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2 SUPERIOR COURT OF THE STATE OF CALIFORNIA
3 FOR THE COUNTY OF ALAMEDA

3 -----X

JOHN PJ DOE,

4

Plaintiff,

5

v.

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7 DOE 1; DOE 2, et. al.,

8

Defendants.

-----X

9 Volume I

May 3, 2006

10

New York, New York

11

12 Deposition of JOHN PARR, taken on behalf of
13 the Defendants, at Sedgwick Detert Moran & Arnold, LLP,
14 125 Broad Street, 39th Floor, New York, New York, commencing
15 at 10:19 a.m., May 3, 2006, before Anthony Armstrong, a
16 Notary Public and Certified Shorthand Reporter of the State
17 of New York.

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2 A P P E A R A N C E S

3 MANLY McGUIRE & STEWART

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4 Newport Beach, California 92660

BY: JOHN C. MANLY, ESQ.

5 BY: PATRICK J. WALL, Senior Consultant
Attorneys for Plaintiff

6

7 SEDGWICK DETERT MORAN & ARNOLD

3 Park Plaza, 17th Floor

8 Irvine, California 92614

BY: THOMAS A. DELANY, ESQ.

9 Attorneys for Defendants

10

ALSO PRESENT:

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ERIC LENZ, Videographer

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2	I N D E X		
3	WITNESS	EXAMINATION BY	PAGES
4	JOHN PARR	Mr. Delany	5,101,104
	Mr. Manly	48,103	

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1 John Parr

2 THE VIDEOGRAPHER: Good morning. This is
3 the video operator speaking, Eric Lenz, of
4 Sound Deposition Services in Long Beach,
5 California. Today's date is May 3rd, 2006,
6 and the time is approximately 10:19 in the
7 morning. We are here at the offices of
8 Sedgwick Detert --

9 MR. DELANY: Detert.

10 THE VIDEOGRAPHER: Detert. Thank you.
11 125 Broad Street, New York City, to take the
12 deposition of John Parr, in the matter of John
13 PJ Doe versus Does 1, 2, 3, 4 inclusive. This
14 is in the Superior Court of the State of
15 California, for the County of Alameda, No. BC
16 307745.

17 Will counsel please introduce themselves
18 for the record.

19 MR. DELANY: My name is Tom Delany and I
20 represent the defendant Salesian High School.

21 MR. MANLY: My name is John Manly and I
22 represent John Doe, who for the witness's
23 benefit if you don't already know his name is
24 XXX.

25 THE VIDEOGRAPHER: And will the reporter

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1 John Parr

2 swear the witness.

3 J O H N P A R R, a witness, having first been duly

4 sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MR. DELANY:

7 Q. Good morning, sir. Would you please state
8 your full legal name and spell the last name for the
9 record.

10 A. John Gary Parr, P-A-R-R.

11 Q. And I understand that you go -- that you have
12 another name that you go by; is that correct?

13 A. Yes. I'm a Russian orthodox priest and monk.
14 And my monastic name is Father Joachim, J-O-A-C-H-I-M.

15 Q. For the record, today we have agreed to refer
16 to you as Father Joachim?

17 A. That's fine, yes.

18 Q. And I say that because I believe you to be
19 more comfortable with that name.

20 A. That's the name that I use daily.

21 Q. Fair enough.

22 MR. MANLY: Yes, and I agree to that.

23 That's absolutely fine.

24 BY MR. DELANY:

25 Q. And you -- where do you live right now, sir?

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1 John Parr

2 A. At 320 East Third Street, New York, New York,
3 10009.

4 Q. And what is at that address?

5 A. It's a monastery.

6 Q. How long have you lived there?

7 A. 13 years.

8 Q. What's your date of birth?

9 A. April 17th, 1943.

10 Q. I don't want to get into too much information
11 about this. But can you tell me what you -- what roles
12 and responsibilities you have in your current position?

13 Let me ask you this: Do you have a position
14 other than the fact that you are a priest?

15 A. I do.

16 Q. Okay. What is your position?

17 A. I'd be Abbott of the monastery.

18 Q. And what does that mean?

19 A. That means that I'm the authority of the
20 monastery. There are seven of us in the monastery,
21 seven monks. I'm the Abbott. I'm responsible for
22 the -- all of the activities of the monastery.

23 Q. Okay. And how long have you had that
24 responsibility, that role?

25 A. 13 years.

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1 John Parr

2 Q. Okay. What were you doing 13 years ago before
3 you took on that role?

4 A. I was a monk and a priest working at the
5 cathedral as one of the clergy.

6 Q. Which cathedral?

7 A. The Cathedral of Eleve, the sign at 93rd and
8 Park Avenue in Manhattan.

9 Q. How long were you a monk and a priest at that
10 address?

11 A. Since I went there in '88.

12 Q. And before that?

13 A. Before that I was on Mount Athos in Greece for
14 two years.

15 Q. Doing what?

16 A. I was a monk in the monastery.

17 Q. And you said for two years?

18 A. For two years.

19 Q. And before that?

20 A. Before that I was here in New York where I was
21 ordained here in '85 a priest.

22 Q. What were you doing before 1985?

23 A. I had studied in seminar. I was at Holy Cross
24 in Boston also studying simultaneously through the
25 Western School of Theology. I was studying at Harvard,

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1 John Parr

2 working in patristics, the study of the fathers, the
3 writings of the fathers of the church.

4 Q. You were a student?

5 A. A student, yes.

6 Q. And how long were you a student?

7 A. Three years in Boston.

8 Q. Were you affiliated during that three-year
9 period? Were you affiliated with any religious order?

10 A. No order, no.

11 Q. What were you doing before 1982?

12 A. I had left California in 1980. I came to New
13 York at the invitation of a friend, a live-in pastor
14 friend of mine by the name of Larry Bailey. He was the
15 principal of a Lutheran high school in Brooklyn -
16 Epiphany. And so I thought there for two years.

17 Q. What did you teach?

18 A. I taught English and I taught -- what else did
19 I teach. I taught writing. I taught social studies.

20 Q. And that was for two years?

21 A. For two years, yes.

22 Q. So what did you do then in -- before 1978?

23 A. I was at Salesian High School in California,
24 Richmond.

25 Q. I may have asked you. Let me ask you another

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1 John Parr

2 question because I think I got the years mixed up.

3 Were you at Salesian before 1980?

4 A. I was at Salesian before 1980.

5 Q. Okay. So would you have been at Salesian High
6 School in 1979?

7 A. I was, yes.

8 Q. Let me get a little bit more specific.

9 Were you at Salesian High School during the
10 school year 1980, '81? I'm sorry. 1979-1980.

11 A. Yes.

12 Q. Okay. That would have been the last year you
13 were at Salesian High School?

14 A. Correct.

15 Q. When did you start working -- when you say you
16 were at Salesian High School, you were an employee of
17 Salesian High School?

18 A. I was, yes.

19 Q. When did you become an employee of Salesian
20 High School?

21 A. I'm not certain. I think it was in 1974 or
22 '75. I'm not sure of that.

23 Q. You know, you make a good point, Father.

24 A lot of these allegations, a lot of the things
25 we are going to be talking to you about happened many

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1 John Parr

2 years ago, and it reminds me that I'm actually required
3 to or at least it's a good idea for me to give you some
4 admonitions about what we're here today. And I know you
5 have had your deposition taken before.

6 About how many times have you had your
7 deposition --

8 A. I think this is my sixth.

9 Q. In the last how many years?

10 A. Eight.

11 Q. Okay. And did all of those -- were all of
12 those involving in some way, shape or form your
13 capacity as a priest?

14 A. As a priest, yes.

15 Q. Okay. In California, we have some relatively
16 unique rules. I don't know how unique they are. But I
17 would like to go over with you real quick. I probably
18 forgot to go over them in part because you're following
19 the rules much better than most deponents I ever have
20 the pleasure of deposing. But we like to do it on the
21 record so everything is clear.

22 At the outset of the deposition the court
23 reporter gave you an oath that carries with it the same
24 penalty of perjury as if you were testifying in court.

25 You understand that, correct?

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1 John Parr

2 A. I do.

3 Q. Alright. The court reporter, as you can see,
4 is taking down everything that's being said while we
5 are on the record and will continue to do so. That
6 means a few things have to happen. One, we can't take
7 over each other. Two people can't speak at the same
8 time. You have done very good at that so far. So
9 please continue to wait until I'm done with my
10 questions, and I'll try to do the best to wait until
11 you're done with your answers before I ask the next
12 question. Sounds fair?

13 A. Right.

14 Q. It also means that audible English responses,
15 at least in this instance, are required. Uh-huh or
16 huh-uh or some physical gesture or nod of the head
17 don't make for a very clear record. So again, you have
18 been doing that very well. Please continue to do that
19 and I think we'll be fine. Sounds fair?

20 A. Yes.

21 Q. I don't want you to answer a question, and I'm
22 sure counsel will agree that you don't understand. If
23 you don't understand the question I ask, please tell
24 me. I will be happy to rephrase it for you. Okay?

25 A. Yes.

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1 John Parr

2 Q. Okay. If you answer a question that I ask,
3 I'm going to assume that you understood it.

4 Does that sound fair to you?

5 A. Fair, yes.

6 Q. At the end -- I'm entitled to your personal
7 knowledge. I don't know, I don't recall are perfectly
8 acceptable answers as long as they're truthful.

9 I may at times ask you for an estimate of time,
10 size, distance, things like that, but under no
11 circumstances is a guess by you of any value to any party
12 in this case.

13 You understand the difference between an
14 estimate and a guess?

15 A. I do.

16 Q. Okay. At the end of the deposition, you're
17 going to be given the opportunity to read your
18 transcript, as I'm sure you're familiar with, and make
19 any changes or corrections to your testimony that you
20 deem necessary. I have to caution you, though, that if
21 you make changes to your testimony it could be used
22 against you and may affect your credibility if this
23 case goes to trial.

24 You understand that as well?

25 A. I do.

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1 John Parr

2 Q. For that reason -- for all those reasons, it's
3 important that you give us the best testimony you can
4 give us today.

5 Is there any reason you can't give us your best
6 testimony today?

7 A. Not to my knowledge, no.

8 Q. You didn't have a sleepless night or not on
9 any medications that going to make you drowsy in a few
10 minutes or anything like that?

11 A. Monks don't sleep a lot. But I had the
12 adequate amount, yes.

13 Q. You feel comfortable enough to give us your
14 best testimony?

15 A. I do.

16 Q. Okay. Very good. Thank you.

17 And as I recall where we left off, your best
18 testimony is that you began your employment at Salesian
19 High School in 1974?

20 A. '74 or '75. I didn't -- I don't have records
21 of it. So I could call Salesian and find out, but
22 other than that, that's the best I can remember.

23 Q. Alright. What was your first position at
24 Salesian High School?

25 A. My first position was teaching English and

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1 John Parr

2 social studies, and I believe I caught anything that
3 wasn't covered by somebody else. I think I taught a
4 math class, a freshman math class, a few others things.
5 But that's basically what I was teaching.

6 Q. Sort of a utility teacher?

7 A. I was, yes.

8 Q. Did your role as a teacher ever change at
9 Salesian High School?

10 A. I don't understand what you mean.

11 Q. Fair enough. Did you ever become part of the
12 administration or take on any additional
13 responsibilities beyond teaching?

14 A. I did. I think it was the third year I was
15 there.

16 Q. And what did additional responsibilities --

17 A. I was asked by the principal, Father DeBene,
18 to be the dean of discipline, vice principal for
19 discipline.

20 Q. How many years did you have that role?

21 A. Wait a minute. I'm sorry. I think I have it
22 backwards. I think he -- it isn't clear. He asked me
23 to first either to be the dean of studies or the dean
24 of discipline. And I can't remember which one came
25 first.

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1 John Parr

2 Q. Okay.

3 A. I think it was the dean of studies first, if
4 I'm not mistaken. But it could have been the other way
5 around. I just don't remember.

6 Q. Okay. Let's parcel them out a little bit
7 here. How long did you have -- in terms of time as
8 opposed to which years, how long did you have
9 responsibilities as dean of studies?

10 A. I think it was -- I think I was dean of
11 studies first for the first two years. I'm trying to
12 reflect where it was. I have the office next to Father
13 John at Zion. That was for the studies. And then it
14 was -- the last two years I was there I was the dean of
15 discipline.

