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REDACTED
Re: V. RCA (ARZUBE)
Los Angeles Superior Court Case No.: C 489 335
Our File No.: 14365

Dear Sr. Judy:

The deposition of plaintiff, REDACTED resumed in our office on Wednesday, September 23, 1987. Mr. Goldberg had to leave early to prepare for Rosh Hashanah (Thursday, September 24, 1987) and therefore the deposition was adjourned to Friday, October 2, 1987 at 9:00 a.m. in our office. I expect to complete the deposition at that time.

Nathan Goldberg represented REDACTED. Gloria Allred did not appear. Hugh Gardner represented Bishop Arzube at the deposition. Our court reporter was Karen McCarthy.

Exhibits 2-5 were marked for identification. (Exhibit 1, the Notice of Deposition and Request for Production of Documents, was marked at the first session of REDACTED deposition on September 9, 1987.)

EXHIBIT 2: One page transcript of translation of Bishop Arzube's interview on KMEX Channel 34 on Feb. 16, 1984.

EXHIBIT 3: Eighteen page typewritten document prepared by REDACTED from handwritten notes (some in code; see, e. g., Pages 12 and 13) consisting of letters, notes, etc. (This is a most bizarre exhibit to say the least.)

Sr. Judy Murphy
Re: REDACTED v. RCA (Arzube)
Page 2.

EXHIBIT 4: Department of State, "Certificate of Birth Abroad of a Citizen of the United States of America" for REDACTED (DOB REDACTED)

EXHIBIT 5: Republic of the Philippines Department of Health City of Laoag, "Certificate of Birth," for REDACTED (DOB REDACTED)

TESTIMONY:

Upon her return in November 1982 from the Philippines with REDACTED her mother, and her sister, REDACTED she contacted, or was contacted by, (she is not certain which) Father Tamayo, Father Cruces and Father Tugade. She spoke to each of them several times but does not recall the time, date or place of any of the conversations. She thinks that they probably were by telephone and at the rectory at Saints Peter & Paul.

She had no sexual involvement with any of the priests after her return from the Philippines in November of 1982 although there were some suggestions that the relationship resume. For example, Father Cruces asked her about renting an apartment so that he could visit her.

In this line of questioning she identified Father "Nonnie" Bonoan for the first time. She first met him some time in 1981 at Saints Peter & Paul Rectory where he was visiting. She also recalls seeing him at Holy Trinity but she does not recall if this was before or after REDACTED birth. He apparently tried to hold her hand and asked her when they would be going out. She does not recall her reply but added that, "I never said no." However it does not appear that she had any serious sexual activity with him. She only had sex with the seven priests named in "REDACTED I."

She had a difficult pregnancy with REDACTED Father Tamayo's brother, REDACTED called him by telephone and told him of her difficult time with REDACTED On one of their first visits after she returned to the United States, Father Tamayo said that he felt bad about her being sick in the Philippines. It was during this early conversation with Father Tamayo that she spoke to him about support and help for REDACTED She became upset and told him that what he, and the others, had done was probably illegal and amounted to

Sr. Judy Murphy
Re: REDACTED v. RCA (Arzube)
Page 3.

statutory rape. She told him that they should not have touched her. She recalls that his reply was to tell her not to talk like that and generally to placate her.

She described a very difficult pregnancy and delivery. Upon her arrival at the Manila Airport Dr. Tamayo picked her up and drove her seven hours to Laoag City "in the jungle." She received inadequate care. (See also Exhibit 3, page 8.) She did not receive regular checkups, had only one urine test, her weight and blood pressure were rarely taken, she lost weight (approximately 20 pounds by her fifth month) and suffered from extreme dehydration. She threw up during her entire pregnancy. Sometimes she threw up blood. She had headaches and occasionally saw spots and sometimes felt like she was passing out.

Her mother, and her sister, REDACTED joined her in the Philippines in September, 1982.

