

1 33. Question:

2 Q Okay. Do you know if any official of the
3 16 Archdiocese of L.A. or Tehuacan ordered Nicolas Aguilar
4 17 Rivera to stay in L.A. so that a full investigation
5 18 could be done by the police and the L.A. Archdiocese?

6 Response/Objection:

7 19 MR. WOODS: Okay. Object to the question as
8 12:41:54 20 beyond the scope of jurisdiction over the defendants and
9 21 instruct him not to answer.

10 Reason answer should be compelled:

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

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

13 34. Question:

14 Q Did the Archdiocese ever do any -- any kind
15 24 of full investigation canonically, as you referred?

16 Response/Objection:

17 12:42:15 25 MR. WOODS: Object. Beyond the scope of the
18 12:42:16 1 jurisdictional issues and instruct the witness not to
19 2 answer.

20 Reason answer should be compelled:

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

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10 Curry plaintiff's counsel attempted to inquire as to what was said between Cardinal Mahony
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12 Father McClean when these individuals became aware of the allegations leveled against Father
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17 extern priest in Los Angeles he remained under the authority of his bishop, Bishop Norberto
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19 Nicholas Aguilar Rivera must obey orders from the Bishop of the Diocese of Tehuacan. The
20 questions blocked by defense attorney's improper instruction precludes plaintiff from inquiring
21 into relevant matters that will shed light on whether California Courts may exercise
22 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
23 and complete inquiry can be made.

24 35. Question:

25 Q Do you know if they did or you don't -- do

26 12 you have any knowledge of whether or not they did, or do

27 13 you believe they did no investigation?

28 14 A I have no knowledge.

1 12:42:51 15 Q Okay. Did you ever ask?

2 16 A No.

3 17 Q Why not?

4 **Response/Objection:**

5 18 MR. WOODS: I'm going to object to the form of
6 19 the question and to the question as beyond the scope of
7 12:43:03 20 the jurisdictional issues. The contacts, what he did

8 21 ask for or what he did say, relevant. What he could
9 22 have done or might have done or should have done,
10 23 irrelevant.

11 24 MR. ANDERSON: Instruct not to answer?

12 12:43:21 25 MR. WOODS: Instruct him not to answer.

13 **Reason answer should be compelled:**

14 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
15 the subject matter involved in the pending action or to the determination of any motion made
16 in that action, if the matter either is itself admissible in evidence or appears reasonably
17 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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13 questions blocked by defense attorney's improper instruction precludes plaintiff from inquiring
14 into relevant matters that will shed light on whether California Courts may exercise
15 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
16 and complete inquiry can be made.

17 **36. Question:**

18 Q In this letter, Exhibit 30, he states, "I
19 3 spoke to Father Aguilar Rivera on Saturday,
20 4 January 9th." The police records -- do you know whether
21 12:43:57 5 a police report was made?

22 **Response/Objection:**

23 6 MR. WOODS: I'm going to -- hold on. I'm going
24 7 to object to the question as beyond the scope of the
25 8 jurisdictional issues and instruct the witness not to
26 9 answer.

27 **Reason answer should be compelled:**

28 Any party may obtain discovery regarding any matter, not privileged, that is relevant to

1 the subject matter involved in the pending action or to the determination of any motion made
2 in that action, if the matter either is itself admissible in evidence or appears reasonably
3 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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28 into relevant matters that will shed light on whether California Courts may exercise

1 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
2 and complete inquiry can be made.

3 **37. Question:**

4 Q Are you aware, Cardinal, that Monsignor Curry
5 12 went to Nicolas Aguilar and told him he was under
6 13 investigation before the police received the report and
7 14 could investigate?

8 **Response/Objection:**

9 12:44:26 15 MR. WOODS: Object to the question as beyond the
10 16 scope of the jurisdictional issues and instruct the
11 17 witness not to answer.

12 **Reason answer should be compelled:**

13 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
14 the subject matter involved in the pending action or to the determination of any motion made
15 in that action, if the matter either is itself admissible in evidence or appears reasonably
16 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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12 questions blocked by defense attorney's improper instruction precludes plaintiff from inquiring
13 into relevant matters that will shed light on whether California Courts may exercise
14 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
15 and complete inquiry can be made.

16 **38. Question:**

17 Q Are you -- do you have any knowledge that
18 12:44:38 20 Monsignor Curry went and alerted Mon- -- went and
19 21 alerted Nicolas Aguilar to the fact that a police
20 22 investigation was under way?