16 Q. Okay.

17 A. Vice principal of discipline.

18 Q. So you said that -- I'm not sure if you
19 said -- I know that you said -- I believe that you said
20 that your first administrative role was dean of
21 studies?

22 A. Studies, yes.

23 Q. And was that the first two years you were
24 there?

25 A. No. Second two years I was there.

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1 John Parr

2 Q. Okay. And then the last two years you were
3 there -- you were dean of discipline?

4 A. Correct.

5 Q. Okay. Were you ever a vice principal or was

6 --

7 A. That was vice principal. They had two vice
8 principals. One for discipline and one for studies.

9 Q. Okay. Alright. So then approximately in
10 19 -- if you started in 1974 or '75, then 1976 or '77
11 you became dean of studies?

12 A. Correct.

13 Q. Okay. And then --

14 A. After that, then I became dean of discipline.

15 For one or two years I can't remember --
16 because I remember Brother MaKula came in. I don't
17 remember what year that was. I don't know if that was my
18 last year. He could have been there as the last year as
19 dean of discipline. He came in one year while I was
20 there.

21 Q. Okay. So at least for 1978 or perhaps
22 1979 you were --

23 A. I probably was dean of discipline, yes.

24 Q. Okay. Tell me what your responsibilities were
25 when you were dean of studies.

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1 John Parr

2 A. When I was dean of studies, I was the one that
3 did the scheduling for classes. I set the times and
4 agenda along with the principal for the faculty
5 meetings. I was involved in selecting the textbooks
6 and the courses. And always -- we didn't perform any
7 policy whatsoever. We were always just consultants to
8 the principal. He made the decisions because the
9 Salesians made all policy decisions, but we did
10 recommending. And I supervised the classroom teaching
11 and advised the students that needed advice on college
12 to send them to. We had Mary Broadbeck and others who
13 were -- I think it was Faith Schwartz and a few others
14 that were college counselors and student counselors.
15 And so I would send them to those different teachers to
16 get advice on going to college and so forth.

17 Q. Okay. What --

18 A. Meet -- I'm sorry. Meet with parents when
19 their kids were not doing well study-wise.

20 Q. Were there any -- did you -- along those
21 lines, did you have any regular meetings with parents
22 scheduled, or was it only when there was a problem with
23 a particular student in their studies?

24 A. What do you mean by regular meetings did we
25 have?

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1 John Parr

2 Q. Well, monthly, weekly.

3 A. No.

4 Q. No parents nights?

5 A. No. We only had parent-teacher conference
6 when report cards were given out, unless a parent
7 requested a meeting.

8 Q. So is it fair to say then that you had -- how
9 often were report cards given out?

10 A. Four times a year. The fourth one was mailed
11 in the summer.

12 Q. The summer, right. So two times a semester?

13 A. Right.

14 Q. Was there a parent-teacher conference for the
15 fourth report card?

16 A. No.

17 Q. So you only had three parent-teacher
18 conferences per year?

19 A. Yes, two or three.

20 Q. Two or three, okay. And that was with every
21 student?

22 A. It was open. They didn't have to come. It
23 wasn't obligatory. It was up to the parents who would
24 want to come and discuss the child's report card they
25 would come.

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1 John Parr

2 Q. Fair enough. Tell us a little bit about your
3 responsibilities as dean of discipline.

4 A. As dean of discipline, I was to just see the
5 overall daily mechanics of the school, and if there is
6 any difficulties or problems with the students, to try
7 and find some resolve to that. I also taught at the
8 same time, so I wasn't just --

9 Q. It sounds like that as your role as dean of
10 students -- I'm sorry. Dean of studies, that you had a
11 fair amount of contact -- you obviously had a fair
12 amount of contact with the faculty.

13 A. I did.

14 Q. On a daily basis?

15 A. Yes.

16 Q. And as dean of studies, did you have a fair
17 amount of contact also with the Salesians?

18 A. As dean of studies?

19 Q. Yes.

20 A. Well, they worked with us. I mean they were
21 in the same building everyday.

22 Q. And would that also -- so you probably had a
23 fair amount of interaction with the Salesians when you
24 were -- when your responsibilities were limited to
25 teaching, too, correct?

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1 John Parr

2 A. The Salesians at that time, at least as far as
3 I was concerned, lived their own religious community
4 life. And other than coming to school and teaching, we
5 had almost no contact with them whatsoever.

6 Q. But you had contact with them during the
7 school --

8 A. The school day.

9 Q. -- setting, correct?

10 A. Yes.

11 Q. Did you have -- as dean of studies, did you
12 have -- you also -- it also sounds like you had a fair
13 amount of contact with students?

14 A. I did. I saw them everyday.

15 Q. And as dean of studies, it sounds like you had
16 a fair amount of contact with at least some of the
17 parents?

18 A. I had, yes.

19 Q. Did -- how well attended were those
20 parent-teacher meetings when report cards were
21 discussed?

22 A. Usually the first report card there was a
23 large number of freshman parents and new student
24 parents. And -- but it never was more than half the
25 student body, if that. And then by the second, it

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1 John Parr

2 dwindled, and by the third there was almost no one.

3 Q. Did the number of students change throughout
4 the time you were at Salesian High School, or did it
5 stay generally the same?

6 A. Stayed generally the same.

7 Q. What was the total enrollment?

8 A. 475 to 500.

9 Q. Were the grades roughly evenly distributed?

10 A. About. There were usually more freshman than
11 senior. Disproportionate.

12 Q. Right. As dean of discipline, it sounds like
13 you had a fair amount of contact with the faculty as
14 well. Perhaps less than as --

15 A. It depended. No, I think the other way
16 around. Generally the faculty who were not capable of
17 their own discipline I ended up seeing their students.
18 And those who were capable of discipline, I never saw
19 their students or them. So -- and I saw every faculty
20 member when I was dean of studies, but I did not always
21 continually see every faculty member when I was dean of
22 discipline.

23 Q. Okay. And you had a fair amount of daily
24 contact with studies as dean of discipline it sounds
25 like?

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1 John Parr

2 A. Certain students, yes.

3 Q. Certainly students.

4 What about parents? Did you have contact with
5 parents of the kids in the high school as dean of
6 discipline?

7 A. I did. At times I needed to call in parents
8 and see them. At times they would ask to see me, but
9 generally it didn't get to the point that we had to be
10 calling parents in too often. Usually we could handle
11 things. Students were not that unruly.

12 Q. Really?

13 A. Really.

14 Q. Interesting. Different than my high school.

15 And that was --

16 MR. MANLY: That's because it was Jesuit.

17 A. That's because you didn't have me there.

18 Q. Fair enough. You mentioned that a lot of the
19 parents that came to the parent-teacher conference at
20 report card time, at least the first report card, were
21 freshman parents, right?

22 A. Majority were new student and freshman
23 parents.

24 Q. Did you ever come to a conclusion as to -- in
25 your mind as to why that was?

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1 John Parr

2 A. People are lazy. People are very anxious to
3 relinquish responsibility to somebody else. I think
4 that's just a natural tendency of fallen man. So they
5 would just do that. They would come, they would show
6 an interest and then expect you to assume the
7 responsibility for their child.

8 Q. Did you ever consider whether the parents or
9 the -- whether freshman attending the high school was a
10 transition type of the parent and the student and that
11 they wanted to come and talk to teachers at that time
12 about grades, whether they were good or bad?

13 A. Yes. But I don't think we were sophisticated
14 in those days about social interaction. We were much
15 more pragmatic at that time. I think we did a better
16 job at teaching them today. There wasn't so much
17 socializing.

18 Q. Why did you leave Salesian High School?

19 A. For several reasons. I at that time was
20 considering my own desire to be a priest, and my own
21 disenchantment with the Roman Catholic church. I was
22 not terribly pleased. Certainly what I saw, I didn't
23 like the changes in the Roman church, the modernism,
24 the secularism. I found it rather empty. And at
25 Salesian High School they were getting a new

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1 John Parr

2 administration. Father John Malloy was coming on and
3 made it known that he was of a very different viewpoint
4 of education and approach.

5 So I thought I had been there enough. He
6 agreed that I had been there enough. He didn't like the
7 policy from before, Father DeBene's, and I think he saw
8 me as part of that administration so he told me there
9 wouldn't be a place for me in the administration.

10 Q. What if you could --

11 A. Not he directly. I mean I was told that it
12 was what his opinion was.

13 Q. Somebody told you that?

14 A. Yes.

15 Q. Who told you that, do you remember?

16 A. I think it was Father DeBene.

17 Q. Briefly, if you would, articulate for me the
18 difference, to your understanding, the difference in
19 education that was about to take place.

20 A. I don't know if it was so much the education
21 change that was going to take place as much as the
22 atmosphere of the school was going to change. I
23 thought that the few meetings that I had with Father
24 John Malloy, and there were very few, he came and met
25 all the faculty. He didn't meet me in particular. He

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1 John Parr

2 came on with a man who needed no one's advice, who had
3 a vision of what everything was supposed to be, and he
4 was coming to implement it. And I just didn't feel I
5 wanted to work with somebody like that.

6 Q. You didn't have an understanding as to the
7 nature of the implementation? It was how he was
8 going --

9 A. Style.

10 Q. Style. Alright.

11 Do you remember counsel had represented to you
12 the name of the plaintiff in this case. We call him John
13 Doe for various reasons, but his actual name is XXX.
14 XXX.

15 Do you remember a XXX?

16 A. When I was asked -- first -- or first notified
17 about this case, I didn't remember him. The name
18 sounded somewhat familiar, but I didn't remember him.
19 And I spoke with some attorney in California on the
20 phone and he said to me do you remember him. And I
21 said not specifically, no. And he said you know what
22 he looks like. I said no I don't. And he said -- I
23 said would you by any chance have a photograph of him.
24 I have a photograph I could send you. Which he did
25 not.

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1 John Parr

2 And so until this morning I had no idea what he
3 looked like, but I was shown a picture from the yearbook
4 this morning.

5 Q. And that was by me, correct?

6 A. By you.

7 Q. Do you remember the name of the attorney you
8 spoke to in California?

9 A. I don't, no.

10 MR. MANLY: Was it a man?

11 THE WITNESS: It was a man, yes.

12 BY MR. DELANY:

13 Q. I'm going to show you what's --

14 MR. DELANY: I'm just going to use
15 exhibits from your client's deposition to make
16 things more simplistic.

17 Q. I'm going to show you for the record what is
18 part of an exhibit, Exhibit 2 to the deposition of a
19 plaintiff in this case. It's Bates No. P00268. That's
20 the page. And I will show you the picture in the upper
21 left-hand corner of that and ask you --

22 A. Yes.

23 Q. That's XXX, correct?

24 A. Yes. That's what says, yes.

25 Q. That's what it says. Tell us for the record,

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1 John Parr

2 if you would, to what extent, if any, that refreshes
3 your recollection of the student XXX.

4 A. I mean I can see it, and I yes. I can look at
5 the others here and see the same and say these are
6 students, yes, that I had at Salesian. But I don't
7 remember any particular thing about him.

8 Q. Okay.

9 A. And that's nothing about him. That's just
10 about my age and memory I think more than anything
11 else.

12 Q. I think that's a fair assessment. I think I
13 know the answers to some of these, but for legal
14 reasons we have to go through and verify a couple of
15 things.

16 Do you ever recall Mr. -- I'll call him Mr.
17 XXX. But the student Mr. XXX being in any one of
18 your classes?

19 A. Offhand, no.

20 Q. Okay.

21 A. But it was a very small school and most
22 students came through eventually. But I don't recall
23 offhand, no. And he probably did in my English class.

24 Q. Were you ever -- I didn't ask you this: Did
25 you ever have a role as a moderator of any club or

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1 John Parr

2 anything like that?

3 A. Yearbook club.

4 Q. Yearbook club. Do you have any recollection
5 of Mr. XXX being on the yearbook committee or
6 anything associated with that?

7 A. I don't.

8 Q. Okay. Do you remember anything about XXX
9 XXX's family, his parents --

10 A. No.

11 Q. -- specifically? No.

12 A. I don't know that I ever met them.

13 Q. Okay. Do you know anything about Mr. XXX's
14 siblings, if he had any?

15 A. No.

16 Q. Okay. So then I take it, as you sit here
17 today, if I were to ask you if you ever remember having
18 a conversation with the student XXX, you
19 wouldn't be able to tell me one way or the other
20 whether or not that took place?

