PROOF OF SERVICE (CCP 1013a, 2015.5)**

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

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

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

10 to:

11 Susan L. Oliver, Esq.
12 WHITE & OLIVER
13 550 West C Street, Suite 950
14 San Diego, CA 92101-3551

*Counsel for Defendant The Roman Catholic
Bishop of San Diego*

15 Robert W. Buckley, Esq.
16 LAW OFFICE OF ROBERT BUCKLEY
17 7825 Fay Avenue, Suite 200
18 La Jolla, CA 92037

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

19 Wilfrid C. Lemann, Esq.
20 Daniel W. Holden, Esq.
21 FULLERTON, LEMANN, SCHAEFER
22 & DOMINICK
23 215 North D Street, First Floor
24 San Bernardino, CA 92401-1712

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

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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

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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, et al.,

Defendants.

Case No. GIC821122

**MEMORANDUM OF POINTS AND
AUTHORITIES 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

23 **I. INTRODUCTION**

24 On September 27, 1957, defendant Roman Catholic Bishop of San Diego ("RCBSD") sent
25 one of its priests, Father Franz Robier ("Robier"), to a monastery in Jemez Springs, New Mexico
26 for treatment because he had been sexually abusing little girls. One month later, the defendant
27 welcomed him back to the Diocese where he continued his abuse unabated and at different
28 parishes for years to come. The defendant took no steps to supervise him to prevent further sexual

1 abuse, nor to warn any of Robier's victims, or their parents. Such behavior constitutes despicable
2 conduct worthy of punitive damages.

3 As the following will attest, plaintiffs were subject to horrendous sexual abuse and
4 constant fear from 1955 through 1959. Defendant RCBSD had actual knowledge of the abuse and
5 gave Robier access to plaintiffs and other young girls at Holy Spirit Church by authorizing his
6 continued ministry. RCBSD acted with conscious disregard for the rights and safety of plaintiffs
7 in failing to remove him from Diocesan service.

8 Based on these acts of oppression and malice, plaintiffs (four of the little girls Robier
9 abused) hereby seek permission of this Court to allege punitive damages against defendant
10 RCBSD pursuant to section 425.14 of the Code of Civil Procedure and section 3294 of the Civil
11 Code.

12 **II. A CLAIM FOR PUNITIVE DAMAGES SHALL BE PERMITTED WHEN THERE**
13 **EXISTS CLEAR AND CONVINCING EVIDENCE TO SUBSTANTIATE THE**
14 **CLAIM**

15 According to Code of Civil Procedure section 425.14, plaintiffs must obtain leave of Court
16 before alleging a claim for punitive damages against a religious organization. A motion for leave
17 to amend the complaint to include punitive damages may be brought at any time there is sufficient
18 evidence to make a prima facie showing. *See* Code Civ. Pro. § 425.14; *Rowe v. Superior Court*
19 (1993) 14 Cal. App. 4th 1711, 1735. Once the court concludes that such a case can be presented at
20 trial, it must permit plaintiffs to amend the complaint to include punitive damages. *Rowe*, 14 Cal.
21 App. 4th at 1723.

22 The trial court "is not required to make any factual determination or to become involved in
23 any weighing process beyond that necessarily involved in determining whether a prima facie case
24 for punitive damages exists." *Id.* "In making this judgment, the trial court's consideration of the
25 defendant's opposing affidavits does not permit a weighing of them against the plaintiff's
26 supporting evidence, but only a determination that they do not, *as a matter of law*, defeat that
27 evidence." *Id.* The purpose of this statute is to protect religious organizations from the expense of
28 defending against punitive damages claims for which plaintiffs can show *no* likelihood of success.
Id.

1 **III. PLAINTIFFS ARE ENTITLED TO PUNITIVE DAMAGES AGAINST THE**
2 **DIOCESE BASED ON WRONGFUL ACTS OF THE PRIEST PERPETRATOR**

3 According to §3294(b) of the California Civil Code:

4 An employer shall not be liable for damages pursuant to subdivision
5 (a), based upon acts of an employee of the employer, unless the
6 employer had advance knowledge of the unfitness of the employee
7 and employed him or her with a conscious disregard of the rights or
8 safety of others or authorized or ratified the wrongful conduct for
9 which the damages are awarded or was personally guilty of
10 oppression, fraud, or malice. With respect to a corporate employer,
11 the advance knowledge and conscious disregard, authorization,
12 ratification or act of oppression, fraud, or malice must be on the part
13 of an officer, director, or managing agent of the corporation.

14 Construing this statute, a Court of Appeal has held that retaining an unfit employee is a strong
15 indicator of liability for punitive damages: "While maintaining a wrongdoer employee in the
16 service of the employer standing alone, does not make the employer liable, it indicates the
17 employer's approval of the employee's course and with other acts will make the employer liable in
18 punitive damages." *Coats v. Construction & General Laborers Local No. 185* (1971) 15
19 Cal.App.3d 908, 916.

20 **A. The Diocese Had Advance Notice of Robier's Unfitness As A Priest**

21 Father Franz Robier moved to Los Angeles from Brazil in 1955. When he arrived in Los
22 Angeles, he stayed at the St. Columbkille rectory, and applied for cleric faculties within the Los
23 Angeles Archdiocese, a large diocese with more than 250 parishes. An anonymous individual sent
24 a letter to the Roman Catholic Archdiocese of Los Angeles ("RCALA"), expressing concern about
25 Robier's fitness for parish ministry.¹ (See Exh. 1.) The author wrote:

26 I know from my personal observation that the Father's private life
27 and conduct is not in accord with the Catholic church and I feel you
28 should know this and check his past and history well.

At the time of his application, Auxillary Bishop Timothy Manning and the Board of
Consultors both noted that Father Robier had an unusual two year leave of absence. On March 29,
1955, the Board of Consultors met, discussed and rejected Robier's application. (See Exh. 3,

¹ The letter was produced in response to a request for Father Robier's personnel records. The Roman Catholic Archdiocese of Los Angeles verified that the letter is a true and correct copy which had been maintained in archival records within the Archdiocese of Los Angeles. See Decl. and attached Exhibit 2, Defendant Archdiocese of Los Angeles' Response to Requests for Admission.

1 Meeting of the Archdiocesan Consultors.) Bishop Manning sent a formal notice of rejection on
2 March 31, 1955. (See Exh. 4, letter from Manning to Robier dated March 31, 1955.)

3 On May 7, 1955, Robier next made application on St. Columbkille's letterhead to RCBSD.
4 (See Exh. 5, letter from Robier to Bishop Buddy.) Three days later, Bishop Charles Buddy
5 acknowledged his letter and assured Robier that he would be given an appointment in San Diego.
6 (See Exh. 6.) Bishop Buddy, knowing that Robier was living in a Los Angeles parish (St.
7 Columbkille), had access to the information available to RCALA, including the anonymous letter
8 pointing out Robier's questionable conduct. Nonetheless, Bishop Buddy officially received him as
9 a priest in the San Diego Diocese on May 17, 1955. (See Exh. 7, announcement from Rev. Donald
10 Doxie, Secretary to the Bishop.)

11 **B. Between 1955 and 1957 Robier Routinely Abused Little Girls**

12 In October 1955, defendant RCBSD appointed Robier as an assistant to plaintiffs' parish,
13 Holy Spirit Church. At that time, Robier was 43 years old and plaintiffs were between the ages of
14 6 and 10. He abused them at multiple locations, including their home, the beach, the drive-in
15 theater, his car, and Holy Spirit Church.

16 Inside Plaintiffs' home, Robier fondled Mary Ann's genitals inside her shirt and
17 underpants; he had her sit on his lap and digitally penetrated her vagina while fondling her breasts;
18 he forced her to rub his penis while he fondled her; he took off her underpants and made her open
19 her legs to access her vagina (with his hands and eyes); he rubbed his penis against her body and
20 her vagina; he inserted the tip of his penis into her vagina. (See Exh. 8, Depo. of Mary Ann M. at
21 83:17-92:15, 104:17-107:16.)

22 Robier forced Irene G. to sit on his lap and took her underpants off; he fondled her and
23 digitally penetrated her vagina; he forced her to rub his penis. (See Exh. 9, Depo. of Irene G. at
24 96:4-101:4, 106:18-108:15, 110:4-23.) He did the same to seven-year-old Marion P. and six-year-
25 old Marie C. When the girls resisted, he physically overcame them.

26 Robier took the children to drive-in movies, where his abuse also followed a routine.
27 Robier sat in the front seat with two of the girls while the other two sat in back; he molested the
28 child immediately next to him. When finished with the first victim he moved on to the next. Even

1 if one child was not herself being physically abused at that moment, she would nevertheless have
2 to experience her sister's rape, while either waiting to be molested herself or having just been
3 assaulted. (Exh. 8, 64:23-81:2, 107:17-108:6; Exh. 9, 111:4-112:24, 114:16-118:4; Exh. 10,
4 137:22-140:4.)

5 Robier also took the girls to the beach, where he forced the girls to lie down on a beach
6 towel with him so he could assault them. He digitally penetrated Mary Ann M.'s vagina, fondled
7 her genitalia, and forced her to rub his penis. He took Irene G. out into the deep water and
8 penetrated her with his finger there, refusing to take her back until he had satisfied himself. As he
9 had at movies, Robier took turns assaulting each girl. (See Exh. 8, 93:2-100:22, Exh. 9, 119:6-
10 124:7.)

11 **C. Defendant RCBSD Actually Knew About The Abuse As Early As 1955**

12 The two older sisters, Mary Ann M. and Irene G. put defendant Archdiocese on notice of
13 the sexual assaults. In Mary Ann M.'s case, she told the parish priests during confession at Holy
14 Spirit Church. (See Exh. 8, 115:13-116:4, 118:7-122:19.) Irene G. did the same, telling
15 Monsignor O'Leary and Father Robier about the molestation and abuse during confession. (See
16 Exh. 9, Depo of Irene G. at 130:9-133:7.) When she put them on actual notice of the abuse,
17 "Monsignor O'Leary told plaintiff Irene G. not to lie because it was a sin." *Id.* Likewise, "Father
18 Robier told her that God would punish her if she told anyone else." *Id.* In addition, given the
19 open and obvious sexual abuse, Irene G. believes that nuns employed at Holy Spirit Church were
20 also aware of the abuse. *Id.*

21 In the unreleased cases involving Betty P., Sharon P., and Kathleen P., discovery has
22 revealed that, like plaintiffs, they reported Robier's sexual abuse to other priests. These
23 complaints occurred before Father Robier was sent to Via Coeli, a monastery located in Jemez
24 Springs, New Mexico which, at the time, offered treatment for priests who molested children.
25 (See Decl. of Richard Schoenberger.) These victims, one of whom told another priest about the
26 abuse as early as 1955, are scheduled for depositions the week of December 4, 2006. (Ibid.)

27 ////

28 ////

1 **D. Bishop Buddy's Letter of September 28, 1957 Proves That Father Robier Was**
2 **Sent To Via Coeli Because He Was Sexually Molesting Children**

3 On September 28, 1957, after several girls had reported the abuse, the Bishop of San
4 Diego, Reverend Charles Buddy, sent a letter to Reverend Gerald Fitzgerald, the founder of Via
5 Coeli, regarding Father Robier. (See Exh. 11.) In the letter, Bishop Buddy - the Diocese's
6 highest-ranking agent - effectively acknowledged Father Robier's sexual abuse. He wrote,
7 "Recently, however, [Robier] has made some mistakes that require what Your Paternity has to
8 give in spiritual exercises." Not only did Buddy know about the misconduct, but so many people
9 in the church knew as to make Robier unfit to work in San Diego: "The mistake here has caused
10 so much talk that my fear is [Robier's] usefulness has terminated in these parts." Buddy goes on
11 essentially to banish Robier from San Diego. He writes, "If he has learned a lesson of discretion,
12 he will be a very valuable priest for some other Bishop." (Emphasis added.)

13 **E. Defendant RCBSD Knew In 1957 That Via Coeli Treated Priests Who**
14 **Sexually Abused Children**

15 By 1957, Bishop Buddy was well aware of the services Via Coeli offered. For ten years,
16 he had exchanged correspondence with its founder, Father Gerald Fitzgerald, regarding the
17 treatment program. For example, on January 29, 1949, Reverend Fitzgerald wrote a letter to
18 Bishop Buddy in which he stated:

19 I refer to the Via Coeli Monastery which was established in the
20 Archdiocese of Santa Fe for the physical and spiritual rehabilitation
21 of priests, both diocesan and order men who have been impelled to
22 discontinue their priestly duties. (Exh. 12.)

23 In a June 21, 1953 letter, to Bishop Buddy, Rev. Fitzgerald describes the priests that Via
24 Coeli serves as "the most abject and despised of men." (Exh. 13, letter from Fitzgerald to Buddy.)

25 In August 1956, the Diocese received materials from Via Coeli which describe the
26 monastery's true purpose (Exh. 14):

27 "Via Coeli [has] provided a hospice for priests in need of spiritual,
28 mental and physical guidance," and "to help solve the grave problem
 affecting the welfare of brother priests in need of rehabilitation..."

 In a letter dated August 15, 1956 (also in RCBSD's possession at the time) Rev. Fitzgerald

1 wrote: "There, but for the grace of God, go I'. Some time in our priesthood we would have
2 murmured this prayer of compassion upon learning of a priest astray. We may even have had the
3 sad duty of reassuring an aged mother and father that their son would, God willing, return to his
4 flock one day." (Exh. 15.)

