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Max Louis Fisher, David Anthony Guerrero, John Eric Habermann, Christopher Eduardo Huicochea,
John Joseph Kirker, Mark Dennison Landers, Brian Richard Paino, Eric Nathan Paino

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

Coordinated Proceeding
Special Title (Rule 1550(b))

THE CLERGY CASES I

This Document Relates to Orange County Case
NO. 03CC00509:

MAX LOUIS FISHER, DAVID ANTHONY
GUERRERO, JOHN ERIC HABERMANN,
CHRISTOPHER EDUARDO
HUICOCHEA, JOHN JOSEPH KIRKER,
MARK DENNISON LANDERS, BRIAN
RICHARD PAINO,

Plaintiffs,

v.

DEFENDANT DOE 1; DEFENDANT DOE
2; and DOES 3 through 100, inclusive,

Defendants.

**JUDICIAL COUNCIL COORDINATION
PROCEEDING NO.: 4286**

**Trial Coordinating Judge:
The Honorable Haley J. Fromholz
Department 20**

**Complaint Filed: November 5, 2003
Trial Date: November 6, 2006**

**DECLARATION OF J. OWEN CAMPBELL
IN SUPPORT OF PLAINTIFFS' MOTION
FOR PERMISSION OF COURT TO
ALLEGE PUNITIVE DAMAGES AGAINST
THE ARCHDIOCESE OF MILWAUKEE**

**Hearing Date: July 12, 2006
Hearing Time: 8:30 a.m.
Department: 20**

1 _____)
2 This Document Relates to Orange County)
3 Superior Court Case No. 02CC06293:)

4 ERIC NATHAN PAINO,)
5)
6 Plaintiff,)

7 v.)

8 THE ROMAN CATHOLIC BISHOP OF)
9 ORANGE; THE ARCHDIOCESE OF)
10 MILWAUKEE; FATHER SIEGFRIED)
11 WIDERA; and DOES 3 through 100, inclusive,)

12 Defendants.)
13 _____)

14 I, J. OWEN CAMPBELL, certify and declare:

15 1. I am an attorney duly licensed to practice in all of the courts of the State of
16 California, and I am an associate at the Law Offices of Freberg & Associates, counsel of record for
17 Plaintiffs in this action.

18 2. By virtue of the foregoing, I have personal knowledge of the facts set forth in this
19 Declaration and, if called as a witness, I could and would testify competently to these facts under oath.

20 3. This Declaration is made in support of Plaintiffs' Motion for Permission of Court
21 to Allege Punitive Damages.

22 4. The proposed First Amended Complaint in the case of Max Louis Fisher et al. v.
23 Defendant Doe 1, et al., and the proposed Second Amended Complaint in the case of Eric Nathan
24 Paino v. The Roman Catholic Bishop of Orange, et al. are attached hereto as Exhibit A. The purpose
25 and effect of the proposed amendments is to seek punitive or exemplary damages from the
26 Archdiocese of Milwaukee in these actions. The proposed amendments are necessary and proper
27 because pursuant to CCP 425.14 a plaintiff must obtain permission of court to allege punitive damages
28 against a religious corporation. The following allegations are added to Plaintiffs' First Amended
Complaint in the case of Max Louis Fisher et al. v. Defendant Doe 1, et al.:

A. Paragraph 15.2

B. Paragraph 20.1

- 1 C. Paragraph 24.1
- 2 D. Paragraph 28.1
- 3 E. Paragraph 36.2
- 4 F. Paragraph 47.2
- 5 G. Paragraph 52.2
- 6 H. Paragraph 55.1
- 7 I. Paragraph 59.2
- 8 J. Paragraph 64.2
- 9 K. Paragraph 74.2
- 10 L. Paragraph 79.2
- 11 M. Paragraph 95.1
- 12 N. Paragraph 110.2
- 13 O. Paragraph 122.1
- 14 P. Paragraph 135.1
- 15 Q. Paragraph 141.1
- 16 R. Paragraph 147.1

17 The following allegations are added to the body and prayer of Plaintiff's Second Amended
18 Complaint in the case of Eric Nathan Paino v. The Roman Catholic Bishop of Orange, et al.:

- 19 A. Paragraph 63
- 20 B. Paragraph 75
- 21 C. Paragraph 97
- 22 D. Paragraph 109
- 23 E. Paragraph 122
- 24 F. Paragraph 139
- 25 G. Paragraph 156
- 26 H. Paragraph 169
- 27 I. Prayer: page 37, lines 18-21.
- 28

1 Plaintiffs request that if the Court grants Plaintiffs' motion to allege punitive damages, the
2 attached proposed First Amended and Second Amended Complaints be the First Amended and Second
3 Amended Complaints in these actions and that they be deemed filed and served as of the date of the
4 granting of the motion.

5 5. A true and correct copy of the 1973 criminal complaint against Father Widera
6 copied from the Ozaukee County courthouse is attached hereto as Exhibit B, and is incorporated herein
7 by reference.

8 6. A true and correct copy of an investigation report obtained from the Ozaukee
9 County District Attorney is attached hereto as Exhibit C, and is incorporated herein by reference.

10 7. A true and correct copy of an excerpt from the 2002 West Allis Police Department
11 Incident Report obtained from the Milwaukee County District Attorney is attached hereto as Exhibit
12 D, and is incorporated herein by reference.

13 8. The case Max Louis Fisher et al. v. Defendant Doe 1, et al., Orange County Case
14 No. 03CC00509, and the case of Eric Nathan Paino v. The Roman Catholic Bishop of Orange, et al.,
15 Orange County Case No. 02CC06293, were filed in 2003 and 2002, respectively. All Plaintiffs in
16 those actions were sexually abused by Father Widera and the only remaining defendant in those
17 actions is the Archdiocese of Milwaukee. The Archdiocese of Milwaukee in both actions is defended
18 by the same attorneys, Quarles & Brady in Milwaukee with William Whelan as local counsel. All
19 documents bates labeled AOM-FIS XXXXX have been produced by the Archdiocese of Milwaukee
20 since coordination. Documents bates labeled AOM XXXX were produced in the Paino case before
21 coordination. All depositions were taken in the Paino case before coordination. Both cases are based
22 entirely on the same facts, except for the identity of the Plaintiffs molested.

23 9. A true and correct copy of the Vicar's Log produced by the Archdiocese of
24 Milwaukee is attached hereto as Exhibit E, and is incorporated herein by reference.

25 10. A true and correct copy of the 1973 Judgement of Conviction of Father Widera
26 copied from the Ozaukee County courthouse is attached hereto as Exhibit F, and is incorporated herein
27 by reference.
28

11. A true and correct copy of excerpts from the deposition of Father Joseph Hornacek, taken September 13, 2002, is attached hereto as Exhibit G, and is incorporated herein by reference.

12. A true and correct an August 14, 1973 memo produced by the Archdiocese of Milwaukee is attached hereto as Exhibit H, and is incorporated herein by reference.

13. A true and correct copy of excerpts from the deposition of Father John Theisen, taken September 9, 2002, is attached hereto as Exhibit I, and is incorporated herein by reference.

14. A true and correct copy of a September 3, 1973 memorandum produced by the Archdiocese of Milwaukee is attached hereto as Exhibit J, and is incorporated herein by reference.

15. A true and correct copy of Archdiocese of Milwaukee Ombudsman's Log produced by the Archdiocese of Milwaukee is attached hereto as Exhibit K, and is incorporated herein by reference.

16. A true and correct copy of an excerpt from the 2002 West Allis Police Department Incident Report obtained from the Milwaukee County District Attorney is attached hereto as Exhibit L, and is incorporated herein by reference.

17. A true and correct copy of excerpts from the deposition of Bishop Michael Driscoll, taken September 6, 2002, is attached hereto as Exhibit M, and is incorporated herein by reference.

18. A true and correct copy of a December 20, 1976 letter from Archbishop Cousins to Bishop Johnson and Michael Driscoll produced by the Archdiocese of Milwaukee is attached hereto as Exhibit N, and is incorporated herein by reference.

19. A true and correct copy of a January 10, 1977 letter from Michael Driscoll produced by the Archdiocese of Milwaukee is attached hereto as Exhibit O, and is incorporated herein by reference.

20. A true and correct copy of a January 17, 1977 letter from Michael Driscoll produced by the Archdiocese is attached hereto as Exhibit P, and is incorporated herein by reference.

21. A true and correct copy of a January 25, 1977 letter from Archbishop Cousins produced by the Archdiocese of Milwaukee is attached hereto as Exhibit Q, and is incorporated herein by reference.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on June 19, 2006, at Irvine, California.

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EXHIBIT "A"

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LANDERS, BRIAN RICHARD PAINO

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

Coordinated Proceeding
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THE CLERGY CASES I

This Document Relates to Orange County Case
NO. 03CC00509:

MAX LOUIS FISHER, DAVID ANTHONY
GUERRERO, JOHN ERIC HABERMANN,
CHRISTOPHER EDUARDO
HUICOCHEA, JOHN JOSEPH KIRKER,
MARK DENNISON LANDERS, BRIAN
RICHARD PAINO,

Plaintiffs,

v.

DEFENDANT DOE 1; DEFENDANT DOE
2; and DOES 3 through 100, inclusive,

Defendants.

**JUDICIAL COUNCIL COORDINATION
PROCEEDING NO.: 4286**

FIRST AMENDED COMPLAINT FOR:

1. CHILDHOOD SEXUAL ABUSE;
2. NEGLIGENCE;
3. NEGLIGENT SUPERVISION;
4. NEGLIGENT HIRING/RETENTION;
5. FRAUD;
6. FIDUCIARY/CONF. RELATIONSHIP
FRAUD AND CONSPIRACY;
7. BREACH OF FIDUCIARY DUTY;
8. NEGLIGENT FAILURE TO WARN,
TRAIN, OR EDUCATE PLAINTIFFS;
9. INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS;
10. VIOLATION OF PENAL CODE § 32;
11. VIOLATION OF PENAL CODE
§ 11166;
12. VIOLATION OF PENAL CODE
§§ 273a(a), (b);
13. RESERVED;
14. NEGLIGENCE PER SE FOR
STATUTORY VIOLATIONS;
15. RESERVED;
16. FRAUD AND DECEIT;
17. PREMISES LIABILITY;
18. RESERVED;
19. CONSPIRACY TO COMMIT
CHILDHOOD SEXUAL ABUSE;
20. NEGLIGENT
MISREPRESENTATION; and
21. INTENTIONAL
MISREPRESENTATION.

[Filed Concurrently With Certificates of Merit]
[Demand for Jury Trial]

1 Based upon information and belief available to Plaintiffs at the time of the filing of this
2 Complaint, Plaintiffs makes the following allegations:

3 **PARTIES**

4 1 Plaintiff Max Louis Fisher ("Fisher") is an adult male. Fisher was a minor at the time of
5 the sexual abuse alleged herein.

6 1.1 Plaintiff David Anthony Guerrero ("Guerrero") is an adult male. Guerrero was a minor at
7 the time of the sexual abuse alleged herein.

8 1.2 Plaintiff John Eric Habermann ("Habermann") is an adult male. Habermann was a minor
9 at the time of the sexual abuse alleged herein.

10 1.3 Plaintiff Christopher Eduardo Huicochea ("Huicochea") is an adult male. Huicochea was
11 a minor at the time of the sexual abuse alleged herein.

12 1.4 Plaintiff John Joseph Kirker ("Kirker") is an adult male. Kirker was a minor at the time
13 of the sexual abuse alleged herein.

14 1.5 Plaintiff Mark Dennison Landers ("Landers") is an adult male. Landers was a minor at the
15 time of the sexual abuse alleged herein.

16 1.6 Plaintiff Brian Richard Paino ("Paino") is an adult male. Paino was a minor at the time of
17 the sexual abuse alleged herein.

18 1.7 Plaintiffs Fisher, Guerrero, Habermann, Huicochea, Kirker, Landers, and Paino are some
19 times hereinafter referred to as the "Plaintiffs."

20 2. Defendant Doe 1 ("Defendant Archdiocese") is, and at all times mentioned herein was, a
21 religious corporation organized under the laws of the State of Wisconsin, having its principal office
22 in the City of Milwaukee.

23 2.1 RESERVED.

24 2.2 RESERVED.

25 2.3 RESERVED.

26 2.4 Father Siegfried F. Widera (the "Perpetrator") was at all times relevant an ordained priest
27 in the Roman Catholic Church. During the dates of abuse, the Perpetrator was a practicing priest
28

1 assigned to Defendant Diocese and Does 3 through 100, and was under the direct supervision, employ
2 and control of Defendant Diocese and Does 3 through 100.

3 2.5 Defendant Doe 2 ("Defendant Diocese") is a corporation sole, authorized to conduct
4 business and conducting business in the State of California, with its principal place of business in
5 Orange, California. Defendant Diocese has responsibility for Roman Catholic Church operations in
6 Orange County, California.

7 3. Defendant Does 3 through 100, inclusive, are individuals and/or business or corporate
8 entities incorporated in and/or doing business in California whose true names and capacities are
9 unknown to Plaintiffs who therefore sue such defendants by such fictitious names, and who will
10 amend the Complaint to show the true names and capacities of each such Doe defendant when
11 ascertained. Each such Defendant Doe is legally responsible in some manner for the events,
12 happenings and/or tortious and unlawful conduct that caused the injuries and damages alleged in this
13 Complaint. Defendant Archdiocese, Defendant Diocese, and Does 3 through 100 are some times
14 hereinafter referred to as the "Defendants."

15 4. Each Defendant is the agent, servant and/or employee of other Defendants, and each
16 Defendant was acting within the course and scope of his, her or its authority as an agent, servant and/or
17 employee of the other Defendants. Defendants, and each of them, are individuals, corporations,
18 partnerships and other entities which engaged in, joined in and conspired with the other wrongdoers
19 in carrying out the tortious and unlawful activities described in this Complaint, and Defendants, and
20 each of them, ratified the acts of the other Defendants as described in this Complaint.

21 **BACKGROUND FACTS APPLICABLE TO ALL COUNTS**

22 5. Plaintiffs are informed and believe, and on that basis allege, that the Perpetrator, while he
23 was an ordained priest, was at some of the times mentioned herein an agent, employee, or servant of
24 Defendant Archdiocese, and/or was under the jurisdiction and control of Defendant Archdiocese.
25 Plaintiffs are informed and believe, and on that basis allege, that the Perpetrator, while he was an
26 ordained priest, was at other times mentioned herein an agent, employee, or servant of Defendant
27 Diocese, and/or was under the jurisdiction and control of Defendant Diocese. Specifically, Plaintiffs
28

1 are informed and believe, and on that basis allege, that the Perpetrator was incardinated as a Roman
2 Catholic priest on or about May 20, 1967 and was assigned and/or transferred as follows:

3 A. That on about July 14, 1967, the Perpetrator was assigned to work at St. John de
4 Nepomuc's, a Catholic parish and/or school in Milwaukee, Wisconsin, owned by and under the
5 jurisdiction and control of Defendant Archdiocese.

6 B. That in about March of 1969, the Perpetrator was transferred to St. Mary, Help of
7 Christians, a Catholic parish and/or school in West Allis, Wisconsin, owned by and under the
8 jurisdiction and control of Defendant Archdiocese.

9 C. That on about June 13, 1972, the Perpetrator was transferred to St. Mary's, a
10 Catholic parish and/or school in Port Washington, Wisconsin, owned by and under the jurisdiction and
11 control of Defendant Archdiocese.

12 D. That on about September 6, 1973, the Perpetrator was transferred to work at St.
13 Andrew's, a Catholic parish and/or school in Delavan, Wisconsin, owned by and under the jurisdiction
14 and control of Defendant Archdiocese.

15 E. That on about January 12, 1977, the Perpetrator was transferred to St. Pius V
16 Parish, a Catholic parish in Buena Park, California, owned by and under the jurisdiction and control
17 of Defendant Diocese, but was still incardinated as a priest with Defendant Archdiocese.

18 F. That on about April 11, 1977, the Perpetrator was transferred to St. Justin Martyr
19 Church, a Catholic parish and/or school in Anaheim, California, owned by and under the jurisdiction
20 and control of Defendant Diocese, but was still incardinated as a priest with Defendant Archdiocese.

21 G. That on about July 6, 1981, the Perpetrator was transferred to St. Edward, a
22 Catholic parish and/or school in Dana Point, California, owned by and under the jurisdiction and
23 control of Defendant Diocese, and was excardinated as a priest from Defendant Archdiocese and
24 incardinated as a priest into Defendant Diocese on or around November 23, 1981.

25 H. That on about July 2, 1984, the Perpetrator was transferred to Immaculate Heart
26 of Mary, a Catholic parish and/or school in Santa Ana, California, owned by and under the jurisdiction
27 and control of Defendant Diocese.

28

1 I. That on about July 1, 1985, the Perpetrator was transferred to St. Martin de Porres,
2 a Catholic parish and/or school in Yorba Linda, California, owned by and under the jurisdiction and
3 control of Defendant Diocese.

4 J. That on about September 24, 1985, Defendant Diocese placed the Perpetrator on
5 "inactive leave outside [the] Diocese," but the Perpetrator was still incardinated in Defendant Diocese
6 as a priest.

7 K. That from sometime in 1986 through about May 25, 2003, Defendant Diocese
8 placed the Perpetrator on "inactive leave," but the Perpetrator remained incardinated in Defendant
9 Diocese as a priest.

10 L. That on about May 25, 2003, the Perpetrator, while being pursued by U.S.
11 Marshals for criminal charges for child molestation, jumped to his death from a third story balcony
12 in Mazatlan, Mexico.

13 6. Plaintiffs are informed and believe, and on that basis allege, that the Perpetrator molested
14 minor parishioners and/or students from parishes and/or schools owned, operated, and controlled by
15 the Defendants. The Plaintiffs are informed and believe, and on that basis allege, that Defendants
16 were aware of, had notice of, and should have known, of the molestations by the Perpetrator. For
17 example, Plaintiffs are informed and believe, and on that basis allege, as follows:

18 A. In or about 1973, while the Perpetrator was assigned to parishes and/or schools
19 under the jurisdiction and control of Defendant Archdiocese, the Perpetrator was criminally convicted
20 of molesting at least one minor boy. The Plaintiffs are informed and believe, and on that basis allege,
21 that Defendant Archdiocese was aware of, had notice of, and should have known, that the Perpetrator
22 was criminally convicted of molesting at least one minor boy.

23 B. In or about 1976, additional allegations of molestations were made against the
24 Perpetrator while the Perpetrator was assigned to parishes and/or schools under the jurisdiction and
25 control of Defendant Archdiocese, and that at that time, Defendant Archdiocese and Defendant
26 Diocese conspired to move the Perpetrator from Wisconsin to California due to the additional
27 allegations, such as:
28

1 (1) Defendant Archdiocese informed Defendant Diocese of the charges of
2 molestations made against the Perpetrator in Wisconsin;

3 (2) Defendant Archdiocese informed Defendant Diocese that the Perpetrator
4 had been undergoing treatment for the molestations committed in Wisconsin;

5 (3) Defendant Archdiocese requested that Defendant Diocese permit the
6 Perpetrator to be assigned to a parish and/or school in Defendant Diocese, with knowledge that the
7 Perpetrator was a molester;

8 (4) Defendant Diocese agreed to allow the Perpetrator to be assigned to
9 parishes and/or schools in Defendant Diocese, with knowledge that the Perpetrator was a molester;

10 (5) Defendant Archdiocese agreed to allow the Perpetrator to be transferred to
11 parishes and/or schools in Defendant Diocese with knowledge that the Perpetrator was a molester.

12 C. That in or about 1981, Kirker's parents met with the pastor at St. Justin Martyr,
13 Father Hugh O'Connor, and told him that Father Widera molested Kirker.

14 D. That employees and agents of Defendants were aware that the Perpetrator had an
15 unusual interest in young children, and had frequent unsupervised contact with children for extended
16 periods of time.

17 E. That many of the children whom were subjected to sexual abuse by the Perpetrator
18 reacted to the abuse in ways that should have made Defendants question the circumstances and
19 motivation of the Perpetrator's contact with children. The children abused and molested by the
20 Perpetrator were young, impressionable and particularly vulnerable.

21 7. Plaintiffs are further informed and believe, and on that basis allege, that even though the
22 Defendants knew and should have known that the Perpetrator had molested and sexually abused
23 minors, and even though the Defendants had actual and constructive knowledge of the molestations
24 and sexual abuses, the Defendants covered up the molestations and abuses by the Perpetrator,
25 continued to hold the Perpetrator out as a Catholic priest who could be trusted with minor parishioners
26 and/or minor students, continued to allow the Perpetrator to work with minor parishioners and/or
27 minor students on a daily basis, and continued to move the Perpetrator to different Catholic churches
28

1 and/or schools within the Defendants, and failed to supervise and/or monitor the Perpetrator to ensure
2 that he was not molesting minor parishioners and students again.

3 **The Perpetrator's Molestations of Habermann**

4 8. Habermann was born on March 31, 1960, and is currently 43 years old. Habermann was
5 raised in the Roman Catholic Church. Habermann's family attended St. Mary's Help of Christians
6 Parish in West Allis, Wisconsin, and Habermann and his family were enrolled at that parish.
7 Habermann was also a minor student for 8 years from approximately September of 1967 through
8 approximately June of 1974 at St. Mary Help of Christians School.

9 8.1. The Perpetrator starting sexually abusing and molesting Habermann in about 1969, when
10 Habermann was a minor. The Perpetrator continued to sexually abuse and molest Habermann for
11 several years, through about 1976, when Habermann was a minor. In or about 1976, the Perpetrator
12 was transferred from Defendant Archdiocese to Defendant Diocese. The Perpetrator took Habermann
13 with him on the road trip from Wisconsin to California when he was moved from Wisconsin to
14 California. During the time that the Perpetrator was assigned by Defendants to Defendant Diocese in
15 California, but while the Perpetrator was incardinated in Defendant Archdiocese, the Perpetrator
16 sexually abused and molested Habermann many times during and after the road trip in on or about
17 1976. Habermann was abused and molested by the Perpetrator in many various locations throughout
18 the country, including Orange County, California where the Perpetrator utilized church and parish
19 property, which was owned by and under the jurisdiction and control of Defendant Diocese, as places
20 to abuse and molest Habermann. The acts of sexual abuse and molestation included, but were not
21 limited to, kissing (open mouth, "French"), hugging in a sexual manner, fondling of Habermann's
22 genitals over clothes, fondling of Habermann's buttocks over clothes, rubbing and massaging of
23 Habermann's body over clothes, simulated intercourse of Habermann over clothes, fondling of
24 Habermann's buttock (skin to skin), fondling of Habermann's genitals (skin to skin), rubbing of the
25 Perpetrator's penis on Habermann's penis (skin to skin), masturbation of Habermann (skin to skin).
26 the Perpetrator masturbated in the presence of Habermann, forced masturbation of the Perpetrator.
27 rubbing or massaging of Habermann's body (skin to skin), oral copulation of Habermann, asking
28 Habermann to orally copulate him, mutual masturbation, pornography (print), giving Habermann

1 alcohol, mental manipulations to keep secret the Perpetrator's abuse and molestation of Habermann,
2 and pre-sexual grooming (lots of attention, trips, day trips, gifts, money, and dinners).

3 **The Perpetrator's Molestations of Guerrero**

4 8.2. Guerrero was born on February 9, 1968, and is currently 35 years old. Guerrero was raised
5 in the Roman Catholic Church. Guerrero's family attended St. Justin Martyr Parish in Anaheim,
6 California, and Guerrero and his family were enrolled at that parish. Guerrero as a minor attended
7 Catechism at St. Justin Martyr in Anaheim, California, during the time that the Perpetrator abused and
8 molested him.

9 8.3. During the time that the Perpetrator was assigned by Defendants to St. Justin Martyr in
10 Anaheim, California, the Perpetrator sexually abused and molested Guerrero from in or about 1977
11 through in or about 1979, when Guerrero was a minor. The acts of sexual abuse and molestation
12 included, but were not limited to, kissing (open mouth, "French"), hugging in a sexual manner,
13 fondling of Guerrero's genitals (over clothes), rubbing or massaging of Guerrero's body over clothes,
14 fondling of Guerrero's genitals (skin to skin), fondling of Guerrero's buttocks (skin to skin), forced
15 masturbation and fondling of perpetrator (skin to skin), rubbing or massaging of Guerrero's legs, back,
16 and neck (skin to skin), kissing of Guerrero's buttocks, licking of Guerrero's penis, forced oral
17 copulation of perpetrator to ejaculation (instructed Guerrero of what to do)(forced Guerrero to swallow
18 his ejaculate), anal intercourse of Guerrero, digital anal penetration of Guerrero, pre-sexual grooming
19 (showed a lot of attention, would take on motorcycle rides, ice creams, candy, help with learning how
20 to pray).

21 **The Perpetrator's Molestations of Fisher**

22 8.4. Fisher was born on February 10, 1964, and is currently 39 years old. Fisher was raised in
23 the Roman Catholic Church. Fisher's family attended St. Justin Martyr Parish in Anaheim, California,
24 and Fisher and his family were enrolled at that parish. Fisher as a minor attended Confirmation
25 Classes at St. Justin Martyr, from approximately March of 1977 to approximately March of 1978.

26 8.5. During the time that the Perpetrator was assigned by Defendants to St. Justin Martyr
27 in Anaheim, California, the Perpetrator sexually abused and molested Fisher from in or about 1978,
28 when Fisher was a minor. The sexual abuse and molestation continued through about 1978. The acts

1 of sexual abuse and molestation included, but were not limited to, threats of anal penetration if Fisher
2 refused to orally copulate the Perpetrator, physical abuse to Fisher's head and hair, forced oral
3 copulation of the Perpetrator to ejaculation, forced swallowing of the Perpetrator's ejaculate,
4 and threats to keep quiet about the abuse and molestation.

5 **The Perpetrator's Molestations of Landers**

6 8.6. Landers was born on April 1, 1967, and is currently 36 years old. Landers was raised in
7 the Roman Catholic Church. Landers's family attended St. Justin Martyr Parish in Anaheim,
8 California, and Landers and his family were enrolled at that parish. Landers as a minor also was an
9 altar boy at St. Justin Martyr during the time of the abuse and molestation.

10 8.7. During the time that the Perpetrator was assigned by Defendants to St. Justin Martyr in
11 Anaheim, California, the Perpetrator sexually abused and molested Landers from in or about 1978,
12 when Landers was a minor. The abuse continued through about 1980. The acts of sexual abuse and
13 molestation included, but were not limited to, hugging in a sexual manner, fondling of Landers's
14 genitals over clothes, fondling of Landers's buttocks over clothes, rubbing and massaging of Landers's
15 body over clothes, fondling of Landers's penis (skin to skin), rubbing and massaging of Landers's body
16 (skin to skin), and pre-sexual grooming (day trips, gifts, and a lot of attention).

17 **The Perpetrator's Molestations of Huicochea**

18 8.8. Huicochea was born on September 7, 1969, and is currently 34 years old. Huicochea was
19 raised in the Roman Catholic Church. Huicochea's family attended St. Justin Martyr Parish in
20 Anaheim, California, and Huicochea and his family were enrolled at that parish. The Perpetrator often
21 showed up at Huicochea's home to counsel and provide support to Huicochea and the family as a priest
22 because Huicochea's father had recently died. The Perpetrator conducted Huicochea's father's funeral
23 service.

24 8.9. During the time that the Perpetrator was assigned by Defendants to St. Justin Martyr in
25 Anaheim, California, the Perpetrator sexually abused and molested Huicochea from in or about 1980,
26 when Huicochea was a minor. The sexual abuse continued through in or about 1980. The acts of
27 sexual abuse and molestation included, but were not limited to, hugging in a sexual manner, having
28 Huicochea sit on the Perpetrator's lap and pressing Huicochea's body into the Perpetrator's groin,

1 fondling of Huicochea's genitals (skin to skin), fondling of Huicochea's buttocks (skin to skin), getting
2 on Huicochea's bed with Huicochea and laying Huicochea on top of the Perpetrator and moving his
3 body into Huicochea like the Perpetrator was trying to get excited, and pre-sexual grooming (a lot of
4 attention, and offered to take Huicochea on a trip).

5 **The Perpetrator's Molestations of Kirker**

6 8.10. Kirker was born on February 9, 1971, and is currently 32 years old. Kirker was
7 raised in the Roman Catholic Church. Kirker's family attended St. Justin Martyr Parish in Anaheim,
8 California, and Kirker and his family were enrolled at that parish. Kirker as a minor attended St. Justin
9 Martyr School in Anaheim, California, a school owned by and under the jurisdiction and control of
10 Defendant Diocese, for the 3rd through 8th grade, from approximately September of 1979 through
11 approximately June of 1985. Kirker was also an altar boy at St. Justin Martyr.

12 8.11. During the time that the Perpetrator was assigned by Defendants to St. Justin Martyr in
13 Anaheim, California, the Perpetrator sexually abused and molested Kirker from in or about 1981, when
14 Kirker was a minor. The acts of sexual abuse and molestation included, but were not limited to,
15 hugging Kirker very tightly, having Kirker sit on the Perpetrator's lap, fondling himself while Kirker
16 sat on his lap, fondling of Kirker's genitals over underwear, rubbing and massaging of Kirker's body
17 over clothes, fondling of Kirker's genitals (skin to skin), fondling of Kirker's buttocks (skin to skin),
18 rubbing and massaging of Kirker's body (skin to skin), attempted forced oral copulation of the
19 Perpetrator, giving Kirker alcohol, manipulations by telling Kirker not to tell anybody about the abuse,
20 and pre-sexual grooming (day trips, gifts, and lots of attention).

21 **The Perpetrator's Molestations of Paino**

22 8.12 Paino was born on June 16, 1975, and is currently 28 years old. Paino was raised in the
23 Roman Catholic Church. Paino's family attended St. Martin de Porres in Yorba Linda, California, and
24 Paino and his family were enrolled at that parish.

25 8.13 During the time that the Perpetrator was assigned by Defendants to St. Martin de Porres in
26 Yorba Linda, California, the Perpetrator sexually abused and molested Paino from in or about 1985,
27 when Paino was a minor. The acts of sexual abuse and molestation included, but were not limited to,
28 hugging in a sexual manner, fondling of Paino's genitals over clothes, rubbing or massaging of Paino's

1 body over clothes, rubbing or massaging of Paino's buttocks over clothes, rubbing or massaging of
2 Paino's buttocks (skin to skin), fondling of Paino's genitals (skin to skin), rubbing or massaging of
3 Paino's body (skin to skin), and pre-sexual grooming (motorcycle rides, candy, swimming, and
4 dinners).

5 9. RESERVED.

6 10. RESERVED.

7 10.1 RESERVED.