21 A. No. I have no recollection of any such
22 conversation about anything.

23 Q. About anything, right. Okay.

24 That cut out a few of my questions that I'm
25 going to ask, but I will have to ask you a few follow-ups

00029

1 John Parr

2 that may sound sort of silly based on your answer. But

3 again --

4 A. Alright.

5 Q. And I appreciate your patience.

6 MR. MANLY: I'll stipulate for the record

7 your questions are silly.

8 MR. DELANY: I'm sure you will do more

9 than that with my questions if you would like

10 to.

11 MR. MANLY: That's a joke for the record.

12 I find your questions quite insightful and

13 entertaining, counsel.

14 MR. DELANY: I appreciate that, counsel.

15 I didn't it was anything more than a joke.

16 BY MR. DELANY:

17 Q. Do you recall ever having a conversation with

18 any student while you were at Salesian High School

19 about whether a student approached you about his

20 sexuality?

21 A. No, I do.

22 Q. Salesian High School is an all boys school?

23 A. It was. I don't think it still is, but it

24 was.

25 Q. Do you recall ever having a conversation with

00030

1 John Parr

2 a student while you were at Salesian school where that
3 student reported to you that he had been sexually
4 abused before coming to Salesian High School?

5 A. No, I do not.

6 Q. Do you recall a student at Salesian High
7 School ever telling you while you were at Salesian High
8 School that they had been sexually abused by a priest
9 named Ponsuroli?

10 A. No.

11 Q. Did you know a priest named Father Ponsuroli?

12 A. No. I don't think there's -- in fact, I'm
13 sure there's no faculty member in ours named Ponsuroli.

14 Q. Do you recall while you were at Salesian High
15 School ever having a conversation with a student where
16 the student reported to you that he had had sexual
17 contact with a man or an adult?

18 A. No, I do not remember such conversations.

19 Q. Do you recall ever telling a student at any
20 time while you were at Salesian High School in any
21 context that being gay was fashionable?

22 MR. MANLY: Objection, leading.

23 Q. You can answer the question.

24 A. I can answer it? No.

25 Q. The pause is again that you have cut out a lot

00031

1 John Parr

2 of my questions.

3 A. I'm sorry.

4 Q. That's okay. That's fine.

5 If a student had come to you with those -- with
6 either -- with something -- information about either his
7 sexuality while you were at Salesian, if a student had
8 come to you with information about or questions about his
9 sexuality or having had sexual relation was a man, an
10 adult, would that be something that you think that you
11 would remember?

12 A. I think I would remember it, yes.

13 Q. Why do you say that?

14 A. Because it never happened. And I would find
15 that if somebody came to me a minor, a child and said
16 that an adult was having sex with them, I'd say does
17 your family know, have you called the police.

18 I mean I would just be amazed that someone
19 would just -- first of all, I don't why they would bring
20 up such a topic unless they wanted some help. And if
21 they brought it up, then I would presume they didn't know
22 what to do and I would suggest they contact their parent
23 and inform them. Would they like me to do it for them.
24 They should call the police. They should see a priest.
25 They should do something. That would be my response.

00032

1 John Parr

2 Q. Did you ever hear or learn of any sexual
3 misconduct by any of the lay teachers at Salesian High
4 School while you were at Salesian High School?

5 A. Do you mean in relation to anything or to the
6 school, or to what are you referring?

7 Q. Let me put it this way: Have you ever heard
8 or learned of any sexual misconduct between lay
9 teachers and students while you were at Salesian High
10 School?

11 A. No, I did not.

12 Q. Did you ever -- were you aware whether any of
13 the teachers at Salesian High School were gay or not?

14 A. I was never told such. I never asked. It was
15 not something that as I had mentioned before -- the
16 environment at Salesian High School was one of two
17 distinct entities - the Salesian community and the lay
18 faculty. And it was made very clear, not in writing
19 but in just how things were done, that all policy was
20 made by the Salesians; that every decision about
21 anything significant in the school was made by
22 Salesians; and we were there to do the work, that they
23 didn't have enough Salesian to do.

24 We were never considered as of what was going
25 on. So as to what anybody did in their private life, as

00033

1 John Parr

2 I had mentioned before I -- when I was speaking to you
3 earlier I have never been in a single time in the
4 Salesian residence the entire time I was there. I was
5 never invited to lunch, to dinner, cup of tea. Anything.
6 I never stepped inside their residence in all the years I
7 was there. I -- either the old one or after firing the
8 new one. Neither one. I was never invited to a faculty
9 member's home to dinner. I didn't meet any of their
10 husbands or wives.

11 Q. Let me stop you there. My question -- and let
12 me ask it again just to make sure I understand because
13 I think I understand where you're going. But I need an
14 answer to that question.

15 You were not aware -- based on your answer, you
16 were not aware of whether any teachers at Salesian High
17 School were gay at the time you were there, correct?

18 A. No. I wasn't concerned.

19 Q. And --

20 A. I wasn't hired to know.

21 Q. Well, and I'm going to take it then it wasn't
22 your practice to inquire as to a teacher's sexuality --

23 (The reporter asks the attorney to
24 repeat his question.)

25 *****

00034

1 John Parr

2 MR. MANLY: You guys are talking over one
3 another.

4 MR. DELANY: Not only that. I'm speaking
5 too fast.

6 BY MR. DELANY:

7 Q. I take it then that you didn't have a practice
8 of inquiring of a lay teacher's sexuality while you
9 were at Salesian High School?

10 A. No.

11 Q. Nor did you ever learn of any of the lay
12 teacher's sexuality while you were at Salesian High
13 School?

14 A. I had heard that there were faculty members
15 who were married and had divorced because of relations
16 outside of marriage. I now there were faculty members
17 who were Catholic who were now divorced and married
18 again, which put them outside the church. I knew that.
19 That's sexual immorality according to the Catholic
20 church. I know that because that was made known. They
21 are not able to receive communion. They are not able
22 to participate in things. But that's what I knew.
23 That's what was told to me.

24 Q. You were provided that information from other
25 people?

00035

1 John Parr

2 A. By the faculty members themselves when you've
3 asked them to supervise a liturgy or to be part of a
4 retreat and they'd say I'm not a practicing Catholic
5 because of.

6 Q. Okay.

7 A. And I knew those who were Catholic and those
8 who weren't because that was part of the information
9 they couldn't then participate in the religious things.

10 Q. Did you ever hear rumors about who was --
11 whether there were any particular faculty members that
12 were gay?

13 A. There was always innuendo about everybody.
14 That's part of the fallen state of man. We love to
15 gossip. Yes.

16 And so there was a young man who --

17 Q. Well, I don't think -- I just want to --

18 MR. MANLY: Don't interrupt his answer.
19 Let him question.

20 MR. DELANY: They're my questions. You
21 can ask him any questions --

22 MR. MANLY: No. You're not going to
23 interrupt the witness. He's asked -- he's
24 about to answer your question. And it seems
25 to me you might not like the answer and you

00036

1 John Parr

2 cut him off. Don't cut him off. That's

3 wrong.

4 MR. DELANY: I get to ask the questions.

5 MR. MANLY: Well, you don't get to

6 interrupt the witness.

7 MR. DELANY: If he's not answering my

8 question I certainly can.

9 MR. MANLY: Let him finish his answer.

10 MR. DELANY: I'll let him go a little bit

11 here. Go ahead, Father.

12 A. I was just going to say there was a young man

13 on the faculty that -- it was his first year there I

14 believe, and there was a lot of rumor as to -- he was

15 very likeable and all of that, and people were

16 saying -- wondering why he doesn't have a girlfriend or

17 married and so forth. So there was innuendo maybe he

18 is gay. I remember that very succinctly.

19 And then at the first dance he brought his wife

20 who was black. And that was the issue. And so then they

21 were all rather with tail between the legs saying, you

22 know, we presume when it wasn't there.

23 Q. So goes the road of innuendo?

24 A. Yes.

25 Q. I'm going to show you another photograph. And

00037

1 John Parr

2 before that I do, let me ask you: Do you remember a
3 teacher named Frank Vitone?

4 A. Samuel Vitone?

5 Q. I'm sorry. Sam Vitone. Samuel Vitone.

6 A. Yes.

7 Q. What do you remember about him?

8 A. I don't remember the year he was hired. I
9 know he remained on after I left Salesian. He was
10 there maybe one or two years when I was there. And he
11 was a history teacher. I believe he went to Berkley or
12 is from Berkley. I know Berkley was something
13 associated with him. He was a good teacher. I didn't
14 particularly care for his style, but the students
15 learned from him. And he was very much in the
16 narrative form of history. He would tell stories and
17 the students were very participatory and the whole
18 thing. Students liked him. He was pleasant. But I
19 don't know anything about him socially or personally.

20 Q. When you say you didn't care much for his
21 style, the narrative style of how he taught or what?

22 A. Because he didn't have a great deal of order
23 in his class, and I liked distinction between student
24 and teacher. He didn't make a big distinction.

25 Q. Was his class more discussion-oriented?

00038

1 John Parr

2 A. Very much so, yes.

3 Q. I'm going to show you a picture which is part
4 of Exhibit 2 to the plaintiff's deposition in this
5 case. And the page is P00249. At the bottom there it
6 says Mr. Samuel Vitone. Is that the --

7 A. That is he, yes.

8 Q. Okay. And while we're here, I will ask you
9 about another teacher named David Herman.

10 Does that teacher ring a bell or does that name
11 ring a bell?

12 A. Yes. David Herman I think was a -- came a
13 year or two after Sam Vitone joined the faculty. He
14 came, and he was I believe a -- history social studies,
15 I think that's what he taught.

16 Q. I'll show you --

17 A. Freshman and sophomores mostly.

18 Q. I apologize. I'll show you another photograph
19 that is part of Exhibit 2 to this deposition. Page
20 P00247. The upper right-hand corner there is a picture
21 with a name under it, Mr. David Herman.

22 Is that the David Herman that you're
23 remembering?

24 A. Yes, yes.

25 Q. Did you ever witness anything or any conduct

00039

1 John Parr

2 by Mr. Vitone that indicated to you that he had a
3 sexual preference?

4 A. No.

5 Q. Did you ever see him -- you observed him in
6 the classroom I believe you testified?

7 A. I did, yes.

8 Q. Did you see him interact with students on any
9 other level that you recall?

10 A. All faculty had to do supervision - lunch
11 room, library, schoolyard. That kind of thing. It was
12 on a rotating basis that you had to attend a certain
13 number of school activities like games - football
14 games, baseball games. That thing. Dances. And so
15 when I was the dean of discipline I had to attend
16 everything, so I would see them all there. And he
17 would come talk to them, faculty, stand around and talk
18 to some of the students and do his time and leave.

19 That's basically all I remember.

20 Q. Did you ever see him touching students, their
21 muscles, their arms in any way that you would consider
22 to be inappropriate or sexual?

23 A. No, I did not.

24 Q. What about slapping students buttocks in
25 non-athletic settings?

00040

1 John Parr

2 A. No, I did not.

3 Q. Was he ever to your knowledge -- I'll withdraw
4 that.

5 What about David Herman, did you ever observe
6 him in class?

7 A. I did.

8 Q. Did you see anything inappropriate about his
9 dealing with students?

10 A. No, I did not.

11 Q. Did you ever witness any conduct by Mr. Herman
12 in any context that indicated to you he had a sexual
13 preference?

14 A. I did not.

15 Q. Did you ever see any conduct by Mr. Herman
16 wherein he would touch students in any way, shape or
17 form that you considered to be sexually inappropriate?

18 A. No, I did not.

19 Q. Or inappropriate on any level?

20 A. No, I did not.

21 Q. Did you ever hear of any innuendo or rumor
22 that Mr. Vitone was gay?

23 A. No.

24 Q. Mr. Herman?

25 A. No, I did not.

00041

1 John Parr

2 Q. Did you ever learn or hear of -- did you ever
3 learn or hear of teachers or faculty drinking alcohol
4 with students while you were at Salesian High School?

5 A. No, I did not.

6 Q. Did you ever learn or hear of teachers or
7 faculty taking drugs with students while you were at
8 Salesian High School?

9 A. No, I did not.

10 Q. Did you ever hear of any sexual contact
11 between any teachers or faculty at Salesian High School
12 with students at Salesian High School while you were at
13 the school?

14 A. No, I did not.

15 Q. Did you ever hear any that -- hear or learn of
16 any lay teachers or faculty hanging out with teachers
17 outside of school property on non-school hours?

18 A. No, I did not.

19 Q. Did you yourself ever suspect Mr. Vitone of
20 engaging in any unlawful sexual conduct while you were
21 at Salesian High School?