5 By 1954, Bishop Buddy had apparently grown to rely on Via Coeli. In response to a
6 request for donations, he writes to Rev. Fitzgerald as follows:

7 Your beautiful appeal on the feast of St. Joseph cannot be deferred,
8 especially because this Diocese is so deeply indebted to you.
(Emphasis added.) (Exh. 16.)

9 In a letter dated February 19, 1955, Father Fitzgerald honed in on the character of those
10 receiving treatment:

11 The work is progressing steadily with as good a measure of success
12 as can be expected in a field that deals directly with the instability
13 inherent since the Garden of Eden in the human will. (Emphasis
added.) (Exh. 17.)

14 In context, there can be little doubt as to why Robier spent a month at Via Coeli.

15 **F. The San Diego Diocese's Second In Command, The Reverend Monsignor**
16 **Steven Callahan, Has Twice Testified Under Oath That He Believes Father**
17 **Robier Was Sent To Via Coeli Because He Was Molesting Little Girls**

18 Rev. Steven Callahan, the present Vicar General in San Diego, holds a degree in Canon
19 Law, an undergraduate degree in Religious studies and a Master's degree in Moral and Religious
20 Science. He has addressed complaints of sex abuse for the RCBSD since 1990 and was the
21 RCBSD's designee as the person most qualified to testify regarding Robier. He has reviewed
22 Robier's extensive personnel file, spoken to several of Robier's victims, and since 1990, provided
23 pastoral outreach to victims of sexual abuse, including some of Robier's victims. He is second in
24 command to the Bishop and has signed the verifications to the discovery propounded in the
25 subject case. In 2004, Father Callahan personally compiled a list of substantiated claims of sexual
26 abuse by priests in the San Diego Diocese for the years 1950-2003 intended to determine the
27 nature and scope of the problem of sexual abuse within the Catholic Church in the United States.
28 There is no one currently affiliated with the San Diego Diocese who is more intimately familiar
with allegations of Robier's sexual abuse than Father Callahan. (Exh. 18, Depo of Callahan in

1 *Mary Ann M.* at 84:13-20; 106:14-107:14, 108:2-110:25; 123:9-22; Exh. 19, Declaration of
2 Callahan in *Melanie H.* ¶¶1-10, 15-20.)

3 Based on his review of all pertinent materials, his discussions with Robier's victims and his
4 training, education and experience, Father Callahan has twice testified that, in his opinion, Bishop
5 Buddy sent Robier to Via Coeli because Robier was sexually abusing children.

6 Q. Did you form any-have you formed any opinions, based on
7 your experience, as to why [Robier] was there [at Jemez
8 Springs]?

8 A. I did.

9 Q. And what was your opinion?

10 A. Given the complaint that came forward, I believe that he was
11 there because of a problem with molesting children.

12 (Exh. 20, Depo. of Rev. Steven Callahan at 126:14-24 (dated July 14, 2005 in *Melanie H.*
13 case.)

14 As importantly, Father Callahan testified that, in his opinion, the RCBSD knew Via Coeli
15 offered treatment for priests who molested children during the period of time when Robier was
16 sent there. (*See id.* at 126:22-127:2.)

17 **G. Robier Severally Abused No Fewer Than Eight Other Little Girls Before**
18 **September Of 1957**

19 Finally, no fewer than eight other little girls were victims of Robier's sexual assaults from
20 1955 until he was sent to Jemez Springs. (*See Decl.* of Richard Schoenberger.) This compelling
21 circumstantial evidence removes any possible doubt as to why this priest was sent to Via Coeli.

22 **1. RCBSD Returned Robier To Clergy Service Without Supervision On**
23 **October 31, 1957**

24 On October 29, 1957, Robier wrote to Bishop Buddy from Via Coeli in Jemez Springs,
25 asking for a second chance (Exh. 21):

26 I made my retreat...and I beg Your Excellency to give me another
27 change (sic) and to call me back to San Diego.

28 In response, Bishop Buddy returned Father Robier to Diocesan service, but not to San

1 Diego. Instead, he transferred Robier to the St. Joan of Arc Church in Victorville on October 31,
2 1957. (See Exh. 22, letter from Buddy to Robier.) Between 1957 and 1959, Robier was
3 transferred to three different churches. After spending about ten months at Victorville, the
4 Archdiocese moved him to Ontario for seven months, and then on to San Bernardino. (See Exh.
5 22, Robier's Personal Record.)

6 Throughout 1957 to 1959, Robier returned to San Diego multiple times and stayed at the
7 Holy Spirit Church rectory. During his return visits to San Diego, he continued to molest the girls
8 at home, at the beach and at the drive-in. (Exh. 8, 103:3-108:6; Exh. 10, 116:22-118:7.)
9 Defendant RCBSD never monitored or supervised his return visits to San Diego. Defendant never
10 prevented Robier from molesting plaintiffs during each of these visits. As egregiously, Robier
11 continued to molest other little girls without any consequence whatsoever. (See Declaration of
12 Richard H. Schoenberger.)

13 **H. Defendant RCBSD's Maintenance Of Robier As A Priest With Unfettered** 14 **Access To Children Constitutes Malice And Oppression**

15 An employer may be liable for punitive damages "where it is proven by clear and
16 convincing evidence that the defendant has been guilty of oppression, fraud, or malice." Civ.
17 Code § 3294(a). "The words, oppression, fraud, or malice are in the *disjunctive* and any of them
18 may be express or implied." *Oakes v. McCarthy Co.* (1968) 267 Cal.App.2d 231, 262-63
19 (emphasis in original; internal citations omitted).

20 "Malice" is "despicable conduct which is carried on by the defendant with a willful and
21 conscious disregard of the rights or safety of others." Civ. Code § 3294(c)(1). "Oppression" is
22 "despicable conduct that subjects a person to cruel and unjust hardship in conscious disregard of
23 that person's rights." Civ. Code § 3294(c)(2). "Despicable conduct is conduct which is so vile,
24 base, contemptible, miserable, wretched or loathsome that it would be looked down upon and
25 despised by ordinary decent people." *Mock v. Michigan Millers Mutual Ins. Co.* (1992) 4
26 Cal.App.4th 306, 331.

27 "Malice does not require actual intent to harm." *Angie M. v. Superior Court* (1955) 37 Cal.
28 App. 4th 1217, 1228. "A conscious disregard for the safety of others may constitute the malice

1 necessary to sustain a claim for punitive damages." *Taylor v. Superior Court* (1979) 24 Cal.3d
2 890, 895. "In order to justify an award of punitive damages on that basis, the plaintiff must
3 establish that the defendant was aware of the probably dangerous consequences of his conduct,
4 and willfully and deliberately failed to avoid those consequences." *Blegen v. Superior Court*
5 (1981) 125 Cal. App.3d 959, 962-963.

6 As an example, in *O'Hara v Western Seven Trees Corp.* (1977) 75 Cal.App.3d 798,
7 defendant landlord was held subject to a claim for punitive damages. *Id.* at 802. While defendant
8 sought tenants, it knew that a serial rapist repeatedly victimized tenants on the land and that future
9 attacks were likely. *Id.* Still, when plaintiff sought a rental unit, defendants represented that the
10 premises were safe. *Id.* When plaintiff fell victim to the rapist, the Court of Appeal held that a
11 claim for punitive damages against the defendant was proper. *Id.* at 806.

12 Repeatedly exposing children to a man who has a known propensity of abusing children,
13 and plaintiffs in particular, is exactly the "vile, base, contemptible, miserable, wretched or
14 loathsome" conduct that "ordinary and decent people" would despise. *Mock* (1992) 4 Cal.App.4th
15 at 331. Defendant RCBSD ratified and authorized the perpetrator's sexual abuse by permitting
16 Father Robier to return to San Diego after he had been transferred to Victorville, to stay at the
17 rectory at Holy Spirit Church during these return visits, and to molest plaintiffs during these return
18 visits.

19 **IV. CONCLUSION**

20 There is ample evidence to support a claim for punitive damages. Defendant RCBSD
21 acted with conscious disregard for plaintiffs' safety when it willfully and deliberately failed to
22 protect the young girls from Robier's sexual abuse after gaining reasonable notice of the abuse.
23

24 Dated: November 28, 2006

WALKUP, MELODIA, KELLY,
WECHT & SCHOENBERGER


RICHARD H. SCHOENBERGER
Attorneys for Plaintiffs

1 **PROOF OF SERVICE (CCP 1013a, 2015.5)**

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

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

7 **MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION FOR**
8 **LEAVE TO AMEND COMPLAINT TO ALLEGE PUNITIVE DAMAGES AGAINST**
9 **DEFENDANT DIOCESE OF SAN DIEGO**

10 to:

11 Susan L. Oliver, Esq.
12 WHITE & OLIVER
13 550 West C Street, Suite 950
14 San Diego, CA 92101-3551

*Counsel for Defendant The Roman Catholic
Bishop of San Diego*

15 Robert W. Buckley, Esq.
16 LAW OFFICE OF ROBERT BUCKLEY
17 7825 Fay Avenue, Suite 200
18 La Jolla, CA 92037

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

19 Wilfrid C. Lemann, Esq.
20 Daniel W. Holden, Esq.
21 FULLERTON, LEMANN, SCHAEFER
22 & DOMINICK
23 215 North D Street, First Floor
24 San Bernardino, CA 92401-1712


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

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

27 BY PERSONAL SERVICE. I caused such document(s) to be delivered by hand to the
28 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

1 **ELECTRONIC PROOF OF SERVICE**
2 **COORDINATION PROCEEDING SPECIAL TITLE (RULE 1550(b))**
3 **THE CLERGY CASES II**

4 JUDICIAL COUNSEL COORDINATION PROCEEDING Case No. 4297 (RE: JANE
5 DOE v. JOHN DOE et al., San Diego Superior Court, Case No. GIC 810393]

6 I am a citizen of the United States, am over the age of 18 years and not a party to the
7 within entitled action, my business address is 650 California Street, San Francisco, California
8 94108. I am readily familiar with the firm's practice for the collection and processing of
9 correspondence for mailing with the United States Postal Service.

10 On November 28, 2006, I institute service of the foregoing document(s) described as:
11 **MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION FOR**
12 **LEAVE TO AMEND COMPLAINT TO ALLEGE PUNITIVE DAMAGES AGAINST**
13 **DEFENDANT DIOCESE OF SAN DIEGO - IN CASE NO. GIC 821122**

14 on the interested parties by:

15 X Submitting an electronic version of the document(s) via file transfer protocol (FTP)
16 to CaseHomePage through the upload feature at www.casehomepage.com

17 Transmitting a hard copy of the document(s) to CaseHomePage by facsimile at
18 (775) 535-8967 for scanning and uploading onto the Web Site.

19 Providing a hard copy of the document(s) to _____ for hand delivery
20 to CaseHomePage at 720 South Point Boulevard, Suite 201, Petaluma, California 94954 for
21 scanning and uploading onto the Web Site.

22 Mailing a hard copy of the document(s) by United States Parcel Service to
23 CaseHomePage at 720 South Point Boulevard, Suite 201, Petaluma, California 94954 for scanning
24 and uploading onto the Web Site.

25 Service will be deemed effective as provided for in the Electronic Case Management
26 Order.

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



LORI McCOMBE

1 Angeles' responses to Request for Admissions, verifying the genuineness of Exhibit 1 which is
2 attached herewith as Exhibit 2.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 17. Exhibit 17 is a true and correct copy of a letter from Rev. Gerald Fitzgerald to Bishop

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LAW OFFICES OF
WALKUP, MELODIA, KELLY, WECHT & SCHOENBERGER
A PROFESSIONAL CORPORATION

650 CALIFORNIA STREET, 26TH FLOOR
SAN FRANCISCO, CALIFORNIA 94108-2615
(415) 981-7210

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

**PLAINTIFFS' NOTICE OF
LODGMET IN SUPPORT OF
MOTION FOR PUNITIVE DAMAGES**

ASSIGNED TO HON. JAY M. BLOOM
—DEPARTMENT 70

Date: December 27, 2006

Time: 8:30 a.m.

Dept: 20

Trial Date: February 2, 2007

Plaintiffs hereby lodge the following documents:

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

2. Exhibit 2 is a true and correct copy of the Roman Catholic Archdiocese of Los

1 Angeles' responses to Request for Admissions, verifying the genuineness of Exhibit I which is
2 attached herewith as Exhibit 2.

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

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

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

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10 Franz Robier dated May 10, 1955.

11 7. Exhibit 7 is a true and correct copy of a letter from Rev. Donald Doxie (Secretary to
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17 Gerald Fitzgerald dated September 28, 1957.

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19 Archbishop of Santa Fe to Bishop Charles Buddy dated January 29, 1949.

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21 Charles Buddy dated June 21, 1953.

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

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

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

28 17. Exhibit 17 is a true and correct copy of a letter from Rev. Gerald Fitzgerald to Bishop

1 Charles Buddy dated February 11, 1955.

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

4 19. Exhibit 19 is a true and correct copy of the Declaration of Steven Callahan dated April
5 19, 2005.

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

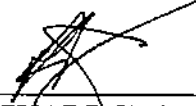
8 21. Exhibit 21 is a true and correct copy of a letter from Father Franz Robier to Bishop
9 Charles Buddy dated October 29, 1957.