8 11. As a direct result of the wrongful conduct alleged herein, Plaintiffs have suffered, and
9 continue to suffer great pain of mind and body, shock, emotional distress, physical manifestations of
10 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment
11 of life; have suffered and continue to suffer spiritually; were prevented and will continue to be
12 prevented from performing Plaintiffs' daily activities and obtaining the full enjoyment of life; have
13 sustained and continue to sustain loss of earnings and earning capacity; and/or have incurred and will
14 continue to incur expenses for medical and psychological treatment, therapy, and counseling.

15 11.1 RESERVED.

16 **FIRST CAUSE OF ACTION**
17 **(Childhood Sexual Abuse - Cal. Civ. Proc. Code § 340.1 (West 2003))**
(Against All Defendants)

18 12. Plaintiffs incorporate all paragraphs of this Complaint as if fully set forth herein.

19 13. The Perpetrator engaged in unpermitted, harmful and offensive sexual conduct and contact
20 upon Plaintiffs' person in violation of Cal. Civ. Proc. Code § 340.1 (West 2003). Said conduct was
21 undertaken while the Perpetrator was an employee, volunteer, representative, or agent of Defendants,
22 while in the course and scope of employment with Defendants.

23 14. Prior to or during the abuse alleged above, Defendants knew, had reason to know, or were
24 otherwise on notice of unlawful sexual conduct by the Perpetrator. Defendants failed to take
25 reasonable steps and failed to implement reasonable safeguards to avoid acts of unlawful sexual
26 conduct in the future by the Perpetrator, including, but not limited to, preventing or avoiding placement
27 of the Perpetrator in functions or environments in which contact with children was an inherent part of
28 those functions or environments. Furthermore, at no time during the periods of time alleged did

1 Defendants have in place a system or procedure to supervise and/or monitor employees, volunteers,
2 representatives, or agents to insure that they did not molest or abuse minors in Defendants' care,
3 including the Plaintiffs.

4 15. As a result of the above-described conduct, Plaintiffs have suffered, and continue to suffer
5 great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress,
6 embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; have suffered
7 and continue to suffer spiritually; were prevented and will continue to be prevented from performing
8 Plaintiffs' daily activities and obtaining the full enjoyment of life; have sustained and will continue to
9 sustain loss of earnings and earning capacity; and/or have incurred and will continue to incur expenses
10 for medical and psychological treatment, therapy, and counseling.

11 15.1 RESERVED.

12 15.2 The Archdiocese of Milwaukee was guilty of oppression, fraud, or malice in conscious
13 disregard of Plaintiffs' rights, thereby warranting an assessment of punitive damages in an amount
14 appropriate to punish the Archdiocese of Milwaukee and deter others from engaging in similar
15 misconduct. The above-described conduct of the Archdiocese of Milwaukee was willful and
16 outrageous, was committed in reckless disregard of the probability of causing or with intent to cause
17 injury to Plaintiffs. The Archdiocese of Milwaukee subjected Plaintiffs to cruel and unjust hardship
18 in conscious disregard of Plaintiffs' rights. The Archdiocese of Milwaukee was aware of the probable
19 consequences of its acts and willfully and deliberately failed to avoid those consequences. The
20 Archdiocese of Milwaukee intentionally misrepresented, deceived, and concealed material facts known
21 to the Archdiocese of Milwaukee. The Archdiocese of Milwaukee had advance knowledge of the
22 unfitness of the Perpetrator and employed him with a conscious disregard of the rights or safety of
23 others and/or authorized and/or ratified the wrongful conduct.

24 **SECOND CAUSE OF ACTION**
25 **(Negligence)**
(Against All Defendants)

26 16. Plaintiffs incorporate all paragraphs of this Complaint as if fully set forth herein.

27 17. Defendants had a duty to protect the minor Plaintiffs when they were entrusted to their
28

1 care by Plaintiffs' parents. Plaintiffs' care, welfare, and/or physical custody was temporarily entrusted
2 to Defendants. Defendants voluntarily accepted the entrusted care of the Plaintiffs. As such,
3 Defendants owed Plaintiffs, all minor children, a special duty of care, in addition to a duty of ordinary
4 care, and owed Plaintiffs the higher duty of care that adults dealing with children owe to protect them
5 from harm.

6 18. Defendants, by and through their agents, servants and employees, knew or reasonably
7 should have known of the Perpetrator's dangerous and exploitive propensities and/or that the
8 Perpetrator was an unfit agent. It was foreseeable that if Defendants did not adequately exercise or
9 provide the duty of care owed to children in their care, including but not limited to the Plaintiffs, the
10 children entrusted to Defendants' care would be vulnerable to sexual abuse by the Perpetrator.

11 19. Defendants breached their duty of care to the minor Plaintiffs by allowing the Perpetrator
12 to come into contact with the minor Plaintiffs without supervision; by failing to adequately hire,
13 supervise, or retain the Perpetrator who they permitted and enabled to have access to the Plaintiffs; by
14 failing to investigate or otherwise confirm or deny such facts about the Perpetrator; by failing to tell
15 or concealing from Plaintiffs, Plaintiffs' parents, guardians, or law enforcement officials that the
16 Perpetrator was or may have been sexually abusing minors; by failing to tell or concealing from
17 Plaintiffs' parents, guardians, or law enforcement officials that the Plaintiffs were or may have been
18 sexually abused after Defendants knew or had reason to know that the Perpetrator may have sexually
19 abused the Plaintiffs, thereby enabling Plaintiffs to continue to be endangered and sexually abused,
20 and/or creating the circumstance where the Plaintiffs were less likely to receive medical/mental health
21 care and treatment, thus exacerbating the harm done to the Plaintiffs; and/or by holding out the
22 Perpetrator to the Plaintiffs and their parents or guardians as being in good standing and trustworthy.
23 Defendants cloaked within the facade of normalcy Defendants' and/or the Perpetrator's contact and/or
24 actions with the Plaintiffs and/or with other minors who were victims of the Perpetrator, and/or
25 disguised the nature of the sexual abuse and contact.

26 20. As a result of the above-described conduct, the Plaintiffs have suffered, and continue to
27 suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional
28 distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; have

1 suffered and continue to suffer spiritually; were prevented and will continue to be prevented from
2 performing Plaintiffs' daily activities and obtaining the full enjoyment of life; have sustained and will
3 continue to sustain loss of earnings and earning capacity; and/or have incurred and will continue to
4 incur expenses for medical and psychological treatment, therapy, and counseling.

5 20.1 The Archdiocese of Milwaukee was guilty of oppression, fraud, or malice in conscious
6 disregard of Plaintiffs' rights, thereby warranting an assessment of punitive damages in an amount
7 appropriate to punish the Archdiocese of Milwaukee and deter others from engaging in similar
8 misconduct. The above-described conduct of the Archdiocese of Milwaukee was willful and
9 outrageous, was committed in reckless disregard of the probability of causing or with intent to cause
10 injury to Plaintiffs. The Archdiocese of Milwaukee subjected Plaintiffs to cruel and unjust hardship
11 in conscious disregard of Plaintiffs' rights. The Archdiocese of Milwaukee was aware of the probable
12 consequences of its acts and willfully and deliberately failed to avoid those consequences. The
13 Archdiocese of Milwaukee intentionally misrepresented, deceived, and concealed material facts known
14 to the Archdiocese of Milwaukee. The Archdiocese of Milwaukee had advance knowledge of the
15 unfitness of the Perpetrator and employed him with a conscious disregard of the rights or safety of
16 others and/or authorized and/or ratified the wrongful conduct.

17 **THIRD CAUSE OF ACTION**
18 **(Negligent Supervision/failure to Warn)**
(Against All Defendants)

19 21. Plaintiffs incorporate all paragraphs of this Complaint as if fully set forth herein.

20 22. Defendants had a duty to provide reasonable supervision of the Perpetrator; to use
21 reasonable care in investigating the Perpetrator; and to provide adequate warning to the Plaintiffs, the
22 Plaintiffs' family, minor students, and minor parishioners of the Perpetrator's dangerous propensities
23 and unfitness.

24 23. Defendants, by and through their agents, servants and employees, knew or reasonably
25 should have known of the Perpetrator's dangerous and exploitive propensities and/or that the
26 Perpetrator was an unfit agent. Despite such knowledge, Defendants negligently failed to supervise
27 the Perpetrator in the position of trust and authority as a Roman Catholic Priest, religious instructor,
28 counselor, school administrator, school teacher, surrogate parent, spiritual mentor, emotional mentor,

1 and/or other authority figure, where he was able to commit the wrongful acts against the Plaintiffs.
2 Defendants failed to provide reasonable supervision of the Perpetrator, failed to use reasonable care
3 in investigating the Perpetrator, and failed to provide adequate warning to Plaintiffs and Plaintiffs'
4 family of the Perpetrator's dangerous propensities and unfitness. Defendants further failed to take
5 reasonable measures to prevent future sexual abuse.

6 24. As a result of the above-described conduct, Plaintiffs have suffered, and continue to suffer
7 great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress,
8 embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; have suffered
9 and continue to suffer spiritually; were prevented and will continue to be prevented from performing
10 Plaintiffs' daily activities and obtaining the full enjoyment of life; have sustained and will continue to
11 sustain loss of earnings and earning capacity; and/or have incurred and will continue to incur expenses
12 for medical and psychological treatment, therapy, and counseling.

13 24.1 The Archdiocese of Milwaukee was guilty of oppression, fraud, or malice in conscious
14 disregard of Plaintiffs' rights, thereby warranting an assessment of punitive damages in an amount
15 appropriate to punish the Archdiocese of Milwaukee and deter others from engaging in similar
16 misconduct. The above-described conduct of the Archdiocese of Milwaukee was willful and
17 outrageous, was committed in reckless disregard of the probability of causing or with intent to cause
18 injury to Plaintiffs. The Archdiocese of Milwaukee subjected Plaintiffs to cruel and unjust hardship
19 in conscious disregard of Plaintiffs' rights. The Archdiocese of Milwaukee was aware of the probable
20 consequences of its acts and willfully and deliberately failed to avoid those consequences. The
21 Archdiocese of Milwaukee intentionally misrepresented, deceived, and concealed material facts known
22 to the Archdiocese of Milwaukee. The Archdiocese of Milwaukee had advance knowledge of the
23 unfitness of the Perpetrator and employed him with a conscious disregard of the rights or safety of
24 others and/or authorized and/or ratified the wrongful conduct.

25 **FOURTH CAUSE OF ACTION**
26 **(Negligent Hiring/Retention)**
(Against All Defendants)

27 25. Plaintiffs incorporate all paragraphs of this Complaint as if fully set forth herein.

28 26. Defendants had a duty to not hire and/or retain the Perpetrator, and other employees,

agents, volunteers, and other representatives, given the Perpetrator's dangerous and exploitive propensities.

27. Defendants, by and through their agents, servants and employees, knew or reasonably should have known of the Perpetrator's dangerous and exploitive propensities and/or that the Perpetrator was an unfit agent. Despite such knowledge, Defendants negligently hired and/or retained the Perpetrator in the position of trust and authority as a Roman Catholic Priest, religious instructor, counselor, school administrator, school teacher, surrogate parent, spiritual mentor, emotional mentor, and/or other authority figure, where he was able to commit the wrongful acts against the Plaintiffs. Defendants failed to use reasonable care in investigating the Perpetrator and failed to provide adequate warning to the Plaintiffs and the Plaintiffs' families of the Perpetrator's dangerous propensities and unfitness. Defendants further failed to take reasonable measures to prevent future sexual abuse.

28. As a result of the above-described conduct, the Plaintiffs have suffered, and continue to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; have suffered and continue to suffer spiritually; were prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; have sustained and will continue to sustain loss of earnings and earning capacity; and/or have incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

28.1 The Archdiocese of Milwaukee was guilty of oppression, fraud, or malice in conscious disregard of Plaintiffs' rights, thereby warranting an assessment of punitive damages in an amount appropriate to punish the Archdiocese of Milwaukee and deter others from engaging in similar misconduct. The above-described conduct of the Archdiocese of Milwaukee was willful and outrageous, was committed in reckless disregard of the probability of causing or with intent to cause injury to Plaintiffs. The Archdiocese of Milwaukee subjected Plaintiffs to cruel and unjust hardship in conscious disregard of Plaintiffs' rights. The Archdiocese of Milwaukee was aware of the probable consequences of its acts and willfully and deliberately failed to avoid those consequences. The Archdiocese of Milwaukee intentionally misrepresented, deceived, and concealed material facts known to the Archdiocese of Milwaukee. The Archdiocese of Milwaukee had advance knowledge of the

1 unfitness of the Perpetrator and employed him with a conscious disregard of the rights or safety of
2 others and/or authorized and/or ratified the wrongful conduct.

3 **FIFTH CAUSE OF ACTION**

4 **(Fraud)**

5 **(Against all Defendants)**

6 29. Plaintiffs incorporate all paragraphs of this Complaint as if fully set forth herein.

7 30. Defendants knew and/or had reason to know of the sexual misconduct of the Perpetrator.

8 31. Defendants misrepresented, concealed or failed to disclose information relating to sexual
9 misconduct of the Perpetrator as described herein, and that Defendants continued to misrepresent,
10 conceal, and fail to disclose information relating to sexual misconduct of the Perpetrator as described
11 herein.

12 32. Defendants knew that they misrepresented, concealed or failed to disclose information
13 relating to sexual misconduct of the Perpetrator.

14 33. Plaintiffs justifiably relied upon Defendants for information relating to sexual misconduct
15 of the Perpetrator.

16 34. Defendants, with the intent to conceal and defraud, did misrepresent, conceal or fail to
17 disclose information relating to the sexual misconduct of the Perpetrator.

18 35. As a direct result of Defendants' fraud, Plaintiffs have suffered, and continue to suffer great
19 pain of mind and body, shock, emotional distress, physical manifestations of emotional distress,
20 embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; have suffered
21 and continue to suffer spiritually; were prevented and will continue to be prevented from performing
22 Plaintiffs' daily activities and obtaining the full enjoyment of life; have sustained and will continue to
23 sustain loss of earnings and earning capacity; and/or have incurred and will continue to incur expenses
24 for medical and psychological treatment, therapy, and counseling.

25 36. In addition, when the Plaintiffs finally discovered the fraud of Defendants, and continuing
26 thereafter, Plaintiffs experienced recurrences of the above-described injuries. In addition, when the
27 Plaintiffs finally discovered the fraud of Defendants, and continuing thereafter, the Plaintiffs
28 experienced extreme and severe mental and emotional distress that the Plaintiffs had been the victims
29 of the Defendants' fraud; that Plaintiffs had not been able to help other minors being molested because

1 of the fraud; and that the Plaintiffs had not been able because of the fraud to receive timely medical
2 treatment needed to deal with the problems Plaintiffs had suffered and continue to suffer as a result
3 of the molestations.

4 36.1 RESERVED.

5 36.2 The Archdiocese of Milwaukee was guilty of oppression, fraud, or malice in conscious
6 disregard of Plaintiffs' rights, thereby warranting an assessment of punitive damages in an amount
7 appropriate to punish the Archdiocese of Milwaukee and deter others from engaging in similar
8 misconduct. The above-described conduct of the Archdiocese of Milwaukee was willful and
9 outrageous, was committed in reckless disregard of the probability of causing or with intent to cause
10 injury to Plaintiffs. The Archdiocese of Milwaukee subjected Plaintiffs to cruel and unjust hardship
11 in conscious disregard of Plaintiffs' rights. The Archdiocese of Milwaukee was aware of the probable
12 consequences of its acts and willfully and deliberately failed to avoid those consequences. The
13 Archdiocese of Milwaukee intentionally misrepresented, deceived, and concealed material facts known
14 to the Archdiocese of Milwaukee. The Archdiocese of Milwaukee had advance knowledge of the
15 unfitness of the Perpetrator and employed him with a conscious disregard of the rights or safety of
16 others and/or authorized and/or ratified the wrongful conduct.

17 **SIXTH CAUSE OF ACTION**
18 **(Fiduciary/Confidential Relationship Fraud**
19 **And Conspiracy to Commit Fraud)**
20 **(Against All Defendants)**

21 37. Plaintiffs incorporate all paragraphs of this Complaint as if fully set forth herein.

22 38. Because of the Plaintiffs' youth, and because of the status of the Perpetrator as an authority
23 figure to the Plaintiffs, the Plaintiffs were vulnerable to the Perpetrator. The Perpetrator sought the
24 Plaintiffs out, and was empowered by and accepted the Plaintiffs' vulnerability. The Plaintiffs'
25 vulnerability also prevented the Plaintiffs from effectively protecting themselves.

26 39. By holding the Perpetrator out as a qualified Roman Catholic clergy, religious instructor,
27 counselor, school administrator, school teacher, surrogate parent, spiritual mentor, emotional mentor,
28 and/or other authority figure, and by undertaking the religious and/or secular instruction and spiritual
and emotional counseling of the Plaintiffs, Defendants entered into a fiduciary and/or confidential
relationship with the minor Plaintiffs.

1 40. Having a fiduciary and/or confidential relationship, Defendants had the duty to obtain and
2 disclose information relating to sexual misconduct of the Perpetrator.

3 41. Defendants misrepresented, concealed or failed to disclose information relating to sexual
4 misconduct of the Perpetrator, and that Defendants continued to misrepresent, conceal, and failed to
5 disclose information relating to sexual misconduct of the Perpetrator as described herein.

6 42. Defendants knew that they misrepresented, concealed or failed to disclose information
7 relating to sexual misconduct of the Perpetrator.

8 43. Plaintiffs justifiably relied upon Defendants for information relating to sexual misconduct
9 of the Perpetrator.

10 44. Defendants, in concert with each other and with the intent to conceal and defraud,
11 conspired and came to a meeting of the minds whereby they would misrepresent, conceal or fail to
12 disclose information relating to the sexual misconduct of the Perpetrator.

13 45. By so concealing, Defendants committed at least one act in furtherance of the conspiracy.

14 46. As a direct result of Defendants' fraud and conspiracy, the Plaintiffs have suffered, and
15 continue to suffer great pain of mind and body, shock, emotional distress, physical manifestations of
16 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment
17 of life; have suffered and continue to suffer spiritually; were prevented and will continue to be
18 prevented from performing Plaintiffs' daily activities and obtaining the full enjoyment of life; have
19 sustained and will continue to sustain loss of earnings and earning capacity; and/or have incurred and
20 will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

21 47. In addition, when the Plaintiffs finally discovered the fraud of Defendants, and continuing
22 thereafter, Plaintiffs experienced recurrences of the above-described injuries. In addition, when
23 Plaintiffs finally discovered the fraud of Defendants, and continuing thereafter, the Plaintiffs
24 experienced extreme and severe mental and emotional distress that Plaintiffs had been the victims of
25 the Defendants' fraud; that Plaintiffs had not been able to help other minors being molested because
26 of the fraud; and that Plaintiffs had not been able because of the fraud to receive timely medical
27 treatment needed to deal with the problems the Plaintiffs had suffered and continue to suffer as a result
28 of the molestations.

1 47.1 RESERVED.

2 47.2 The Archdiocese of Milwaukee was guilty of oppression, fraud, or malice in conscious
3 disregard of Plaintiffs' rights, thereby warranting an assessment of punitive damages in an amount
4 appropriate to punish the Archdiocese of Milwaukee and deter others from engaging in similar
5 misconduct. The above-described conduct of the Archdiocese of Milwaukee was willful and
6 outrageous, was committed in reckless disregard of the probability of causing or with intent to cause
7 injury to Plaintiffs. The Archdiocese of Milwaukee subjected Plaintiffs to cruel and unjust hardship
8 in conscious disregard of Plaintiffs' rights. The Archdiocese of Milwaukee was aware of the probable
9 consequences of its acts and willfully and deliberately failed to avoid those consequences. The
10 Archdiocese of Milwaukee intentionally misrepresented, deceived, and concealed material facts known
11 to the Archdiocese of Milwaukee. The Archdiocese of Milwaukee had advance knowledge of the
12 unfitness of the Perpetrator and employed him with a conscious disregard of the rights or safety of
13 others and/or authorized and/or ratified the wrongful conduct.

14
15 **SEVENTH CAUSE OF ACTION**
(Breach of Fiduciary Duty And/or Confidential Relationship)
(Against All Defendants)

16 48. Plaintiffs incorporate all paragraphs of this Complaint as if fully set forth herein.

17 49. Because of the Plaintiffs' youth, and because of the status of the Perpetrator as an authority
18 figure to the Plaintiffs, the Plaintiffs were vulnerable to the Perpetrator. The Perpetrator sought
19 Plaintiffs out, and was empowered by and accepted the Plaintiffs' vulnerability. Plaintiffs' vulnerability
20 also prevented the Plaintiffs from effectively protecting themselves.

21 50. By holding the Perpetrator out as a qualified Roman Catholic clergy, religious, instructor,
22 counselor, school administrator, school teacher, surrogate parent, spiritual mentor, emotional mentor,
23 and/or any other authority figure, and by undertaking the religious and/or secular instruction and
24 spiritual and/or emotional counseling of the Plaintiffs, Defendants entered into a fiduciary and/or
25 confidential relationship with the minor Plaintiffs.

26 51. Defendants and each of them breached their fiduciary duty to the Plaintiffs by engaging in
27 the negligent and wrongful conduct described herein.

28 52. As a direct result of Defendants' breach of their fiduciary duty, the Plaintiffs have suffered,

1 and continue to suffer great pain of mind and body, shock, emotional distress, physical manifestations
2 of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment
3 of life; have suffered and continue to suffer spiritually; were prevented and will continue to be
4 prevented from performing Plaintiffs' daily activities and obtaining the full enjoyment of life; have
5 sustained and will continue to sustain loss of earnings and earning capacity; and/or have incurred and
6 will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

7 52.1 RESERVED.

8 52.2 The Archdiocese of Milwaukee was guilty of oppression, fraud, or malice in conscious
9 disregard of Plaintiffs' rights, thereby warranting an assessment of punitive damages in an amount
10 appropriate to punish the Archdiocese of Milwaukee and deter others from engaging in similar
11 misconduct. The above-described conduct of the Archdiocese of Milwaukee was willful and
12 outrageous, was committed in reckless disregard of the probability of causing or with intent to cause
13 injury to Plaintiffs. The Archdiocese of Milwaukee subjected Plaintiffs to cruel and unjust hardship
14 in conscious disregard of Plaintiffs' rights. The Archdiocese of Milwaukee was aware of the probable
15 consequences of its acts and willfully and deliberately failed to avoid those consequences. The
16 Archdiocese of Milwaukee intentionally misrepresented, deceived, and concealed material facts known
17 to the Archdiocese of Milwaukee. The Archdiocese of Milwaukee had advance knowledge of the
18 unfitness of the Perpetrator and employed him with a conscious disregard of the rights or safety of
19 others and/or authorized and/or ratified the wrongful conduct.

20 **EIGHTH CAUSE OF ACTION**
21 **(Negligent Failure to Warn, Train, or Educate Plaintiffs)**
22 **(Against All Defendants)**

23 53. Plaintiffs incorporate all paragraphs of this Complaint as if fully set forth herein.

24 54. Defendants breached their duty to take reasonable protective measures to protect the
25 Plaintiffs and other minor parishioners and/or students from the risk of childhood sexual abuse by the
26 Perpetrator, such as the failure to properly warn, train, or educate the Plaintiffs and other minor
27 parishioners and/or students about how to avoid such a risk, pursuant to Juarez v. Boy Scouts of
America, Inc., 97 Cal. Rptr. 2d 12, 81 Cal. App. 4th 377 (2000).

28 55. As a result of the above-described conduct, the Plaintiffs have suffered, and continue to

1 suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional
2 distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; have
3 suffered and continue to suffer spiritually; were prevented and will continue to be prevented from
4 performing Plaintiffs' daily activities and obtaining the full enjoyment of life; have sustained and will
5 continue to sustain loss of earnings and earning capacity; and/or have incurred and will continue to
6 incur expenses for medical and psychological treatment, therapy, and counseling.

7 55.1 The Archdiocese of Milwaukee was guilty of oppression, fraud, or malice in conscious
8 disregard of Plaintiffs' rights, thereby warranting an assessment of punitive damages in an amount
9 appropriate to punish the Archdiocese of Milwaukee and deter others from engaging in similar
10 misconduct. The above-described conduct of the Archdiocese of Milwaukee was willful and
11 outrageous, was committed in reckless disregard of the probability of causing or with intent to cause
12 injury to Plaintiffs. The Archdiocese of Milwaukee subjected Plaintiffs to cruel and unjust hardship
13 in conscious disregard of Plaintiffs' rights. The Archdiocese of Milwaukee was aware of the probable
14 consequences of its acts and willfully and deliberately failed to avoid those consequences. The
15 Archdiocese of Milwaukee intentionally misrepresented, deceived, and concealed material facts known
16 to the Archdiocese of Milwaukee. The Archdiocese of Milwaukee had advance knowledge of the
17 unfitness of the Perpetrator and employed him with a conscious disregard of the rights or safety of
18 others and/or authorized and/or ratified the wrongful conduct.

19 **NINTH CAUSE OF ACTION**
20 **(Intentional Infliction of Emotional Distress)**
(Against All Defendants)

21 56. Plaintiffs incorporate all paragraphs of this Complaint as if fully set forth herein.

22 57. Defendants' conduct was extreme and outrageous and was intentional or done recklessly.

23 58. As a result of Defendants' conduct, the Plaintiffs experienced and continue to experience
24 severe emotional distress resulting in bodily harm.

25 59. As a result of the above-described conduct, the Plaintiffs have suffered, and continue to
26 suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional
27 distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; have
28 suffered and continue to suffer spiritually; were prevented and will continue to be prevented from

1 performing Plaintiffs' daily activities and obtaining the full enjoyment of life; have sustained and will
2 continue to sustain loss of earnings and earning capacity; and/or have incurred and will continue to
3 incur expenses for medical and psychological treatment, therapy, and counseling.

4 59.1 RESERVED.

5 59.2 The Archdiocese of Milwaukee was guilty of oppression, fraud, or malice in conscious
6 disregard of Plaintiffs' rights, thereby warranting an assessment of punitive damages in an amount
7 appropriate to punish the Archdiocese of Milwaukee and deter others from engaging in similar
8 misconduct. The above-described conduct of the Archdiocese of Milwaukee was willful and
9 outrageous, was committed in reckless disregard of the probability of causing or with intent to cause
10 injury to Plaintiffs. The Archdiocese of Milwaukee subjected Plaintiffs to cruel and unjust hardship
11 in conscious disregard of Plaintiffs' rights. The Archdiocese of Milwaukee was aware of the probable
12 consequences of its acts and willfully and deliberately failed to avoid those consequences. The
13 Archdiocese of Milwaukee intentionally misrepresented, deceived, and concealed material facts known
14 to the Archdiocese of Milwaukee. The Archdiocese of Milwaukee had advance knowledge of the
15 unfitness of the Perpetrator and employed him with a conscious disregard of the rights or safety of
16 others and/or authorized and/or ratified the wrongful conduct.

17 **TENTH CAUSE OF ACTION**
18 **(Violation of Penal Code § 32)**
(Against All Defendants)

19 60. Plaintiffs incorporate all paragraphs of this Complaint as if fully set forth herein.

20 61. Defendants' acts described herein violate California Penal Code § 32 in that Defendants
21 harbored, concealed and/or aided the Perpetrator after the Perpetrator committed a felony, with the
22 intent that the Perpetrator might avoid or escape arrest, trial, conviction and/or punishment, and
23 Defendants having knowledge that the Perpetrator had committed a felony.

24 62. Defendants continued to violate California Penal Code § 32 because of their continued
25 actions in harboring, concealing, and aiding the Perpetrator.

26 63. The Plaintiffs were within the class of persons to be protected by Penal Code § 32.

27 64. As a result of the above-described conduct, the Plaintiffs have suffered, and continue to
28

1 suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional
2 distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; have
3 suffered and continue to suffer spiritually; were prevented and will continue to be prevented from
4 performing Plaintiffs' daily activities and obtaining the full enjoyment of life; have sustained and will
5 continue to sustain loss of earnings and earning capacity; and/or have incurred and will continue to
6 incur expenses for medical and psychological treatment, therapy, and counseling.

7 64.1 RESERVED.

8 64.2 The Archdiocese of Milwaukee was guilty of oppression, fraud, or malice in conscious
9 disregard of Plaintiffs' rights, thereby warranting an assessment of punitive damages in an amount
10 appropriate to punish the Archdiocese of Milwaukee and deter others from engaging in similar
11 misconduct. The above-described conduct of the Archdiocese of Milwaukee was willful and
12 outrageous, was committed in reckless disregard of the probability of causing or with intent to cause
13 injury to Plaintiffs. The Archdiocese of Milwaukee subjected Plaintiffs to cruel and unjust hardship
14 in conscious disregard of Plaintiffs' rights. The Archdiocese of Milwaukee was aware of the probable
15 consequences of its acts and willfully and deliberately failed to avoid those consequences. The
16 Archdiocese of Milwaukee intentionally misrepresented, deceived, and concealed material facts known
17 to the Archdiocese of Milwaukee. The Archdiocese of Milwaukee had advance knowledge of the
18 unfitness of the Perpetrator and employed him with a conscious disregard of the rights or safety of
19 others and/or authorized and/or ratified the wrongful conduct.

20 **ELEVENTH CAUSE OF ACTION**
21 **(Violation of Penal Code § 11166)**
22 **(Against All Defendants)**

23 65. Plaintiffs incorporate all paragraphs of this Complaint as if fully set forth herein.

24 66. Under the Child Abuse and Neglect Reporting Act, Defendants, by and through their
25 employees and agents, were "child care custodians" and were "clergy members" under a statutory duty
26 to report known or suspected incidences of sexual molestation or abuse of minors to a child protective
27 agency, pursuant to California Penal Code § 11164.

28 67. Defendants knew, or should have known in the exercise of reasonable diligence, that the

1 Perpetrator had sexually molested, abused, or caused touching, battery, harm and other injuries to the
2 Plaintiffs, who were minors, and to other minors, giving rise to a duty to report such conduct under
3 § 11166 of the California Penal Code.

4 68. By failing to report the continuing molestations known by Defendants, and each of them,
5 and by ignoring the fulfillment of the mandated compliance with the reporting requirements provided
6 under California Penal Code § 11166, Defendants created the risk and danger contemplated by the
7 Child Abuse and Neglect Reporting Act, and as a result, unreasonably and wrongfully exposed
8 Plaintiffs and other minors to the molestation as alleged herein, thereby breaching Defendants' duty
9 of care to the Plaintiffs.

10 69. The Plaintiffs were of the class of persons for whose protection California Penal Code §
11 11166 was specifically adopted to protect.