22 A. No. I had no reason to.

23 Q. Same -- well, and I take it -- well, did you
24 ever consider Mr. Vitone to have any sexually deviant
25 propensities while he was at -- while at Salesian High

00042

1 John Parr

2 School?

3 A. No.

4 Q. Were you ever as vice principal or as a
5 teacher there ever concerned that Mr. Vitone might
6 engage in sexual contact of any kind with students?

7 A. No.

8 Q. Did any -- did you ever learn or hear of any
9 complaints about Mr. Vitone engaging in improper sexual
10 conduct at the school or outside the school while you
11 were there?

12 A. No.

13 MR. MANLY: In the interest of time -- you
14 fixed it. That's fine.

15 BY MR. DELANY:

16 Q. Was there anything about Mr. Vitone that --
17 was he ever disciplined, to your knowledge, for
18 anything that he did at all?

19 A. By the school?

20 Q. Yes.

21 A. No, not to my knowledge.

22 Q. By any anybody else? By the police?

23 A. No.

24 Q. Did you ever suspect Mr. Herman of engaging in
25 unlawful sexual conduct while he and you were at

00043

1 John Parr

2 Salesian High School?

3 A. No.

4 Q. Did you ever consider Mr. Herman to have any
5 sexual deviant propensities while he and you were at
6 Salesian High School?

7 A. No.

8 Q. Were you ever concerned that Mr. Herman might
9 engage in sexual conduct of any kind with any students
10 while he and you were at Salesian High School?

11 A. No.

12 Q. Did you ever learn or hear of any complaints
13 about Mr. Herman regarding sexual misconduct while he
14 and you were Salesian High School?

15 A. No.

16 Q. Was Mr. Herman to your knowledge ever
17 disciplined as a teacher at Salesian High School for
18 any reason?

19 A. No, he was not.

20 Q. Do you recall a Father Byrne?

21 A. I do.

22 Q. Do you remember his first name?

23 A. I think it was Larry Byrne.

24 Q. He was a teacher at Salesian High School?

25 A. A math teacher, yes, I think.

00044

1 John Parr

2 Q. Was he still there when you left, do you
3 recall?

4 A. I believe he was, yes.

5 Q. Was he ever in administration?

6 A. Not while I was there, no.

7 Q. Did you ever have any discussions with him
8 about students that you recall?

9 A. How they were doing in studies, yes. When I
10 was the vice principal for studies, he -- you know,
11 we'd talk about students, yes.

12 Q. So you talked to him on a semi-regular basis
13 about students?

14 A. It seems --

15 MR. MANLY: Mischaracterizes the witness's
16 testimony. He didn't say how often he talked
17 to him at all.

18 MR. DELANY: That's why I'm asking him.

19 BY MR. DELANY:

20 Q. You can answer the question.

21 A. I would see every faculty member everyday in
22 my capacity as the vice principal for studies. I have
23 to know whether they were in their classroom, whether
24 they were coming to teach, whether they were -- so I
25 would see them when they -- at least a hello and a good

00045

1 John Parr

2 morning.

3 Q. Did you ever have to discipline any of his
4 students?

5 A. Yes.

6 Q. Was he capable of disciplining people?

7 A. He was. He was a very kindly man.

8 Q. Do you recall ever having discussions with him
9 about XXX?

10 A. Never.

11 Q. Was he the kind of teacher or priest that
12 students went to, to talk about things to your
13 knowledge or to your understanding?

14 MR. MANLY: Lacks foundation.

15 Q. You can answer.

16 A. Father Byrne was always open to everybody, but
17 I don't know -- I mean he was -- as the students would
18 say, he is a bit old-fashioned, so I don't know that
19 they would come to him with -- I don't know. I just
20 don't know. I wasn't a priest at the time, so I have
21 no idea what they went to the priests about. But I
22 know students liked him and he was a good teacher that
23 I know.

24 Q. Do you recall a student named George DeLise?

25 A. I remember the name, yes.

00046

1 John Parr

2 Q. I'm going to show you another page of
3 Exhibit 2 from the plaintiff's deposition in this case.
4 Upper right-hand corner is a picture of a person with
5 the name George J. DeLise underneath. See if you
6 recognize him.

7 A. Yes. George DeLise.

8 MR. MANLY: Could you give the page
9 number?

10 MR. DELANY: I'm sorry.

11 BY MR. DELANY:

12 Q. Lower-hand corner, Father. If you'd read --

13 A. P00260.

14 Q. Thank you. And what do you remember about the
15 student Mr. DeLise, if anything?

16 A. That he was a student, I think basically is
17 all I remember. I just see the face and I remember
18 generally.

19 I think, if I am not mistaken, he was from an
20 Italian family from San Francisco. I don't know anything
21 more than that.

22 Q. So if I were to ask you whether you recall him
23 ever being involved in anything improper, you obviously
24 wouldn't remember that?

25 A. No.

00047

1 John Parr

2 Q. Or anything like that?

3 A. No. If he had been a problem, I would
4 remember it. But he wasn't.

5 Q. Having gone to an all boys Catholic school, I
6 know what you mean. I certainly -- guys that remember
7 me certainly know.

8 MR. DELANY: Let's take a short break. Is
9 that okay?

10 MR. MANLY: Are you done?

11 MR. DELANY: I think so.

12 THE VIDEOGRAPHER: We're going to go off
13 the record at 11:08.

14 (There was a recess.)

15 *****

16 THE VIDEOGRAPHER: We're back on the
17 record. 11:15.

18 MR. DELANY: Father, I think I have
19 concluded my questions for now. I may have
20 follow-up questions because they attorney
21 representing the plaintiff has some questions
22 for you at this time. Thank you for your
23 time.

24

25

00048

1 John Parr

2 CROSS-EXAMINATION

3 BY MR. MANLY:

4 Q. Father, this is not an inquisition, to use a
5 Roman Catholic term. So at any point if you need a
6 break, you just let me know. Okay. And if you need
7 water, whatever, I just ask if I have a question
8 pending just answer it before we stop. Okay.

9 Now, you said you were contacted sometime ago
10 by an attorney from California?

11 A. Yes. From a law firm.

12 Q. Was his name McFeeley, Steven McFeeley?

13 A. Yes.

14 Q. And what did Mr. McFeeley tell you, if you
15 recall?

16 A. He told me that there was a lawsuit involved
17 with sexual matters against the Salesians, I believe it
18 was termed, against the Salesians at Salesian High
19 School, and I had been mentioned as someone who had
20 been there at the school at the time. And I said okay.
21 And he gave me the name of the man that was making the
22 accusations and he wanted to know if -- what I -- did I
23 remember the situation in school. And I said well of
24 course I know the school, and he asked me if I remember
25 the student. And I said no. And I said do you have --

00049

1 John Parr

2 I said the name sounds vaguely familiar, but I said I
3 don't recall what he looks like. I said do you have a
4 picture or something. He said yes. And he said he
5 could send it to me, which he did not. But then he
6 send me a statement asking me to come to midtown, not
7 here, for -- to give a deposition.

8 Q. I see. Did he ever send you any documents of
9 any type or sort?

10 A. He did. He sent me -- I don't know what you
11 call it, but a typed up form of statements made by the
12 gentleman concerning me.

13 Q. When did you receive those?

14 A. Sometime in April, early April.

15 Q. And did you ever comment on those in writing
16 to him?

17 A. No.

18 Q. Did you call him back about it?

19 A. No, I did not.

20 Q. What did the statement say, do you remember?

21 A. Basically it was -- if I recall, it was
22 questions being asked of him and about what happened
23 and he -- this gentlemen said that he came to see me in
24 my office -- I don't know if said office. But came to
25 see me to discuss with me that he was gay, and that I

00050

1 John Parr

2 told him that I didn't want to discuss it, or something
3 to that effect, and dismissed him rather summarily.
4 Didn't pay much attention to what he had to say and
5 asked him to, you know -- I don't recall that
6 conversation at all.

7 Q. Are you saying you don't recall it, or are you
8 saying that authoritatively it didn't happen?

9 A. I'm saying from what it is said there it
10 didn't happen. And the way it was structured in that,
11 I don't treat people like that and I never have. And
12 as you could see, I tend to talk more than I should and
13 not less than I should so....

14 Q. Do you have any reason to believe that this
15 young man would make that up?

16 MR. DELANY: Calls for speculation. Go
17 ahead.

18 BY MR. MANLY:

19 Q. You could answer.

20 A. I don't know him, so I can't make that
21 statement.

22 Q. Now, did you ever speak with Mr. Delany before
23 this morning?

24 A. No, I did not.

25 Q. Did you ever have a conversation with Mr.

00051

1 John Parr

2 Delany this morning?

3 A. Yes, I did.

4 Q. And how long was that conversation?

5 A. Five or 10 minutes just prior to your arrival.

6 Q. And what was discussed?

7 A. If I knew the picture of -- and he showed me
8 the picture of the gentleman and some other students
9 and myself and Mr. Vitone.

10 Q. Okay. Now, was there anything else discussed?

11 A. Yes. Did the attorney call me. I said yes,
12 from California. Did I know this young man. No. Do I
13 recall speaking to him. No.

14 I think that's basically what was asked.

15 Q. Alright. When we were talking -- when you
16 were talking to Mr. Delany earlier, you talked about
17 the reasons -- well, let me lay some foundation.

18 Were you a Roman Catholic at some --

19 A. I was, yes.

20 Q. Let me finish the question. I think I know
21 what the answer is, but it's just hard for the
22 reporter.

23 Were you a Roman Catholic at some point in your
24 life?

25 A. Yes, I was.

00052

1 John Parr

2 Q. And at some point did you have a conversion to
3 a different, for lack of a better term, denomination or
4 faith system?

5 A. Yes, I did.

6 Q. And when was that?

7 A. It was in 198 -- well, the process was in the
8 seventies, but I actually became orthodox in '82.

9 Q. And you said you went to Holy Cross?

10 A. Yes. Greek orthodox seminary.

11 Q. Okay. So that's not the college? It's a
12 Greek Orthodox seminary?

13 A. There is a college and there is a theologic
14 seminary at Holy Cross in Boston.

15 Q. Okay. That is a Greek Orthodox?

16 A. It's a Greek orthodox, yes.

17 Q. Alright. And when were you ordained?

18 A. I was ordained in '85.

19 Q. And are there vows at the time of ordination?

20 A. No, there are no vows. And do you want me to
21 explain?

22 Q. Yes.

23 A. In the orthodox church, one needs to be either
24 married or a monastic before ordination. You can't be
25 ordained as a single man. You have to be either

00053

1 John Parr

2 ordained as a married man before ordination or as a
3 monastic who is in vows.

4 Q. And in vows, does that include a vow of gestae
5 or celibacy?

6 A. Yes, it does.

7 Q. So in that sense, the monastic man who take
8 the monastic vow have a similar obligation of Rome
9 Catholic priests in terms of celibacy or --

10 MR. DELANY: Lacks foundation.

11 A. No. It's different. All baptized Christians
12 are bound to chastity. Every Christian must be chaste.
13 You cannot -- in the orthodox church, chastity is the
14 vow we take, not celibacy. And the only place for
15 sexual activity in the Orthodox church is marriage.

16 Q. Got it. So celibacy, your definition would be
17 reframing from marriage, correct?

18 A. Well, my understanding of the Rome Catholic
19 concept of celibacy is that it is a commitment to
20 nonsexual life for the sake of the Kingdom. Spiritual
21 Union for the Kingdom of God.

22 Q. Right.

23 A. And so -- but the chastity that we take in the
24 orthodox church includes that because chastity has to
25 be maintained for all Christians whether married or

00054

1 John Parr

2 unmarried.

3 Q. And when you were at Salesian High School, you
4 understood that the Salesians had taken a vow of
5 chastity?

6 A. Absolutely.

7 Q. Okay. And that meant no sexual activity?

8 A. At all, correct.

9 Q. Thoughts, words, by yourself or with nobody
10 else?

11 A. That's the goal, yes.

12 Q. Right. That's the idea?

13 A. That's it.

14 Q. Alright. Now, did you ever see or hear that
15 some of the Salesians in the community were not living
16 right?

17 A. No.

18 Q. When is the last time you spoke with Father
19 DeBene?

20 A. In 1980.

21 Q. Do you know that Father DeBene is a convicted
22 child molester?

23 A. No, I did not.

24 Q. Counsel didn't share that with you?

25 A. No, he did not.

00055

1 John Parr

2 Q. You never heard that he was found -- I take it
3 you haven't heard that he was found with a minor by a
4 San Francisco police officer in the car having sex with
5 him?