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

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

13
14 Dated: November 28, 2006

WALKUP, MELODIA, KELLY,
WECHT & SCHOENBERGER

15
16
17 
18 RICHARD H. SCHOENBERGER
19 Attorneys for Plaintiffs
20
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1 **PROOF OF SERVICE (CCP 1013a, 2015.5)**

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

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

7 **PLAINTIFFS' NOTICE OF LODGMENT IN SUPPORT OF MOTION FOR PUNITIVE
8 DAMAGES**

9 to:

10 Susan L. Oliver, Esq.
11 WHITE & OLIVER
12 550 West C Street, Suite 950
13 San Diego, CA 92101-3551

*Counsel for Defendant The Roman Catholic
Bishop of San Diego*

14 Robert W. Buckley, Esq.
15 LAW OFFICE OF ROBERT BUCKLEY
16 7825 Fay Avenue, Suite 200
17 La Jolla, CA 92037

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

18 Wilfrid C. Lemann, Esq.
19 Daniel W. Holden, Esq.
20 FULLERTON, LEMANN, SCHAEFER
21 & DOMINICK
22 215 North D Street, First Floor
23 San Bernardino, CA 92401-1712

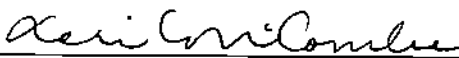
*Counsel for Defendant The Roman Catholic
Bishop of San Bernardino, a corporation sole*

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

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

28 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

EX. 1

MONSEGNER

I LEARNED FROM FATHER ROBERT THAT YOU RECOMMENDED HIM TO THE EMIGRATION AND NATURALIZATION SERVICE FOR A PERMANENT VISA. HE WAS COMING SEVERAL WEEKS AGO FROM BRASILIA TO HIS BROTHER HANS, A REFUGEE OF THE GERMAN ORIGIN

I AM A CATHOLIC AND I KNOW FROM MY PERSONAL OBSERVATION THAT THE FATHER PRIVATE LIFE AND CONDUCT IS NOT IN ACCORD WITH THE CATHOLIC CHURCH AND I FEEL YOU SHOULD KNOW THIS AND CHECK HIS PAST AND HISTORY WELL.

YOUR TRULY

A CATHOLIC WHO IS INTERESTED IN THE NAME AND WELFARE OF A CATHOLIC RELIGION.

EX. 2

1 HENNIGAN, BENNETT & DORMAN LLP
2 J. Michael Hennigan (SBN 59491)
3 Donald F. Woods, Jr. (SBN 051854)
4 Pamala J. King (SBN 125786)
5 865 South Figueroa Street, Suite 2900
6 Los Angeles, California 90017
7 Telephone: (213) 694-1200
8 Fax: (213) 694-1234

9 Attorneys Specially Appearing for Defendant
10 "ARCHDIOCESE OF LOS ANGELES"

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA

12 Coordinated Proceeding
13 Special Title (Rule 1550(b))

) Case No. JCCP 4297

14 THE CLERGY CASES II

) [Honorable Haley J. Fromholz Coordination
15 Trial Judge]

) San Diego Superior Court Case No.: GIC821122

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

) **DEFENDANT'S RESPONSES TO
18 REQUEST FOR ADMISSIONS OF
19 GENUINENESS OF DOCUMENTS**

20 Plaintiffs,

) Los Angeles County Superior Court
21 Department 20

22 vs.

23 ARCHDIOCESE OF LOS ANGELES,
24 DIOCESE OF SAN DIEGO, DIOCESE OF
25 SAN BERNARDINO, HOLY SPIRIT
26 CHURCH, ST. JOAN OF ARC CHURCH, ST.
27 GEORGE CHURCH and DOES 7 through 100
28 inclusive,

Defendants,

29 REQUESTING PARTY: Mary Ann M.

30 RESPONDING PARTY: Archdiocese of Los Angeles

31 SET NO.: One

1 **TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

2 Pursuant to California Code of Civil Procedure section 2033.210 et seq., Specially
3 Appearing Defendant ARCHDIOCESE OF LOS ANGELES ("Responding Party"), responds as
4 follows to the First Set of Requests For Admissions Of Genuineness Of Documents propounded by
5 PLAINTIFFS MARY ANN M., IRENE G., MARION P. and MARIE C.

6 **I. GENERAL OBJECTIONS**

7 1. These responses are to be used solely for purposes of this litigation and may not be
8 used for any other purpose without Responding Party's written consent or a court order.

9 2. Responding Party is providing these discovery responses pursuant to court order. By
10 doing so, Responding Party does not waive any objection to the court's jurisdiction over the person
11 or subject matter, or any ground for demurrer or motion to strike. Provision of these responses shall
12 not be deemed to constitute a general appearance by Responding Party.

13
14 **II. SPECIFIC OBJECTIONS AND RESPONSES TO INDIVIDUAL REQUESTS**

15 Each and every general objection is incorporated by this reference into the specific
16 objections and responses below.

17 **REQUEST FOR ADMISSION NO. 1:**

18 Admit that the original Letter from Timothy Manning to Rev. Francisco Maria Robier dated
19 March 31, 1955 (Bates stamped CIVROBIE 000001) is genuine.

20 **RESPONSE TO REQUEST FOR ADMISSION NO. 1:**

21 Documents CIVROBIE 000001-000009 ("The Documents") were produced in response to a request
22 for documents pertaining to Father Franz Robier. The Documents are true & correct copies of
23 original documents which are located in the Archival Center for the Archdiocese of Los Angeles
24 ("Archives"). The Documents are located in a series of file drawers labeled "Extern" which are
25 maintained in alpha order by Priest. The Documents are located in the files under the letter " R. "
26 The Documents are stored and maintained in the normal course of the affairs of the Archives and the
27 Archdiocese. The Documents are produced and numbered in the same sequence in which they are
28 maintained -- in two groups CIVROBIE 000001-000005 and CIVROBIE 000006-000009.

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REQUEST FOR ADMISSION NO. 2:

Admit that the original Handwritten note (Bates stamped CIVROBIE 000002) is genuine.

RESPONSE TO REQUEST FOR ADMISSION NO. 2:

See response to request for admission no. 1.

REQUEST FOR ADMISSION NO. 3:

Admit that the original Unsigned certification of Joseph T. McGucken (Bates stamped CIVROBIE 000003) is genuine.

RESPONSE TO REQUEST FOR ADMISSION NO. 3:

See response to request for admission no. 1.

REQUEST FOR ADMISSION NO. 4:

Admit that the original Letter from Timothy Manning to Rev. Franz Robier dated May 9, 1955 (Bates stamped CIVROBIE 000004) is genuine.

RESPONSE TO REQUEST FOR ADMISSION NO. 4:

See response to request for admission no. 1.

REQUEST FOR ADMISSION NO. 5:

Admit that the original Letter from Rev. Franz Robier to Rev. Timothy Manning dated May 7, 1955 (Bates stamped CIVROBIE 000005) is genuine.

RESPONSE TO REQUEST FOR ADMISSION NO. 5:

See response to request for admission no. 1.

REQUEST FOR ADMISSION NO. 6:

Admit that the original Letter from Rev. Lawrence Donnelly to Rev. Francis Robier dated April 11, 1955 (Bates stamped CIVROBIE 000006) is genuine.

RESPONSE TO REQUEST FOR ADMISSION NO. 6:

See response to request for admission no. 1.

REQUEST FOR ADMISSION NO. 7:

Admit that the original Letter from Bishop Manning to Father Donnelly dated April 7, 1955 (Bates stamped CIVROBIE 000007) is genuine.

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RESPONSE TO REQUEST FOR ADMISSION NO. 7:

See response to request for admission no. 1.

REQUEST FOR ADMISSION NO. 8:

Admit that the original Handwritten letter from Father Franz Robier to Rev. Timothy Manning dated April 6, 1955 (Bates stamped CIVROBIE 000008) is genuine.

RESPONSE TO REQUEST FOR ADMISSION NO. 8:

See response to request for admission no. 1.

REQUEST FOR ADMISSION NO. 9:

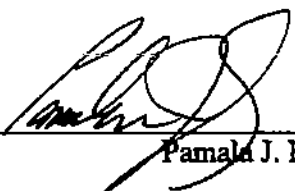
Admit that the original Anonymous letter to Monsignor (Bates stamped CIVROBIE 000009) is genuine.

RESPONSE TO REQUEST FOR ADMISSION NO. 9:

See response to request for admission no. 1.

DATED: *November 17, 2006*

HENNIGAN, BENNETT & DORMAN LLP
J. Michael Hennigan
Donald F. Woods, Jr.
Pamala J. King

By: 
Pamala J. King

Attorneys Specially Appearing for Defendant
"ARCHDIOCESE OF LOS ANGELES"

1 VERIFICATION

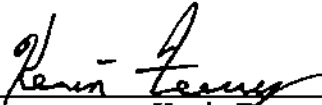
2 I, Kevin Feeney, declare:

3 I am the adjunct archivist for the Archival Center for the Archdiocese of Los Angeles and am
4 authorized to make this verification on its behalf.

5 I have read the foregoing Defendant's Responses to Request for Admissions of Genuineness
6 of Documents in Case No. GIC821122 and know its contents. I am informed and believe that the
7 matters stated therein are true.

8 Executed this 17th day of November, 2006 at Los Angeles, California.

9 I declare under penalty of perjury under the laws of the State of California that the foregoing
10 is true and correct.

11
12
13 
14 Kevin Feeney
15 Adjunct Archivist for the Archival Center for the
16 Archdiocese of Los Angeles
17
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HENNIGAN, BENNETT & DORMAN LLP
LOS ANGELES, CALIFORNIA

1 **PROOF OF SERVICE-SUPERIOR COURT**

2
3 STATE OF CALIFORNIA,)
4 COUNTY OF LOS ANGELES) SS.
5)

6 I am employed in the County of Los Angeles, State of California. I am over the age of 18
7 years and not a party to the within action; my business address is 865 South Figueroa Street, Suite
8 2900, Los Angeles, California 90017.

9 On November 17, 2006, I served the foregoing document described as **DEFENDANT'S**
10 **RESPONSES TO REQUEST FOR ADMISSIONS OF GENUINENESS OF DOCUMENTS** on
11 the interested parties in this action by placing the true copy(ies) thereof enclosed in sealed envelopes
12 addressed as follows:

13 Richard H. Schoenberger, Esq. Attorneys for Mary Ann M., Irene G., Marion P.
14 Doris Cheng, Esq. and Marie C.
15 Walkup, Melodia, Kelly, Wecht & Schoenberger
16 650 California Street, 26th Floor
17 San Francisco, California 94108-2615

18 Daniel M. White, Esq. Attorneys for The Roman Catholic Bishop of
19 Susan L. Oliver, Esq. San Diego
20 Beth J. Manover, Esq.
21 White & Oliver
22 550 West C Street, Suite 950
23 San Diego, California 92101

24 Robert W. Buckley, Esq. Counsel for Holy Spirit Church, St. Joan of Arc
25 Law Offices of Robert W. Buckley Church, and St. George Church
26 7825 Fay Avenue, Suite 200
27 La Jolla, California 92037

28 **XXX** [VIA U.S. MAIL] I caused such envelope(s) with postage thereon fully prepaid to be placed
in the United States mail at Los Angeles, California. I am readily familiar with the firm's
practice of collection and processing correspondence for mailing. Under that practice it
would be deposited with U.S. postal service on that same day with postage thereon fully
prepaid at Los Angeles, California in the ordinary course of business. I am aware that on
motion of the party served, service is presumed invalid if postal cancellation date or postage
meter date is more than one day after date of deposit for mailing in affidavit.

XXX [VIA EMAIL] I transmitted via email the document(s) listed above to the email addresses
on the attached list.

I declare under penalty of perjury under the laws of the State of California that the foregoing
is true and correct.

Executed on November 17, 2006 at Los Angeles, California.


Allison Spizer

HENNIGAN, BENNETT & DORMAN LLP
LAWYERS
LOS ANGELES, CALIFORNIA

MEETING OF ARCHDIOCESAN CONSULTORS

The Consultors of the Archdiocese held their monthly meeting on Tuesday, March 29th, 1955, at the residence of His Eminence, Cardinal McIntyre, 100 Fremont Place, Los Angeles. The meeting was called to order at 10:00 a.m. His Eminence presided. The following Consultors were present:

His Eminence, James Francis Cardinal McIntyre,
 Most Reverend Joseph T. McGucken, Vicar General,
 Most Reverend Timothy Manning, Secretary of the Council,
 Right Reverend Patrick J. Concannon,
 Right Reverend Patrick J. Dignan,
 Right Reverend Bernard J. Dolan,
 Right Reverend Fidencio Esparza,
 Right Reverend Henry W. Gross,
 Right Reverend Anthony Jacobs,
 Right Reverend Thomas J. O'Dwyer,
 Right Reverend Joseph J. Truxaw.

Absent was:

Right Reverend Thomas J. Blackwell.

Herewith recorded are the deliberations of the Consultors.

I. OLBEGY:

RFDACTED

REDACTED

REDACTED

7. Reverend FRANCISCO MARIA ROBIER:

This is a priest from the Diocese of Espirito Santo in Brazil, having leave of absence for 2 years. He was ordained in 1936. He has a brother resident in Los Angeles. Consultors rejected application.

EX. 4

March Thirty First
19 55

Reverend Francis Maria Robler,
349 West 68th Street,
Los Angeles, California.

Reverend and dear Father:

At the meeting of the Consistory of the
Archdiocese on March 29th, we presented the request that you
had made for some appointment in the Archdiocese.

I regret to advise you that it will not
be possible for us to provide a place for you. You may there-
fore wish to make application under some other jurisdiction in
the State.

Yours very sincerely,

(Timothy Manning)
Auxiliary Bishop of Los Angeles
C h a n c e l l o r

B

St. Columbkille's Church

6325 SOUTH MAIN STREET
LOS ANGELES 3, CALIFORNIA
PLEASANT D. 5540

May 7, 1955.

