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CIVIL DISTRICT COURT
PARISH OF ORLEANS
STATE OF LOUISIANA

J.W. DOE *
* NUMBER 2019-3947
VERSUS *
* DIVISION: D
ARCHDIOCESE OF NEW ORLEANS *
INDEMNITY, INC., THE *
CATHOLIC MUTUAL RELIEF *
SOCIETY OF AMERICA, THE *
ROMAN CATHOLIC CHURCH OF *
THE ARCHDIOCESE OF NEW *
ORLEANS, AND FATHER *
LAWRENCE A. HECKER *

* * * * *

Article 1442 Videotaped Deposition of THE
ARCHDIOCESE OF NEW ORLEANS through its representative
EMILIE LEUMAS, PH.D., CA, CRM, taken at Jones Walker,
201 St. Charles Avenue, New Orleans, Louisiana 70170,
on Thursday, November 21st, 2019, beginning at 10:11
a.m.

By: Ashlee B. Ancalade
Registered Professional Reporter

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ALSO PRESENT: BRODIE G. GLENN

JUSTIN GIBSON, CPA, CGMA, CITP

THE VIDEOGRAPHER

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I N D E X

Caption.....1
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Agreement of Counsel.....7
Examination By Mr. Gisleson:11
Reporter's Certificate.....237

* * * EXHIBITS * * *

Exhibit 1 Notice of LA.C.C.P. Art. 144216
Videotaped Corporate Deposition of
the Archdiocese of New Orleans and
Corresponding LA. C.C.P. Art 1441
Production of Documents and Things
(Re: Document & ESI)
Exhibit 2 Objections and Responses to18
Notice of Deposition Pursuant to Code
of Civil Procedure Article 1442
Exhibit 3 Curriculum Vitae 1442 ARCH 00002519
through 000028
Exhibit 4 1442 ARCH 000009 though 000019.....70
Exhibit 5 1442 ARCH 000020 through 00002479

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* * * EXHIBITS CONTINUED * * *

Exhibit 6 1442 ARCH 000401 and 00040282

Exhibit 7 1442 ARCH 000029109

Exhibit 8 1442 ARCH 000031111

Exhibit 9 1442 ARCH 000036113

Exhibit 10 1442 ARCH 000001 through 000008131

Exhibit 11 Code of Canon Law145

Exhibit 12 Excerpt "The Hierarchical
Constitution of the Church" Pages 639
through 645145

Exhibit 13 1442 ARCH 000800 and 000801154

Exhibit 14 1442 ARCH 000791 through 000799156

Exhibit 15 1442 ARCH 000779 through 000790167

Exhibit 16 1442 ARCH 000758 through 000778168

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* * * EXHIBITS CONTINUED * * *

Exhibit 17 1442 ARCH 000721 through 000730169

Exhibit 18 1442 ARCH 000460 through 000472171

Exhibit 19 1442 ARCH 000460 through 000472197

Exhibit 20 1442 ARCH 000432 through 000459199

Exhibit 21 1442 ARCH 000486 through 000713233

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S T I P U L A T I O N

It is stipulated and agreed by and between counsel for the parties hereto that the deposition of the aforementioned witness is hereby being taken for the purposes of discovery, and all other pertinent provisions permitted by the Louisiana Code of Civil Procedure.

The formalities of reading and signing are specifically not waived. The formalities of filing, sealing, and certification are specifically waived;

That all objections, save those as to the form of the question and the responsiveness of the answer, are hereby reserved until such time as this deposition, or any part thereof, may be used or sought to be used in evidence.

* * *

ASHLEE B. ANCALADE, Certified Court Reporter,
in and for the State of Louisiana, officiated in administering the oath to the witness.

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EMILIE LEUMAS,
7887 Walmsley Avenue, New Orleans, Louisiana
70125, after having been first duly sworn, was examined
and testified as follows:

THE VIDEOGRAPHER:

We're now on the record at 10:11. This
is the videotaped deposition of the
Archdiocese of New Orleans through its
representative Dr. Emilie Leumas, taken in
the matter of "J.W. Doe versus Archdiocese of
New Orleans Indemnity, Inc., et al." Cause
number is 2019-3947.

Today's deposition's being held at 201
St. Charles Avenue in New Orleans, Louisiana,
on November the 21st, 2019.

I would ask that counsel please state
their names, affiliations, for the record;
which, thereafter, would the court reporter
please swear in the witness.

MR. GISLESON:

Soren Gisleson on behalf of the
plaintiff.

MR. TRAHANT:

Richard Trahant on behalf of the
plaintiff.

1 MR. BULLOCK:

2 One second. Can we go off the record?

3 THE VIDEOGRAPHER:

4 We're now -- we're now off the record at
5 10:12.

6 (There is an off-the-record discussion.)

7 MR. BULLOCK:

8 Send me an electronic copy of the
9 deposition.

10 (Mr. Bullock exits the deposition.)

11 THE VIDEOGRAPHER:

12 We're now back on the record at 10:14.

13 MR. WATERS:

14 I think we left -- I was next. John
15 Waters, Bienvenu Foster Ryan and O'Bannon,
16 counsel for Catholic Mutual Relief Society.

17 MR. WEGMANN:

18 I'm Dirk Wegmann, and I represent the
19 Archdiocese of New Orleans.

20 MR. ZERINGUE:

21 Wayne Zeringue representing the
22 Archdiocese of New Orleans.

23 MR. GLENN:

24 Brodie Glenn with Bradley Murchison
25 Kelly and Shea, representing the archdiocese

1 in other cases but not this particular
2 matter.

3 MR. GENNARDO:

4 Todd Gennardo, Denechaud and Denechaud
5 law firm, on behalf of the archdiocese.

6 (Witness is sworn.)

7 MR. GISLESON:

8 Thank you. One second.

9 I don't think we met.

10 MR. GIBSON:

11 Yes. How are you doing? Justin Gibson.

12 MR. GISLESON:

13 Justin, are you the corporate
14 representative for the archdiocese?

15 MR. WEGMANN:

16 He is. He is the IT person.

17 MR. GISLESON:

18 Oh, okay.

19 MR. WEGMANN:

20 He's the second corporate
21 representative.

22 MR. GISLESON:

23 And you're the one who actually asked me
24 to sit in today. Sorry. I wasn't quite
25 sure.

1 MR. WEGMANN:

2 That's all right.

3 MR. GISLESON:

4 Great. That's fine.

5 EXAMINATION

6 BY MR. GISLESON:

7 Q All right. Dr. Leumas, sorry about that. As
8 we met briefly just before the deposition started, my
9 name is Soren Gisleson, and I represent the plaintiff
10 in this case.

11 Have you ever given a deposition before?

12 A I have.

13 Q When --

14 MR. WEGMANN:

15 Excuse me, Counsel. This is the first
16 deposition. We -- this deposition is being
17 taken pursuant to Louisiana Code of Civil
18 Procedure. You know, all rights are
19 reserved, you know, the normal stipulations;
20 correct?

21 MR. GISLESON:

22 Sure. And -- yeah, that's fine.

23 MR. WEGMANN:

24 Okay.

25 MR. GISLESON:

1 I mean, I -- what's going to happen is,
2 eventually, I'm going to put in the 1442
3 deposition notice. I imagine, then, you're
4 going to attach your objections after that.

5 MR. WEGMANN:

6 Exactly. Right.

7 MR. GISLESON:

8 And then that will control whatever goes
9 from there.

10 MR. WEGMANN:

11 Okay. Great.

12 MR. GISLESON:

13 Sure.

14 BY MR. GISLESON:

15 Q So Dr. Leumas, how many depositions have you
16 given in the past?

17 A Two.

18 Q Were both of those depositions in your
19 capacity as an archdiocese employee?

20 A No.

21 Q Were either of those?

22 A No.

23 Q What was the nature of those two depositions?

24 A One was a per- -- personal injury and the
25 other was as an expert witness.

1 Q Were you the plaintiff or the defendant in
2 the personal injury or --

3 A I was.

4 Q -- witness.

5 Which one?

6 A I was -- it wa- -- I had broken my shoulder.

7 Q Okay. So you were the plaintiff?

8 A Yes.

9 Q Do you remember the name of that lawsuit?

10 A No.

11 Q Do you remember the defendant in that
12 lawsuit?

13 A No -- well, actually, it had to do with my
14 son's graduation. I tripped going into the assembly
15 center in Baton Rouge.

16 Q Okay. Do you know where it was filed?

17 A Here in the city.

18 Q In New Orleans?

19 A Yes.

20 Q All right. Do you remember who your lawyer
21 was?

22 A Mike McGlone.

23 Q Do you remember about what year you took that
24 deposition or gave the deposition?

25 A 2012. I'm trying to remember. My son

1 graduated in 20- -- 2011 in May, and the deposition
2 probably didn't take place until about maybe nine
3 months after the trip and fall.

4 Q Okay. And the second deposition?

5 A The second -- second deposition was in
6 relationship to a -- I was hired to go over some
7 records dealing with lineage and what the -- what the
8 records looked like and looking at paternity and -- and
9 whether or not the -- the children were legitimate or
10 illegitimate.

11 And it was basically following up for an oil
12 company that I was hired on their side to give -- as --
13 as an archivist and records manager, to give my
14 information about how those records are researched.

15 Q Gotcha.

16 And so what was the area of expertise you
17 were being proffered in?

18 A I was actually being proffered to ask -- to
19 answer questions about how Catholic church records were
20 used in a different diocese and -- from the 1800s and
21 how they either showed legitimacy or illegitimacy.

22 And also along the lines of doing the
23 research for putting together that lineage.

24 Q Okay. When was that deposition given?

25 A I couldn't tell you. I don't remember.

1 Q In the last five years?

2 A The last ten, maybe.

3 Q After Katrina?

4 A Yes.

5 Q All right. So is it fair to say that you've
6 never given a deposition kind of related to your
7 employment with the archdiocese?

8 A Correct.

9 Q Great.

10 Well, this is a question-and-answer session,
11 so the rules in this deposition are going to be very
12 similar to the rules for the two depositions you've
13 already sat for.

14 If you have any questions throughout the
15 deposition for -- you know, in relation to questions
16 I'm asking you, let me know.

17 A (Nods head.)

18 Q The golden rule of these depositions, really,
19 for me is, if you answer a question, I'm going to
20 assume you understood the question.

21 A (Nods head.)

22 Q So, please, if you don't understand any of my
23 questions, just ask me; and I'm happy to rephrase it.

24 Other than that, the ground rules are I ask
25 that you wait to answer the question until I'm finished

1 asking it. That's for the benefit of the court
2 reporter.

3 Secondly, I ask that you answer the questions
4 audibly and in words instead of maybe "uh-huh," grunts,
5 or head nods. All right?

6 Other than that, if you have the need to take
7 any break throughout the course of the deposition, just
8 let me know, and we'll take a break.

9 Let's start with the capacity with which
10 you're being offered today.

11 I'm going to try to mark these as we go. So
12 Exhibit No. 1 is going to be the plaintiff's 1442
13 deposition notice of the Archdiocese of New Orleans.

14 A Okay.

15 Q I'll hand that to you.

16 (Exhibit 1 is marked.)

17 MR. GISLESON:

18 I don't know if I have enough copies for
19 everyone.

20 MR. WEGMANN:

21 That's all right.

22 MR. GISLESON:

23 But I've got a couple for that side and
24 one for Rick.

25 MR. TRAHANT:

1 Thank you.

2 BY MR. GISLESON:

3 Q All right. Have you seen this document
4 before?

5 A I have.

6 Q All right. Do you understand that you're
7 being proffered today as the corporate representative
8 for the archdiocese?

9 A Yes.

10 Q Do you understand that to mean that the
11 answers you give today as they relate to the areas of
12 inquiries bind the archdiocese as if they themselves
13 are saying it?

14 A Yes.

15 MR. WEGMANN:

16 And, excuse me, Counsel, it's at this
17 point that I do want to note the objections
18 for the record with respect to the notice
19 that you've identified as Exhibit 1, and I'm
20 going to offer in -- into the record the
21 objections that -- that we -- that we served
22 and just note that this deposition is being
23 taken subject to those objections.

24 I don't want to screw up your number
25 system, but --

1 MR. GISLESON:

2 I'm happy to attach it as Exhibit 2 if
3 you slide it over.

4 (Exhibit 2 is marked.)

5 MR. WEGMANN:

6 Okay. So I'm going to make this
7 Exhibit 2.

8 And so, subject to these objections,
9 yes, Ms. -- Dr. Leumas is being offered as
10 the representative for the topics identified
11 in the objections and responses.

12 BY MR. GISLESON:

13 Q So have you reviewed the areas of inquiry in
14 this notice?

15 A I have.

16 Q And do you feel as though you are capable to
17 bind the archdiocese as to each individual area of
18 inquiry?

19 A As they --

20 MR. WEGMANN:

21 Object to form. Object to form.

22 Subject to that, you can respond.

23 A As they -- as they pertain to my area, yes.

24 BY MR. GISLESON:

25 Q Let me ask it slightly differently. Are

1 there any areas of inquiry identified, 1 through 20,
2 that you are not here to testify about?

3 A I cannot -- actually, the -- much of the IT
4 section, the questions about IT, I would -- I -- it
5 would have to be asked to someone else.

6 Q Understood. Other than those relating to IT,
7 you're here to testify as to those areas of inquiry?

8 A Yes.

9 Q All right. Great.

10 MR. WEGMANN:

11 And just for the record, Counsel, we
12 noted specifically in the response to the
13 notice what topics Dr. Leumas would be
14 responding to and what topics Mr. Gibson
15 would be responding to.

16 Now, I do, of course, understand that
17 there could be some crossover, and it might
18 be not -- you know, it's not necessarily
19 black and white; but both witnesses,
20 corporate witnesses, will be free to tell you
21 that, you know, if you are asking them
22 something that they don't know and they're
23 not capable of responding to, there may be
24 somebody else. Okay.

25 (Exhibit 3 is marked.)

1 BY MR. GISLESON:

2 Q I'll hand the witness a copy of what I
3 believe is your CV. Have you seen this document
4 before?

5 A I have.

6 Q Can you identify this document, please?

7 A This is my CV.

8 Q Did you draft this CV?

9 A I did.

10 Q Is it a true and complete copy?

11 A It is.

12 Q Is it up to date?

13 A It is, yes, up to date. It was drafted in
14 January of 2019.

15 Q Okay. Great.

16 A And I have made no additions to it since
17 then.

18 Q All right. And looking at the top, behind
19 your name, there are a number of initials.

20 Do you see that?

21 A Yes.

22 Q I imagine that the "CA" stands for "certified
23 archivist"?

24 A Correct.

25 Q And that "CRM" stands for "certified records

1 manager."

2 A Correct.

3 Q What does "certified records manager" mean?

4 A I'm certified as a records manager through
5 the ICRM.

6 Q Which is?

7 A Which is a -- it's the accreditation body for
8 certified records managers.

9 Q What is that curriculum or that program like?

10 A It is a -- it's not really a curriculum, per
11 se. It -- it is now in -- in library science school.
12 But it is more along the lines of studying and passing
13 a six-part exam, five parts that are written and one --
14 I mean, excuse me, five parts that are a multiple
15 choice along several different topics; that once you
16 pass the five parts, you then have to sit -- sit part
17 six, which is a written case study.

18 Q Okay. Your present title is director of
19 archives and records for the Archdiocese of
20 New Orleans; correct?

21 A Yes.

22 Q How would you generally describe your duties
23 and responsibilities in that role?

24 A I manage the archives and records of the
25 archdiocese.

1 Q All right. Are those the official records of
2 the archdiocese?

3 A Yes.

4 Q Would you agree that there are records that
5 the archdiocese either -- let me -- would you agree
6 that there are records that the archbishop or
7 individual priests might keep that never become
8 official documents of the archdiocese?

9 A If you're -- well, if you're asking me if the
10 archbishop's records, his documents, become part of the
11 records, they do. Individual priests that are at
12 certain parishes may have records of their own in the
13 parishes, and so the individual priests might be
14 different; but the archbishop or anyone in the chancery
15 office, their documents come to archives and records.

16 Q So if the archbishop writes a handwritten
17 note of condolences to somebody, that -- that's -- the
18 copy of that, necessarily, becomes part of the
19 archdiocese's official record?

20 A Correct.

21 Q What's the mechanism for that?

22 A His records are sent to -- his correspondence
23 as well as his -- well, his -- his records, his
24 correspondence, et cetera, his documents, are sent to
25 the central filing office, which is under my

1 management, and those are then filed into the system.

2 And if -- your example of a condolence would
3 be filed in general correspondence.

4 Q When did this process begin?

5 A It --

6 Q Where -- where individual correspondence by
7 the archbishop would become part of the system and
8 identified or filed under general correspondence?

9 A It's been part of the -- well before me.

10 Q You started, it appears, as in July 1st,
11 2007?

12 A I did.

13 Q Okay. So when precisely?

14 A The archbishop's records have been part of
15 the archdiocese since we became an archdiocese in 1793.
16 So the correspondence -- not condolences but certainly
17 the correspondence of the archbishop has been
18 maintained by the archdiocese since then.

19 Currently in the archives and records, their
20 records date back to the early 1890s; central filing
21 system does the same. And it -- it -- it goes by
22 the -- the bishop. So Archbishop Rummel's
23 correspondence from 1935 through his administration in
24 1965, his central files are maintained in the archives.

25 Q Are they maintained electronically?

1 A No.

2 Q Are they -- have they ever been to this day
3 maintained electronically?

4 A Archbishop Rummel's papers?

5 Q No. Not -- well, would you agree with me
6 that all the archbishop's documents, personal or
7 other -- well, did -- does the archbishop's personal
8 documents or correspondence unrelated to his duties as
9 archbishop get put into the general filing system?

10 MR. WEGMANN:

11 Object to form.

12 BY MR. GISLESON:

13 Q Today.

14 A I don't understand the question.

15 Q All right. Is there any communication that
16 the archbishop could ever write that would not make its
17 way into the general filing system?

18 MR. WEGMANN:

19 Are you talking about currently?

20 BY MR. GISLESON:

21 Q Currently.

22 A Not that I'm aware of, no.

23 Q All right. Is it fair to say you don't have
24 personal knowledge of how the filing system was
25 maintained from, say, the 1950s until 2000?

1 A I was not there when that filing system was
2 put into place, but I maintain that filing system
3 today. So I'm aware of what was filed and when.

4 Q All right. We're going to get deeper into
5 that a little bit later, and I just was kind of curious
6 on the front end.

7 So let me direct your attention to the bottom
8 of the first page of your CV --

9 A Okay.

10 Q -- that reads: "Administer the archives
11 records management program, the electronic document
12 management system."

13 In what way do you administer or maintain the
14 electronic document management system?

15 A The electronic document management system,
16 which is called "Content Manager," previous version was
17 HPRM8, is maintained -- the records that are put into
18 that system are maintained by my office.

19 Q Okay. For the sake of completeness, would
20 you please read out loud how you described your duties
21 and responsibilities as director of archives for the
22 archdiocese.

23 A Yes.

24 "Administers the archives, records management
25 program, the electronic document management system,

1 HPRM8, and the Office of Cultural Heritage; prepare and
2 administer the annual archives budget; directly
3 supervises all archives and records staff; serve as an
4 adviser to the archbishop regarding records policies,
5 retention guidelines and litigation hold procedures."

6 (As read.)

7 Q Is that an accurate explanation of what you
8 do for the archdiocese in your role as director of
9 archives and records?

10 A Yes.

11 Q Let me direct your attention to the next
12 page, please. Would you please read out loud the
13 second bullet point at the top under "Accomplishments."

14 A "Developed litigation hold procedures to
15 ensure superv" -- "suspension of dep" -- excuse me,
16 "suspension of disposition of records during discovery
17 and litigation proceedings."

18 Q Could you please explain that to me?

19 A When a litigation hold is -- when I receive a
20 notification from either general counsel or via general
21 counsel from the vicar general's office, there is a
22 suspension of the records, and they're not destroyed.

23 Any that would be scheduled for destruction
24 are not destroyed.

25 Q What do you mean by "suspension" of the

1 record?

2 A Suspension of disposition. So disposition
3 goes along two lines. Disposition is whether or not
4 it's retained permanently or whether or not it is
5 eligible for destruction. When that suspension
6 happens, anything that is eligible for destruction that
7 is part of that litigation is then not up for
8 destruction. It's put -- it's placed on hold.

9 Q How did you develop the litigation hold
10 procedures?

11 A The litigation hold procedures are in
12 accordance with current practices by several other
13 dioceses in the United States, as well as what would be
14 considered normal and best business practices by
15 records managers.

16 Q All right. Is there an actual articulated
17 written document-retention policy -- or, I'm sorry, a
18 litigation hold procedure?

19 A There is.

20 Q Okay. And what -- where would you find that,
21 in what larger document?

22 A It's in the general records policy.

23 Q All right. I think we'll get to that later.

24 Who receives a copy of the -- the suspension
25 of disposition of records?

1 A Generally, an e-mail is sent to me.

2 Q Who do you send the e-mail to?

3 A If the e-mail in -- actually, if -- if the
4 e-mail has reference to electronic records, then I also
5 either copy Justin Gibson, the head of IT, into the
6 record or the general counsel copies them in if I have
7 said IT needs to be involved.

8 Q Are all of the individual priests in the
9 diocese made aware of this suspension of disposition of
10 records --

11 A If --

12 Q -- or the litigation hold?

13 A Only if the general counsel has sent that.
14 That -- my -- my job is to place the hold on the
15 records that are in the archives and records
16 management.

17 Q Do you know whether the archbishop receives
18 the litigation hold notice?

19 A I do not.

20 Q So, then, just to restate, so you don't know
21 whether individual priests in the archdiocese or the
22 archbishop receives litigation hold notices; is that
23 correct?

24 MR. WEGMANN:

25 Object to form.

1 BY MR. GISLESON:

2 Q You can answer the question.

3 A To my knowledge, the archbishop is informed
4 of every litigation that is within the archdiocese and
5 the holds that are placed, yes.

6 Q All right. What do you base that knowledge
7 on?

8 A I base that knowledge on the general counsel
9 and meetings that take place within the archdiocese.

10 Q You have to explain that further.

11 So what meetings and -- and how did you
12 develop this understanding with the general counsel?

13 A If the -- if -- so if there is a litigation
14 hold that's come in, if there -- if we have received --
15 if -- if the general counsel has received a notice, it
16 is my understanding that she has notified the
17 archbishop that this legal process or this litigation
18 has come through and that all records are -- for --
19 pertaining to that litigation are put on hold.

20 Q All right. So this is an understanding of
21 yours of what somebody else is doing --

22 A Yes.

23 Q -- correct?

24 And you're not involved in that process, are
25 you?

1 A I do not send a litigation hold to the
2 archbishop.

3 Q All right. I guess that's a -- a simpler
4 question.

5 And you do not send litigation holds to
6 individual priests in the archdiocese either; correct?

7 A I do not.

8 Q Your goal -- your role is simply to receive
9 the suspension or the litigation hold and then you
10 somehow mark documents?

11 A I collect the documents. Or -- if it's -- if
12 they're in the electronic management system, I will
13 place a hold on them, so that they -- they're -- part
14 of the process that cannot be destroyed.

15 If it is in a paper format, the records that
16 are not -- the records, then, are identified by me and
17 placed on hold.

18 Q What does that mean, "placed on hold"?

19 A They're not destroyed.

20 Q Okay. Do you put something in -- we're
21 talking about a written file; right? Do you put a memo
22 in the file "Do not destroy"? Do you --

23 A No.

24 Q -- send an e-mail to everybody else who has
25 access to this file do not destroy it?

1 A No.

2 Q So how do you -- so how do you place a hold
3 on a file so it doesn't get destroyed?

4 A So if the records are up for destruction --
5 so let me -- let me give an example if I -- if I may.

6 Q Please.

7 A If -- if a finance record, if bills were paid
8 and the invoices are there -- and invoices are
9 destroyed current year plus four, so at the end of five
10 years, those records are up for destruction. If I have
11 received a notice that says those records are up for
12 destruction, then the -- the -- that -- those records
13 are -- can be collected by my office and placed on
14 hold.

15 If they are in an electronic format, the hold
16 is placed electronically, so there's -- there's no
17 destruction of those records.

18 If in a destruction, when we send out a
19 destruction notice, if the office knows that those
20 records are on hold, as well as I also know those
21 records are on hold, so if the finance office has
22 received the notification that those records are on
23 hold, those records are not destroyed.

24 So if it's a permanent record, it's permit,
25 so there's no -- although the litigation hold is there,

1 there would be no reason for anyone to go in to destroy
2 those records because they're already permanent
3 records.

4 Q Has there ever been an index or a catalog of
5 all records maintained by your office from the 1950s to
6 whatever point in time the archdiocese started saving
7 documents electronically?

8 A Can you repeat that?

9 Q Sure.

10 Like, you know, in this particular file,
11 there are these ten types of correspondence from this
12 person to that person on this date. It may not be a
13 copy of it, but it's just a description of every
14 document in a particular file.

15 A No. There is no description of every
16 document in every file. That would be a very onerous
17 process to be able to do that across 300 years of
18 records.

19 Q All right. Before I forget, so you got a --
20 you got a litigation hold in this case, I imagine?

21 A Yes.

22 Q And so what did you do?

23 A In this case, when the litigation hold came
24 in, I then researched what records pertain to the
25 litigation and those records were flagged.

1 If they were in a paper format, then they
2 were scanned, put into the electronic document
3 management system, Content Manager, and placed on hold.

4 Q Again, so when you say "placed on hold," you
5 mean you brought it back to your office and separated
6 them completely?

7 A Not on the paper side. If they've been
8 scanned, they've put -- been put into the system and
9 the hold goes in the system on the scanned copy.

10 Q All right.

11 A So on -- on -- I mean, there are multiple
12 copies of policy records in different offices.

13 Q Right.

14 A So we -- on the -- say, for example, the
15 retention schedule that you asked about, those
16 retention schedules are -- were scanned, those that we
17 did not already have electronically, put in the system
18 and placed on hold.

19 Q All right. So the big question then becomes:
20 How did you determine what records pertain to this
21 litigation?

22 A You sent a list.

23 MR. WEGMANN:

24 Okay. And Counsel, object to form.

25 She's confused. She's thinking records

1 solely in response to the deposition notice.