6 A. No, I did not know that.

7 Q. Did counsel tell you how many other cases that
8 have arisen from men who work at Salesian High School
9 when you were there?

10 A. No, he did not.

11 Q. Father, you mentioned that you have been
12 deposed six times in the last eight years?

13 A. Yes.

14 Q. I don't know whether you're going to be struck
15 by lightning, but that strikes me as being
16 particularly lucky.

17 A. Very.

18 Q. Can you tell me what those cases were about?

19 A. Yes. There was a case in Texas that involved
20 a group of monastics who came to the church from
21 elsewhere. I don't know where they came from exactly,
22 but it was involved with molestation of a child. And
23 so I was sent by the bishop to go down first, not on
24 that cause. First just to go down and to investigate
25 the monastery because there had been questions about

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1 John Parr

2 the church practices and everything. So I went and
3 came back with my report and then -- I was sent down
4 several times. And then after a period of time there
5 was a trial. The parent - I think it was a single
6 mother - made accusations and complaints. And so I was
7 deposed because of that here in New York instead of
8 going to Texas before the trial several times, three or
9 four times for that one.

10 And then a second one was involved with someone
11 who had come to me, information as a priest, and I was
12 asked what I knew about this criminal activity. It was a
13 robbery. So I was asked to -- and that was in another
14 state and someone said going -- they had me deposed.

15 Q. Anything else?

16 A. That's it.

17 Q. Okay. So you were deposed three or four times
18 in connection with the monastery in Texas?

19 A. I think it was four times in Texas and one
20 other time. And this is number six.

21 Q. So the robbery had nothing to do with child
22 abuse, it was someone who came to you in a
23 priest Benedict context?

24 A. Yes. I was working for eight years in Harlem,
25 working with men and women in the community of homeless

00057

1 John Parr

2 men and women who were in recovery from substance
3 abuse. And it was in relation to that.

4 Q. Now, what was the name of the monastery in
5 Texas?

6 A. They have several names. It was Christ of the
7 Hills was the last one they had.

8 Q. And the church -- in the Catholic church we
9 would call a region a diocese.

10 Is it the same in your --

11 A. Right. Diocese, yes. This was within the
12 Russian orthodox church outside of Russian, which I'm
13 not a part of at this time. But they were a
14 jurisdiction that had this diocese in the south and it
15 was under at that time Arch Bishop Hilarion was the
16 bishop.

17 Q. Would you spell that for the record?

18 A. Hilarion?

19 Q. Yes.

20 A. H-I-L-A-R-I-O-N.

21 Q. Do you have an ordinary presently or a bishop
22 that you respond to?

23 A. Yes.

24 Q. And who is that?

25 A. Bishop Mercuri.

00058

1 John Parr

2 Q. Would you spell that for the record.

3 A. M-E-R-C-U-R-I.

4 Q. And where he is located?

5 A. Here in New York.

6 Q. Okay. And what is his title?

7 A. He is the vyckor to the patriarch of Moscow.

8 MR. DELANY: I want to interpose an
9 objection on any questions related to Father
10 Joachim's discipline are irrelevant to the
11 issues in this case.

12 MR. MANLY: Discipline?

13 MR. DELANY: I'm sorry. Did I say
14 discipline?

15 MR. MANLY: Yes.

16 MR. DELANY: His faith, his religious
17 order.

18 MR. MANLY: Okay. Well, standard is
19 calculated to lead to the discovery of
20 admissible evidence.

21 MR. DELANY: I'm aware of that.

22 MR. MANLY: Yeah, okay.

23

24

25

00059

1 John Parr

2 BY MR. MANLY:

3 Q. I'm not going to get into a lot of it. I just
4 want to lay some foundation.

5 So who dispatched you to Texas to investigate
6 this monastery where there was abuse allegations?

7 A. At that time it was the Metropolitan, who was
8 the head of the church, the Russian orthodox church
9 outside of Russia. He sent me down to investigate what
10 was going on because he had heard people going there
11 and being startled at irregularity in the churchical
12 practices, so he sent me down to see what was going on.

13 Q. So there were -- and you were deposed in a
14 civil case or a criminal case?

15 A. I think it was criminal.

16 Q. And who did you testify for?

17 A. For the church that was being sued.

18 Q. And they were being sued by families who
19 alleged their children had been molested at the --

20 A. By one mother.

21 Q. Let me just finish the question.

22 A. Sorry.

23 Q. That's okay. They were being sued by a family
24 or families that alleged that they had been molested at
25 the monastery?

00060

1 John Parr

2 A. That's correct.

3 Q. And what was the disposition of that case,
4 father, if you know?

5 A. I'm trying too think. Yes. The two that were
6 involved, the two clergymen that were involved, one
7 went to prison and one is under house arrest because of
8 health problems. I don't know what -- I don't know
9 what the term that resulted in the end, but that's
10 what --

11 Q. And how long ago did this happen?

12 A. Sometime between -- my memory is terrible.
13 Sometime between '95 and '98. Somewhere in there.

14 Q. And was there -- were there monies paid to the
15 families?

16 A. I don't know.

17 Q. Now, at Salesian High School, did you
18 periodically sit in on teacher's classes when you were
19 an administrator and observed teachers teaching?

20 A. I did.

21 Q. And did you -- when you did that, did you fill
22 out a form or a report?

23 A. I would write up something. We didn't have
24 forms. I would write up.

25 Q. Like a memo?

00061

1 John Parr

2 A. An observation.

3 Q. And that was placed in the teacher's file?

4 A. That part I believe -- I mean I put it any my
5 files. Where it went from there, I don't know. As
6 I -- that's my policy. I write up something and I sit
7 down with the teacher and discuss it with them and then
8 put it in the file.

9 Q. Who was in charge of hiring at Salesian when
10 you were there?

11 A. The principal.

12 Q. So during your tenure there, Father DeBene was
13 the principal?

14 A. He was.

15 Q. So Father DeBene was in charge of hiring?

16 A. He was, yes.

17 Q. Who was in charge of policy in terms of
18 teacher conduct?

19 A. The principal.

20 Q. Was there a written policy while you were
21 there regarding teachers spending time with students
22 one-to-one outside the school?

23 A. No.

24 Q. Was there an unwritten policy?

25 A. No.

00062

1 John Parr

2 Q. Did you have a personal policy?

3 A. I don't know what you mean.

4 Q. Did you frequently have students over alone in
5 your home?

6 A. Never.

7 Q. Why?

8 A. Students were my students. They weren't my
9 friends.

10 Q. If you had learned that a teacher was spending
11 time alone with a student -- and in the Roman Catholic
12 church we would call that a particular friendship. Do
13 you know what that is?

14 A. Yes, of course.

15 Q. Okay. PF. Just so you are able to
16 understand, what's a particular friendship?

17 A. A particular friendship is any kind of
18 friendship that's exclusive.

19 Q. And if a teacher had a particular friendship
20 with a student and you learned about it as an
21 administrator, would you find that troubling?

22 A. I don't know if I would find troubling. I
23 would go to the principal and inform him. And since
24 they made it very clear to us at Salesian that all
25 policy, all direction of the school is there's, I would

00063

1 John Parr

2 present it to them.

3 Q. So it was a top-down organization?

4 A. Absolutely.

5 Q. Alright. And the person who made policy and
6 implemented it and had the power to hire and fire was
7 the principal?

8 A. The director.

9 Q. Was that Father DeBene's name?

10 A. He was both director and principal. But the
11 Salesians have a setup that the superior is the
12 director and he oversees everything, and then as a
13 principal he happened to hold both offices.

14 Q. Now, when you were speaking with counsel, you
15 were talking -- you mentioned that there was a young
16 man who came to work there as a teacher?

17 A. Yes.

18 Q. And there was innuendo about him possibly
19 being gay because he didn't have a girlfriend?

20 A. Just joking. Why is a young --

21 Q. I didn't mean to characterize what you said.
22 Joking. And then he came to a dance and his wife was
23 African-American?

24 A. Yes.

25 Q. Now, did you ever see Sam Vitone date?

00064

1 John Parr

2 A. No. But most of the faculty came by
3 themselves without there partners, married and
4 unmarried. They just came to do their job and left.

5 Q. Did you ever see Mr. Herman date?

6 A. No.

7 Q. Was there any discussion about the faculty --
8 about those two not dating?

9 A. No, not to my knowledge there wasn't.

10 Q. Do you have any reason -- do you know why they
11 would mention that about that young man?

12 A. Because --

13 Q. Let me finish.

14 A. I'm sorry.

15 Q. That's okay. Do you know -- do you have any
16 explanation why the faculty would have discussed the
17 man with the African-American wife and not Messrs
18 Vitone or Herman?

19 MR. DELANY: Calls for speculation. Go
20 ahead.

21 A. I have -- I can surmise, but that's not
22 evidence.

23 Q. Well, that's not for you or I to decide. But
24 go ahead, father.

25 A. I would surmise because he was a young, very

00065

1 John Parr

2 pleasant, attractive young man who was liked by the
3 students, and Mr. Vitone was a older gentleman with
4 gray hair and people could care less, I guess.

5 Q. Mr. Vitone was an old man?

6 A. Gray hair from what I recall. I mean he
7 wasn't suave.

8 Q. Okay. Now, you talked about secularism and
9 the modernism and your disillusion with the church
10 because of that, correct?

11 A. Yes.

12 Q. And without going too far into the 19t
13 Century, can you tell me what you understand under
14 modernism to be, as you've used it, to serve for the
15 record.

16 A. Modernism to me, and what I was using as the
17 term, was that when the world is a standard for the
18 church and the church is not the standard for the
19 world.

20 Q. In other words, rather than being -- there an
21 internal truthful, the truth is pliable based on
22 society's norms of today?

23 A. Well, that isn't what I would say.

24 Q. Those are my words, not yours.

25 A. What I would say is that modernism to me, and

00066

1 John Parr

2 my understanding of it and what I was objecting to, is
3 that the world's perspective, the world's viewpoint,
4 the world's standards had been creeping into the Roman
5 church and they were adopting those standards to
6 determine the church's worth and who the church was.
7 Instead of the church having it's strength to
8 understand who it is and what it is by its commission
9 from Christ, to then teach the world what it needs to
10 know.

11 Q. Did you see that in a tangible way at Salesian
12 High School?

13 MR. DELANY: Vague.

14 A. Tangible?

15 Q. In other words, are there examples that sit
16 out in your mind, you know, that are consistent with
17 that viewpoint that you just articulated?

18 A. Yes. You know, money was important, academic
19 life was important. Those kind of things, you know,
20 sports -- all of that was far more important than the
21 faith, than the religious -- more and more students
22 were being received into the school who were not
23 Catholic, had no desire to be Chatholic who were coming
24 simply to get an education not in public school, and it
25 was not stressed to try and reach out to the students

00067

1 John Parr

2 and to bring them to the church, it was just left alone
3 loan. And that I found unfortunate, to say the least.

4 MR. DELANY: How much time do you have
5 left on the tape?

6 THE VIDEOGRAPHER: About five minutes.

7 MR. DELANY: It's a good time to break and
8 change it.

9 THE VIDEOGRAPHER: We are going to go off
10 the record at 11:36. We are going off the
11 record.

12 (There was a recess.)

13 *****

14 THE VIDEOGRAPHER: We are back on the
15 record at 11:53, and this is tape two in this
16 deposition.

17 BY MR. MANLY:

18 Q. Father, you also mentioned to counsel the word
19 secularism and modernism. Are you using those terms
20 interchangeably?

21 A. Somewhat, yes.

22 Q. Did you see anything at Salesian High School
23 while you were there that in a tangible or real way you
24 would call secular or critique as secular I guess is
25 the better term?

00068

1 John Parr

2 A. It wasn't Salesian in particular. It was just
3 the Roman church in general in which they were an
4 integral part for me at that time. I found the
5 Salesian community there to be very good men in many,
6 many ways. Just not very excited about what they were
7 doing and not very inspirational.

8 Q. In your life as a teacher or as a Catholic and
9 then as a teacher or administrator of a Catholic school
10 and later in the orthodox faith - if I'm describe -- if
11 you want to describe your faith differently, that's
12 fine - have you ever heard the term avoidance of
13 scandal?