12 70. Had Defendants adequately performed their duties under § 11166 of the California Penal
13 Code, and reported the molestation of the Plaintiffs and other minors, the report would have resulted
14 in the involvement of trained child sexual abuse case workers for the purposes of preventing harm and
15 further harm to the Plaintiffs and other minors, and preventing and/or treating the injuries and damages
16 suffered by the Plaintiffs as alleged herein.

17 71. As a proximate result of Defendants' failure to follow the mandatory reporting
18 requirements of California Penal Code § 11166, the Defendants wrongfully denied and restricted the
19 Plaintiffs and other minors from the protection of child protection agencies which would have changed
20 the then-existing arrangements and conditions, which provided the access and opportunities for the
21 molestation of the Plaintiffs.

22 72. The physical, mental, and emotional damages and injuries resulting from the sexual
23 molestation of the Plaintiffs alleged herein, were the types of occurrences and injuries the Child Abuse
24 and Neglect Reporting Act was designed to prevent.

25 73. Defendants continue to violate these statutory sections because of their continued failure
26 to report the abuse known to them.

27 74. As a result of the above-described conduct, the Plaintiffs have suffered, and continue to
28

1 suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional
2 distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; have
3 suffered and continue to suffer spiritually; were prevented and will continue to be prevented from
4 performing Plaintiffs' daily activities and obtaining the full enjoyment of life; have sustained and will
5 continue to sustain loss of earnings and earning capacity; and/or have incurred and will continue to
6 incur expenses for medical and psychological treatment, therapy, and counseling.

7 74.1 RESERVED.

8 74.2 The Archdiocese of Milwaukee was guilty of oppression, fraud, or malice in conscious
9 disregard of Plaintiffs' rights, thereby warranting an assessment of punitive damages in an amount
10 appropriate to punish the Archdiocese of Milwaukee and deter others from engaging in similar
11 misconduct. The above-described conduct of the Archdiocese of Milwaukee was willful and
12 outrageous, was committed in reckless disregard of the probability of causing or with intent to cause
13 injury to Plaintiffs. The Archdiocese of Milwaukee subjected Plaintiffs to cruel and unjust hardship
14 in conscious disregard of Plaintiffs' rights. The Archdiocese of Milwaukee was aware of the probable
15 consequences of its acts and willfully and deliberately failed to avoid those consequences. The
16 Archdiocese of Milwaukee intentionally misrepresented, deceived, and concealed material facts known
17 to the Archdiocese of Milwaukee. The Archdiocese of Milwaukee had advance knowledge of the
18 unfitness of the Perpetrator and employed him with a conscious disregard of the rights or safety of
19 others and/or authorized and/or ratified the wrongful conduct.

20 **TWELFTH CAUSE OF ACTION**
21 **(Violation of Penal Code §§ 273a(a), (b))**
22 **(Against All Defendants)**

23 75. Plaintiffs incorporate all paragraphs of this Complaint as if fully set forth herein.

24 76. Under circumstances or conditions likely to produce great bodily harm or death, the
25 Defendants willfully caused or permitted the Plaintiffs to suffer, or inflicted thereon unjustifiable
26 physical pain or mental suffering, or having the care or custody of the Plaintiffs, willfully caused or
27 permitted the person or health of the Plaintiffs to be injured, or willfully caused or permitted the
28 Plaintiffs to be placed in a situation where the Plaintiffs' persons or health were endangered, in
violation of California Penal Code § 273a(a).

1 77. Under circumstances or conditions other than those likely to produce great bodily harm or
2 death, the Defendants willfully caused or permitted the Plaintiffs to suffer, or inflicted thereon
3 unjustifiable physical pain or mental suffering, or having the care or custody of the Plaintiffs, willfully
4 caused or permitted the person or health of the Plaintiffs to be injured, or willfully caused or permitted
5 the Plaintiffs to be placed in a situation where the Plaintiffs' person or health may be endangered, in
6 violation of California Penal Code § 273a(b).

7 78. The Plaintiffs were within the class of persons to be protected by Penal Code §§ 273a(a),
8 (b).

9 79. As a result of the above-described conduct, the Plaintiffs have suffered, and continue to
10 suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional
11 distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; have
12 suffered and continue to suffer spiritually; were prevented and will continue to be prevented from
13 performing Plaintiffs' daily activities and obtaining the full enjoyment of life; have sustained and will
14 continue to sustain loss of earnings and earning capacity; and/or have incurred and will continue to
15 incur expenses for medical and psychological treatment, therapy, and counseling.

16 79.1 RESERVED.

17 79.2 The Archdiocese of Milwaukee was guilty of oppression, fraud, or malice in conscious
18 disregard of Plaintiffs' rights, thereby warranting an assessment of punitive damages in an amount
19 appropriate to punish the Archdiocese of Milwaukee and deter others from engaging in similar
20 misconduct. The above-described conduct of the Archdiocese of Milwaukee was willful and
21 outrageous, was committed in reckless disregard of the probability of causing or with intent to cause
22 injury to Plaintiffs. The Archdiocese of Milwaukee subjected Plaintiffs to cruel and unjust hardship
23 in conscious disregard of Plaintiffs' rights. The Archdiocese of Milwaukee was aware of the probable
24 consequences of its acts and willfully and deliberately failed to avoid those consequences. The
25 Archdiocese of Milwaukee intentionally misrepresented, deceived, and concealed material facts known
26 to the Archdiocese of Milwaukee. The Archdiocese of Milwaukee had advance knowledge of the
27 unfitness of the Perpetrator and employed him with a conscious disregard of the rights or safety of
28 others and/or authorized and/or ratified the wrongful conduct.

THIRTEENTH CAUSE OF ACTION
(Reserved)

80. RESERVED.
81. RESERVED.
82. RESERVED.
83. RESERVED.
84. RESERVED.
85. RESERVED.
86. RESERVED.
87. RESERVED.
88. RESERVED.
89. RESERVED.
90. RESERVED.

FOURTEENTH CAUSE OF ACTION
(Negligence Per Se for Statutory Violations)
(Against All Defendants)

91. Plaintiffs incorporate all paragraphs of this Complaint as if fully set forth herein.

92. At all times or sometimes herein mentioned, there was in full force and effect Penal Code §§ 32; 11166; 273a; 266j; 285; 286(b)(1) & (2); 286(c); 288(a) & (b); 288a(b)(1) & (2); 288a(c); 289(h), (i) & (j); 647.6; or any prior laws of California of similar effect at the time these acts described herein were committed. These laws made unlawful certain acts relating to the sexual abuse of minors.

93. At the times mentioned herein, Defendants were in violation of the aforesaid statutes in doing the acts set forth herein.

94. The Plaintiffs were within the class of persons to be protected by Penal Code §§ 32; 11166; 273a; 266j; 285; 286(b)(1) & (2); 286(c); 288(a) & (b); 288a(b)(1) & (2); 288a(c); 289(h), (i) & (j); 647.6; or any prior laws of California of similar effect at the time these acts described herein were committed.

95. As a result of the above-described conduct, the Plaintiffs have suffered, and continue to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; have

1 suffered and continue to suffer spiritually; were prevented and will continue to be prevented from
2 performing Plaintiffs' daily activities and obtaining the full enjoyment of life; have sustained and will
3 continue to sustain loss of earnings and earning capacity; and/or have incurred and will continue to
4 incur expenses for medical and psychological treatment, therapy, and counseling.

5 95.1 The Archdiocese of Milwaukee was guilty of oppression, fraud, or malice in conscious
6 disregard of Plaintiffs' rights, thereby warranting an assessment of punitive damages in an amount
7 appropriate to punish the Archdiocese of Milwaukee and deter others from engaging in similar
8 misconduct. The above-described conduct of the Archdiocese of Milwaukee was willful and
9 outrageous, was committed in reckless disregard of the probability of causing or with intent to cause
10 injury to Plaintiffs. The Archdiocese of Milwaukee subjected Plaintiffs to cruel and unjust hardship
11 in conscious disregard of Plaintiffs' rights. The Archdiocese of Milwaukee was aware of the probable
12 consequences of its acts and willfully and deliberately failed to avoid those consequences. The
13 Archdiocese of Milwaukee intentionally misrepresented, deceived, and concealed material facts known
14 to the Archdiocese of Milwaukee. The Archdiocese of Milwaukee had advance knowledge of the
15 unfitness of the Perpetrator and employed him with a conscious disregard of the rights or safety of
16 others and/or authorized and/or ratified the wrongful conduct.

17 **FIFTEENTH CAUSE OF ACTION**
18 **(Reserved)**

19 96. RESERVED.
20 97. RESERVED.
21 98. RESERVED.
22 99. RESERVED.
23 100. RESERVED.
24 101. RESERVED.
25 102. RESERVED.

26 **SIXTEENTH CAUSE OF ACTION**
27 **(Fraud and Deceit)**
28 **(Against All Defendants)**

103. Plaintiffs incorporate all paragraphs of this Complaint as if fully set forth herein.
104. The Perpetrator held himself out to the Plaintiffs as a Roman Catholic Priest, religious

1 instructor, counselor, school administrator, school teacher, surrogate parent, spiritual mentor,
2 emotional mentor, and/or other authority figure. The Perpetrator represented to the Plaintiffs and the
3 Plaintiffs' parents that he would counsel and guide the Plaintiffs with their educational, spiritual, and
4 emotional needs.

5 105. These representations were made by the Perpetrator with the intent and for the purpose of
6 inducing the Plaintiffs and Plaintiffs' parents to entrust the educational, spiritual and physical well
7 being of the Plaintiffs with the Perpetrator.

8 106. The Perpetrator misrepresented, concealed or failed to disclose information relating to his
9 true intentions to Plaintiffs and Plaintiffs' parents when they entrusted the Plaintiffs to the Perpetrator's
10 care, which were to sexually molest and abuse the Plaintiffs. The Plaintiffs justifiably relied upon the
11 Perpetrator's representations.

12 107. The Perpetrator was an employee, agent, and/or representative of Defendants. At the time
13 he fraudulently induced the Plaintiffs and Plaintiffs' parents to entrust the care and physical welfare
14 of the Plaintiffs to the Perpetrator, the Perpetrator was acting within the course and scope of his
15 employment with Defendants.

16 108. Defendants are vicariously liable for the fraud and deceit of the Perpetrator.

17 109. As a result of the above-described conduct, the Plaintiffs have suffered, and continue to
18 suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional
19 distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; have
20 suffered and continue to suffer spiritually; were prevented and will continue to be prevented from
21 performing Plaintiffs' daily activities and obtaining the full enjoyment of life; have sustained and will
22 continue to sustain loss of earnings and earning capacity; and/or have incurred and will continue to
23 incur expenses for medical and psychological treatment, therapy, and counseling.

24 110. In addition, when the Plaintiffs finally discovered the fraud of Defendants, and continuing
25 thereafter, the Plaintiffs experienced recurrences of the above-described injuries. In addition, when
26 the Plaintiffs finally discovered the fraud of Defendants, and continuing thereafter, the Plaintiffs
27 experienced extreme and severe mental and emotional distress that the Plaintiffs had been the victims
28 of the Defendants' fraud; that Plaintiffs had not been able to help other minors being molested because

1 of the fraud; and that Plaintiffs had not been able because of the fraud to receive timely medical
2 treatment needed to deal with the problems the Plaintiffs had suffered and continue to suffer as a result
3 of the molestations.

4 110.1 RESERVED.

5 110.2 The Archdiocese of Milwaukee was guilty of oppression, fraud, or malice in conscious
6 disregard of Plaintiffs' rights, thereby warranting an assessment of punitive damages in an amount
7 appropriate to punish the Archdiocese of Milwaukee and deter others from engaging in similar
8 misconduct. The above-described conduct of the Archdiocese of Milwaukee was willful and
9 outrageous, was committed in reckless disregard of the probability of causing or with intent to cause
10 injury to Plaintiffs. The Archdiocese of Milwaukee subjected Plaintiffs to cruel and unjust hardship
11 in conscious disregard of Plaintiffs' rights. The Archdiocese of Milwaukee was aware of the probable
12 consequences of its acts and willfully and deliberately failed to avoid those consequences. The
13 Archdiocese of Milwaukee intentionally misrepresented, deceived, and concealed material facts known
14 to the Archdiocese of Milwaukee. The Archdiocese of Milwaukee had advance knowledge of the
15 unfitness of the Perpetrator and employed him with a conscious disregard of the rights or safety of
16 others and/or authorized and/or ratified the wrongful conduct.

17 **SEVENTEENTH CAUSE OF ACTION**
18 **(Premises Liability)**
(Against All Defendants)

19 111. Plaintiffs incorporates all paragraphs of this Complaint as if fully set forth herein.

20 112. At all times herein mentioned, Defendants were in possession of the property where the
21 Plaintiffs were groomed and assaulted by the Perpetrator, and had the right to manage, use and control
22 that property.

23 113. At all times herein mentioned, Defendants knew that the Perpetrator had a history of
24 committing sexual assaults against children, and that any child at, among other locations, schools and
25 parishes owned by and under the jurisdiction and control of Defendants, was at risk to be sexually
26 assaulted by the Perpetrator.

27 114. Defendants knew or should have known that Defendant School/Parish had a history of
28 sexual assaults against children committed by the Perpetrator and that any child at, among other

1 locations, schools and parishes owned by and under the jurisdiction and control of Defendants, was
2 at risk to be sexually assaulted. It was foreseeable to Defendants that the Perpetrator would sexually
3 assault children if they continued to allow the Perpetrator to teach, supervise, instruct, care for, and
4 have custody and control of and/or contact with children.

5 115. At all times herein mentioned, Defendants knew or should have known the Perpetrator was
6 repeatedly committing sexual assaults against children.

7 116. It was foreseeable to Defendants that the sexual assaults being committed by the
8 Perpetrator would continue if Defendants continued to allow the Perpetrator to teach, supervise,
9 instruct, care for, and have custody of and/or contact with young children.

10 117. Because it was foreseeable that the sexual assaults being committed by the Perpetrator
11 would continue if Defendants continued to allow him to teach, supervise, instruct, care for, and have
12 custody of and/or contact with young children, Defendants owed a duty of care to all children,
13 including the Plaintiffs, exposed to the Perpetrator. Defendants also owed a heightened duty of care
14 to all children, including the Plaintiffs, because of their young age.

15 118. By allowing the Perpetrator to teach, supervise, instruct, care for, and have custody of
16 and/or contact with young children, and by failing to warn children and their families of the threat
17 posed by the Perpetrator, Defendants breached their duty of care to all children, including the
18 Plaintiffs.

19 119. Defendants negligently used and managed, among other locations, schools and parishes
20 owned by and under the jurisdiction and control of Defendants, and created a dangerous condition and
21 an unreasonable risk of harm to children by allowing the Perpetrator to teach, supervise, instruct, care
22 for and have custody of and/or contact with young children at, among other locations, schools and
23 parishes owned by and under the jurisdiction and control of Defendants.

24 120. As a result of the dangerous conditions created by Defendants, numerous children were
25 sexually assaulted by the Perpetrator.

26 121. The dangerous conditions created by Defendants were the proximate cause of the Plaintiffs'
27 injuries and damages.

28 122. As a result of these dangerous conditions, the Plaintiffs have suffered, and continue to

1 suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional
2 distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; have
3 suffered and continue to suffer spiritually; were prevented and will continue to be prevented from
4 performing the Plaintiffs' daily activities and obtaining the full enjoyment of life; have sustained and
5 will continue to sustain loss of earnings and earning capacity; and/or have incurred and will continue
6 to incur expenses for medical and psychological treatment, therapy, and counseling.

7 122.1 The Archdiocese of Milwaukee was guilty of oppression, fraud, or malice in conscious
8 disregard of Plaintiffs' rights, thereby warranting an assessment of punitive damages in an amount
9 appropriate to punish the Archdiocese of Milwaukee and deter others from engaging in similar
10 misconduct. The above-described conduct of the Archdiocese of Milwaukee was willful and
11 outrageous, was committed in reckless disregard of the probability of causing or with intent to cause
12 injury to Plaintiffs. The Archdiocese of Milwaukee subjected Plaintiffs to cruel and unjust hardship
13 in conscious disregard of Plaintiffs' rights. The Archdiocese of Milwaukee was aware of the probable
14 consequences of its acts and willfully and deliberately failed to avoid those consequences. The
15 Archdiocese of Milwaukee intentionally misrepresented, deceived, and concealed material facts known
16 to the Archdiocese of Milwaukee. The Archdiocese of Milwaukee had advance knowledge of the
17 unfitness of the Perpetrator and employed him with a conscious disregard of the rights or safety of
18 others and/or authorized and/or ratified the wrongful conduct.

19 **EIGHTEENTH CAUSE OF ACTION**
20 **(Reserved)**

21 123. RESERVED.

22 124. RESERVED.

23 125. RESERVED.

24 125.1 RESERVED.

25 **NINETEENTH CAUSE OF ACTION**
26 **(Conspiracy to Commit Childhood Sexual Abuse)**
27 **(Against All Defendants)**

28 126. Plaintiffs incorporates all paragraphs of this Complaint as if fully set forth herein.

127. Plaintiffs are informed and believe, and on that basis allege, that while the Perpetrator was

1 assigned to parishes and/or schools under the jurisdiction and control of the Defendant Archdiocese,
2 the Perpetrator molested minors under the care of Defendant Archdiocese. Plaintiffs are informed and
3 believe, and on that basis allege, that Defendant Archdiocese was aware of, had notice of, and should
4 have known, of these molestations, but transferred the Perpetrator to parishes and/or schools within
5 Defendant Archdiocese, and participated in a cover-up of the molestations.

6 128. Plaintiffs are informed and believe that in or about 1973, while the Perpetrator was
7 assigned to parishes and/or schools under the jurisdiction and control of Defendant Archdiocese, the
8 Perpetrator was criminally convicted of molesting at least one minor boy. Plaintiffs are informed and
9 believe, and on that basis allege, that Defendant Archdiocese was aware of, had notice of, and should
10 have known, that the Perpetrator was criminally convicted of molesting at least one minor boy.

11 129. Plaintiffs are informed and believe, and on that basis allege, that in or about 1976,
12 additional allegations of molestations were made against the Perpetrator while the Perpetrator was
13 assigned to parishes and/or schools under the jurisdiction and control of the Defendant Archdiocese.
14 Plaintiffs are informed and believe, and on that basis allege, that at this time, Defendant Archdiocese
15 and the Defendant Diocese conspired to move the Perpetrator from Wisconsin to California due to the
16 additional allegations. Plaintiffs are informed and believe, and on that basis allege, that:

17 A. Defendant Archdiocese informed the Defendant Diocese of the charges of
18 molestations made against the Perpetrator in Wisconsin;

19 B. Defendant Archdiocese informed the Defendant Diocese that the Perpetrator had
20 been undergoing treatment for the molestations committed in Wisconsin;

21 C. Defendant Archdiocese requested that the Defendant Diocese permit the Perpetrator
22 to be assigned to a parish and/or school in Defendant Diocese, with knowledge that the Perpetrator was
23 a molester;

24 D. Defendant Diocese agreed to allow the Perpetrator to be assigned to parishes and/or
25 schools in the Defendant Diocese, with knowledge that the Perpetrator was a molester;

26 E. Defendant Archdiocese agreed to allow the Perpetrator to be transferred to parishes
27 and/or schools in the Defendant Diocese with knowledge that the Perpetrator was a molester.

28 130. Plaintiffs are informed and believe, and on that basis, allege that after the Perpetrator was

1 assigned to the Defendant Diocese, the Perpetrator molested minor parishioners and/or students from
2 parishes and/or schools in the Defendant Diocese. Plaintiffs are informed and believe, and on that
3 basis allege, that the Defendants were aware of, had notice of, and should have known, of these
4 molestations, but transferred the Perpetrator or allowed the Perpetrator to be transferred to parishes
5 and/or schools within the Defendant Diocese, allowing other children to be molested, including the
6 Plaintiffs.

7 131. Even though the Defendants knew and should have known that the Perpetrator had
8 molested and sexually abused minors, and even though the Defendants had actual and constructive
9 knowledge of the molestations and sexual abuses, the Defendants covered up the molestations and
10 abuses by the Perpetrator, continued to allow the Perpetrator to act as a Catholic priest within the
11 Defendants, continued to hold the Perpetrator out as a Catholic priest who could be trusted with minor
12 parishioners and minor students, continued to allow the Perpetrator to work with minor parishioners
13 and minor students on a daily basis, and continued to move the Perpetrator around to different Catholic
14 churches within the Defendants.

15 132. Defendants did the acts and things herein alleged pursuant to, and in furtherance of, the
16 conspiracy and the above-alleged agreement(s).

17 133. Defendants furthered the conspiracy by cooperating with, lending aid and encouragement
18 to, and ratifying and adopting the acts of the Perpetrator in that even though the Defendants had actual
19 and constructive knowledge of the molestations and sexual abuses, the Defendants covered up the
20 molestations and abuses by the Perpetrator, continued to allow the Perpetrator to act as a Catholic
21 priest within the Defendants, continued to hold the Perpetrator out as a Catholic priest who could be
22 trusted with minor parishioners and minor students, continued to allow the Perpetrator to work with
23 minor parishioners and minor students on a daily basis, and continued to move the Perpetrator around
24 to different Catholic churches within the Defendants, allowing other children to be molested, including
25 the Plaintiffs.

26 134. Plaintiffs are informed and believe and thereon allege that the last overt act in pursuance
27 of the above-described conspiracy carries through today, because the Defendants continued to conceal
28 and cover-up the molestation.

1 135. As a result of the above-described conduct, the Plaintiffs have suffered, and continue to
2 suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional
3 distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; have
4 suffered and continue to suffer spiritually; were prevented and will continue to be prevented from
5 performing Plaintiffs' daily activities and obtaining the full enjoyment of life; have sustained and will
6 continue to sustain loss of earnings and earning capacity; and/or have incurred and will continue to
7 incur expenses for medical and psychological treatment, therapy, and counseling.

8 135.1 The Archdiocese of Milwaukee was guilty of oppression, fraud, or malice in conscious
9 disregard of Plaintiffs' rights, thereby warranting an assessment of punitive damages in an amount
10 appropriate to punish the Archdiocese of Milwaukee and deter others from engaging in similar
11 misconduct. The above-described conduct of the Archdiocese of Milwaukee was willful and
12 outrageous, was committed in reckless disregard of the probability of causing or with intent to cause
13 injury to Plaintiffs. The Archdiocese of Milwaukee subjected Plaintiffs to cruel and unjust hardship
14 in conscious disregard of Plaintiffs' rights. The Archdiocese of Milwaukee was aware of the probable
15 consequences of its acts and willfully and deliberately failed to avoid those consequences. The
16 Archdiocese of Milwaukee intentionally misrepresented, deceived, and concealed material facts known
17 to the Archdiocese of Milwaukee. The Archdiocese of Milwaukee had advance knowledge of the
18 unfitness of the Perpetrator and employed him with a conscious disregard of the rights or safety of
19 others and/or authorized and/or ratified the wrongful conduct.

20 **TWENTIETH CAUSE OF ACTION**
21 **(Negligent Misrepresentation)**
(Against Defendant Archdiocese, and Does 3 through 100)

22 136. Plaintiffs incorporate all paragraphs of this Complaint as if fully set forth herein. Plaintiffs
23 allege the following cause of action in the alternative.

24 137. Plaintiffs are informed and believe, and on that basis allege, that as a former employer of
25 the Perpetrator, Defendant Archdiocese owed Plaintiffs a duty of care pursuant to Randi W. v. Murdoc
26 Unified School Dist., 14 Cal. 4th 1066, 1076-1081, 60 Cal. Rptr. 2d 263, 269-272 (1997) not to
27 misrepresent, and to tell the whole truth, to future employers of the Perpetrator regarding the facts of
28 the Perpetrator's qualifications, character, fitness, and background.

1 138. Plaintiffs are informed and believe, and on that basis allege, that even though Defendant
2 Archdiocese was aware of, had notice of, and should have known, about the molestations by the
3 Perpetrator, Defendant Archdiocese negligently recommended to the Perpetrator's future employer,
4 Defendant Diocese, that the Perpetrator be assigned to work as a priest; and/or failed to disclose to the
5 Perpetrator's future employer, Defendant Diocese, that the Perpetrator was had been convicted of child
6 molestations, and/or made misleading half-truths about the Perpetrator to the Perpetrator's future
7 employer, Defendant Diocese.

8 139. Plaintiffs are informed and believe, and on that basis allege, that Defendants Archdiocese's
9 recommendation of the Perpetrator, coupled with its failures to disclose, concealments and
10 suppressions of material facts, amounted to affirmative negligent misrepresentations pursuant to Randi
11 W. v. Murdoc Unified School Dist., 14 Cal. 4th 1066, 1081-1084, 60 Cal. Rptr. 2d 263, 272-274
12 (1997).

13 140. Plaintiffs are informed and believes, and on that basis alleges, that as a direct and proximate
14 result of the wrongful conduct of Defendant Archdiocese, Plaintiffs were molested and sexually,
15 physically, and mentally abused by the Perpetrator, as alleged herein.

16 141. As a result of the above-described conduct, the Plaintiffs have suffered, and continue to
17 suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional
18 distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; have
19 suffered and continue to suffer spiritually; were prevented and will continue to be prevented from
20 performing Plaintiffs' daily activities and obtaining the full enjoyment of life; have sustained and will
21 continue to sustain loss of earnings and earning capacity; and/or have incurred and will continue to
22 incur expenses for medical and psychological treatment, therapy, and counseling.

23 141.1 The Archdiocese of Milwaukee was guilty of oppression, fraud, or malice in conscious
24 disregard of Plaintiffs' rights, thereby warranting an assessment of punitive damages in an amount
25 appropriate to punish the Archdiocese of Milwaukee and deter others from engaging in similar
26 misconduct. The above-described conduct of the Archdiocese of Milwaukee was willful and
27 outrageous, was committed in reckless disregard of the probability of causing or with intent to cause
28 injury to Plaintiffs. The Archdiocese of Milwaukee subjected Plaintiffs to cruel and unjust hardship

1 in conscious disregard of Plaintiffs' rights. The Archdiocese of Milwaukee was aware of the probable
2 consequences of its acts and willfully and deliberately failed to avoid those consequences. The
3 Archdiocese of Milwaukee intentionally misrepresented, deceived, and concealed material facts known
4 to the Archdiocese of Milwaukee. The Archdiocese of Milwaukee had advance knowledge of the
5 unfitness of the Perpetrator and employed him with a conscious disregard of the rights or safety of
6 others and/or authorized and/or ratified the wrongful conduct.

7 **TWENTY-FIRST CAUSE OF ACTION**
8 **(Intentional Misrepresentation)**
9 **(Against Defendant Archdiocese, and Does 3 through 100)**

10 142. Plaintiffs incorporate all paragraphs of this Complaint as if fully set forth herein. Plaintiffs
11 allege the following cause of action in the alternative.

12 143. Plaintiffs are informed and believe, and on that basis allege that as a former employer of
13 the Perpetrator, Defendant Archdiocese owed Plaintiffs a duty of care pursuant to Randi W. v. Murdoc
14 Unified School Dist., 14 Cal. 4th 1066, 1076-1081, 60 Cal. Rptr. 2d 263, 269-272 (1997) not to
15 misrepresent, and to tell the whole truth, to future employers of the Perpetrator regarding the facts of
16 the Perpetrator's qualifications, character, fitness, and background.

17 144. Plaintiffs are informed and believe, and on that basis allege that even though Defendant
18 Archdiocese was aware of, had notice of, and should have known, about the molestations by the
19 Perpetrator, Defendant Archdiocese intentionally recommended to the Perpetrator's future employer,
20 Defendant Diocese, that the Perpetrator be assigned to work as a priest; and/or failed to disclose to the
21 Perpetrator's future employer, Defendant Diocese, that the Perpetrator had been convicted of child
22 molestations, and/or made misleading half-truths about the Perpetrator to the Perpetrator's future
23 employer, Defendant Diocese.

24 145. Plaintiffs are informed and believe, and on that basis allege, that Defendant Archdiocese's
25 recommendation of the Perpetrator, coupled with its failures to disclose, concealments and
26 suppressions of material facts, amounted to affirmative intentional misrepresentations pursuant to
27 Randi W. v. Murdoc Unified School Dist., 14 Cal. 4th 1066, 1081-1084, 60 Cal. Rptr. 2d 263, 272-274
(1997).

28 146. Plaintiffs are informed and believe, and on that basis allege, that as a direct and proximate

1 result of the wrongful conduct of Defendant Archdiocese, Plaintiffs were molested and sexually,
2 physically, and mentally abused by the Perpetrator, as alleged herein.

3 147. As a result of the above-described conduct, the Plaintiffs have suffered, and continue to
4 suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional
5 distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; have
6 suffered and continue to suffer spiritually; were prevented and will continue to be prevented from
7 performing Plaintiffs' daily activities and obtaining the full enjoyment of life; have sustained and will
8 continue to sustain loss of earnings and earning capacity; and/or have incurred and will continue to
9 incur expenses for medical and psychological treatment, therapy, and counseling.

10 147.1 The Archdiocese of Milwaukee was guilty of oppression, fraud, or malice in conscious
11 disregard of Plaintiffs' rights, thereby warranting an assessment of punitive damages in an amount
12 appropriate to punish the Archdiocese of Milwaukee and deter others from engaging in similar
13 misconduct. The above-described conduct of the Archdiocese of Milwaukee was willful and
14 outrageous, was committed in reckless disregard of the probability of causing or with intent to cause
15 injury to Plaintiffs. The Archdiocese of Milwaukee subjected Plaintiffs to cruel and unjust hardship
16 in conscious disregard of Plaintiffs' rights. The Archdiocese of Milwaukee was aware of the probable
17 consequences of its acts and willfully and deliberately failed to avoid those consequences. The
18 Archdiocese of Milwaukee intentionally misrepresented, deceived, and concealed material facts known
19 to the Archdiocese of Milwaukee. The Archdiocese of Milwaukee had advance knowledge of the
20 unfitness of the Perpetrator and employed him with a conscious disregard of the rights or safety of
21 others and/or authorized and/or ratified the wrongful conduct.

22
23 WHEREFORE, the Plaintiffs pray for damages; costs; interest; attorneys' fees; statutory/civil penalties
24 according to law; and such other relief as the court deems appropriate and just.

25 **JURY DEMAND**

26 Plaintiffs demand a jury trial on all issues so triable.
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1 DATE: June 17, 2006

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

10 Coordinated Proceeding)
11 Special Title (Rule 1550(b)))

12 **THE CLERGY CASES I**

13 This Document Relates to Orange County)
14 Superior Court Case No. 02CC06293:)

15 ERIC NATHAN PAINO,)
16 Plaintiff,)

17 v.)