Most Rev. Charles F. Buddy, D.D., Ph.D.,
Alcala Park,
San Diego 12, Calif.

Your Excellency:

I am a priest for the diocese of Espirito Santo, Brazil, of Austrian extraction. I have been eighteen years in the country of Brazil, and I speak German, Portuguese, and at the present time I am learning English. I have been in this country since Feb. 20.

I have permission of my Bishop to try to obtain priestly work in California so that I may be near my brother who lives in Los Angeles and who has guaranteed me financially as far as the Immigration Authorities are concerned.

I am presuming to ask Your Excellency if there is any possible way that your Excellency could use my services, and if it is possible that Your Excellency would grant me the favor of an appointment at some future date.

I have in my possession a letter from my Bishop a letter in which the above facts are verified.

Thanking your Excellency, and hoping that I may soon have the pleasure of speaking to Your Excellency, I am

Sincerely yours in Christ,

Rev. Frank Robier

000133

May 10, 1955

The Rev. Franz Robier
St. Columbkille's Church
6325 South Main Street
Los Angeles 3, California

Dear Father Robier:

Be assured of a cordial welcome to the Diocese of San Diego, assuming, of course, that the required permission of your Ordinary and all of the papers are in order.

I will welcome a visit from you next Tuesday, May 17.

Thanking the Holy Spirit for you, and with kindest regards,

Faithfully your servant in Christ,

The Most Reverend Charles F. Buddy,
Bishop of San Diego.

8

Robier 0000132

May 17, 1955

TO WHOM IT MAY CONCERN:

This is to certify that the Reverend Francis Robler will be used as a parish priest within the Diocese of San Diego to help alleviate the great shortage of priests in this Diocese.

The fact of his serving in a parish and assisting American people to fulfil their religious obligations is a self-evident contribution to the United States.

This priest will be under the direction and care of the Roman Catholic Bishop of San Diego and will in no way be a burden to the authorities Federal or Local.

Rev. Donald F. Doxie
Secretary to the Bishop of
San Diego

000131

C
O
P
Y

SUPERIOR COURT FOR THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

Coordination Proceeding)
Special Title (Rule 1550(b)))
THE CLERGY CASES II)
[Case No. JCCP 4297)
Coordination Trial Judge: Honorable Haley J.)
Fromholz]) LASC Case No.
_____) JCCP 4297
MARY ANN M., IRENE G., MARION P. and) SDSC Case No.
MARIE C.,) GIC821122
Plaintiff,)
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.)
_____)

DEPOSITION OF MARY ANN M.
VOLUME I

Pages 1 through 251, inclusive
October 2, 2006

Reported by: Jeanette E. Robinson, CSR No. 3425

SAN DIEGO • BEVERLY HILLS



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CERTIFIED COPY

10:19:18 1 o'clock in the afternoon.

10:19:19 2 Q. Okay. And what do you recall about that

10:19:23 3 dinner?

10:19:24 4 A. I recall that I thought Father Robier was a

10:19:28 5 really funny guy.

10:19:29 6 Q. Okay.

10:19:30 7 A. And he spoke German.

10:19:32 8 Q. Were you able to communicate better with

10:19:35 9 Father Robier than the Beckers because of his German?

10:19:38 10 A. Yes, I was. I'm not -- excuse me. I'm not

10:19:41 11 sure I communicated better. It was more comfortable.

10:19:44 12 Q. Fair enough. And when you first met Robier

10:19:51 13 at a Sunday dinner, did -- did you like him or enjoy

10:19:55 14 his company at that point?

10:19:56 15 A. Yes. I thought he was really funny.

10:19:58 16 Q. Okay.

10:19:59 17 A. And he was very nice. He had a smile on his

10:20:03 18 face.

10:20:03 19 Q. Okay.

10:20:05 20 A. And he seemed to like us.

10:20:09 21 I should speak for myself. He seemed to like

10:20:12 22 me.

10:20:13 23 Q. Fair enough. At some point did Father Robier

10:20:22 24 sexually abuse you?

10:20:24 25 A. Yes, he did.

10:20:25 1 Q. When did that first sexual abuse take place?

10:20:29 2 A. I believe around 1955.

10:20:34 3 Q. And what location?

10:20:38 4 A. My very first recollection of him abusing me

10:20:42 5 was at a drive-in movie theater.

10:20:47 6 Q. Do you recall how long a period of time it

10:20:55 7 was from when you first met Father Robier at Sunday

10:20:58 8 dinner to when this abuse occurred at the drive-in

10:21:01 9 movie?

10:21:02 10 A. No. I don't know exactly the amount of time.

10:21:05 11 Q. Okay. How did it come -- strike that. Let

10:21:09 12 me back up.

10:21:11 13 When you went to the -- when -- let me start

10:21:13 14 over again.

10:21:13 15 When you were abused by Father Robier at the

10:21:19 16 drive-in movie, was anyone else with you?

10:21:20 17 A. Yes. My sisters were in the car.

10:21:23 18 Q. All three sisters.

10:21:24 19 A. Yes.

10:21:24 20 Q. How did it come about that you and your

10:21:27 21 sisters were at a drive-in movie with Father Robier?

10:21:30 22 A. I don't know how it came about. We went to

10:21:33 23 the movies with him.

10:21:34 24 Q. Did Mr. and Mrs. Becker give Father Robier

10:21:38 25 permission to take you to the movies?

10:21:40 1 A. I imagine that's how it happened.

10:21:42 2 Q. Okay. And I take it they weren't at the

10:21:45 3 movie.

10:21:45 4 A. No, they were not.

10:21:46 5 Q. Okay. Tell me what happened at the drive-in

10:21:49 6 movie.

10:21:50 7 A. We were at the movies. I was sitting next to

10:21:55 8 Father Robier, and we -- I --

10:21:59 9 Q. In the front seat of a car?

10:22:00 10 A. In the front seat of his car. His car.

10:22:04 11 And he put his arm around me, which I was

10:22:13 12 kind of uncomfortable with, so I tried to put his arm

10:22:16 13 off of my shoulder. And then he put it back. And

10:22:20 14 eventually his arm would go -- went lower and lower,

10:22:23 15 and it went into the -- to the -- my pants that I had

10:22:28 16 on (indicating).

10:22:29 17 Q. Okay.

10:22:30 18 A. Or my skirt. I'm not sure but --

10:22:33 19 Q. Okay. Had you gone on outings with Father

10:22:38 20 Robier before this drive-in movie?

10:22:41 21 A. I believe we went on outings with the Beckers

10:22:46 22 and had gone to -- I don't -- I don't know if -- where

10:22:51 23 we went before. I -- not -- that's the first time I

10:22:55 24 remember going to a movie with Father Robier.

10:22:58 25 Q. Certainly. Had you and your sisters ever

10:23:01 1 been alone with Father Robier, no other adults around,
10:23:06 2 on some outing prior to this drive-in movie?
10:23:09 3 A. I believe we had been, yes.
10:23:11 4 Q. Okay. And everything was okay during those
10:23:14 5 prior outings.
10:23:14 6 A. Yes.
10:23:15 7 Q. Okay. You would -- those were enjoyable
10:23:16 8 trips with Father Robier.
10:23:19 9 A. I'm not sure trips. I mean, I believe he
10:23:21 10 came to the house at times, maybe as, quote unquote, a
10:23:25 11 babysitter when the Beckers weren't there. I don't
10:23:28 12 really --
10:23:28 13 Q. Okay.
10:23:29 14 A. -- recall.
10:23:31 15 Q. When you were at the drive-in movie and he
10:23:34 16 put his arm around your shoulder, you said that you
10:23:37 17 were uncomfortable with that; right?
10:23:39 18 A. Uh-huh. Uh-huh.
10:23:40 19 Q. Is that a yes?
10:23:41 20 A. Yes, it is.
10:23:42 21 Q. Okay. Why did that make you uncomfortable?
10:23:44 22 A. Because he was a priest.
10:23:46 23 Q. Was it your sense at this time that a priest
10:23:49 24 shouldn't be putting his arm around you?
10:23:52 25 A. Well, it wasn't just that he put his arm

10:23:54 1 around me, but it's just put his arms -- and it was
10:23:56 2 near my -- my breast, so it was not just putting his
10:23:59 3 arm like affectionately on your shoulder. It was like
10:24:02 4 putting his arm and touching. I didn't have breasts,
10:24:08 5 but touching where they would have been.

10:24:08 6 Q. Understood. How old were you at this time?

10:24:10 7 A. In 1955 I was about ten years old.

10:24:12 8 Q. Okay. And so you tried to sort of push

10:24:15 9 Robier's arm away or shrug it off; is that right?

10:24:19 10 A. Yes, I did.

10:24:19 11 Q. And then he puts his arm back around you and

10:24:23 12 moves lower -- lower into your pants or skirt.

10:24:24 13 A. Right. Yes.

10:24:25 14 Q. Did he touch you under your pants or skirt?

10:24:32 15 A. Yes. I think he -- he did touch me. I'm not

10:24:38 16 sure that he went under my underpants. He went under

10:24:41 17 my shorts or skirt I was wearing.

10:24:43 18 Q. Okay. And did he touch your genitalia

10:24:45 19 through the clothes at that time?

10:24:46 20 A. Yes, he did.

10:24:47 21 Q. What did you do in response to that?

10:24:50 22 A. I tried to shove his arm away.

10:24:52 23 Q. And what did he do?

10:24:53 24 A. He put his arm back and his hand back in the

10:24:57 25 same place.

10:24:58 1 Q. And how long did that touching under your
10:25:02 2 clothing take place?
10:25:03 3 A. I don't know the exact amount of time. It
10:25:07 4 seemed very long.
10:25:08 5 Q. What was your reaction at the time?
10:25:11 6 A. I was -- I was confused. I was -- I thought
10:25:23 7 it was dirty. I didn't understand.
10:25:34 8 Q. At age ten did you have any understanding or
10:25:37 9 sense that what Father Robier was doing was wrong?
10:25:41 10 A. Yes, I did.
10:25:42 11 Q. Did you say anything to him, you know, Knock
10:25:46 12 it off, you know, Don't do that, or anything like
10:25:48 13 that?
10:25:55 14 A. I don't recall if I said anything.
10:26:00 15 Q. What were your sisters doing, to your
10:26:03 16 knowledge, at the point that Father Robier is touching
10:26:05 17 you?
10:26:05 18 A. They were watching the movie in the back
10:26:08 19 seat.
10:26:08 20 Q. Is it your understanding -- strike that.
10:26:14 21 Do you have any understanding as to whether
10:26:15 22 they knew what was going on between you and Father
10:26:18 23 Robier in the front seat?
10:26:20 24 A. I'm not sure the first time they knew, no.
10:26:22 25 Q. Okay. Did Father Robier touch you in any

10:26:29 1 other way, other than what we've talked about so far,
10:26:32 2 during that first time at the drive-in movie?
10:26:34 3 A. Just he put his hand on my -- where the
10:26:42 4 breast would be, put it under my shirt, you know,
10:26:44 5 under -- under my shorts.
10:26:48 6 Q. Okay. At some point that evening when you
10:27:00 7 were at the drive-in theater, did you change positions
10:27:05 8 within the car --
10:27:07 9 A. Yes.
10:27:08 10 Q. -- move from the front seat to the back --
10:27:09 11 A. -- intermission and we went to get popcorn
10:27:13 12 and drinks and -- at the snack bar, and then when we
10:27:16 13 came back to the car -- I'm not sure which sister it
10:27:21 14 was, but I believe it was Irene G. -- he said for her
10:27:24 15 to sit in the front seat.
10:27:27 16 Q. Did Father Robier buy you the popcorn and
10:27:33 17 snacks?
10:27:33 18 A. Yes, he did.
10:27:34 19 Q. Did he purchase your admission into the
10:27:36 20 drive-in theater?
10:27:38 21 A. I'm not sure who purchased it. I didn't pay
10:27:40 22 for it.
10:27:40 23 Q. Okay. Do you know what occurred to Irene G.,
10:27:47 24 if anything, when she was in the front seat after the
10:27:51 25 movie intermission?

10:27:53 1 A. I saw his -- his arm going up on her shoulder
10:27:56 2 and moving (indicating) out of my sight, so I --
10:28:03 3 Q. Did you assume at that point that Robier was
10:28:05 4 doing the same thing to her that he had just done to
10:28:08 5 you?
10:28:08 6 A. Yes, I did.
10:28:09 7 Q. Did you say anything while you were in the
10:28:12 8 car?
10:28:12 9 A. No, I did not.
10:28:14 10 Q. Did you have any discussions with Irene G.
10:28:17 11 after the movie was over or at some time later about
10:28:21 12 what had occurred in the car?
10:28:23 13 A. I'm not sure if I did at that time, no.
10:28:28 14 Q. Did the seating positions within the car ever
10:28:38 15 change again that evening?
10:28:41 16 A. I am not sure what happened -- if they
10:28:44 17 changed again that evening.
10:28:46 18 Q. Okay.
10:28:47 19 A. No.
10:28:47 20 Q. Did you attend other drive-in movies with
10:28:50 21 Father Robier?
10:28:51 22 A. Yes, we did.
10:28:52 23 Q. And did the same type of thing occur at the
10:28:56 24 -- on those other occasions at the drive-in?
10:28:56 25 A. Yes. At other times there would be two of us

10:28:59 1 in the front seat.