She was seen at Saint James Clinic in Laoag City. Some patients died there. It was at this clinic that she had an I.V. to treat her dehydration. Besides REDACTED she was also seen by other doctors. The only name she recalls is Dr. REDACTED

On October 12, 1982 REDACTED was taken by C-Section at Provincial Hospital in Laoag City by Dr. REDACTED REDACTED had gone into a coma from eclampsia which she described as meaning toxemia with high levels of protein in the blood and high blood pressure. (Eclampsia refers to convulsions and coma occurring in a pregnant or puerperal woman associated with hypertension, edema, and stroke or proteinuria.)

When REDACTED was born REDACTED was REDACTED Dr. REDACTED told REDACTED REDACTED had to be revived. REDACTED weighed seven pounds. She does not recall REDACTED length. She does not know if Apgars were taken. She did not see REDACTED until REDACTED was two days old. She was hospitalized for two weeks at Provincial Hospital.

When REDACTED was three or four weeks old, REDACTED her mother, and her sister, REDACTED returned to the United States.

Upon her return to the United States she contacted a public health agency in Carson. She does not recall the name.

Sr. Judy Murphy
Re: REDACTED v. RCA (Arzube)
Page 4.

Thereafter a social worker visited her at her parents' residence REDACTED where she was staying and still resides.

She describes REDACTED as a healthy loving child who "looks Filippina," - - like either Father Tugade or Father Caboang. She cannot decide between the two; she would have to see them side by side. REDACTED will begin kindergarten this month or next month, as soon as REDACTED has all of her vaccinations in order. REDACTED will attend the same grade school that REDACTED attended, REDACTED

Her discussions with Fathers Tamayo, Cruces and Tugade span the time from her return to the United States in November, 1982 until she met with Bishop Ward and Monsignor Rawden in July, 1983. During each of these conversations she asked for support for REDACTED. On each occasion the priests told her not to say anything to anyone. On one occasion she spoke to Bishop Abaya, who was visiting from the Philippines, and who was apparently staying at the rectory of Saints Peter & Paul. She does not recall the date that she spoke to Bishop Abaya but it was the same day after she had spoken privately to Father Cruces.

She had first met Bishop Abaya in Laoag City in the Philippines. She had seen him at REDACTED REDACTED home at a birthday party for one of the Tamayo children. (She was staying with the Tamayos.) She had gone to confession to Bishop Abaya and he had baptised REDACTED in the Philippines. Following the baptism there was a celebration at the Tamayos which she, her mother and her sister attended.

When she spoke to Bishop Abaya at the rectory at Saints Peter & Paul he made her angry. He told her to stop bothering the priests because they might tire of her. He made her promise not to tell anyone. She said she would think about it. He asked what birth control she was using (he had also asked her that during her confession in the Philippines) and specifically asked her if she was using oral contraceptives. She replied that the priests were using condoms. He asked her no further questions. He said he would talk to the priests about support and her request that the priests leave her alone. He said that he would contact her. She does not know if Bishop Abaya followed up or not;

Sr. Judy Murphy
Re: REDACTED v. RCA (Arzube)
Page 5.

she has heard nothing from him and nothing was done so she assumes that he did not.

In July, 1983 she saw Father Tugade at Saints Peter & Paul Rectory and spoke to him for approximately two hours. Father Tamayo was also present. She said this took place on the same day that she saw Bishop Ward. (Her appointment with Bishop Ward and Monsignor Rawden was July 19, 1983.) She repeated her request for support. Fathers Tugade and Tamayo said they would but nothing definite was arranged. She told them that if they did not support the child she was going to see Bishop Ward. Tugade apparently replied somewhat flippantly that he intended to pose nude for some magazine. She was still unemployed and still had not lost her faith. She thought Bishop Ward "would do right." Father Tamayo told her not to see Bishop Ward because maybe Father Tugade, upon seeing REDACTED will support the child. Father Tugade said he would help but also said that she could not prove that he was the father. This made her angry. She does not recall what her reply was.