2 The --

3 MR. GISLESON:

4 All right.

5 MR. WEGMANN:

6 And you're asking, I think, more broadly
7 about --

8 MR. GISLESON:

9 Yeah. I'm asking -- I'm asking --

10 MR. WEGMANN:

11 -- about -- and it -- it's hard without
12 the case. The Hecker case is what you're
13 talking about.

14 BY MR. GISLESON:

15 Q Let's do this: When did you receive the
16 litigation hold notice in this case? Do you remember?

17 THE WITNESS:

18 Are we talking about -- I'm sorry.

19 MR. WEGMANN:

20 Just clarify what you're asking, please,
21 Counsel.

22 BY MR. GISLESON:

23 Q All right. At some point -- at some point
24 you said, as a matter of practice, you receive
25 litigation hold notices; right?

1 A (Nods head.)

2 Q Is that correct?

3 A Yes.

4 Q All right. And then it's at that point -- or
5 is it at that point that you start to separate records
6 and identify the records that would be somehow
7 responsive to the litigation hold --

8 A Yes.

9 Q -- or -- that is the point, okay.

10 A That are responsive to the litigation.

11 Q Right. Responsive to litigation.

12 You -- I -- it sounded like you started to
13 answer the question maybe when you got our discovery
14 requests and asking the archdiocese to answer certain
15 questions and provide us with certain responsive
16 documents.

17 Is that where you were headed a second ago?

18 A For the 1442?

19 Q No. Not for the 1442. I'm talking about for
20 the substance or the merits of the litigation.

21 Have you ever seen that before?

22 MR. WEGMANN:

23 Okay. Objection. You've got me
24 confused --

25 MR. GISLESON:

1 All right.

2 MR. WEGMANN:

3 -- but, you know.

4 BY MR. GISLESON:

5 Q Let me ask you this: Have you ever -- have
6 you ever seen plaintiff's first set of discovery
7 requests in this litigation to the archdiocese?

8 A Yes.

9 Q All right.

10 A And are we still talking --

11 MR. WEGMANN:

12 No, no, no. He's --

13 A I don't know which one we're talking about.
14 I'm sorry.

15 MR. WEGMANN:

16 Just ask -- just ask him to clarify what
17 he's asking, and, you know . . .

18 BY MR. GISLESON:

19 Q All right. Let's -- let's do it
20 chronologically. Tell me when was the first time you
21 ever tried to separate the records related to this
22 case.

23 A Again, are we -- I'm -- I'm asking whether or
24 not -- are you talking about for the 1440 -- for this
25 deposition, this notice --

1 Q Ever period in the history of this case, when
2 was the first time you went and tried to separate
3 documents related to this case? Ever. I don't care
4 what the reason for it was.

5 MR. WEGMANN:

6 Let's take a short break.

7 MR. GISLESON:

8 Sure.

9 THE VIDEOGRAPHER:

10 We're now off the record at 10:43.

11 (There is an off-the-record discussion.)

12 THE VIDEOGRAPHER:

13 We're now back on the record at 10:44.

14 BY MR. GISLESON:

15 Q So it sounds like from the conversation you
16 had, that you treat -- this allegation has to do with
17 sex abuse; right?

18 A Yes.

19 Q And the sex abuse is alleged to have occurred
20 by Lawrence Hecker; correct?

21 A Yes.

22 Q And that sex abuse is alleged to have
23 occurred in the late 1960s and '70s; correct?

24 A Yes.

25 Q So when you receive a litigation hold like

1 this, the first thing -- or is it the first thing you
2 look at is to identify the priest accused of the sexual
3 misconduct?

4 A Yes.

5 Q All right. So, then, that's your first
6 thought, is to go into the archives and separate all
7 Hecker-related materials?

8 A Yes.

9 Q And to do that, first you separate Hecker's
10 personnel file; correct?

11 A Yes.

12 Q Where else do you go to separate out
13 Hecker-related sexual abuse allegations?

14 A So the first place -- and if I'm
15 understanding you correctly, you've asked about the
16 sexual abuse allegations, not information about Hecker?
17 Are you asking for both?

18 Q I'm asking what you did, really. I'm trying
19 to get a sense of what your process was.

20 A Okay.

21 Q Did you just, you know, section off anything
22 in which Father Hecker was ever related to, and you
23 were expansive, and you separated it out somehow and
24 saved it electronically somehow; or did you just focus
25 on any and all sexual abuse allegations by Hecker?

1 A Okay. So when a litigation hold comes in --
2 and in this case, when I was notified of -- of Lawrence
3 Hecker being the accusation, my responsibility and what
4 I did was to look at all Hecker-related documents. So
5 his clergy file; files that may exist in any of the
6 other offices, being the vicar general's office since
7 the vicar general is also the head of the clergy
8 personnel office; if the archbishop had any working
9 files in his office with Lawrence Hecker; if general
10 counsel had any records dealing with Lawrence Hecker;
11 if there were any other records related to Lawrence
12 Hecker as in electronic records.

13 So I would go into the electronic system.
14 The first thing that I do -- so I'll back up the
15 process just a bit.

16 In the Content Manager, the files of the
17 archdiocese are -- so when we process records, so when
18 a priest, whether it be a priest or it's any other
19 record, when those boxes of material come to me, those
20 by file are then put into the system. Not the
21 individual papers, not the individual -- they're not
22 individually scanned, but we know that a file exists
23 on -- with -- with that information. Okay?

24 So I would have put into the system "Hecker,"
25 would have been the first thing I would have looked at.

1 It would have told me there was a clergy personnel
2 file. It would have told me -- and -- and where that
3 was located. Was it located in -- it could be located
4 in one of two places.

5 If he is deceased, it will be located with me
6 at -- at the -- in the -- the Department of Archives
7 and Records. If the -- if he is still living, he would
8 be with the Office of Clergy, the clergy personnel
9 office.

10 I then collect that record, scan it
11 completely. It is -- and in the Content Manager has
12 the ability to start a hold. So that file is then
13 ticked off and added to what I would have then put in
14 the system "Hecker Litigation."

15 So it would have been attached to that. It's
16 a hold. It cannot be destroyed. I would have done the
17 same thing for any other office that would have had
18 materials related to Lawrence Hecker.

19 If there had been a scanned record, for
20 instance, 1978, if he was in a clergy bulletin and that
21 happened to have been scanned prior for a research
22 purpose and his name comes up as a -- as a content
23 search, so as a word search, I then would tag that also
24 into putting it on hold.

25 So it's across two things: It's the paper

1 records that we -- that have been identified with the
2 title of "Hecker," and it's the electronic records that
3 we search both by title and by document content word
4 search to see if the word "Hecker" is in any of those
5 documents.

6 Q And is it fair to say that when you're
7 conducting these searches, they're not limited by any
8 kind of date range; it's going to be -- the only
9 limitations placed on these documents is whether or not
10 Hecker was involved or implicated or referenced?

11 A Yes. It would be -- if Hecker's name is in
12 any document that is -- Hecker's name is in any
13 document that is electronic, that I can search the
14 document electronically, so it's been OCR'd. So if
15 it's a picture, and he's not identified because it's a
16 picture and -- and that is a photograph and you don't
17 have a name. If it's not -- if his name doesn't appear
18 in the description, I would not be able to pull that.

19 If -- so scanning happens on two different
20 platforms. One happens that the record is OCR, so
21 it's -- it's ocular readable -- you can read it by
22 eye. The other is if it's been flat-scanned because it
23 was a batch of photographs or some -- or -- or a
24 handwritten document that, if the meta data does not
25 include the word "Hecker" on it, it would not have come

1 up.

2 But if the entire file is a paper file, then
3 that entire file is then scanned and put into the
4 system once we receive a litigation notice.

5 Q So is it your understanding that everything
6 that's been scanned into the system -- is there a name
7 for the --

8 A Content Manager.

9 Q So everything that's scanned into Content
10 Manager is searchable?

11 A Yes.

12 Q And the only reason there may be responsive
13 documents that are not hit pursuant to a search is
14 because there's no meta data or words actually on the
15 document that use the word "Hecker"?

16 A Correct.

17 Q How did you search? What -- did you just
18 search the word "Hecker" or did you do "Hecker" within,
19 too, of "Lawrence"? What did you do?

20 A I just did "Hecker."

21 Q Just "Hecker" by itself?

22 A (Nods head.)

23 Q All right. You -- earlier in your
24 explanation -- and thank you for that. That was very
25 expansive.

1 A Sure.

2 Q You seem to have referenced five general
3 sources of documents or areas of documents that you
4 would have looked at --

5 A Uh-huh.

6 Q -- to determine if there were any
7 Hecker-responsive documents.

8 A Correct.

9 Q You identified the clergy personnel file.

10 A Yes.

11 Q Other offices generally, the archbishop
12 files, general counsel's files, and electronic records
13 on Content Manager; is that correct?

14 A That is correct. The other area -- and I --
15 I believe there was a list. I can look. I believe the
16 other one would be the victims assistance coordinator.

17 MR. WEGMANN:

18 It's Item 19, I believe.

19 THE WITNESS:

20 Oh, I have it . . .

21 MR. WEGMANN:

22 Eighteen and 19.

23 A Yes. So the response on 18 is subject to
24 the -- okay. So alleged claims clergy personnel files,
25 victims assistance coordinator, case files with the

1 general counsel, and penal case files with the
2 metropolitan tribunal.

3 BY MR. GISLESON:

4 Q All right.

5 A And if I'm -- as the response for 14, I
6 believe -- yes, all of those with the exception of the
7 Office of the Diaconate because, in this case, no
8 records would be there.

9 Q Why is that?

10 A Because he's not a deacon. He's a priest.

11 Q Did you search that area anyway?

12 A No.

13 Q Okay. All right. Let's talk about the
14 clergy personnel file.

15 A Okay.

16 Q What information is contained in the clergy
17 personnel file?

18 A A clergy personnel file may contain
19 biographical information such as his baptism, his
20 parents' marriage certificates, his school vitae. So
21 he would -- there may be a list of what schools he
22 attended. There will be assignments, oaths of office
23 or oaths of fidelity. There will be correspondence.
24 There will be -- I think that probably about covers it.
25 It -- it -- anything pertaining to a priest in his role

1 of ministry would be in that file.

2 Q So good or bad, if it relates to a particular
3 priest like Hecker, it should be in his clergy
4 personnel file?

5 A Correct.

6 Q And are these files opened up the moment
7 they're ordained?

8 A Yes.

9 Q So in this case, I guess, Hecker was ordained
10 in 1958?

11 A Yes.

12 Q So Hecker's file would go all the way back to
13 1958?

14 A Yes.

15 Q And, in fact, in -- you -- have you since
16 separated his entire file and scanned it in so that
17 it's now searchable?

18 A Yes.

19 Q Did you leave anything out?

20 A No.

21 Q All right. Category No. 2, you mentioned,
22 was other offices?

23 A Yes.

24 Q And what did you mean by "other offices"?

25 A So it would be any -- what I meant by the

1 other offices would be the list of other offices. I
2 had said "the clergy personnel office and the other
3 offices" and then gave you the list.

4 Q Oh, I see. So when you said "other offices,"
5 you were talking about archbishop, general counsel --
6 did you say "vicar general" or no?

7 A I did, because he is the head of the clergy
8 personnel office. He maintains both titles at the
9 moment.

10 MR. WEGMANN:

11 Feel free to point out to him where this
12 information is on this.

13 THE WITNESS:

14 Okay.

15 MR. WEGMANN:

16 Okay?

17 THE WITNESS:

18 Sure.

19 MR. GISLESON:

20 The -- I've gone through that. I've
21 read it. I'm asking the witness questions,
22 so --

23 MR. WEGMANN:

24 That's fine.

25 MR. GISLESON:

1 -- it's okay. If she doesn't understand
2 it, I'm sure she can tell me. All right?

3 BY MR. GISLESON:

4 Q So does the vicar general, as the head of
5 the -- or the -- the organization that maintains the
6 clergy personnel file, does he have a separate file?

7 A No. Not unless he's working on -- if he's --
8 if he's asked -- if -- for -- for this -- let me
9 rephrase that. If he's asked for the file because he's
10 working on -- on the file, he may have a small file of
11 a couple of documents, but they are then added back
12 into the clergy personnel office.

13 So he may have some working files, but it is
14 not separate. He may be drafting a letter -- on any
15 priest, he may be drafting a letter of assignment; it
16 would be in his office for a short period of time and
17 then it will go to the clergy personnel file.

18 Q All right. Do you remember in general how
19 large the clergy personnel file was for Hecker?

20 A I do not.

21 Q Do you remember whether it was more than,
22 say, a hundred pages?

23 A I believe it is.

24 Q Do you remember more -- if it was more than
25 500 pages?

1 A I -- I -- I don't.

2 Q All right. Let's talk about the archbishop
3 files. What files does the archbishop maintain?

4 A I have to ask. Are you talking about in his
5 office or in the central files? Because his entire
6 correspondence is sent to central files.

7 Q Both.

8 A The only files he would have in his office
9 would be any working files that he would -- he would be
10 using or that his secretary would need if they
11 requested files from the central files office that he's
12 working on. So they -- they really are working files.

13 Q So is your testimony that the archbishop is
14 not going to have any documents that don't make their
15 way to the central office?

16 A Correct.

17 Q Does the archbishop have a safe?

18 A No.

19 Q Is there a safe on the premises?

20 A Yes.

21 Q Where is the safe located?

22 A Well, there is a -- so we have a -- a vault.
23 I mean, we have a very large vault, if that's what
24 you're asking, that is where our records go.

25 Q Okay. Tell me about the vault.

1 A So the vault is -- I don't know how big it
2 is. It's a very large vault. I mean, it's a walk-in
3 vault with a vault door. It has a cage in the back of
4 it that is by lock and key, and that cage -- behind
5 that cage has all the sacramental records of the
6 archdiocese from 1718 through some of the current
7 records of the parishes -- the sacramental records of
8 the parishes that were damaged during Hurricane
9 Katrina. So they -- it maintains back there under lock
10 and key more than 3,000 volumes of hand-scribed
11 sacramental records of a historic nature.

12 The front portion of the vault has property
13 records in it, has property architectural drawings. So
14 it has those types of things in there. There're filing
15 cabinets in there that are lock and key for both the
16 clergy office, for the Metropolitan Tribunal. Finance
17 has shelving in that -- in there for their finance
18 records. There's a scanner in there for -- a
19 large-format scanner for architectural drawings.

20 There is a large safe that is in there that
21 was what we would call the Archbishop Rummel era safe
22 that -- that basically maintains wills, et cetera, of
23 priests that are in there. Or had been in there. I
24 don't know if it's in there now.

25 Q Anything else you can think of?

1 A Building office -- as I said, I think
2 that's -- that would be it. It's the architectural.
3 It's the property records. It's -- I'm trying to go
4 through the vault as I -- I think that -- that's it.

5 Q All right. So what's the physical address of
6 where the vault's located?

7 A 7887 Walmsley.

8 Q And what floor?

9 A Second.

10 Q How much is -- of the floor does the vault
11 occupy?

12 A I have no idea.

13 Q How many square feet is the vault?

14 A I don't know.

15 Q Well, is it larger than this room?

16 A Yes.

17 Q How many times larger than this room?

18 A Four to five, yeah, times as large as this
19 room.

20 Q All right. Other than the vault and the safe
21 in the vault that contains Archbishop Rummel
22 documentation, are you aware of any --

23 A There at -- let me -- let me -- let me
24 correct you on that. It does not contain Archbishop
25 Rummel's documentation.

1 Q Okay.

2 A That was a vault used by Archbishop Rummel.
3 And currently there are chalices in that safe, there is
4 jewelry in that safe, and -- and that's about it.
5 There's -- there's -- there's no other paper documents
6 in that safe.

7 Q All right. That's where I was headed.

8 All right. So other than the vault --

9 A Uh-huh.

10 Q -- the safe inside the vault, are you aware
11 of the archdiocese owning or maintaining any safes?

12 A No.

13 Q Are you aware of any other location where
14 there are documents under lock and key other than
15 what's inside the vault and the safe?

16 A Yes.

17 Q Where's -- where is that?

18 A Every office of the archdiocese is locked.

19 Q Okay. I'm not talking about the office
20 itself, but maybe where the documents are kept?

21 A Well, most filing cabinets in the archdiocese
22 are locked. They have to be opened in the morning by
23 the office that's using them.

24 Q Okay. Are there any documents that the
25 archbishop creates or maintains that you would not know

1 about? Any categories of documents.

2 A If I don't know about them, how would I not
3 know about them.

4 Q Well, there's some categories of documents
5 people do know -- I know he keeps these types of
6 documents, and I just don't see them, but I don't know
7 what they are; but they're -- you know, these are the
8 categories of documents.

9 A No.

10 Q Okay. Where is the archbishop's office?

11 A At 7887 Walmsley.

12 Q What kind of documents are maintained by the
13 general counsel?

14 A Legal case files.

15 Q Anything beyond legal case files?

16 A Any -- anything of a legal matter that she
17 would be working on.

18 Q When legal case files by the general counsel
19 or the cases that the general counsel might work on are
20 closed, do they become part of your responsibility?

21 A Yes.

22 Q At what point?

23 A Well, it -- so we've only had two general
24 counsels, and in the last five -- five or six years,
25 those records, when they're closed, they come to me or

1 they -- they're maintained by my office, yes.

2 Q And what are the names of the last two
3 general counsel?

4 A The last general counsel was Wendy Vitter and
5 the current general counsel is Susie Zeringue.

6 Q Do you know who predated Wendy Vitter?

7 A There was no in-house general counsel.

8 Q So Wendy Vitter was the first ever in-house
9 general counsel for the archbishop?

10 A Yes. For the archdiocese.

11 Q For the archdiocese.

12 Do you know whether the archbishop has his
13 own separate lawyer other than general counsel or the
14 vicar general?

15 A I don't. I -- the --

16 MR. WEGMANN:

17 You mean in an official capacity?

18 MR. GISLESON:

19 No. Personal capacity.

20 MR. WEGMANN:

21 Answer if you know.

22 A I don't know.

23 BY MR. GISLESON:

24 Q You talked about the victims assistance
25 coordinator?

1 A Yes.

2 Q What is that?

3 A That is -- the victims assistance coordinator
4 is the person that re- -- that maintains the hotline or
5 that answers calls that come in from the hotline and
6 assists victims as they come forward with allegations.

7 Q Where are they physically located?

8 A In the victims assistance -- well, actually,
9 the in the Walmsley vault.

10 MR. WATERS:

11 I'm sorry, where?

12 THE WITNESS:

13 In the Walmsley vault.

14 BY MR. GISLESON:

15 Q The -- so the records that the victims
16 assistance coordinator maintains are located in the
17 Walmsley vault?

18 A It is, and I -- yes.

19 Q And are they only maintained in hard-copy
20 format?

21 A Yes.

22 Q Okay. So how did you search those for
23 allegations related to Hecker?

24 A So those files as well as -- so the -- I
25 actually have to go and get the key for that, and that

1 key is maintained by the vicar general, the office of
2 clergy. I mean, he has the key to that file system.

3 And I then get the key and notify them that
4 I'm going into those -- those records. And -- and
5 usually that's just a voice: "I need to get into the
6 records because I'm searching." So it's not anything
7 that's a clearcut e-mail or response. And I then go
8 through them looking for the clergy person's name or
9 the victim.

10 Q How are they maintained?

11 A In a file, in a paper file.

12 Q How are they cataloged?

13 A They're in alphabetical order.

14 Q By name of victim or --

15 A Could be either.

16 Q -- priest?

17 A Mostly by vict- -- by victim. If memory
18 serves, they're by victim.

19 Q So then if you're looking for a priest and
20 you're trying to determine, say in this case, whether
21 Father Hecker was accused of sexual abuse before this
22 case was filed, the only way to find that out is to
23 look at individual -- every individual file to figure
24 out who the priest was?

25 A No. Because it will often have the victim's

1 name, slash, the clergy person's name.

2 Q All right. Is it always like that or just
3 sometimes?

4 A I think sometimes.

5 Q All right.

6 A I can't -- I can't be -- I can't be for sure.
7 I can't tell you for sure.

8 Q All right. So when you -- did you, in fact,
9 go into the victims assistance coordinator locked
10 section of the Walmsley vault to look for documents
11 related to Hecker?

12 A Yes.

13 Q When you did that, did you look at every
14 single file in the vault where only the name of the
15 victim was present and not the name of the priest?

16 A No. But I'd like to clarify that if I can.

17 Q By all means.

18 A So if a victim's name is in there and I know
19 that the victim is for -- is -- has accused a different
20 person, then I didn't have to look at theirs. Does
21 that -- I don't know if that makes sense.

22 Q Did you -- are you saying -- I don't -- I'm
23 not sure what you are --

24 A So what I'm saying is, if -- if -- if -- if
25 I'm looking for Hecker, and I have another -- there's

1 a -- there's a victim's name, and I am familiar that --
2 that I've already pulled that victim's name for a
3 diff- -- for Priest X, and it's not Hecker, then I'm
4 not going to -- I'm not going to review it again to see
5 if Hecker's name is in it.

6 Q Let's -- okay. I think I kind of . . . Are
7 there any examples that you can think of where victims
8 have come forward and alleged abuse by multiple
9 priests?

10 A Yes.

11 Q All right. And in those instances where
12 multiple priests are involved in the sexual abuse, do
13 they put the name in this file of every single
14 priest --

15 A Yes.

16 Q -- that's been alleged?

17 A And I would have looked across every one of
18 them.

19 Q All right. How many --

20 A Can I get some more water, please?

21 Q Sure. Uh-huh.

22 THE WITNESS:

23 Thank you.

24 BY MR. GISLESON:

25 Q How many files are -- make up the victims

1 assistance -- what do you call that part of the vault
2 of these files?

3 A I don't call it a -- it's just a cabinet that
4 has those, and it's two drawer-fulls.

5 Q Okay. Of how many files?

6 A I have -- I couldn't tell you.

7 Q When did they begin collecting records?

8 A I don't know.

9 Q How long has the victims assistance
10 coordinator been in existence, to your knowledge?

11 A To my knowledge, it's been at least since
12 2002, if not before that.

13 Q Do you -- can you put a range of the number
14 of files?

15 A No.

16 Q Who decides what files get placed into the
17 victims assistance coordinator?

18 A The victims assistance coordinator.

19 Q Who is that right now?

20 A Brother Stephen Synan, I believe. S-Y-N-A-N,
21 I believe.

22 MR. GIBSON:

23 That's correct.

24 THE WITNESS:

25 Is that correct?

1 MR. GIBSON:

2 Uh-huh.

3 BY MR. GISLESON:

4 Q Where is he -- where is his office?

5 A He has an office at 7887 Walmsley.

6 Q How long has he occupied the role of victims
7 assistance coordinator?

8 A Maybe five years. I'm -- I couldn't tell you
9 exactly.

10 Q Do you remember the name of the person who
11 predated him in that role?

12 A Sister Carmelita.

13 MR. GIBSON:

14 Centanni.

15 A Centanni, C-E-N-T-A-N-N-I.

16 BY MR. GISLESON:

17 Q Are you familiar with their procedures for
18 when to put a file in -- in the -- in the Walmsley
19 vault?

20 Let me ask you this: So if they get a
21 complaint for every single -- if -- if they receive a
22 complaint --

23 A Uh-huh.

24 Q -- related to an -- a priest --

25 A (Nods head.)

1 Q -- does every single complaint generate a
2 file and then does every single one of those files get
3 put in the Walmsley vault?

4 A It's is my understanding that, yes, it does.

5 Q What do you base that understanding on?

6 A When Sister Carmelita left her files,
7 anything that was still in her office that was a
8 working file would have gone into that filing system.

9 Q Have you ever asked Brother Synan or Sister
10 Carmelita whether that was their practice, like at what
11 point do you open up a file and at what point does that
12 file get put into the Walmsley vault?

13 A My understanding and from looking at the
14 files, the -- from the moment a phone call comes in,
15 they write that information down.

16 Q Have you -- the question was: Have you ever
17 asked either one of them that particular question?

18 A No.

19 Q When were the clergy personnel files first
20 created, that procedure?

21 A The clergy personnel file has been -- I mean,
22 we've -- I have clergy personnel files that go back
23 into the 1800s.

24 Q All right. So it's your testimony that the
25 clergy personnel file predates 1958?

1 A Yes.

2 Q Would the personnel file have any
3 ordination-related records?

4 A Yes.

5 Q I'm sorry. Where did you say the personnel
6 files were maintained?

7 A They're either -- if the person is currently
8 living, they're maintained in the clergy personnel
9 office. If they are deceased, six months after they
10 are deceased -- six months to a year after they are
11 deceased and their final will and their -- their estate
12 is closed, those records are transferred to the
13 archives.

14 Q And the clergy personnel office is overseen
15 by the vicar general?

16 A It is, by the -- by the head of clergy
17 personnel. He is the head of clergy personnel. He
18 wears two hats.

19 Q What's his name?

20 A Father Pat Williams.

21 Q How long has he served in that role as vicar
22 general?

23 A I don't know.

24 Q If I could direct your attention back to the
25 CV in front of you.

1 A Uh-huh.

2 Q And the second-to-last bullet point reads:
3 "Coordinated the move of the archives and records to a
4 new facility."

5 A Uh-huh.

6 Q Did I read that correctly?

7 A Yes.

8 Q What does that mean?

9 A That means after Katrina, Hurricane Katrina,
10 most of the sacramental records as well as many of the
11 other records of the archdiocese, some of the boxes of
12 records.

13 So -- so let me -- I'll back up a little bit.
14 The office of archives and records -- the
15 office of archives, the archives material used to be at
16 the old Ursuline convent, which was on Chartres Street,
17 1100 Chartres in the French Quarter.

18 When Hurricane Katrina hit, I was not at the
19 archdiocese; I was at the Diocese of Baton Rouge. The
20 entire Archdiocese of New Orleans moved into the
21 arch -- the Diocese of Baton Rouge and each office sat
22 side by side.

23 So the archives department basically moved
24 into my archive's department at the Diocese of Baton
25 Rouge. The records the -- that vault that we talked

1 about earlier, that had sacramental records and stuff
2 that was -- that was wet, all of that came to the
3 Diocese of Baton Rouge, as well as some of the other
4 historic files of the archdiocese that would have been
5 at the old Ursuline convent. Okay?