10:29:02 2 Q. Okay. Let's -- let's try to break this down

10:29:07 3 just a little bit if we can.

10:29:11 4 Going back to the first time that he sexually

10:29:14 5 abused you at the drive-in theater, did he drive you

10:29:19 6 home following the movie?

10:29:20 7 A. Yes, he did.

10:29:22 8 Q. And were your parents home when you arrived

10:29:25 9 back from the movie?

10:29:26 10 A. I believe they were, yes.

10:29:27 11 Q. Okay. And did your parents put you to bed at

10:29:30 12 that point?

10:29:31 13 A. Yes. I believe they did.

10:29:32 14 Q. Okay.

10:29:33 15 A. I don't remember.

10:29:34 16 Q. Okay. Nothing further occurred on that first

10:29:38 17 instance than what we've discussed; right?

10:29:40 18 A. Correct.

10:29:40 19 Q. Okay. And then --

10:29:41 20 A. As far as I remember. That's how I remember

10:29:44 21 it.

10:29:44 22 Q. Fair enough. At some other point Father

10:29:48 23 Robier abused you again at a drive-in movie; right?

10:29:51 24 A. Yes, he did.

10:29:52 25 Q. Okay. When was the next time?

10:29:55 1 A. I don't recall exactly when it was.

10:29:57 2 Q. Fairly close in time to the first drive-in

10:30:01 3 movie?

10:30:02 4 A. I believe so, yes.

10:30:04 5 Q. Okay. And on the second time, you believe

10:30:06 6 that there were you and a -- and a sister of yours

10:30:10 7 sitting in the front seat --

10:30:10 8 A. Front seat, yes.

10:30:11 9 Q. Okay. And what did he do to you on the

10:30:14 10 second occasion?

10:30:16 11 A. I'm not sure it was the second occasion or

10:30:18 12 the third occasion, but eventually, within an amount

10:30:24 13 of time, his hand would actually go under -- went --

10:30:27 14 actually went underneath my underpants and actually

10:30:31 15 underneath my blouse or my top.

10:30:33 16 Q. And he was fondling your -- your breasts?

10:30:36 17 A. Yes.

10:30:36 18 Q. And he was directly touching your genitalia?

10:30:39 19 A. Yes, he was.

10:30:40 20 Q. How long did that contact last?

10:30:43 21 A. I don't know how many minutes it lasted.

10:30:48 22 Seemed for a long time.

10:30:49 23 Q. Did you do anything to -- to protest on this

10:30:52 24 next occasion or the occasion where --

10:30:54 25 A. I did the same thing. I --

10:30:56 1 Q. Tried to push his arm away?

10:30:58 2 A. -- pushed his hand away. I believe I said,

10:31:00 3 "No."

10:31:00 4 Q. What did he say in response, if anything?

10:31:02 5 A. He was -- he just did the same thing again.

10:31:05 6 Did not pay any attention to what you were doing.

10:31:07 7 Q. Did he digitally penetrate you at this point

10:31:16 8 at the drive-in?

10:31:17 9 A. Yes.

10:31:17 10 Q. Did you say anything to him at that point?

10:31:24 11 A. I don't remember if I said anything.

10:31:28 12 Q. What was your reaction when that -- the

10:31:30 13 digital penetration occurred?

10:31:32 14 A. I knew it was wrong.

10:31:36 15 Q. Were you scared?

10:31:38 16 A. Yes.

10:31:41 17 Q. Was there any -- was it physically painful?

10:31:47 18 A. Yes. I'm not sure painful. It was

10:31:54 19 physically odd.

10:31:57 20 Q. Who -- which sister was sitting in the front

10:32:01 21 seat as well this time?

10:32:03 22 A. I'm not sure which sister it was.

10:32:05 23 Q. Okay.

10:32:06 24 A. It was a sister.

10:32:07 25 Q. Were you aware of -- strike that.

10:32:11 1 Could that sister see what was going on?

10:32:20 2 A. Yes.

10:32:21 3 Q. Is it your understanding that that sister was

10:32:24 4 aware of what was happening?

10:32:25 5 A. Yes.

10:32:26 6 Q. Did that sister, whichever one it may have

10:32:29 7 been, say or do anything?

10:32:32 8 A. No.

10:32:33 9 Q. At some point that evening did Father Robier

10:32:47 10 also molest the sister of yours that was also in the

10:32:53 11 front seat?

10:32:53 12 A. Yes, he did.

10:32:54 13 Q. Did he do the same type of thing that he had

10:32:57 14 done to you?

10:32:58 15 A. Yes, he did.

10:32:58 16 Q. Were you aware of it as it was happening?

10:33:01 17 A. Yes, I was.

10:33:02 18 Q. What was your reaction at that time?

10:33:04 19 A. I was very angry.

10:33:06 20 Q. Angry at him for harming your sister?

10:33:10 21 A. Yes, I was.

10:33:11 22 Q. Did you say anything to him?

10:33:14 23 A. At the movies? No.

10:33:19 24 Q. Did you say anything to your sister?

10:33:24 25 A. I told her I was sorry.

10:33:27 1 Q. While you were at the movies?

10:33:29 2 A. I don't know if it was at the movies.

10:33:31 3 Q. Sometime shortly after that you told her you

10:33:33 4 were sorry?

10:33:34 5 A. Yes.

10:33:34 6 Q. Why were you sorry?

10:33:36 7 A. That I had not done anything to stop what he

10:33:39 8 was doing to her.

10:33:40 9 Q. Do you -- do you need to take a break?

10:33:44 10 A. No, I don't.

10:33:45 11 Q. Okay.

10:33:46 12 A. Thank you.

10:33:48 13 Q. Did you feel that you could have stopped it?

10:33:53 14 A. I don't know if I could have. I felt I

10:33:55 15 should have.

10:33:55 16 Q. Okay. Did your sister ever indicate to you

10:34:00 17 that she blamed you or she felt you should have

10:34:04 18 stopped it?

10:34:08 19 A. I don't know. I know I felt guilty.

10:34:14 20 Q. Okay. And do you have any recollection at

10:34:17 21 all as to which sister it was that was sitting next to

10:34:22 22 you?

10:34:22 23 A. I believe it was Irene G.

10:34:24 24 Q. Okay. On this occasion we've been discussing

10:34:34 25 when there were two girls in the front seat with

10:34:37 1 Robier, was there ever a seating position change on
10:34:41 2 that occasion?
10:34:42 3 A. Yes.
10:34:43 4 Q. What --
10:34:44 5 A. At the break.
10:34:45 6 Q. Then what was the seating arrangement?
10:34:48 7 A. Then Irene G. and I went into the back seat
10:34:51 8 and Marion P. and Marie C. went into the front seat.
10:34:55 9 Q. And is it your understanding that Father
10:34:57 10 Robier did the same things to Marion P. and Marie C.
10:35:00 11 that he had to you and Irene G.?
10:35:03 12 A. Yes, he did.
10:35:04 13 Q. Were you aware of that as it was going on?
10:35:06 14 A. Yes, I was.
10:35:07 15 Q. Did you say anything?
10:35:09 16 A. No, I did not.
10:35:10 17 Q. Did you talk to Marion P. or Marie C.
10:35:14 18 afterwards about what had happened?
10:35:16 19 A. I don't remember if I had a specific
10:35:18 20 conversation. I believe I told them I was really
10:35:21 21 sorry for them.
10:35:22 22 Q. Same reasons we discussed with Irene G.?
10:35:24 23 A. Yes.
10:35:25 24 Q. Did they say anything in response?
10:35:27 25 A. I don't remember.

10:35:30 1 Q. Okay. After this occasion at the drive-in
10:35:37 2 movie we've been talking about, did Father Robier
10:35:40 3 drive you home?
10:35:41 4 A. Yes, he did.
10:35:42 5 Q. Did anybody, you or your sisters, say
10:35:48 6 anything to him on the way home in reference to what
10:35:50 7 had occurred?
10:35:51 8 A. I don't remember.
10:35:53 9 Q. Okay. When you got home, were your parents
10:35:57 10 home?
10:35:57 11 A. I believe so.
10:35:58 12 Q. Did Father Robier ever tuck you or your
10:36:04 13 sisters into bed after an outing at the movies?
10:36:07 14 A. Yes, he did.
10:36:08 15 Q. Okay. Do you recall when that occurred?
10:36:10 16 Let's back up a second. How many times did
10:36:15 17 you and your sisters go to a movie, a drive-in movie,
10:36:19 18 with Father Robier?
10:36:20 19 A. I don't recall the exact amount of times.
10:36:22 20 Q. Do you have an estimate?
10:36:23 21 A. Over what? A year? Two years? I don't
10:36:26 22 know.
10:36:26 23 Q. How many times do you think you went to a --
10:36:28 24 a -- a drive-in movie with Father Robier?
10:36:31 25 A. I would -- I would say at least once a month,

10:36:51 1 twice a month.

10:36:55 2 Q. Over the course of how many years?

10:36:57 3 A. Course of four years. Or -- well, the first

10:36:59 4 two years, '55 to -- I believe those -- two -- he was

10:37:07 5 at Holy Spirit for a while, and then he left Holy

10:37:10 6 Spirit.

10:37:11 7 Q. Okay.

10:37:12 8 A. So when he was at Holy Spirit, it was more

10:37:16 9 frequently that he would take us out.

10:37:19 10 Q. Okay. During the time frame that he was at

10:37:21 11 Holy Spirit, do you recall or have an estimate as to

10:37:26 12 how many times he took you to a drive-in movie?

10:37:30 13 A. I would say at least once or twice a month.

10:37:34 14 Q. Okay. Over the course of that two-year time

10:37:36 15 frame.

10:37:36 16 A. Right.

10:37:37 17 Q. Okay. Did he sexually abuse you on each and

10:37:42 18 every occasion that he took you to a drive-in movie?

10:37:45 19 A. Yes, he did.

10:37:46 20 Q. In the same way that we've discussed?

10:37:49 21 A. Yes. Except it got -- it got more -- it

10:37:57 22 progressed more than the initial times in the car.

10:38:03 23 Q. Okay. Tell me how it progressed at these

10:38:07 24 drive-in movies.

10:38:09 25 A. He would take your hand and make you touch --

10:38:13 1 put your hand on his pri -- his gen -- his penis.

10:38:21 2 Q. Okay.

10:38:22 3 A. Not that it was -- it was through his pants

10:38:25 4 at first, and then eventually over the time he opened

10:38:29 5 the zipper and you actually touched his penis.

10:38:33 6 Q. His penis was erect?

10:38:38 7 A. Yes.

10:38:38 8 Q. Did he make you --

10:38:40 9 A. He just made you touch it.

10:38:42 10 Q. Okay. And in addition to making you touch

10:38:47 11 his penis, he would also fondle you under your

10:38:53 12 clothing?

10:38:54 13 A. Yes, he would.

10:38:55 14 Q. And did he digitally penetrate you on these

10:38:59 15 other occasions as well?

10:39:01 16 A. Yes.

10:39:01 17 Q. And that occurred pretty consistently once or

10:39:03 18 twice a month over a two-year time frame?

10:39:05 19 A. Yes, it did.

10:39:06 20 Q. Okay. And on these other occasions the once

10:39:08 21 or twice per month you'd go to the drive-in movies

10:39:11 22 with Robier, did he, as you recall, engage in the same

10:39:15 23 conduct with your sisters?

10:39:16 24 A. Yes. As I recall, he did.

10:39:18 25 Q. There would be seating changes and he would

10:39:20 1 abuse them?

10:39:21 2 A. Yes.

10:39:22 3 Q. Did you ever try to -- strike that.

10:39:39 4 How did it come about that you were going to

10:39:45 5 the movies with Father Robier? Did he ask Mr. and

10:39:48 6 Mrs. Becker for permission? Did he volunteer -- I

10:39:52 7 mean how did that come about, if you know?

10:39:54 8 A. I don't know.

10:39:55 9 Q. Okay. Did you ever try to get out of going

10:39:59 10 to the movies with Father Robier when you found out

10:40:03 11 that was part of the day's plans?

10:40:05 12 A. Yes.

10:40:06 13 Q. What did you do to try to get out of it?

10:40:08 14 A. I would say I didn't want to go.

10:40:10 15 Q. And who would you say that to?

10:40:11 16 A. I would tell Mister -- Mrs. Becker I didn't

10:40:15 17 want to go to the movies.

10:40:16 18 Q. And what was her response?

10:40:18 19 A. She said, "Well, Father Robier wants to go to

10:40:21 20 the movies and he's -- isn't it great that he wants to

10:40:24 21 take you to the movies."

10:40:26 22 Q. And she would basically make you go?

10:40:29 23 A. Not make, but --

10:40:32 24 Q. She would encourage you to go.

10:40:33 25 A. Yes.

10:41:30 1 Q. Did you believe in hell?

10:41:31 2 A. Yes, I did.

10:41:32 3 Q. Do you still?

10:41:33 4 A. I don't know anymore what I believe.

10:41:45 5 Q. Other than abuse occurring at the drive-in

10:41:52 6 movies, did Father Robier sexually abuse you in any

10:41:58 7 other locations?

10:41:59 8 A. Yes, he did.

10:42:00 9 Q. Can you give me a list of the other

10:42:01 10 locations?

10:42:02 11 A. At our home --

10:42:03 12 Q. Okay.

10:42:05 13 A. -- on Peru Place and at the beach.

10:42:07 14 Q. Okay. Did he ever molest you on church

10:42:11 15 grounds?

10:42:12 16 A. He never molested me on church grounds.