That afternoon (July 19, 1983) she met with Bishop Ward and Monsignor Rawden at the Chancery Office. She had made the appointment earlier by telephone. She had called the Chancery Office and spoke to someone who "sounded like a guy with a high voice."

(According to my notes of my meeting with Bishop Ward on May 22, 1984, Monsignor Connolly took a call from REDACTED on July 15, 1983. She said she wanted to see the Cardinal about a paternity matter. Because the Cardinal was going on vacation (?) the matter was referred to Bishop Ward. On the same date, July 15, 1983 Bishop Ward called REDACTED and asked when she could come to the Chancery Office to discuss the matter.)

She said an appointment was made for the following Tuesday, July 19, 1983. (The meeting took place on July 19, 1983 from 2:15 p.m. until 3:00 p.m.) In any event, she testified that she told the "guy with the high voice" that she wanted to see the Bishop or the Cardinal because she had a priest's baby. She was told that she will have to name names. She agreed. An early afternoon appointment was with Bishop Ward. (This is the subject of the allegations in Paragraph 47 of the Second Amended Complaint in "REDACTED I.")

Sr. Judy Murphy
Re: REDACTED v. RCA (Arzube)
Page 6.

She went to meet Bishop Ward with her parents on July 19, 1983. She brought no documents with her. She thought that Bishop Ward would "get the priest to support REDACTED" She recalls that she arrived between 1:00 p.m. and 2:00 p.m. with her parents. She had her parents wait in the lobby. She met Bishop Ward in the second floor conference room at the Chancery Office. Another priest, she thought he might have been a Monsignor, was present. She does not recall his name. (It was Monsignor Rawden.) She noted that they were both writing during the course of the meeting. She told them that Father Tugade or Father Caboang was the father. She recalls Bishop Ward asking if it could have been someone else, a boyfriend? She replied that she had only had sex with the priests and at this point gave the names of the other five.

At the time of her meeting with Bishop Ward Fathers Tamayo, Cruces, Caboang and Macar were in Los Angeles. Father Abayo was a visiting priest from New Jersey, both at the times she had sexual relations with him and at the time she met with Bishop Ward. Father Balban was not local; she did not find his name in the Archdiocesan Directory. Father Tugade was stationed in Los Angeles at the time of her sexual relations with him but when she met with Bishop Ward he was in Monterey. (According to my notes of my May 22, 1984 meeting with Bishop Ward, Father Tugade departed the Archdiocese of Los Angeles in January of 1983 for the Diocese of Monterey under Bishop Shubsda's jurisdiction. He left because we would not sponsor him for INS.)

She described Bishop Ward as positive, not negative, and professional. Did he hurt her feelings during this interview? She does not recall. Did she cry during this interview? She does not recall. She felt better during and after the meeting.

She testified that Bishop Ward did not seem surprised at the allegations. (Bishop Abaya was surprised, - - but only at Father Cruces' name.)

Except for what I have described above she does not recall what else was said at the meeting with Bishop Ward. She left at 4:00 p.m. and went out to dinner with her parents.

By the time she met with Bishop Ward on July 19, 1983 she had

Sr. Judy Murphy
Re: REDACTED v. RCA (Arzube)
Page 7.

seen several lawyers. The welfare office referred her to a "female lawyer in Long Beach." She described the above scenario and gave her the names of Father Tugade and Father Caboang. She further described this lawyer as a female deputy district attorney (but she was not certain) who told her that because the priests would not take blood tests she did not have a case. (?)

She saw another lawyer whose name she does not recall but who is located in Wilmington. (According to Bishop Ward's memorandum, "Ad Futuram Memoriam Rei," page 5, states that, "She had already spoken with a certain, Mr. Millegas, an attorney in the Wilmington Area.") According to REDACTED testimony the "Wilmington lawyer" said that the church was too big to go against, that the priests do not make enough money, and to "forget it." Thereafter she saw another lawyer whose name she thought was "Janoff," in Carson. (I do not know how she found her way to Gloria Allred but I suspect that "Janoff," the last lawyer she saw, probably referred her there.)

