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12 extern priest in Los Angeles he remained under the authority of his bishop, Bishop Norberto
13 Rivera. It is also clear that while an extern priest in Los Angeles up until present Father
14 Nicholas Aguilar Rivera must obey orders from the Bishop of the Diocese of Tehuacan. The
15 questions blocked by defense attorney's improper instruction precludes plaintiff from inquiring
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 85. Question:

20 22 Q At the second paragraph, he says "As my
21 23 permission to provide services to the Archdiocese of
22 24 Los Angeles is about to end, I am pleading with his
23 02:28:23 25 Excellency to grant me an extension for an indefinite
24 02:28:28 1 period of time to remain in the same and specifically
25 2 the Archdiocese of Los Angeles."

26 3 This writing by Nicolas Aguilar to his
27 4 bishop, in effect, is -- is the formal protocol and
28 02:28:46 5 request that, if granted, would allow him to stay,
6 correct?

1 **Response/Objection:**

2 7 MR. SELSBERG: Objection; calls for speculation.

3 8 MR. WOODS: Okay. I'm going to object that it

4 9 calls for an expert opinion, it's an incomplete

5 02:29:06 10 hypothetical, it has nothing to do with jurisdiction in

6 11 this case.

7 12 Do you understand the question? I'm going to

8 13 instruct him not to 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*
14 *2017.010.*) At issue in this matter is the sexual abuse of plaintiff, what defendants knew of
15 Father Nicholas Aguilar Rivera's proclivities to engage in child sexual abuse, when they knew
16 it and what they did with that information. Defendants Cardinal Norberto Rivera and The
17 Diocese of Tehuacan were aware of Father Nicholas Aguilar Rivera's unfitness for priestly
18 duties prior to sending Father Nicholas Aguilar Rivera to the Archdiocese of Los Angeles. On
19 January 8, 1988 the Archdiocese of Los Angeles became aware of allegations of Father
20 Nicholas Aguilar Rivera committing child sexual abuse and thereby his unfitness for priestly
21 duties. On January 9, 1988 Bishop Curry met with Father Nicholas Aguilar Rivera. The Los
22 Angeles Archdiocese did not notify Los Angeles authorities until three days later, January 11,
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9 into relevant matters that will shed light on whether California Courts may exercise
10 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
11 and complete inquiry can be made.

12 **86. Question:**

13 17 Q So does this now lead you to believe that he
14 18 was here illegally or not in full compliance with the
15 19 immigration laws?

16 **Response/Objection:**

17 02:33:30 20 MR. WOODS: Okay. I'm going to object to the
18 21 question as beyond the scope of jurisdictional issues
19 22 and instruct the witness not to answer, calls for
20 23 speculation, calls for expert opinion.

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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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 87. Question:

25 Q Well, in any case, the fact that he didn't

26 02:33:44 1 have a permit when he came here the first time, it's

27 2 clear that his bishop knew he didn't have it, correct?

28 Response/Objection:

3 MR. WOODS: No. Hold on. I'm going to object to

1 4 the continual speculative nature of the question. It
2 02:34:02 5 assumes a speculated situation. It has nothing to do
3 6 with jurisdiction, and I instruct the witness not to
4 7 answer.

5 8 MR. ANDERSON: I'll take that one.

6 9 There's -- there's a full line of questions
7 02:34:23 10 about this and his -- but I'm going to have the judge
8 11 decide it.

9 12 MR. WOODS: Okay.

10 13 MR. ANDERSON: I'm not going to --

11 14 MR. WATERS: Just so the -- just so the record's
12 02:34:35 15 clear, continual inquiry regarding the immigration
13 16 status of Aguilar Rivera will be blocked and instruction

14 17 not to answer based upon the relevance objection?

15 18 MR. WOODS: Do you know anything about his
16 19 immigration status?

17 02:34:50 20 THE WITNESS: No.

18 21 MR. WOODS: I mean I'll let him answer some
19 22 questions, but I'm not going to let him just sit here
20 23 and speculate.

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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27 Father Nicholas Aguilar Rivera's proclivities to engage in child sexual abuse, when they knew
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18 Rivera. It is also clear that while an extern priest in Los Angeles up until present Father
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 **88. Question:**

25 Q Well, let me put it -- let me put it this
26 02:39:39 25 way. Tell me what you know about what investigations
27 02:39:43 1 Archdiocese conducted to find out how many kids were
28 2 actually abused by Nicolas Aguilar --

Response/Objection:

1 3 MR. WOODS: Okay.