10:42:15 17 Q. Okay. Let's talk about the times he abused

10:42:20 18 you in the home, and that was the home of Mr. and

10:42:23 19 Mrs. Becker?

10:42:24 20 A. Yes, it was.

10:42:25 21 Q. When was the first time that you recall that

10:42:27 22 he abused you in the Beckers' home?

10:42:29 23 A. I -- I believe it was near the time that he

10:42:34 24 first took us to the drive-in theater.

10:42:38 25 Q. In about 1955?

10:42:39 1 A. Yes.

10:42:40 2 Q. Okay. And tell me the circumstances of how

10:42:43 3 the abuse came about in the home on that first

10:42:46 4 occasion?

10:42:47 5 A. My recollection was that Mrs. Becker went to

10:42:52 6 bingo, and Mr. Becker was not home because he -- he

10:42:58 7 was a fire fighter. He worked 24 hours on and 24

10:43:02 8 hours off. So there were days where he was not home

10:43:06 9 at all for 24 hours.

10:43:07 10 Q. Okay. And so Mister -- excuse me.

10:43:10 11 Father Robier was at the house when your

10:43:13 12 parents were gone.

10:43:13 13 A. Yes. I believe he was like a babysitter.

10:43:17 14 Q. Okay. So your -- Mr. and Mrs. Becker had

10:43:20 15 engaged him to look out for you girls?

10:43:22 16 A. I'm not sure it was a con -- contractual

10:43:24 17 thing, but he was there when they weren't there.

10:43:28 18 Q. They had asked him to please be present?

10:43:30 19 A. I'm not -- I don't -- I don't recall what --

10:43:33 20 if they asked him or not. He was there when they

10:43:35 21 weren't there.

10:43:36 22 Q. Okay. Is it your understanding that Mr. and

10:43:38 23 Mrs. Becker knew he would be there --

10:43:40 24 A. Yes.

10:43:41 25 Q. -- when they were gone?

10:43:42 1 A. Yes.

10:43:42 2 Q. Okay.

10:43:44 3 A. Well, I'm sorry. I don't know -- I imagine

10:43:46 4 they knew. I don't -- but I don't know for a fact

10:43:49 5 that they --

10:43:51 6 Q. Fair enough.

10:43:51 7 A. No. I don't know.

10:43:53 8 Q. And so he's -- let's back up.

10:43:56 9 Mrs. Becker's at Bingo; right?

10:43:58 10 A. Bingo, yes.

10:44:00 11 Q. Mr. Becker's working.

10:44:02 12 A. Yes.

10:44:02 13 Q. And Father Robier is at your home with you

10:44:05 14 and your sisters.

10:44:07 15 A. Yes.

10:44:08 16 Q. What happens?

10:44:08 17 A. We watched TV, and then it was time to -- he

10:44:15 18 said it was time to go to bed. And he would say our

10:44:19 19 night prayers. He would say our night prayers with

10:44:21 20 us. And we put on our pajamas or our nightgowns, and

10:44:28 21 then he would -- he would be in bed, and he would --

10:44:38 22 you would say your night prayers, and he would put his

10:44:42 23 hand under -- underneath your nightgown or in your

10:44:46 24 pajamas.

10:44:47 25 Q. So you're in your bed at the Becker house.

10:44:49 1 A. Yes.

10:44:49 2 Q. And your sisters are in their beds.

10:44:51 3 A. We all four slept in the same room, yes, at

10:44:54 4 that time.

10:44:54 5 Q. Okay. And Father Robier would be up there

10:44:56 6 helping you get ready for bed, saying the --

10:44:58 7 A. Not helping -- I'm not sure he helped us get

10:45:00 8 ready for bed. He was just in the bedroom when it was

10:45:03 9 time to say your night prayers.

10:45:05 10 Q. Did you undress to change out of your street

10:45:07 11 clothes into your pajamas in front of him?

10:45:10 12 A. No. I don't believe we did that.

10:45:12 13 Q. So as you were in your bed, he would come to

10:45:15 14 your bedside and put his hand down your pants or up

10:45:19 15 your nightgown.

10:45:20 16 A. Right.

10:45:20 17 Q. And did he touch you over your or under your

10:45:23 18 underwear?

10:45:24 19 A. Under my -- I didn't wear underwear. Under

10:45:26 20 my nightgown or my pajamas.

10:45:30 21 Q. Okay. And did he digitally penetrate you on

10:45:34 22 this occasion?

10:45:35 23 A. Yes, he did.

10:45:36 24 Q. And your sisters were in the room at the

10:45:38 25 time?

10:45:38 1 A. Yes, they were.

10:45:39 2 Q. Did you say or do anything?

10:45:41 3 A. I told him to stop.

10:45:42 4 Q. And what did he say or do?

10:45:44 5 A. He just kept doing what he was doing.

10:45:48 6 Q. And how long did it last?

10:45:50 7 A. It hurt. Lasted awhile.

10:45:57 8 Q. More than two or three minutes?

10:46:00 9 A. Yes.

10:46:03 10 Q. More than five minutes?

10:46:05 11 A. I would say so. I -- I don't know if -- when

10:46:10 12 -- I didn't have a clock -- a watch, a clock. I

10:46:17 13 would --

10:46:17 14 Q. Did he touch you anywhere else on this

10:46:21 15 occasion in your bed?

10:46:23 16 A. Touch me anywhere else?

10:46:24 17 Q. Yes. Did he touch any part of your body?

10:46:27 18 A. Oh, my breasts. Well, I didn't have breasts

10:46:29 19 at the time.

10:46:30 20 Q. But in that area.

10:46:32 21 A. Yeah. Right.

10:46:32 22 Q. Then did you witness him engage in the same

10:46:35 23 thing with your sisters?

10:46:36 24 A. Yes, I did.

10:46:38 25 Q. Did any of them say anything to him that you

10:46:41 1 recall?

10:46:41 2 A. I don't know.

10:46:42 3 Q. Okay. Did Father Robier come to the Beckers'

10:46:48 4 home on other occasions when they were not there?

10:46:58 5 A. Yes.

10:46:59 6 Q. Do you know if he ever had a key?

10:47:01 7 A. I don't know.

10:47:02 8 Q. It was your understanding that the Beckers

10:47:06 9 had given him permission to be at the home when they

10:47:10 10 were not present.

10:47:10 11 A. Yes.

10:47:11 12 Q. Okay.

10:47:12 13 A. I'm not sure permission. I don't --

10:47:14 14 Q. Is it your understanding the Beckers were

10:47:16 15 aware that he was at the home --

10:47:18 16 A. Yes.

10:47:18 17 Q. -- when they were not present?

10:47:20 18 A. Yes.

10:47:20 19 Q. Okay. Did Father Robier abuse you at the

10:47:25 20 Beckers' home on other occasions other than the one

10:47:31 21 we've just discussed?

10:47:31 22 A. Yes, he did.

10:47:32 23 Q. How many times did he abuse you in the

10:47:34 24 Beckers' home? Let's start between 1955 and 1957.

10:47:38 25 A. I would say at least once or twice -- once a

10:47:55 1 month, twice a month, around -- sometimes be two times
10:47:59 2 a month, sometimes once a month. Mr. Becker worked
10:48:02 3 every other Friday, was off work two Fridays of the
10:48:08 4 month, so there were two Fridays where he was home on
10:48:13 5 Friday nights.

10:48:15 6 Q. Is it your recollection that the abuse in
10:48:19 7 your home generally took place when Mr. Becker was at
10:48:21 8 work on Friday evenings?

10:48:23 9 A. That's when I remember the -- the -- that
10:48:28 10 specific abuse occurring where we were in our bedrooms
10:48:32 11 and he would . . .

10:48:35 12 Q. And he would -- Father Robier would engage in
10:48:38 13 conduct similar to that that we just described --

10:48:40 14 A. Yes.

10:48:41 15 Q. -- on other Friday nights when your father
10:48:43 16 was working.

10:48:44 17 A. Yes.

10:48:47 18 Q. And that occurred once or twice a month for a
10:48:50 19 two-year time frame?

10:48:50 20 A. I just -- the Friday nights are the ones that
10:48:50 21 stand out in my mind. There could have -- there could
10:48:53 22 have been other times. I just remember the Friday
10:48:56 23 nights because we knew Mr. Becker -- he was not going
10:49:01 24 to be there and Mrs. Becker went to bingo.

10:49:03 25 Q. Okay. Did you ever tell Mr. Becker about

10:49:10 1 what Father Robier --

10:49:11 2 A. No.

10:49:11 3 Q. -- was doing to you?

10:49:12 4 A. No.

10:49:12 5 Q. Why?

10:49:13 6 A. Because we were told not to tell.

10:49:16 7 Q. And --

10:49:17 8 A. I don't believe -- I -- I don't believe they

10:49:20 9 would have believed us.

10:49:22 10 Q. Did Mr. Becker view priests as being akin to

10:49:26 11 God in the same way Mrs. Becker did?

10:49:29 12 A. Yes, they did. Or, yes, he did.

10:49:32 13 Q. Okay. Did Father Robier abuse you in the

10:49:34 14 Beckers' home in any place other than your bedroom?

10:49:40 15 A. I remember at times he would come over and we

10:49:46 16 would be on the couch in the living room, and he would

10:49:51 17 -- he would try to -- I mean he would put -- put his

10:49:54 18 -- like if you sat down, he would have his hand down

10:49:57 19 on the couch, and you would -- you -- you would go to

10:50:00 20 sit down, and the only place to sit was next to him,

10:50:03 21 and he'd put his hand down so you had to sit on his

10:50:07 22 hand.

10:50:07 23 I don't remember that he, you know, put his

10:50:09 24 hand underneath my underwear at that time. I just

10:50:12 25 remember that it was always awkward because he always

10:50:16 1 | seemed to try to manipulate you sitting next to him,
10:50:19 2 | so that
10:50:21 3 | Q. Were either Mr. or Mrs. Becker present in the
10:50:24 4 | living room when you would have to sit --
10:50:27 5 | A. No.
10:50:27 6 | Q. -- sit on his hand?
10:50:29 7 | A. No, I don't -- you know, I don't remember.
10:50:31 8 | Q. Okay. Did he fondle you under your clothing
10:50:41 9 | in any place in the Becker home other than the bedroom
10:50:44 10 | that we discussed?
10:50:45 11 | A. No, not -- I don't remember that he did. He
10:50:51 12 | -- he would try to, but he wasn't successful.
10:50:54 13 | Q. Okay. Did Father Robier continue to join
10:51:00 14 | your adoptive parents for Sunday dinners during this
10:51:04 15 | 1955 to 1957 time frame?
10:51:05 16 | A. Yes. Not every Sunday dinner, but he would
10:51:09 17 | come over on Sundays.
10:51:10 18 | Q. And would you also have dinner with Mr. and
10:51:13 19 | Mrs. Becker and Father Robier at that time?
10:51:16 20 | A. Yes.
10:51:16 21 | Q. Did he ever try anything at the dinner table?
10:51:24 22 | A. Not to me, no, he didn't.
10:51:26 23 | Q. Did you ever see him try to do anything to
10:51:28 24 | Irene G. or Marion P. or Marie C. --
10:51:31 25 | A. Well, we saw him try to manipu -- maneuver

10:51:33 1 around. And I was always suspicious that -- what he
10:51:37 2 was doing. I would -- you know, I was -- I was scared
10:51:42 3 for -- for my sisters, to anybody that sat next to
10:51:46 4 him.

10:51:46 5 Q. Do you believe he ever engaged in any abusive
10:51:50 6 conduct with your sisters at the dinner table?

10:51:53 7 A. I believe he did. Yes.

10:51:55 8 Q. Tell me what you know about that.

10:51:57 9 A. I believe that he would put his hand
10:52:03 10 underneath -- oh, put it on his [sic] leg. He did
10:52:09 11 that to me when I sat next at the dinner -- put his --
10:52:12 12 he would put his hand on your knee. Yeah. That
10:52:19 13 predatory type of a way and put -- and move it up your
10:52:26 14 thigh. He did that to me also at the dinner table
10:52:28 15 so --

10:52:28 16 Q. Were Mr. and Mrs. Becker sitting right there?

10:52:31 17 A. Yes. They were oblivious.

10:52:34 18 Q. Do you think they knew in any way?

10:52:36 19 MS. CHENG: Objection; calls for speculation.

10:52:40 20 BY MS. OLIVER:

10:52:40 21 Q. Go ahead.

10:52:41 22 A. Oh, do -- could you repeat the question?

10:52:44 23 Q. Sure. Is it your belief that the Beckers in
10:52:47 24 any way knew what was going on at the dinner table?

10:52:51 25 A. I don't know. I don't believe they did. I

10:52:54 1 don't know.

10:52:54 2 Q. You said that Father Robier also sexually
10:53:12 3 abused you at the beach.

10:53:14 4 A. Yes.

10:53:16 5 Q. When did that occur?

10:53:22 6 A. In -- in the -- over the years, from '55 to
10:53:24 7 '59. I'm not exactly sure of the months. I know that
10:53:35 8 sometimes it was when it was cold, so it wasn't
10:53:39 9 necessarily when it was warm in the summer. And I
10:53:43 10 know it was at a time when the beach was pretty much
10:53:47 11 deserted towards the evening, at night. Not at --
10:53:53 12 towards the evening.

10:53:54 13 Q. He would come get you at the Becker home?

10:53:57 14 A. Yes. We would go to the -- he loved the
10:54:00 15 beach, so there were times when we went -- before the
10:54:05 16 abuse started where we went to the beach with him.
10:54:08 17 Mrs. Becker couldn't go to the beach because she had
10:54:12 18 had sun poisoning, so she -- Mr. Becker hated the
10:54:15 19 beach. He was from Omaha.