14 A. No.

15 Q. While you were at Salesian, do you ever
16 remember the police being called to the school for any
17 reason?

18 A. Yes. I in fact called them myself one time
19 when we had a group of students who came from Richmond
20 High School and were coming through the property
21 looking for some of the students to beat them up, and I
22 called the police. I do recall that.

23 Q. Aside from that incident when you had
24 outsiders on the campus, do you remember the police
25 being called?

00069

1 John Parr

2 A. No.

3 Q. Do you ever remember a faculty member -- well,
4 let me ask you this: The way the school is structured
5 there were -- everybody was on an annual contract; is
6 that correct?

7 A. That's correct.

8 Q. Except the Salesians?

9 A. I believe that's correct, yes.

10 Q. Do you ever remember teachers's contracts not
11 being renewed while you were there?

12 A. Yes.

13 Q. Do you remember why?

14 A. I can't be specific about that. I know that
15 at times I made recommendations that people who didn't
16 have good control in the class, you know, that they not
17 be rehired, but that wasn't always the case that had
18 followed through. That's generally what it was. I
19 don't recall any other reason.

20 Q. Now, did you have a teaching certificate when
21 you worked there?

22 A. I did.

23 Q. Did you have an undergraduate degree?

24 A. I did.

25 Q. And what was your undergraduate degree?

00070

1 John Parr

2 A. It was philosophy in English.

3 Q. From where?

4 A. Berkley.

5 Q. Would you --

6 A. And also from St. Patrick's in Menlo.

7 Q. You went to St. Patrick's?

8 A. In Menlo, yes.

9 Q. What years were you at St. Patrick's?

10 A. Oh, Lord. Let's see. It was the late
11 sixties.

12 Q. And how long were you there?

13 A. Three years.

14 Q. Was this after you graduated from Berkley?

15 A. Yes. I had taken -- actually I did my -- I
16 got my degree through Menlo Park. But I was -- I did
17 work at Berkley and then finished up at Menlo.

18 Q. At Berkley at the Jesuit school --

19 A. No. At the university itself.

20 Q. Who was the director of Menlo Park when you
21 were there?

22 A. Mel Faro who is now reposed.

23 Q. And did you know a Father Gregory Engels while
24 you were there?

25 A. Who?

00071

1 John Parr

2 Q. Father Gregory Engels.

3 A. No.

4 Q. And so is the degree you received from Menlo
5 equivalent to a masters?

6 A. No. It was -- I received a BA and then later
7 on I did some work at Berkley at the graduate
8 theological school with an MA in theology.

9 Q. Okay. What schools were you at the graduate
10 theological school?

11 A. That would have to be in the early seventies.
12 I can't remember exactly when it was.

13 Q. So you were actually -- were you studying for
14 the priesthood at Menlo?

15 A. I was.

16 Q. And were you studying to be a dioceses priest?

17 A. Yes.

18 Q. For the Arch Diocese of San Francisco?

19 A. Yes.

20 Q. Have any of your classmates there gone on to
21 become members of Roman Catholic hierarchy?

22 MR. DELANY: Vague.

23 Q. Do you know what I mean by that, bishops?

24 A. Yeah, one. Larry Silver, Randy Calvo, John
25 Wester. There is a couple that have become bishops.

00072

1 John Parr

2 Q. And why did you leave St. Patrick's?

3 A. I left St. Patrick's because I wasn't enthused
4 at that time to become a Roman Catholic priest. I
5 didn't see myself doing that.

6 Q. Did you work -- did you go to work at Salesian
7 right after St. Patrick's?

8 A. No. I had worked -- prior to being at
9 Salesian I had been in Los Angeles at Alameda High
10 School.

11 Q. Bishop Alameda High School?

12 A. Bishop Alameda High School in Grenada Hills, I
13 think it is.

14 Q. Who was the principal there when you were
15 there if you remember?

16 A. Yes, he's gone too. Joseph Billman.

17 Q. Now, at Salesian High School, was there --
18 when a teacher was hired was there a background check
19 down on the teacher?

20 A. What do you mean background check?

21 Q. A criminal background check, any kind of
22 investigational --

23 A. That I had nothing to do with. I don't know.

24 I -- whenever there was a faculty member to be
25 hired when I was in the position to be involved, I just

00073

1 John Parr

2 would speak to them, see what they were doing in all of
3 the documents and they were handed to the principal.

4 Q. So that would have been if -- whatever check
5 was involved would have been Father DeBene?

6 A. Yes. It wouldn't have been me.

7 Q. Do you know or do you recall whether
8 Mr. Herman and Mr. Vitone were roommates?

9 A. I didn't know at the time, but I have heard
10 since that they were, yes.

11 Q. Who did you hear that from?

12 A. I believe it was the attorney that called me
13 from California.

14 Q. What did he say about that?

15 A. Did I know that they had lived together. And
16 I said no, I did not.

17 Q. Now, as a member of the administration of
18 Salesian, if a teacher had learned that another teacher
19 was engaging in sexual behavior with a student did you
20 have an expectation of what that teacher should do as
21 an administrator?

22 A. Well, as I said before, there was absolutely
23 no written or verbal policy, but I think as a moral
24 person you would do something about it. You would
25 respond. You would point it out to the administration,

00074

1 John Parr

2 the one in charge. You would -- I mean I think if I
3 knew that I would speak to the person themselves.

4 Q. How about calling the police. Would you
5 expect them to do that?

6 A. I wouldn't think that would be the first act,
7 but that would certainly be one of the things I would
8 do, surely.

9 Q. So as I understand it, if that in fact
10 occurred, if -- hypothetically if Mr. Vitone or
11 Mr. Herman saw one of the other engage in sexual
12 behavior with a student, whether it was on campus or at
13 their residence, your expectation would be that they
14 would report it to the administration?

15 A. Well, I wouldn't have an expectation of them
16 to do anything. I don't know what their -- when they
17 came to our school, they weren't given a code of moral
18 behavior or professional behavior they must follow.
19 They were given the student handbook and the faculty
20 handbook which had no mention whatsoever of those kinds
21 of issues.

22 Q. I'm just asking as a, you know, as a
23 professional administrator, which you were. If a
24 teacher -- hypothetically if Mr. Herman came home and
25 found Mr. Vitone -- and I'm not asking you if this has

00075

1 John Parr

2 happened. This is not a trick question where I'm
3 trying to get you to admit something. I'm just giving
4 you a hypothetical. And Mr. Herman came home and saw
5 Mr. Vitone engage in sexual behavior with one of his
6 students - they're both teachers at the school - you
7 would expect that they would report it to the school,
8 fair?

9 MR. DELANY: Lacks foundation. Asked and
10 answered.

11 A. No. I can't -- I can't say that. And I'll
12 tell you why I can't say that. Because if you're
13 willing to jump back 30 years in time and think about
14 what society was like 30 years ago, I think you would
15 have a different response to it. You're asking a
16 question of our awareness today, which is not at all
17 what the awareness people had then. And people were --
18 I wasn't -- I was not aware that children were having
19 sex with their teachers. I was not.

20 You can call me naive, you can call me what you
21 want. But I wasn't aware of that. That wasn't my
22 reality. And therefore I wouldn't presume anybody to do
23 such things, and therefore I wouldn't presume behavior
24 that went with it because it wasn't within my reality.
25 So you're asking me to presume something I wasn't aware

00076

1 John Parr

2 of. And I didn't act in those kinds of ways.

3 If somebody came to me and said this student is

4 having sex with this teacher, I would call in the

5 student, I would call in the teacher and I would call the

6 parent. Would I call a cop? I don't think so. Not to

7 start with. Not in those days. Everything wasn't

8 litigation when I grew up. Things were moral issues.

9 They weren't litigation. And the police wasn't called in

10 to become a priest. The police wasn't called in to be a

11 parent. The lawyers weren't called in to be bishops and

12 judges. They were, you know -- we're just all upside

13 down now and the moral life is gone.

14 I would have been distressed. I would have

15 prayed for the kid. I would have asked him to see a

16 priest. I would have asked the faculty member to see a

17 priest, and then leave it up to the principal. That's

18 what I would have done. I can't go along with your

19 supposition if I heard, would I expect.

20 Q. Okay. Well, you think things were more moral

21 then than they are now?

22 A. I thought they were. I can't believe they are

23 as corrupt as they are now.

24 Q. Who is they?

25 A. Society in general.

00077

1 John Parr

2 Q. So basically it could be that there were all
3 kinds of teachers that had relationships with students
4 outside of school; it just wasn't within your reality?

5 A. I have no way of knowing that.

6 Q. And nobody was looking for it. That's for
7 sure.

8 A. No.

9 MR. DELANY: Calls for speculation.
10 Overbroad.

11 Q. Correct?

12 A. I wasn't look for anything. I had no
13 justification to look for anything.

14 Q. Was there a drug culture at Salesian High
15 School?

16 MR. DELANY: Vague.

17 A. Can you explain to me what you mean by a drug
18 culture?

19 Q. Yes. Where the use of drugs and references to
20 drugs was tolerated by the students and the faculty.

21 A. No.

22 Q. As the yearbook editor -- excuse me.
23 You were head of the --

24 A. Moderator.

25 Q. Moderator of the yearbook club?

00078

1 John Parr

2 A. Yes.

3 Q. Did you edit the yearbook?

4 A. Did I edit it. I oversaw what was put into
5 the yearbook.

6 Q. Who had the final say --

7 A. The principal.

8 Q. So you oversaw it, the principal reviewed it
9 before it went to print?

10 A. To my knowledge, yes, as far as I know.

11 Q. Let me show you a couple of things. Page 92.

12 MR. MANLY: Counsel you have a copy?

13 MR. DELANY: 78? Look at the cover.

14 MR. MANLY: Yes, 78.

15 MR. DELANY: I do have a copy. Thank you.
16 What page are we looking at?

17 MR. MANLY: Actually page 94 if you would.

18 A. On this part here?

19 Q. This one. I'm sorry. Bates stamp page 94.

20 And then could you read into the record the second line
21 there starting, I Chris Martinez.

22 A. I Chris Martinez leave the school to enjoy
23 some comforts of life not seen here like good food and
24 fine women. I also leave to Father Brenard a chunk of
25 my broken knuckle, and Mr. Vitone a couple of J's for

00079

1 John Parr

2 the road.

3 Q. Do you know what a couple of J's are?

4 A. No, I don't.

5 Q. Do you know that J's are joints or marijuana?

6 A. No, I did not.

7 Q. This is page -- would be the '79 yearbook,
8 page 273.

9 A. Again it's --

10 Q. Bates stamp number yes, Father. About halfway
11 down it says I Pat Ferguson leave my razor and blades
12 to Mr. Parr. Do you see that?

13 A. Yes.

14 Q. Do you know what that's in reference to?

15 A. No, I don't.

16 Q. Do you remember who Pat Ferguson is?

17 A. No, I don't.

18 Q. I don't know what it means either, Father, but
19 I just thought I'd ask.

20 Go down to I, Vincent Han, H-A-N, being --

21 A. Yes.

22 Q. -- being of sane mind and body hereby prove it
23 by leaving Mr. Vitone some magic M&M's for his trip to
24 Annapurna.

25 Do you see that?

00080

1 John Parr

2 A. Yes.

3 Q. Do you remember that being in the yearbook?

4 A. No.

5 Q. Do you recognize that as a drug reference?

6 A. No, I don't.

7 Q. Were drug references tolerated in the
8 yearbook?

9 A. Not to my awareness. But I wasn't terribly
10 astute about drug things in that time. So until I
11 started working heroin with men and women in substance
12 abuse, I didn't know much about drugs.

13 Q. Was Vitone a radical guy, radical politically?

14 A. I don't really know. I know that he went to
15 school at Berkley.

16 Q. That's enough to make you a suspect?

17 A. That's makes you a bit suspect.

18 MR. MANLY: That's a joke for the record.

19 MR. DELANY: So stipulated.

20 A. And he had bit of an anarchist mentality of
21 things.

22 Q. Tell me what you mean by that.

23 A. He was I thought -- sometimes when I said to
24 him that I thought his lectures were far too
25 politically one-sided, and I thought that he should

00081

1 John Parr

2 give a much more neutral and much broader
3 interpretation of things like World War II and fascist
4 movements and all those kinds of things and be more
5 objective and let the students make their decisions. I
6 recall saying that to him once when I sat in on one of
7 his classes.