2 4 BY MR. ANDERSON:

3 02:39:52 5 Q -- while he worked in the Archdiocese of L.A.

4 6 or before he came here.

5 7 MR. WOODS: Okay. We object to the question as

6 8 beyond the scope of this deposition and instruct the

7 9 witness not to answer. Also, it's compound and

8 02:40:07 10 confusing.

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

12 89. Question:

13 Q And he could have sent the same letter to all
14 14 the suffragan dioceses in Mexico that you sent to this
15 02:45:40 15 guy.

16 Response/Objection:

17 16 MR. SELSBERG: Objection; calls for speculation.

18 17 BY MR. ANDERSON:

19 18 Q Couldn't he have?

20 19 MR. WOODS: I'm going to -- I mean obviously

21 02:45:47 20 anything is possible. You could send a letter to

22 21 anybody you want to. I don't think that's what you're

23 22 trying to ask.

24 23 So what you're asking is whether the

25 24 Archbishop of Mexico City has jurisdiction to send a

26 02:45:59 25 letter to those in the Xalapa province, which is calling

27 02:46:03 1 for an ecclesiastical expert opinion. I'm going to

28 2 instruct him not to answer. It's irrelevant.

3 MR. ANDERSON: Well, that's not what I'm asking.

1 **Reason answer should be compelled:**

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3 the subject matter involved in the pending action or to the determination of any motion made
4 in that action, if the matter either is itself admissible in evidence or appears reasonably
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 90. Question:

6 Q And he is able to send the same letter, if he
7 16 so chooses, to all the other diocese in Mexico or
8 17 wherever Nicolas Aguilar Rivera is known to be, correct?

9 Response/Objection:

10 18 MR. WOODS: Calls --

11 19 MR. SELSBERG: Objection; assumes facts not in
12 02:46:57 20 evidence.

13 21 MR. WOODS: And not relating to jurisdiction.

14 22 Instruct the witness not to answer.

15 Reason answer should be compelled:

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17 the subject matter involved in the pending action or to the determination of any motion made
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19 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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14 questions blocked by defense attorney's improper instruction precludes plaintiff from inquiring
15 into relevant matters that will shed light on whether California Courts may exercise
16 jurisdiction over the Mexican Defendants. Defendant must be compelled to answer so a full
17 and complete inquiry can be made.

18 **91. Question:**

19 Q If you were Cardinal Rivera and this was your
20 02:47:11 25 priest that was sent to another jurisdiction and
21 02:47:14 1 abuse was discovered as it was here, tell me all the
22 2 things you could have done to protect children to get
23 3 him back to the U.S. after you learned he left.

24 **Response/Objection:**

25 4 MR. WOODS: Okay.
26 02:47:29 5 MR. SELSBERG: Objection. That calls for
27 6 speculation.
28 7 MR. WOODS: I object to the question as beyond
8 the scope of jurisdiction over these two particular

02:47:29

1 9 Mexican nationals and instruct the witness not to

2 02:47:41 10 answer.

3 Reason answer should be compelled:

4 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
5 the subject matter involved in the pending action or to the determination of any motion made
6 in that action, if the matter either is itself admissible in evidence or appears reasonably
7 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
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1 DOCUMENTS TO BE PRODUCED IN THE NOTICES OF TAKING
2 DEPOSITION PERTAINING TO BOTH DEONENTS, CARDINAL
3 MAHONY AND BISHOP CURRY:

4 The following is the discussion between plaintiff's and defense counsel pertaining to
5 the production of documents for both deponents which transpired at the deposition of
6 CARDINAL MAHONY (See Deposition of CARDINAL MAHONY submitted herewith at
7 P.16:1 - 22:15). Such discussion is pertinent to the Response/Objection of the production of
8 documents and the meet and confer process. Relevant portions are restated as follows:

9 09:55:15 1 Q And for the record, Counsel, we'll mark

10 2 Exhibit A the notice of deposition with the request for
11 3 production of documents appended to it as Exhibit A.

12 4 (Whereupon, Exhibit A was introduced and

13 09:55:25 5 marked for identification by the Certified Shorthand

14 6 Reporter, a copy of which is attached hereto.)

15 7 MR. WOODS: Okay. Fine.