6 So -- so we removed -- because I -- I was
7 part of the recovery team -- or the rescue team. We
8 came in two weeks after Katrina with armed guard and
9 took the records that were -- that we -- that were
10 critical, which was the sacramental records because
11 kids had to get back in the school. We brought those
12 into the Diocese of Baton Rouge.

13 When -- and -- and I was quasi, then, doing
14 two things at once: both of the Diocese of Baton Rouge
15 and the Archdiocese in New Orleans and helping with the
16 recovery effort.

17 In 2007, when we moved back -- well, the --
18 the -- the staff -- some staff from New Orleans was
19 with me in Baton Rouge for about 18 months.

20 When the entire thing moved back, I, then,
21 was hired as the archivist -- Director of Archives and
22 Records because my predecessor was retiring. We then
23 had to move the entire archives out of the -- well, we
24 had already begun. We were moving -- during that
25 two-year span, we moved everything out of the old

1 Ursuline convent to our office on Howard Avenue.

2 We also then moved all of the other records
3 that had been in the vault that had been in -- been in
4 Baton Rouge back to that vault. The office of the --
5 some of the records management portion of -- of the
6 archives was on the 12th floor -- the old stuff was on
7 the 12th floor of Howard Avenue.

8 Currently, the records management and the
9 archives portion of the -- of the archdiocese is at
10 1000 Howard Avenue on the fifth and sixth floor. So
11 the fifth floor predominantly has the archives. The
12 sixth floor -- with the exception of the records that
13 are in the vault, and on the sixth floor is the records
14 management, the things that are routinely destroyed
15 that -- that come up, that then -- the decision is made
16 are they destroyed or they moved to the archives which
17 is on the fifth floor.

18 Did that make sense?

19 Q Yeah.

20 A So the whole thing comes back. I mean, it
21 was really during Katrina that we had to move between
22 three facilities, the archdiocese moving to Baton Rouge
23 and then coming back. The stuff came out of the
24 convent, came out of -- off of the 12th floor and all
25 got then managed on two floors at Howard Avenue.

1 Q Did --

2 A So that's why the -- that's what that
3 coordinated move was.

4 Q Okay. Did Katrina destroy any records?

5 A Not at the administration, no.

6 Q Anywhere else?

7 A Parishes. And schools.

8 Q So documents saved at the parish level that
9 wasn't transferred to the archdiocese could have been
10 destroyed --

11 A Yes.

12 Q -- due to Katrina.

13 When the archdiocese receives an allegation
14 of abuse like in this case against Hecker, was any
15 effort made by the archdiocese to go to any of the
16 individual churches where he practiced during the time?

17 A The -- no.

18 Q So at least my understanding, that Father
19 Hecker, after he was ordained, practiced at Christ the
20 King in Terrytown; Holy Family in Luling; Holy Rosary
21 in New Orleans; Our Lady of Lourdes in New Orleans;
22 St. Anthony in Luling; St. Bernadette in Houma;
23 St. Charles Borromeo in residence; St. Frances Cabrini
24 in New Orleans; St. Francis Xavier in Metairie;
25 St. Joseph, Gretna; St. Louise De Marillac in Arabi;

1 St. Mary in New Roads; and St. Therese of Child Jesus
2 in New Orleans.

3 (Mr. Wegmann and the witness confer
4 outside the hearing of the reporter.)

5 BY MR. GISLESON:

6 Q Is it fair to say that the archdiocese never
7 went to any of those individual parishes to see if
8 there were any documents responsive to Mr. Hecker?

9 A Correct.

10 Q If I could direct your attention to page 3,
11 please.

12 You have a number of publications.

13 A Yes.

14 Q There was one I couldn't locate. Can you --
15 I think it was the 2016 one maybe: "Behind the Wall:
16 The Archivist and the Researcher."

17 Do you see that? Do you remember that?

18 A Yes.

19 Q What was the general nature of that
20 publication?

21 A The general nature of that publication? I
22 don't have that in front of me. I was asked to sit on
23 a panel, and after that, the panel asked us to write up
24 what we had already talked about, and that was that
25 publicat- -- then they put it together as one

1 publication.

2 THE WITNESS:

3 Do you have that?

4 MR. WEGMANN:

5 I don't.

6 BY MR. GISLESON:

7 Q All right. If I could direct your --

8 MR. GISLESON:

9 All right. I'm going to attach your CV
10 as Exhibit 3. I don't think I did that.

11 Can I get that from you, please?

12 THE WITNESS:

13 Sure.

14 (Mr. Wegmann and the witness confer
15 outside the hearing of the reporter.)

16 THE WITNESS:

17 It should be in there.

18 MR. WEGMANN:

19 It's in here. If it was the book, I
20 didn't leave it in the book.

21 THE WITNESS:

22 No. It's not that book.

23 MR. WEGMANN:

24 Okay. Then it's in here.

25 THE WITNESS:

1 Okay.

2 MR. GISLESON:

3 I've got -- I've got one of them we're
4 about to go over.

5 THE WITNESS:

6 Okay.

7 MR. GISLESON:

8 Could I get that other -- Exhibit 1 in
9 front of you? You can always ask for it back
10 if you'd like to consult it.

11 I like to try to keep the exhibits
12 together.

13 BY MR. GISLESON:

14 Q All right. Through the course of discovery,
15 though, we did receive this article.

16 A (Views document.)

17 Yes.

18 Q This was authored by you?

19 A Yes.

20 Q Okay. And why did you -- what -- and it's
21 called "The Archives of the Archdiocese of
22 New Orleans"?

23 A Uh-huh.

24 Q Is that a "yes"?

25 A Yes.

1 Q And it looks like you wrote it in around
2 2014; is that correct?

3 A Yes.

4 Q If I could direct your attention to, I guess,
5 the journal number on the top right corner, 49.
6 Page 49.

7 A Okay.

8 Q The very beginning.

9 A Yes.

10 Q Could I ask you to please read that entire
11 paragraph out loud for the record?

12 A Yes.

13 "Within the archives, there are approximately
14 6,000 cubic feet of boxed archival material, e.g.,
15 administrative files, property files, organizational
16 files, parish visitation reports, institutional
17 histories, photograph collections; 528 bound volumes of
18 primary source material, e.g., funeral expenses, pulpit
19 announcements, diaries, scrapbooks, minute books,
20 cemetery plot books; and 1,456 sacramental registers.

21 "Secondary sources numbering more than 3,500
22 include the Official Catholic Directory and its
23 predecessors, the archdiocesan newspapers, parish
24 histories, and records of the propaganic" --
25 "propagation of the faith. Collections that have been

1 described at the collection level up to 1965 are
2 available for scholarly research."

3 Q Is everything you just read true and correct
4 to the best of your knowledge and belief?

5 A Yes.

6 Q If I could direct your attention to 51, or
7 Bates-stamped 14 in the lower right-hand corner?

8 A Yes, uh-huh.

9 Q There's a photograph. Do you see that
10 photograph?

11 A Yes.

12 Q What is that a photograph of?

13 A That's a photograph of the archives that are
14 at 1000 Howard Avenue at that time period.

15 Q All right. But this --

16 A It's very similar to what it looks like now.

17 Q All right. But this is not the vault on
18 Walmsley?

19 A No, it is not.

20 (Exhibit 4 is marked.)

21 BY MR. GISLESON:

22 Q Okay. Let me go ahead and mark this as
23 Exhibit 4. If I can get that back from you, please.

24 A Oh, I just drew on it.

25 Q That's fine.

1 A Sorry.

2 MR. WEGMANN:

3 We've been going for about an hour and a
4 half. Can we take a short break, please?

5 MR. GISLESON:

6 Yeah. By all means.

7 THE VIDEOGRAPHER:

8 This is the end of Media No. 1. We're
9 now off the record at 11:25.

10 (A short break is taken.)

11 THE VIDEOGRAPHER:

12 This is the beginning of Media No. 2.
13 We're now back on the record and the time is
14 11:36.

15 BY MR. GISLESON:

16 Q So just before we went off the record, we
17 talked about not obtaining records from individual
18 churches as it relates to sexual abuse allegations for
19 priests. I want to know, though, does the archdiocese
20 have the authority to require them to send that type of
21 information to the archdiocese as it's collected? Do
22 you know?

23 MR. WEGMANN:

24 She can answer if -- if she knows, but
25 that wasn't the topic of the -- the

1 deposition today.

2 So but -- so if you know the answer, go
3 ahead and -- and answer.

4 A As it pertains to -- I'm sorry. Can you
5 repeat the question?

6 BY MR. GISLESON:

7 Q Sure.

8 If -- if -- if -- if the individual -- these
9 individuals churches I read off earlier received
10 information relating to Hecker, could the archdiocese
11 require that they send it at -- whenever they receive
12 it to the archdiocese?

13 A No.

14 Q Okay. Why not?

15 A They're a separate corporation.

16 Q All right. So it's the archdiocese' position
17 that they don't -- they can't require them to produce
18 documents to the archdiocese?

19 MR. WEGMANN:

20 Object to form.

21 BY MR. GISLESON:

22 Q Is that your understanding?

23 A The -- each parish is its own corporation.

24 Q Okay. And to you that means, because of
25 their own corporation, they don't have to send

1 documents related to individual priests to the
2 archdiocese?

3 A Correct.

4 Q Okay.

5 A They . . .

6 Q If you ever need to clarify anything, by all
7 means, just ask me and, you know --

8 A No. I -- I just -- I -- I -- don't
9 understand what -- what documents are you talking
10 about. You said "documents." I mean, there certainly
11 are documents that the parishes do reporting, but
12 that's why I didn't understand the question.

13 Q Okay. So if -- let's see, Christ the King in
14 Terrytown had received information about Hecker in any
15 capacity, about anything, and there was a letter that
16 Hecker sent to someone else or a letter received by
17 Hecker while he was a priest there, there's no
18 requirement that Hecker send that letter -- or anybody
19 within that parish send that letter to the archdiocese;
20 is that your position?

21 MR. WEGMANN:

22 Object to form.

23 A Are you talking about abuse?

24 BY MR. GISLESON:

25 Q Anything. Well, anything first off.

1 A If it's just any piece of routine
2 correspondence, no, the parish is not, nor is the
3 clergy, required to send copies of their correspondence
4 to the archdiocese.

5 Q Okay. Why the -- if the -- if the victims
6 assistance coordinator started receiving and
7 maintaining records in 2002, why aren't they kept or
8 maintained in electronic format?

9 A I don't know.

10 Q If you wanted to know the answer to that
11 question, who would you ask?

12 A There are many documents in the archdiocese
13 that are still maintained in paper format, so, I mean,
14 those are -- they -- there -- it isn't a requirement.

15 Q All right. Who makes the decision whether to
16 maintain a document in hard copy or electronic format?

17 A The end user.

18 Q In this particular situation, would the end
19 user be the victims assistance coordinator?

20 A Yes.

21 Q All right. So if I want to know the answer
22 to the question as to why these documents are still
23 maintained by hard copy in 2019, I should go ask the
24 victims assistance coordinator?

25 A Yes.

1 Q All right. I'd like to direct your attention
2 to another article written by you.

3 A Uh-huh.

4 Q This one is entitled "Behind the Wall: The
5 Archivist and the Researcher."

6 A Yes.

7 Q Do you see that?

8 A Yes.

9 Q Did you, in fact, write this?

10 A I did.

11 Q Did you publish this in the American Catholic
12 Studies?

13 A Yes.

14 Q Could I ask you to read out loud the third
15 sentence from the top beginning with the word
16 "diocesan."

17 A "Diocesan archives are often closed to
18 researchers and special permission are needed to gain
19 access." (As read.)

20 Q And the next sentence, please?

21 A "Perhaps a better analogy is a castle or
22 fortress surrounded by a moat with a drawbridge that
23 must be lowered in order to gain entrance."

24 Q Is that a true and accurate statement?

25 A Yes. As it pertains to research.

1 Q Okay. If I could direct your attention to
2 Bates stamp 22. If you could read out loud the first
3 full sentence at the top.

4 A "The premise," is that what you're asking?
5 Or "As many"?

6 Q "As many."

7 A "As many diocesan archives have made
8 progress, the sex abuse crisis has overshadowed some of
9 that process" -- "progress," excuse me.

10 Q What do you mean by that?

11 A Well, I would have to read the beginning of
12 the . . . (Views document).

13 MR. ZERINGUE:

14 What page are we on, Soren?

15 MR. WEGMANN:

16 We're on 22.

17 THE WITNESS:

18 We're on twenty --

19 MR. GISLESON:

20 Bates stamp 22.

21 MR. WEGMANN:

22 Page 15 of the document, but the Bates
23 stamp 22.

24 A But I'd have to go back to the beginning of
25 it to -- to read (views document).

1 BY MR. GISLESON:

2 Q Do you want us to go off the record so you
3 can take your time?

4 A No. No.

5 Q Okay.

6 A Okay. So the reason why that was written is
7 because, and this is -- this is not specific to the
8 Archdiocese in New Orleans. This is specific to all
9 diocesan archives, and this is specific to -- part --
10 part of my role at some point as the president of the
11 Association of Catholic Diocesan Archivists and what I
12 have seen in other archives and -- and taught about.

13 And so in -- this is having to do with
14 openness to research. And what has happened is often,
15 people doing historical research, the -- the -- they've
16 made progress in hiring professional archivists to be
17 able to maintain the historical records, and part of
18 the progress has been overshadowed by the sexual abuse
19 process.

20 So people are very afraid to be able to come
21 in -- excuse me, I shouldn't use the -- I don't mean
22 "afraid." So if -- if a -- if a parish is doing a
23 parish history and someone wants to research that
24 parish history, sometimes, often in other dioceses,
25 it's -- it's difficult to be able to ask for permission

1 to be able to see those records about that parish or
2 whatever they're researching.

3 So it's across the dioceses in -- in the
4 United States that oftentimes the -- all -- the records
5 that should be open historically past maybe 1950 or
6 whatever they deem, you know, from the 1800s, they
7 don't want to open anything up because they're a
8 private corporation, and they don't have to.

9 Q And the reason they don't want to do that is
10 because of the sex abuse crisis?

11 A It overshadows it in some instances, yes.

12 Q If I could direct your attention to the next
13 page. If I could ask you to read that entire
14 paragraph. Read -- starting with the very -- the very
15 first one starting with, "The policy . . ." Read it
16 out loud.

17 A Yes.

18 "The policy states that the passage of
19 time -- quote, the passage of time has a critical
20 effect on sense- -- the sensitivity of all records. As
21 current events become historical events, the need for
22 withholding them from use is reduced and, in some
23 cases, may eventually disappear entirely."

24 For this reason, older records may be made
25 more broadly available to researchers; whereas, recent

1 records shall be more restricted from use."

2 Q Is that a true and accurate statement of your
3 beliefs?

4 A Yes. As the policy states.

5 Q If I could direct your attention to the last
6 paragraph on that same page.

7 A Uh-huh.

8 Q If you can read out loud the paragraph
9 beginning with "So how does . . ."

10 A "So how does the recent crisis affect the
11 openness of records? In my opinion, it doesn't. Or
12 let me rephrase that. It shouldn't. If the records
13 are within the last 50 years, haven't been processed or
14 contain material restricted by civil laws, e.g., HIPAA
15 laws, the records are not available to the public for
16 research. Publications, however, are a different
17 story. Newspapers, histories, published sermons,
18 articles, directories, et cetera, are all open."

19 Q All right. Is that a true and accurate
20 statement of your beliefs?

21 A Yes.

22 MR. GISLESON:

23 All right. I'm going to go ahead and
24 mark that as Exhibit 5.

25 (Exhibit 5 is marked.)

1 MR. GISLESON:

2 Thank you.

3 BY MR. GISLESON:

4 Q I'm handing the witness a document entitled
5 "Archdiocesan" -- "Archdiocesan Records."

6 A (Views document.)

7 Q Can I ask you to read that first box entitled
8 "Policy"?

9 A "Policy." This is under "Ownership of
10 Records." "All records created, received, used,
11 maintained, or preserved by an archdiocesan entity" --
12 and there are two footnotes. There's a 1 and then a
13 2 -- "employee or volunteer of the Archdiocese of
14 New Orleans during the course of employment or in the
15 transaction of Archdiocesan business are solely the
16 property of the archdiocese. No records shall be
17 removed; destroyed; transferred; stored; transferred
18 into another media format, e.g., digital imaging; or
19 otherwise disposed of, except in compliance with
20 Archdiocesan policies governing properly established
21 retention schedules and the procedures developed by the
22 Office of Archives and Records."

23 Q Is that a true and accurate statement of the
24 archdiocese's policy?

25 A It is.

1 Q I'm going to mark that in a second. I have a
2 question, though, as to records retention schedules.

3 Do you see that?

4 A Yes.

5 Q And in the policy box, it references the
6 Records Conservation Board?

7 A Yes.

8 Q Do you see that?

9 Then if you go to Footnote 3, or the End
10 Note 3, could you read out loud what the Records
11 Conservation Board is?

12 A Yes.

13 Footnote 3 says: "The Records Conservation
14 Board is the governing authority for the approval of
15 records retention schedules for the Archdiocese of
16 New Orleans. The board consists of the Roman Catholic
17 Church of the Archdiocese of New Orleans' Finance
18 Officer, Legal Counsel, the Archivist, or their
19 designates."

20 Q All right. What does the Records
21 Conservation Board do?

22 A When there is a schedule that is up for
23 review, the conservation board meets to discuss those
24 schedules. It is my responsibility to -- with my
25 staff, to research those records and that -- that would

1 be part of that schedule.

2 And then a format is used to be able to -- to
3 document each one of those types of records along with
4 a description of the record, along with any legal
5 citations that might govern the retention of the -- the
6 record. Then the board meets to discuss if there are
7 any finance, legal, or arch- -- or historical concerns.

8 And then we also meet with the department
9 head as well, who govern those records, and when the
10 schedule is -- has been gone back and forth as to what
11 works, what doesn't work, then the schedule is signed
12 off by the department head and the -- and the
13 conservation board.

14 Q Who currently sits on the conservation board?

15 A Jeff Entwisle, who would be the CFO; Susie
16 Zeringue, who is the legal officer; and myself.

17 Q Has the conservation board ever addressed
18 document retention as it relates to the sexual abuse
19 crisis?

20 A No.

21 MR. GISLESON:

22 All right. I'm going to go ahead and
23 mark that as Exhibit 6.

24 (Exhibit 6 is marked.)

25 BY MR. GISLESON:

1 Q Does the Records Conservation Board maintain
2 minutes of their meetings?

3 A No.

4 Q When the Records Conservation Board makes
5 some kind of a decision, how is that memorialized?

6 A By the signing of the retention schedules.

7 Q Are e-mails passed among the members of the
8 conversation board related to certain topics?

9 A Yes. Depending on whatever retention
10 schedule is up for discussion.

11 Q Were e-mails ever exchanged among members of
12 the Records Conservation Board about the sexual abuse
13 crisis?

14 A No.

15 Q Do you know whether the e-mails related to
16 the Records Conservation Board were searched or somehow
17 placed on hold related to the allegations of this
18 lawsuit?

19 A No.

20 Q We talked a little bit in broader sense about
21 the organizational structure of the archdiocese, and
22 I've just handed the witness a document entitled
23 "Organization of the Archdiocese," Bates-stamped 29,
24 and it appears at the top is the archbishop; correct?

25 A Yes.

1 Q And then answering to the archbishop on two
2 sides of this graph are the tribunal and the
3 chancellors; correct?

4 A Yes.

5 Q And then directly underneath the archbishop
6 is the vicar general; right?

7 A Yes.

8 Q What is the tribunal?

9 A Tribunal is the internal court of the
10 Archdiocese of New Orleans.

11 Q What -- what does the internal court of the
12 archdiocese do?

13 A Annulments.

14 Q Only annulments?

15 A They do annulments as well as any penal cases
16 that would be going to Rome for laicizations of a
17 priest -- or laicizations as well as any penal cases.

18 And anything else, you would have to ask the
19 person in charge of the tribunal.

20 Q And who is that?

21 A That is Father Peter Akpoghiran -- and I
22 cannot spell it for you -- who is the chancellor and
23 the judicial vicar. He maintains both positions.

24 Q Where is his office?

25 A 7887 Walmsley.

1 Q Who else is comprised of -- or who else sits
2 on the tribunal?

3 A You would have to ask him.

4 Q Okay.

5 A I mean, he has an office staff.

6 Q All right. So if the tribunal was going to
7 consider the issue of whether to remove a -- the --
8 would the tribunal consider the issue of whether to
9 remove a priest?

10 A I don't know.

11 Q Okay. Would the tribunal be involved in any
12 way in allegations against a priest for sexual
13 misconduct?

14 A I don't know.

15 Q If you want to know the answer to that
16 question, who would you ask?

17 A Father Peter.

18 Q Does the tribunal maintain and keep records
19 separately from what you do?

20 A I don't understand that.

21 Q Sure.

22 Does the tribunal generate -- create
23 documents as a result of its work?

24 A Yes.

25 Q All right. Do all of those records end up

1 under your purview at one point?

2 A At some point, yes.

3 Q At what point aren't they?

4 A While they're still in active use.

5 Q Okay.

6 A Or they're still working records.

7 Q All right. So you only get records from the
8 tribunal once a case or an issue is resolved?

9 A At -- at certain times of the year, if it's
10 an annulment case for marriage annulments, those
11 records are transferred to the -- to the archives for
12 maintenance.

13 Q All right. So would it be fair to say the
14 tribunal, or Father Peter in particular, has discretion
15 to determine when a record is closed such that it can
16 be transferred to you?

17 A Yes.

18 Q So as you sit here today, you don't know what
19 records -- or you don't know whether any records the
20 tribunal may have or generated would relate to Father
21 Hecker; is that correct?

22 A No. That is not correct.

23 Q Okay. How is that wrong?

24 A Because when I was asked to search, I
25 searched in their files as well to see if there was any

1 material related to Father Hecker.

2 Q All right. Where are the tribunal files
3 located?

4 A At 7887 Walmsley.

5 Q Are they maintained by hard copy?

6 A Yes.

7 Q Do they have any electronic files?

8 A I don't know.

9 Q If you wanted to find out if they had any
10 electronic copies, would you ask Father Peter?

11 A Yes.

12 Q Okay. So when you are the -- where -- sorry.
13 Where physically are the hard copies for the tribunal
14 kept?

15 A Either in their offices or in that Walmsley
16 vault.

17 Q So you physically went into the tribunal's
18 offices and asked if there were any records related to
19 Father Hecker?

20 A No. I did not.

21 Q Okay. So then --

22 A I -- I -- I physically went into the records
23 that are in -- I re- -- I received -- I retrieved the
24 key from Father Peter to look in their file cabinet
25 that's in the Walmsley vault.

1 Q All right. But you didn't look at any
2 documents or file cabinets that are present in the
3 tribunal offices?

4 A No, I did not.

5 Q All right. Did you ask Father Peter if he
6 had any files in his office or the tribunal's office as
7 they relate to Father Hecker?

8 A No, I did not.

9 Q All right. Let's move over to chancellors.
10 What is -- what is the chancellors box about?

11 A The chancellor?

12 Q I'm sorry. If you -- if I could direct your
13 attention to the right side of the archbishop, there's
14 an arrow.

15 A Right, yeah.

16 Q That reads "Chancellors"?

17 A Right now there is -- this is the 1983. This
18 isn't today.

19 Q Okay. So does the box of "Chancellors" no
20 longer exist?

21 A There is a chancellor.

22 Q All right. Who is the chancellor?

23 A Father Peter.

24 Q All right. What are the duties and
25 responsibilities of a chancellor, as you understand

1 them?

2 A The chancellor is the -- the -- he functions
3 as the official record keeper in his duties unless it
4 is designated to someone else, which it has been, and
5 he then -- his -- his expressed duty is to verify
6 seal -- I don't know how to explain this, but when the
7 archbishop writes a decree or writes a document, and if
8 it needs a seal on it, the arch -- the chancellor
9 verifies that that is, in fact, the archbishop's
10 signature and will seal behind it as an official
11 document when it's a decree or something of that
12 nature.

13 Q All right. And so for purposes of today, the
14 chancellor and sort of the head of the tribunal are
15 both the same person --

16 A Correct.

17 Q -- Father Peter?

18 Okay. Are any documents generated by the
19 chancellor's office maintained only in the chancellor's
20 office?

21 A I don't -- I don't know.

22 Q Okay. Another question: Is the chancellor's
23 office and the tribunal office pretty much the same
24 because it's Father Pete?

25 A Yes. But they are two separate duties.

1 Q Okay. Okay. So let's talk about the vicar
2 general.

3 Refresh my recollection. Who is that again?

4 A Currently there are two vicars general. One
5 is Bishop Cheri, Ferdinand Cheri; and the other is
6 Father Patrick Williams.

7 Q All right. Is it typical to have two vicar
8 generals --

9 A Yes.

10 Q -- at the same time?

11 A Yes.

12 Q And what are the duties and responsibilities
13 of the vicar general as you understand it?

14 A The vicars general oversee the offices that
15 are listed here, at least in 1983. And currently they
16 oversee other offices of the ones that are today.

17 Q Okay. Did you -- and the vicar general
18 maintains hard-copy files in their office, in their
19 file cabinet; correct?

20 A Yes.

21 Q And you have not gone into the vicar
22 general's office to see if there are any files in their
23 office related to Father Hecker; correct?

24 A I have worked with Father Patrick Williams to
25 obtain any records he may have that are -- that are

1 with Father -- about Father Hecker.

2 Q All right. Could you expand that, please,
3 like how did you do it? Did you -- was it a
4 conversation? Did you send him an e-mail?

5 A It's a conversation. And as I indicated
6 before, when I need to go into the vault to look into a
7 file cabinet, I ask him for the key so that I can go in
8 and look for material based on Hecker.