18 THE ROMAN CATHOLIC BISHOP OF)
19 ORANGE; THE ARCHDIOCESE OF)
20 MILWAUKEE; FATHER SIEGFRIED)
21 WIDERA; and DOES 3 through 100, inclusive,)

22 Defendants.)
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**JUDICIAL COUNCIL COORDINATION
PROCEEDING NO.: 4286**

SECOND AMENDED COMPLAINT FOR:

- (1) **CHILDHOOD SEXUAL ABUSE**
- (2) **ASSAULT**
- (3) **BATTERY**
- (4) **CONSPIRACY TO COMMIT CHILDHOOD SEXUAL ABUSE**
- (5) **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**
- (6) **FRAUD: CONCEALMENT OF FACTS**
- (7) **NEGLIGENT SUPERVISION/RETENTION/HIRING**
- (8) **NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**
- (9) **VIOLATION OF STATUTE - PENAL CODE SECTION 11166**
- (10) **DECLARATORY RELIEF**
- (11) **NEGLIGENT MISREPRESENTATION**
- (12) **FRAUD: INTENTIONAL MISREPRESENTATION**

1 Plaintiff, Eric Nathan Paino, alleges:

2 **THE PARTIES**

3 1. Plaintiff Eric Nathan Paino ("Plaintiff") is, and at all times mentioned herein, was
4 a resident of County of Orange, State of California.

5 2. Plaintiff is informed and believes, and on that basis alleges, that Defendant The
6 Roman Catholic Bishop of Orange (hereinafter the "Diocese of Orange"), a corporation is, and at all
7 times mentioned herein was, a religious corporation organized under the laws of the State of
8 California, having its principal office in the City of Orange, its jurisdiction and control extending to
9 and in the City of Yorba Linda, County of Orange, State of California.

10 3. Plaintiff is informed and believes, and on that basis alleges, that Defendant The
11 Archdiocese of Milwaukee (hereinafter "Archdiocese of Milwaukee"), is, and at all times mentioned
12 herein was, a religious corporation organized under the laws of the State of Wisconsin, having its
13 principal office in the City of Milwaukee.

14 4. Plaintiff is informed and believes, and on that basis alleges, that Defendant Father
15 Sigfried F. Widera ("Father Widera") was a Roman Catholic priest. Plaintiff is informed and believes,
16 and on that basis alleges, that Father Widera was incardinated as a Roman Catholic priest in or around
17 1967.

18 5. Plaintiff is informed and believes, and on that basis alleges, that Father Widera was
19 at some time mentioned herein an agent, employee, or servant of the Archdiocese of Milwaukee,
20 and/or was under the jurisdiction and control of the Archdiocese of Milwaukee. Plaintiff is informed
21 and believes, and on that basis alleges, that at other times mentioned herein, Father Widera was an
22 agent, employee, or servant of the Diocese of Orange, and/or was under the jurisdiction and control
23 of the Diocese of Orange. Specifically, Plaintiff is informed and believes, and on that basis alleges,
24 the following:

25 A. That from at least January 1, 1968 through sometime in 1968, Father
26 Widera was assigned to work at St. John de Nepomuc's, a Catholic parish and/or school in
27 Milwaukee, Wisconsin, owned by and under the jurisdiction and control of the Archdiocese of
28 Milwaukee.

1 B. That from at least January 1, 1969 through sometime in 1972, Father
2 Widera was assigned to work at St. Mary, Help of Christians, a Catholic parish and/or school in West
3 Allis, Wisconsin, owned by and under the jurisdiction and control of the Archdiocese of Milwaukee.

4 C. That from at least January 1, 1973 through sometime in 1974, Father
5 Widera was assigned to work at St. Mary's, a Catholic parish and/or school in Port Washington,
6 Wisconsin, owned by and under the jurisdiction and control of the Archdiocese of Milwaukee.

7 D. That from at least January 1, 1974 through sometime in 1976, Father
8 Widera was assigned to work at St. Andrew's, a Catholic parish and/or school in Delavan, Wisconsin,
9 owned by and under the jurisdiction and control of the Archdiocese of Milwaukee.

10 E. That from at least January 1, 1977 through sometime in 1977, Father
11 Widera was assigned to work at St. Pius V Parish, a Catholic parish in Buena Park, California, owned
12 by and under the jurisdiction and control of the Diocese of Orange, but was still incardinated as a
13 priest under the Archdiocese of Milwaukee.

14 F. That from at least January 1, 1978 through sometime in 1981, Father
15 Widera was assigned to work at St. Justin Martyr Church, a Catholic parish and/or school in
16 Anaheim, California, owned by and under the jurisdiction and control of the Diocese of Orange, but
17 was still incardinated as a priest under the Archdiocese of Milwaukee.

18 G. That from at least January 1, 1982 through sometime in 1984, Father
19 Widera was assigned to work at St. Edward, a Catholic parish and/or school in Dana Point, California,
20 owned by and under the jurisdiction and control of the Diocese of Orange, and was incardinated as
21 a priest into the Diocese of Orange in or around 1982.

22 H. That from at least January 1, 1985 through sometime in 1985, Father
23 Widera was assigned to work at Immaculate Hearts of Mary, a Catholic parish and/or school in Santa
24 Ana, California, owned by and under the jurisdiction and control of the Diocese of Orange.

25 I. That in or around 1985, Father Widera was assigned to work as an
26 associate pastor at St. Martin de Porres, a Catholic parish and/or school in Yorba Linda, California,
27 owned by and under the jurisdiction and control of the Diocese of Orange,
28

1 J. That from at least January 1, 1986, Father Widera was on "sick leave" from
2 the Diocese of Orange, but still incardinated in the Diocese of Orange as a priest.

3 K That from at least January 1, 1987 through today, Father Widera was on
4 "inactive leave" from the Diocese of Orange, but still incardinated in the Diocese of Orange as a
5 priest.

6 6. Defendants Does 1 through 100, inclusive, are sued herein under fictitious names.
7 Their true names and capacities, whether individual, corporate, associate, or otherwise, are unknown
8 to Plaintiff. When their true names and capacities are ascertained, Plaintiff will amend this complaint
9 by inserting their true names and capacities herein. Plaintiff is informed and believes, and on that
10 basis alleges, that each of the fictitiously named Defendants is responsible in some manner for the
11 occurrences herein alleged, and that Plaintiff's damages, as herein alleged, were proximately caused
12 by those Defendants. The Doe Defendants, the Diocese of Orange, the Archdiocese of Milwaukee,
13 and Father Widera are some times hereinafter referred to as the "Defendants." The Doe Defendants,
14 the Diocese of Orange, and the Archdiocese of Milwaukee are some times hereinafter referred to as
15 the "Defendants Dioceses."

16 7. Plaintiff is informed and believes, and on that basis alleges, that at all times
17 mentioned herein, Defendants, and each of them, were the agents, servants, employers, masters,
18 servants, or co-conspirators of each of the remaining co-Defendants, and in doing the things
19 hereinafter alleged were acting within the course and scope of such relationship and with the
20 permission, approval, ratification, or consent of their co-Defendants.

21 8. Plaintiff is informed and believes, and on that basis alleges, that Defendants
22 Dioceses have executed, and will rely upon, agreements ("Confidentiality Agreements") that prohibit
23 the disclosure, in any way, of incidents of abuse, including sexual abuse of other victims, involving
24 the Defendants Dioceses.

25 **FACTS PERTAINING TO ALL CAUSES OF ACTION**

26 **The Defendants Dioceses' Prior Knowledge of Molestations by Father Widera**

27 9. Plaintiff is informed and believes, and on that basis alleges, that while Father
28 Widera was assigned to parishes and/or schools under the jurisdiction and control of the Archdiocese

1 of Milwaukee, Father Widera molested minors under the care of the Archdiocese of Milwaukee. The
2 Plaintiff is informed and believes, and on that basis alleges, that the Archdiocese of Milwaukee was
3 aware of, had notice of, and should have known, of these molestations, but transferred Father Widera
4 to parishes and/or schools within the Archdiocese of Milwaukee, and participated in a cover-up of the
5 molestations.

6 10. Plaintiff is informed and believes that in or about 1973, while Father Widera was
7 assigned to parishes and/or schools under the jurisdiction and control of the Archdiocese of
8 Milwaukee, Father Widera was criminally convicted of molesting at least one minor boy. The
9 Plaintiff is informed and believes, and on that basis alleges, that the Archdiocese of Milwaukee was
10 aware of, had notice of, and should have known, that Father Widera was criminally convicted of
11 molesting at least one minor boy.

12 11. Plaintiff is informed and believes, and on that basis alleges, that in or about 1976
13 or 1977, additional allegations of molestations were made against Father Widera while Father Widera
14 was assigned to parishes and/or schools under the jurisdiction and control of the Archdiocese of
15 Milwaukee. Plaintiff is informed and believes, and on that basis alleges, that at this time, the
16 Archdiocese of Milwaukee and the Diocese of Orange conspired to move Father Widera from
17 Wisconsin to California due to the additional allegations. Plaintiff is informed and believes, and on
18 that basis alleges, that:

19 A. The Archdiocese of Milwaukee informed the Diocese of Orange of the
20 charges of molestations made against Father Widera in Wisconsin;

21 B. The Archdiocese of Milwaukee informed the Diocese of Orange that
22 Father Widera had been undergoing treatment for the molestations committed in Wisconsin;

23 C. The Archdiocese of Milwaukee requested that the Diocese of Orange permit
24 Father Widera to be assigned to a parish and/or school in the Diocese of Orange, with knowledge that
25 Father Widera was a molester;

26 D. The Diocese of Orange agreed to allow Father Widera to be assigned to
27 parishes and/or schools in the Diocese of Orange, with knowledge that Father Widera was a molester.

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1 E. The Archdiocese of Milwaukee agreed to allow Father Widera to be
2 transferred to parishes and/or schools in the Diocese of Orange with knowledge that Father Widera
3 was a molester.

4 12. Plaintiff is informed and believes, and on that basis, alleges that after Father Widera
5 was assigned to the Diocese of Orange, Father Widera molested minor parishioners and/or students
6 from parishes and/or schools in the Diocese of Orange. The Plaintiff is informed and believes, and
7 on that basis alleges, that the Defendants Dioceses were aware of, had notice of, and should have
8 known, of these molestations, but transferred Father Widera or allowed Father Widera to be
9 transferred to parishes and/or schools within the Diocese of Orange, allowing other children to be
10 molested, including the Plaintiff and his brother.

11 13. Even though the Defendants Dioceses knew and should have known that Father
12 Widera had molested and sexually abused minors, and even though the Defendant Dioceses had actual
13 and constructive knowledge of the molestations and sexual abuses, the Defendants Dioceses covered
14 up the molestations and abuses by Father Widera, continued to allow Father Widera to act as a
15 Catholic priest within the Defendants Dioceses, continued to hold Father Widera out as a Catholic
16 priest who could be trusted with minor parishioners and minor students, continued to allow Father
17 Widera to work with minor parishioners and minor students on a daily basis, and continued to move
18 Father Widera around to different Catholic churches within the Defendants Dioceses.

19 **Father Widera's Molestations of Plaintiff**

20 14. Plaintiff was born on July 21, 1976, and is currently 25 years old. Plaintiff was
21 raised in the Roman Catholic Church. Plaintiff's family attended St. Martin de Porres in Yorba Linda,
22 California.

23 15. Plaintiff's mother was a single mother, raising a family of 4 children. Shortly after
24 Father Widera was transferred to St. Martin de Porres in Yorba Linda in or about 1985, Father Widera
25 began to spend a lot of time with the Plaintiff's family. Plaintiffs family knew Father Widera because
26 Father Widera had been the priest assigned to the church where Plaintiff's grandparents had attended
27 church, St. Justin Martyr Church in Anaheim, California.
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1 16. After Father Widera was transferred to St. Martin de Porres in Yorba Linda, Father
2 Widera would show up at Plaintiff's house unannounced. Father Widera would often ride his
3 motorcycle to the Plaintiff's family home, where the children in the neighborhood would swarm
4 around Father Widera. Father Widera would often take children for rides on his motorcycle. Father
5 Widera would also sometimes drive his car to the Plaintiff's home, and would have bags of candy in
6 the trunk to offer to the children in the neighborhood.

7 17. In or about 1985, when Plaintiff was about 8 years old, and continuing through when
8 Plaintiff was 9 years old, Father Widera molested Plaintiff and Plaintiff's brother. After Plaintiff and
9 his brother would go to bed, Father Widera would tell Plaintiff's mother that he was going to go
10 upstairs to tuck the boys in bed, and to say their prayers. On many occasions, Father Widera would
11 go upstairs and molested, and sexually, physically, and mentally abused Plaintiff and his brother.

12 **FIRST CAUSE OF ACTION**
13 **(Childhood Sexual Abuse)**
14 **(Against Defendant Father Widera and Defendants Does 1 through 100, Inclusive)**

15 18. Plaintiff hereby incorporates by reference and re-alleges all of the allegations
16 contained in paragraphs 1 through 17, as though fully set forth herein.

17 19. During the time in which Plaintiff was a minor, Father Widera molested, and
18 sexually, physically, and mentally abused Plaintiff.

19 20. Father Widera's above-described acts constitute conduct in violation of the
20 California Penal Code.

21 21. As a proximate result of the acts of Father Widera described herein, Plaintiff was hurt
22 and injured in his health, strength, and activity, sustained injury to his nervous system and person, all
23 of which injuries have caused, and continue to cause, Plaintiff great mental, emotional, spiritual,
24 physical, and nervous pain and suffering. Plaintiff is informed and believes, and on that basis alleges,
25 that the injuries will result in continuing and permanent disability to him. As a result of the injuries,
26 Plaintiff has suffered past and future damages in an amount to be determined at the time of trial.

27 22. Plaintiff is informed and believes, and on that basis alleges, that the injuries will result
28 in some permanent disability to him. By reason thereof Plaintiff has suffered past and future damages
29 in an amount to be determined at the time of trial.

1 23. As a further proximate result of the acts of Father Widera described herein, Plaintiff
2 developed and continues to suffer from physical ailments. Plaintiff is informed and believes, and on
3 that basis alleges, that the injuries will result in some permanent disability to him. By reason thereof
4 Plaintiff has suffered past and future damages in an amount to be determined at the time of trial.

5 24. As a further proximate result of the acts of Father Widera described herein, Plaintiff
6 has been damaged in that he has been required, and will be required in the future, to expend money and
7 to incur obligations for health care providers required in the treatment and relief of the injuries alleged,
8 in an amount to be determined at the time of trial.

9 25. As a further proximate result of the acts of Father Widera described herein, Plaintiff
10 has been affected in his ability to advance in his employment and thereby has lost wages, and will
11 continue to lose wages, to his damage in an amount to be determined at the time of trial.

12 26. The above-described conduct of Father Widera was willful and outrageous, was
13 committed in reckless disregard of the probability of causing Plaintiff severe emotional distress, mental
14 anguish, humiliation, and psychological, spiritual, and physical injury and illness, and was otherwise
15 intended to cause injury to Plaintiff. Additionally, in doing the acts as described herein, Father Widera
16 has been guilty of fraud, oppression, or malice. Plaintiff is therefore entitled to an award of exemplary
17 or punitive damages.

18 **SECOND CAUSE OF ACTION**

19 **(Assault)**

20 **(Against Defendant Father Widera and Defendants Does 1 through 100, Inclusive)**

21 27. Plaintiff hereby incorporates by reference and re-alleges all of the allegations
22 contained in paragraphs 1 through 26, as though fully set forth herein.

23 28. At numerous times as described above, in the County of Orange, State of California,
24 Father Widera, in asserting his position of authority and spiritual leader over Plaintiff, and in his
25 position of trust and confidence, approached Plaintiff in a physically threatening manner, and placed
26 him in fear of physical and sexual battery.

27 29. In doing the acts alleged above, Father Widera intended to cause and place, and did
28 cause and place, Plaintiff in apprehension of offensive contact with Plaintiff's person.

1 30. As a result of Father Widera's acts alleged above, Plaintiff, in fact, was placed in great
2 apprehension of offensive contact with Plaintiff's person.

3 31. Plaintiff did not legally consent to Father Widera's acts alleged above.

4 32. As a proximate result of the acts of Father Widera described herein, Plaintiff was hurt
5 and injured in his health, strength, and activity, sustained injury to his nervous system and person, all
6 of which injuries have caused, and continue to cause, Plaintiff great mental, emotional, spiritual,
7 physical, and nervous pain and suffering. Plaintiff is informed and believes, and on that basis alleges,
8 that the injuries will result in continuing and permanent disability to him. As a result of the injuries,
9 Plaintiff has suffered past and future damages in an amount to be determined at the time of trial.

10 33. Plaintiff is informed and believes, and on that basis alleges, that the injuries will result
11 in some permanent disability to him. By reason thereof Plaintiff has suffered past and future damages
12 in an amount to be determined at the time of trial.

13 34. As a further proximate result of the acts of Father Widera described herein, Plaintiff
14 developed and continues to suffer from physical ailments. Plaintiff is informed and believes, and on that
15 basis alleges, that the injuries will result in some permanent disability to him. By reason thereof
16 Plaintiff has suffered past and future damages in an amount to be determined at the time of trial.

17 35. As a further proximate result of the acts of Father Widera described herein, Plaintiff
18 has been damaged in that he has been required, and will be required in the future, to expend money and
19 to incur obligations for health care providers required in the treatment and relief of the injuries alleged,
20 in an amount to be determined at the time of trial.

21 36. As a further proximate result of the acts of Father Widera described herein, Plaintiff
22 has been affected in his ability to advance in his employment and thereby has lost wages, and will
23 continue to lose wages, to his damage in an amount to be determined at the time of trial.

24 37. The above-described conduct of Father Widera was willful and outrageous, was
25 committed in reckless disregard of the probability of causing Plaintiff severe emotional distress, mental
26 anguish, humiliation, and psychological, spiritual, and physical injury and illness, and was otherwise
27 intended to cause injury to Plaintiff. Additionally, in doing the acts as described herein, Father Widera
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1 has been guilty of fraud, oppression, or malice. Plaintiff is therefore entitled to an award of exemplary
2 or punitive damages.

3 **THIRD CAUSE OF ACTION**

4 **(Battery)**

5 **(Against Defendant Father Widera and Defendants Does 1 through 100, Inclusive)**

6 38. Plaintiff hereby incorporates by reference and re-alleges all of the allegations
7 contained in paragraphs 1 through 37, as though fully set forth herein.

8 39. On the occasions alleged above, Father Widera, in asserting his position of authority
9 and trust over Plaintiff, and by means of approaching Plaintiff in a physically threatening manner,
10 caused Plaintiff to submit to Father Widera's molestations, and sexual, mental, and physical abuses.

11 40. In doing the acts alleged above, Father Widera acted with intent to, and did, make
12 contact with Plaintiff's person in an offensive and outrageous manner.

13 41. Plaintiff did not legally consent to Father Widera's acts alleged above.

14 42. As a proximate result of the acts of Father Widera described herein, Plaintiff was hurt
15 and injured in his health, strength, and activity, sustained injury to his nervous system and person, all
16 of which injuries have caused, and continue to cause, Plaintiff great mental, emotional, spiritual,
17 physical, and nervous pain and suffering. Plaintiff is informed and believes, and on that basis alleges,
18 that the injuries will result in continuing and permanent disability to him. As a result of the injuries,
19 Plaintiff has suffered past and future damages in an amount to be determined at the time of trial.

20 43. Plaintiff is informed and believes, and on that basis alleges, that the injuries will result
21 in some permanent disability to him. By reason thereof Plaintiff has suffered past and future damages
22 in an amount to be determined at the time of trial.

23 44. As a further proximate result of the acts of Father Widera described herein, Plaintiff
24 developed and continues to suffer from severe headaches, nausea, and other physical ailments. Plaintiff
25 is informed and believes, and on that basis alleges, that the injuries will result in some permanent
26 disability to him. By reason thereof Plaintiff has suffered past and future damages in an amount to be
27 determined at the time of trial.

28 45. As a further proximate result of the acts of Father Widera described herein, Plaintiff
has been damaged in that he has been required, and will be required in the future, to expend money and

1 to incur obligations for health care providers required in the treatment and relief of the injuries alleged,
2 in an amount to be determined at the time of trial.

3 46. As a further proximate result of the acts of Father Widera described herein, Plaintiff
4 has been affected in his ability to advance in his employment and thereby has lost wages, and will
5 continue to lose wages, to his damage in an amount to be determined at the time of trial.

6 47. The above-described conduct of Father Widera was willful and outrageous, was
7 committed in reckless disregard of the probability of causing Plaintiff severe emotional distress, mental
8 anguish, humiliation, and psychological, spiritual, and physical injury and illness, and was otherwise
9 intended to cause injury to Plaintiff. Additionally, in doing the acts as described herein, Father Widera
10 has been guilty of fraud, oppression, or malice. Plaintiff is therefore entitled to an award of exemplary
11 or punitive damages.

12 **FOURTH CAUSE OF ACTION**
13 **(Conspiracy to Commit Childhood Sexual Abuse)**
14 **(Against Defendants Dioceses and Does 1 through 100, Inclusive)**

15 48. Plaintiff hereby incorporates by reference and re-alleges all of the allegations
16 contained in paragraphs 1 through 47, as though fully set forth herein.

17 49. Plaintiff is informed and believes, and on that basis alleges, that while Father Widera
18 was assigned to parishes and/or schools under the jurisdiction and control of the Archdiocese of
19 Milwaukee, Father Widera molested minors under the care of the Archdiocese of Milwaukee. The
20 Plaintiff is informed and believes, and on that basis alleges, that the Archdiocese of Milwaukee was
21 aware of, had notice of, and should have known, of these molestations, but transferred Father Widera
22 to parishes and/or schools within the Archdiocese of Milwaukee, and participated in a cover-up of the
23 molestations.

24 50. Plaintiff is informed and believes that in or about 1973, while Father Widera was
25 assigned to parishes and/or schools under the jurisdiction and control of the Archdiocese of Milwaukee,
26 Father Widera was criminally convicted of molesting at least one minor boy. The Plaintiff is informed
27 and believes, and on that basis alleges, that the Archdiocese of Milwaukee was aware of, had notice of,
28 and should have known, that Father Widera was criminally convicted of molesting at least one minor
boy.

1 51. Plaintiff is informed and believes, and on that basis alleges, that in or about 1976 or
2 1977, additional allegations of molestations were made against Father Widera while Father Widera was
3 assigned to parishes and/or schools under the jurisdiction and control of the Archdiocese of Milwaukee.
4 Plaintiff is informed and believes, and on that basis alleges, that at this time, the Archdiocese of
5 Milwaukee and the Diocese of Orange conspired to move Father Widera from Wisconsin to California
6 due to the additional allegations. Plaintiff is informed and believes, and on that basis alleges, that:

7 A. The Archdiocese of Milwaukee informed the Diocese of Orange of the
8 charges of molestations made against Father Widera in Wisconsin;

9 B. The Archdiocese of Milwaukee informed the Diocese of Orange that
10 Father Widera had been undergoing treatment for the molestations committed in Wisconsin;

11 C. The Archdiocese of Milwaukee requested that the Diocese of Orange permit
12 Father Widera to be assigned to a parish and/or school in the Diocese of Orange, with knowledge that
13 Father Widera was a molester;

14 D. The Diocese of Orange agreed to allow Father Widera to be assigned to
15 parishes and/or schools in the Diocese of Orange, with knowledge that Father Widera was a molester.

16 E. The Archdiocese of Milwaukee agreed to allow Father Widera to be
17 transferred to parishes and/or schools in the Diocese of Orange with knowledge that Father Widera was
18 a molester.

19 52. Plaintiff is informed and believes, and on that basis, alleges that after Father Widera
20 was assigned to the Diocese of Orange, Father Widera molested minor parishioners and/or students from
21 parishes and/or schools in the Diocese of Orange. The Plaintiff is informed and believes, and on that
22 basis alleges, that the Defendants Dioceses were aware of, had notice of, and should have known, of
23 these molestations, but transferred Father Widera or allowed Father Widera to be transferred to parishes
24 and/or schools within the Diocese of Orange, allowing other children to be molested, including the
25 Plaintiff and his brother.

26 53. Even though the Defendants Dioceses knew and should have known that Father
27 Widera had molested and sexually abused minors, and even though the Defendant Dioceses had actual
28 and constructive knowledge of the molestations and sexual abuses, the Defendants Dioceses covered

1 up the molestations and abuses by Father Widera, continued to allow Father Widera to act as a Catholic
2 priest within the Defendants Dioceses, continued to hold Father Widera out as a Catholic priest who
3 could be trusted with minor parishioners and minor students, continued to allow Father Widera to work
4 with minor parishioners and minor students on a daily basis, and continued to move Father Widera
5 around to different Catholic churches within the Defendants Dioceses.

6 54. Defendants Dioceses did the acts and things herein alleged pursuant to, and in
7 furtherance of, the conspiracy and the above-alleged agreement(s).

8 55. Defendants Dioceses furthered the conspiracy by cooperating with, lending aid and
9 encouragement to, and ratifying and adopting the acts of Father Widera in that even though the
10 Defendants Dioceses had actual and constructive knowledge of the molestations and sexual abuses, the
11 Defendants Dioceses covered up the molestations and abuses by Father Widera, continued to allow
12 Father Widera to act as a Catholic priest within the Defendants Dioceses, continued to hold Father
13 Widera out as a Catholic priest who could be trusted with minor parishioners and minor students,
14 continued to allow Father Widera to work with minor parishioners and minor students on a daily basis,
15 and continued to move Father Widera around to different Catholic churches within the Defendants
16 Dioceses, allowing other children to be molested, including the Plaintiff and his brother.

17 56. Plaintiff is informed and believes and thereon alleges that the last overt act in
18 pursuance of the above-described conspiracy carries through today, because the Defendants continued
19 to conceal and cover-up the molestation.

20 57. As a proximate result of the acts of the Defendants Dioceses described herein,
21 Plaintiff was hurt and injured in his health, strength, and activity, sustained injury to his nervous system
22 and person, all of which injuries have caused, and continue to cause, Plaintiff great mental, emotional,
23 spiritual, physical, and nervous pain and suffering. Plaintiff is informed and believes, and on that basis
24 alleges, that the injuries will result in continuing and permanent disability to him. As a result of the
25 injuries, Plaintiff has suffered past and future damages in an amount to be determined at the time of
26 trial.

1 58. Plaintiff is informed and believes, and on that basis alleges, that the injuries will result
2 in some permanent disability to him. By reason thereof Plaintiff has suffered past and future damages
3 in an amount to be determined at the time of trial.

4 59. As a further proximate result of the acts of the Defendants Dioceses described herein,
5 Plaintiff developed and continues to suffer from severe headaches, nausea, and other physical ailments.
6 Plaintiff is informed and believes, and on that basis alleges, that the injuries will result in some
7 permanent disability to him. By reason thereof Plaintiff has suffered past and future damages in an
8 amount to be determined at the time of trial.

9 60. As a further proximate result of the acts of the Defendants Dioceses described herein,
10 Plaintiff has been damaged in that he has been required, and will be required in the future, to expend
11 money and to incur obligations for health care providers required in the treatment and relief of the
12 injuries alleged, in an amount to be determined at the time of trial.

13 61. As a further proximate result of the acts of the Defendants Dioceses described herein,
14 Plaintiff has been affected in his ability to advance in his employment and thereby has lost wages, and
15 will continue to lose wages, to his damage in an amount to be determined at the time of trial.

16 62. In doing the things herein alleged, the Defendants Dioceses acted willfully and with
17 intent to cause injury to Plaintiff, subjected Plaintiff to cruel and unjust hardship in conscious disregard
18 of Plaintiff's rights, and intentionally misrepresented, deceived, and concealed material facts known to
19 Defendants Dioceses, and all of them, thereby depriving Plaintiff of legal rights and causing injury to
20 Plaintiff. Defendants Dioceses were therefore guilty of malice, oppression, and fraud in conscious
21 disregard of Plaintiff's rights. Pursuant to Code of Civil Procedure 425.14, Plaintiff reserves the right
22 to seek a court order to allege punitive damages against the Defendants Dioceses.

23 63. The Archdiocese of Milwaukee was guilty of oppression, fraud, or malice in
24 conscious disregard of Plaintiff's rights, thereby warranting an assessment of punitive damages in an
25 amount appropriate to punish the Archdiocese of Milwaukee and deter others from engaging in similar
26 misconduct. The above-described conduct of the Archdiocese of Milwaukee was willful and
27 outrageous, was committed in reckless disregard of the probability of causing or with intent to cause
28 injury to Plaintiff. The Archdiocese of Milwaukee subjected Plaintiff to cruel and unjust hardship in

conscious disregard of Plaintiff's rights. The Archdiocese of Milwaukee was aware of the probable consequences of its acts and willfully and deliberately failed to avoid those consequences. The Archdiocese of Milwaukee intentionally misrepresented, deceived, and concealed material facts known to the Archdiocese of Milwaukee. The Archdiocese of Milwaukee had advance knowledge of the unfitness of Father Widera and employed him with a conscious disregard of the rights or safety of others and/or authorized and/or ratified the wrongful conduct.

FIFTH CAUSE OF ACTION
(Intentional Infliction of Emotional Distress)
(Against All Defendants)

64. Plaintiff hereby incorporates by reference and re-alleges all of the allegations contained in paragraphs 1 through 62 as though fully set forth herein.

65. Father Widera occupied a position of authority, respect, and trust over Plaintiff in that Father Widera was an adult, an ordained priest, and the priest of Plaintiff's church. The Defendants Dioceses likewise occupied a position of authority, respect, and trust over Plaintiff in that they controlled and exercised jurisdiction over the churches and schools that Plaintiff attended.

66. Plaintiff felt great trust, faith and confidence in the Defendants.

67. The Defendants' above-described conduct was intentional and malicious and done for the purpose of causing Plaintiff to suffer humiliation, mental anguish, and emotional and physical distress. Furthermore, the Defendants Dioceses above-described conduct was intentional and malicious and done for the purpose of causing Plaintiff to suffer humiliation, mental anguish, and emotional and physical distress. The Defendants Dioceses covered up the molestations and abuses by Father Widera, continued to allow Father Widera to act as a Catholic priest within the Defendants Dioceses, continued to hold Father Widera out as a Catholic priest who could be trusted with minor parishioners and minor students, continued to allow Father Widera to work with minor parishioners and minor students on a daily basis, and continued to move Father Widera around to different Catholic churches within the Defendants Dioceses.