21 **Response/Objection:**

22 23 MR. WOODS: Object to the question as beyond the
23 24 scope of jurisdiction and instruct the witness not to
24 12:44:59 25 answer.

25 **Reason answer should be compelled:**

26 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
27 the subject matter involved in the pending action or to the determination of any motion made
28 in that action, if the matter either is itself admissible in evidence or appears reasonably

1 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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25 questions blocked by defense attorney's improper instruction precludes plaintiff from inquiring
26 into relevant matters that will shed light on whether California Courts may exercise
27 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
28 and complete inquiry can be made.

1 39. Question:

2 Q Are there provisions in the Canon law
3 3 protocols under which you operate as a bishop that
4 4 requires you and others to keep matters that are
5 12:45:17 5 scandalous secret?

6 Response/Objection:

7 6 MR. WOODS: I object to the question as beyond
8 7 the scope of jurisdiction and instruct the witness not
9 8 to answer.

10 Reason answer should be compelled:

11 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
12 the subject matter involved in the pending action or to the determination of any motion made
13 in that action, if the matter either is itself admissible in evidence or appears reasonably
14 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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11 into relevant matters that will shed light on whether California Courts may exercise
12 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
13 and complete inquiry can be made.

14 **40. Question:**

15 Q Is there a requirement of secrecy involving
16 11 matters of scandal, such as sexual abuse, that would
17 12 also apply to Norberto Rivera as then a bishop and now a
18 13 cardinal?

19 **Response/Objection:**

20 14 MR. WOODS: Same objection, same instruction.

21 **Reason answer should be compelled:**

22 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
23 the subject matter involved in the pending action or to the determination of any motion made
24 in that action, if the matter either is itself admissible in evidence or appears reasonably
25 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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22 into relevant matters that will shed light on whether California Courts may exercise
23 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
24 and complete inquiry can be made.

25 41. Question:

26 Q Is it correct to say that when you are
27 17 installed as a cardinal, that you take -- are made to
28 18 take an oath of secrecy to the Vatican or the Holy See?

1 **Response/Objection:**

2 19 MR. WOODS: Same objection, same instruction.

3 **Reason answer should be compelled:**

4 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
5 the subject matter involved in the pending action or to the determination of any motion made
6 in that action, if the matter either is itself admissible in evidence or appears reasonably
7 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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4 into relevant matters that will shed light on whether California Courts may exercise
5 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
6 and complete inquiry can be made.

7 42. Question:

8 Q And is this an oath taken by cardinals during
9 2 a ceremony at which they are installed or promoted to
10 3 the position of cardinal?

11 Response/Objection:

12 4 MR. WOODS: I object to the form. I object to
13 12:46:34 5 the question as beyond the scope of the jurisdictional
14 6 issues and instruct the witness not to answer

15 Reason answer should be compelled:

16 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
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16 into relevant matters that will shed light on whether California Courts may exercise
17 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
18 and complete inquiry can be made.

19 **43. Question:**

20 Q And if this is the oath, in the middle of it,

21 9 I'll direct your attention to the provision that says "I

22 12:46:51 10 am not to reveal to anyone what is confided to me in

23 11 secret nor divulge what may bring harm or dishonor to

24 12 the Holy Church."

25 13 Is it correct to say, Cardinal, that a sexual

26 14 abuse by a priest and public knowledge of it could and

27 12:47:13 15 would bring harm or dishonor to the Holy Church?

28 **Response/Objection:**

1 16 MR. WOODS: Object to the question as beyond the
2 17 scope of the jurisdictional issues and instruct the
3 18 witness not to answer.

4 **Reason answer should be compelled:**

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3 Nicholas Aguilar Rivera must obey orders from the Bishop of the Diocese of Tehuacan. The
4 questions blocked by defense attorney's improper instruction precludes plaintiff from inquiring
5 into relevant matters that will shed light on whether California Courts may exercise
6 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
7 and complete inquiry can be made.

8 **44. Question:**

9 17 Q Are you aware that the law enforcement
10 18 detectives that were investigating Nicolas Aguilar on
11 19 the report made of sexual abuse would have arrested him
12 12:49:03 20 immediately based on the information given them?

13 **Response/Objection:**

14 21 MR. SELSBERG: Objection; calls for speculation.