9 Q Okay. The vicar general has his own office;
10 right?

11 A He does.

12 Q And in that office, he has physical files;
13 correct?

14 A He has two very small file drawers.

15 Q All right. Did you ask him if you can look
16 in those small file drawers --

17 A Yes.

18 Q -- for documents related to Father Hecker?

19 A Yes, I did.

20 Q And what did he tell you?

21 A Yes.

22 Q And did you, in fact go into those drawers?

23 A I did.

24 Q What documents were identified -- what
25 documents were in those drawers?

1 A There were no documents in those drawers
2 pertaining to Father Hecker.

3 Q Were there documents in those drawers related
4 to allegations of sexual abuse for other people, other
5 priests?

6 A I don't know.

7 Q What color was the file cabinet?

8 A It's just -- it's part of his credenza. It's
9 a brown -- it's a regular desk drawer.

10 Q How many files in general would you say were
11 in there?

12 A Maybe 10.

13 I -- I take that back. There might be 10 in
14 one; there may be 20 or 30 in the other; but they're --
15 they're working files.

16 Q What do you mean by "working files"?

17 A I mean that he may have been working on an
18 assignment for a clergy personnel or he may have been
19 working on a letter, and so if he had documents
20 pertaining to that, they would be in that file; and
21 once he's finished with that working file, the
22 documents that need to move to the clergy personnel
23 file or to another file are then moved. They're filed.

24 Q Moving up to the archbishop, does the
25 archbishop maintain physical -- what floor or room

1 number is the archbishop in?

2 A I don't know the room number. He's on the
3 second floor.

4 Q Is his office just one office or is it like a
5 couple chambers in the office?

6 A He has an office, he has a conference room,
7 and he has his secretary. His office is one office.

8 Q Does he maintain any hard-copy documents in
9 his office?

10 A Yes.

11 Q In file cabinets?

12 A In a credenza drawer.

13 Q How many drawers?

14 A One -- two. I think it -- I think it's two.

15 Q Have you ever just looked inside of them?

16 A Yes.

17 Q All right. What's -- what kind -- how many
18 files would you say are in those drawers?

19 A Less than a hundred.

20 Q Did you ask him whether any of the files in
21 his credenza drawers were related to Hecker?

22 A No. I asked if I could search those drawers.

23 Q Were you searching those drawers specific as
24 to Father Hecker?

25 A Yes.

1 Q What was your method for searching the
2 drawers?

3 A I opened the file cabinet and looked for any
4 victim he may have met with regarding Hecker and any
5 file on Hecker.

6 Q Did the file contain anything related to
7 sexual abuse even broader than as to Father Hecker?

8 A I don't understand that question.

9 Q Sure.

10 Were there other files in that cabinet
11 touching on the issue of sexual abuse?

12 A With other victims?

13 Q Yes. Or other priests or anything. Sexual
14 abuse in general.

15 A There is not a general file labeled "Sexual
16 Abuse."

17 Q All right. So how are the files labeled?

18 A If he's met with a victim, he -- they're
19 labeled in his pastoral ministry, then the file is
20 labeled with the person's name that he met with and --
21 I -- I -- I think, in most cases, with also who the
22 priest may -- the person is.

23 Q Are you sure? So --

24 A No. I am not.

25 Q Okay. So you're unsure if the files in his

1 drawer -- you know that -- that some files are
2 identified by victim name only; correct?

3 A No, I do not.

4 Q You don't know that either?

5 A I know that the files are named by victim. I
6 don't know if it's only.

7 Q Okay.

8 A So in my recollection, the file is the
9 victim's name with the clergy person's name.

10 Q All right. But you're not sure if every file
11 is marked that way; correct?

12 A Correct.

13 Q And so when you were looking through the
14 archbishop's files, you were only looking for the word
15 "Hecker"; correct?

16 A No. I was looking for "Hecker" and any other
17 victim of -- that -- that we may be aware of.

18 Q All right. As you know, this lawsuit was
19 filed under a pseudonym; right?

20 A Uh-huh.

21 Q Is that a "yes"?

22 A Yes. Sorry.

23 Q And you -- at the time you were talking to
24 the archbishop about the file, did you have the actual
25 name of the -- of the victim?

1 A I don't know.

2 Q Okay.

3 A I mean, I -- there -- there . . .

4 THE WITNESS:

5 Can we take a quick -- just can I talk
6 to you for a minute?

7 MR. WEGMANN:

8 Yes. Yeah.

9 THE WITNESS:

10 Yeah. Can we -- can I --

11 MR. WEGMANN:

12 Uh-huh.

13 BY MR. GISLESON:

14 Q Wait, wait, no. There's a question on the
15 table. So please answer the question on the table, and
16 then if you want to take a break, that's fine.

17 A Okay. So --

18 MR. ZERINGUE:

19 Restate the question.

20 MR. GISLESON:

21 Sure.

22 THE WITNESS:

23 Thank you.

24 MR. GISLESON:

25 Madam Court Reporter, could you please

1 restate the question.

2 (The requested question was read back.)

3 A I don't recall.

4 MR. GISLESON:

5 Do you need to take break?

6 THE WITNESS:

7 Sure.

8 MR. WEGMANN:

9 You want to take a break?

10 THE WITNESS:

11 Yes.

12 THE VIDEOGRAPHER:

13 We're going off the record at 12:07.

14 (A short break is taken.)

15 THE VIDEOGRAPHER:

16 We're now back on the record at 12:14.

17 BY MR. GISLESON:

18 Q All right. Just before we took a break, we
19 were talking about the hundred or so files located in
20 the archbishop's office.

21 The question I have now is how many of those
22 were related to, I guess to use your phrase, the
23 "sex-abuse crisis"?

24 A Currently, several of the files are the notes
25 of pastoral ministry when the archbishop met with a

1 victim.

2 Q When you say "several," do you mean more than
3 10 or less than 10?

4 A More than 10.

5 Q Do you mean more than 20?

6 A Probably.

7 Q Do you mean more than 50?

8 A I don't think that there are 50 in there, no.

9 Q More than 30?

10 A I can't guess.

11 Q Okay. When you -- what do you mean by "notes
12 of pastoral ministry"? What does that mean?

13 A It means the archbishop has met with a victim
14 and he has some handwritten notes in meeting with the
15 victim to provide pastoral care.

16 Q Okay. So these would be the archbishop's own
17 notes?

18 A Yes.

19 Q And how do you know they are related to
20 pastoral care as opposed to just a victim wanting to
21 tell the archbishop what happened?

22 A Because the archbishop has met with the
23 victims in his role as the shepherd of the church to
24 pastor -- to -- to meet with them. I mean, he has --
25 he has told me that.

1 Q Okay. So -- so, then, it's your
2 understanding that every time the archbishop meets with
3 a victim, even if it -- well, every time the archbishop
4 meets with a victim, it's for or related to pastoral
5 ministry; is that right?

6 A You would have to ask the archbishop.

7 Q Okay. And so you really don't know if any of
8 these interviews were simply a victim coming forward to
9 tell the archbishop to his face what happened, and it
10 wasn't necessarily seeking any kind of care or
11 guidance; right?

12 MR. WEGMANN:

13 Object to form.

14 A You would have to ask the archbishop.

15 BY MR. GISLESON:

16 Q And you would agree I'd also have to ask the
17 person who spoke to the archbishop; right?

18 MR. WEGMANN:

19 Object to form.

20 A Yes.

21 BY MR. GISLESON:

22 Q And of those hundred or so files in the
23 archbishop's drawers, you do remember some files that
24 were victim name -- were labeled as victim name only;
25 right?

1 A No. I do not. I did -- I said my
2 understanding and my recollection is that the files
3 have the victim's name and the priest or the person
4 being accused's name.

5 Q On all of them?

6 A I cannot be totally sure of that.

7 Q But it's fair to say that the only thing you
8 looked at when you were going through the files was
9 just sort of the label on top?

10 A No, it is not. I have searched in my
11 capacity to meet this request in every place that I
12 knew, because of the amount that -- of the searches and
13 the maintaining of the archives and records, where
14 files that may have information about Hecker or any of
15 his victims. We searched everywhere -- I searched
16 everywhere.

17 Q Okay.

18 A So I searched in those files, and I have
19 asked the archbishop, I have asked the head of the
20 chancellor, the -- the vicar's general, do you -- I do
21 ask them if they have files; but I also searched what
22 they have to be able to provide the information and the
23 records that pertain to Lawrence Hecker.

24 Q I thought you testified earlier you didn't
25 search the tribunal files?

1 A I testified earlier that I searched the files
2 of the -- that are in the -- the office of -- excuse
3 me, in the Walmsley vault, the -- the tribunal files.

4 Q Right. But you didn't search the tribunal
5 files in the tribunal office --

6 A No, I did not.

7 Q -- correct?

8 A But I did speak with --

9 Q Is that correct?

10 A That is correct.

11 Q All right.

12 MR. ZERINGUE:

13 Go ahead and explain your answer.

14 BY MR. GISLESON:

15 Q By all means, if you ever need to explain it,
16 but you need to listen to my question and wait to
17 answer it until I'm done asking it.

18 (Attorneys confer outside the hearing of
19 the reporter.)

20 MR. ZERINGUE:

21 Yeah. Well, I'm sitting here for a
22 reason.

23 MR. WEGMANN:

24 He's talking to me, okay.

25 MR. ZERINGUE:

1 I'm talking about fundamental fairness
2 when he doesn't allow the witness to finish
3 her answer.

4 MR. TRAHANT:

5 Let's -- let's -- why don't we go off
6 the record?

7 THE VIDEOGRAPHER:

8 You want to go off the record?

9 MR. ZERINGUE:

10 I'm not going off the record. I'm
11 staying on the record.

12 MR. TRAHANT:

13 Okay.

14 I'm -- I'm not going to speak beyond
15 this because I don't think it's appropriate
16 for more than one lawyer on either side to
17 speak.

18 MR. ZERINGUE:

19 Okay.

20 MR. TRAHANT:

21 That's how this works.

22 MR. ZERINGUE:

23 Then why are you speaking, then, if you
24 want to comply with the two-lawyer rule or
25 one-lawyer rule? You got to make up your

1 mind.

2 MR. TRAHANT:

3 Well, I said this is all I'm saying.

4 MR. ZERINGUE:

5 You said it. Let's move on.

6 I would like the witness to explain her
7 answer, and not be cut off by the lawyer
8 who's questioning the witness.

9 BY MR. GISLESON:

10 Q Doctor, you are always free to explain any
11 answer that you would like to explain, and I will stay
12 here until the end of time to give you the opportunity
13 to explain anything you want to explain.

14 My only request is that you answer the
15 question as I ask it and then, once you answer the
16 question, you can explain it to the hills. I really am
17 100 percent okay with that, and I want it to happen.

18 In fact, if you don't understand one of my
19 questions, I want you to ask me to rephrase it.

20 A Okay.

21 Q I just ask that you first answer my question
22 and then explain it however you feel you'd like to.

23 All right. Is there any explanation you'd
24 like to give based on whatever we just talked about?

25 A Yes.

1 Q What is it?

2 A When I went to the chancellor vicar general's
3 office -- excuse me, the chancellor judicial vicar, who
4 is Father Peter's office, and asked for the key to go
5 into the file cabinet that's in the Walmsley vault that
6 has tribunal files in them, he was well aware when I --
7 because I did say "I am looking for Hecker," and so
8 he -- I did not search his office because I was
9 searching the file cabinet where, if there were related
10 materials for Hecker, that's where they would be.

11 Q All right. Did you ask him to search his
12 office?

13 A I did not.

14 Q And for the sake of clarity, you also did not
15 search the vicar general office for documents related
16 to Hecker; correct?

17 A I said earlier I did.

18 Q Oh, you searched the office as well as the
19 vault?

20 A Correct.

21 Q Okay.

22 A Those are the two file cabinets in his
23 credenza, as part of his credenza -- that's Father Pat
24 Williams -- that I looked into those files and to -- to
25 see if there was any related material for Hecker.

1 Father Pat Williams and I, because, as I had stated
2 before, in -- in accordance with the policy, he is the
3 one that generates through the general counsel the
4 hold.

5 He and I talked about what files, and if he
6 had anything.

7 Q All right. Are the files in the archbishop's
8 office just like manila folders kind of thing?

9 A Yes.

10 Q All right. And on the top of each manila
11 folder, there's a name at the top?

12 A Yes.

13 Q And your testimony is sometimes there's a
14 name on that tab part as well -- the name of the victim
15 as well as the name of the priest offender?

16 MR. WEGMANN:

17 Objection. Asked and answered.

18 But go ahead, one more time.

19 A To my recollection, every file has the
20 victim's name or the person that he was meeting with.
21 Could have been a victim; could have been a concerned
22 outsider. Anyone that the archbishop has met with, the
23 name of the person and the person -- and my
24 recollection is it has the person -- the -- the -- the
25 person being accused, his name also on the file, but I

1 cannot with 100 percent accuracy say it is on every
2 single file.

3 BY MR. GISLESON:

4 Q Okay. Are they -- is it handwritten names or
5 is it typewritten with a tab?

6 A It could be either.

7 Q Is it fair to say that you just looked at the
8 tabs to see if the word "Hecker" was there, and if you
9 didn't see the word "Hecker," you didn't open up the
10 file or the folder?

11 MR. WEGMANN:

12 Object to the form.

13 A I have -- in my capacity of searching through
14 the archbishop's files, I have searched all of the
15 records that are there to look to see if -- if anyone
16 would have -- would have -- I'm trying to rephrase this
17 to make it have -- make sense.

18 I know what's in those files. I have been
19 through them multiple times. I have been through them
20 that I know which ones contain Hecker, so it was easy
21 for me to go to those to look for them.

22 Did I look when this came through for every
23 single -- go back through every single one of them over
24 again? No, I did not. Did I look for the ones that I
25 knew were part of Hecker, if they were there? Yes, I

1 did.

2 BY MR. GISLESON:

3 Q Okay. The question is a little more
4 specific. Did you -- were you looking at the tabs to
5 read the names and then if it wasn't -- if it didn't
6 say "Hecker," then you didn't open it up?

7 MR. WEGMANN:

8 Object to form. This is almost -- you
9 know, this is really past the pale a little
10 bit, Soren. You've asked the same question
11 multiple times, but --

12 MR. GISLESON:

13 It's not hard. I'm just trying to find
14 out from the witness if she opened each --
15 every individual file.

16 MR. WEGMANN:

17 At any point in time?

18 A The answer is yes: In any point in time, I
19 have opened every single file in there.

20 BY MR. GISLESON:

21 Q Okay. So you've read every file in the
22 archbishop's two credenza drawers?

23 A I -- at -- at some point, yes.

24 Q Okay.

25 A If he's added something today, no, I have not

1 read it.

2 Q Under what conditions or situation would you
3 go read every file?

4 A When I'm asked to search the files for
5 response to a litigation.

6 Q All right. And how many times have you
7 searched the files in response to litigation with
8 accusations related to priest sexual misconduct?

9 A Several times.

10 Q More than 10?

11 A Yes.

12 Q More than 20?

13 A No.

14 Q More than 15?

15 A I don't know.

16 Q All right. Is it fair to say it would be at
17 least 10 to 15 times?

18 A At least.

19 Q And it's your testimony that the archbishop
20 does not have a safe in his office?

21 A Not to my knowledge.

22 Q Is there -- is there a safe in the
23 secretary's area?

24 A No.

25 Q Or a safe in the conference room?

1 A No.

2 Q All right. So when you were an archivist,
3 your tenure overlapped with Archbishop Hughes; is that
4 correct?

5 A It is.

6 Q Okay. I'm going to go -- actually, let me
7 finish this up right quick.

8 Can I see that organizational chart in front
9 of you?

10 MR. GISLESON:

11 I will go ahead and mark this as
12 Exhibit 7.

13 (Exhibit 7 is marked.)

14 BY MR. GISLESON:

15 Q Then I'm handing the witness another
16 organizational chart. This one appears to be dated
17 from 1988; correct?

18 A (Views document.)

19 MR. WEGMANN:

20 He's looking at this one.

21 THE WITNESS:

22 I know he is, but I think they're the
23 exact same, and I just want to check.

24 MR. WEGMANN:

25 Okay.

1 MR. WATERS:

2 Do you have a Bates stamp number?

3 MR. GISLESON:

4 Yeah. The Bates stamp is 30. Sorry --
5 oh, wait, I'm sorry. 31. Thirty was --
6 which one did I hand you?

7 MR. WEGMANN:

8 You gave me 30.

9 MR. GISLESON:

10 I apologize.

11 MR. WEGMANN:

12 She's got two of them now, 29.

13 THE WITNESS:

14 No, no, no -- yeah, yeah. Twenty-nine
15 is the old one.

16 MR. WEGMANN:

17 Exhibit 7.

18 THE WITNESS:

19 It's the exact same as the 30.

20 MR. GISLESON:

21 All right. So, I'm sorry, I meant to
22 hand the witness Bates stamp 31.

23 MR. WATERS:

24 Thirty-one.

25 MR. GISLESON:

1 Sorry about that.

2 MR. WEGMANN:

3 This is Exhibit 8?

4 MR. GISLESON:

5 Yes. This will end up being Exhibit 8.

6 (Exhibit 8 is marked.)

7 BY MR. GISLESON:

8 Q All right. Do you see that?

9 A I do.

10 Q And is this the current structure of the
11 Archdi- -- or organizational structure of the
12 Archdiocese of New Orleans?

13 A No.

14 Q Okay. How has it changed?

15 A Well, this is 1998. This is 20 years ago.

16 Q Okay. And so it's changed since then?

17 A I don't have the -- the new ones in front of
18 me. I know that they were provided.

19 Q Okay. All right. I'll go ahead and mark
20 this Exhibit 8 for the sake of completeness. If I
21 could get a -- get that from you, please?

22 A (Tenders document.)

23 THE WITNESS:

24 It's the 1998 one.

25 MR. ZERINGUE:

1 Thank you.

2 MR. WEGMANN:

3 Shoot.

4 BY MR. GISLESON:

5 Q Is this --

6 MR. GISLESON:

7 I'm handing the witness Bates stamp
8 32 -- well, I guess it's the same one. Wait.

9 MR. WEGMANN:

10 All right. Counsel, my binder cut
11 off --

12 MR. GISLESON:

13 Thirty-two.

14 MR. WEGMANN:

15 -- the dates, but they're dated at the
16 lower left-hand corner, and so they -- they
17 go all the way to 36, it looks like. And so
18 36 -- and I -- mine's cut off, but appears to
19 be the last one.

20 THE WITNESS:

21 That's the current (indicating).

22 MR. WEGMANN:

23 That's the current?

24 THE WITNESS:

25 Yes.

1 MR. WEGMANN:

2 Okay.

3 MR. GISLESON:

4 All right.

5 MR. WEGMANN:

6 So it's Bates No. 36 is the current.

7 MR. GISLESON:

8 All right. Well, then, I'll cut to the
9 chase. I'll go ahead and attach these.

10 If you can get that one in front of you,
11 please, Doctor.

12 THE WITNESS:

13 (Tenders document.)

14 (Exhibit 9 is marked.)

15 BY MR. GISLESON:

16 Q All right. So I'm handing the witness the
17 organizational structure of the archdiocese, Bates
18 stamp 36.

19 Can you identify this document?

20 A Yes. This is the February 2019 archdiocesan
21 structure.

22 Q And is this the current representation of the
23 organizational structure of the archdiocese?

24 A Yes.

25 Q And how far back does this organizational

1 structure go?

2 A I don't know.

3 Q Is this the same organizational structure
4 that existed for your entire employment with the
5 archdiocese?

6 A No.

7 Q All right. What has changed since then?

8 A I'd have to have the 2007 in front of me to
9 tell you.

10 Q Okay. If I could direct your attention to
11 the top left-hand corner, it lists a bunch of
12 different -- what would you call those? "Divisions"?
13 "Sections"?

14 Do you see that? Starting with "Catholic
15 Foundation, Center" --

16 A Are you asking me what do I call them?

17 Q Yeah. What would you call those?

18 A Organizations.

19 Q So those are separate organizations from the
20 archdiocese or are they part of the archdiocese?

21 A Some of them are part of the archdiocese and
22 some of them are not.

23 Q All right. So if you could please read into
24 the record all the different organizations listed
25 there.

1 A "Catholic Foundation; Center of Jesus the
2 Lord; Communications; Counseling Services;
3 Evangelization; Legal Services; Notre Dame Seminary;
4 Pontifical Missions/Propagation of the Faith, Retreat
5 Center; St. Joseph Seminary"; and "College."

6 Q So all of those organizations answer to the
7 archbishop; is that correct?

8 A Yes.

9 Q All right. Do any of those organizations
10 keep and maintain documents that are outside of where
11 you have looked for Hecker-related documents?

12 A Would you repeat that?

13 Q Sure. Let's start with Notre Dame Seminary.

14 A Uh-huh.

15 Q Is that a "yes"?

16 A Yes.

17 Q All right. So Notre Dame Seminary,
18 obviously, during the course of its work, creates and
19 maintains documents; right?

20 A Yes.

21 Q Are those documents accessible by you?

22 A No.

23 Q Have you searched documents from Notre Dame
24 Seminary related to Hecker?

25 A No.

1 Q Is that true of all the organizations that
2 you just read off?

3 A No.

4 Q Which ones -- of these organizations you just
5 read off, which ones were accessible by the archdiocese
6 and that you searched?

7 A Accessible by the archdiocese or accessible
8 by me?

9 Q By you.

10 A Can you clarify that? Okay.

11 Q Well, you're testifying today in the capacity
12 as the archdiocese, but whatever. Accessible by you,
13 it's a -- it's a more direct question.

14 So which one of these organizations did you
15 search --

16 A I would have --

17 Q -- for documents related to Hecker?

18 A I would have searched Legal Services.

19 Q Is that the only one?

20 A Yes.

21 Q All right. If I could direct your attention
22 to the next line that goes down.

23 A Uh-huh.

24 Q See the "Judicial Vicar and Chancellor"?

25 A Yes.

1 Q They answer to the archbishop; right?

2 A Yes.

3 Q And then underneath that is the "Metropolitan
4 Tribunal Canonical Dispensations and Permissions,
5 Archives and Records."

6 Did I read that correctly?

7 A Canonical.

8 Q Canonical. Sorry about that.

9 Did I read that correctly?

10 A Yes.

11 Q All right. And that answers to the
12 archbishop?

13 A That answers to the judicial vicar and the
14 chancellor.

15 Q All right. Did you search all the records
16 that would have been maintained or created by that
17 organization?

18 A Did I search the Metropolitan Tribunal?

19 Q Yes.

20 A The Canonical, Dispensations and Permissions?

21 Q Yes.

22 A I did not search Canonical, Dispensations or
23 Permissions.

24 Q Okay. Or their archives or records?

25 A Yes.

1 Q Okay.

2 A The -- okay. Let me -- the --

3 Q Please explain.

4 A For clarification?

5 Q Yeah.

6 A This is my department, Archives and Records.

7 My department answers for canonical reasons to the
8 judicial vicar. And if you notice on the other side
9 where it says "Archives," my department answers to the
10 vicar general, Father Pat Williams, there.

11 Q Okay.

12 A So I didn't search their archives because
13 those are my archives.

14 Q All right. But you searched them because
15 they're your archives?

16 A Yes.

17 Q That's all I'm trying to get at --

18 A Okay.

19 Q -- is -- is what you searched and what you
20 didn't search.

21 A Okay. Yes.

22 Q All right. And what about the organizations
23 in the top right corner, that box that starts with the
24 back -- "Black Catholic Ministries"?

25 A No, I did not search the Black Catholic

1 Ministries.

2 Q Did you search any of the organizations in
3 that box for documents related to Hecker?

4 A No, I did not.

5 Q And they all answer directly or indirectly to
6 the archbishop; correct?

7 A Yes.

8 Q If I could direct your attention to the lower
9 left-hand corner or actually the box under "Mr. Jeffrey
10 Entwisle"?

11 A Uh-huh.

12 Q And you see there are a number of offices
13 listed?

14 A Yes.

15 Q Did you search all the records for those
16 offices?

17 A No, I did not.

18 Q All right. Did you search the records of any
19 of those offices?

20 A The records of the building office and the
21 records of the office of the accounting office would
22 have been searched if their records -- and the property
23 records, were searched in their -- in their role of if
24 the records are maintained electronically and those
25 that have been entered into the system, yes, were

1 searched.

2 Q All right. But if they were not electronic,
3 then they weren't searched?

4 A Correct.

5 Q And as you sit here today, do you know
6 whether they were electronic or not?

7 A Some -- many of these are electronic, yes.

8 Q Dating back to when?

9 A The property office came onto the content
10 management system -- property and building management,
11 came on the electronic document management system in
12 2007.

13 For the property records of the Archdiocese
14 of New Orleans, they've all been scanned, so I have
15 those back into the 1800s.

16 School food and nutrition, were not -- were
17 not scanned or -- or are not scanned, number one, and
18 weren't searched because that would have nothing to
19 with someone in ministry. That has to do with what --
20 what food is served to -- in -- in a school on
21 December 20th, 1920, you know, whatever it is, I mean,
22 in the last three years, whether or not you had spinach
23 on Thursday.

24 Q Okay.

25 A So there was no reason to search those

1 records.

2 Q All right. And the box over reads "CCANO
3 Northshore PACE." What is that?

4 A That's the Catholic -- that's actually the
5 community center over there on the Northshore. There's
6 a community center. It's the -- it's the --

7 MR. GIBSON:

8 Pastoral center.

9 A Pastoral center, excuse me. It's the
10 pastoral center that's on the Northshore.

11 BY MR. GISLESON:

12 Q Okay.

13 A And they don't maintain records of clergy or
14 clergy personnel. But, no, I did not search them.

15 Q What kind of records do they keep?

16 A I don't know that they -- regular routine
17 office records.

18 Q Okay. And then next, over here, we have
19 "Campus Ministry, Catholic Schools, CYO Youth and
20 Young, Adult Ministry, Marriage and Family Life,
21 Religious Education."

22 Did I read that correctly?

23 A Yes.

24 Q Were any of those records searched by you for
25 Hecker?

1 A Their paper records in their office, no.

2 Q Okay. What about electronic records?

3 A Yes.

4 Q How far --

5 A If they are in the content management system,
6 they would have been searched.

7 Q How far back do those records go for, say,
8 Catholic schools?

9 A Catholic schools records would go back to
10 when they came on Content Manager, and I cannot be
11 sure. I believe it's about 2012.