10:54:17 20 So Father Robier was a great guy because he
10:54:20 21 loved the beach and we loved the beach, so it was
10:54:22 22 great when he asked us to go to the beach with him.
10:54:26 23 We were excited about that.

10:54:27 24 Q. Okay. Did that ever change where your
10:54:29 25 excitement about going to the beach diminished?

10:54:32 1 A. Yes, it did.

10:54:33 2 Q. And that was after he started abusing you?

10:54:35 3 A. Yes.

10:54:36 4 Q. What beach did he take you to?

10:54:38 5 A. I believe it was the Silver Strand.

10:54:41 6 Q. In Imperial Beach?

10:54:43 7 A. Yes.

10:54:46 8 MS. KING: I'm sorry. I didn't hear.

10:54:49 9 MS. OLIVER: Imperial Beach.

10:54:52 10 Q. How many times did Robier molest you at the

10:54:54 11 beach?

10:54:55 12 A. Over the -- all the years?

10:55:01 13 Q. Sure.

10:55:02 14 A. That's very difficult. I have to backtrack

10:55:17 15 in to see.

10:55:23 16 For the first two years we went more times

10:55:31 17 than the last two years.

10:55:33 18 Q. Okay.

10:55:34 19 A. I think one of the summers he was gone

10:55:40 20 someplace. I don't -- he went someplace for visiting

10:55:43 21 whatever, so he was gone, so -- so it was less after

10:55:50 22 he left Holy Spirit. I would --

10:55:55 23 MS. CHENG: Why don't we try to break it up

10:55:57 24 into years?

10:55:58 25 THE WITNESS: Yeah. It's hard.

10:55:59 1 BY MS. OLIVER:

10:55:59 2 Q. Between 1955 and '57 when Robier was still at
10:56:02 3 Holy Spirit, how many times do you think he abused you
10:56:06 4 at the beach?

10:56:07 5 A. I'd say at least -- at least six or seven, up
10:56:13 6 to ten. I don't -- it's really hard to put a --
10:56:17 7 exact.

10:56:18 8 Q. Okay. We -- so roughly six to ten times
10:56:21 9 during that two-year period.

10:56:23 10 A. No. More -- I mean -- or the two-year
10:56:26 11 period? Okay. Six to ten.

10:56:29 12 Q. Between 1955 and 1957?

10:56:32 13 A. I'm sorry.

10:56:33 14 MS. CHENG: It's okay. She's trying to get
10:56:36 15 your best memory from -- at this point --

10:56:37 16 THE WITNESS: I thought we were only doing
10:56:38 17 one year. I'm sorry. So I would say more times --
10:56:41 18 over two years, it was more than that. We went to the
10:56:44 19 beach more often than we went to the movies because he
10:56:48 20 loved the beach.

10:56:50 21 BY MS. OLIVER:

10:56:50 22 Q. Okay. Did he molest you everytime he took
10:56:52 23 you to the beach?

10:56:53 24 A. Not at first, no. And then there were some
10:56:55 25 times where we went to the beach during the day when

10:56:58 1 there were people there and --

10:56:59 2 Q. And then the abuse did not occur when there

10:57:01 3 were lots of people --

10:57:01 4 A. Not when people were there, no.

10:57:03 5 Q. Okay. How many times between 1955 and 1957

10:57:06 6 -- Robier was still at Holy Spirit -- do you think he

10:57:09 7 sexually abused you at the beach?

10:57:12 8 A. I would say at least ten times a year. Ten

10:57:16 9 times in each year.

10:57:17 10 Q. So roughly 20 times total.

10:57:19 11 A. Yes.

10:57:20 12 Q. Okay.

10:57:20 13 A. And that's to -- that's an estimate. I

10:57:21 14 don't --

10:57:22 15 Q. I understand. Did -- is it your

10:57:25 16 understanding that he also molested your sisters on

10:57:29 17 the occasions that he molested you --

10:57:30 18 A. Yes, he did. It's not my understanding. He

10:57:34 19 did molest my sisters at the beach.

10:57:36 20 Q. Okay. You observed that --

10:57:37 21 A. Yes, I did.

10:57:38 22 Q. -- happening. Okay.

10:57:45 23 During the times at the beach where he

10:57:47 24 molested you, what did he do?

10:57:51 25 A. The times we -- all I -- I remember we would

10:57:55 1 be laying on a blanket with a blanket initially over
10:58:01 2 all of us. We all would be laying on the beach
10:58:03 3 blanket or a blanket together, and he would be in the
10:58:06 4 middle with two sisters on each side.

10:58:11 5 And at first -- it would be the same routine
10:58:14 6 -- excuse me -- where he would put his arm on -- his
10:58:18 7 hand on your breast and then go down and put it on
10:58:20 8 your -- underneath your underpants. And then it
10:58:26 9 eventually came that he would -- he took your
10:58:29 10 underpants off and touched you. He would take his
10:58:37 11 swimsuit off and he would make you touch him.

10:58:45 12 Q. And did this type of conduct that you've just
10:58:49 13 described occur roughly ten times a year during that
10:58:53 14 two time -- two-year time frame?

10:58:54 15 A. Yes.

10:58:54 16 Q. Okay. And this was when there weren't other
10:58:58 17 people around on the beach?

10:58:59 18 A. It was a very -- it was pretty deserted. I
10:59:02 19 don't remember other people being there.

10:59:03 20 Q. Okay. And when you were on the beach he
10:59:06 21 would fondle you, breasts and genitalia.

10:59:09 22 A. Yes.

10:59:10 23 Q. Did he digitally penetrate you on these
10:59:13 24 occasions?

10:59:13 25 A. Yes, he did.

10:59:14 1 Q. And he made you touch his penis on these --

10:59:18 2 A. Yes.

10:59:19 3 Q. -- occasions?

10:59:20 4 A. Yes, he did.

10:59:22 5 Q. Did he ever insert his penis into you?

10:59:26 6 A. No. He never -- he -- this is very

10:59:30 7 embarrassing. I took the tip of his penis and would

10:59:34 8 rub it over my vagina. I don't -- it would go in a

10:59:39 9 little bit, but it -- no. It didn't penetrate all the

10:59:42 10 way in.

10:59:43 11 Q. Did you observe Robier engaging in the

10:59:57 12 conduct you've just described to your sisters on the

11:00:00 13 beach?

11:00:00 14 A. Yes, I did.

11:00:01 15 Q. Other than on the -- the bleach blanket or

11:00:12 16 the blankets that we've discussed, did Robier molest

11:00:16 17 you anywhere else on the beach?

11:00:17 18 A. He would take you into the water, and I'm not

11:00:25 19 sure if that was at the -- at the nighttimes, but if

11:00:28 20 we went -- sometimes when we went during the day he

11:00:32 21 would take you in the water out where you could jump

11:00:35 22 the waves, and he would -- he'll put his -- put his

11:00:42 23 hand on your -- on your breasts. Or it's hard to say

11:00:46 24 breasts. You didn't have any breasts, you know, just

11:00:48 25 -- or try to, you know, put his hand where your vagina

11:00:54 1 was, but -- but not -- just like play -- playful, you
11:00:58 2 know. It's hard to describe but --

11:00:59 3 Q. Was it more kind of brushing against you as
11:01:05 4 opposed to fondling or grabbing you?

11:01:06 5 A. It -- like trying to touch you anytime he --
11:01:10 6 the opportunity was there, like if he was picking you
11:01:15 7 up to jump over a -- to jump a wave because you would
11:01:19 8 get out -- sometimes you were too far, I couldn't
11:01:23 9 stand up, so he would pick you up. But it would
11:01:27 10 always be like -- not like under your arms. Just
11:01:28 11 like --

11:01:28 12 Q. Okay.

11:01:29 13 A. It was uncomfortable and it wasn't right.

11:01:32 14 Q. And did he engage in this conduct when you're
11:01:36 15 playing in the waves and when there were other people
11:01:39 16 around at the beach?

11:01:41 17 A. Yes. I believe some of that happened when
11:01:44 18 other people were there, you know. You would be out
11:01:47 19 here and other people would be over there
11:01:49 20 (indicating).

11:01:49 21 Q. But it wasn't deserted like when you were on
11:01:52 22 the beach --

11:01:52 23 A. No. There might have been other -- there
11:01:54 24 were other people around. I'm not sure it was
11:01:56 25 crowded. That could have been when it was the summer

11:01:58 1 months, you know.

11:01:59 2 Q. Okay. Did anybody ever go with you to the

11:02:05 3 beach? Was there any other person present other than

11:02:09 4 Robier and the four girls?

11:02:10 5 A. No, there wasn't.

11:02:11 6 Q. What about the drive-ins? Any person ever

11:02:13 7 present there?

11:02:14 8 A. No, never. I don't think any more people

11:02:17 9 could have fit in the car.

11:02:19 10 Q. Okay. Did you ever try to get out of going

11:02:29 11 to the beach with Father Robier?

11:02:32 12 A. You did what -- when -- you did what you were

11:02:43 13 told to do. You didn't question.

11:02:48 14 Q. Did you ever --

11:02:49 15 A. You didn't have opinions when I was growing

11:02:51 16 up.

11:02:53 17 Q. Did you ever tell Mrs. Becker or Mr. Becker,

11:02:57 18 I don't feel like going to the beach, I'm sick, or --

11:03:00 19 A. Yes.

11:03:00 20 Q. Did -- did you have to go anyway?

11:03:01 21 A. Yes, because my -- all my sisters and I were

11:03:05 22 going to go to the beach, so, yes, I did.

11:03:19 23 MS. CHENG: You want to take a break at this

11:03:21 24 time?

11:03:22 25 MS. OLIVER: Sure.

11:14:06 1 street or rumors or anything about his departure?

11:14:10 2 A. I don't remember if there was.

11:14:12 3 Q. Okay. What was the reaction of the Beckers
11:14:14 4 to Robier's departure from Holy Spirit?

11:14:17 5 A. Well, they were sad to see him leave Holy
11:14:20 6 Spirit, but he still came to the house and -- for
11:14:25 7 dinner and was still a part of the -- our family.

11:14:30 8 Q. Okay. Between 1957 and 1959 you still had
11:14:38 9 fairly regular contact with Father Robier; right?

11:14:41 10 A. Yes. Less -- less regular than when he was
11:14:44 11 in our parish, but still regular.

11:14:48 12 Q. Okay. And was it your belief that he was
11:14:51 13 still in the San Diego area between those years, '57
11:14:54 14 to '59?

11:14:55 15 A. I -- you know, I don't know where I -- where
11:14:58 16 I thought he was at that time. I just knew he wasn't
11:15:00 17 at Holy Spirit.

11:15:01 18 Q. Okay. Did he continue to sexually abuse you
11:15:09 19 and your sisters during those years?

11:15:10 20 A. Yes, he did.

11:15:14 21 Q. Did the abuse continue to occur at the beach
11:15:20 22 during those years?

11:15:21 23 A. Yes, it did.

11:15:23 24 Q. How many times did he sexually abuse you at
11:15:28 25 the beach between '57 and '59?

11:15:30 1 A. I would say maybe -- to the best of my
11:15:43 2 estimate, six, seven times a year during -- six to ten
11:15:49 3 times during the year. I don't know exactly.

11:15:52 4 Q. Okay.

11:15:54 5 MR. SCHOENBERGER: Before I forget, I would
11:15:55 6 simply like the record to reflect that Marie C. left
11:16:00 7 after the -- before -- after the first break. She was
11:16:03 8 not here from the second break on. And that just
11:16:07 9 occurred to me and I pardon the interruption but --

11:16:09 10 MS. OLIVER: No problem.

11:16:12 11 MR. SCHOENBERGER: -- I would have forgotten
11:16:14 12 to say anything.

11:16:16 13 BY MS. OLIVER:

11:16:17 14 Q. When you went to the beach with Father Robier
11:16:19 15 and your sisters between '57 and '59, did he engage in
11:16:23 16 the same type of conduct we've talked about before?

11:16:25 17 A. Yes. And I don't -- I remember things
11:16:34 18 seeming to get -- things happened that were grosser.
11:16:40 19 I'm not sure that was a word in my vocabulary, but it
11:16:44 20 to me -- that's what -- gross, the kind of word I
11:16:46 21 thought it -- I think of is what . . .

11:16:49 22 Q. What happened during those years that was
11:16:51 23 grosser, as you describe it?

11:16:53 24 A. There would actually be -- one, he would --
11:17:01 25 for -- when he would have you touch his penis, there

11:17:04 1 would -- there would be stuff that was on your hand,
11:17:10 2 that -- talking from a ten, 11, or 12 year old
11:17:16 3 perspective was stuff on my hand.

11:17:20 4 Q. As you look back now, do you believe it was
11:17:23 5 ejaculate that was on your hand?

11:17:26 6 A. I know it was now because it was -- smelled.
11:17:30 7 I didn't know what the smell was at that age.

11:17:33 8 Q. Anything else that happened in the '57 to '59
11:17:36 9 time frame that was different than what we've
11:17:40 10 discussed at the beach before?

11:17:42 11 A. Yes.

11:17:43 12 Q. What was that?

11:17:45 13 A. There would be times where he would take your
11:17:51 14 underpants off -- my underpants off. And he would
11:17:55 15 spread my legs and he would look at me.

11:18:00 16 Q. He would stare at your genitalia?

11:18:04 17 A. Yes.

11:18:04 18 Q. Did he touch you?

11:18:05 19 A. Yes.