68. As a proximate result of the acts of the Defendants described herein, Plaintiff was hurt and injured in his health, strength, and activity, sustained injury to his nervous system and person, all of which injuries have caused, and continue to cause, Plaintiff great mental, emotional, spiritual,

1 physical, and nervous pain and suffering. Plaintiff is informed and believes, and on that basis alleges,
2 that the injuries will result in continuing and permanent disability to him. As a result of the injuries,
3 Plaintiff has suffered past and future damages in an amount to be determined at the time of trial.

4 69. Plaintiff is informed and believes, and on that basis alleges, that the injuries will result
5 in some permanent disability to him. By reason thereof Plaintiff has suffered past and future damages
6 in an amount to be determined at the time of trial.

7 70. As a further proximate result of the acts of the Defendants described herein, Plaintiff
8 developed and continues to suffer from severe headaches, nausea, and other physical ailments. Plaintiff
9 is informed and believes, and on that basis alleges, that the injuries will result in some permanent
10 disability to him. By reason thereof Plaintiff has suffered past and future damages in an amount to be
11 determined at the time of trial.

12 71. As a further proximate result of the acts of the Defendants described herein, Plaintiff
13 has been damaged in that he has been required, and will be required in the future, to expend money and
14 to incur obligations for health care providers required in the treatment and relief of the injuries alleged,
15 in an amount to be determined at the time of trial.

16 72. As a further proximate result of the acts of the Defendants described herein, Plaintiff
17 has been affected in his ability to advance in his employment and thereby has lost wages, and will
18 continue to lose wages, to his damage in an amount to be determined at the time of trial.

19 73. In doing the things herein alleged, the Defendants Diöceses acted willfully and with
20 intent to cause injury to Plaintiff, subjected Plaintiff to cruel and unjust hardship in conscious disregard
21 of Plaintiff's rights, and intentionally misrepresented, deceived, and concealed material facts known to
22 Defendants Diöceses, and all of them, thereby depriving Plaintiff of legal rights and causing injury to
23 Plaintiff. Defendants Diöceses were therefore guilty of malice, oppression, and fraud in conscious
24 disregard of Plaintiff's rights. Pursuant to Code of Civil Procedure 425.14, Plaintiff reserves the right
25 to seek a court order to allege punitive damages against the Defendants Diöceses.

26 74. The above-described conduct of Father Widera was willful and outrageous, was
27 committed in reckless disregard of the probability of causing Plaintiff severe emotional distress, mental
28 anguish, humiliation, and psychological, spiritual, and physical injury and illness, and was otherwise

1 intended to cause injury to Plaintiff. Additionally, in doing the acts as described herein, Father Widera
2 has been guilty of fraud, oppression, or malice. Plaintiff is therefore entitled to an award of exemplary
3 or punitive damages.

4 75. The Archdiocese of Milwaukee was guilty of oppression, fraud, or malice in
5 conscious disregard of Plaintiff's rights, thereby warranting an assessment of punitive damages in an
6 amount appropriate to punish the Archdiocese of Milwaukee and deter others from engaging in similar
7 misconduct. The above-described conduct of the Archdiocese of Milwaukee was willful and
8 outrageous, was committed in reckless disregard of the probability of causing or with intent to cause
9 injury to Plaintiff. The Archdiocese of Milwaukee subjected Plaintiff to cruel and unjust hardship in
10 conscious disregard of Plaintiff's rights. The Archdiocese of Milwaukee was aware of the probable
11 consequences of its acts and willfully and deliberately failed to avoid those consequences. The
12 Archdiocese of Milwaukee intentionally misrepresented, deceived, and concealed material facts known
13 to the Archdiocese of Milwaukee. The Archdiocese of Milwaukee had advance knowledge of the
14 unfitness of Father Widera and employed him with a conscious disregard of the rights or safety of others
15 and/or authorized and/or ratified the wrongful conduct.

16 **SIXTH CAUSE OF ACTION**
17 **(Fraud: Concealment of Facts)**
(Against All Defendants)

18 76. Plaintiff hereby incorporates by reference and re-alleges all of the allegations
19 contained in paragraphs 1 through 73 as though fully set forth herein.

20 77. Defendants Dioceses had actual and constructive knowledge that Father Widera had
21 molested, and sexually, mentally, and physically abused other minors and the Plaintiff.

22 78. Plaintiff is informed and believes, and on that basis alleges, that Defendants Dioceses
23 affirmatively represented to Plaintiff, Plaintiff's parents, other students and parishioners at churches and
24 schools owned, maintained, and controlled by the Defendants Dioceses in which Father Widera worked,
25 that Father Widera was safe, and morally and spiritually beneficial to all minors, students, minor
26 students, minor parishioners, and others under Father Widera's control, direction, and guidance.
27 Plaintiff is informed and believes, and on that basis alleges, that when Defendants Dioceses made these
28 affirmative misrepresentations, Defendants Dioceses suppressed the material facts that Father Widera

1 had on numerous occasions sexually, physically, and/or mentally abused minors, which placed
2 Defendants on notice that Father Widera was likely abusing other students and/or parishioners.

3 79. Plaintiff was a minor parishioner, and creating a special fiduciary relationship or
4 special care relationship with Defendants, and each of them. As the responsible party and/or employer
5 controlling Father Widera, and as the operators of a church where minors attended, Defendants Dioceses
6 were also in a special relationship with Plaintiff.

7 80. Plaintiff is informed and believes, and on that basis alleges, that before, during and
8 after the time that Plaintiff was molested and abused by Father Widera, Defendants Dioceses had a duty
9 to disclose to Plaintiff, and minors, students, minor students, parishioners, minor parishioners, others
10 under Father Widera's control, direction, and guidance, parents, and the authorities that Father Widera
11 had been and was continuing to engage in sexually related conduct with minors, but intentionally
12 suppressed and concealed this information. The duty to disclose arose by the special, trusting,
13 confidential, and/or fiduciary relationship between Defendants and Plaintiff as alleged herein, pursuant
14 to Tarasoff v. Regents Of Univ. of Cal., 17 Cal. 3d 425, 131 Cal. Rptr. 14, 23 (1976) and LiMandri v.
15 Judkins, 52 Cal. App. 4th 326, 60 Cal. Rptr. 539, 543 (1997); by reason of the Defendants' duty to
16 report, as child care custodians, known or suspected incidences of sexual molestation or abuse of minors
17 to a child protective agency, pursuant to California Penal Code section 11166, enacted in 1980; by
18 reason of the fact that Defendants made affirmative representations regarding Father Widera, but
19 suppressed the material facts about the molestations, pursuant to Randi W. v. Muroc Joint Unified
20 School, 14 Cal. App. 4th 1066, 929 P.2d 582, 592 (1997); by reason of the Defendants' duty to report
21 Father Widera's sexual crimes to the California Department of Education, pursuant to California Code
22 of Regulations, title 5, art.7, § 701; by reason of the fact that the Defendants Dioceses had exclusive
23 knowledge of the material facts alleged herein regarding Father Widera which were not known to
24 Plaintiff and/or not assessable to Plaintiff, pursuant to LiMandri v. Judkins, 52 Cal. App. 4th 326, 60
25 Cal. Rptr. 539, 543 (1997); and by reason of the fact that a special relationship, as employer/employee,
26 existed between the Defendants Dioceses and Father Widera which imposed a duty upon the Defendants
27 Dioceses to control Father Widera's conduct, pursuant to Tarasoff v. Regents Of Univ. of Cal., 17 Cal.
28 3d 425, 131 Cal. Rptr. 14, 23 (1976).

1 81. Plaintiff is informed and believes, and on that basis alleges, that said intentional and
2 deliberate suppression and concealment of facts included, but was not limited to: transferring Father
3 Widera from position to position whenever too many complaints or reports surfaced regarding his
4 molestations in any one location; making no investigations; issuing no warnings; permitting Father
5 Widera routinely and often to be alone with minors; not having adopted a policy to prevent permitting
6 Father Widera routinely and often to be alone with minors; making no reports of any allegations of
7 Father Widera's abuse and molestations; and assigning and continuing to assign Father Widera to duties
8 which placed him in positions of authority and trust over minors in which Father Widera could easily
9 be alone with such persons.

10 82. Plaintiff is informed and believes, and on that basis alleges, that Defendants, and each
11 of them, made no attempt to take any negative action against Father Widera.

12 83. Plaintiff is informed and believes, and on that basis alleges, that said suppressions and
13 concealment of facts were likely to mislead Plaintiff, his parents, parishioners, students, and others to
14 believe that Defendants had no knowledge of any charges, or that there were no other charges of sexual
15 misconduct against Father Widera, that Defendants were directly supervising and preventing Father
16 Widera from contact with minors, students, or minor students, and that there was no need for them to
17 take further action.

18 84. Plaintiff is informed and believes, and on that basis alleges, that Defendants, and each
19 of them, knew at the time they suppressed and concealed the true facts regarding Father Widera's sexual
20 molestations, that said suppressions and concealment of fact were misleading.

21 85. Plaintiff is informed and believes, and on that basis alleges, that Defendants, and each
22 of them, suppressed and concealed the true facts with the intent to prevent Plaintiff, his parents,
23 parishioners, and others, from learning that Father Widera had been and was continuing to molest
24 minors, students, minor students, parishioners, minor parishioners, and others under Father Widera's
25 control, direction, and guidance, with complete impunity; to induce people, including Plaintiff, his
26 parents, other parishioners, benefactors, and donors to the Diocese to participate and financially support,
27 and to continue to participate in and financially support parishes, schools, camps and other Church
28 money-making enterprises; to prevent further reports and outside investigations into Father Widera's

1 and Defendants' conduct; to prevent discovery of Defendants' own fraudulent conduct; to avoid damage
2 to the reputations of Defendants; to protect their power and status in the Church hierarchy; to avoid
3 damage to the reputation of the Church; and to avoid the civil and criminal liability of Defendants and
4 of Father Widera.

5 86. Plaintiff is informed and believes, and on that basis alleges, that at all times
6 mentioned herein, Defendants, with knowledge of the tortuous nature of their own and each others'
7 conduct, knowingly and intentionally gave each other substantial assistance to perpetrate the fraud and
8 deceit alleged herein.

9 87. Plaintiff is informed and believes, and on that basis alleges, that Plaintiff, his parents,
10 students, benefactors, donors, parishioners, and others, were misled by Defendants' intentional
11 suppressions and concealment of facts, and in reliance thereon, were induced to act or induced not to
12 act exactly as intended by Defendants, and each of them, and specifically Plaintiff and his mother were
13 induced to believe that there were no allegations of sexual abuse against Father Widera. Had Plaintiff,
14 his mother, students, other parents, parishioners, and others, known the true facts and not been ignorant
15 of the suppressions and concealment of facts and misrepresentations, they would have determined not
16 to participate further or to further financially support the Dioceses' activities alleged herein; would not
17 have allowed their children to go to a church under the control of the Defendants and Father Widera;
18 would have reported the matters to the proper authorities, to other parishioners, to parents of and to
19 minor students so as to prevent future recurrences; would not have allowed children, including Plaintiff,
20 to be alone with or have any relationship with Father Widera; and would have undertaken their own
21 investigations which would have led to discovery of the true facts.

22 88. Plaintiff is informed and believes, and on that basis alleges, that as a direct and
23 proximate result of the wrongful conduct of said Defendants, Plaintiff was molested and sexually,
24 physically, and mentally abused by Father Widera, as alleged herein.

25 89. Furthermore, the Defendants' fraud, which continues through today, caused Plaintiff
26 to experience recurrences of the severe mental distress, including fear, anger, shame, humiliation,
27 helplessness, and guilt, that Plaintiff had experienced at the time Plaintiff was molested; and further
28 caused Plaintiff to experience extreme and severe mental distress, manifested by the above feelings, that

1 Plaintiff had been the victim of Defendants' fraud, and that Plaintiff had not been able to help other
2 minors being molested because of the fraud.

3 90. As a proximate result of the acts of the Defendants described herein, Plaintiff was hurt
4 and injured in his health, strength, and activity, sustained injury to his nervous system and person, all
5 of which injuries have caused, and continue to cause, Plaintiff great mental, emotional, spiritual,
6 physical, and nervous pain and suffering. Plaintiff is informed and believes, and on that basis alleges,
7 that the injuries will result in continuing and permanent disability to him. As a result of the injuries,
8 Plaintiff has suffered past and future damages in an amount to be determined at the time of trial.

9 91. Plaintiff is informed and believes, and on that basis alleges, that the injuries will result
10 in some permanent disability to him. By reason thereof Plaintiff has suffered past and future damages
11 in an amount to be determined at the time of trial.

12 92. As a further proximate result of the acts of the Defendants described herein, Plaintiff
13 developed and continues to suffer from physical ailments. Plaintiff is informed and believes, and on that
14 basis alleges, that the injuries will result in some permanent disability to him. By reason thereof
15 Plaintiff has suffered past and future damages in an amount to be determined at the time of trial.

16 93. As a further proximate result of the acts of the Defendants described herein, Plaintiff
17 has been damaged in that he has been required, and will be required in the future, to expend money and
18 to incur obligations for health care providers required in the treatment and relief of the injuries alleged,
19 in an amount to be determined at the time of trial.

20 94. As a further proximate result of the acts of the Defendants described herein, Plaintiff
21 has been affected in his ability to advance in his employment and thereby has lost wages, and will
22 continue to lose wages, in an amount to be determined at the time of trial.

23 95. In doing the things herein alleged, the Defendants Dioceses acted willfully and with
24 intent to cause injury to Plaintiff, subjected Plaintiff to cruel and unjust hardship in conscious disregard
25 of Plaintiff's rights, and intentionally misrepresented, deceived, and concealed material facts known to
26 Defendants Dioceses, and all of them, thereby depriving Plaintiff of legal rights and causing injury to
27 Plaintiff. Defendants Dioceses were therefore guilty of malice, oppression, and fraud in conscious
28

1 disregard of Plaintiff's rights. Pursuant to Code of Civil Procedure 425.14, Plaintiff reserves the right
2 to seek a court order to allege punitive damages against the Defendants Dioceses.

3 96. The above-described conduct of Father Widera was willful and outrageous, was
4 committed in reckless disregard of the probability of causing Plaintiff severe emotional distress, mental
5 anguish, humiliation, and psychological, spiritual, and physical injury and illness, and was otherwise
6 intended to cause injury to Plaintiff. Additionally, in doing the acts as described herein, Father Widera
7 has been guilty of fraud, oppression, or malice. Plaintiff is therefore entitled to an award of exemplary
8 or punitive damages.

9 97. The Archdiocese of Milwaukee was guilty of oppression, fraud, or malice in
10 conscious disregard of Plaintiff's rights, thereby warranting an assessment of punitive damages in an
11 amount appropriate to punish the Archdiocese of Milwaukee and deter others from engaging in similar
12 misconduct. The above-described conduct of the Archdiocese of Milwaukee was willful and
13 outrageous, was committed in reckless disregard of the probability of causing or with intent to cause
14 injury to Plaintiff. The Archdiocese of Milwaukee subjected Plaintiff to cruel and unjust hardship in
15 conscious disregard of Plaintiff's rights. The Archdiocese of Milwaukee was aware of the probable
16 consequences of its acts and willfully and deliberately failed to avoid those consequences. The
17 Archdiocese of Milwaukee intentionally misrepresented, deceived, and concealed material facts known
18 to the Archdiocese of Milwaukee. The Archdiocese of Milwaukee had advance knowledge of the
19 unfitness of Father Widera and employed him with a conscious disregard of the rights or safety of others
20 and/or authorized and/or ratified the wrongful conduct.

21 **SEVENTH CAUSE OF ACTION**
22 **(Negligent Supervision/Retention/Hiring)**
(Against Defendants Dioceses and Defendants Does 1 through 100, Inclusive)

23 98. Plaintiff hereby incorporates by reference and re-alleges all of the allegations
24 contained in paragraphs 1 through 94 as though fully set forth herein.

25 99. As alleged above, Plaintiff was sexually molested by Father Widera, with the
26 molestations constituting a breach of duty owed to Plaintiff by the Defendants Dioceses to supervise
27 Father Widera, and to provide a safe haven for Plaintiff and other minor parishioners and/or students.

1 100. Plaintiff is informed and believes that the Defendants Dioceses knew Father Widera
2 was molesting minors, but yet allowed Father Widera to be transferred from the Archdiocese of
3 Milwaukee and into the Diocese of Orange. Plaintiff is informed and believes, and on that basis alleges,
4 that the Defendants Dioceses transferred Father Widera to different parishes and/or schools, knowing
5 that Father Widera was molesting minors. Furthermore, Plaintiff is informed and believes, and on that
6 basis alleges, that at no time during the periods of time alleged did the Defendants Dioceses have in
7 place a system or procedure to supervise and/or monitor priests to insure that those priests did not
8 molest or abuse minors in the Defendant Dioceses' care, including the Plaintiff.

9 101. Plaintiff is informed and believes, and on that basis alleges, that those individuals
10 employed or governed by the Defendants Dioceses were aware, and understood how vulnerable children
11 were to sexual abuse by priests.

12 102. At the times that the Plaintiff was molested, Defendants Dioceses were placed on
13 actual and constructive notice that Father Widera had molested other minors before the molestations
14 of Plaintiff occurred.

15 103. As a proximate result of the acts of the Defendants Dioceses described herein,
16 Plaintiff was hurt and injured in his health, strength, and activity, sustained injury to his nervous system
17 and person, all of which injuries have caused, and continue to cause, Plaintiff great mental, emotional,
18 spiritual, physical, and nervous pain and suffering. Plaintiff is informed and believes, and on that basis
19 alleges, that the injuries will result in continuing and permanent disability to him. As a result of the
20 injuries, Plaintiff has suffered past and future damages in an amount to be determined at the time of
21 trial.

22 104. Plaintiff is informed and believes, and on that basis alleges, that the injuries will result
23 in some permanent disability to him. By reason thereof Plaintiff has suffered past and future damages
24 in an amount to be determined at the time of trial.

25 105. As a further proximate result of the acts of the Defendants Dioceses described herein,
26 Plaintiff developed and continues to suffer from physical ailments. Plaintiff is informed and believes,
27 and on that basis alleges, that the injuries will result in some permanent disability to him. By reason
28 thereof Plaintiff has suffered past and future damages in an amount to be determined at the time of trial.

1 106. As a further proximate result of the acts of the Defendants Dioceses described herein,
2 Plaintiff has been damaged in that he has been required, and will be required in the future, to expend
3 money and to incur obligations for health care providers required in the treatment and relief of the
4 injuries alleged, in an amount to be determined at the time of trial.

5 107. As a further proximate result of the acts of the Defendants Dioceses described herein,
6 Plaintiff has been affected in his ability to advance in his employment and thereby has lost wages, and
7 will continue to lose wages, to his damage in an amount to be determined at the time of trial.

8 108. The above-described conduct of the Defendants Dioceses was willful and outrageous,
9 was committed in reckless disregard of the probability of causing Plaintiff severe emotional distress,
10 mental anguish, humiliation, and psychological, spiritual, and physical injury and illness, and was
11 otherwise intended to cause injury to Plaintiff. Additionally, in doing the acts as described herein,
12 Father Widera has been guilty of fraud, oppression, or malice. Plaintiff is therefore entitled to an award
13 of exemplary or punitive damages.

14 109. The Archdiocese of Milwaukee was guilty of oppression, fraud, or malice in
15 conscious disregard of Plaintiff's rights, thereby warranting an assessment of punitive damages in an
16 amount appropriate to punish the Archdiocese of Milwaukee and deter others from engaging in similar
17 misconduct. The above-described conduct of the Archdiocese of Milwaukee was willful and
18 outrageous, was committed in reckless disregard of the probability of causing or with intent to cause
19 injury to Plaintiff. The Archdiocese of Milwaukee subjected Plaintiff to cruel and unjust hardship in
20 conscious disregard of Plaintiff's rights. The Archdiocese of Milwaukee was aware of the probable
21 consequences of its acts and willfully and deliberately failed to avoid those consequences. The
22 Archdiocese of Milwaukee intentionally misrepresented, deceived, and concealed material facts known
23 to the Archdiocese of Milwaukee. The Archdiocese of Milwaukee had advance knowledge of the
24 unfitness of Father Widera and employed him with a conscious disregard of the rights or safety of others
25 and/or authorized and/or ratified the wrongful conduct.

26 **EIGHTH CAUSE OF ACTION**
27 **(Negligent Infliction of Emotional Distress)**
28 **(Against All Defendants Dioceses)**

1 110. Plaintiff hereby incorporates by reference and re-alleges all of the allegations
2 contained in paragraphs 1 through 105, as though fully set forth herein.

3 111. Defendants Dioceses knew or should have known that Father Widera had been and
4 had and was continuing to molest minors. Defendants Dioceses had a duty to disclose to Plaintiff, and
5 minors, students, minor students, parishioners, minor parishioners, others under Father Widera's
6 control, direction, and guidance, parents, and the authorities that Father Widera had been and was
7 continuing to molest minors. The duty to disclose arose by the special, trusting, confidential, and/or
8 fiduciary relationship between Defendants and Plaintiff as alleged herein, pursuant to Tarasoff v.
9 Regents Of Univ. of Cal., 17 Cal. 3d 425, 131 Cal. Rptr. 14, 23 (1976) and LiMandri v. Judkins, 52 Cal.
10 App. 4th 326, 60 Cal. Rptr. 539, 543 (1997); by reason of the Defendants' duty to report, as child care
11 custodians, known or suspected incidences of sexual molestation or abuse of minors to a child protective
12 agency, pursuant to California Penal Code section 11166, enacted in 1980; by reason of the fact that
13 Defendants made affirmative representations regarding Father Widera as alleged above, but suppressed
14 the material facts about the molestations, pursuant to Randi W. v. Muroc Joint Unified School, 14 Cal.
15 App. 4th 1066, 929 P.2d 582, 592 (1997); by reason of the Defendants' duty to report Father Widera's
16 sexual crimes to the California Department of Education, pursuant to California Code of Regulations,
17 title 5, art.7, § 701; by reason of the fact that the Defendants had exclusive knowledge of the material
18 facts alleged herein regarding Father Widera which were not known to Plaintiff and/or not assessable
19 to Plaintiff, pursuant to LiMandri v. Judkins, 52 Cal. App. 4th 326, 60 Cal. Rptr. 539, 543 (1997); and
20 by reason of the fact that a special relationship, as employer/employee, existed between the Defendants
21 Dioceses and Father Widera which imposed a duty upon the Defendants Dioceses to control Father
22 Widera's conduct, pursuant to Tarasoff v. Regents Of Univ. of Cal., 17 Cal. 3d 425, 131 Cal. Rptr. 14,
23 23 (1976).

24 112. Plaintiff felt great trust, faith and confidence in Defendants Dioceses, as his spiritual
25 leaders and educators.

26 113. Defendants Dioceses negligently failed to disclose, suppressed, and concealed this
27 information regarding Father Widera before Plaintiff was molested by Father Widera, during the time
28

1 that Plaintiff was molested by Father Widera, and after the time that Plaintiff was molested by Father
2 Widera.

3 114. Defendants Dioceses hereinabove-described conduct caused Plaintiff to suffer
4 humiliation, mental anguish, and emotional and physical distress.

5 115. Defendant Father Widera's acts in molesting Plaintiff have caused Plaintiff to suffer
6 humiliation, mental anguish, and emotional and physical distress.

7 116. As a proximate result of the acts of the Defendants described herein, Plaintiff was hurt
8 and injured in his health, strength, and activity, sustained injury to his nervous system and person, all
9 of which injuries have caused, and continue to cause, Plaintiff great mental, emotional, spiritual,
10 physical, and nervous pain and suffering. Plaintiff is informed and believes, and on that basis alleges,
11 that the injuries will result in continuing and permanent disability to him. As a result of the injuries,
12 Plaintiff has suffered past and future damages in an amount to be determined at the time of trial.

13 117. Plaintiff is informed and believes, and on that basis alleges, that the injuries will result
14 in some permanent disability to him. By reason thereof Plaintiff has suffered past and future damages
15 in an amount to be determined at the time of trial.

16 118. As a further proximate result of the acts of the Defendants described herein, Plaintiff
17 developed and continues to suffer from severe headaches, nausea, and other physical ailments. Plaintiff
18 is informed and believes, and on that basis alleges, that the injuries will result in some permanent
19 disability to him. By reason thereof Plaintiff has suffered past and future damages in an amount to be
20 determined at the time of trial.

21 119. As a further proximate result of the acts of the Defendants described herein, Plaintiff
22 has been damaged in that he has been required, and will be required in the future, to expend money and
23 to incur obligations for health care providers required in the treatment and relief of the injuries alleged,
24 in an amount to be determined at the time of trial.

25 120. As a further proximate result of the acts of the Defendants described herein, Plaintiff
26 has been affected in his ability to advance in his employment and thereby has lost wages, and will
27 continue to lose wages, to his damage in an amount to be determined at the time of trial.
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121. The above-described conduct of the Defendants was willful and outrageous, was committed in reckless disregard of the probability of causing Plaintiff severe emotional distress, mental anguish, humiliation, and psychological, spiritual, and physical injury and illness, and was otherwise intended to cause injury to Plaintiff. Additionally, in doing the acts as described herein, Father Widera has been guilty of fraud, oppression, or malice. Plaintiff is therefore entitled to an award of exemplary or punitive damages.

122. The Archdiocese of Milwaukee was guilty of oppression, fraud, or malice in conscious disregard of Plaintiff's rights, thereby warranting an assessment of punitive damages in an amount appropriate to punish the Archdiocese of Milwaukee and deter others from engaging in similar misconduct. The above-described conduct of the Archdiocese of Milwaukee was willful and outrageous, was committed in reckless disregard of the probability of causing or with intent to cause injury to Plaintiff. The Archdiocese of Milwaukee subjected Plaintiff to cruel and unjust hardship in conscious disregard of Plaintiff's rights. The Archdiocese of Milwaukee was aware of the probable consequences of its acts and willfully and deliberately failed to avoid those consequences. The Archdiocese of Milwaukee intentionally misrepresented, deceived, and concealed material facts known to the Archdiocese of Milwaukee. The Archdiocese of Milwaukee had advance knowledge of the unfitness of Father Widera and employed him with a conscious disregard of the rights or safety of others and/or authorized and/or ratified the wrongful conduct.

NINTH CAUSE OF ACTION
(Violation of Statute -- Penal Code Section 11166)
(Against Defendants Dioceses and Defendants Does 1 through 100, Inclusive)

123. Plaintiff hereby incorporates by reference and re-alleges all of the allegations contained in paragraphs 1 through 117, as though fully set forth herein.

124. Under the Child Abuse and Neglect Reporting Act, the Defendants Dioceses, by and through their employees and agents, were "child care custodians" and were "clergy members" under a statutory duty to report known or suspected incidences of sexual molestation or abuse of minors to a child protective agency, pursuant to California Penal Code section 11164.

125. Plaintiff is informed and believes, and on that basis alleges, that the Defendants Dioceses knew, or should have known in the exercise of reasonable diligence, that Defendant Widera

1 had sexually molested, abused, or caused touching, battery, harm and other injuries to Plaintiff, a minor,
2 and to other minors, giving rise to a duty to report such conduct under section 11166 of the California
3 Penal Code.

4 126. By failing to report the continuing molestations known by the Defendants Dioceses,
5 and each of them, and by ignoring the fulfillment of the mandated compliance with the reporting
6 requirements provided under California Penal Code section 11166, the Defendants Dioceses created the
7 risk and danger contemplated by the Child Abuse and Neglect Reporting Act, and as a result,
8 unreasonably and wrongfully exposed Plaintiff and other minors to the molestation as alleged herein,
9 thereby breaching Defendants Dioceses duty of care to Plaintiff.

10 127. Plaintiff was one of the class of persons for whose protection California Penal Code
11 section 11166 was specifically adopted to protect.

12 128. Had the Defendants Dioceses adequately performed their duties under section 11166
13 of the California Penal Code, and reported the molestation of Plaintiff and other minors, the report
14 would have resulted in the involvement of trained child sexual abuse case workers for the purposes of
15 preventing harm and further harm to Plaintiff and other minors, and preventing and/or treating the
16 injuries and damages suffered by Plaintiff as alleged herein.

17 129. As a proximate result of the Defendants Dioceses failure to follow the mandatory
18 reporting requirements of California Penal Code section 11166, and to report the acts of the priests, the
19 Defendants wrongfully denied and restricted Plaintiff and other minors from the protection of child
20 protection agencies which would have changed the then existing arrangements and conditions, which
21 provided the access and opportunities for the molestation of Plaintiff.

22 130. The physical, mental, and emotional damages and injuries resulting from the sexual
23 molestation of Plaintiff by the priests alleged herein, were the types of occurrences and injuries the
24 Child Abuse and Neglect Reporting Act was designed to prevent.

25 131. The Defendants Dioceses continue to violate these statutory sections because of their
26 continued failure to report the abuse known to them.

27 132. As a proximate result of the acts of the Defendants Dioceses described herein,
28 Plaintiff was hurt and injured in his health, strength, and activity, sustained injury to his nervous system

1 and person, all of which injuries have caused, and continue to cause, Plaintiff great mental, emotional,
2 spiritual, physical, and nervous pain and suffering. Plaintiff is informed and believes, and on that basis
3 alleges, that the injuries will result in continuing and permanent disability to him. As a result of the
4 injuries, Plaintiff has suffered past and future damages in an amount to be determined at the time of
5 trial.

6 133. Plaintiff is informed and believes, and on that basis alleges, that the injuries will result
7 in some permanent disability to his. By reason thereof Plaintiff has suffered past and future damages
8 in an amount to be determined at the time of trial.

9 134. As a further proximate result of the acts of the Defendants Dioceses described herein,
10 Plaintiff developed and continues to suffer from physical ailments. Plaintiff is informed and believes,
11 and on that basis alleges, that the injuries will result in some permanent disability to him. By reason
12 thereof Plaintiff has suffered past and future damages in an amount to be determined at the time of trial.

13 135. As a further proximate result of the acts of the Defendants Dioceses described herein,
14 Plaintiff has been damaged in that he has been required, and will be required in the future, to expend
15 money and to incur obligations for health care providers required in the treatment and relief of the
16 injuries alleged, in an amount to be determined at the time of trial.

17 136. As a further proximate result of the acts of the Defendants Dioceses described herein,
18 Plaintiff has been affected in his ability to advance in his employment and thereby has lost wages, and
19 will continue to lose wages, to his damage in an amount to be determined at the time of trial.

20 137. In doing the things herein alleged, the Defendants Dioceses acted willfully and with
21 intent to cause injury to Plaintiff, subjected Plaintiff to cruel and unjust hardship in conscious disregard
22 of Plaintiff's rights, and intentionally misrepresented, deceived, and concealed material facts known to
23 Defendants Dioceses, and all of them, thereby depriving Plaintiff of legal rights and causing injury to
24 Plaintiff. Defendants Dioceses were therefore guilty of malice, oppression, and fraud in conscious
25 disregard of Plaintiff's rights. Pursuant to Code of Civil Procedure 425.14, Plaintiff reserves the right
26 to seek a court order to allege punitive damages against the Defendants Dioceses.