12 Q Campus ministry?

13 A But their -- but their paper records --

14 Q Sorry.

15 A -- are searched.

16 Q I'm sorry. The paper records are searched?

17 A Paper records in -- if -- if the paper
18 records -- some of the paper records have been scanned
19 and so we are able to search them. And others are
20 searched in -- in -- if they have any records. We do
21 ask. We do talk to him.

22 Q Before 2012?

23 A Yes.

24 Q All right. How far back?

25 A I don't know.

1 Q All right. Can you state here right now that
2 you searched the Catholic school records for Hecker
3 predating 2012?

4 A No, I cannot.

5 Q Same question as to Campus Ministry.

6 A No, I did not.

7 Q Same question as to Adult Ministry.

8 A No, I did not.

9 Q What is Religious Education?

10 A Religious Education is the program that's in
11 the schools for children that are not in a parish
12 school or in a -- a religious -- a Catholic school.

13 So if you're at a public school and you're
14 going to CCD classes, which, in order to learn about
15 Catholicism and go to -- get your first communion,
16 that's religious education.

17 Q Okay. Did you search those records for
18 anything related to Hecker before 2012?

19 A I did not.

20 Q If I could direct your attention to the next
21 box over.

22 A Uh-huh.

23 Q If I could ask you to read out loud all the
24 different organizations in that box.

25 A The "Apostleship of the Sea, Charismatic

1 Renewal, Chateau de Notre Dame, Christopher Holmes,
2 Commission on Disabilities," the "Deaf Apostolate,
3 Pastoral Planning and Ministries," the "Synod, Project
4 Lazarus, Respect Life, Spirituality Center," and
5 "Second Harvest."

6 Q Okay. So those organizations that you just
7 read, would you have searched -- were those also
8 similarly, you know, kept electronic after 2012?

9 A Many of these are not under -- are separate
10 corporations.

11 Q Okay. Was it true that all the organizations
12 identified on this sheet, Bates stamp 36, answer, at
13 least indirectly, to the archbishop?

14 A Yes.

15 Q All right. So back to the question: Did you
16 search any of the records for the organizations in that
17 box for documents related to Hecker?

18 A In paper format?

19 Q Correct.

20 A Or any -- it -- no, not in paper format.

21 Q All right. What about electronically?

22 A Pastoral Planning and Ministries having to do
23 with the Synod, if those are electronic, they would
24 have been searched.

25 Q And is it the same thing where,

1 electronically, they just would have been stored back
2 to 2012?

3 A I don't know when they came on the system.

4 Q All right. But it's fair to say that any
5 hard-copy documents that predated electronic would not
6 have been searched?

7 A Correct.

8 MR. GISLESON:

9 Okay. I'm going to go ahead and mark
10 that as Exhibit 9.

11 MR. WEGMANN:

12 Let's take a break, Counsel, and go to
13 lunch.

14 MR. GISLESON:

15 Sure.

16 MR. WEGMANN:

17 There's a food court downstairs.

18 THE VIDEOGRAPHER:

19 We're now off the record at 12:42.

20 (A lunch break is taken.)

21 THE VIDEOGRAPHER:

22 This is the beginning of Media No. 3.

23 We're now back on the record at 1:44.

24 MR. GISLESON:

25 Let's see. Let's start this afternoon

1 off with this document. This is the guide to
2 the archdiocesan central files.

3 Did I each -- did I give each of you one
4 or two?

5 MR. WEGMANN:

6 I have one.

7 MR. GISLESON:

8 All right.

9 Sorry, Rick.

10 MR. TRAHANT:

11 It's all right. If you tell me what --
12 I have it up.

13 MR. GISLESON:

14 Bates stamp 1. It's the very first
15 document.

16 MR. TRAHANT:

17 That makes it easier. Thanks.

18 BY MR. GISLESON:

19 Q Are you familiar with this document?

20 A Yes.

21 Q Could you identify this document for me?

22 A This is the guide to the archdiocesan central
23 filing system.

24 Q What is the purpose of this document?

25 A It is the way that we code documents when

1 they're filed in central files.

2 Q All right. Is central filing the one that's
3 in the -- in the vault?

4 A No.

5 Q Where is central filing?

6 A It's next to the vault.

7 Q Is it on the same floor?

8 A Yes.

9 Q All right. Are you familiar with this
10 document?

11 A I am.

12 Q This is a document you need to be familiar
13 with in order to execute your duties as the archivist;
14 is that correct?

15 A It is.

16 Q I'd like you, if you can -- and I know
17 there's a new file classification system starting on
18 page 4. If there is a way you can go through this and
19 tell me everywhere you believe documents related to sex
20 abuse would be kept or stored?

21 A None of them.

22 Q Okay. Why is that?

23 A Because documents that relate to sexual abuse
24 would have been placed in the clergy person's file and
25 would not be maintained in the central files office.

1 If you're talking about for a specific person
2 or a claim that came in, it's not maintained here.

3 Q Okay. So is it your testimony that any and
4 all documents related to sex abuse would be kept in the
5 personnel file of the priest?

6 A If it's an individual claim, yes.

7 Q The vicar general's office, perhaps?

8 A If the claim has just come in, it would not
9 be in this filing system.

10 Q Okay. So it's not going to be in this filing
11 system anywhere?

12 A Not on a specific claim that has come in.

13 Q Okay. So from pages 2 to 8 -- or 4 to 8, I'm
14 sorry?

15 A Correct. But policies and other information
16 may be in here, so the -- the -- if a policy is being
17 written, it's going to go into the central filing
18 system. If it's -- you know, when you look at -- at
19 Section C, which is clergy, it is going to deal with
20 clergy records but not in the sense of an individual or
21 an individual claim. Those are held with the clergy
22 office, and they're held in the victims assistance
23 office as we talked about before.

24 Q All right. I thought they were also in the
25 priests' personnel files?

1 A Well, that's what I said, the clergy office.

2 Q Okay. So if I could direct your attention,
3 then, to page 4?

4 A Uh-huh.

5 Q You see "Department of Clergy"?

6 A Yes.

7 Q And then in the subparts, it reads: "Priest
8 Personnel Office."

9 A Yes.

10 Q Is that different from a priest personnel
11 file?

12 A Okay. So it is not held in that office. So
13 the priest personnel office, if the person -- okay. So
14 if the vicar general -- excuse me. If the vicar for
15 clergy, the head of the clergy personnel office, writes
16 a letter as the director of priest personnel office,
17 that would go in there. If it's about a priest, it
18 goes in his clergy file, which is maintained by the
19 priest personnel office.

20 Q Okay.

21 A So you'll see on here "Archives Office." So
22 anything that I've sent to the archbishop that we've
23 had a correspondence on would be in here.

24 Q All right. Let's say the archbishop had
25 commissioned a memo to discuss the status of

1 allegations related to sexual abuse, but they didn't
2 mention any priest by name.

3 A Uh-huh.

4 Q Okay. Where would that be saved?

5 A It would -- it would more than likely be
6 saved in the archbishop's correspondence if -- in A,
7 ARC.

8 Q Okay. And if there was such a memo that
9 gen- -- that talked about sexual abuse generally but
10 didn't identify a particular priest, your search for
11 Hecker-related documents would not have picked that up;
12 correct?

13 A No. It would not.

14 Q All right. So the kind of like the one and
15 only search term you used to gather Hecker-related
16 documents, or documents related to the allegations in
17 the petition or otherwise, was just the name, word,
18 "Hecker"?

19 A Yes.

20 Q Okay. Did you include "Lawrence Hecker" or
21 was it just "Hecker"?

22 A Well, if I put "Hecker," it would then
23 capture everything that said "Lawrence Hecker."

24 Q Okay.

25 A If we -- and in reverse, if you put just

1 "Lawrence Hecker," then it's not going to capture
2 anything that just says "Father Hecker."

3 Q Right. I understand.

4 What's the priest personnel board?

5 A You'd have to ask the clergy -- the head of
6 clergy for that information.

7 Q And what's that person's name?

8 A Father Pat Williams.

9 Q Do you know whether that board creates and
10 maintains documents separate from what you would have
11 access to?

12 A Not from what I would have access to, no.

13 Q Do you know where the board -- does the board
14 have an office?

15 A No.

16 Q Do you know who else is on the board?

17 A I do not.

18 MR. GISLESON:

19 All right. I'm going to go ahead and
20 mark that as Exhibit 10.

21 (Exhibit 10 is marked.)

22 MR. GISLESON:

23 Thank you.

24 BY MR. GISLESON:

25 Q You're familiar with canon law?

1 MR. WEGMANN:

2 Object to form.

3 A I am as it relates to archives and records.

4 BY MR. GISLESON:

5 Q And you agree that canon law does, in fact,
6 pertain to issues related to the archiving of records?

7 A It does.

8 Q And as part of your duties and
9 responsibilities, you need to be familiar with those
10 particular articles?

11 A Yes.

12 Q All right. If I could direct your attention
13 to Canon 486, Subsection 2. I believe that's on the --
14 one, two, three -- fourth page.

15 A Uh-huh.

16 Q If you could, read it out loud, please.

17 A You want 486 No. 1 or No. 2?

18 Q 486 No. 2.

19 A "In every curia, there is to be erected in a
20 safe place a diocesan archive, or record storage area,
21 in which instruments and written documents which
22 pertain to the spiritual and temporal affairs of the
23 diocese are to be safeguarded after being properly
24 filed and diligently searched [sic]."

25 Q Okay. Where is that kept for the New Orleans

1 Archdiocese?

2 A Where is what kept? I'm sorry. I don't
3 understand.

4 Q What qualifies as the safe place?

5 A The Walmsley vault and the fifth and sixth
6 floor of Howard Avenue.

7 Q All right. What's on the fifth and sixth
8 floor of Howard?

9 A On the fifth floor is archives, and on the
10 sixth floor is predominantly records management and my
11 second office -- or one of my offices, my main office.

12 Q All right. Is it your understanding that you
13 are required to follow these canons as they relate to
14 the recordation of documents?

15 A It is my responsibility to maintain that
16 there is -- that the records are properly stored and
17 diligently secured in the archives, yes.

18 Q When you were hired, did anyone in the
19 archdiocese go over these canons with you?

20 A No.

21 Q Did they make sure that you knew about these
22 canons?

23 A No.

24 Q Okay. All right. If I could direct your
25 attention to --

1 A And I'm -- I'm going to rephrase that. I'm
2 sorry.

3 Q Sure.

4 A Let me -- let me reassess that.

5 I actually have a document that -- from when
6 I was first hired that has faculties and
7 responsibilities; and it quotes the canons in them, so
8 yes.

9 Q Okay.

10 A But sitting down and speaking with someone,
11 which is if you -- anybody told me that, no, but it's
12 in documentation.

13 Q Okay. If I could direct your attention to
14 Subsection 3, if you could read that out loud.

15 A "An inventory, or catalog, of the documents
16 which are contained in the archives is to be kept with
17 a brief synopsis of each written document." (As read.)

18 Q All right. Where is that inventory kept?

19 A There is an inventory that is in the Content
20 Manager.

21 Q So it's electronically stored?

22 A It is.

23 Q Is it only electronic?

24 A Yes.

25 Q How far back?

1 A I -- yes and no. Sorry.

2 Q It's all right.

3 A It's electronically stored for the records
4 that we have keyed in the meta data for.

5 But if you want to go back to the 1800s when
6 there is a card catalog that has the documents that are
7 described by document level, we have that card catalog.

8 Q All right. So how -- what about for
9 documents from 1958 to 1980, are those hard copy or
10 electronic?

11 A Hard copy.

12 Q Okay. So did you review or search that
13 inventory for Hecker-related documents?

14 A Yes -- well, we've -- we searched -- we did a
15 thorough search of everything in the archdiocese that
16 would pertain to Hecker to be able to answer the
17 request. So we did a -- we did a thorough search. Did
18 we search every single document in the archives? No.

19 Q All right. So, then, it's fair to say you
20 didn't search the documents referenced in Canon 486,
21 Subsection 3?

22 A There isn't a written description of every
23 single document in the archives.

24 Q Okay. So one doesn't exist?

25 A There's an inventory.

1 Q Right.

2 A So you're at -- an inventory or catalog.

3 Q Right.

4 A There is an inventory and a catalog --

5 Q All right.

6 A -- by file or by box for the -- for the --

7 for the records that are contained in the archive.

8 The box or the file may have a brief
9 description on what it is, and as far as each written
10 document, no, there is not a synopsis of every written
11 document in the archdiocese.

12 Q And that catalog and inventory is only
13 hard -- is only a hard copy from 1958 to 1980; correct?

14 A No.

15 Q No.

16 How is that wrong? I thought you said that
17 the inventory was a hard copy from --

18 A You asked if the records were hard copy.

19 Q Okay. The records are hard copy, but the
20 inventory is not?

21 A The inventory exists in the Content Manager.

22 Q Okay. All right. But there is no brief
23 synopsis of each written document; correct?

24 A No. That would be physically impossible.

25 Q Okay. If I could direct your attention to

1 Canon 487, Section 1, if you can read that out loud,
2 please.

3 A "The archive must be locked and only the
4 bishop and chancellor are to have keys" -- "have its
5 keys. No one is permitted to enter except with the
6 permission either of the bishop or of both the
7 moderator, the curia, and the chancellor." (As read.)

8 Q Okay. Do you have a key to the vault?

9 A No. Because it isn't keyed.

10 Q The vault isn't key access?

11 A No.

12 Q All right.

13 A It's a combination.

14 Q All right. So the vault, then, does not
15 qualify -- oh, it's a combination.

16 Well, do you have ac- -- do you have the
17 combination?

18 A I do.

19 Q Okay. Who else has the combination?

20 A The people that -- there are several people
21 in the curia in the chancery office at Walmsley that
22 have the combination. I do not have a list of everyone
23 that has it.

24 Q Can you give me the names of those you
25 remember who do have it?

1 A Jeff Entwisle. Father Pat Williams. The
2 archbishop. Susie Zeringue, general counsel. Several
3 people in the property records office -- excuse me, in
4 the building and property office. There may be someone
5 in finance besides the CFO. I think that's -- that's
6 probably -- there will be others.

7 But you have to understand that because the
8 vault is opened and that was in what was provided in
9 the -- in the responses, the vault is opened in the
10 morning, but not everything in the vault is accessible
11 by everyone that can walk into the vault.

12 So there are file cabinets that are locked.
13 There is a section that maintains all the sacramental
14 records. It is locked. It's only my staff that can go
15 into the sacramental records. It's only whoever has
16 that cabinet in the vault, that office can -- can
17 retrieve their documents or has access to those
18 documents.

19 Q Okay. If I direct your attention to 489,
20 Section 1.

21 A Uh-huh.

22 Q If you would please read that out loud.

23 A "In the diocesan curia, there is to also be a
24 secret archive, or at least in the common area [sic],
25 there is to be a safe or cabinet, completely closed and

1 locked, which cannot be removed; in it, documents to be
2 kept secret are to be promote-" -- "protected most
3 securely."

4 Q So where's the secret archive located for the
5 archdiocese?

6 A It would be part of the Walmsley vault, but
7 there is not a separate secret archive in -- first of
8 all, the word "secret" here --

9 Q Uh-huh.

10 A -- is tran- -- is mistranslated in English.
11 It does not mean secret. It means restricted.

12 Q Okay.

13 A Okay. So even if you look at what the Pope
14 did lately, the Vatican secret archives is no longer
15 called the "Vatican Secret Archives" because it's a
16 mistranslation, so it's the Vatican Apostolic Archives.
17 "Secret" here is restricted or private, okay, in
18 nature, meaning not open to the public. Okay? So it's
19 just another level of restriction. So that -- you have
20 to understand, because usually this is in Latin, not in
21 English.

22 Q Okay. So what qualifies as a secret archive
23 for the archdiocese?

24 A Okay. So it's not a spot; it is certain
25 records that are part of the secret archives. It's

1 another level of restriction on those records.

2 Q All right. What are the records?

3 A Secret marriages.

4 THE WITNESS:

5 Dirk, may I have the commentary?

6 A Because you don't have the commentary here.

7 BY MR. GISLESON:

8 Q Okay. Sure.

9 A So if I can read, this is from the
10 commentary.

11 Q By all means, out loud.

12 What is a secret marriage, by the way?

13 A Okay. So a secret marriage is if -- so I'll
14 give you a couple of examples.

15 Q Please.

16 A One of them being if -- if for some reason a
17 couple has been living and their family -- they got
18 married civilly and their family thought that they had
19 been married in the church, and it's 50 years from now
20 and they want to go and make sure before they die that
21 their record -- that their marriage is blessed by the
22 church, but in order not to cause public scandal in a
23 little community church in some -- back in the swamp,
24 they don't want that marriage to be known that they
25 were never married in the church; they don't want the

1 children to know. That marriage, then, is entered.
2 That record is held at the chancery rather than being
3 put in the parish book.

4 It could be back in the 1960s. People that
5 were interracial went and got married civilly in
6 another state, and when they came here, they couldn't
7 be married in the church in their own parish because it
8 was illegal, so that marriage would take place at the
9 chancery. Those records would go in there.

10 If you are in witness protection, that
11 marriage cannot go into a public record at the parish,
12 so, therefore, it is at the chancery.

13 Q Okay. You want to return to the commentary?

14 A Sure. So this is -- in the -- the commentary
15 for the canon law -- and I'm reading from page 643 --
16 it says "An illustrative list" -- so -- so I'll -- I'll
17 go back. The first -- let's see. One example of the
18 contents of documents that's found -- wait. I'm going
19 to -- okay.

20 So "For example, a book or registry for
21 recording dispensations for occult marriage impediments
22 in the nonsacramental internal forum is to be
23 maintained in the secret archive. Likewise, the secret
24 archive is container register for noting secret
25 marriages." Pukes -- I mean, excuse me, "Proofs of

1 rebukes or warnings issued in the form of a penal
2 remedy are to be kept in the secret archive, as are
3 pre-investigated and investigative materials or
4 documents relating to penal process.

5 "In addition to those items delineated in the
6 code, the diocesan bishop may determine other materials
7 or documents . . . "

8 And then it continues.

9 Q So a phrase jumped out of me,
10 "Investigative" -- investigation related to person --
11 to penal process.

12 A Correct.

13 Q All right. Would that include allegations of
14 sexual abuse?

15 A No.

16 Q What would that include?

17 A That would include a penal process and -- and
18 it may be -- actually, I don't know of any that are in
19 our -- in our secret archive that have been maintained
20 as such, so it is -- it may be a -- it -- I can't
21 speculate. You would have to ask the -- the vicar
22 general -- excuse me, the judicial vicar about that.
23 And he is also a canonical lawyer.

24 Q And what's his name again?

25 A Father Peter Akpoghiran.

1 Q All right. I feel like I've asked this
2 question a couple times, but it's just not sticking,
3 the answer: So where are the secret files located for
4 the archdiocese?

5 A Okay. So --

6 Q What are they and where are they located?

7 A Okay. So the records that -- today there are
8 none. We haven't had any for many years. The
9 records -- and I cannot give you a specific number of
10 years.

11 In my tenure since 2007, I have received
12 no -- no material that would be part of the secret
13 archive or be maintained as secret -- as records that
14 would fit this definition. So we haven't had any
15 secret marriages. We haven't had any of that. What --
16 in the past, those records of historical would -- would
17 have been deemed of this secret archive are maintained
18 in the archives.

19 Q All right. So there are secret archives that
20 exist, but they're just -- you haven't received any
21 since 2007?

22 A Correct.

23 And there are none that have sex abuse in
24 them.

25 Q Okay. And how do you know that?

1 A Because I've gone through them.

2 Q But as it relates to any kind of
3 investigation related to the penal process, we need to
4 go ask the judicial victor --

5 A Correct.

6 Q -- vicar; correct?

7 A And this is, the penal process, as defined
8 again, is involving matters of morals, not criminal --
9 not civil side. This is on the canonical side.

10 Q Right. But you would agree sexually abusing
11 minors would fall on the moral side; right?

12 A Yes.

13 Q All right.

14 A But they are not in the secret archives.

15 MR. GISLESON:

16 If I could grab that first document I
17 gave you, I'm going to mark that as
18 Exhibit 11. And then mark that as
19 Exhibit 12. I'll just mark the whole thing.

20 MR. WEGMANN:

21 Yeah. No, I'm just seeing -- it was my
22 copy, so I don't know what -- if I had
23 handwriting on it.

24 THE WITNESS:

25 I gave that to you this morning.

1 MR. WEGMANN:

2 Yeah. We're good. Okay. This will be
3 Exhibit 12.

4 MR. GISLESON:

5 All right. Yeah, 12.

6 (Exhibit 11 is marked.)

7 (Exhibit 12 is marked.)

8 BY MR. GISLESON:

9 Q Actually, I do have a couple more to ask you
10 about Exhibit 11.

11 A Sure. Can we keep that out then --

12 Q Yeah. Sure.

13 A -- in case I may have to refer to the
14 commentary if you're asking me more questions about
15 this?

16 Q Of course. I just want to put the sticker
17 on. That's all.

18 A Sure.

19 Q I already have it on my finger. All right.
20 There you go.

21 All right. So Section 2, 489, Section 2,
22 could you read that out loud?

23 A "Each year documents of criminal cases in
24 matters of morals in which the accused parties have
25 died or ten years have elapsed from the condemnatory

1 sentence are to be destroyed. A brief summary of what
2 occurred along with the text of the definitive sentence
3 is to be retained."

4 Q All right. Are you familiar with that
5 document-retention policy?

6 A I am.

7 Q All right. What is your understanding of
8 what is meant by "documents of criminal cases in
9 matters of morals"?

10 A My understanding of this, in the first place,
11 we have not destroyed anything; and the second is this
12 is on the canonical side.

13 Q What do you mean by that?

14 A So in the tribunal, if there were documents
15 based on a canonical trial in the tribunal, those
16 records, then, are what they are referring to here.
17 Okay? But not in the civil litigation or criminal --
18 in a civil nature. Those would not fall underneath
19 here of being eligible for destruction.

20 And let me add to that. They still are not
21 destroyed.

22 Q All right. Your -- is -- do you have any
23 recollection as to whether or not these documents were
24 destroyed -- or any of these kinds of documents were
25 destroyed before 2007 when you started with the

1 archdiocese?

2 A They have not been destroyed to my knowledge,
3 no.

4 Q Okay. Have you asked anybody about that?

5 A No. Well, I -- it's been a discussion, but I
6 haven't point-blank asked anyone. But we -- we have
7 not destroyed records.

8 Q Okay. Since 2007?

9 A Since 2007, we have not destroyed any
10 records.

11 And prior to that, in the destruction
12 notices, there are not records of -- of destruction of
13 these records.

14 Q You say "destruction notices"?

15 A Yeah. Records that go out for destruction,
16 there would have been destruction notices.

17 Q What --

18 A I mean, when -- right now in my office, there
19 is a list of records that are -- that are up for
20 destruction. It's all signed off on. Once it's been
21 destroyed, we have a record of it.

22 What it -- what would be previous to that, I
23 can't -- I actually would not know where those
24 destruction records are.

25 Q All right. So how far back do the

1 destruction notices go?

2 A Mine go back to 2007. I don't know --

3 Q Have you ever seen any destruction notices
4 that predate 2007?

5 A I do not remember.

6 Q All right. So is it fair, since you don't
7 remember seeing those, you don't know whether documents
8 before 2007 were destroyed or not destroyed pursuant to
9 Canon 489, Section 2?

10 A If you're asking me if records were
11 destroyed, I don't know.

12 Q Okay. If you wanted to find out the answer
13 to that question, who would you ask within the
14 archdiocese?

15 A I would probably ask my predecessor,
16 Dr. Charles Nolan, or the chancellor at the time,
17 Father Sylar (phonetically spelled).

18 Q Now, if I could direct your attention to
19 Canon 490, Section 1.

20 A Uh-huh.

21 Q If you could read that out loud.

22 A "Only the bishop is to have a key to the
23 secret archive."

24 Q In the New Orleans Archdiocese, does only the
25 archbishop have a key to the secret archive?

1 A No. Because it's not under key.

2 Q I understand the -- the word change, but do
3 you understand what I mean?

4 A I do.

5 Q All right. Does only the -- the archbishop
6 have access to the secret archive?

7 A No.

8 Q Are you aware of any other archive that might
9 exist -- I guess I shouldn't say . . .

10 Is it possible that there's another
11 archive -- secret archive that exists that you're not
12 familiar with?

13 A No.

14 Q If I could direct your attention to
15 Subsection 3. If you could, read that out loud,
16 please.

17 A Of which number?

18 Q 490.

19 A "Documents are not to be removed from the
20 secret archive or safe."

21 Q All right. Has that been the case since
22 2007?

23 A As I indicated before, the -- the secret
24 archive is not a place, it's the records. And those
25 records are maintained by my office, those that are

1 historical. The stuff that is of today, there is no
2 secret archive today.

3 Q So it's your testimony that there's no secret
4 archive maintained by the Archdiocese of New Orleans?

5 A Correct.

6 Q Okay. But there are documents kept in a safe
7 that's locked by combination lock; right?

8 A Yes. Or at the archives on Howard Avenue.

9 Q Okay. Are those lock and key or
10 combination --

11 A Yes.

12 Q -- protected?

13 A Yes.

14 Q All right. Then we have -- are the documents
15 in the archbishop's office, are copies of those
16 documents maintained anywhere else?

17 A No.

18 Excuse me. I'm going to re- -- I'm going
19 to -- I'm going to say the paper records are only kept
20 in his office. Those that have been scanned are
21 maintained in the Content Manager system.

22 Q But not all the documents in the files are
23 scanned; correct?

24 A No. Not every single one of them.

25 Q And you don't know as you sit here today how

1 many of the files in the archbishop's drawers are saved
2 electronically and how many are just that one copy,
3 hard document; right?

4 A Correct.

5 Q Okay. I'll go ahead and take those two from
6 you, 11 and 12. I'll just keep that there. No
7 worries.

8 All right. Can you identify this document
9 for me?

10 A Yes. It's the -- the records-retention
11 schedule that was signed in 2- -- in 2014 for the
12 insurance section of the finance and administration.

13 Q Tell me about the insurance section.

14 A So it isn't -- it isn't a section; it -- it's
15 the function of the documents. And so in records
16 management, we do records-retention schedules based on
17 the function of the document; so these are insurance
18 function documents.