11:18:05 20 Q. And he continued to digitally penetrate you
11:18:12 21 during those years?

11:18:14 22 A. Yes. Plus put his penis, just the tip of his
11:18:18 23 penis, rub it on -- over my vagina.

11:18:22 24 Q. Were your sisters present when he was doing
11:18:25 25 that?

11:18:25 1 A. Yes.

11:18:26 2 Q. They could see Father Robier looking at your

11:18:31 3 private parts?

11:18:31 4 A. Yes, they could.

11:18:33 5 Q. Did he do the same thing to them?

11:18:34 6 A. Yes, he did.

11:18:35 7 Q. And you could see what he was doing to them?

11:18:38 8 A. Yes, I could.

11:18:39 9 Q. Anything else that Father Robier did to you

11:18:46 10 at the beach during the '57 to '59 time frame that was

11:18:50 11 different than what we had discussed before?

11:18:53 12 A. Excuse me. May I ask you, the -- the -- was

11:18:59 13 that at the beach that you asked if he was -- opened

11:19:02 14 my legs and looked at me?

11:19:03 15 Q. Yes.

11:19:04 16 A. Oh, I'm sorry. That wasn't -- I'm not

11:19:06 17 necessarily sure that was at the beach. That was at

11:19:09 18 our home. I'm sorry.

11:19:10 19 Q. Okay. That's okay.

11:19:10 20 A. I got the question wrong.

11:19:13 21 Q. No. That's okay. I appreciate the

11:19:15 22 clarification.

11:19:17 23 Father Robier continued to molest you and

11:19:30 24 your sisters at the Becker home between '57 and '59.

11:19:34 25 A. Yes, he did.

11:19:35 1 Q. How many times during that two-year time
11:19:38 2 frame do you believe he molested you at the Becker
11:19:41 3 home?
11:19:42 4 A. I would say, as I recall, at least once a
11:20:02 5 month.
11:20:03 6 Q. Okay.
11:20:03 7 A. That's my best recollection.
11:20:05 8 Q. And were Mr. and Mrs. Becker home when this
11:20:09 9 was occurring?
11:20:10 10 A. No.
11:20:11 11 Q. Where were they, if you recall?
11:20:13 12 A. I don't recall.
11:20:15 13 Q. Is it your understanding that Father Robier
11:20:18 14 had Mr. and Mrs. Becker's permission to be at your
11:20:21 15 home during those two-year time --
11:20:24 16 A. Yes.
11:20:38 17 Q. Did Father Robier continue to take you and
11:20:41 18 your sisters to drive-in movies during the '57 to '59
11:20:45 19 time frame?
11:20:46 20 A. Yes. That continued the whole time.
11:20:49 21 Q. And he continued to molest you there?
11:20:51 22 A. Yes.
11:20:52 23 Q. How many times did he molest you at the
11:20:55 24 drive-in between '57 and '59?
11:20:57 25 A. I would say, as best I recall, maybe five

11:21:07 1 times a year during the year. I don't -- I don't
11:21:09 2 really recall exact number of times.

11:21:11 3 Q. And did he do the same things to you and your
11:21:14 4 sisters that we discussed before when we were talking
11:21:17 5 about the drive-in?

11:21:18 6 A. Yes.

11:21:19 7 Q. The abuse by Robier ended in 1959?

11:21:27 8 A. It ended before I got -- developed breasts.

11:21:38 9 Q. How old were you when the abuse by Robier
11:21:40 10 ended?

11:21:43 11 A. I believe I was in -- in eighth grade, and I
11:21:46 12 -- how old I was in eighth grade. I was born in 1945,
11:21:51 13 so I would be -- what? 14 in eighth grade?

11:21:55 14 Q. Okay.

11:21:56 15 A. Or 13.

11:21:57 16 Q. Okay.

11:21:58 17 A. I just know that it ended before I got
11:22:03 18 breasts and the -- because that was like the -- the --
11:22:11 19 the time -- anyway. It ended. Sorry. It ended
11:22:15 20 before I got breasts, and that was after eighth grade.

11:22:19 21 Q. Okay. Do you have any information as to why
11:22:29 22 Father Robier's abuse of you ended about eighth grade,
11:22:34 23 1959?

11:22:35 24 A. No, I don't really. I don't really know.

11:22:39 25 Q. Did he continue to come to visit the -- the

11:32:02 1 Q. Did you go through confirmation at Holy
11:32:07 2 Spirit?
11:32:07 3 A. Yes, I did.
11:32:08 4 Q. Who confirmed you?
11:32:10 5 A. I don't remember.
11:32:11 6 Q. Was it Robier?
11:32:13 7 A. Oh, I don't think so. It was a bishop, I
11:32:15 8 believe.
11:32:15 9 Q. Okay. And leading up to confirmation, did
11:32:19 10 you have to go through the process of reconciliation
11:32:22 11 or confessing?
11:32:24 12 A. I believe so.
11:32:28 13 Q. Do you remember going to confessional at Holy
11:32:32 14 Spirit?
11:32:32 15 A. Yes, I do.
11:32:33 16 Q. And do you recall the names of the priests to
11:32:38 17 whom you confessed while you were attending Holy
11:32:41 18 Spirit?
11:32:41 19 A. Oh. I believe at times it was Monsignor
11:32:45 20 O'Leary. I think there was a Father Bergen. Father
11:32:51 21 Robier heard confessions, and then any number of
11:32:55 22 assistants. And then I think Monsignor O'Leary was
11:33:00 23 replaced by Monsignor -- oh, Monsignor Bergen I
11:33:04 24 believe was -- replaced Monsignor O'Leary.
11:33:08 25 Q. And you confessed to O'Leary?

11:33:10 1 A. I confessed to whoever was hearing
11:33:13 2 confessions on Saturdays at Holy Spirit Church, yes.
11:33:16 3 Q. Okay. And that would have included O'Leary?
11:33:18 4 A. Yes.
11:33:18 5 Q. Bergen?
11:33:19 6 A. Bergen.
11:33:20 7 Q. Robier?
11:33:21 8 A. Robier. And then some of the other assistant
11:33:22 9 priests who -- whose names just fly out of my head.
11:33:24 10 Q. Okay. Did you ever talk about -- in
11:33:35 11 confessional with Robier about the molesting conduct?
11:33:45 12 A. I didn't talk to Father Robier about any
11:33:47 13 confession.
11:33:47 14 Q. Okay. Did you ever talk about what Robier
11:33:51 15 had done to you during confession with any other
11:33:56 16 priest?
11:33:56 17 A. Yes, I did.
11:33:57 18 Q. And who would those --
11:33:59 19 MR. SCHOENBERGER: Can we have just basically
11:34:01 20 a standing objection with respect to the privilege?
11:34:05 21 In other words, by virtue of our allowing her to
11:34:07 22 answer these questions we don't intend to waive it,
11:34:10 23 but we don't intend to instruct her not to answer with
11:34:12 24 respect to it.
11:34:13 25 MS. OLIVER: Okay. And I'm okay with that.

11:35:14 1 | related to confession that are asked that are
11:35:18 2 | reasonably calculated to lead to the discovery of
11:35:22 3 | admissible evidence, but much like with a marital
11:35:24 4 | privilege that we would lodge an objection to but not
11:35:27 5 | waive, I'm going to let her answer questions about it.
11:35:32 6 | MS. KING: Okay.
11:35:34 7 | THE WITNESS: And to be clear, in confession,
11:35:37 8 | it wasn't part of my confession. It was like, Bless
11:35:40 9 | me Father for I have sinned. I was molested. It
11:35:43 10 | wasn't a part of my confession, telling my sins. It
11:35:49 11 | was to say what was happening, as a way to tell
11:35:56 12 | somebody --
11:35:57 13 | BY MS. OLIVER:
11:35:57 14 | Q. Okay.
11:35:58 15 | A. -- because there was no way I could imagine
11:36:00 16 | going and knocking on the rectory door.
11:36:03 17 | Q. Okay. Make sure I follow you. While you
11:36:09 18 | were inside the confessional --
11:36:11 19 | A. Yes.
11:36:12 20 | Q. -- that's a booth.
11:36:14 21 | A. Right.
11:36:14 22 | Q. Okay. You told a priest --
11:36:18 23 | A. Yes.
11:36:19 24 | Q. -- about what Robier had done to you.
11:36:21 25 | A. Yes.

11:36:22 1 Q. Do you recall what priest you told -- or
11:36:26 2 priests?
11:36:27 3 A. I -- I believe I did -- did during
11:36:30 4 confession, while I was confessing to Monsignor
11:36:35 5 O'Leary, tell him what was going on with Father
11:36:40 6 Robier.
11:36:40 7 Q. What do you recall that Monsignor O'Leary
11:36:42 8 said in response to what you told him?
11:36:44 9 A. Monsignor O'Leary told me to go to confession
11:36:47 10 to Father Robier.
11:36:49 11 Q. Did he say anything else?
11:36:50 12 A. No, he didn't.
11:36:52 13 Q. What did you say when he said go to Father
11:36:55 14 Robier in confession?
11:36:57 15 A. I don't think I said anything.
11:37:00 16 Q. Did you tell any other priest inside the
11:37:03 17 confessional booth about what Robier had done to you?
11:37:08 18 A. Yes.
11:37:09 19 Q. Who?
11:37:09 20 A. One of the other assistant priests that was
11:37:13 21 there. I don't remember who it was.
11:37:15 22 Q. And do you recall what that priest said in
11:37:19 23 response?
11:37:19 24 A. I don't think that priest said anything.
11:37:21 25 Q. Did either Monsignor O'Leary or one of the

11:37:30 1 associate priests who you told about it encourage you
11:37:33 2 to discuss it outside the confessional?
11:37:37 3 A. No. They were -- they just said go --
11:37:40 4 Monsignor O'Leary said go confess to Father Robier.
11:37:44 5 Q. Did you then confess to Father Robier?
11:37:47 6 A. No, because I was confused. It wasn't a
11:37:50 7 confession. Why would I go to Father Robier? It
11:37:55 8 seemed very stupid to me to say that.
11:38:01 9 Q. How many times did you talk to Monsignor
11:38:03 10 O'Leary inside of the confessional booth about Robier?
11:38:07 11 A. I think I did it once because it was a very
11:38:10 12 hard thing to say. I don't believe I said it again.
11:38:13 13 Q. Okay. And the associate priest that you
11:38:16 14 spoke to inside the confessional, did you just speak
11:38:18 15 to that person on one occasion about it?
11:38:20 16 A. I think I tried different assistants.
11:38:23 17 Q. Okay. How many assistants do you have a
11:38:25 18 recollection of trying to talk to?
11:38:26 19 A. At least two.
11:38:27 20 Q. Okay. And do you recall the names of either
11:38:30 21 of those?
11:38:30 22 A. No, I don't.
11:38:31 23 Q. Okay. When in time did you talk to Monsignor
11:38:35 24 O'Leary inside the confessional about what Robier had
11:38:39 25 done?

11:38:40 1 A. It was when -- when Robier was still at Holy
11:38:46 2 Spirit Church, so it was after I had made my
11:38:51 3 confession, which is probably second grade, but --

11:38:56 4 Q. Before 1957.

11:38:58 5 A. Yes, because he was still at Holy Spirit
11:39:00 6 Church.

11:39:01 7 Q. Okay. And is that the same time frame that
11:39:04 8 you talked to the two associate priests?

11:39:07 9 A. Yes, at least one of them. And I think I
11:39:10 10 tried later on to talk to -- to -- to tell somebody
11:39:13 11 else, like I -- after some amount of time when there
11:39:18 12 was a different assistant there, I -- I told -- tried
11:39:24 13 to -- to -- I told them, another . . .

11:39:29 14 Q. Is it your testimony that you told two
11:39:32 15 assistant priests in addition to O'Leary about what
11:39:35 16 Robier did?

11:39:36 17 A. Yes.

11:39:36 18 Q. And the -- both of those communications with
11:39:40 19 those assistant priests were in the confessional?

11:39:44 20 A. Yes. But not part of my confession. It
11:39:47 21 would be after he said, Your -- Your sins are
11:39:52 22 forgiven, Your -- Do, you know, three Hail Marys, two
11:39:56 23 Our Fathers. Then I would say --

11:39:59 24 Q. Okay. Did you ever talk to Monsignor O'Leary
11:40:01 25 outside of the confessional booth --

11:40:03 1 A. No, I did not.

11:40:04 2 Q. Let me finish my question. Make sure we're

11:40:07 3 clear.

11:40:07 4 A. Oh, I'm sorry.

11:40:11 5 Q. Did you ever talk to Monsignor O'Leary

11:40:15 6 outside the confessional booth about what Robier had

11:40:16 7 done to you?

11:40:17 8 A. No, I did not.

11:40:18 9 Q. Did you ever talk to the two associate

11:40:20 10 priests that you spoke to in confessional outside of

11:40:22 11 the confessional booth about what Robier had done to

11:40:24 12 you?

11:40:24 13 A. No, I did not.

11:40:24 14 Q. Did you ever talk to the -- let's put a time

11:40:27 15 frame on it.

11:40:28 16 Between 1955 and 1959 did you ever tell

11:40:33 17 anybody outside of confessional what Robier was doing

11:40:38 18 to you?

11:40:39 19 A. No, I did not.

11:40:40 20 My -- excuse me. My sisters.

11:40:42 21 Q. Okay.

11:40:43 22 A. They knew, but, yes.

11:40:45 23 Q. Other than your sisters, did you tell

11:40:47 24 anybody?

11:40:48 25 A. No.