16 8 MR. ANDERSON: And any -- for the record,

17 9 Counsel, any documents requested in Exhibit A that have

18 09:55:37 10 not been produced here today, which I have not had an

19 11 opportunity to examine, but I will, are there any

20 12 documents that exist responsive to this request that

21 13 have not been produced or are being withheld pursuant to

22 14 a privilege or an objection?

23 09:56:01 15 MR. WOODS: Well, since one of your requests asks

24 16 for any document that even mentions the name Aguilar

25 17 Rivera, there's obviously a number of documents that

26 18 have not been produced because, in our opinion, they are

27 19 outside the scope of this deposition.

28 09:56:23 20 And there are no documents within the scope

21 of the deposition as I have interpreted it in my opening

1 22 statement that have been excluded because of privilege,
2 23 any kind of privilege. Okay. All the correspondence
3 24 with Mexican officials and documents referring to it
4 09:56:42 25 have been produced.

5 09:56:44 1 MR. ANDERSON: So any document or file in the
6 2 possession of the Archdiocese pertaining to Nicolas
7 3 Aguilar or Nicolas Aguilar Rivera have now been produced
8 4 in this production; is that correct?

9 09:57:02 5 MR. WOODS: I think that's a -- if I heard you
10 6 correctly, that's a broader statement than the one I
11 7 made. We've produced all documents relating to the
12 8 jurisdictional issues. We have not withheld any
13 9 documents in that category because of privilege. But we
14 09:57:19 10 have excluded -- let me just explain.

15 11 Father Nicolas Aguilar Rivera has a clergy
16 12 file -- it's called a clergy file. Okay -- kept by the
17 13 Archdiocese. And you'll see production numbers on these
18 14 documents. Those are -- all the documents in the clergy
19 09:57:43 15 file have been numbered with a production number.

20 16 You'll see that there's gaps in the numbers.
21 17 Wherever there's a gap in the number, documents have
22 18 been withheld because they do not relate to
23 19 jurisdiction -- the issues relevant to jurisdiction. So
24 09:58:03 20 there -- there is a file that has 150-some-odd pages in
25 21 it that is his file, which would cover everything.

26 22 MR. WATERS: And just for the record, when you
27 23 say "not responsive to jurisdiction" --

28 24 MR. ANDERSON: Let me --

09:58:18 25 MR. WATERS: -- "jurisdiction" -- oh, sorry.

1 09:58:22 1 MR. ANDERSON: Counsel, I'm looking at the
2 2 production, for example, documents in Exhibit B numbered
3 3 20 and then there's a gap, 20 -- and the next one is 37
4 4 as Bates stamped, so there are approximately 17
5 09:58:38 5 documents there that have been -- that are in the file
6 6 of Nicolas Aguilar Rivera that you referred to as the
7 7 clergy file, those documents are being withheld on the
8 8 basis they are not relevant to the jurisdictional
9 9 inquiry that's being permitted here?

10 09:58:55 10 MR. WOODS: Correct.

11 11 MR. ANDERSON: Isn't the relevancy objection for
12 12 the court and us to decide? Is that really a proper
13 13 basis to withhold documentation pertaining to the priest
14 14 file?

15 09:59:12 15 MR. WOODS: Well, we may have a dispute about it.
16 16 But I'm comfortable that the court on a number of
17 17 occasions in this matter has specifically stated that
18 18 this should be a short deposition specifically focusing
19 19 on jurisdictional facts and not getting into the
20 09:59:32 20 underlying substance or any other issues that might be
21 21 relevant to the lawsuit, in general, but just
22 22 jurisdiction.

23 23 And so with that in mind, the witness has
24 24 been prepared for that limited type of inquiry, and we
25 09:59:46 25 have produced documents limited to that inquiry. And

26 09:59:50 1 it's up to you if you want to take it up with the judge,
27 2 but -- and we will obviously be guided by his ruling.
28 3 But we understand that he's already ruled this way.

4 MR. ANDERSON: The purpose of this deposition is

1 10:00:03 5 to do discovery on jurisdiction. I agree with you on
2 6 that. I don't agree that it permits you to withhold
3 7 documents in the clergy file maintained by the
4 8 Archdiocese pertaining to Nicolas Aguilar Rivera. And
5 9 so it would be our intention to take that up with the
6 10:00:23 10 court.