8 Q. Was he far too one-sided to the left or to the
9 right?

10 A. To the left.

11 Q. Did you ever hear that he would openly espouse
12 gay liberation in the classroom?

13 A. Never.

14 Q. Was there any type of policy regarding
15 teachers's personal sexual morays regarding -- in
16 relation to employment at Salesian High School?

17 MR. DELANY: Vague.

18 Q. Do you know what I mean by that?

19 A. Could you be more specific?

20 Q. Sure. Was there any type requirement on the
21 state of a teacher's personal life in order to be hired
22 at Salesian?

23 A. From what I can recall - and this is just
24 trying to bring back memory - I think that the faculty
25 handbooks said something about that if you were not a

00082

1 John Parr

2 practicing Roman Catholic, that you could not live your
3 life in opposition to it and you could not voice
4 against the teachings of the church. I think that's
5 basically what they said. And that would -- that's
6 about as vague as you can get. But that certainly
7 would be also as specific as you want to be because you
8 can draw any conclusions from that.

9 Q. Do you remember a Mr. Chambers?

10 A. No.

11 Q. Now, when a student came to you with a problem
12 or for counseling, was it your custom and practice to
13 take notes?

14 A. No.

15 Q. Now, when you left --

16 A. Could you explain to me what you mean by
17 counseling? If they come just to ask about a class or
18 something?

19 Q. No. If they came to you with a serious
20 matter.

21 A. Most students didn't come to me for personal
22 counseling. They had the Salesian for that.

23 Q. When somebody came to you for -- in a -- if
24 they were in a personal crises and they came to you as
25 a dean of discipline, would you have taken notes on

00083

1 John Parr

2 that?

3 A. No.

4 Q. Did -- do you ever remember a teacher being
5 fired at Salesian High School because of sexual
6 misconduct?

7 A. No.

8 Q. What type of -- how would you characterize
9 DeBene as an administrator? Was he hands-on? Was he
10 hands-off? Was he detailed oriented? How would you
11 characterize him?

12 A. He was there everyday. He was there early.
13 He -- I don't recall him going to a classroom for
14 anything except, vaguely, to fetch one of the teachers
15 if he needed give a message. But once in a while he
16 gave a religious class I think to seniors, if I recall
17 correctly. Not all the years I was there, but
18 sometimes. He was approachable, but I don't think many
19 people approached him. He always was in his office.

20 I don't know if you've ever been to Salesian,
21 but all the offices are -- I don't know what it's like
22 now. But all the rooms had glass windows in the floor,
23 and there was no way you could be in the office that
24 everyone couldn't see you, including his office. So
25 nothing untort could go on in an office that someone

00084

1 John Parr

2 couldn't see. And if you had an office side by side with
3 another, there was a door between them with a glass door
4 between them with a glass door as well. So it was not
5 something that invited private activity.

6 He -- I think -- I don't know how they came to
7 policy because we weren't included in on it, but he had
8 no trouble delegating people to do things. He was good
9 at that. But he made all policy decisions.

10 Q. Who was in charge of the files when you were
11 at -- the school's files when you were there?

12 A. You mean the student records?

13 Q. Uh-huh, yes.

14 A. There were two files. One -- to my
15 recollection, the one that had most was Father John
16 Scinet. He was the head counseling for the students.
17 And so he kept student files -- I don't know exactly --
18 I never -- I mean I looked at them once in a while, but
19 I didn't really go into great detail. If I needed
20 something from -- he kept the counseling files. And
21 then -- but of course much of the counseling could be
22 involved with priestly stuff, so there was no record
23 kept of that. And the office files that were in the
24 front of the school were academic records were kept.

25 Q. And who kept those?

00085

1 John Parr

2 A. I think her name was Bergson, Louise Bergson,
3 was Father John Malloy's sister. She was the -- and
4 then Peggy Anderson worked with them. There were
5 several women who did it over the years.

6 Q. Now, how about the teachers's files?

7 A. They were kept in Father DeBene's office. He
8 was the only one who had access to them.

9 Q. So you never had access to them?

10 A. Not directly. If I ever wanted anything, I
11 had to go through him to get them.

12 Q. Now, your evaluation files of the teachers,
13 you did an evaluation on a form, did you give a copy of
14 that to Father DeBene?

15 A. They were left in the file, the file cabinet
16 in my office.

17 Q. And when you Salesian High School, they were
18 still there?

19 A. To my knowledge they were. I didn't take
20 anything with me.

21 Q. And what were those files called?

22 A. Just the ones that I have for the teachers
23 were called classroom supervision.

24 Q. Was there ever a visitation by a Salesian
25 superior of the school?

00086

1 John Parr

2 A. In what sense?

3 Q. Were --

4 A. Socially or?

5 Q. No. Kind of an official visitation, if you

6 will. Somebody that comes in evaluates --

7 A. The provision would come in periodically and
8 come say hello to the students and that type thing, but
9 wouldn't come through classrooms. If you mean to talk
10 to faculty, no. Socially but not officially.

11 Q. Were there faculty meetings?

12 A. Oh, yes.

13 Q. Where were those held?

14 A. In the faculty room usually.

15 Q. Were there notes taken of those?

16 A. Yes.

17 Q. Or minutes?

18 A. Yes.

19 Q. And who took those minutes?

20 A. Father DeBene would solicit one of the faculty
21 members to do it.

22 Q. Did you ever take notes?

23 A. I may have, but I don't recall.

24 Q. Do you know what happened to those after they
25 were --

00087

1 John Parr

2 A. No, I don't.

3 Q. Were there agendas?

4 A. Not complete agendas, no.

5 Q. Just outlines?

6 A. Basically, yes.

7 Q. And where were those kept after they were
8 done?

9 A. I don't know.

10 Q. So with regard to both Mr. Herman and Mr.
11 Vitone, Father DeBene hired them --

12 A. He did.

13 Q. -- is that right?

14 Who else did Vitone and Herman associate with
15 on campus besides each other? Did they have friends that
16 were faculty members?

17 A. Not that I can remember, no.

18 Q. Did you recall them as being friends?

19 A. Yes. I mean, yes.

20 Q. Did they ride to school together, share a
21 ride?

22 A. That I don't know. I was usually at school an
23 hour or more before people, so I was in when people
24 arrived. I don't know how they got there and how they
25 got home.

00088

1 John Parr

2 Q. If you had seen a teacher patting a student on
3 the butt or touching him on the shoulder, a teacher who
4 was touchy or huggy, would that have bothered you in
5 those days?

6 MR. DELANY: Lacks foundation.

7 A. I guess it would depend on how it's done. I
8 mean my father always put his arm around me and I
9 never thought anything other than the fact that he
10 loved me. And today people would say what's going on.

11 We have a deacon in our church who was stopped
12 in the mall for putting his arm around his son. They
13 wanted to know who he was. And I think that's insane.

14 Q. Was he in clerics?

15 A. He was in his kasids. (ph)

16 Q. Do you think that the public has become overly
17 concerned with clerical abuse?

18 MR. DELANY: Vague. Lacks foundation.

19 A. I don't know. I don't know how to answer
20 that. I can tell you what our bishop says.

21 Q. Sure.

22 A. He said we have to be as willing to accept all
23 the compliments that people give us because they knew
24 good priests, as well as the insults they now give from
25 ones they hear about that aren't so good. Because we

00089

1 John Parr

2 write on the good merits of the priests who came before
3 us and we have to deal with the ones that aren't doing
4 what they're supposed to be doing now.

5 And I think it's a very Christian approach to
6 things. People are much too willing to accuse and
7 they're not willing to help and they're not willing to
8 understand. And the amazing thing is pedophile priests
9 do not come out of the church. They come out of
10 families.

11 Q. There was no fingerprinting or anything like
12 that then?

13 A. No.

14 Q. For employees --

15 A. No.

16 Q. Do you know if references were checked, or you
17 have no way of knowing that, right?

18 A. By references, you mean academic references?

19 Q. Employment references, if somebody came to
20 apply at the school for teaching position.

21 A. I know that whenever it was given to me to
22 look up if somebody -- if Father DeBene handed me a
23 file and said look into this person, I would do it. I
24 would call where they said they had worked before. I
25 would ask, you know -- I was always a little hesitant

00090

1 John Parr

2 when someone would say everything is fine and give
3 nothing specific. Otherwise they would want to get rid
4 of them. So -- but --

5 Q. And did you put those references in the files?

6 A. Yes.

7 Q. So one would expect, based on your knowledge
8 of the filing system, if references were taken they
9 should be in the file?

10 A. I would think so. I can say at least this:
11 They were there when I left in '80, so I don't know
12 since then what has happened.

13 Q. Did you ever see Mr. Vitone's file?

14 A. His personal file?

15 Q. Yes.

16 A. I only saw his file when he was hired.

17 Q. Do you remember what was in it?

18 A. No. I don't have any idea.

19 Q. Do you remember if there were references in
20 it?

21 A. I don't know.

22 Q. Who was in charge of the student handbook and
23 the faculty handbook?

24 A. That would be Father DeBene or at least the
25 Salesian community. They would do that.

00091

1 John Parr

2 Q. And do you know where were copies of those
3 kept when you were there?

4 A. In his office.

5 Q. Were files sometimes moved off site to
6 Salesian archives?

7 A. That I don't know.

8 MR. MANLY: Let's take a short break.

9 THE VIDEOGRAPHER: We're going to go off
10 the record at 12:23.

11 (There was a recess.)

12 *****

13 THE VIDEOGRAPHER: We are back on the
14 record at 12:32.

15 BY MR. MANLY:

16 Q. Father, did -- was there anybody at Salesian
17 High School that you know of that destroyed documents
18 while you were there?

19 A. No.

20 Q. Was there a shredder there when you were
21 there?

22 A. I don't think so. Not to my knowledge there
23 wasn't.

24 Q. Now, were you aware that students were using
25 drugs while you were an administrator there?

00092

1 John Parr

2 MR. DELANY: Assumes facts. Go ahead.

3 A. I knew that some students were on campus. I
4 mean when I was dean of discipline, vice principal for
5 discipline, I had some students caught smoking pot
6 behind the bleachers in the field, and so we took
7 action against that and suspended them. But there
8 weren't many instances. I don't recall any other kind
9 of drug at least when I was involved. That was the
10 only situation.

11 Q. And how old were you when you were there?
12 What age to what age?

13 A. Go back from '63 back 20, whatever it is,
14 years.

15 Q. '63?

16 A. I'm 63 years of age now.

17 Q. I'm sorry. Got it. I thought you meant 1963.

18 A. No.

19 Q. Were you in your thirties?

20 A. I was in my thirties, yes.

21 Q. Okay. And even in your thirties you knew what
22 a joint was, right?

23 A. I knew what it was, yes.

24 Q. And you knew what cocaine what?

25 A. I knew what it was, but I had never seen it.

00093

1 John Parr

2 Yes.

3 Q. Did you know that people used spoons to snort
4 cocaine?

5 A. I'd heard of it, yes. I'd never seen it.

6 Q. If you'd seen a reference to cocaine and
7 spoons in the yearbook, you would have taken that out?

8 MR. DELANY: Vague.

9 A. I wouldn't have made the connection if someone
10 talked about spoons because that was not part of my
11 reality.

12 Q. Would you expect that if teachers knew
13 students were referring to drug paraphernalia or
14 bringing drug paraphernalia to school that they would
15 have reported that?

16 PLF'S ATTY: Incomplete hypothetical and
17 vague.

18 A. I would certainly hope so. I don't know, but
19 I would hope so.

20 Q. That would be your expectation?

21 MR. DELANY: Same objection.

22 A. Well, as I said to you before, I wouldn't have
23 an expectation because I didn't think in those terms.

24 Q. So you had no expectation regarding teachers
25 reporting drug use or sexual abuse?

00094

1 John Parr

2 A. If someone came and heard of sexual abuse or
3 someone heard of drug use, I would expect they would do
4 something about it. But I wasn't -- it wasn't the top
5 level of my consciousness that sexual abuse and drug
6 use were going on.

7 Q. When did you personally come to learn or
8 believe that adult -- an adult having sex with a child
9 was wrong?

10 A. I think anyone having sex with anyone outside
11 of marriage is wrong, and I thought that since the time
12 I was a child.

13 Q. So in terms of level of mortality whether it's
14 a child or adult makes no difference to you?

15 A. It does make a difference, of course.

16 Q. Okay?

17 A. And I was taught that as a child I mean that
18 immorality is immorality. To take advantage of a child
19 whether it's sexual or any way is wrong. To take
20 advantage of anyone that is at a disadvantaged stage is
21 always wrong. It's immoral.