27 138. The above-described conduct of Father Widera was willful and outrageous, was
28 committed in reckless disregard of the probability of causing Plaintiff severe emotional distress, mental

1 anguish, humiliation, and psychological, spiritual, and physical injury and illness, and was otherwise
2 intended to cause injury to Plaintiff. Additionally, in doing the acts as described herein, Father Widera
3 has been guilty of fraud, oppression, or malice. Plaintiff is therefore entitled to an award of exemplary
4 or punitive damages.

5 139. The Archdiocese of Milwaukee was guilty of oppression, fraud, or malice in
6 conscious disregard of Plaintiff's rights, thereby warranting an assessment of punitive damages in an
7 amount appropriate to punish the Archdiocese of Milwaukee and deter others from engaging in similar
8 misconduct. The above-described conduct of the Archdiocese of Milwaukee was willful and
9 outrageous, was committed in reckless disregard of the probability of causing or with intent to cause
10 injury to Plaintiff. The Archdiocese of Milwaukee subjected Plaintiff to cruel and unjust hardship in
11 conscious disregard of Plaintiff's rights. The Archdiocese of Milwaukee was aware of the probable
12 consequences of its acts and willfully and deliberately failed to avoid those consequences. The
13 Archdiocese of Milwaukee intentionally misrepresented, deceived, and concealed material facts known
14 to the Archdiocese of Milwaukee. The Archdiocese of Milwaukee had advance knowledge of the
15 unfitness of Father Widera and employed him with a conscious disregard of the rights or safety of others
16 and/or authorized and/or ratified the wrongful conduct.

17 **TENTH CAUSE OF ACTION**
18 **(Declaratory Relief)**

19 **(Against Defendants Dioceses and Defendants Does 1 through 100, Inclusive)**

20 140. Plaintiff hereby incorporates by reference and re-alleges all of the allegations
21 contained in paragraphs 1 through 133, as though fully set forth herein.

22 141. Plaintiff is informed and believes, and on that basis alleges, that Defendants Dioceses
23 have executed, and will rely upon, agreements ("Confidentiality Agreements") that prohibit the
24 disclosure, in any way, of incidents of abuse, including sexual abuse, involving the Defendants
Dioceses, and involving Father Widera..

25 142. An actual controversy has arisen and now exists between Plaintiff and Defendants
26 Dioceses concerning the Defendants Dioceses alleged right to rely on the Confidentiality Agreements
27 in not disclosing the identities of other molestation victims of Father Widera.
28

143. Plaintiff desires a judicial determination of his rights and duties, and a declaration that any and all Confidentiality Agreements of, or relating to, Defendants Dioceses are void, of no force and effect, and that Defendants Dioceses may not, in any way, attempt to utilize the Confidentiality Agreements for and during the pendency of this action.

144. A judicial declaration is necessary and appropriate at this time under the circumstances in order that Plaintiff may ascertain his rights regarding the voidability, force and effect, and prohibition of the Defendants Dioceses use and reliance upon Confidentiality Agreements for and during the pendency of this action.

ELEVENTH CAUSE OF ACTION
(Negligent Misrepresentation)
(Against Archdiocese of Milwaukee and Does 1 through 100)

145. As an alternative cause of action, Plaintiff hereby incorporates by reference and re-alleges all of the allegations contained in paragraphs 1 through 138 as though fully set forth herein.

146. Plaintiff is informed and believes, and on that basis alleges, that as a former “employer” of Father Widera, the Archdiocese of Milwaukee owed Plaintiff a duty of care pursuant to Randi W. v. Murdoc Unified School Dist., 14 Cal. 4th 1066, 1076-1081, 60 Cal. Rptr. 2d 263, 269-272 (1997) not to misrepresent, and to tell the whole truth, to future employers of Father Widera regarding the facts of Father Widera’s qualifications, character, fitness, and background.

147. Plaintiff is informed and believes, and on that basis alleges, that even though the Archdiocese of Milwaukee was aware of, had notice of, and should have known, about the molestations by Father Widera and the criminal conviction of Father Widera, the Archdiocese of Milwaukee negligently did, among other things:

A. Recommend to Father Widera’s future “employer,” the Diocese of Orange, that Father Widera be assigned to work as a priest;

B. Make misleading half-truths to Father Widera’s future “employer,” the Diocese of Orange, including but not limited to representing to the Diocese of Orange that there was no great risk in allowing Father Widera to return to pastoral work in California, and representing to the Diocese of Orange of that Father Widera was a priest of good character and good example.

C. Fail in at least one letter of recommendation to Father Widera’s future

1 “employer,” the Diocese of Orange, to disclose that Father Widera had been criminally convicted of
2 molesting at least one minor boy.

3 148. Plaintiff is informed and believes, and on that basis alleges, that the Archdiocese of
4 Milwaukee’s recommendation of Father Widera, coupled with its half-truths, failures to disclose,
5 concealments and suppressions of material facts, amounted to affirmative negligent misrepresentations
6 pursuant to Randi W. v. Murdoc Unified School Dist., 14 Cal. 4th 1066, 1081-1084, 60 Cal. Rptr. 2d
7 263, 272-274 (1997).

8 149. Plaintiff is informed and believes, and on that basis alleges, that as a direct and
9 proximate result of the wrongful conduct of the Archdiocese of Milwaukee, Plaintiff was molested and
10 sexually, physically, and mentally abused by Father Widera, as alleged herein.

11 150. Furthermore, the wrongful conduct of the Archdiocese of Milwaukee caused Plaintiff
12 to experience recurrences of the severe mental distress, including fear, anger, shame, humiliation,
13 helplessness, and guilt, that Plaintiff had experienced at the time Plaintiff was molested; and further
14 caused Plaintiff to experience extreme and severe mental distress, manifested by the above feelings, that
15 Plaintiff had been the victim of the Archdiocese of Milwaukee’s misrepresentations and that Plaintiff
16 had not been able to help other minors being molested because of the fraud.

17 151. As a proximate result of the acts of the Archdiocese of Milwaukee described herein,
18 Plaintiff was hurt and injured in his health, strength, and activity, sustained injury to his nervous system
19 and person, all of which injuries have caused, and continue to cause, Plaintiff great mental, emotional,
20 spiritual, physical, and nervous pain and suffering. Plaintiff is informed and believes, and on that basis
21 alleges, that the injuries will result in continuing and permanent disability to him. As a result of the
22 injuries, Plaintiff has suffered past and future damages in an amount to be determined at the time of
23 trial.

24 152. Plaintiff is informed and believes, and on that basis alleges, that the injuries will result
25 in some permanent disability to him. By reason thereof Plaintiff has suffered past and future damages
26 in an amount to be determined at the time of trial.

27 153. As a further proximate result of the acts of the Archdiocese of Milwaukee described
28 herein, Plaintiff developed and continues to suffer from physical ailments. Plaintiff is informed and

believes, and on that basis alleges, that the injuries will result in some permanent disability to him. By reason thereof Plaintiff has suffered past and future damages in an amount to be determined at the time of trial.

154. As a further proximate result of the acts of the Archdiocese of Milwaukee described herein, Plaintiff has been damaged in that he has been required, and will be required in the future, to expend money and to incur obligations for health care providers required in the treatment and relief of the injuries alleged, in an amount to be determined at the time of trial.

155. As a further proximate result of the acts of the Archdiocese of Milwaukee described herein, Plaintiff has been affected in his ability to advance in his employment and thereby has lost wages, and will continue to lose wages, in an amount to be determined at the time of trial.

156. The Archdiocese of Milwaukee was guilty of oppression, fraud, or malice in conscious disregard of Plaintiff's rights, thereby warranting an assessment of punitive damages in an amount appropriate to punish the Archdiocese of Milwaukee and deter others from engaging in similar misconduct. The above-described conduct of the Archdiocese of Milwaukee was willful and outrageous, was committed in reckless disregard of the probability of causing or with intent to cause injury to Plaintiff. The Archdiocese of Milwaukee subjected Plaintiff to cruel and unjust hardship in conscious disregard of Plaintiff's rights. The Archdiocese of Milwaukee was aware of the probable consequences of its acts and willfully and deliberately failed to avoid those consequences. The Archdiocese of Milwaukee intentionally misrepresented, deceived, and concealed material facts known to the Archdiocese of Milwaukee. The Archdiocese of Milwaukee had advance knowledge of the unfitness of Father Widera and employed him with a conscious disregard of the rights or safety of others and/or authorized and/or ratified the wrongful conduct.

TWELFTH CAUSE OF ACTION
(Fraud: Intentional Misrepresentation)
(Against Archdiocese of Milwaukee and Does 1 through 100)

157. As an alternative cause of action, Plaintiff hereby incorporates by reference and re-alleges all of the allegations contained in paragraphs 1 through 149 as though fully set forth herein.

158. Plaintiff is informed and believes, and on that basis alleges, that as a former "employer" of Father Widera, the Archdiocese of Milwaukee owed Plaintiff a duty of care pursuant to

1 Randi W. v. Murdoc Unified School Dist., 14 Cal. 4th 1066, 1076-1081, 60 Cal. Rptr. 2d 263, 269-272
2 (1997) not to misrepresent, and to tell the whole truth, to future employers of Father Widera regarding
3 the facts of Father Widera's qualifications, character, fitness, and background.

4 159. Plaintiff is informed and believes, and on that basis alleges, that even though the
5 Archdiocese of Milwaukee was aware of, had notice of, and should have known, about the molestations
6 by Father Widera and the criminal conviction of Father Widera, the Archdiocese of Milwaukee
7 intentionally did, among other things:

8 A. Recommend to Father Widera's future "employer," the Diocese of Orange,
9 that Father Widera be assigned to work as a priest even though it had information that Father Widera
10 was not fit to act as a priest working with minors, and was not safe to be with minors;

11 B. Make misleading half-truths to Father Widera's future "employer," the
12 Diocese of Orange, including but not limited to representing to the Diocese of Orange that there was
13 no great risk in allowing Father Widera to return to pastoral work in California, and representing to the
14 Diocese of Orange of that Father Widera was a priest of good character and good example.

15 C. Fail in at least one letter of recommendation to Father Widera's future
16 "employer," the Diocese of Orange, to disclose that Father Widera had been criminally convicted of
17 molesting at least one minor boy.

18 160. Plaintiff is informed and believes, and on that basis alleges, that the Archdiocese of
19 Milwaukee's recommendation of Father Widera, coupled with its half-truths, failures to disclose,
20 concealments and suppressions of material facts, amounted to affirmative intentional misrepresentations
21 pursuant to Randi W. v. Murdoc Unified School Dist., 14 Cal. 4th 1066, 1081-1084, 60 Cal. Rptr. 2d
22 263, 272-274 (1997).

23 161. Plaintiff is informed and believes, and on that basis alleges, that as a direct and
24 proximate result of the wrongful conduct of the Archdiocese of Milwaukee, Plaintiff was molested and
25 sexually, physically, and mentally abused by Father Widera, as alleged herein.

26 162. Furthermore, the wrongful conduct of the Archdiocese of Milwaukee caused Plaintiff
27 to experience recurrences of the severe mental distress, including fear, anger, shame, humiliation,
28 helplessness, and guilt, that Plaintiff had experienced at the time Plaintiff was molested; and further

1 caused Plaintiff to experience extreme and severe mental distress, manifested by the above feelings, that
2 Plaintiff had been the victim of the Archdiocese of Milwaukee's misrepresentations and that Plaintiff
3 had not been able to help other minors being molested because of the fraud.

4 163. As a proximate result of the acts of the Archdiocese of Milwaukee described herein,
5 Plaintiff was hurt and injured in his health, strength, and activity, sustained injury to his nervous system
6 and person, all of which injuries have caused, and continue to cause, Plaintiff great mental, emotional,
7 spiritual, physical, and nervous pain and suffering. Plaintiff is informed and believes, and on that basis
8 alleges, that the injuries will result in continuing and permanent disability to him. As a result of the
9 injuries, Plaintiff has suffered past and future damages in an amount to be determined at the time of
10 trial.

11 164. Plaintiff is informed and believes, and on that basis alleges, that the injuries will result
12 in some permanent disability to him. By reason thereof Plaintiff has suffered past and future damages
13 in an amount to be determined at the time of trial.

14 165. As a further proximate result of the acts of the Archdiocese of Milwaukee described
15 herein, Plaintiff developed and continues to suffer from physical ailments. Plaintiff is informed and
16 believes, and on that basis alleges, that the injuries will result in some permanent disability to him. By
17 reason thereof Plaintiff has suffered past and future damages in an amount to be determined at the time
18 of trial.

19 166. As a further proximate result of the acts of the Archdiocese of Milwaukee described
20 herein, Plaintiff has been damaged in that he has been required, and will be required in the future, to
21 expend money and to incur obligations for health care providers required in the treatment and relief of
22 the injuries alleged, in an amount to be determined at the time of trial.

23 167. As a further proximate result of the acts of the Archdiocese of Milwaukee described
24 herein, Plaintiff has been affected in his ability to advance in his employment and thereby has lost
25 wages, and will continue to lose wages, in an amount to be determined at the time of trial.

26 168. In doing the things herein alleged, the Archdiocese of Milwaukee acted willfully and
27 with intent to cause injury to Plaintiff, subjected Plaintiff to cruel and unjust hardship in conscious
28 disregard of Plaintiff's rights, and intentionally misrepresented, deceived, and concealed material facts

1 known to the Archdiocese of Milwaukee, thereby depriving Plaintiff of legal rights and causing injury
2 to Plaintiff. The Archdiocese of Milwaukee was therefore guilty of malice, oppression, and fraud in
3 conscious disregard of Plaintiff's rights. Pursuant to Code of Civil Procedure 425.14, Plaintiff reserves
4 the right to seek a court order to allege punitive damages against the Archdiocese of Milwaukee.

5 169. The Archdiocese of Milwaukee was guilty of oppression, fraud, or malice in
6 conscious disregard of Plaintiff's rights, thereby warranting an assessment of punitive damages in an
7 amount appropriate to punish the Archdiocese of Milwaukee and deter others from engaging in similar
8 misconduct. The above-described conduct of the Archdiocese of Milwaukee was willful and
9 outrageous, was committed in reckless disregard of the probability of causing or with intent to cause
10 injury to Plaintiff. The Archdiocese of Milwaukee subjected Plaintiff to cruel and unjust hardship in
11 conscious disregard of Plaintiff's rights. The Archdiocese of Milwaukee was aware of the probable
12 consequences of its acts and willfully and deliberately failed to avoid those consequences. The
13 Archdiocese of Milwaukee intentionally misrepresented, deceived, and concealed material facts known
14 to the Archdiocese of Milwaukee. The Archdiocese of Milwaukee had advance knowledge of the
15 unfitness of Father Widera and employed him with a conscious disregard of the rights or safety of others
16 and/or authorized and/or ratified the wrongful conduct.

17 WHEREFORE, Plaintiff prays judgment against Defendants, and each of them, as follows:

18 **FOR THE FIRST, SECOND, THIRD, FOURTH**

19 **FIFTH, SIXTH, NINTH, AND TWELFTH CAUSES OF ACTION**

- 20 1. For past and future general damages in an amount to be determined at trial.
- 21 2. For past and future special damages in an amount to be determined at trial.
- 22 3. For past and future lost earnings in an amount to be determined at trial.
- 23 4. For punitive or exemplary damages against Father Widera in an amount appropriate
- 24 to punish or set an example of him; pursuant to Code of Civil Procedure 425.14, Plaintiff reserves the
- 25 right to seek a court order to allege punitive damages against the Defendants Dioceses.
- 26 5. For costs of suit.
- 27 6. For interest as allowed by law.
- 28 7. For such other and further relief as the Court may deem proper.

FOR THE FIRST THROUGH SEVENTH, EIGHTH, AND ELEVENTH

CAUSES OF ACTION

1. For past and future general damages in an amount to be determined at trial.
2. For past and future special damages in an amount to be determined at trial.
3. For past and future lost earnings in an amount to be determined at trial.
4. For costs of suit.
5. For interest as allowed by law.
6. For such other and further relief as the Court may deem proper.

FOR THE TENTH CAUSE OF ACTION

1. For a declaration that any and all Confidentiality Agreements of, or relating to, Defendants Dioceses are void, of no force and effect, and that Defendants Dioceses may not, in any way, attempt to utilize the Confidentiality Agreements for and during the pendency of this action.
2. For costs of suit.
3. For interest as allowed by law.
4. For such other and further relief as the Court may deem proper.

**ADDITIONAL PRAYER FOR THE FOURTH, FIFTH SIXTH, SEVENTH, EIGHTH,
NINTH, ELEVENTH, AND TWELFTH CAUSES OF ACTION**

1. For punitive or exemplary damages in an amount appropriate to punish or set an example of the Archdiocese of Milwaukee.

DATE: June 17, 2006

LAW OFFICES OF FREBERG & ASSOCIATES

By: 

KATHERINE K. FREBERG
Attorneys for Plaintiff,
Eric Nathan Paino

EXHIBIT "B"

STATE OF WISCONSIN

COUNTY COURT

OZAUKEE COUNTY

STATE OF WISCONSIN,

Plaintiff,

Atty Charles Polidori

-VS-

FRANK SIEGFRIED WIDERA

CRIMINAL COMPLAINT

117 East Van Buren

Port Washington, Wisconsin

Defendant.

12-20-1940

*2922 W.
Forest Home
Ave.*

STATE OF WISCONSIN

SS.

OZAUKEE COUNTY

ROBERT W. HACKBARTH, upon information and belief being first
duly sworn, on oath says that on the 30th day of June 1973,
in the County of Ozaukee, Wisconsin, FRANK SIEGFRIED WIDERA did
feloniously committed an act of sexual gratification involving the
sex organ of Frank Siegfried Widera and the mouth of [REDACTED]
of [REDACTED]

OZAUKEE COUNTY, WISCONSIN

FILED

JUL 2 1973

BR. #2 COUNTY COURT

JOHN J. ROONEY

CLERK OF COURTS

Contrary to Sect. 944.17 of the Wisconsin Statutes
and against the peace and dignity of the State of Wisconsin.

The basis for complainant's charge of such offense is
the written report of Sgt. Eugene Trombley of the Ozaukee County Sheriff's
Dept. whom complainant believes to be reliable that he investigated a
complaint of sexual perversion by Mrs. [REDACTED] of [REDACTED]
[REDACTED] Port Washington, Wis. that her son had been involved in immoral
acts with one Frank Siegfried Widera and upon investigation of Officer
Klopp of the Port Washington Police Dept. who obtained a statement from
[REDACTED] dated July 2, 1973 and upon the statement given to the com-
plainant at 1:00 a.m. on July 2, 1973 that [REDACTED] Frank Siegfried
Widera, [REDACTED] and [REDACTED] went from Port Washington to Random Lake
on Sat. June 30 and in the course of [REDACTED]
(see reverse side) *Robert W. HackbARTH*

Subscribed and sworn to before me
this 2nd day of July 19 73.

Warren Brady
County Judge

Approved for filing *[Signature]* District Attorney

S U M M O N S

THE STATE OF WISCONSIN TO SAID DEFENDANT:

A complaint, copy of which is attached, having been filed with me accusing
the defendant of committing the crime of _____
contrary to Sect. _____ Wis. Stats., and I having found that
probable cause exists that the crime was committed by the defendant.

You, _____ are, therefore, summoned to appear before
Branch _____ of the Court of Ozaukee County at the courthouse in the City of Port
Washington to answer said complaint on _____, 19____, at
_____ o'clock in the _____ noon, and in case of your failure to appear, a
warrant for your arrest will be issued.

Dated _____, 19____.

County Judge

travelling to Random Lake on or near the intersection of State Highway 57 and County Highway K in the Township of Fredonia, Ozaukee County [REDACTED] placed his mouth over the penis of Frank Siegfried Widera. and the statement of [REDACTED] of the City of Port Washington that he observed the above mentioned activities. The complainant is ~~the~~ a detective for the Ozaukee County Sheriff's Dept.

V7 P536
State v Widera

EXHIBIT "C"

D.A. Copy

OFFENSE AND INVESTIGATION REPORT
OZAUKEE COUNTY SHERIFF'S DEPARTMENT

Offense ~~XXXXXXXXXXXXXXXXXXXX~~ Assigned to All units/stations Date and Time Reported 7-1-73 10:37P M.
Reassigned to _____ Reassigned to _____ Reassigned to _____
Day and Date of Offense Sun 7-1 Time _____ M. To _____ Time _____ M.
Exact Location of Offense Last seen Port Washington Village/Town of _____
Reported By Ptln. John Haug DOB _____ Phone _____
Address Port Washington Police dept.
Reported By _____ DOB _____ Phone _____
Address _____

SUSPECT NO. 1 Fr. Siegfried Widera DOB 12-20-40 Sex Male
Address 117 E. VanBuren Port Washington Phone _____
Hgt. 510 Wgt. 195 Hair Blnd Eyes Blu Bld. Med Complx. _____ Color White
SUSPECT No. 2 _____ DOB _____ Sex _____
Address _____ Phone _____
Hgt. _____ Wgt. _____ Hair _____ Eyes _____ Bld. _____ Complx. _____ Color _____
SUSPECT No. 3 _____ DOB _____ Sex _____
Address _____ Phone _____
Hgt. _____ Wgt. _____ Hair _____ Eyes _____ Bld. _____ Complx. _____ Color _____
VEHICLE USED No. 1 Color Wht Make VW Year 72 Lic. No. D3778 State Wisc.
VEHICLE USED No. 2 Color _____ Make _____ Year _____ Lic. No. _____ State _____

QUANT: TYPE OF PROPERTY: Detailed Description of Property, Stolen, Lost, Damaged, Recovered.

ITEM	DESCRIPTION	VALUE

OFFENSE NARRATIVE
Officer Haug advised to put the above lookout out to all units
to have the Port Police notified ONLY, if subject or vehicle is seen.
All units/stations given info at 10:37 PM, date.

Respectfully submitted,
Jerome Lauters
Jerome Lauters

OFFENSE NARRATIVE CONT.

Port Police located subject 11:49 PM date. 7-1-73

at 11:50Am., 7-1-73 I arrived at the Port Washington Police Department where I met with Ptm Haig. I was advised that Mrs. [REDACTED] of [REDACTED] HAVA [REDACTED] had come to their office after hearing stories that her son, [REDACTED] was being forced to commit indecent acts by Fr. WIDERA, and that he was with him now. These acts, or some of the incidents, occurred on STH 57 in the area of the Village of Fredonia. Ptm Haig supplied me with a copy of his original complaint. Mrs. [REDACTED], her daughter, [REDACTED], and 2 of her girlfriends accompanied me to the Sheriff's Office and at 12:05Am., 7-2-73 gave me written statements attached. Sgt Trombley was advised, and he in turn contacted Det. Hackbarth who interviewed [REDACTED] in the presence of his mother.

at 12:50Am, date, I called Mrs. [REDACTED] and at my request she came to the Sheriff's Office in order to interview her sons, who where with Fr. Widera when he was asked to come down to our office, after being stopped by the Port Police.

Respectfully submitted,
Thomas J. Sedlmeier
Thomas J. Sedlmeier Dep Shf

7-2-73--12:10 AM, I along with Officer Klopp of the Port Washington PD questioned [REDACTED] about any sexual act committed with Father Widera. He did admit that there had been acts committed by the Father such as the Father playing with [REDACTED] Penis and that he had been forced to commit acts of sodomy upon the Father. These acts should have taken place in our County and Possibly in Sheboygan County. I then called Det. Hackbarth and had him come down to the office to assist in the interviewing of the [REDACTED] boy and others involved as this could possibly cover over into other Counties.

Det. Hackbarth questioned the [REDACTED] boy and wrote down what he stated to him myself and Officer Klopp. This statement was read by his mother and then signed by [REDACTED]

In the meantime I had Officer Sedlmeier talked to the [REDACTED] boys with their mother present and they gave him a statement, confirming what the [REDACTED] boy told us.

Det. Hackbarth, myself and Officer Klopp then questioned Father Widera. Before asking him any questions I gave him his statement of rights which he signed in front of myself and Officer Klopp.

After talking to Father Widera for a considerable length of time he did admit that he had played with a number of boys privates and that he had allowed at least two or three boys to commit an act of sodomy on him. He stated that this was to help them in their curiosity about sex. These acts of sodomy were committed in Ozaukee County on STH 84, on STH 57 and possibly on CTH K. The acts of playing with the boys privates occurred in these same areas and also in the City of Port Washington and Sheboygan County as well as Milwaukee County.

Respectfully submitted,
Eugene U. Trombley
Sgt. Eugene U. Trombley

EXHIBIT "D"



**West Allis Police Department
Incident Report**

I0204494.DOC

██████████ mother admitted that her son had told her that he did not like Father WIDERA because WIDERA had tickled him between his legs. ██████████ disclosed this to his mother in the fall of 1972. His mother thought that ██████████ must have been mistaken and if it did occur, she dismissed it as having occurred accidentally. ██████████ stated, "I didn't know him but I thought it was all right (██████████ going places with WIDERA), because he was a Priest."

OZSO DET Robert HACKBARTH, OZSO SGT Eugene TROMBLEY and Port Washington PD officer Allan KLOPP obtained a verbal confession from WIDERA regarding abuse incidents in Ozaukee and Milwaukee counties. The report states, "After talking to Father WIDERA for a considerable length of time he did admit that he had played with a number of boys privates and that he had allowed at least two or three boys to commit an act of sodomy on him.. He states that this was to help them in their curiosity about sex. These acts of sodomy were committed in Ozaukee County on STH 84, on STH 57 and possibly on CTH K. The acts of playing with the boys privates occurred in these same areas and also in the City of Port Washington and Sheboygan County as well as Milwaukee County."

INTERVIEW: ALLAN KLOPP (WITNESS/ RETIRED OFFICER- WIDERA'S 1973 CONFESSION)

On 05-20-2002, I made contact with Allan KLOPP. He confirmed that he had been employed by the Port Washington Police Department and was now retired. I explained the reason I was calling and asked him what he remembered about that 1973 confession made by WIDERA.

Allan told me, "He (WIDERA) was drinking the boys urine! He would pull off on the side of the road and have the boys get out of the vehicle. He would have the boys drop their pants and urinate into his mouth! That's what I remember! I had to leave the interview 2 or 3 times because I wanted to punch his so badly! He honestly believed that this touching and molestation and urination crap caused no harm to the boys! I would lay it out for him, explain it to him. He looked me in the eyes and basically told me it was no big deal. For him this stuff was like saying, 'I breathe air' or 'I eat food.' He felt that these acts of molesting young boys were normal and natural."

Allan told me that he tried to find out what happened with WIDERA's case. The only answer he received from the Ozaukee County DA's office (in the 1970's) was that it was turned over to the Church to handle.

INTERVIEW: EUGENE TROMBLEY (WITNESS/ RETIRED SERGEANT; DOCUMENTED WIDERA'S 1973 CONFESSION)

I spoke with Eugene TROMBLEY regarding Siegfried WIDERA. Eugene TROMBLEY was unable to recall any events by WIDERA'S name alone. He told me that he would need to see the reports or his memo book to jog his memory. I will attempt to interview him, in-person, at a later date.

00284

EXHIBIT "E"

3/2/72 - telephone - requests transfer.

7/31/73 - telephone per Archbishop - that S. Widera needs to be transferred immediately.

8/14/73 - telephone per Archbishop - that S. Widera on 3 years probation. Sees Dr. Leo Graham two times a week. May not return to area of Port Washington by order of judge. Staying with parents 762-7092.

8/15/73 - interview with F. Paulus - rejected S. Widera as A.P. at St. Mary, Elm Grove.

8/16/73 - telephone per J. Waldbauer - informed him of S. Widera being refused by F. Paulus.

8/22/73 - telephone per J. Emmenegger - inquired whether S. Widera going to S. Papelbon. No.

8/30/73 - telephone JWaldbauer to S. Widera to assure him Board is still working on an assignment.

8/31/73 - telephone per P. Lippert - he and J. M. Murphy would like to offer S. Widera place to work but with them not take anyone away.

WIDERA, SIEGFRIED

-2-

9/6/73 - telephone per J. Waldbauer - that S. Widera will be helping out at St. Andrew, Delavan.

9/19/73 - telephone per E. Hanke - says to list S. Widera as A.P. Pro Tem.

10/2/73 - telephone - S. Widera will be at Delavan 3 or 4 more weeks.

10/22/73 - telephone per J. Rathke re helpout - told him to contact S. Widera himself.

10/23/73 - telephone per F. Schmidt - requests S. Widera as A.P.

10/29/73 - telephone - will call Tuesday re whether he will go to St. Catherine, Milwaukee.

11/2/73 - telephone - Dr. Graham seems opposed to S. Widera going with C. O'Brien. J. Theisen told S. Widera why the Board had suggested it and Widera feels he wants to talk to Dr. Graham again. Also talked to J. Thompson, who suggested the following parishes: Holy Apostles, St. Frances Cabrini, St. Michael, Beaver Dam and St. William, Waukesha.

11/5/73 - telephone - Dr. Graham feels C. O'Brien not a man for S. Widera to work with because he is a reformed alcoholic. Not dealing with just another transfer. Next step for S. Widera could be Waupun. Feels staying with E. Henke perhaps best for S. Widera. J. Theisen suggested possibility of T. Hickey. Dr. Graham thought that would be o.k. too.

11/7/73 - telephone - E. Henke open to keeping S. Widera. Would like to keep it as it is now, on an unofficial basis.

11/8/73 - telephone - S. Widera happy to stay on at Delavan per J. Waldbauer Dr. Graham also pleased. If situation changes they will let Board know.

1/30/74 - telephone per J. Thompson - that S. Widera becoming too popular and posing threat to J. Kramer.

3/15/74 - telephone from parishioner, St. Andrew, Delavan (Thacker) requests that S. Widera remain.

9/6/74 - telephone - J. Thompson - concerned about S. Widera's status. Also concerned about the deaf being taken care of. Ask's that J.J.W. call him next week.

11/7/74 - telephone - J. Thompson - check on status of S. Widera in Delavan.

5/6/75 - Personnel Board recommended that S. Widera be assigned to A.P., St. Andrew, Delavan.

5/19/75 - telephone - S. Widera - accepts A.P., St. Andrew, Delavan, but wants no publication in Herald Citizen.

8/20/76 - telephone - E. Henke - informed that S. Widera has had an incident with an 11 year old boy a couple of months ago. Henke is concerned that the talk may become vicious against him in such a small town because news travels fast. D. Weber knows about it and is asked to be consulted.