7 11 As an alternative, I would invite you to
8 12 consider a sealed production of those documents, that
9 13 is, a separate production to us of those documents that
10 14 allows us to review them to determine whether or not

11 10:00:37 15 there may or may not be something in there that is
12 16 relevant to the jurisdictional inquiry. And then if
13 17 there is something we consider relevant to the
14 18 jurisdictional inquiry, you and I will do a meet and
15 19 confer and decide whether or not we need to use it.

16 10:00:52 20 So please consider that proposal, and we'll
17 21 have time through the course of this morning to do that
18 22 as an alternative to utilizing the court on this issue.

19 23 MR. WOODS: Okay.

20 24 MR. ANDERSON: Because I think it's clear that
21 10:01:06 25 there is documents that have not been produced on the
22 10:01:09 1 basis of relevancy.

23 2 Are there any other -- is there any other
24 3 basis on which documents in the clergy file of Nicolas
25 4 Aguilar Rivera have not been produced besides relevancy?

26 10:01:22 5 MR. WOODS: As I said before, we limit the scope
27 6 to jurisdictional facts. We have produced all the
28 7 documents relating to jurisdictional facts. None
8 relating to jurisdictional facts have been withheld

1 9 because of a privilege.

2 10:01:39 10 And obviously, just to make it clear, to say

3 11 the opposite, there are privileged documents in the

4 12 file, but they don't relate to jurisdiction. So nothing

5 13 has been withheld from our scope of production because

6 14 of a privilege.

7 10:01:58 15 MR. ANDERSON: What privileges do you believe are

8 16 assertable pertaining to the documents that have been

9 17 withheld?

10 18 MR. WOODS: We haven't made an ascertainment. We

11 19 haven't made a discernment of that because they're

12 10:02:10 20 totally irrelevant to this proceeding.

13 21 MR. ANDERSON: If they're in the file of Nicolas

14 22 Aguilar Rivera, how can they be irrelevant to this

15 23 proceeding?

16 24 MR. WOODS: There may be attorney-client

17 10:02:20 25 communications. There may be psychiatric-patient

18 10:02:25 1 privilege communications. I don't know. Because we

19 2 didn't -- we didn't make a discernment of documents that

20 3 are beyond the scope of this deposition.

21 4 MR. ANDERSON: Okay. I'm going to ask you to

22 10:02:39 5 give me an answer to my alternative proposal to the

23 6 nonproduction before the conclusion of the deposition,

24 7 obviously, of Cardinal Mahony, and I'll simply advise

25 8 you that it is our position that you're required to

26 9 produce the file of Nicolas Aguilar Rivera.

27 10:02:58 10 If there are privileges that are assertable,

28 11 they need to be identified as such, and we need to be

12 allowed -- be allowed to inquire as to whether they're

1 13 relevant or whether they fall within an identifiable
2 14 privilege. And for --
3 10:03:15 15 MR. WOODS: Right. Well, I can respond to that
4 16 right now. I mean it's not appropriate, it's not
5 17 customary within our discovery procedures to turn over
6 18 irrelevant or privileged matter to an opponent so that
7 19 they can determine whether, in their opinion, it's
8 10:03:30 20 relevant and privileged.

9 21 We make the determination. And if you want
10 22 to challenge it, you take it up with the judge, and the
11 23 judge, if anyone, would make that determination. But we
12 24 certainly wouldn't give it to our opponent. That would
13 10:03:43 25 defeat the whole purpose of asserting the objections.

14 10:03:47 1 MR. ANDERSON: Counsel, I wasn't suggesting you
15 2 give us the document on which you're asserting the
16 3 privilege. I was suggesting you give us -- identify the
17 4 nature of the document and the privilege on which it's
18 10:03:58 5 being withheld so that that can be scrutinized. I'm not
19 6 suggesting you give us the document.

20 7 As -- as to the documents being withheld on
21 8 the basis of relevancy pertaining to jurisdiction, I am
22 9 suggesting, as the alternative proposal, you give us
23 10:04:12 10 those documents. Do you understand?

24 11 MR. WOODS: I hear it.

25 12 MR. ANDERSON: Okay.

26 13 MR. WOODS: You have my response, and we'll --
27 14 we'll let the judge decide.

28 10:04:18 15 MR. ANDERSON: Okay.

1. Document Requested:

1 ALL documents concerning Father Nicolas Aguilar (aka Nicolas Aguilar Rivera).

2 **Response/Objection:**

3 See above discussion between counsel.

4 **Reason production should be compelled:**

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

1 Rivera. It is also clear that while an extern priest in Los Angeles up until present Father
2 Nicholas Aguilar Rivera must obey orders from the Bishop of the Diocese of Tehuacan.