She had further contact with Bishop Ward. Approximately one month later she called him by telephone. In each of her post-meeting contacts with Bishop Ward he always told her that he was trying to contact the priests but, that they were on vacation. She claims that she always had to call Bishop Ward; he never called her. In fact, she claims that she never received a call from Bishop Ward or the Chancery Office. (According to my notes of my May 22, 1984 meeting with Bishop Ward, Monsignor Connolly took REDACTED call and Bishop Ward returned her call and made the appointment for the meeting. See above.)

At this point in her deposition I asked a series of questions which led to her testimony that she wrote these events on pieces of paper, on a calendar, or in a diary. I requested production and after a brief recess her attorney produced what has been marked as Exhibit 3 (eighteen pages). I have not yet cross-examined her about Exhibit 3.)

Her reason for believing that Father Tugade is the father is that he used no protection. Father Caboang used a condom and withdrawal. She does not know if she told this to Bishop Ward. She does not recall what Bishop Ward said when she told him that she thought that Father Tugade or Father

Sr. Judy Murphy
Re: REDACTED v. RCA (Arzube)
Page 8.

Caboang was the father of REDACTED. She says that she told Bishop Ward that Father Tugade was in Monterey. She had the name of the church there but does not recall the address. Later, following the meeting, in the fall of 1983, October or November, 1983, ("just prior to seeing Gloria") Bishop Ward told her that Father Tugade was out of the jurisdiction (of the Archdiocese of Los Angeles) and that he would not do anything about it. He told her to contact the Bishop in Monterey but did not give her the Bishop's name or address there. With regard to Father Caboang she claims that Bishop Ward said that she had better make up her mind about who the father was, "That is, he (Bishop Ward) would do nothing."

"That's when I stopped believing in the Church." Following the meeting with Bishop Ward, and during the summer of 1983, Father Cruces told her that "he had admitted everything" to the Bishop. She "thinks" that Father Tamayo had also admitted his sexual relations but she is "not 100% sure" as she is with Father Cruces. She related a conversation with Father Tamayo in which he stated that he had told someone at the "Archdiocese Office" who had known Father Tamayo at Immaculate Conception. (This is probably Monsignor Rawden who knew Father Tamayo quite well.)

She does not know if other priests were called to the Chancery as Father Cruces was. She was somewhat vague in her answers to this line of questioning. (Again, according to my May 22, 1984 notes Monsignor Rawden interviewed Fathers Tamayo, Cruces and Lacar with Bishop Ward. All of the priests interviewed denied any sexual relations with REDACTED REDACTED except one. I cannot find my notes on that point. It may well have been father Cruces who made the admission.) Later in the deposition she testified, "It's coming to me. He (Father Tamayo) spoke to somebody (she does not know who) at the Archdiocese. It had to be during the summer of 1983 after the meeting with Bishop Ward."

After her last telephone conversation with Bishop Ward (above) (she does not recall the date but according to my May 22, 1984 notes it was in November or December, 1983,) she saw Father Tamayo. She said it was probably at Mass during Christmas, 1983. She recalls that they spoke but does not recall what was said.

She saw Father Caboang at St. Basil's Rectory in February,

Sr. Judy Murphy
Re: REDACTED v. RCA (Arzube)
Page 9.

1984 ("REDACTED I" was filed on February 8, 1984.) The meeting was arranged through Father Tamayo who called her and said that Father Henry (Caboang) wanted to see her about "some money." She and a neighbor-friend, REDACTED (who knew about REDACTED sexual relationships with the priests) was also present. Nothing conclusive was decided. He admitted having sexual relations with REDACTED in front of the witness. He admitted going to the motel with the other priests. He admitted that he might be the father. He said he was trying to borrow some money from someone in the area. Was he remorseful? She does not know. She did not believe that he would follow through. REDACTED was angry and accused him of being a pervert. She does not recall what else was said. The meeting ended because Father Caboang had to say noon Mass.