19 Q Okay. Where are they stored?

20 A Where is -- where are the insurance records
21 scored [sic]?

22 Q Yes.

23 A The records are stored with the insurance
24 office at the archdiocese, and there are some -- prior
25 to, I think, Hurricane Katrina, they would be in

1 microfilm format. Some of them, not all -- not
2 everything on here.

3 Q So if I could direct your attention to the
4 accident or claim report?

5 A Uh-huh.

6 Q And the claim loss history.

7 Do you see that?

8 A Yes.

9 Q Those relate to whether insurance claims were
10 made for some kind of injury? Is that a --

11 A I believe so, yes.

12 Q All right. Would it also be true that if the
13 archdiocese made a claim against its insurer for
14 anything related to sexual abuse, would that -- would
15 an accident or claim report be generated?

16 A I -- I don't know. That would have to be the
17 insurance office that could answer that.

18 Q Okay. And is the same true of the claims
19 loss history, that we should ask the insurance
20 department?

21 A Correct.

22 Q All right. And is it also true that you
23 didn't search these files for "Hecker" or anything
24 related to Hecker?

25 A No, I did not.

1 Q Do you have access to those files?

2 A They are maintained by the insurance office.

3 Q Okay. Does the insurance office answer
4 indirectly to the archdiocese?

5 A No.

6 Q Who do they answer to?

7 A Their own insurance.

8 So the arch- -- the arch- -- the archdiocese
9 doesn't have an insurance office, per se. It's
10 Catholic Mutual that maintains the insurance.

11 So the records would be with Catholic Mutual.
12 It would not be an internal office that's an insurance
13 office.

14 Q So the archdiocese does not keep or maintain
15 insurance-related documents?

16 A We do.

17 Q Okay. Where are those kept and saved?

18 A They would be in finance and administration.

19 Q All right.

20 A On the financial side.

21 Q Were those records searched?

22 A No. They were not.

23 Q All right. So had there been a previous
24 insurance claim related to the sexual abuse perpetrated
25 by Hecker in those files, we wouldn't know; is that

1 correct?

2 A I did not search those files.

3 MR. GISLESON:

4 All right. Let me go ahead and mark
5 that as Exhibit 13.

6 Can I get that from you, please?

7 THE WITNESS:

8 (Tenders document.)

9 (Exhibit 13 is marked.)

10 BY MR. GISLESON:

11 Q I'm sorry. One last thing on the bottom. Is
12 that your signature in the lower left-hand corner?

13 A It is.

14 Q And then I can't make out the one next to it.
15 Can you?

16 A That is going to be John Eckholdt.

17 Q And the one next to that one?

18 A Jeff Entwisle.

19 Q And the one next to that?

20 A Wendy Vitter.

21 Q And if I wanted to know -- so the destruction
22 policy of destroying 10 years after close of a claim,
23 who would -- who would -- is that the archdiocese who
24 would destroy those files?

25 A Yes.

1 Q All right.

2 A Our copies.

3 Q Can you identify this?

4 A This is the retention -- records-retention
5 schedule for the department of Finance and
6 Administrative Services, the function of finance and
7 accounting.

8 Q All right. It looks like the annual
9 corporate financial report is saved permanently --

10 A Yes.

11 Q -- is that right?

12 And is that permanent -- when did this -- how
13 long had the annual financial reports been saved
14 permanently? Do you know?

15 A No. I do not.

16 Q Do you know --

17 A This is -- this is dated 2012, and without
18 looking back at the other retention schedules, I
19 wouldn't be able to tell you that.

20 Q All right. If I could direct your attention
21 to the signature in the lower right-hand corner?

22 A Uh-huh.

23 Q Can you identify who that is?

24 A Richard Bordelon.

25 Q All right. And what was his capacity in

1 approving these records-retention schedules?

2 A He was the attorney for the archdiocese.

3 Q So he would have provided advice related to
4 document retention by the archdiocese?

5 A He -- yes, but he would have been part of the
6 approval process.

7 Q What does that entail?

8 A The records board. This is the records board
9 for this schedule.

10 Q Okay. So he sat on the records board?

11 A He would have had the -- he would have been
12 part of the meeting for that, yes.

13 Q Okay. Would he have been a member of the
14 records board?

15 A Yes.

16 MR. GISLESON:

17 All right. Let me go ahead and mark
18 this Exhibit 14.

19 (Exhibit 14 is marked.)

20 BY MR. GISLESON:

21 Q All right. Can you identify that record?

22 A This is the parish recordkeeping policies and
23 procedures and guidelines, and it was revised of
24 November of 2003.

25 Q Okay. So this predates your arrival?

1 A It does.

2 Q If I could direct your attention to 783.

3 Do you see where in the middle it reads

4 "Records" -- and this talks about the

5 document-retention policy; right?

6 A Uh-huh.

7 Q Is that a "yes"?

8 A Yes.

9 Q And in the middle, it reads: "Historical
10 Correspondence" with an asterisk.

11 Do you see that?

12 A I do.

13 Q And then it's a document-retention policy of
14 five years on site; right?

15 A Yes.

16 Q And then a permanent microfilm for the
17 archives; right?

18 A Yes.

19 Q Did you search any of the microfilms for any
20 documents related to Hecker?

21 A No.

22 Q And if I could direct your attention to the
23 bottom, could you please read the definition of
24 "historical correspondence"?

25 A "Historical correspondence includes

1 correspondence with the archbishop with archdiocesan
2 offices concerning policy, major changes, significant
3 events, important achievements, important" --
4 "important persons. See 'Historical Records' in
5 Appendix of Terms." (As read.)

6 Q Did -- where are the -- where are the
7 microfilms physically saved?

8 A At the archives on Howard Avenue.

9 Q If I could direct your attention to 788.
10 This appears to be "Human Resources, Lay and
11 Religious."

12 Do you see that?

13 A Yes.

14 Q And then it reads: "The human resources
15 function includes all records concerning archdiocesan
16 personnel, which includes clergy, religious, and lay";
17 correct?

18 A Yes.

19 Q So then all the retention policy as it
20 relates to clergy should be included in the section, at
21 least as it applied in 2003; right?

22 A Yes.

23 Q And then the record series, you see three
24 below that. It reads: "Abuse and neglect of minors"?

25 A Yes.

1 Q And then document-retention policy is
2 permanent; right?

3 A Yes.

4 Q And then the disposition is permanent; right?

5 A Yes. But that's the statement.

6 Q I'm sorry. What do you mean by "statement"?

7 A It says "Statement re: Abuse and Neglect of
8 Minors."

9 Q Okay. What does that mean?

10 A That is a statement that personnel signs
11 saying that in -- in accordance with our policies, that
12 they would uphold the diocesan standards of -- of abuse
13 in minors, that you've read the policy on abuse and
14 minors and signed it.

15 Q I understand.

16 A Okay?

17 Q Gotcha.

18 A So this is not -- this is not records about
19 abuse and neglect of minors. This is the statement
20 that you've read the policy and signed it.

21 Q Okay. Gotcha.

22 Are any of these documents, though -- where
23 it says "permanent," you know -- do you know whether
24 they are saved on microfiche or microfilm?

25 A I do not.

1 Q If you wanted to know the answer to that
2 question, who would you ask?

3 A I would have to look at the -- each
4 individual microfilm from the parish. Not all
5 parishes -- the microfilm for each one of the parishes
6 does not mean that it was routinely done prior to
7 Katrina.

8 Q So it could just be spotty?

9 A Yes.

10 Q Okay. And if I could direct your attention
11 down to where it says "Job Evaluation/Appraisal." Do
12 you see that?

13 MR. WATERS:

14 Soren, would you give the Bates number
15 for us?

16 MR. GISLESON:

17 Oh, I'm sorry. This is 788.

18 MR. WATERS:

19 Thank you.

20 BY MR. GISLESON:

21 Q "Job Evaluation/Appraisal," do you see that?
22 It's like two-thirds of the way down.

23 A Yes.

24 Q And it looks like "Years on site" for four
25 years and then they're destroyed?

1 A Yes.

2 Q And then underneath it, it says "Other Job
3 Actions, letters of appointment, promotion,
4 commendation, unsatisfactory performance citations."

5 Those also look like they're destroyed after
6 four years; correct?

7 A Yes.

8 Q And that category of document would apply to
9 clergy?

10 A No.

11 Q It doesn't?

12 A No. This says "Lay and Religious." But
13 it -- I'm reading across the top.

14 So this would have been in the capacity not
15 of a -- an evaluation of clergy would -- of -- of a
16 pastor or someone assigned as a cleric in a parish
17 that -- those job actions or their evaluation would be
18 in their clergy file. It wouldn't be at the parish.

19 This would be those that are working in the
20 parish. So it could be Sister Susan that is the parish
21 administrator. It could be Brother So-and-So that's
22 hired as the CCD to teach catechism. This is not the
23 clergy record that is at the archdiocese.

24 Q But it applies to the clergy; right?

25 A It does apply to the clergy.

1 Q And it applies to their performance in
2 furtherance of their duties in the archdiocese; right?

3 A But it's not maintained at the parish.

4 Q I don't understand what you mean, "it's not
5 maintained at the parish."

6 Are you saying that this destruction policy
7 applies to parish records but not archdiocese records?

8 A This is the policies and procedures that was
9 given -- okay. So based off of -- can we -- can we
10 look at the 2001 retention schedules?

11 Q Did we just go over this?

12 MR. WEGMANN:

13 No.

14 A No. We did not.

15 BY MR. GISLESON:

16 Q Or is it something -- no.

17 A That should precede this.

18 MR. WEGMANN:

19 Okay. So hold on. I got to look at my
20 chart here. So No. 2. That's 758.

21 A So can we do 758?

22 BY MR. GISLESON:

23 Q I'm sorry?

24 A It's showing your numbers --

25 MR. WEGMANN:

1 I'm -- hold on a second.

2 THE WITNESS:

3 Oh.

4 MR. WEGMANN:

5 Let me make sure if I got this right.

6 MR. GISLESON:

7 I don't know if I have 758.

8 MR. WEGMANN:

9 No. That's the other one. Wait a
10 minute.

11 MR. GISLESON:

12 I do have 758.

13 THE WITNESS:

14 It's going to be that.

15 MR. GISLESON:

16 I do have 758.

17 THE WITNESS:

18 It's going to be that.

19 MR. GISLESON:

20 I take it back. I do have 758.

21 THE WITNESS:

22 Would you mind if we did that first?

23 BY MR. GISLESON:

24 Q Oh, by all means. Whatever you want.

25 A Okay. So that would make it much easier for

1 me to explain this process.

2 Q Sure.

3 All right. Tell me about 758.

4 A Okay. So 758 is the 2001 records policy of
5 the archdiocese -- records-retention schedules of the
6 archdiocese. So this is the main documents. Okay?

7 Q (Nods head.)

8 A Of everything that needs to be kept at the
9 archdiocese.

10 In 2003, from actually -- if I -- I -- as --
11 as a better explanation and not what -- when you were
12 handing me this, this is written -- this is what was --
13 what is the archdio- -- diocesan records retention
14 unless it has been superseded by the finance or the
15 insurance. Okay?

16 So these --

17 Q So Exhibit 13 or 14?

18 A Exhibit 13 and 14.

19 So if you go to the insurance section,
20 insurance function, of -- and I'll find it. Okay. It
21 may not have had an insurance function, then, which is
22 maybe why that schedule was done --

23 MR. ZERINGUE:

24 It's on 769.

25 MR. WEGMANN:

1 769.

2 THE WITNESS:

3 769.

4 MR. ZERINGUE:

5 I'm sorry.

6 THE WITNESS:

7 Okay. Thank you.

8 MR. WEGMANN:

9 Sure.

10 MR. ZERINGUE:

11 I shouldn't have spoke up.

12 A Okay. On page 769, this was done in 1997.

13 BY MR. GISLESON:

14 Q Okay.

15 A It needed updating. So in 2014, we put
16 together a schedule that then superseded this piece of
17 this -- so you can get rid of that and put this in
18 here. All right?

19 And under the new format, this gives you a
20 much better description of how the records and why the
21 decision was made based on either an administrative
22 decision, a -- a legal decision that would be federal,
23 state, or canonical decision as to why we decided how
24 long in review that needed to be kept. Okay?

25 The finance section, then, that was done in

1 2012 would supersede, then, whatever the finance
2 section is, whatever page -- part of that's accounting,
3 et cetera. Okay? So these supersede this.

4 We now have a school one for 2019. So if you
5 go to the school records here on the very -- towards
6 the bottom, you'll only see four records. But in the
7 2019 schedule, you see a much more elaborate schedule
8 because it's been updated to reflect the type of
9 records that we have and how we need to do that.

10 In 2003, in order -- instead of sending this
11 entire document to the parishes -- because a parish
12 that doesn't have a school doesn't need school records.
13 A parish that doesn't have certain records won't need
14 this full schedule.

15 So in order to help the parishes, the
16 sections here that may or may not pertain to them were
17 issued in one guide for them.

18 So when you ask me about whether or not a
19 parish should maintain those records, it's really this
20 record that is saying this is what the archdiocese
21 does, but this form was included here. Okay? So some
22 of these things may not even be applicable in a parish,
23 but the schedule was attached to make it easier for
24 them to know sacramental records are permanent,
25 cemetery records are permanent, what they need to keep,

1 what they don't need to keep. It doesn't mean that on
2 that laity or the clergy section, it was the entire
3 form that was pulled out of here. Okay?

4 So Sister So-and-So that's the parish
5 secretary, if she's got a review, that has to be kept;
6 but it doesn't mean there's reviews in the parishes for
7 the clergy.

8 Q Gotcha.

9 A Does that make sense?

10 Q Yep.

11 What is the earliest document-retention
12 policy you're familiar with?

13 A It's, I think, I believe, it's 1990- -- we
14 gave them the list. Is it '95? I think it's '95.

15 MR. GISLESON:

16 Okay. Before we go on, just for the
17 sake of clarity, I'm going to make the 2003
18 guidelines Exhibit 15.

19 (Exhibit 15 is marked.)

20 MR. WEGMANN:

21 Interrogatory No. 2 -- I mean,
22 Request 2.

23 MR. GISLESON:

24 And then the accounting one as
25 Exhibit 16.

1 (Exhibit 16 is marked.)

2 THE WITNESS:

3 Let's see. Let me see those pages.

4 Yep.

5 MR. WEGMANN:

6 Okay.

7 BY MR. GISLESON:

8 Q And then I've got '95. So is '95 is the
9 earliest that you --

10 A Yes.

11 Q Have you ever seen a document-retention
12 policy from the archdiocese that predates 1995?

13 A Not in written format like this, no.
14 Anything else would be based off the canons.

15 Q So if I wanted -- if I wanted the best guess
16 as to what the document-retention policy for the
17 Archdiocese of New Orleans was before 1995, I should
18 look at the canons?

19 A Partly with the canons. And then to my --
20 there is -- there would not have been a written
21 records-retention schedule prior to 1995.

22 Q Is there somebody who's been working in the
23 records department of the archdiocese like 20, 30 years
24 or anything, who would maybe have some institutional
25 knowledge as to how it was handled back then?

1 A No.

2 Q Who is the longest-serving employee that you
3 can think of?

4 A You mean archives and records?

5 Q Yes.

6 A Me.

7 Q All right. Did I -- I did hand you the
8 1995 --

9 A Yes.

10 Q -- record-retention policy?

11 A Yes.

12 Q All right. This is going to be quick. This
13 is the earliest document -- written document-retention
14 policy that you've ever seen that applies to the
15 Archdiocese of New Orleans; correct?

16 A Yes.

17 MR. GISLESON:

18 All right. I'll go ahead and mark this
19 as Exhibit 17.

20 (Exhibit 17 is marked.)

21 BY MR. GISLESON:

22 Q What does "dispensations from religious vows"
23 mean?

24 A A dispensation from a religious vow would
25 mean that -- and what section is that under so that I

1 can look at it?

2 Q I'm sorry. I was just -- it was just
3 something I highlighted. I just didn't know what it
4 meant.

5 This is in 1997. I wasn't even going to show
6 you the document, but since --

7 A So it would be -- that's okay. I can -- I
8 can explain it.

9 You're talking about from religious orders;
10 correct?

11 Q It's -- well, let me just show it to you. I
12 might as well do it since I killed a tree.

13 A I got it.

14 Q Yeah. If I could direct your attention to --

15 A Seven --

16 Q -- Bates stamp 746. And for clarify of the
17 record, is it your understanding that this document is
18 the archdiocese document-retention policy's 1997
19 update?

20 A It is.

21 Q And Bates stamp 746, you'll see on the fourth
22 line from the bottom there's reference in the legal
23 section to "dispensations from religious vows."

24 A Yes.

25 Q Do you see that?

1 A Yes.

2 Q What does that mean?

3 A That means a nun that doesn't want to be a
4 nun anymore.

5 Q Okay. Or a priest that doesn't want to be
6 a -- doesn't want to be a priest anymore?

7 A No. It does not. It said "religious vows."
8 So it could be a religious brother or religious sister
9 or it could be -- not a diocesan priest because that's
10 not a religious ordered priest.

11 Q Okay. All right. So if a priest wants to
12 be -- excuse my ignorance, but if a priest wants to be
13 excused from the priesthood and wants to pursue a
14 traditional civil --

15 A That's not a dispensation.

16 Q -- marriage, what would that be called?

17 A Laicization.

18 Q Okay.

19 MR. GISLESON:

20 All right. That's it. I'll take that,
21 and I'll mark this as Exhibit 18.

22 (Exhibit 18 is marked.)

23 BY MR. GISLESON:

24 Q So then is it fair to say you really don't
25 know what the document-retention policy of the

1 Archdiocese of New Orleans was predating 1995?

2 A If you're asking me how the records were
3 retained prior to 1995?

4 Q Yes.

5 A I can -- I know how they were maintained by
6 what records are there.

7 Q I see what you mean. So you wouldn't know
8 what was destroyed; you just obviously know what's been
9 held over from that time?

10 A I certainly know what's permanent, yeah.

11 Q Okay. Gotcha. Getting close, I promise.
12 Can you identify this document?

13 A This is the "Policy Concerning Abuse or
14 Neglect of Minors, Principles of Ethics and Integrity
15 in Ministry: Code of Ethics."

16 MR. WATERS:
17 Bates-stamp?

18 MR. TRAHANT:
19 It's 460?

20 MR. GISLESON:
21 I'm sorry?

22 MR. WATERS:
23 460?

24 MR. GISLESON:
25 Yeah, Bates stamp 460.

1 BY MR. GISLESON:

2 Q If I could direct your attention to page --
3 Bates stamp 464. Do you see that subsection reads
4 "Obligation to Report"?

5 A Yes.

6 Q Where would those documents be saved today if
7 a report was made pursuant to this?

8 A In pursuant to this, it would be with the --
9 it would be with general counsel.

10 Q Okay. And general counsel would maintain the
11 only copy of that document until the underlying
12 allegations were somehow resolved and then at that
13 point, they would hand it over to archives; is that
14 right?

15 A If the obligation to report, it depends --
16 are you're talking about if the person receives a
17 complaint? Because that's the obligation to report.

18 Q Right.

19 A So if the victims assistance coordinator
20 through the hotline receives a report, he's going to
21 have a copy of that, and he's going to bring it to the
22 attention of -- he's going to send -- whether he sends
23 a memo or however he reports that, to general counsel.

24 Q Okay. And then general counsel maintains a
25 copy; is that right?

1 A Yes.

2 Q All right. And general counsel doesn't
3 provide you with a copy of what he has until the
4 allegations are resolved some way or the other; is that
5 right?

6 A If you mean by providing something to me,
7 if -- if we're under litigation, I have to do the
8 search. So, therefore, I would have access to those
9 records.

10 Q So you do have access to the vicar general
11 records for open investigations into the claims as --

12 A It's not the vicar general. I just said
13 gen -- the general's counsel.

14 Q Okay. So you have access to the general
15 counsel's?

16 A Oh, I'm sorry. If you're talking about
17 allege- -- you -- you're -- okay. So you said in the
18 very beginning the "obligation to report."

19 Q Yes.

20 A Right?

21 Q Yes.

22 A So you're talking about the bottom section,
23 then?

24 What section are we talking about here?

25 Q All right. There's -- so the second

1 paragraph talks about a verbal report; right?

2 A Uh-huh.

3 Q Is that a "yes"?

4 A Yes.

5 Q And the third paragraph talks about an actual
6 form, and the form is called the "Alleged Child Abuse
7 and/or Neglect Reporting Form."

8 Do you see that?

9 A Yes, I do.

10 Q All right. Where would that form be saved,
11 who would have access to it, and when does it make its
12 way into the archive for you to have access to it?

13 A So the report would go to general counsel.
14 And as the records manager, I would have access to that
15 when needed.

16 Q Electronic access?

17 A No.

18 Q Access to the physical files?

19 A Correct.

20 Q And these are the physical files kept in
21 general counsel's office?

22 A Yes.

23 Q Is -- I got to ask: Is this an actual form,
24 Alleged Child Abuse and/or Neglect Reporting Form?

25 A I don't know.

1 Q Have you ever --

2 A I think --

3 Q -- seen such a form?

4 THE WITNESS:

5 Wasn't there one of the forms?

6 A I don't know. I can't answer.

7 BY MR. GISLESON:

8 Q In the course of your archival duties, you
9 don't remember ever having to see something that reads
10 "Alleged Child Abuse and/or Neglect Reporting Form"?

11 A Not -- not that I recall. Although, I do
12 know that -- and I don't know if it's this policy or
13 the policy that precedes it -- there are forms that go
14 with it. So this isn't the complete . . .

15 Q All right. So if you look further down in
16 that paragraph, it -- it appears that it -- so it's
17 submitted to the executive director of the appropriate
18 department.

19 Do you see that?

20 A Yes, I do.

21 Q All right. Is it true that you don't have
22 access to the director's files for all the different
23 departments within the archdiocese?

24 A If I need to search them, I have access.

25 Q Okay. Except for all the organizations that

1 we went on -- we went through that were on the
2 organizational chart; right?

3 A Correct. But that was a canonical chart, so
4 that's not -- it's not like a corporate chart that
5 everybody reports. It -- it's a canonical chart as to
6 who is -- who is doing what.

7 So when you asked me before about some of
8 that down that one side, if I remember correctly, down
9 the right side, when you're talking about Project
10 Lazarus that deals with victims of HIV and AIDS, that
11 wouldn't -- that director, I would not need to re- --
12 to search in his files for this.

13 So when we do a church, we search across the
14 departments where we know files will be. So when
15 you're asking about this form, I believe there were
16 forms. I know there were forms attached to --

17 THE WITNESS:

18 The -- the one before that, Dirk.

19 MR. WEGMANN:

20 Okay.

21 BY MR. GISLESON:

22 Q But if the Notre Dame Seminary, for example,
23 had records of sexual abuse as it related to Hecker,
24 you wouldn't be able to access those form -- those
25 records; right?

1 A It's not an organiz- -- it's -- it's not an
2 entity. It -- it's not part of the -- the -- the
3 structure of the archdiocese.

4 Q So is that correct, then --

5 A Yes.

6 Q -- my question?

7 A That is correct.

8 MR. GISLESON:

9 I'm sorry. So what are we looking for?

10 MR. WEGMANN:

11 Here's some forms, but I don't know. Do
12 you want to look through here?

13 THE WITNESS:

14 I -- all right. Yeah. If I can. They
15 may not --

16 MR. GISLESON:

17 Sure.

18 THE WITNESS:

19 Because the pol- -- policies and forms
20 are two different things, so --

21 MR. GISLESON:

22 Do you want to take a break so you can
23 take your time?

24 THE WITNESS:

25 Sure. That would be great.

1 MR. WEGMANN:

2 It's a good time for a quick break
3 anyway.

4 THE VIDEOGRAPHER:

5 We're now off the record at 2:46.

6 (A short break is taken.)

7 THE VIDEOGRAPHER:

8 We're now back on the record at 2:56.

9 BY MR. GISLESON:

10 Q Okay. I think when we went off the record,
11 we were discussing the policy concerning abuse and
12 neglect of minors.

13 If I could direct your attention to Bates
14 stamp 465 -- but you were looking at something
15 before --

16 A Yes. We were talking about --

17 Q That's right.

18 A -- before the obligation to report.

19 Q Yes.

20 A And that section on Section 6 --

21 Q Uh-huh.

22 A -- has to do with the current obligation to
23 report.

24 So this is a minor that -- the reason why I
25 have not seen a form is because, since this was put

1 into effect in 2011, there has not been an allegation
2 that has come forth on a -- on a child that's in school
3 or in a parish or anything current that would have come
4 in that a form would have been filled out.

5 So this is the obligation as a reporter to
6 have to be able to go out and do that. Had there been
7 a form in the Hecker case that you were looking for, I
8 would have found that in our search.

9 Q I understand. I was just trying to figure
10 out what it was.

11 Do you -- have you seen a copy of the form?

12 A No. I haven't seen a copy of the form.

13 Q So you --

14 A I wouldn't get copies of forms. They're not
15 records.

16 Q They're not saved on a network drive
17 somewhere under a folder named "Forms" or something?

18 A No. Because forms change. Forms can change.
19 If there is a record, a copy of it, I -- you know, I
20 would certainly be able to find it, but it's -- it's
21 not attached at this point to this policy.

22 Q If you wanted to get a copy of the form, who
23 would you go ask?

24 A I would probably go to someone in the
25 administration, probably Father Pat. I'd just ask if

1 he knows where it is.

2 Q If I could direct your attention to the next
3 page, Bates stamp 465.

4 And so this deals with the archdiocese's
5 policy on sexual abuse of a minor by a priest or
6 deacon.

7 And I guess this policy went into effect in
8 October of 2011; correct?

9 A Yes.

10 Q So all -- all the documents that would be
11 created pursuant to this policy, all the information
12 pursuant to this policy, would have only sort of
13 existed because of the policy that we're looking at
14 right now?

15 A Yes. Or the policies that preceded it.

16 Q Do you know what the sexual abuse reporting
17 policy was before 2007?

18 A It's in the policies that would -- that -- so
19 I can't verbatim tell you what they are, but we've had
20 a policy in place since the 1990s.