3 **2. Document Requested:**

4 ALL DOCUMENTS containing the name "Father Nicolas Aguilar (aka Nicolas Aguilar
5 Rivera)" in any formulation of those words.

6 **Response/Objection:**

7 See above discussion between counsel.

8 **Reason production should be compelled:**

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

1 contacting Father Nicholas Aguilar Rivera's Superior, Bishop Norberto Rivera, or contacting
2 Father Nicholas Aguilar Rivera's diocese The Diocese of Tehuacan was discussed and if it was
3 not discussed the reasons therefore. It is clear that while Father Nicholas Aguilar was an
4 extern priest in Los Angeles he remained under the authority of his bishop, Bishop Norberto
5 Rivera. It is also clear that while an extern priest in Los Angeles up until present Father
6 Nicholas Aguilar Rivera must obey orders from the Bishop of the Diocese of Tehuacan.

7 **3. Document Requested:**

8 ALL DOCUMENTS containing the personnel file of Father Nicolas Aguilar (aka
9 Nicolas Aguilar Rivera).

10 **Response/Objection:**

11 See above discussion between counsel.

12 **Reason production 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*
17 *2017.010.*) At issue in this matter is the sexual abuse of plaintiff, what defendants knew of
18 Father Nicholas Aguilar Rivera's proclivities to engage in child sexual abuse, when they knew
19 it and what they did with that information. Defendants Cardinal Norberto Rivera and The
20 Diocese of Tehuacan were aware of Father Nicholas Aguilar Rivera's unfitness for priestly
21 duties prior to sending Father Nicholas Aguilar Rivera to the Archdiocese of Los Angeles. On
22 January 8, 1988 the Archdiocese of Los Angeles became aware of allegations of Father
23 Nicholas Aguilar Rivera committing child sexual abuse and thereby his unfitness for priestly
24 duties. On January 9, 1988 Bishop Curry met with Father Nicholas Aguilar Rivera. The Los
25 Angeles Archdiocese did not notify Los Angeles authorities until three days later, January 11,
26 1988. During the three day delay in reporting the allegations to authorities, Father Nicholas
27 Aguilar Rivera left Los Angeles never to return and thereby avoided capture. From January 9,
28 1988 until present Father Nicholas Aguilar Rivera has remained a priest incardinated in the
Diocese of Tehuacan. During the depositions of Cardinal Roger Mahony and Bishop Thomas

1 Curry plaintiff's counsel attempted to inquire as to what was said between Cardinal Mahony
2 and Bishop Curry, Bishop Curry and Father Nicholas Aguilar Rivera, and Bishop Curry and
3 Father McClean when these individuals became aware of the allegations leveled against Father
4 Nicholas Aguilar Rivera. The purpose of this line of inquiry was to ascertain if the issue of
5 contacting Father Nicholas Aguilar Rivera's Superior, Bishop Norberto Rivera, or contacting
6 Father Nicholas Aguilar Rivera's diocese The Diocese of Tehuacan was discussed and if it was
7 not discussed the reasons therefore. It is clear that while Father Nicholas Aguilar was an
8 extern priest in Los Angeles he remained under the authority of his bishop, Bishop Norberto
9 Rivera. It is also clear that while an extern priest in Los Angeles up until present Father
10 Nicholas Aguilar Rivera must obey orders from the Bishop of the Diocese of Tehuacan.

11 **4. Document Requested:**

12 ALL DOCUMENTS containing the Sub Secreto file of Father Nicolas Aguilar (aka
13 Nicolas Aguilar Rivera).

14 **Response/Objection:**

15 See above discussion between counsel.

16 **Reason production should be compelled:**

17 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
18 the subject matter involved in the pending action or to the determination of any motion made
19 in that action, if the matter either is itself admissible in evidence or appears reasonably
20 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section*
21 *2017.010.*) At issue in this matter is the sexual abuse of plaintiff, what defendants knew of
22 Father Nicholas Aguilar Rivera's proclivities to engage in child sexual abuse, when they knew
23 it and what they did with that information. Defendants Cardinal Norberto Rivera and The
24 Diocese of Tehuacan were aware of Father Nicholas Aguilar Rivera's unfitness for priestly
25 duties prior to sending Father Nicholas Aguilar Rivera to the Archdiocese of Los Angeles. On
26 January 8, 1988 the Archdiocese of Los Angeles became aware of allegations of Father
27 Nicholas Aguilar Rivera committing child sexual abuse and thereby his unfitness for priestly
28 duties. On January 9, 1988 Bishop Curry met with Father Nicholas Aguilar Rivera. The Los
Angeles Archdiocese did not notify Los Angeles authorities until three days later, January 11,