22 Q. Did you know when you were at Salesian High
23 School that it was illegal?

24 A. That what was illegal?

25 Q. Sex with -- an adult having sex with a child.

00095

1 John Parr

2 A. I've always thought it's been illegal, yes. I
3 mean you could not have gone to a Catholic school in
4 the last 60 years and not heard about statutory rape
5 and all those kinds of things.

6 Q. Was it fashionable to be gay in Berkley around
7 the time that you worked at Salesian?

8 A. Not at all.

9 Q. Do you remember any discussion of gay rights
10 during that time period at all?

11 A. Never.

12 Q. Before you left Salesian High School at any
13 time in your life were you aware of Catholic priests
14 not living their --

15 (Whereupon, the reporters asks Mr.
16 Manly to repeat the question.)

17 *****

18 MR. MANLY: Sure.

19 BY MR. MANLY:

20 Q. Before you left Salesian High School, at any
21 time prior to that, did you become aware that some
22 priests were not celibate?

23 A. Yes.

24 Q. And how did you become aware of that?

25 A. When I was a child in grammar school, the

00096

1 John Parr

2 priest in our parish got involved with a woman and left
3 and had a baby with her and left the priesthood.

4 Q. How about anything else?

5 A. When I was teaching at Alameda High School,
6 there was a priest who got involved with a high school
7 girl in the '50s and was put on penance in the
8 monastery and was back there teaching. I'd heard of
9 that.

10 Q. Who was that priest?

11 A. Luke Kelly, who is now dead.

12 Q. So he got involved with a young female
13 student?

14 A. Somewhere in the Chicago area. And they sent
15 him out to California for penance. He was 25 years in
16 the monastery somewhere before he was able to come back
17 to the priesthood.

18 Q. And what type of priest was he, diocesan?

19 A. Yes.

20 Q. Did you become aware of any priest or religion
21 at Salesian High School on not living -- that were not
22 living their vows?

23 A. No. As I said, I had absolutely nothing do
24 with them outside of the school situation.

25 Q. So as far as you know, based on your

00097

1 John Parr

2 experience of Salesian High School, there was no
3 written rule anywhere that prevented outside of school
4 contact between teachers and students; is that correct?

5 A. As I said to you before, there was the
6 handbook that said you had to live according to
7 teachings of the Roman Catholic church and not go
8 counter to them. So that to me would say you keep the
9 commandments of God. You keep -- so --

10 Q. I'm not talking about sex.

11 A. I'm talking about everything.

12 Q. Well, what I want to know is, was there any
13 specific rule - I think the answer is no, but I just
14 want to get it in the record - that prevented -- a
15 policy that prevented teachers from spending time alone
16 --

17 A. No, there was nothing written that said you
18 cannot spend time.

19 Q. I apologize. Finish your answer. I
20 apologize.

21 A. There was nothing in the handbook that stated
22 anything as to what your behavior was in or out of
23 school other than whether you come to church -- come to
24 class, walk into my church -- whether you come to your
25 teaching assignment on time and what warrants absence.

00098

1 John Parr

2 All of those things were there. But no. As to your
3 question, no.

4 Q. There was nothing about boundaries?

5 A. No.

6 MR. DELANY: Vague.

7 Q. Who owned the high school?

8 A. I believe the Salesian community did.

9 Q. And who was the provincial, if you recall?

10 A. No, I don't remember his name.

11 Q. Were there any classes on sexuality or sex
12 education when you were there?

13 A. No.

14 Q. Did you have --

15 A. I must say, I didn't sit in on in the priest
16 religion class, so I don't know what they said in the
17 religion classes other than what is in the textbook.
18 They could have had discussions, but I wasn't aware of
19 it.

20 Q. Did you have a custom and practice when a
21 student came to you and reported sexual misconduct by
22 other students as to what you would do?

23 A. Student came never to me and reported such a
24 thing.

25 Q. So as far as you know, there was no sexual

00099

1 John Parr

2 misconduct by students or faculty while you were at
3 Salesian High School; is that right?

4 A. It was never brought to my attention, no. I
5 knew of a couple of students who were -- statements
6 were made that they had had relationships and had a
7 baby on the way. And I remember two -- one I remember
8 the name, one I don't. It was brought before the
9 priest in the school who said that was a reality and
10 what should be done.

11 Q. What happened with them?

12 A. One was a young man. I don't know where he
13 came from, from a poor family, and he was counseled.
14 But it wasn't the first child, they found out in the
15 process, and he was allowed to graduate but he was kind
16 under supervision for that year. It was in the last
17 part of his senior year.

18 And the second one, the family choose not to
19 return. I don't remember what his name was. He didn't
20 come back the next year. He was a junior.

21 Q. Did you ever hear that teachers -- some
22 teachers were cruising on Polk Street?

23 A. No, I did not.

24 Q. Did you know what Polk Street was?

25 A. I know where it is in San Francisco, yes.

00100

1 John Parr

2 Q. Did you know it was a gay area?

3 A. I've heard of that, yes.

4 Q. Where did you live when you taught at

5 Salesian?

6 A. I lived with my mother in Oakland, California.

7 Q. Was that where you grew up?

8 A. Yes.

9 Q. What parish were you in?

10 A. St. Anthony's.

11 Q. Is that where you went to grade school?

12 A. It is.

13 Q. Where did you go to high school?

14 A. St. Mary's in Brooklyn.

15 MR. MANLY: We will just take a short
16 break. I think I'm done.

17 THE VIDEOGRAPHER: We will go off the
18 record at 12:43.

19 (Whereupon, there was a recess.)

20 *****

21 THE VIDEOGRAPHER: We're back on the
22 record at 12:46.

23 BY MR. MANLY:

24 Q. Have you ever testified in a -- in any case,
25 either criminal or civil, for a victim of clerical

00101

1 John Parr

2 sexual abuse?

3 A. Like a deposition?

4 Q. Yes.

5 A. Yes.

6 Q. You testified for a victim?

7 A. No. For the church.

8 Q. Okay. So you never testified on behalf of a
9 victim?

10 A. No.

11 MR. MANLY: No further questions.

12 REDIRECT EXAMINATION

13 BY MR. DELANY:

14 Q. Father, I just have a few follow-up questions.

15 Has any victim ever asked you to testify in a
16 case, either criminal or civil, where they were alleging
17 that they had been sexually molested or abused by any
18 cleric?

19 A. No.

20 Q. You mentioned that you believe that the
21 Salesian owned Salesian High School.

22 Do you know that?

23 A. No. I don't know it for a fact, no.

24 Q. You mentioned that you were -- I believe, and
25 you will correct me if I am wrong, I trust. You

00102

1 John Parr

2 testified something to the effect that you were not
3 aware of any of the Salesians at Salesian High School
4 who were there while you were there not living their
5 vow of celibacy. You have no knowledge of that?

6 A. No knowledge of that, no.

7 Q. Did you ever see any conduct that led you to
8 suspect that any of those priests were not living their
9 vow of celibacy while you were at Salesian High School?

10 A. No.

11 Q. So if there were an allegation made that there
12 were a bunch of gay priests running around at Salesian
13 High School while you were there, you wouldn't agree
14 with that?

15 A. I wouldn't agree with that, no. Not from what
16 I could see.

17 Q. Did your office also have glass --

18 A. Two glass doors.

19 Q. Two glass doors.

20 I want to show you -- plaintiff neglected to
21 show you before, which is a page out of Exhibit 2 of
22 plaintiff's deposition, the 1978 yearbook -- '79
23 yearbook. And there is a picture of a handsome young man
24 --

25 A. Don't be sarcastic.

00103

1 John Parr

2 Q. -- named Mr. Parr. And I'd just like you to
3 identify as to whether it's you or not. And I believe
4 it is at page -- it is at page P00244. There is a
5 picture up there with the name John Parr.

6 Is that your picture above it?

7 A. That is, yes. And it is younger, not young.

8 Q. And it says vice principal?

9 A. Yes.

10 Q. Okay. And that is you?

11 A. That is me.

12 Q. Okay.

13 MR. DELANY: I don't have anymore
14 questions.

15 RECROSS EXAMINATION

16 BY MR. MANLY:

17 Q. Do you think there is a problem with sexual
18 abuse in the Roman Catholic church by clerks?

19 MR. DELANY: Overbroad, vague, opinion.
20 Improper.

21 A. I'm not in the Roman Catholic church, and I
22 will leave that to them to decide. It's not my domain
23 or concern right now.

24 Q. So based on what you've read or what you've
25 heard, you have no opinion of that one way or the

00104

1 John Parr

2 other?

3 MR. DELANY: Lacks foundation.

4 A. I don't read the secular press, thank God. I
5 have too much to do otherwise. And I find that if you
6 believe the press, you need to have a therapist. So --

7 Q. Okay. And your recollection is that Mr.
8 Vitone had gray hair?

9 A. That was my recollection, yes.

10 Q. So he is older?

11 A. I don't know how old he was. I would imagine
12 he was in his forties. I don't know him that
13 personally, but he looked to me like he was in his
14 forties and had grayed. He was a small man.

15 MR. MANLY: Okay. No further questions.

16 THE WITNESS: Thank you.

17 FURTHER REDIRECT

18 BY MR. DELANY:

19 Q. I think I showed you this. I just want to
20 make sure that I have it recorded for the record.

21 (Whereupon, the reporter asks Mr.
22 Delany to repeat his question.)

23 *****

24 Q. I'm going to show you again - again, I think
25 did this, but just to make sure in my mind - Exhibit 2

00105

1 John Parr

2 of plaintiff's deposition, page P00249. The picture in
3 at the lower part of that, below the name Mr. Samuel
4 Vitone. I believe I asked you that --

5 A. P00249, yes.

6 Q. Is that the Vitone --

7 A. Yes.

8 Q. That you're talking about, you recognize him?

9 A. Yes.

10 Q. Okay.

11 MR. DELANY: Nothing further. Nothing
12 further, counsel.

13 MR. MANLY: No.

14 MR. DELANY: We will stipulate to relieve
15 the court reporter of his obligations under
16 the Code -- the California Code of Civil
17 Procedure. And we -- the -- we'll have the
18 original of the deposition transcript sent
19 directly to Father Joachim so that he can read
20 it, review it, make any corrections to his
21 testimony that he deem necessary.

22 I would propose that I maintain custody
23 of the original. I will agree to make it
24 available -- that Mr. -- I'm sorry, Father
25 Joachim will send the original transcript once

00106

1

John Parr

2

he has made any corrections he deems necessary

3

and signed it under penalty of perjury, he

4

send it to me in my office and I will maintain

5

custody.

6

And would I ask that the court reporter

7

provide Father Joachim with an addressed

8

envelope to my office for his convenience.

9

And once I get it within -- Father Joachim

10

will have 30 -- well, we're coming up on trial

11

right now. How long is this going to be, a

12

hundred pages?

13

Is two weeks enough time to --

14

THE WITNESS: Once I get it?

15

MR. DELANY: Yes. Okay. We'll give you a

16

couple of weeks. I appreciate that. And then

17

if you just drop it in the mail, it will come

18

to my office. I'll maintain custody of the

19

original. Agree to make it available upon

20

request in this case and will lodge it at the

21

time of trial. If the original is lost,

22

stolen or otherwise unavailable, a certified

23

copy may be used in its place.

24

I was going to say one more thing to you

25

and I can't remember what it was. I think

00107

1 John Parr
2 that covers it.
3 Counsel.
4 MR. MANLY: So stipulated.
5 MR. DELANY: Thank you for your time.
6 THE WITNESS: Thank you.
7 THE VIDEOGRAPHER: That will conclude this
8 deposition at 12:52.
9 (There was a recess.)
10 *****

11
12

John Parr

13
14

Subscribed and sworn to before me
15 this _____ day of _____, 2006.

16
17

NOTARY PUBLIC

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00108

1

2 STATE OF NEW YORK) Pg___of___Pgs

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4 COUNTY OF NEW YORK)

5

I wish to make the following changes for the
6 following reasons:

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John Parr

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C E R T I F I C A T E

I, Anthony Armstrong, a Certified
Shorthand Reporter and Notary Public within
and for the State of New York, do hereby
certify:

That JOHN PARR, the witness whose
testimony is hereinbefore set forth, was duly
sworn by me and that such testimony is a true
record of the testimony given by such witness.

I further certify that I am not related
to any of the parties by blood or marriage,
and that I am in no way interested in the
outcome of this matter.

Anthony Armstrong