15 22 MR. WOODS: I agree it calls for speculation. I

16 23 also object as beyond the issues of jurisdiction and

17 24 instruct the witness not to answer.

18 **Reason answer should be compelled:**

19 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
20 the subject matter involved in the pending action or to the determination of any motion made
21 in that action, if the matter either is itself admissible in evidence or appears reasonably
22 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
23 *2017.010.*) At issue in this matter is the sexual abuse of plaintiff, what defendants knew of
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25 it and what they did with that information. Defendants Cardinal Norberto Rivera and The
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27 duties prior to sending Father Nicholas Aguilar Rivera to the Archdiocese of Los Angeles. On
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2 duties. On January 9, 1988 Bishop Curry met with Father Nicholas Aguilar Rivera. The Los
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8 Curry plaintiff's counsel attempted to inquire as to what was said between Cardinal Mahony
9 and Bishop Curry, Bishop Curry and Father Nicholas Aguilar Rivera, and Bishop Curry and
10 Father McClean when these individuals became aware of the allegations leveled against Father
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18 questions blocked by defense attorney's improper instruction precludes plaintiff from inquiring
19 into relevant matters that will shed light on whether California Courts may exercise
20 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
21 and complete inquiry can be made.

22 45. Question:

23 Q Are you aware, Cardinal, that the police

24 2 received enough information on January 8th and

25 3 immediately thereafter from more than one source enough

26 4 to have -- excuse me.

27 12:49:42 5 When do you -- when do you believe the police

28 6 were -- were notified?

1 **Response/Objection:**

2 7 MR. WOODS: Object to the --

3 8 MR. ANDERSON: -- of the information that

4 9 Monsignor Curry or other employees of the Archdiocese

5 12:49:55 10 had concerning this?

6 11 MR. WOODS: Object to the question as beyond the

7 12 scope of jurisdiction and instruct the witness not to

8 13 answer.

9 **Reason answer should be compelled:**

10 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
11 the subject matter involved in the pending action or to the determination of any motion made
12 in that action, if the matter either is itself admissible in evidence or appears reasonably
13 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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10 into relevant matters that will shed light on whether California Courts may exercise
11 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
12 and complete inquiry can be made.

13 **46. Question:**

14 Q What do you know about who reported it to the
15 16 police?

16 **Response/Objection:**

17 17 MR. WOODS: Same objection, same instruction

18 **Reason answer should be compelled:**

19 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
20 the subject matter involved in the pending action or to the determination of any motion made
21 in that action, if the matter either is itself admissible in evidence or appears reasonably
22 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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18 questions blocked by defense attorney's improper instruction precludes plaintiff from inquiring
19 into relevant matters that will shed light on whether California Courts may exercise
20 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
21 and complete inquiry can be made.

22 47. **Question:**

23 Q Cardinal, when did Nicolas Aguilar leave the
24 12:52:12 15 Archdiocese of L.A.?

25 **Response/Objection:**

26 16 MR. WOODS: I object to the question as beyond
27 17 the scope of jurisdiction and instruct the witness not
28 18 to answer.

1 Reason answer should be compelled:

2 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
3 the subject matter involved in the pending action or to the determination of any motion made
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5 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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2 into relevant matters that will shed light on whether California Courts may exercise
3 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
4 and complete inquiry can be made.

5 **48. Question:**

6 Q When did Nicolas Aguilar return to Mexico?

7 **Response/Objection:**

8 21 MR. WOODS: Same obstruction, same answer.

9 22 Same -- same objection, same instruction. Why don't you

10 23 ask him if he knows when he left.

11 **Reason answer should be compelled:**

12 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
13 the subject matter involved in the pending action or to the determination of any motion made
14 in that action, if the matter either is itself admissible in evidence or appears reasonably
15 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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13 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
14 and complete inquiry can be made.

15 **49. Question:**

16 Q Who facilitated or aided him in his return
17 12:52:35 1 from L.A. to Mexico?

18 **Response/Objection:**

19 2 MR. WOODS: I object to the question as beyond
20 3 the scope of the jurisdictional issues and instruct the
21 4 witness not to answer.

22 12:52:45 5 MR. HABEL: It's argumentative.

23 6 MR. SELSBERG: And it assumes facts not in
24 7 evidence.

25 **Reason answer should be compelled:**

26 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
27 the subject matter involved in the pending action or to the determination of any motion made
28 in that action, if the matter either is itself admissible in evidence or appears reasonably

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