1 1988. During the three day delay in reporting the allegations to authorities, Father Nicholas
2 Aguilar Rivera left Los Angeles never to return and thereby avoided capture. From January 9,
3 1988 until present Father Nicholas Aguilar Rivera has remained a priest incardinated in the
4 Diocese of Tehuacan. During the depositions of Cardinal Roger Mahony and Bishop Thomas
5 Curry plaintiff's counsel attempted to inquire as to what was said between Cardinal Mahony
6 and Bishop Curry, Bishop Curry and Father Nicholas Aguilar Rivera, and Bishop Curry and
7 Father McClean when these individuals became aware of the allegations leveled against Father
8 Nicholas Aguilar Rivera. The purpose of this line of inquiry was to ascertain if the issue of
9 contacting Father Nicholas Aguilar Rivera's Superior, Bishop Norberto Rivera, or contacting
10 Father Nicholas Aguilar Rivera's diocese The Diocese of Tehuacan was discussed and if it was
11 not discussed the reasons therefore. It is clear that while Father Nicholas Aguilar was an
12 extern priest in Los Angeles he remained under the authority of his bishop, Bishop Norberto
13 Rivera. It is also clear that while an extern priest in Los Angeles up until present Father
14 Nicholas Aguilar Rivera must obey orders from the Bishop of the Diocese of Tehuacan.

15 **5. Document Requested:**

16 ALL DOCUMENTS containing the Confidential file of Father Nicolas Aguilar (aka
17 Nicolas Aguilar Rivera).

18 **Response/Objection:**

19 See above discussion between counsel.

20 **Reason production 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
duties prior to sending Father Nicholas Aguilar Rivera to the Archdiocese of Los Angeles. On

1 January 8, 1988 the Archdiocese of Los Angeles became aware of allegations of Father
2 Nicholas Aguilar Rivera committing child sexual abuse and thereby his unfitness for priestly
3 duties. On January 9, 1988 Bishop Curry met with Father Nicholas Aguilar Rivera. The Los
4 Angeles Archdiocese did not notify Los Angeles authorities until three days later, January 11,
5 1988. During the three day delay in reporting the allegations to authorities, Father Nicholas
6 Aguilar Rivera left Los Angeles never to return and thereby avoided capture. From January 9,
7 1988 until present Father Nicholas Aguilar Rivera has remained a priest incardinated in the
8 Diocese of Tehuacan. During the depositions of Cardinal Roger Mahony and Bishop Thomas
9 Curry plaintiff's counsel attempted to inquire as to what was said between Cardinal Mahony
10 and Bishop Curry, Bishop Curry and Father Nicholas Aguilar Rivera, and Bishop Curry and
11 Father McClean when these individuals became aware of the allegations leveled against Father
12 Nicholas Aguilar Rivera. The purpose of this line of inquiry was to ascertain if the issue of
13 contacting Father Nicholas Aguilar Rivera's Superior, Bishop Norberto Rivera, or contacting
14 Father Nicholas Aguilar Rivera's diocese The Diocese of Tehuacan was discussed and if it was
15 not discussed the reasons therefore. It is clear that while Father Nicholas Aguilar was an
16 extern priest in Los Angeles he remained under the authority of his bishop, Bishop Norberto
17 Rivera. It is also clear that while an extern priest in Los Angeles up until present Father
18 Nicholas Aguilar Rivera must obey orders from the Bishop of the Diocese of Tehuacan.

19 **6. Document Requested:**

20 ALL DOCUMENTS CONCERNING the incardination of Father Nicolas Aguilar (aka
21 Nicolas Aguilar Rivera).

22 **Response/Objection:**

23 See above discussion between counsel.

24 **Reason production should be compelled:**

25 Any party may obtain discovery regarding any matter, not privileged, that is relevant to
26 the subject matter involved in the pending action or to the determination of any motion made
27 in that action, if the matter either is itself admissible in evidence or appears reasonably
28 calculated to lead to the discovery of admissible evidence. (*Code of Civil Procedure Section
2017.010.*) At issue in this matter is the sexual abuse of plaintiff, what defendants knew of