She filed her complaint against Father Tamayo and the other priests on February 8, 1984. She does not know where the priests are. She asked me as part of her answer if I knew where they are. I do not.

The first time she met Bishop Arzube was at her confirmation at St. Filomina's, Carson, when she was twelve or thirteen years old.

She first heard of his statement concerning her while she was in Chicago with Gloria (Allred) for a television interview with Oprah Winfrey when she called home and spoke to her mother that evening. (Bishop Arzube's statement was made on KMEX Channel 34 on February 16, 1984.) Her mother would only say that Bishop Arzube had said something bad about her. Her mother would not tell her what was said. The interview with Oprah Winfrey went forward the following day as scheduled.

She has had a total of three television interviews and three radio interviews. She could not recall which had occurred before she learned of Bishop Arzube's statement. The day after she returned from Chicago she learned what Bishop Arzube had said from her mother at home. Her mother told her that Bishop Arzube had said that REDACTED had a bad reputation and had done things with alter boys. Her mother spoke in Spanish. REDACTED does not recall the words in Spanish.

I showed her Exhibit 2, the translated transcription of Bishop Arzube's statement from Spanish to English of the KMEX

Sr. Judy Murphy
Re: REDACTED v. RCA (Arzube)
Page 10.

Channel 34 news telecast. She had not seen this document before, but she has seen other translations. She also saw part of the tape on TV after the complaint was filed against Bishop Arzube.

I asked her if she was familiar with the term "acciones malas?" She said she had heard her aunts use it and specifically recalled Aunt REDACTED (now deceased at age 99) use it. Her mother and father also used the term. Apparently they use the more complete, "Muchachas de acciones malas," which she said meant a loose woman, one who had sex outside of marriage. I asked her if it was not true that she had sex outside of marriage before Bishop Arzube made his statement. She replied with a slight air of exclusiveness, "Not with altar boys, with priests."

On this note the deposition was adjourned at the request of Mr. Goldberg because he had to prepare for Rosh Hashanah. The deposition was adjourned to Friday, October 2, 1987 at 9:00 a.m.

COMMENT AND SUMMARY:

It seems to me that sexual relations outside of marriage ("acciones malas") with priests, and not with altar boys, is a difference without a distinction. It seems to me that the conduct with the seven priests constitutes "acciones malas."

Exhibit 3 certainly belies the otherwise innocent appearance of REDACTED. With the addition of Exhibit 3 to the evidence adduced during discovery in this case, the case is certainly becoming more ugly.

REDACTED signed the necessary authorizations for us to copy her records, medical and psychiatric. I am using our excellent medical investigator, Andy Klure from Akros, for this assignment.

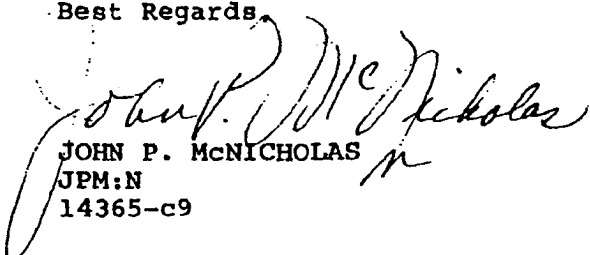
I have also contacted REDACTED M.D., board certified neurologist, psychiatrist, neuropsychiatrist, electroencephalologist who is now retired. He refused to become involved as an expert witness but has agreed to review the case and act as our consultant. He is excellent and will be most helpful.

Sr. Judy Murphy
Re: REDACTED v. RCA (Arzube)
Page 11.

The subject of settlement never came up before, during or after this second session of REDACTED deposition.

We will continue to keep you advised of all developments as they occur.

Best Regards



JOHN P. McNICHOLAS
JPM:N
14365-c9

Encl.

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