21 Q So the earliest policy on reporting sexual
22 abuse would have been in that 1995 policy?

23 A If that's the earliest one that's on the
24 list, yes.

25 MR. WEGMANN:

1 So go ahead and check if you want.

2 THE WITNESS:

3 Yes, I will. (Views documents.)

4 A So the earliest is 1993 --

5 MR. WEGMANN:

6 Right.

7 A -- the policy concerning abuse and neglect of
8 minors.

9 BY MR. GISLESON:

10 Q Okay. Before then, there would not have been
11 a written policy concerning the reporting of sexual
12 abuse by a priest --

13 A No.

14 Q -- is that correct?

15 A There would not be.

16 Q All right. Returning to Bates stamp 465 --
17 thank you for looking at that, by the way -- have you
18 seen any documents that were generated pursuant to this
19 policy?

20 A I'm not sure I understand. Are you talking
21 about in an -- what -- what documents are you talking
22 about?

23 Q That's fine. So we'll back up.

24 Pursuant to this policy that's supposed to be
25 a preliminary investigation of the allegations of

1 sexual abuse of a minor; right?

2 A When a report is received, if you're reading
3 under "Preliminary Investigation"?

4 Q Yes.

5 A That?

6 Yes. I have seen documents as such to the
7 preliminary investigation.

8 Q All right. If I could ask you to read the
9 first paragraph after the preliminary investigation,
10 the one that starts with "A person . . ."

11 A "A person who requests that the Church
12 investigate an allegation of abuse or neglect of a
13 minor will be informed by the Vicar General or his
14 delegate that a written statement called a 'complaint,'
15 will be necessary for a canonical investigation to be
16 undertaken."

17 Q All right. Have you ever seen a complaint
18 like this?

19 A I don't know. I have seen correspondence
20 between the vicar general that would inform someone
21 that a complaint has come in or from the bishop
22 writing -- to the archbishop writing to someone that
23 said a complaint had come in.

24 Q All right. Does this obligation also apply
25 to laypeople or just to priests? Do you know? This

1 policy.

2 A To laypeople reporting?

3 Q No. To laypeople accused of sexual abuse who
4 may have been working for the archdiocese.

5 A I do not know.

6 Q Does this policy apply to people who were a
7 minor at the time that the allegation of abuse is made?

8 A Okay. I'm going to -- if I can --

9 Q By all means --

10 A -- I'm not going to answer that question.

11 Q Okay.

12 A Just --

13 Q Sure.

14 A -- I will, but my answer is going to be: My
15 job as a records manager is to produce the documents.
16 It's not to understand or to interpret the policy or to
17 actually make -- even to comment on it, because I just
18 have to follow the policy, and when I'm asked to
19 produce it, I -- I then turn it over.

20 So sometimes going through this, I can't
21 answer these questions because I -- my job is to
22 produce the records; they're not to interpret them.

23 Q All right. So going back to that paragraph
24 about "complaint," do you see that?

25 A We're still on six -- 65?

1 Q 465, that paragraph you read out loud where
2 "complaint" is in quotes.

3 Do you see that?

4 A Which paragraph? Sorry.

5 Q It's third from the top.

6 A Two, three.

7 Q It's the one that begins with "A
8 person . . ."

9 A Yes, I see it.

10 Q All right. Where would that complaint be
11 saved?

12 A If a -- if the vicar general or the
13 archbishop wrote to -- or his delegate, so the vicar
14 general or his delegate wrote to the person, that would
15 be in his file, in the clergy person's file.

16 Q All right. Would -- does the archbishop have
17 authority as to when to release the complaint to the
18 person's file? Can he put it in his drawer for a
19 certain amount of time until he releases it?

20 A I don't know that -- does he -- does he have
21 the authorization? He's the -- he's the archbishop.

22 Q So the answer would be?

23 A Yes. He can -- he's the archbishop. I mean,
24 it's his correspondence. At some point, his
25 correspondence moves to the necessary filing structure.

1 Q And --

2 A How long he keeps it while -- while -- before
3 he signs it, I -- I don't know.

4 Q Do you see the "Principles of Conducting the
5 Preliminary Investigation"?

6 A I do.

7 Q All right. Do you know where the documents
8 that are created as a result of this investigation
9 would be saved?

10 A Yes.

11 Q Where would they be saved?

12 A The general counsel's office.

13 Q If you look third from the bottom, if you
14 could read that out loud, the paragraph beginning with
15 the word "During . . ."

16 A "During the preliminary investigation,
17 evidence will be gathered and determined if there is a
18 sufficient" -- "if there is sufficient evidence that
19 sexual abuse of a minor has occurred. Evidence will be
20 sought as to whether or not the allegation [sic] action
21 is imputable by the cleric, i.e., caused by the cleric.
22 Norms 6."

23 Q Is the evidence created pursuant to this
24 investigation also saved in the general counsel's
25 office?

1 A Yes.

2 Q Is it only going to reside in the general
3 counsel's office until the investigation is concluded?

4 A No. It may still be with the archives.

5 Q When is it just with the general counsel's
6 office? When is it with the archives?

7 A Well, the paper copy may still be with me.
8 The original paper copy may still be with me.

9 Q Does --

10 A If -- if I'm reading this, that when evidence
11 is gathered. So Hecker's clergy file, his paper file
12 may still be with me, but his -- but the scanned copy
13 and a print copy for ease of use may be with the
14 general counsel.

15 Q I see what you mean.

16 MR. ZERINGUE:

17 Excuse me. Are y'all referring to vicar
18 general or general counsel for point of
19 information?

20 MR. GISLESON:

21 I think she can answer her own
22 questions.

23 BY MR. GISLESON:

24 Q All right. So let me ask this: If -- if --
25 so I think we -- the distinction you're making is, if

1 the evidence is kind of preexisting evidence that was
2 already within the possession of the archdiocese, that
3 evidence might -- or that -- yeah, that evidence might
4 already be in the archive.

5 But let's say that during the course of the
6 preliminary investigation, general counsel or someone
7 else goes and takes a brand-new statement. Does that
8 statement only stay with the general counsel's office?

9 A Yes.

10 Q Okay. And then underneath that reads: "When
11 the evidence required by canon law has been gathered,
12 the delegate will write a report to the archbishop."

13 Did I read that correctly?

14 A You did.

15 Q All right. Where is that report saved?

16 A So if in reading the rest of that statement,
17 "When the evidence required by canon law has been
18 gathered, the delegate will write a report to the
19 Archbishop."

20 So the archbishop would have a report. "This
21 report will indicate the rely -- "reliability and
22 sufficiency of the evidence gathered during the
23 investigation. It will be communicated to the
24 Archbishop and the review board."

25 So the answer is there that the archbishop,

1 the delegate, and the review board would have a copy of
2 that report.

3 Q All right. Where is it saved and maintained
4 during this time?

5 A Well, those three peop- -- those -- those
6 three places would have it, and I would -- I -- I don't
7 know where it's -- I -- well . . . I don't know. I
8 can only assume that it's with the general counsel.
9 That would be another report.

10 Q Right.

11 A But with the Archbishop's information, his
12 information is kept. That report would be kept. The
13 internal review board would have their -- that review
14 board would also have their copy.

15 Q What is the review board?

16 A The review board is an internal review of
17 allegations. It's the internal review board.

18 Q Is -- do you have an understanding as to
19 whether the review board includes people who are not
20 archdiocese employees?

21 A That is my understanding.

22 Q Okay.

23 MR. WEGMANN:

24 Okay. And objection. Remember,
25 Counsel, the questions you're asking are now

1 beyond the scope of what the corporate
2 deposition is about.

3 So interpretation of the policy, as
4 opposed to location of documents -- and the
5 document questions, I understand, but in
6 terms of, you know, how these boards operate
7 and what the functions are and who is on them
8 and all that, that -- that wasn't the subject
9 of the -- of the deposition.

10 I'll give you, you know, latitude, but
11 we're obviously going on to areas that were
12 not the subject of the deposition.

13 Subject to that, just proceed.

14 MR. GISLESON:

15 Okay. I'm just -- I'm just trying to
16 get a little background before I tie it back
17 to the documents.

18 MR. WEGMANN:

19 Okay. Uh-huh.

20 BY MR. GISLESON:

21 Q With that in mind, can you please read the
22 paragraph that defines "review board."

23 A "Review Board: The Archdiocesan Review
24 Board, established by the Archbishop, will" -- "will be
25 composed of at least five persons of outstanding

1 integrity and good judgment and full communion with the
2 Church. The majority of the review board members will
3 be laypersons who are not in the employ of the
4 archdiocese; but at least one member should be a priest
5 who is an experienced and respected pastor of the
6 archdiocese. If at all possible, at least one member
7 should have particular expertise in the treatment of
8 sexual abuse of minors. The members will be appointed
9 for a term of five years, which can be renewed. It is
10 desirable that the Promoter of Justice participate in
11 the meetings of the review board."

12 And that's Norm 5.

13 Q All right. So would you agree from reading
14 that, there are going to be archdiocesan records shared
15 with people who are not members of the archdiocese,
16 these laypeople; right?

17 A Yes.

18 Q Do you know where those people save the
19 reports or communications related to these
20 investigations of sexual abuse?

21 A It is my understanding that, at the review
22 board, documents are handed out and, at the end of the
23 process or the end of the meeting, the documents are
24 collected.

25 Q And who --

1 A And they do not retain their own documents.

2 Q All right. And who would be the custodian of
3 those documents, responsible for distributing them and
4 then collecting at the end of the meeting?

5 A That would be the head of the internal review
6 board.

7 Q So if I wanted to ask -- if I wanted to find
8 out where those documents are, I should ask the head of
9 the internal review board?

10 A Yes.

11 Q Do you know who that is?

12 A No.

13 Q Would that include whether the review board
14 makes any recommendation to the archbishop about
15 disciplinary action against a priest?

16 A Yes.

17 Q Would that also include documents related to
18 the closing of the preliminary investigation?

19 A I don't know. I know that on the reports
20 that I have seen -- you asked -- whatever you had asked
21 me before, there is a report that's generated from the
22 internal review board. Or recommendation, when you
23 asked about recommendations.

24 Q If I could direct your attention to -- do you
25 see where it says "Penal Trial"?

1 A Yes.

2 Q And right above it reads: "The determination
3 of the Archbishop will be communicated to the
4 complainant."

5 Did I read that correctly?

6 A Yes.

7 Q Do you know whether that communication is --
8 is by a document?

9 A Yes.

10 Q Is it by a document?

11 A It is my understanding it's -- from the --
12 from the research that -- from the searches that I have
13 done, I have seen documents to that -- that the
14 archbishop has communicated that the review board has
15 reviewed their case and has come up with whatever
16 recommendation.

17 Q All right. And where is that document saved?

18 A With the internal review board.

19 Q Okay. Do you have access to the documents in
20 the internal -- internal review board?

21 A Yes.

22 Q Where -- where are they saved? How are they
23 saved?

24 A They're in a couple of big, fat binders in
25 the general counsel's office. Or they're with the

1 vicar general.

2 Q Are they two binders or more?

3 A I don't recall.

4 Q Is it more than a thousand pages?

5 A You're asking me to -- it's multiple pages.

6 Q Okay. So you said a couple binders; right?

7 A Two that I know of.

8 Q Two binders.

9 Could you indicate with your hands, show the
10 size of these binders?

11 A I can't, no.

12 Q Would all the pages in the binders fit in a
13 banker's box?

14 A Yes.

15 Q Okay. Could all the pages in the binders be
16 copied manually by someone at a copy machine without
17 much effort?

18 MR. WEGMANN:

19 Object to form.

20 A There's a sheet feed on a copier that makes
21 things pretty easy.

22 BY MR. GISLESON:

23 Q So is that a "yes"?

24 A Yes.

25 And also, if I can clarify, when you asked

1 about the -- the archbishop's communication with the
2 complainant, that's going to be in his file.

3 Q Who's "his"?

4 A If -- if you're talking about the cler- --
5 the complaint -- well, I'm sorry, the complainant. I'm
6 sorry. I misread that. So I -- I don't know where
7 that . . .

8 So the complainant is the person that's
9 brought forth the allegation. So that response from
10 the archbishop to him will be in the archbishop's
11 correspondence. Whether or not the internal review
12 board has a copy of that, I do not know.

13 Q All right. And you see where it reads "Penal
14 Trial"?

15 A Yes.

16 Q I imagine documents would be created as a
17 result of a penal trial?

18 A Yes.

19 Q Who would maintain and be responsible for
20 maintaining those documents?

21 A The Metropolitan Tribunal.

22 Q What's the Metropolitan Tribunal?

23 A The tribunal.

24 Q Oh, it's just the same tribunal we've been
25 talking about?

1 A Yes.

2 Q All right. Where are those documents kept?

3 A At the tribunal office.

4 Q Okay. Are those the documents you do not
5 have access to?

6 A I have access to documents. I never said I
7 didn't have access to those documents.

8 Q All right. Do you have access to the
9 documents in the tribunal office?

10 A Yes.

11 Q Okay. Do you have access to all the
12 documents in the tribunal office?

13 A If I need to search them, yes.

14 Q Okay. But you have yet to search the
15 documents of the tribunal office as they relate to
16 Hecker; is that correct?

17 A I did not say that. What I said was is I --
18 I have been through the records that are from the
19 tribunal dealing with the clergy that are in the locked
20 filing cabinet which is in the Walmsley vault; and I
21 did search in that as to whether or not there were
22 documents related to Hecker.

23 Q Are there any documents in the safe in the
24 vault?

25 A There are a handful of property records, a

1 transfer of property.

2 And the rest is chalices and jewelry. And
3 documents pertaining to the chalices.

4 Q If I could direct your attention to 470, the
5 last page. Could you read the "Records" section,
6 please, out loud?

7 A Section 12, "Records." "Records maintained
8 concerning each incident reported, the investigation,
9 and the results of the investigation shall be kept
10 'confidential' pursuant to Canon Law."

11 Q And it would --

12 A And that's Canon 489.

13 Q All right. Are these documents kept under
14 lock and key only?

15 A Yes.

16 MR. GISLESON:

17 All right. I'm going to go ahead and
18 mark this policy as Exhibit 19.

19 MR. WATERS:

20 Exhibit what?

21 MR. WEGMANN:

22 Nineteen.

23 (Exhibit 19 is marked.)

24 BY MR. GISLESON:

25 Q All right. Unfortunately, I could not find

1 the cover page to this handbook, but can you identify
2 this document?

3 A (Views document.)

4 Q I'll represent that I believe it to be the
5 employee handbook dated April 3rd, 2011.

6 A Let me look to see.

7 MR. WATERS:

8 No Bates stamp number?

9 MR. GISLESON:

10 I'm sorry?

11 MR. WATERS:

12 No Bates stamp number?

13 MR. GISLESON:

14 Oh, I'm sorry. The Bates stamp is 432.

15 THE WITNESS:

16 It -- it is. 2011 Employee Handbook is
17 432.

18 MR. WEGMANN:

19 Yeah.

20 THE WITNESS:

21 Yeah?

22 MR. WEGMANN:

23 Uh-huh.

24 A Yes. The 2011 employee handbook.

25 BY MR. GISLESON:

1 Q Okay. Does this handbook apply to clergy?

2 A I don't know.

3 MR. GISLESON:

4 All right. I'm going to go ahead and
5 mark this Exhibit 20.

6 (Exhibit 20 is marked.)

7 MR. GISLESON:

8 This is all one document.

9 THE WITNESS:

10 That's the current . . . Justin, I hate
11 to make you get up again.

12 MR. GIBSON:

13 No problem.

14 THE WITNESS:

15 At least you get your steps in.

16 BY MR. GISLESON:

17 Q All right. Again, couldn't find the cover
18 page to this in the production, but take a minute -- or
19 it's my understanding that this is the 2019 current
20 policies manual of the archdiocese.

21 A Yes. And I believe that this is currently
22 online.

23 Q Okay.

24 MR. WATERS:

25 Bates?

1 MR. GISLESON:

2 Oh. Bates stamp number is 486.

3 BY MR. GISLESON:

4 Q And do these policies apply to clergy as well
5 as laypeople who do work for the archdiocese?

6 A Yes.

7 Q Is there an earlier iteration of this?

8 A (Views document.)

9 Q Do you know?

10 A I'm looking at what was provided.

11 The -- the precursor would be the policies
12 that preceded it in 2010 and 2011.

13 Q Before 2010, was there a written policy
14 manual for the archdiocese?

15 A Yes. And it's - it's -- that's the one that
16 was -- that -- that's going to be from 1977.

17 Q All right. So the earliest iteration is the
18 1977 --

19 A Yes.

20 Q -- policy manual?

21 A Yes.

22 Q All right. And before that, the policies
23 would have either not existed in writing or would have
24 been located elsewhere, I guess?

25 A Either they didn't exist in writing that I

1 could easily find them, or even after searching quite a
2 bit, we didn't find any before that. So they --
3 they -- it doesn't mean that they don't exist; it means
4 that I was not able to locate them.

5 Q If I could direct your attention at 525,
6 Section 3.8, "Clergy Benefits Review Committee."

7 Do you see that?

8 A I do.

9 Q Where would the documents generated by this
10 review committee exist?

11 A I -- I don't -- okay. So I'm -- I'm trying
12 to go back further up -- because this is at 377, rather
13 than just jump into a specific item.

14 Q Take your time.

15 A If records exist for the review committee,
16 they will be with the vicar general or the chief
17 financial officer.

18 Q Okay. If I could direct your attention to
19 Bates stamp 604.

20 MR. WATERS:

21 604, you said?

22 MR. GISLESON:

23 Yes.

24 BY MR. GISLESON:

25 Q And this section talks about archdiocesan

1 records; correct?

2 A Correct.

3 This is the exact same policy that was issued
4 in 2010 that we went through earlier.

5 Q Discussed the ownership of records; correct?

6 A Yes.

7 Q And the records-retention schedules; correct?

8 A Yes.

9 Q And then at 15.3 on the next page, you have
10 "Litigation Hold and Orders"; right?

11 A Yes.

12 Q You see the last -- could you read the last
13 sentence of the paragraph discussing procedures that
14 begins with "A litigation-hold memo . . ."

15 A "The archdiocesan attorney's written
16 permission is needed to lift a hold order and allow
17 destruction to continue."

18 Q Okay. I was actually talking about the last
19 sentence of the paragraph above it, please.

20 A "A litigation-hold memo addressed to the key
21 employees and IT personnel outlining which information
22 would be relevant to the litigation, and preferred
23 methods for preservation will be circulated by the
24 moderator of the curia."

25 Q All right. Has such a litigation-hold memo

1 been issued in this case?

2 A Yes.

3 Q Does that litigation-hold memo outline the
4 information that would be relevant to litigation?

5 A The litigation-hold memo I received was in
6 the form of an e-mail.

7 MR. WEGMANN:

8 Okay. Just --

9 THE WITNESS:

10 Sorry.

11 MR. WEGMANN:

12 -- I will instruct you not to divulge --

13 THE WITNESS:

14 Sure.

15 MR. WEGMANN:

16 -- substantive information with respect
17 to what's in the litigation-hold letter.

18 It's a privileged document.

19 THE WITNESS:

20 Okay.

21 MR. WEGMANN:

22 So but, otherwise, you can --

23 THE WITNESS:

24 Procedure?

25 MR. WEGMANN:

1 Yeah, uh-huh.

2 A So I would have received a memo by e-mail
3 asking me to preserve the records or to -- that there
4 was litigation and that the investigation was going --
5 an investigation was going to move forward.

6 BY MR. GISLESON:

7 Q All right.

8 A It's usually what happens.

9 Q And as a result of that litigation-hold memo,
10 you felt that your actions or your search of just
11 documents relating only to Hecker were in keeping with
12 the instruction -- instructions of the litigation-hold
13 memo; is that true?

14 A Yes. They were -- they were in keeping with
15 searching for records.

16 Q Okay. The point I'm trying to make is you
17 didn't do a broader soch -- search of sexual abuse
18 allegations over the entire archdiocese, say, for the
19 time frame of 1958 to 2002; right?

20 A In my search capacity, we searched in all of
21 the -- in my -- in my responsibility to search all of
22 the records, we did a comprehensive search for the
23 records that answered the question that we were being
24 asked.

25 So I looked through all of the documents,

1 knowing well what records are maintained by the
2 archdiocese, what records are maintained in the
3 archives, in the central files, in the archbishop's
4 office, in the vicar general's office, in the general
5 counsel's office, that would be responsive and that
6 would meet the requirements of what was served to the
7 archdiocese.

8 Q Right. But the question I'm asking is: You
9 just searched electronically for the word "Hecker";
10 right?

11 A No.

12 Q Okay. Well, what --

13 A I did not.

14 Q What electronic search terms did you use --

15 MR. WEGMANN:

16 Object to form.

17 BY MR. GISLESON:

18 Q -- when -- in response to the litigation hold
19 that you received?

20 A Okay. So go back over the process again.

21 When I am asked to search for records, yes,
22 in the electronic system, I will look for the word
23 "Hecker" because I cannot find Hecker's file, his
24 clergy file, without knowing what box it's in. And the
25 only way I'm going to know what box it's in is to

1 search the word "Hecker" to find out this clergy file
2 is in this box.

3 So I wouldn't have searched for "Smith" and I
4 wouldn't have searched for somebody else's name because
5 I was looking for Hecker's clergy file.

6 So when I do a search, I have to search all
7 of these areas for the information. So the bulk of the
8 information -- the clergy file, the files that would be
9 in the legal counsel's office, the files that would be
10 in the Archbishop's office, the files that would be in
11 the archives that pertain to Hecker -- substantive --
12 here's a file that has everything to do with Hecker,
13 his clergy file, we pulled.

14 On the off chance that there could be a
15 record floating out there that dealt with Father Hecker
16 when he was pastor of XYZ parish, was the person for
17 that parish that was buying a piece of property and his
18 name is signed on the deed, it would show up deed
19 number such and such, so-and-so to Lawrence Hecker,
20 deed number, blah, blah, blah, for that particular
21 piece/parcel of property.

22 So, therefore, we would catch all of those
23 when we did a document content search across the word
24 for "Hecker."

25 But it doesn't mean that the paper records

1 aren't found, and it doesn't mean that I don't go to
2 all of the records that we know when we're doing a
3 comprehensive search may or may not have records
4 dealing with clergy.

5 So we go to those records. We do a very
6 comprehensive search to be able to provide all of the
7 information.

8 Q All right. I think we're talking past each
9 other a little bit. I'm trying to -- I understand
10 where you looked. I have a good understanding where
11 you looked. I'm just trying to confirm that,
12 everywhere you looked, you were just looking for the
13 word "Hecker."

14 A Why would I look for any -- I'm sorry. I
15 shouldn't say it like that.

16 Q I just -- I'm asking you: Is that true?

17 A Why would I look for any other word?

18 Q So is the answer "yes"?

19 A Yes. The answer is "yes."

20 Q All right. So if I asked you to provide me
21 all documents that are responsive to all allegations of
22 sexual abuse in the Archdiocese of New Orleans, where
23 the allegations were from 1958 to 2002, is that a
24 search that you could conduct?

25 A Yes.

1 Q How would you conduct that search?

2 A I would have to go -- from 1958 forward, I
3 would have to go into the archives and go through the
4 Archbishop's files to see if there is anything. I
5 would have to go through the legal services files. I
6 would have to go through several other files.

7 But, again, if there is an allegation, it is
8 in the clergy person's file. Routinely, that's where
9 the information went. So there isn't going to be a
10 file with Hecker's name on it in the 1960s that's not
11 the clergy personnel file.

12 Q Are any of the -- in the -- in the
13 recordkeeping in the archives, are any of the priests
14 who have been accused of sexual abuse, are those
15 personnel files somehow separated from the personnel
16 files of all the priests in the archdiocese over time?

17 A Separated?

18 Q Sure.

19 So how are the personnel files of the priests
20 kept at the archdiocese? Are they kept alphabetically?
21 Are they kept -- because we're talking hard files;
22 right?

23 A Yes.

24 Q All right. So are they keep alphabetically?
25 Are they kept by parish? How are they kept?

1 A They're kept by -- they're kept
2 alphabetically, those that are living, in the clergy
3 personnel office. And if they are deceased, they are
4 kept by -- they are kept alphabetically in time spans
5 of when they came over to the archives department.

6 So if I have priest files from 1935, that box
7 might be a run of 20 -- no, or 10 boxes that's in
8 alphabetical order. If I didn't receive another box of
9 files until 1945, that, then, will be in alphabetical
10 order. But each one of them is keyed into the content
11 management system that says this file is in this box on
12 this shelf.

13 Q You've seen Hecker's file, personnel file?

14 A Yes.

15 Q How large is his file?

16 A I don't remember.

17 Q Was it more than one Redweld?

18 A What is a Redweld?

19 Q Was it more than like an accordion file, like
20 that thick (indicating)?

21 A I don't remember.

22 Q Was it more than one banker's box?

23 A I don't remember.

24 Q Did it take up a whole shelf?

25 A No.

1 Q How long -- did you just copy all the
2 documents to produce them to counsel?

3 A Yes.

4 Q How long did it take you to copy all the
5 documents to give them to counsel?

6 A I -- I -- I don't know because some of them
7 are in hard copy already and some of them are in
8 electronic already, so it's -- it's a matter of -- his
9 clergy file? It -- it wouldn't have taken me but a
10 couple of hours.

11 Q Okay. Based on your experience, was the size
12 of Hecker's personnel file consistent with other
13 personnel files --

14 A Yes.

15 Q -- on record?

16 So when a priest has been accused of sexual
17 abuse, are they somehow taken -- are they -- are they
18 then categorized somehow differently in the archives?
19 Are they placed in a different space?

20 For example, do you have a wall of priests or
21 something -- of shelving, for the priests who were
22 credibly accused?

23 A No.

24 MR. WEGMANN:

25 Object to form.

1 BY MR. GISLESON:

2 Q Okay. They stay and they remain in the --
3 even after they've been accused or placed on the
4 credibly accused list by the --

5 MR. WEGMANN:

6 Object to form.

7 BY MR. GISLESON:

8 Q -- archdiocese, they stay in alphabetical
9 order with all the other priests' personnel files?

10 A Yes.

11 Q Are copies of those files maintained
12 separately once they've been accused?

13 A No.

14 Q Could you put a time -- basically, the amount
15 of hours or time you would spend in trying to search
16 and come up with all the -- the documents related to
17 sexual abuse by priests in the New Orleans Archdiocese
18 from 1958 to 2002?