8/20/76 - telephone - S. Widera - plans to leave St. Andrew Parish, Delavan, on Monday, Aug. 23; he plans to go to his brother's place: Hans Widera - 1078 Salvadore - Costa Mesa, California 92626 - 1-714-557-2564.

8/23/76 - telephone - E. Henke - says S. Widera at 3995 West College Avenue, Milw., Wis. 53221.

9/28/76 - telephone - Re. S. Widera - L. Graham reports that Widera is "hiding out on the west coast". Widera asks Graham if he should remain there. Graham raises question that Board may ask him about direction relating to dealings with Widera.

10/18/76 - telephone - S. Widera - wonders what is available if he were to return; he feels that he may ask for a leave of absence or work in a California parish.

11/16/76 - telephone - S. Widera - is open to going for treatment, just as long as it would not be a reduplication of what his contact with Graham is and has been. He wonders what financial help is available for such care.

11/19/76 - telephone - Leo Graham - was meeting with S. Widera when he called. They agree Siegfried should go on "sick leave" and leave the area for at least a year of "sick leave" with ongoing psychotherapy. After that time, Siegfried can decide if he wishes to enter the active ministry again and if he does, to do so outside of the Milwaukee Archdiocese. Dr. Graham will put this in writing to the Board. He asks that we cover his Blue Cross-Blue Shield as well as the benefits from the St. Michael Priest Fund that a man on "sick leave" is eligible for.

11/26/76 - Interview - S. Widera - is considering a move toward sick leave, going to California and continuing consultation with a psychiatrist at UCLA.

12/3/76 - telephone - S. Widera - plans to see the Archbishop.

12/3/76 - telephone - Archbishop informs the Board that: S. Widera - will spend some time with his parents in Florida and then go to California to continue psychotherapy with the contact of Leo Graham; the Archbishop plans to contact Bishop Johnson of Orange to see if there might be something available for Widera.

12/17/76 - telephone - Archbishop: has called Bishop Johnson in Orange about a possibility for S. Widera.

1/20/77 - telephone - W.E.C. - S. Widera has faculties and residence with \$175 per month salary at St. Pius V Parish, 7691 Orangethorpe Ave., Buena Park, California 90621 (714-522-2193), effective 1/12/77 on an indefinite time limit

WIDERA, SIEGFRIED

-4-

CONFIDENTIAL

3/25/77 - telephone - The Archbishop reports: (a) Appointment of S. Widera as A.P., St. Justin Martyr in Anaheim, Cal., effect. 4/11/77.

12/16/81 - corresp. - R. Sampon reports that S. Widera is now excardinated from Archdiocese of Milw., and incardinated into Diocese of Orange, Ca., effective 11/23/81.

EXHIBIT "F"

State of Wisconsin, Branch #2 County Ozaukee Court, Ozaukee County

STATE OF WISCONSIN,

Plaintiff,

vs.

JUDGMENT OF CONVICTION,
SENTENCE WITHHELD,
PROBATION ORDERED

Frank Siegfried Widera

Defendant.

File No. _____

The defendant, following his plea of Guilty
was found guilty of the crime(s) of _____
(guilty) (nolo contendere) (not guilty was tried and)

did feloniously committed an act of sexual gratification involving the sex
organ of Frank Siegfried Widera and the mouth of _____

committed in this County on June 30, 1973, in violation of Sec. 944.17 Stats.; and

On August 13, 1973, the Court inquired of the defendant why sentence should not be pronounced,
and gave the Plaintiff's Attorney, the defendant and his attorney an opportunity to be heard; and

Upon all the files, records, and proceedings, the Court found the defendant eligible for probation pursuant to the
provisions of Section 973.09, Stats., and pronounced Judgment and directed it be reduced to writing as follows:

"IT IS ADJUDGED that the defendant is convicted as found guilty, and sentence is withheld, and the defendant
is placed on probation for the period of three (3) years, in the custody and control of the Wisconsin Department
of Health and Social Services, subject to its rules and orders, and subject to making payments for

Restitution \$ _____, Costs \$ _____, Support \$ _____,
in the manner prescribed by the Department and subject to the following conditions:

Defendant is to have no contacts either professionally or socially
in Ozaukee County. Defendant is to continue his program of
psychiatric therapy with Doctor Graham and that defendant report
regularly to the professional counselors of the Department of
Health and Social Services.

"The Sheriff is Ordered to deliver the defendant into the custody of the Department as it directs."

Dated August 13, 1973

BY ORDER OF THE COURT,

Patricia M. Roe
(Deputy) Clerk of Courts

Judge Warren A. Grady

District Attorney James M. LaPointe

Defense Attorney Charles Polidori

EXHIBIT "G"

BROWN & JONES REPORTING, INC.

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ORANGE, CENTRAL JUSTICE CENTER

ERIC NATHAN PAINO,

Plaintiff,

-vs-

Case No. 02 CC06293

ORIGINAL
TRANSCRIPT

THE ROMAN CATHOLIC BISHOP OF
ORANGE, THE ARCHDIOCESE OF
MILWAUKEE, FATHER SIGFRIED F.
WIDERA and DOES 1 through 100, inclusive,

Defendants.

Examination of JOSEPH F. HORNACEK, taken
at the instance of the Plaintiff, under and pursuant to
Section 804.05 of the Wisconsin Statutes, pursuant to
Stipulation, before JODI L. TYLEY, a Registered
Professional Reporter and Notary Public in and for the
State of Wisconsin, at the Archdiocese of Milwaukee,
3501 South Lake Drive, Milwaukee, Wisconsin, on the
13th day of September, 2002, commencing at 1:07 p.m. and
concluding at 1:57 p.m.

1 understand. If I fail to do that, it's my fault,
2 not yours, so if you do answer a question without
3 saying anything, I have the right to assume you
4 understood it, okay?

5 A Yes.

6 Q Have you ever been deposed before?

7 A No, I have not.

8 Q Well, this will be a new experience for you. I
9 hope it won't be too painful.

10 A Thank you.

11 Q Father Hornacek, my understanding is that you were
12 at one point in time a member of the Priests'
13 Personnel Board?

14 A Yes.

15 Q What were the years in which you were a member if
16 you can remember?

17 A I was a member of the Priests' Personnel Board from
18 '77 to '83.

19 Q And during that period of time, did you hold any
20 position such as chair or secretary or things of
21 that nature?

22 A I was the executive secretary of the Priests'
23 Personnel Board from June of '79 through June of
24 '83.

25 Q What are the duties of the executive secretary of

1 the Priests' Personnel Board, or what were they
2 then?

3 A The duties of the executive secretary were to chair
4 regular meetings of the Priests' Personnel Board
5 whose primary purpose was to make recommendations
6 to the Archbishop for the placement of our diocesan
7 priests. I would sometimes hold interviews of our
8 priests in preparation for their placement to
9 listen to what they believe their needs and desires
10 were as well as to give them information about a
11 particular parish in which they were interested.

12 Q So you would gather information about available
13 positions?

14 A Yes.

15 Q You would receive requests from priests who were
16 looking for either a change or some kind of a
17 different atmosphere to work in?

18 A Yes.

19 Q You would perhaps meet or talk with them or receive
20 communications from them?

21 A Yes.

22 Q And you would develop recommendations concerning
23 placement of those priests?

24 A Yes.

25 Q And those recommendations would be passed on to the

1 foundation. Subject to that objection, he can
2 answer.

3 MR. STEIN: You want a continuing
4 objection on all sorts of questions?

5 MR. FLYNN: Yes, I would like that, but I
6 truly mean that it lacks foundation. It's vague
7 and ambiguous.

8 MR. STEIN: I understand.

9 THE WITNESS: What do you mean by leaving
10 a parish?

11 BY MR. STEIN:

12 Q A priest decides he doesn't happen to like the
13 congregation or the location or whatever the case
14 may be and he wants to get out, can he simply pack
15 his bag and leave?

16 A No.

17 Q Okay. What would be the process if he, let's say
18 he becomes dissatisfied with the congregation, the
19 location, the physical structure, vibes, whatever,
20 what would he do?

21 A He could see the Archbishop because the Archbishop
22 ultimately assigns us and ultimately transfers us.
23 He could see someone in the name of the Archbishop
24 like the ombudsman if this was before '79, or he
25 could come to someone on the placement board

1 knowing that we are only consultative.

2 Q If a priest incardinated in the Milwaukee
3 Archdiocese decided that he had a yen for
4 California and wanted to go out there, could he go
5 to California without first obtaining permission?

6 A What do you mean by going to California?

7 Q Pick up, pack his bag, leave and go to California?

8 A Sure. A person is free to do that.

9 Q Okay. If he remains incardinated in the Milwaukee
10 Archdiocese, when he gets out to California and
11 decides he'd like to function as a priest, can he
12 do that?

13 A He can.

14 Q How would he go about doing that?

15 A He would speak to the bishop of the diocese in
16 which he is now residing, because he would need
17 that person's permission first, and then he would
18 also need his bishop's permission in the diocese
19 where he is currently incardinated, permission to
20 leave there.

21 Q My understanding is that a priest incardinated in a
22 diocese over here may work as a priest in a diocese
23 in which he is not incardinated; am I correct?

24 A Yes.

25 Q So long as he has permission from the bishop in the

1 diocese where he would like to work --

2 A Yes.

3 Q -- first, and then he must go to the archbishop in
4 the diocese from whence he came and seek permission
5 there, correct?

6 A Yes.

7 Q We're talking about Siegfried Widera here, and I
8 want you to assume that he leaves for California in
9 1976, okay?

10 A Okay.

11 Q And he remains incardinated in the Milwaukee
12 Archdiocese until sometime in 1981, okay?

13 A Okay.

14 Q During that span of time, he functions as a priest
15 in the Diocese of Orange in the State of
16 California, okay?

17 A Yes.

18 Q By the answers to your previous questions, can I
19 assume that he would have had to have Archbishop
20 Cousins' permission to do that?

21 A Yes.

22 MR. STEIN: Do you have the exhibits
23 there, Matt? Yours aren't marked, but I can
24 reference you to a Bates stamp number 0208, and
25 this is actually Exhibit No. 1 for the purposes of

1 Q By the time you received this letter in 1981, were
2 you aware of the fact that Siegfried Widera had a
3 criminal past involving molestation of children?

4 A I had no recollection of that.

5 Q If you had known such fact, would it have been your
6 responsibility as executive secretary of the
7 personnel board to inform the archdiocese or the
8 diocese into which the priest had been
9 incardinated?

10 A No.

11 Q Would it have been the duty or responsibility of
12 anybody to pass on that information?

13 A It would have been the duty of my superiors to do
14 that.

15 Q Your superiors meaning the Archbishop?

16 A Yes.

17 Q Have you any knowledge as to what the practice was
18 of the Archbishop in 1981 in the event that a
19 priest was excardinated in the Milwaukee
20 Archdiocese and incardinated elsewhere?

21 A I do not, no.

22 Q Having received this letter, Exhibit No. 1, what
23 would you as a designated agent on the board have
24 done in response? What would you have physically
25 have done?

- 1 A With this letter?
- 2 Q Yes.
- 3 A We would have placed this into Father Widera's
- 4 file.
- 5 Q And the file would be kept by you or sent to
- 6 archives or what?
- 7 A No. It would remain in the placement board office.
- 8 Q Did you have any contact with the Diocese of Orange
- 9 in 1981 or sometime on or after December 15,
- 10 1981 --
- 11 A No.
- 12 Q -- concerning Father Widera or anything else?
- 13 A No.
- 14 Q Based upon your answers to previous questions,
- 15 Father, may I correctly assume that in order for
- 16 this process to have taken place, excardination
- 17 from the Archdiocese of Milwaukee and incardination
- 18 into the Diocese of Orange, would have required the
- 19 permission of A, the Bishop of the Diocese of
- 20 Orange?
- 21 A Yes.
- 22 Q And the permission of the Archbishop in the
- 23 Archdiocese of Milwaukee?
- 24 A Yes.
- 25 Q Do you know of any instance in which excardination

1 has taken place from the Archdiocese of Milwaukee
2 and incardination elsewhere in which the Archbishop
3 of Milwaukee was not consulted and his permission
4 obtained?

5 A No.

6 Q May I correctly assume from that answer that the
7 Archbishop of Milwaukee, if it was Archbishop
8 Cousins at the time, then gave permission for
9 Father Widera to be excardinated in Milwaukee?

10 MR. FLYNN: Objection, lack of competency
11 of this witness. He can only testify from his
12 personal knowledge.

13 BY MR. STEIN:

14 Q Anything that you can tell me. If you don't know,
15 you can say so.

16 A I don't know.

17 Q If Siegfried Widera had approached the Archdiocese,
18 the Archbishop of Milwaukee, Archbishop Cousins,
19 and said to him, if you know, and said to him, "I
20 want to be excardinated so I can be incardinated in
21 the Diocese of Orange," could the Bishop have said
22 no, Archbishop have said no?

23 MR. FLYNN: Object to the form of the
24 question, vague, ambiguous and lacks foundation.

25 BY MR. STEIN:

1 Q Go ahead and answer.

2 MR. FLYNN: Excuse me, beyond the
3 competency of this witness to answer. Subject to
4 that objection, he can answer if he knows.

5 THE WITNESS: I do not know.

6 BY MR. STEIN:

7 Q While Father Widera was still incardinated in
8 Milwaukee but was living and practicing as a
9 priest -- Strike that. While Siegfried Widera was
10 still incardinated in the Archdiocese of Milwaukee,
11 you told me previously he could act as a priest in
12 another diocese so long as he had permission of
13 that bishop or archbishop and Archbishop Cousins.

14 A Yes.

15 Q While Siegfried Widera was incardinated in
16 Milwaukee in the Archdiocese of Milwaukee but
17 practicing as a priest in the Diocese of Orange,
18 would the Archdiocese of Milwaukee still have
19 maintained any kind of jurisdictional control over
20 him?

21 MR. FLYNN: Object to the form of the
22 question, vague and ambiguous. Subject to that
23 objection, he can answer if he knows.

24 THE WITNESS: Because he was still
25 incardinated in the Archdiocese of Milwaukee, the

1 Archbishop certainly would have had some
2 jurisdiction.

3 BY MR. STEIN:

4 Q Could he have ordered him to come back to
5 Wisconsin?

6 A Sure.

7 Q Could he have ordered him to leave the Diocese of
8 Orange?

9 A Yes.

10 Q Could he have revoked his faculties as a priest?

11 MR. FLYNN: I'm going to object unless he
12 knows of his own personal knowledge. I want no
13 speculation and no guessing.

14 BY MR. STEIN:

15 Q I think that's real clear that that's what
16 Mr. Flynn wants you not to do.

17 A Correct.

18 Q So what I want you to do is answer as best you can.

19 A It would be speculation on my part.

20 Q Petition the Pope to laicize Father? Am I
21 pronouncing it correctly?

22 A Laicize?

23 Q Yes.

24 A Correct. What's the question?

25 Q Could Archbishop Cousins while Father Widera was in

1 BY MR. STEIN:

2 Q Do you know?

3 A I don't know.

4 Q Could Archbishop Cousins -- All these questions
5 have to do with Father Widera still incardinated in
6 Milwaukee and physically being in California and
7 acting as a priest in California, okay? All these
8 questions have to do with that period of time. In
9 that set of circumstances, could Archbishop Cousins
10 have asked the Diocese of Orange to provide him
11 with reports concerning Father Widera's status and
12 conduct?

13 A I don't know.

14 Q Could Archbishop Cousins if he had so desired have
15 informed the Diocese of Orange not to place Widera
16 in a position where he'd be in contact with
17 children?

18 A Yes.

19 Q Could he, meaning Archbishop Cousins, have ordered
20 Father Widera to undergo evaluation to determine if
21 he was molesting children?

22 MR. FLYNN: You mean while he's in
23 California?

24 MR. STEIN: I thought I clarified that.
25 All these questions pertain to Father Widera

1 there?

2 Q We'll have to determine that. You told me before
3 that this set of circumstances couldn't exist
4 without the permission of the bishop in the Diocese
5 of Orange.

6 A Correct. I assumed that the California bishop gave
7 him permission.

8 Q Okay. So we'll add that to the mix. California
9 bishop says, "You have permission, Father Widera,
10 to practice here as a priest."

11 A "You have faculties to act as a priest from the
12 archdiocese."

13 Q Right, "even though you're still incardinated in
14 the Milwaukee Archdiocese."

15 A Yes.

16 Q Do you know whether or not, during that period of
17 time and under those circumstances, anybody from
18 the Archdiocese of Milwaukee informed anybody in
19 the Diocese of Orange that Father Widera had a
20 history of molesting boys?

21 A No. I do not know.

22 Q And obviously then you didn't do such a thing.

23 A Correct.

24 Q The same question with reference to parishioners at
25 any of the parishes in California, anybody inform

1 them that Father Widera was a pedophile and
2 molested children?

3 A I do not know.

4 Q Do you know whether or not the Archdiocese of
5 Milwaukee paid any of Siegfried Widera's travel
6 expenses from Milwaukee to California in 1976?

7 A I do not know.

8 Q You previously told me you were unaware until
9 within the last four years of Father Widera's
10 molestation of children.

11 A To the best of my recollection.

12 Q Okay. Can I assume then in 1976 you did not know?

13 A Correct.

14 Q Does the Archdiocese of Milwaukee, or did the
15 Archdiocese of Milwaukee ever send priests on
16 vacation?

17 A Not that I know of.

18 Q Would it have been within the power of the
19 Archbishop, if you know, to say to a priest, quote,
20 "Go on vacation," end quote?

21 MR. FLYNN: Object to the form of the
22 question. It's an incomplete hypothetical, vague
23 and ambiguous. Subject to those objections, if he
24 can answer, he can.

25 THE WITNESS: I don't know.

1 it found its way into the personnel board file?

2 A It may have been a copy without that last notation.

3 Q So the personnel board would not be concerned once
4 Father Widera was outside of the Diocese; is that
5 correct?

6 A Correct.

7 Q But the Chancery would --

8 A Chancery for sure would make sure they had a copy
9 of that, yes.

10 Q Why would that be?

11 A Canonically that's the office of the Archdiocese
12 that maintains current records of all of our
13 priests regardless of where they are in service.

14 Q The assumption is that they are still incardinated
15 in the Archdiocese of Milwaukee.

16 A Yes.

17 Q Okay. In the 1970s and 1980s, were there
18 newsletters and reports and things of this nature
19 that were regularly sent to priests?

20 A What kind of newsletters?

21 Q Any kind of newsletters, any kind of regular
22 publications, fliers, pamphlets, things of this
23 nature, that were regularly sent to the priests,
24 updates, quarterly reports, things of that nature?

25 A Chancery notes I'm sure would have been sent to

ARCHDIOCESE
OF MILWAUKEE

345 NORTH NINETY FIFTH STREET • P.O. BOX 2018 • MILWAUKEE WISCONSIN 53201 • PHONE 414/476 2101

THE CHANCERY

Rm
2-11
12-16
HJ
12-16

December 15, 1981

The Reverend Joseph F. Hornacek
Priests' Personnel Board
6033 West Lloyd Street
Milwaukee, Wisconsin 53213

Dear Father Hornacek:

This is to inform the Priests' Personnel Board that Father Siegfried F. Widera has been excommunicated from the Archdiocese of Milwaukee and officially incardinated into the Diocese of Orange, California, as of November 23, 1981. Kindly remove his name from your records and responsibilities.

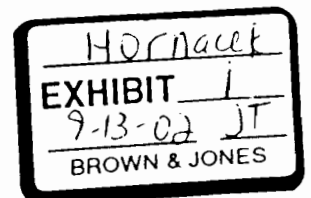
With kind personal regards and good wishes, I am

Sincerely yours in Christ,

Bob

(Rev.) Robert G. Sampon
Chancellor

RGS/mk



AOM 0208

December 20, 1976

His Excellency
The Most Reverend William R. Johnson
440 South Batavia Street
Orange, California 92668

ATTENTION: Father Michael Driscoll

Dear Father Driscoll,

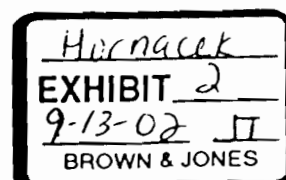
A few days ago I talked by phone to Bishop Johnson about a possible pastoral assignment for Father Siegfried Widera of this Archdiocese. The conversation was very general and the Bishop suggested that perhaps something could be done on a temporary basis. My reason for approaching Bishop Johnson is founded in the fact that Father Widera's brother and family live in Costa Mesa, California. In the course of our conversation the Bishop informed me that he would be absent for a while and asked that I discuss the matter further with you.

I talked to Father Widera this morning and informed him that I was writing to you at the Bishop's request. I learned that he is leaving to visit his brother and will arrive in California on or about January 5th. Under the circumstances I recommended that upon his arrival he immediately get in touch with you or with the Bishop and that in the meantime I would have written to you and to His Excellency.

Father Widera was ordained in 1967 and has done good work for the Diocese in the places to which he was assigned. In his earlier years there was a moral problem having to do with a boy in school. This seemed adequately confronted through treatment and an intense desire upon Father's part to avoid any repetition of a previous offense.

More recently, however, there has been a repetition, and according to our State Laws further psychiatric treatment is mandated with the strong recommendation that no immediate assignment be made in the environs of the Archdiocese.

Father Widera has cooperated in every way and is presently under treatment. His doctor is somewhat in favor of his leaving the scene but expects that there will be continuing treatment. This has already been arranged and a doctor in California will take over at this point. From all the professional information I can gather there would seem no great risk in allowing this man to return to pastoral work, but there are legal complications at present writing. Incidentally, these legal technicalities would permit Father's going to another State as long as treatment is continued.



AOM 0024

December 20, 1976

His Excellency
The Most Reverend William R. Johnson

-2

ATTENTION: Father Michael Driscoll

I would not expect Bishop Johnson or yourself to act in this matter without first of all interviewing Father Widera and satisfying yourself that charity will not add to existing personnel problems. If the man could be assigned on a temporary basis or if he could be given some part-time work that would give him the support of living in residence with other priests, half of the problem would be licked. This must be left to the Bishop's discretion and this discretion should not be exercised until pertinent and important questions have been answered. I hope this can be accomplished in a personal interview sometime in January.

There is no thought of incardination involved, and I am quite willing to accept the man back into the Archdiocese whenever circumstances would indicate. Though I anticipate no recurrence of this past aberration, I would certainly want to be informed if the slightest suspicion were to develop. I would like to show fraternal charity to a fellow priest but I cannot be virtuous at the expense of a fellow Bishop.

With the warmest of personal regards and with every good wish for the Holiday Season, I am

Fraternally yours in Christ,

Most Reverend William E. Cousins
Archbishop of Milwaukee

Widera, Rev. Siegfried F.

33926 Calle La

Thurman

San Point, Calif 92629

(714) 496-1307

WIDERA, Rev. Siegfried F.

St. Justin Martyr Church

2050 W. Ball Rd.
Anaheim, CA. 92804

(714) 774-2595

DOWN

December 20, 1940 at Dortmund, Germany

STUDIES

St. Francis Minor Seminary, 1955-1960; St. Francis Major

Seminary, 1960-1967

TONSURE

March 13, 1964 Seminary Chapel M. Rev. R. R. Atkielski

Sept. 29, 1964 " " M. Rev. R. R. Atkielski

ORDERS

April 3, 1965 " " M. Rev. W. E. Cousins

SUBDEACON

March 26, 1966 St. John Cathedral M. Rev. W. E. Cousins

DEACON

Nov. 5, 1966 St. John Cathedral M. Rev. W. E. Cousins

PRIESTHOOD

May 20, 1967 St. John Cathedral M. Rev. W. E. Cousins

APPOINTMENTS

July 14, 1967 - Curate, St. John de Nepomuc, Milwaukee

Associate Pastor, St. Mary Help of Christians, W. Allis - 196

Associate Pastor, St. Mary, Port Washington - June 13, 1972

Associate Pastor, St. Andrew, Delavan - June 17, 1975

Assignment Outside the Diocese: St. Pius V Parish, 7691 Orangethorpe

Ave., Buena Park, CA (Diocese of Orange) - January 12, 1977.

NAME

WIDERA, Rev. Siegfried Francis

Hornacek

EXHIBIT 3

9-13-02 JT

BROWN & JONES

AOM 0001

EXHIBIT "H"

ARCHDIOCESAN PERSONNEL BOARD

6033 West Lloyd Street
Milwaukee, Wisconsin 53213
475-0150

August 14, 1973

Communication from Archbishop William E. Cousins to J. Theisen, Exec. Sec.
of Priests' Personnel Board

Re: REV. SIEGFRIED F. WIDERA

Father Widera was arrested for, as the Milwaukee Sentinel stated it, sexual perversion with young boys. He appeared in the Ozaukee County Court yesterday, August 13, 1973 and was sentenced to three years probation. The Judge, who imposed the sentence, also ordered that Father Widera may not return to the Port Washington area.

Father Widera is presently seeing Dr. Leo F. Graham twice a week.

EXHIBIT "I"

BROWN & JONES REPORTING, INC.

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ORANGE, CENTRAL JUSTICE CENTER

ERIC NATHAN PAINO,

Plaintiff,

-vs-

Case No. 02 CC06293

THE ROMAN CATHOLIC BISHOP OF
ORANGE, THE ARCHDIOCESE OF
MILWAUKEE, FATHER SIGFRIED F.
WIDERA and DOES 1 through 100, inclusive,

Defendants.

**ORIGINAL
TRANSCRIPT**

Examination of FATHER JOHN J. THEISEN,
taken at the instance of the Plaintiff, under and
pursuant to Section 804.05 of the Wisconsin Statutes,
pursuant to Court Order, before JACQUELINE R. KOEPNICK,
a Registered Professional Reporter and Notary Public in
and for the State of Wisconsin, at Safer & Stein, 9001
North 76th Street, Milwaukee, Wisconsin, on the 9th day
of September, 2002, commencing at 2:58 p.m. and
concluding at 5:25 p.m.

1 that would be provided to you by the Archbishop's
2 office so that you could place this individual
3 appropriately?

4 A I do not recall a case where that happened.

5 Q Can you tell me, and this is a yes or no answer I
6 suppose, what if any criteria the Archbishop would
7 utilize in determining whether or not to provide
8 this information to the Personnel Board?

9 A I couldn't possibly answer that because I truly do
10 not know. We members on the board often wondered.

11 Q So actually I could draw from that that the kinds
12 of decision-making processes that went on within
13 the Archbishop's office was not something to which
14 the board was made privy?

15 A Right.

16 Q In 1973 was the Personnel Board of the Milwaukee
17 Archdiocese made aware of the fact that Father
18 Widera was, in fact, a pedophile?

19 A Yes.

20 Q When was that, sir?

21 A I think in the fall, but I'm --

22 Q Of 1973?

23 A Right.

24 Q What information were you provided in the fall of
25 1973 concerning Sigfried Widera being a pedophile?

1 A As I -- now this is a long time ago, as I recall, I
2 received a call from a Sheriff's Department in Port
3 Washington, Ozaukee County, and was told that
4 Father Widera had, I can't think of the exact words
5 they used, they did not use child molestation.
6 They used something like fondling or something a
7 child, and what should they do with him, and I said
8 well, that is something that I cannot answer. I
9 will have to call the Bishop's attention to that,
10 and you'll have to talk to him. I said would you
11 like me to call -- this is at night, would you like
12 me to call him, and they said, no, it can wait
13 until morning, so I called him in the morning.

14 Q By him, you're referring to Archbishop Cousins?

15 A Archbishop Cousins.

16 Q What did you tell Archbishop Cousins?

17 A That Father Widera had a problem in Port
18 Washington, and that he should call the Sheriff's
19 department.

20 Q Did Archbishop Cousins ask you questions concerning
21 what other information you might have at that time?

22 A I told him I didn't have any other information,
23 because I did not ask the Sheriff or Sheriff's
24 Department because I figured that was not my
25 position.

1 Q Did anybody from the Archbishop's office, including
2 the Archbishop himself, get back to you to tell you
3 any further information?

4 A No.

5 Q Did you ever hear anything further concerning this
6 call from the Sheriff's department?

7 A No.

8 Q Did the board know that Father Widera had been
9 sentenced to three years probation for moral
10 perversion with the young boys?

11 A I don't know. The only thing I can say is that I
12 remember seeing the picture of the Archbishop
13 sitting in the courtroom as Widera received
14 sentence.

15 Q A picture of the Archbishop sitting in the
16 courtroom?

17 A Um-hum, it was in the Milwaukee Sentinel.

18 Q Did the Archbishop's office pass any information to
19 the Personnel Board concerning the facts and
20 circumstances surrounding that conviction?

21 A No.

22 Q Subsequent to 1973 or during -- at the end of 1973
23 Father Widera was transferred from Port Washington
24 to Delavan, Wisconsin; is that within the same
25 Archdiocese?

1 Archbishop, don't you keep a record of that?

2 A Yes.

3 Q What would that record consist of, sir?

4 A A copy of the letter that the Archbishop sent to
5 the priest.

6 Q Telling him that he was transferred?

7 A Yes.

8 Q Am I permitted then to assume that if, in fact,
9 Father Widera was transferred to Port Washington to
10 Delavan in 1973 that there would be a letter in the
11 file in the Personnel Board file, from the
12 Archbishop saying transfer this man from Port
13 Washington to Delavan?

14 A Correct.

15 Q It is also correct then that based upon Exhibit No.
16 1, we have the right to assume that on August 14,
17 1973 you were aware that Father Widera had been
18 arrested, correct?

19 A Correct.

20 Q That he had been arrested for sexual perversion
21 with young boys?

22 A Correct.

23 Q That he appeared in court on August 13, 1973?

24 A Correct.

25 Q That he was sentenced to three years of probation?

1 A Correct.

2 Q And banned from Port Washington?

3 A Correct.

4 Q You knew all this on August 14, 1973?

5 A Yes.

6 Q And you knew that because of Exhibit No. 1 and from
7 seeing the article in the newspaper; is that
8 correct?

9 A Correct.

10 Q Do you know whether or not the directive from
11 Archbishop Cousins to transfer Father Widera from
12 Port Washington to Delavan came after August 14,
13 1973?

14 A I would not be able to answer that.

15 Q Okay.

16 (Exhibit No. 2 was marked.)

17 BY MR. STEIN:

18 Q Did Archbishop Cousins ever tell you any of the
19 details about what this sexual molestation was all
20 about?

21 A No.

22 Q He didn't tell you that Father Widera had been
23 caught by the police engaged in oral sex with a
24 young boy?

25 A No.

1 from young boys?

2 A No.

3 Q Let me show you what I have marked as Exhibit No. 2
4 for identification. Do you recognize that, sir?
5 Do you recognize it?