19 A I -- I didn't understand that question.

20 Q How long --

21 A I'm sorry.

22 Q -- would it take you to do a comprehensive
23 search of all the priests' personnel files to look for
24 allegations of abuse between 1958 and 2002?

25 A For all priests?

1 Q Yes.

2 A If you have to read every single page in
3 every single file, and you've got more than --
4 somewhere upwards of 200 or more priests, I -- I
5 can't -- I don't know how to quantify that.

6 Q Where did you come up with the number 200 or
7 so priests?

8 A Because I believe there are over 200 priests
9 serving in the Archdiocese in New Orleans.

10 Q At the present time?

11 A Yes. But I -- I don't know the exact number.

12 Q What about for priests serving from 1958 to
13 2002, do you have an understanding as how many priests
14 that would entail?

15 A It's going to be in the thousands.

16 Q Would it be relatively easy, though, to
17 conduct an electronic search for any allegations of
18 sexual abuse by any priest in the New Orleans
19 Archdiocese?

20 A No.

21 Q Why is that?

22 A Because not all the documents are electronic.

23 Q I'm not talking about the ones that aren't.
24 I'm talking about, of those documents that are
25 electronic, would that be a relatively easy search to

1 conduct?

2 A It -- it depends on the search terms.

3 Q But you could run a search -- electronic
4 search term pretty simply using, say, the word
5 "pedophilia"; right?

6 A Yes.

7 Q And you could also run a pretty simple search
8 term using the word "rape"?

9 A Yes.

10 Q And using the term "sexual abuse"?

11 A "Sexual abuse," if you're putting those two
12 together, it -- it -- it might be simple, but if you've
13 got them separate, I mean, you're going to -- you're
14 going to have different documents that are going to
15 come up just like the -- the policy.

16 Q Right.

17 A You're not going to be able to narrow it just
18 to these certain set of records.

19 Q Right. But if -- what if we limited the
20 search to "sexual," say within three words, "abuse"?
21 Would that make it an easier search?

22 A You can't -- it's -- that doesn't work that
23 way.

24 Q How come?

25 A Because the system isn't capable. That's

1 not -- that's not the way you search in Content
2 Manager. You can't search within a certain number of
3 words.

4 Q So I couldn't -- what if you do quotes around
5 "sexual abuse"?

6 A You could do that.

7 Q And then would that keep it together, those
8 two words?

9 A Yes.

10 Q All right. And would that be an easy search?

11 A It -- it -- it would be an easy search.
12 What's going to come back is going to be onerous.

13 Q Why?

14 A Because every person that received the policy
15 or anytime that comes across in any e-mail that's been
16 cataloged or any other documents, you're going to --
17 you're going to -- you could have hits that are
18 multiple hits.

19 So if -- if the policy goes out to -- the
20 policy on -- of sexual abuse of minors or the -- the
21 policy to protect sexual abuse from minors goes out to
22 5,000 people, you're going to get that back 5,000
23 times. You could. I mean, that doesn't --

24 Q I understand.

25 A That doesn't mean that's -- that's how you're

1 going to do it, but . . .

2 Q Would you agree, though, that in order to
3 determine exactly how onerous that search is, first you
4 run the search, and then you look at the search results
5 to see if it's something --

6 A Yes.

7 Q -- manageable?

8 All right. Does it matter how the allegation
9 of sexual abuse is communicated to the archdiocese in
10 terms of where it's going to be saved?

11 A No.

12 Q So if a victim writes a letter to the
13 archbishop about a priest that that person alleges
14 sexually abused them as a child, and the archbishop
15 receives it, what is the regular course of where that
16 letter's supposed to end up?

17 A He brings it to the general counsel.

18 Q So he would bring it to the general counsel?

19 A (Nods head.)

20 Q And what is the general counsel supposed to
21 do with that letter?

22 A Well, I guess I should back up. He's going
23 to bring it two places. General counsel is going to
24 bring it to the vicar general, and the vicar general,
25 then, is going to bring it and -- and discuss it with

1 the general counsel and any of the -- that's -- that's
2 where it's going to end up.

3 Q All right. But you would agree with me, the
4 archbishop being the archbishop, he gets to decide when
5 to bring it to the general counsel and when to bring it
6 to the vicar general; correct?

7 A Yes.

8 Q And until he brings that letter to the
9 general counsel or the vicar general, he can pretty
10 much keep that document wherever he wants because he's
11 the archbishop; right?

12 MR. WEGMANN:

13 Object to form.

14 A Yes.

15 BY MR. GISLESON:

16 Q What if somebody calls up and asks to speak
17 with somebody at the archdiocese about abuse that they
18 claim was at the hands of a priest while they were a
19 minor, what document is going to be generated as a
20 result of that phone call?

21 A The victims assistance coordinator.

22 Q So they would be sent to the victims
23 assistance coordinator, who would then turn that
24 telephone conversation into a written memo?

25 A Yes.

1 Q And then that memo would be saved however we
2 had talked about it earlier in this deposition; right?

3 A Yes.

4 Q What about if an allegation of abuse by an
5 archdiocesan -- a New Orleans Archdiocesan priest
6 occurred outside the archdiocese and was reported by
7 another priest outside the archdiocese instead of by
8 the victim, what would be documents generated as a
9 result of that?

10 A Was the archdiocese notified?

11 Q Yes. The Arch- -- let's say the archdiocese
12 was notified by a priest outside the archdiocese to
13 another priest inside the New Orleans Archdiocese, what
14 document would be generated as a result of that?

15 A I don't know.

16 Q If I could direct your attention to Bates
17 stamp 687, and it reads: "Standards of the Archdiocese
18 as to confidentiality."

19 Do you see that?

20 A Yes.

21 Q In the first bullet point, the second
22 sentence towards the end, it reads: "Held in the
23 strictest confidence possible."

24 Do you see that?

25 A You're talking about "information of a

1 confidential nature disclosed to church personnel
2 during the course of counseling, advising, or spiritual
3 direction should be held in the strictest confidence
4 possible with due regard for the restrictions of
5 confidentiality in civil or canon law"?

6 Q Yes.

7 What documents would be generated as a result
8 of those communications?

9 A Depends on how the information was disclosed.

10 Q So if it was disclosed -- if a -- if -- say
11 if it was disclosed by letter, the information was sent
12 by letter.

13 A To whom? Oh, to a church personnel?

14 Q Yes.

15 A That immediately would go to the vicar
16 general or the general counsel.

17 Q What if --

18 A Or the archbishop.

19 Q Sure.

20 What if the abuse was transmitted orally, say
21 it was just a conversation or over the telephone? Are
22 you aware of any requirement that that conversation
23 needs to, then, be memorialized in a document?

24 A I'm not aware of any documentation that it
25 needs to be memorialized in a document, but it needs to

1 be reported.

2 Q Okay. Are there any files in -- maintained
3 by the archbishop or the archdiocese that are labeled
4 "For archbishop eyes only"?

5 A No.

6 Q Are there any files in the archdiocese that
7 are labeled "secret" or "subsecreto" files?

8 A Yes. And we discussed those earlier. Those
9 are marriages and dispensations and other types of
10 records, as I discussed earlier.

11 Q Right.

12 Would the Hecker's personnel file contain his
13 sem- -- all of his seminary records?

14 A No.

15 Q Where are requests for Holy Orders saved?

16 A In his clergy file.

17 Q In the individual priest clergy file?

18 A Yes.

19 Q Where would account -- what -- what is an
20 Accounts of Conscience document?

21 A I don't know. I don't know what you're
22 reading from.

23 Q I'm just reading from a list of -- of terms
24 that I've discovered in research.

25 Are you familiar what that is?

1 A No.

2 Q All right. Is there anything called a "synod
3 board file"?

4 A No.

5 Q What about a "board of consulter's file"?

6 A Yes.

7 Q What is that?

8 A It's the consulters of the archdiocese. So
9 the archbishop has a board of consulters that are made
10 up of, I believe, the deans, which are priest or
11 dean -- so parishes have deaneries, and there are 12
12 deaneries, and those deans have representation at the
13 Board of Consulters; and I believe they're elected from
14 there.

15 I -- you would have to ask someone else about
16 that board makeup.

17 Q Do you know whether they meet?

18 A Yes, they do.

19 Q And they generate documents as a result of
20 these meetings?

21 A I do not know.

22 MR. ZERINGUE:

23 Excuse me. We've got a sign up.

24 MR. GISLESON:

25 Okay. All right. Let's take a break

1 and switch the tape.

2 THE WITNESS:

3 Terrific.

4 THE VIDEOGRAPHER:

5 This is the end of Media No. 3. We're
6 now off the record at 3:50.

7 (A short break is taken.)

8 THE VIDEOGRAPHER:

9 This is the beginning of Media No. 4.
10 We're now back on the record at 4:00.

11 BY MR. GISLESON:

12 Q All right. How -- I'm sorry.

13 A Can I interrupt just for a second?

14 Q By all means.

15 A Okay. Because there was something you asked
16 about me -- asked to me before, and after thinking
17 about it, I just want to clarify. Because, in my mind,
18 it works one way, and I don't -- I want to be clear.

19 Q Please.

20 A Okay? So a clergy file for me, in my mind,
21 is one file.

22 Q Okay.

23 A All right? When we get -- you asked me about
24 were there -- was there -- after the allegation comes
25 in or if there's an abuse claim that comes in, is that

1 file separated or are there -- is there a cabinet
2 somewhere that anybody that's had an accusation against
3 them, that once that happens, they're moved to another
4 filing cabinet. The answer is no. It's still no on
5 that.

6 We maintain sections of the file. Okay? So
7 when you asked me for Hecker's clergy file, I gave you
8 the entire file. His, predominantly, assignments,
9 biographical, all the stuff that we talked about
10 earlier that could be in a file is in -- is there, and
11 there is a restricted access portion where the
12 complaints are. Okay?

13 Clergy people can have a restricted access
14 portion. Could be they are going -- because they
15 needed to have some psychological treatment because
16 they were alcoholics or they had an alcohol problem.
17 It could be that there was an abuse claim. It could be
18 a complaint from someone sitting in the -- in the pew
19 that the priest said the word "boobs" on the altar
20 during a sermon and they didn't like it.

21 So that is -- in order to pro- -- to not have
22 that as part of the clergy file, so that those that
23 routinely go -- not routinely, I shouldn't say those --
24 that -- that we protect the rights and the privacy of
25 the priests -- so it could be a medical file, it could

1 be that kind of stuff -- that is kept in the Walmsley
2 vault in those restricted-access file cabinets that we
3 talked about before: victims assistance coordinator.
4 There's a section for the clergy.

5 But when -- but in my mind, that is just the
6 second section of a clergy person's file.

7 So when you asked me for a clergy file and
8 for Hecker, when I did the search, both of those pieces
9 of that file come back together for me to give it to
10 you. So it isn't separate files in separate places;
11 it's one file. But in order to protect privacy for
12 everyone involved, it's not kept with the clergy file.

13 Okay?

14 So I just wanted to make sure that it's
15 not -- there isn't a separate section for all of them
16 to go. But the complaint section of the file is not --
17 doesn't live in the same cabinet. It lives in two
18 separate cabinets, and I search both whenever I'm asked
19 to provide a clergy file.

20 Q And -- and both of these files or components
21 of this file are hard-copy files; right?

22 A Correct.

23 Q And the restriction section -- the restricted
24 section of the clergy's personnel file is always going
25 to be hard file; right?

1 A Yes.

2 Q Does it ever make its way onto the network?

3 A Yes.

4 Q When and what capacity?

5 A When I'm asked to produce it.

6 Q All right. So you might just scan it in and
7 e-mail it to counsel or something?

8 A Scan it in and make it available to -- so
9 the -- so when it gets scanned in, it's scanned so that
10 I can print it, I can put a Bates number on it, I can
11 then provide it in its electronic format if it's
12 needed, but I can also print it from there. Because,
13 as we all know, printing files that have nonstandard
14 pieces of paper, notes, forms, et cetera, can get very
15 difficult, so it's much easier if we scan it once with
16 all the little routing or whatever is on there, you
17 know, please -- it could be a sticky note.

18 But in order to make sure that you get both
19 what's under the sticky note and the sticky note, we
20 then scan the whole thing.

21 Q All right. Is it fair to say that, since
22 2007, you've been the point person to go pull files for
23 allegations of sexual abuse by priests?

24 A Yes.

25 Q All right. Is it also fair to say that, for

1 all those times you did go pull those files, you
2 scanned in or somehow translated to electronic format
3 the restricted section of the personnel file for each
4 one of those?

5 A Since in the last maybe three years, that has
6 happened. Not necessarily since 2007.

7 Q How would you do it before 2007?

8 A The -- the -- it still would be scanned; it's
9 just done a little differently. I would have pulled
10 it. Or the restricted access files, if I didn't pull
11 it, the vicar general would have -- would have handed
12 it to me. But they would have been scanned and --
13 and -- or they would have been copied at that point.

14 They weren't necessarily always scanned.
15 Paper -- back then, it wasn't as sophisticated as
16 things are now, so not everything gets scanned and put
17 in.

18 For this, it's -- it's easier for us to
19 maintain what goes where by scanning it and making sure
20 that we're not missing any documentation.

21 Q Does the vicar general maintain documents of
22 all the allegations of church -- of those priests who
23 are accused of sex abuse by minors in his office?

24 A The vicar general -- no, not in his office.

25 Q Where? Does he -- does he separate them

1 anywhere?

2 A Okay. So, again, we have to remember that
3 the vicar general that we're talking about, Father Pat
4 Williams, is the head of the clergy office. So he's
5 the director of clergy personnel, the vicar for clergy,
6 all those other titles that come across him.

7 So when I'm talking about the vicar general
8 in particular in this case, I refer to him as the
9 "vicar general" because that's sort of a higher title
10 than the "head of the department of clergy."

11 Q Uh-huh.

12 A So he is the depart- -- head of the
13 department of clergy, and in his capacity when he --
14 when a record comes in or when they -- when we have a
15 record that's been produced, he then maintains that
16 file cabinet that is in the Walmsley vault that's under
17 lock and key.

18 I talked earlier about having to go get the
19 key when I have to search. I get the key from him and
20 go through that cabinet to make sure that -- in this
21 instance, Hecker had a restricted portion to the file.
22 We picked it up. We put it together when we scanned it
23 with the clergy file, and everything was in --

24 Q All right.

25 A -- produced.

1 Q I guess what I'm trying to get at is,
2 given -- how many times do you think, since 2007,
3 you've gone and had to make copies of priest files
4 because of allegations of sexual abuse?

5 A Multiple times.

6 Q More than 10?

7 A Yes.

8 Q More than 20?

9 A I -- multiple times.

10 Q Is that an "I don't know" or "I don't
11 remember"?

12 A I don't know. I don't remember.

13 Q Okay. When that happens, is there a copy of
14 the original file saved or -- or placed somewhere else,
15 anywhere else, in the archdiocese?

16 A No. I --

17 Q So you've got the original -- you've got the
18 original personnel file, say, of Hecker.

19 A Uh-huh.

20 Q Is there a copy of the personnel file saved
21 elsewhere for Hecker?

22 A Is it saved elsewhere as the official copy?
23 No.

24 Where it may be is in the general counsel's
25 office for ease of use to be able to produce it. Or it

1 could actually be a full copy. There are times I have
2 put a copy next to the original file so that if it
3 had -- if -- if it needed to be copied again or scanned
4 again for some reason, I would be able to do that
5 without having to take every little piece of paper
6 again and put it on a copy machine.

7 Because oftentimes you don't want to put the
8 original record through a sheet-fed scanner -- I
9 mean, through the -- the -- the sheet feeder because
10 it's going to eat it. If you've got onion-skin paper,
11 you're going to eat it. So you've got to put each one
12 of them on there. And then if it's on good paper, then
13 I will keep that paper file next to the original, mark
14 it as such, that it's a copy, so that it can make it
15 much easier to scan and produce it.

16 Q All right. But did you say that the general
17 counsel may sometimes maintain a copy of the original
18 file?

19 A Yes. But it's always marked a copy for
20 destruction later because there's no reason to keep it
21 because the original is in its place in the cabinet.

22 Q Do you know whether as a matter --

23 A It's for reference -- reference use only.

24 Q Do you know whether, as a matter of practice,
25 general counsel keeps copies of personnel files of

1 priests accused for sexual abuse in his office?

2 A Not routinely, no.

3 Q All right. Do you know what a -- do you --
4 excuse me if I mispronounce this -- a definitorium file
5 is?

6 A No.

7 Q The Archbishop's calendar?

8 A Yes.

9 Q How is that saved?

10 A It's a -- I believe it -- it's not saved, to
11 my knowledge. In the past, there were books that have
12 calendars. I believe now it's all done in Outlook.

13 Q Do you know what the document-retention
14 policy is for the archbishop's calendar?

15 A No.

16 Q Do you know what the document-retention
17 policy is for any calendar for any clergy?

18 A No. I don't believe there is one, but I -- I
19 will just stick with "no."

20 Q Are the calendars maintained by --
21 electronically?

22 A No.

23 Q Do you know if --

24 A Oh, and -- the Archbishop's secretary has his
25 calendar.

1 Q All right.

2 A She's maintaining it.

3 Q Do you know if the Archbishop's calendar is
4 maintained electronically?

5 A Yes. His current calendar is maintained
6 electronically.

7 Q Archbishop has a cell phone?

8 A Yes.

9 Q And is the cell phone paid for by the
10 archdiocese?

11 A You would have to ask the IT director that
12 question.

13 Q In the course of all your searching, did you
14 search in the Archbishop's text messages for anything
15 related to Hecker?

16 A No.

17 Q Did you search in any cell phone text
18 messages for anything related to Hecker?

19 A No.

20 Q Do all clergy that you're aware of who want a
21 cell phone get a cell phone paid for by the
22 archdiocese?

23 A You will have to ask the IT director that
24 question.

25 Q What about iPads? Ask the IT guy?

1 A (Nods head.)

2 Q Do you know what votum documents are,
3 V-O-T-U-M?

4 A Yes. But I couldn't tell you. I mean, I
5 know the word and I know that we have votums, but I
6 don't -- I can't tell you what exactly they are.

7 Q I don't know either.

8 MR. WEGMANN:

9 We could Google it, but we won't.

10 THE WITNESS:

11 Please not.

12 BY MR. GISLESON:

13 Q Where would communications with the Holy See
14 be saved?

15 A With the Archbishop's administrative records
16 in the central files.

17 Q Have you ever searched those communications
18 to see if there's any transmission related to sexual
19 abuse?

20 A All central files were searched for the
21 Hecker-related material.

22 Q Okay. But they were just searched with the
23 word "Hecker"; right?

24 A Yes.

25 Q So there was no search of communications to

1 the Holy See related to sexual abuse generally;
2 correct?

3 A No.

4 Q Is that correct?

5 A Yes. That is correct.

6 Q What about communications or documents
7 received by authorities like the police or federal
8 investigators?

9 A If the word "Hecker" is in there, it was
10 searched and it was -- it was main- -- it was captured
11 and produced.

12 MR. GISLESON:

13 All right. I think I'm finished.

14 THE WITNESS:

15 Okay.

16 MR. GISLESON:

17 Thank you very much for your patience --

18 MR. WEGMANN:

19 We don't have any questions.

20 MR. GISLESON:

21 -- your candor, and your explanations.

22 MR. WEGMANN:

23 Thank you. And I guess we're going to
24 reserve the right to read and sign, and we'll
25 make that decision later. Okay?

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THE VIDEOGRAPHER:

Today's deposition consists of four
media. We're now off the record at 4:14.

(Off the video record.)

(Exhibit 21 is marked.)

MR. GISLESON:

All right. Please allow the record to
reflect that I'm designating as Exhibit 21,
2019 current policies manual of the
archdiocese of New Orleans.

(The deposition is concluded at 4:14 p.m.)

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WITNESS CERTIFICATE

* * * * *

J.W. DOE *
 * NUMBER 2019-3947
 VERSUS *
 * DIVISION: D
 ARCHDIOCESE OF NEW ORLEANS *
 INDEMNITY, INC., THE *
 CATHOLIC MUTUAL RELIEF *
 SOCIETY OF AMERICA, THE *
 ROMAN CATHOLIC CHURCH OF *
 THE ARCHDIOCESE OF NEW *
 ORLEANS, AND FATHER *
 LAWRENCE A. HECKER *
 *

* * * * *

DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury that I
 have read the entire transcript of my Deposition taken
 in the captioned matter or the same has been read to
 me, and the same is true and accurate, save and except
 for changes and/or corrections, if any, as indicated by
 me on the DEPOSITION ERRATA SHEET hereof, with the
 understanding that I offer these changes as if still
 under oath.

Signed on the _____ day of _____,
 20____.

EMILIE LEUMAS, PH.D., CA, CRM

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SIGNATURE: _____ DATE: _____

EMILIE LEUMAS, PH.D., CA, CRM

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SIGNATURE: _____ DATE: _____

EMILIE LEUMAS, PH.D., CA, CRM

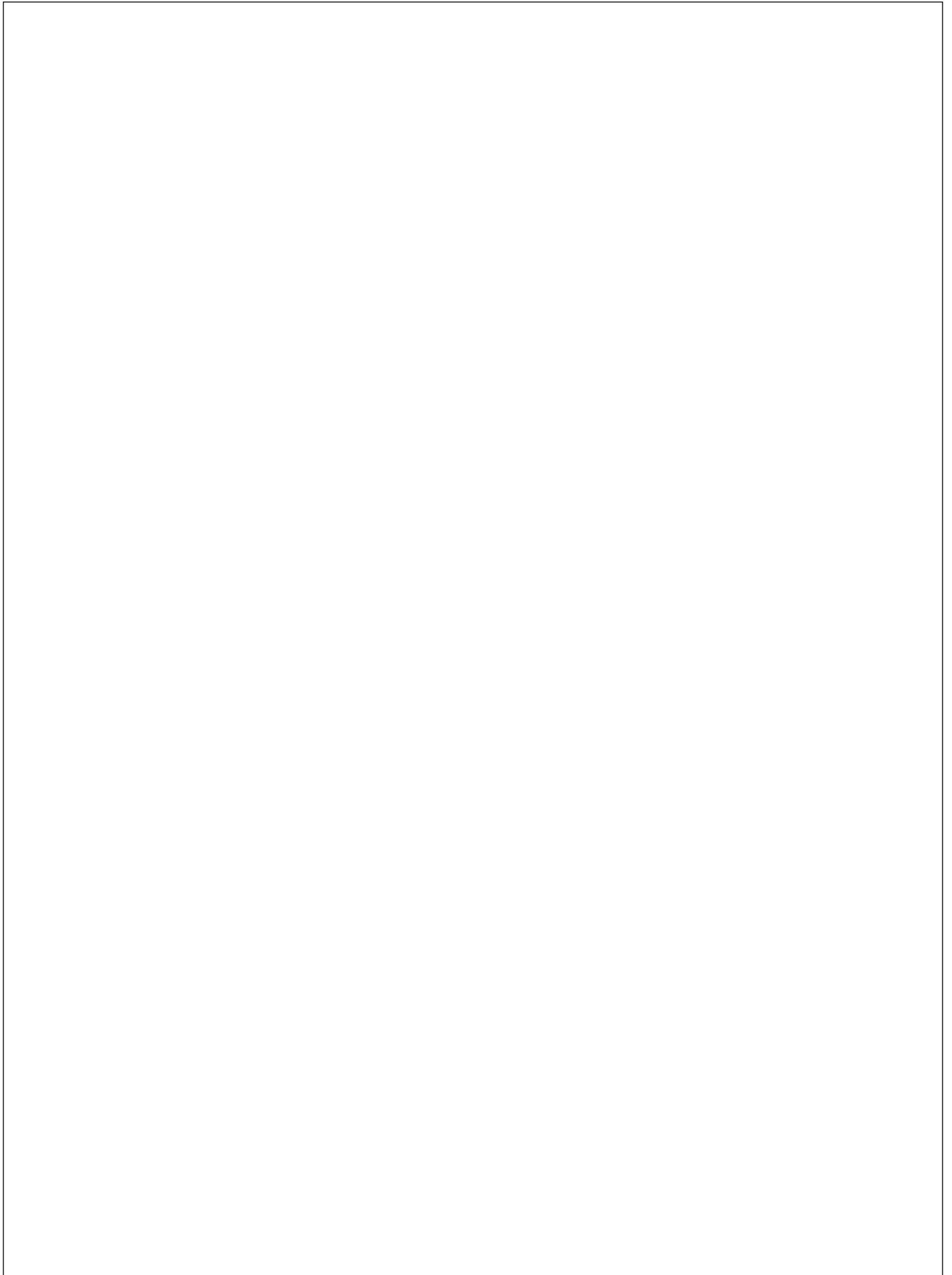
C E R T I F I C A T E

This certification is valid only for a transcript accompanied by my original signature and original required seal on this certificate.

I, Ashlee Ancalade, Certified Court Reporter in and for the State of Louisiana, as the officer before whom this testimony was taken, do hereby certify that EMILIE LEUMAS, PH.D., CA, CRM, after having been duly sworn by me upon authority of R.S. 37:2554, did testify on the 21st day of November, 2019, in New Orleans, Louisiana, as hereinbefore set forth in the foregoing 237 pages; that this testimony was reported by me in the stenotype reporting method, was prepared and transcribed by me or under my personal direction and supervision, and is a true and correct transcript to the best of my ability and understanding; that the transcript has been prepared in compliance with transcript format guidelines required by statute or by rules of the board, and that I am informed about the complete arrangement, financial or otherwise, with the person or entity making arrangements for deposition services; that I have acted in compliance with the prohibition on contractual relationships, as defined by Louisiana Code of Civil Procedure Article 1434 and in rules and advisory opinions of the board, that I have no actual knowledge of any prohibited employment or contractual relationship, direct or indirect between a court reporting firm and any party litigant in this matter nor is there any such relationship between myself and a party litigant in this matter. I am not related to counsel or to the parties herein, nor am I otherwise interested in the outcome of this matter.

SUBSCRIBED AND SWORN on the 21st day of November, 2019.

ASHLEE ANCALADE, CCR #21019



Emilie Leamus, Ph.D., CA., CRM
November 21, 2019

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