6 A Yes.

7 Q This is, in fact, a letter that is addressed to
8 you; is that correct?

9 A Correct.

10 Q It's dated February 12, 1974?

11 A Correct.

12 Q From a Mrs. Neill, it looks like, Flood?

13 A Flood, right.

14 Q At St. Andrew's School; is that correct?

15 A Yes, vice president St. Andrew's School Board.

16 Q And what she's telling you, if I may paraphrase, is
17 how delighted she is to have Father Widera at their
18 parish, and, quote, "the children in our school
19 literally follow him around. He is so kind and
20 shows so much interest in them," period, end quote,
21 you see that?

22 A Yes.

23 (Exhibit No. 3 was marked.)

24 BY MR. STEIN:

25 Q Father, I'm going to show you what I've had marked

1 as Exhibit No. 3 for identification purposes. In
2 addition to being marked as Exhibit 3, it's also
3 Bates stamped AOM 0180. By the way, just for the
4 record, Exhibit 2 is Bates stamped AOM 0179. Now
5 directing your attention to Exhibit 3, do you
6 recognize that?

7 A Yes.

8 Q That's a letter that you wrote approximately a week
9 later to the same Mrs. Neill Flood; is that
10 correct?

11 A Yes.

12 Q And that is dated February 19, 1974, correct?

13 A Right.

14 Q And in response to Ms. Flood's letter to you you
15 say, quote, "we are happy to hear that he is doing
16 well in the school and shows so much interest in
17 the children," period, end quote. You see that?

18 A Yes.

19 Q Did you tell ever tell Ms. Flood that Father Widera
20 had been convicted of molesting children?

21 A No.

22 Q Why not?

23 A I can't recall that.

24 Q Well, let me just ask you this question. You had
25 knowledge in August of 1973 -- don't worry I'll

1 give you plenty of chance to object, you knew in
2 August of 1973 that Father Widera had been
3 convicted of molesting children, correct?

4 A Correct.

5 Q Now, you get a letter now from a woman in another
6 parish who talks about how well he gets along with
7 children, correct?

8 A Correct.

9 Q But you never tell her that he's a child molester,
10 do you?

11 MR. MUTH: I believe he testified he
12 didn't recall one way or the other.

13 THE WITNESS: I don't know. I didn't
14 recall. I don't recall that.

15 BY MR. STEIN:

16 Q This letter, Exhibit 3, contains no reference to
17 that effect, does it?

18 A No.

19 Q Were you directed by Archbishop Cousins not to
20 reveal this information, i.e., Father Widera's
21 molestation of children to anyone?

22 A This letter, as I saw it, is a form letter which I
23 sent out to every person who had complimentary
24 remarks to make about a priest. You change certain
25 things in it, but I responded to every letter. My

1 reason. I'll instruct the witness to answer,
2 including the ones I've already instructed him not
3 to answer.

4 MR. STEIN: Well, I don't remember even
5 which ones they were. We're going to have to go
6 back in the record. I don't think there were many.
7 I can think of some things in some areas I want to
8 ask him about where it may come up again anyway.

9 MR. MUTH: That's fine.

10 BY MR. STEIN:

11 Q I'm going to show what I've had marked as Exhibit
12 No. 4. It's also Bates stamped and I tried to
13 reconstruct this, I think it's AOM 0181, but it's
14 Exhibit 4 for the purposes of this deposition. I'm
15 going to ask you if you recognize that document.

16 A I don't recognize it. You know, obviously it was
17 sent to me.

18 Q It's dated February 20, 1974?

19 A Right.

20 Q And it is addressed to you?

21 A Yes.

22 Q But is it your testimony that you have no
23 recollection of having received it?

24 A I can't remember.

25 Q Let's see if this helps refresh your recollection.

1 I show you Exhibit No. 5, which is also Bates
2 stamped 0182. Do you recognize that letter? It's
3 dated February 25, 1974, correct?

4 A Yes.

5 Q And it's addressed to the same person who wrote the
6 letter to you on February 20, 1974 Ms. Moran,
7 M-O-R-A-N; is that correct?

8 A Correct.

9 Q Again, going back to Exhibit 4, again, Ms. Moran
10 says quote, "he was something well liked so hope we
11 can keep him permanently. He is so good with the
12 school children," correct?

13 A Correct.

14 Q In your response to Ms. Moran, Exhibit 5 you don't
15 make any mention of the information that you had in
16 August of '73 that Father Sigfried Widera was a
17 pedophile?

18 A No.

19 Q And again is it your testimony that this is simply
20 a form letter?

21 A Yes.

22 Q Again, tell me, Father, why if you knew he was a
23 pedophile in 1973, wouldn't you have told Ms.
24 Moran, especially in view of the fact that she's
25 talking about his relationship with children, why

1 being part of the archives of the Archdiocese which
2 included the Personnel Board, you wouldn't have any
3 reason to disagree with that, would you?

4 A I don't know if I'm following you.

5 Q This document, the original of this document a copy
6 of it --

7 A This letter?

8 Q Yes, Exhibit 5 was produced at a prior deposition.
9 It was represented by the records custodian of the
10 archives of the Archdiocese that it was maintained
11 as a part of the archives and came from the
12 Personnel Board files. Would you have any reason
13 to disagree with that?

14 A No.

15 Q It says that -- you don't recognize the letter
16 itself?

17 A Correct. When you were dealing with 500 priests,
18 you don't remember all these letters.

19 Q Let's follow up on that a little bit. You had
20 testified earlier that you had no recollection of
21 -- or strike that. In this particular situation,
22 you're dealing with a priest who is a pedophile; is
23 that correct, Father Widera?

24 A Yes.

25 Q And would I be safe in assuming that you didn't

1 have too many pedophiles coming through your
2 offices?

3 A Right.

4 Q Wouldn't that have caused letters concerning Father
5 Widera to stand out in your mind?

6 A I'm sure they did, but they were all so positive.

7 Q Again, in this particular letter from a Mrs. Pat
8 Rafferty, she again says, "he is one whom we all
9 like and the children are so happy with him."
10 Okay. "He is gentle, courteous and considerate and
11 the children adore him," end quote, you see that?

12 A Yes, I do.

13 Q Do you have a recollection of contacting Pat
14 Rafferty and indicating to her that this man was a
15 pedophile?

16 A No.

17 Q And that's because that would not have been a part
18 of the duties of the Personnel Board or you in
19 particular; is that correct?

20 A Correct.

21 Q I have here what I've had marked as Exhibit No. 7
22 for identification, and it consists of three pages,
23 excuse me, I take that back. Exhibit 7 consists of
24 one page. Do you recognize Exhibit No. 7, sir?
25 It's also Bates stamp 0184. Do you recognize it?

1 A Yes.

2 Q It's a letter to you; is that correct?

3 A Correct.

4 Q It's dated February 28, 1974?

5 A Correct.

6 Q It's from a Clara Gerke, G-E-R-K-E?

7 A Correct.

8 Q Of Delavan, Wisconsin, correct?

9 A Correct.

10 Q She identifies herself as a member of St. Andrew's
11 Parish in Delavan?

12 A Right.

13 Q And it again addresses Father Widera being there;
14 is that correct?

15 A Correct.

16 Q Do you have a recollection of responding to Ms.
17 Gerke?

18 A No.

19 Q Would these -- I asked this once before. Are all
20 these letters, these complimentary letters that you
21 received concerning Father Widera, were they all
22 shown to Archbishop Cousins?

23 A I couldn't -- I don't know.

24 Q Was it the practice of the board to show letters
25 either complimentary or not complimentary

1 concerning priests that were received by the board,
2 was it the practice to show them to the Archbishop?

3 A Yes.

4 Q Was there any reason why you would have deviated
5 from that practice in the case of these letters?

6 A No.

7 Q So that I can assume that all of the letters that
8 I've shown you that have been marked as exhibits
9 here today would have been shown to Archbishop
10 Cousins?

11 A I can't say that really.

12 Q You can say, however, that it was the practice to
13 show him?

14 A It was the practice to show him.

15 Q Can you think of any reason why any of those
16 letters would not have been shown to him?

17 A No.

18 Q I'm showing you what has been marked as Exhibit No.
19 8 for identification. This time it's a two-page
20 letter, and it's also Bates stamped 0185 and 0186,
21 and I'm going to ask you if you can recognize that
22 letter? Do you recognize it?

23 A Yes.

24 Q This is letter dated March 2nd, 1974?

25 A Right.

1 Q It is from a Mrs. Joan Olson of Delavan, Wisconsin?

2 A Correct.

3 Q Consisting of two pages addressed to you, correct?

4 A Yes.

5 Q Again, it's a complimentary letter with reference
6 to Sigfried Widera?

7 A Yes.

8 Q And in this letter Ms. Olson identifies herself,
9 quote, "I am the mother of four teenagers and have
10 been a member of St. Andrew's Parish for 15 years,"
11 end quote?

12 A Correct.

13 Q Do you recall responding to Ms. Olson?

14 A No.

15 Q I'm showing you what I've had marked as Exhibit 9
16 for identification, and ask you whether or not you
17 recognize that document, which is also Bates
18 stamped 0187?

19 A Yes.

20 Q Do you recognize that as a letter that you sent to
21 Ms. Olson in response to her letter?

22 A Yes, as I mentioned I responded to all those
23 letters.

24 Q And you use a form; is that correct?

25 A Yes. Well, it's quite a different -- it's a form

1 letter, yes.

2 Q Again, did you inform Ms. Olson as the mother of
3 four teenagers she ought to be aware that Father
4 Widera was a pedophile?

5 A I don't recollect doing that.

6 Q Were you instructed by the Archbishop not to do so?

7 A No.

8 Q Was it contrary to the policy of the board to
9 withhold that information?

10 MR. MUTH: Asked and answered. You can
11 answer it again. Do you recall the question?

12 THE WITNESS: I don't.

13 BY MR. STEIN:

14 Q Okay. The question was was it the policy of the
15 Personnel Board to withhold information concerning
16 priests being pedophiles?

17 A No.

18 Q Do you say no because there was no formulated
19 policy or no because you had a policy to inform
20 people?

21 A It was not our job to inform people.

22 Q Would Ms. Olson's letter have been shown to
23 Archbishop Cousins?

24 A Yes.

25 Q So there is no reason why it would not have been

1 Archbishop has over any priest in his Archdiocese?

2 MR. MUTH: Continuing objection.

3 BY MR. STEIN:

4 Q Sure.

5 A If that priest recognizes that authority.

6 Q Well, does the priest have the right not to
7 recognize the authority of a Archbishop?

8 A Sure.

9 Q Under what circumstances?

10 A Whenever he pleases.

11 Q Priests can go and come and don't have to obey the
12 rules of the Archbishop?

13 A They should.

14 Q But they don't have to?

15 A They should.

16 Q But they don't have to?

17 A I would say yes.

18 Q Yes what?

19 A They have to.

20 Q So then if that's the case when Father Widera went
21 to California, and he was still incardinated in the
22 Milwaukee Archdiocese, wasn't Archbishop Cousins
23 his superior?

24 A Yes.

25 Q And didn't Archbishop Cousins have authority over

1 him even though he was in the state of California?

2 A Yes.

3 Q The same authority that he Archbishop Cousins would
4 have had over Father Widera if he was within the
5 Milwaukee Archdiocese, the very same?

6 A Yes.

7 Q Could Archbishop Cousins have ordered Father Widera
8 to return to Wisconsin?

9 A Yes.

10 Q He could have removed him from the Diocese of
11 Orange if he had so chosen?

12 A If he had so chosen.

13 Q Could he have revoked Father Widera's rights to
14 practice as a priest if he refused to return?

15 A Yes.

16 Q Could he have, could Archbishop Cousins have
17 petitioned the Pope to laicize Father Widera,
18 L-A-I-C-I-Z-E, how do you pronounce that?

19 A Laicize.

20 Q Laicize Father Widera if he refused to return,
21 could he have petitioned the Pope to do that?

22 A That I don't know.

23 Q Would Archbishop Cousins have had the right to ask
24 Father Widera while he was in California if he was
25 still molesting children?

1 A Yes.

2 Q Wouldn't the Archbishop Cousins have the right to
3 investigate Father Widera while he was in
4 California to determine if he was molesting
5 children?

6 MR. MUTH: I'm just renewing my
7 objections.

8 MR. STEIN: Fine. I know that you have a
9 standing objection to all of these questions.

10 THE WITNESS: Well, I guess what I saw
11 in one of these sheets he was excardinated, too.

12 BY MR. STEIN:

13 Q Well, I understand that, but let's presume that
14 he's not excardinated yet.

15 A Before excardination.

16 Q Before excardination, while he's still incardinated
17 in Milwaukee Archdiocese, okay. The question --
18 and he's in California, got the picture straight?

19 A Yes.

20 Q Father Widera is in California, he's incardinated
21 in the Milwaukee Archdiocese. But he's in
22 California physically. Okay?

23 A Yes.

24 Q And just so that we're not confused at all about
25 the questions that I ask you, Archbishop Cousins

1 could have ordered him back to Wisconsin, could he
2 not?

3 A Yes.

4 Q He could have removed -- he could have removed him
5 from the Archdiocese -- from the Diocese of Orange?

6 A Yes.

7 Q He could have revoked his right to act as a priest?

8 A That I don't know.

9 Q He could have petitioned the Pope?

10 A That I don't know.

11 Q I'm not finished.

12 A I'm sorry.

13 Q To laicize Father Widera?

14 A No, that I don't know.

15 Q He could have asked Father Widera if he was still
16 molesting children?

17 A Yes.

18 Q He could have conducted an investigation into the
19 activity of Father Widera to determine if he was
20 molesting children, could he not?

21 A Yes.

22 Q He could have asked the Diocese of Orange to
23 provide reports on the status of Father Widera?

24 A Yes.

25 Q He could have asked the Diocese of Orange to put

1 have ordered Father Widera to undergo psychological
2 or psychiatric evaluation to determine whether he
3 was a risk to children?

4 A I didn't understand that.

5 Q While Father Widera was in California but still
6 incardinated in the Archdiocese of Milwaukee, did
7 Archbishop Cousins have the authority to order
8 Father Widera to undergo psychological or
9 psychiatric evaluation to determine if he was still
10 a danger to children?

11 A I don't know that.

12 Q Could he have ordered Father Widera to take a lie
13 detector test to see if he was molesting children,
14 we're talking about Archbishop Cousins?

15 A I don't know.

16 Q If you know, while Father Widera acts as a priest
17 in the state of California, was still incardinated
18 in the Archdiocese of Milwaukee, did the
19 Archdiocese ever revoke Father Widera's facility to
20 practice as a priest?

21 A I don't know.

22 Q After Father Widera went to California was acting
23 as a priest there, did anyone from the Archdiocese
24 of Milwaukee inform anyone, any priest or nun or
25 religious brother or anybody that Father Widera had

1 a history of molesting boys and should be
2 supervised?

3 A I don't know.

4 Q Did you personally do it?

5 A No.

6 Q You did nothing to make sure that Father Widera was
7 being supervised in California?

8 A That was not our role.

9 Q Whose role was it?

10 A Bishop's.

11 Q Archbishop Cousins?

12 A Um-hum, yes.

13 Q Did anybody from Milwaukee Archdiocese warn anybody
14 in California, anybody outside of the Catholic
15 church, the priesthood, nuns and the like, any
16 parishioners, did you ever warn them that Father
17 Widera was a pedophile?

18 A I don't know.

19 Q You didn't personally do that, did you?

20 A No.

21 Q Or do anything to keep Father Widera away from
22 children? You didn't do anything about that, did
23 you?

24 A No.

25 Q Do you know whether or not the Archdiocese paid any

1 A I don't know.

2 Q Same would apply to health care expenses and
3 pension benefits?

4 A Yes, yes.

5 Q And living expenses?

6 A Yes.

7 Q Do you know whether or not the Archdiocese of
8 Milwaukee made arrangements for Father Widera to
9 obtain treatment for mental health care in the
10 state of California?

11 A In the state of California?

12 Q Yes.

13 A I don't know.

14 Q Are you familiar with Exhibit No. 15, consisting of
15 two pages, Bates stamp number 0024 and 0025?

16 A Am I familiar with this?

17 Q Yes.

18 A No.

19 Q Never saw it before in your life?

20 A No, Mr. Stein, I don't remember ever seeing this.
21 I should read this.

22 Q I really do want you to. That was the next thing I
23 was going to ask you to do, sir.

24 A I have never seen this before.

25 Q Do you have any information at all from any other

1 source --

2 A No.

3 Q Let me ask you the question first.

4 A No. I thought you were done.

5 Q As to whether or not Father Widera obtained any
6 kind of treatment in Orange?

7 A No. I'm sorry, if I jumped in.

8 Q That's quite all right. You were anticipating my
9 question. But the answer is the same nonetheless.
10 Do you know whether or not it was the Archdiocese
11 of Milwaukee -- do you see the reference to
12 treatment in the letter?

13 A Which page are you on?

14 Q Okay. It says on the first page, fourth paragraph.
15 "Most recently, however, there has been a
16 repetition and according to our State Laws further
17 psychiatric treatment is mandated with a strong
18 representation that no made immediate assignment be
19 made in the environs of the Archdiocese"?

20 A Yes.

21 Q It makes reference to further psychiatric
22 treatment. Do you know whether the Archdiocese of
23 Milwaukee made arrangements for that treatment in
24 California?

25 A I don't know.

1 Q Do you know whether or not the Archdiocese made any
2 effort whatsoever to make sure that Father Widera
3 received treatment in California?

4 A I don't know that either.

5 Q While Father Widera was still in Milwaukee or in
6 California for that matter -- or strike that. Do
7 you know whether or not the Archdiocese of
8 Milwaukee obtained any kind of a diagnosis with
9 respect to Father Widera for any mental health
10 provider in California?

11 A Would you please say that again? The last part.

12 MR. STEIN: Sure, repeat the question,
13 please, Madam Reporter.

14 (Question read.)

15 THE WITNESS: I don't know.

16 BY MR. STEIN:

17 Q Do you know whether there was any communication
18 between the Archdiocese of Milwaukee and any mental
19 health care provider in the state of California?

20 A No, I don't know.

21 Q Do you know if there was any contacts between the
22 Archdiocese of Milwaukee and Father Widera while he
23 was in California?

24 A I don't know.

25 Q How about you; did you call him or contact him?

ARCHDIOCESAN PERSONNEL BOARD

6033 West Lloyd Street
Milwaukee, Wisconsin 53213
475-0150

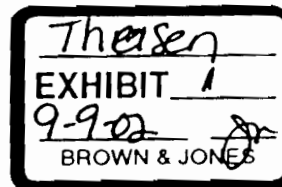
August 14, 1973

Communication from Archbishop William E. Cousins to J. Theisen, Exec. Sec.
of Priests' Personnel Board

Re: REV. SIEGFRIED F. WIDERA

Father Widera was arrested for, as the Milwaukee Sentinel stated it, sexual perversion with young boys. He appeared in the Ozaukee County Court yesterday, August 13, 1973 and was sentenced to three years probation. The Judge, who imposed the sentence, also ordered that Father Widera may not return to the Port Washington area.

Father Widera is presently seeing Dr. Leo F. Graham twice a week.



AOM 0177

Feb. 12, 1974

Dear Father Theisen,

I'm writing to tell you how pleased we are to have Fr. Sig Widera here in St. Andrew's parish. He has endeared himself to all who have had contact with him.

The children in our school literally follow him around; he is so kind and shows so much interest in them.

It is really great having a priest in our parish who gives the kind of example Fr. Widera does and who relates to the youngsters.

I have also heard many fine remarks regarding Father's visits to the hospital. Well - I could go on and on - but I think you can see why we are so pleased with Fr. Widera being in our parish.

Sincerely,
Mrs. Nell Flood
Vice President
St. Andrew's School Co.

n.j.k

AOM 0179



February 19, 1974

Mrs. Neill [REDACTED]
[REDACTED]

Dear Mrs. [REDACTED]

The Archdiocesan Priests' Personnel Board is in receipt of your letter dated February 12, 1974.

We are most happy to hear that you are so pleased with Father Sig Widera. We are happy to hear that he is doing well in the school and shows so much interest in the children.

I assure you that your kind letter will be brought to the attention of the entire seven man Personnel Board at our next meeting.

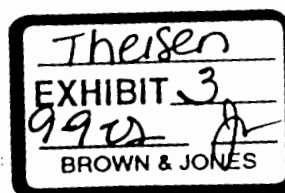
Thank you again for the interest and kind words you have spoken in behalf of Father Widera.

Sincerely,

ARCHDIOCESAN PERSONNEL BOARD

Rev. John J. Theisen
Executive Secretary

JJT:pml



AOM 0180

Feb 20 - 1974

Rev John Theisen
 Personel Board.
 Dear Father Theisen

I am writing from St Andrews Church in Bladensburg we have Fr. Widera helping us.

He is so well liked so hope we can keep him permanently his so good with the school children, he visits the sick and elderly and is so understanding that they all look for his visits.

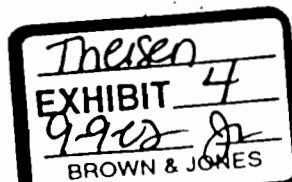
He is so religious and preaches a very instructive sermon.

I hope you see fit to appoint him to St Andrews as we need some one like him for our Parish.

Sincerely,
 Agnes [redacted]
 [redacted]
 [redacted]
 [redacted]

TIME ID - 2/24/74

AOM



February 25, 1974

Mrs. Agnes [REDACTED]
[REDACTED]

Dear Mrs. [REDACTED]

The Archdiocesan Priests' Personnel Board is in receipt of your letter dated February 20, 1974.

Your kind words concerning Father Sigfried Widera are most appreciated and will be brought to the attention of the entire Personnel Board at our next meeting.

Thank you again for your thoughtfulness and your interest in St. Andrew parish.

Sincerely,

ARCHDIOCESAN PERSONNEL BOARD

Rev. John J. Theisen
Executive Secretary

JJT:pml



AOM 0182

[REDACTED]
[REDACTED]
Feb. 28, 1974.

Rev. John Theisen,
Personal Board -
6033 Lloyd Street;
Milwaukee, Wis.
Dear Rev. Theisen:

This is to ask you if you will kindly consider allowing Fr. Rigered Wedira, who is now at St. Andrew's Parish here at Delavan, to remain with us. He is one whom we all like, and the children are so happy with him. He is gentle, courteous and considerate and the children adore him.

We are all offering our prayers - that you will consent to allow him to remain among us.

Sincerely,

Mrs. Pat [REDACTED]



AOM 0183

[REDACTED]
[REDACTED]
Feb. 28 - 1974

Rev. John Theisen
Personal Board -
6033 Lloyd Street;
Milwaukee, Wis 53213

Dear Rev. Theisen:

Every one here at St. Andrews Parish
thinks so much of Fr. Sigfred
Wedica. We are hoping you will
allow him to stay here. The
children are very happy with him.
We older people think it would
be one of the most wonderful
things that ever happened at
St. Andrews. Thank you Father.

AME

JD 3/4/74

Sincerely

Miss Clara [REDACTED]

AOM 0184



Mar 2, 1974

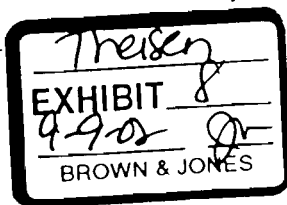
Rev John Thiesen -

I am a member of St. Andrews Parish in Delanson, N.Y. I want to tell you how much we enjoy having Fr. Sigfried Widera with us.

He is as I understand, only here to help out for awhile. We would like to have him stay with us if possible.

I am the mother of 4 then again and have been a member of St. Andrews Parish for 15 years.

We all enjoy Fr. Widera so much. He is wonderful with the young children and is so good to our older people. The only



AOM 0185

been my pleasure to meet him
once. But I have enjoyed
going to the house he says
on his and hope he
will be able to stay on
with us.

Please let it go on record
that if too, would like to
have him stay on in St
Andrew Parish.

Thank you for your time
sincerely

Mrs Joan [REDACTED]
[REDACTED]
[REDACTED]

JLL 3/11/74

March 18, 1974

Mrs. Joan [REDACTED]
[REDACTED]

Dear Mrs. Olson,

The Archdiocesan Priests' Personnel Board is in receipt of your letter dated March 2, 1974.

We certainly do appreciate the very kind words you have to say about Father Sigfried Widera. The entire Board is most happy that Father Widera is doing so well at St. Andrew parish and your request that he should remain at St. Andrew will receive every consideration.

Thank you for your interest in the People of God in your parish.

Sincerely,

ARCHDIOCESAN PERSONNEL BOARD

Rev. John J. Theisen
Executive Secretary

JJT:pml



AOM 0187

546

District CYO Director, Ozaukee County, Dist. 11

9/23/72

SICK LEAVE

St. Andrew (In. Res.)

714 E. Walworth Ave., 53115

A.P., St. Andrew

Delavan

6/17/75

OUTSIDE DIOCESE:

1/12/77

St. Pius V Parish, 7691 Orangethorpe Ave.

Buena Park, California 90621

A.P., St. Justin Martyr Church Anaheim, Calif.

4/11/77

EXCARDINATED, ARCHDIOCESE OF MILW., AND INCARDINATED INTO DIOCESE OF
ORANGE, CALIFORNIA, EFFECTIVE 11/23/81.

AOM 0159



WIDERA, SIEGFRIED F.

-1-

3/2/72 - telephone - requests transfer.

7/31/73 - telephone per Archbishop - that S. Widera needs to be transferred immediately.

8/14/73 - telephone per Archbishop - that S. Widera on 3 years probation. Sees Dr. Leo Graham two times a week. May not return to area of Port Washington by order of judge. Staying with parents 762-7092.

8/15/73 - interview with F. Paulus - rejected S. Widera as A.P. at St. Mary, Elm Grove.

8/16/73 - telephone per J. Waldbauer - informed him of S. Widera being refused by F. Paulus.

8/22/73 - telephone per J. Emmenegger - inquired whether S. Widera going to S. Papelbon. No.

8/30/73 - telephone JWaldbauer to S. Widera to assure him Board is still working on an assignment.

8/31/73 - telephone per P. Lippert - he and J. M. Murphy would like to offer S. Widera place to work but with them not take anyone away.



AOM 0160

WIDERA, SIEGFRIED

-2-

9/6/73 - telephone per J. Waldbauer - that S. Widera will be helping out at St. Andrew, Delavan.

9/19/73 - telephone per E. Hanke - says to list S. Widera as A.P. Pro Tem.

10/2/73 - telephone - S. Widera will be at Delavan 3 or 4 more weeks.

10/22/73 - telephone per J. Rathke re helpout - told him to contact S. Widera himself.

10/23/73 - telephone per F. Schmidt - requests S. Widera as A.P.

10/29/73 - telephone - will call Tuesday re whether he will go to St. Catherine, Milwaukee.

11/2/73 - telephone - Dr. Graham

REDACTED

11/5/73 - telephone - Dr. Graham

REDACTED

11/7/73 - telephone - E. Henke open to keeping S. Widera. Would like to keep it as it is now, on an unofficial basis.

11/8/73 - telephone - S. Widera happy to stay on at Delavan per J. Waldbauer Dr. Graham **REDACTED**. If situation changes they will let Board know.

1/30/74 - telephone per J. Thompson - that S. Widera becoming too popular and posing threat to J. Kramer.

3/15/74 - telephone from parishioner, St. Andrew, Delavan (Thacker) requests that S. Widera remain.

9/6/74 - telephone - J. Thompson - concerned about S. Widera's status. Also concerned about the deaf being taken care of. Ask's that J.J.W. call him next week.

11/7/74 - telephone - J. Thompson - check on status of S. Widera in Delavan.

5/6/75 - Personnel Board recommended that S. Widera be assigned to A.P., St. Andrew, Delavan.

5/19/75 - telephone - S. Widera - accepts A.P., St. Andrew, Delavan, but wants no publication in Herald Citizen.

AOM 0161

WIDERA, SIEGFRIED

-3-

8/20/76 - telephone - E. Henke - informed that S. Widera has had an incident with an 11 year old boy a couple of months ago. Henke is concerned that the talk may become vicious against him in such a small town because news travels fast. D. Weber knows about it and is asked to be consulted.

8/20/76 - telephone - S. Widera - plans to leave St. Andrew Parish, Delavan, on Monday, Aug. 23; he plans to go to his brother's place: Hans Widera - 1078 Salvadore - Costa Mesa, California 92626 - 1-714-557-2564.

8/23/76 - telephone - E. Henke - says S. Widera at 3995 West College Avenue, Milw., Wis. 53221.

9/28/76 - telephone - Re. S. Widera - L. Graham reports

REDACTED

10/18/76 - telephone - S. Widera - wonders what is available if he were to return; he feels that he may ask for a leave of absence or work in a California parish.

11/16/76 - telephone - S. Widera - is open to going for treatment, just as long as it would not be a reduplication of what his contact with Graham is and has been. He wonders what financial help is available for such care.

11/19/76 - telephone - Leo Graham -

REDACTED

11/26/76 - Interview - S. Widera - is considering a move toward sick leave, going to California and continuing consultation with a psychiatrist at UCLA.

12/3/76 - telephone - S. Widera - plans to see the Archbishop.

12/3/76 - telephone - Archbishop informs the Board that: S. Widera - will spend some time with his parents in Florida and then go to California to continue psychotherapy with the contact of Leo Graham; the Archbishop plans to contact Bishop Johnson of Orange to see if there might be something available for Widera.

12/17/76 - telephone - Archbishop: has called Bishop Johnson in Orange about possibility for S. Widera.

1/20/77 - telephone - W.E.C. - S. Widera has faculties and residence with \$1 per month salary at St. Pius V Parish, 7691 Orangethorpe Ave., Buena Park, California 90621 (714-522-2193), effective 1/12/77 on an indefinite time li

AOM 0162

WIDERA, SIEGFRIED

-4-

3/25/77 - telephone - The Archbishop reports: (a) Appointment of S. Widera as A.P., St. Justin Martyr in Anaheim, Cal., effect. 4/11/77.

12/16/81 - corresp. - R. Sampon reports that S. Widera is now excardinated from Archdiocese of Milw., and incardinated into Diocese of Orange, Ca., effective 11/23/81.

AOM 0163

Correspondence to; Enmake Driscoll
T. Fr. Siggfried Widera - 100 Pierce Dr. Apt 304
Clearwater, Fla. 33516 1-813-443-3702

Bishop William R. Johnson.

→ 440 South Batavia Street, Orange, Calif. 92668

1-714-639-8010

(believes he would be in today; usually take off
on a Tuesday -- personal secretary is "Arlene")

Sig's Brother 1078 Salvadore - Costa Rica
Can 9222

AOM 0194

Thesen
EXHIBIT 12
990
BROWN & JONES



J. W. Cousins
 THE MOST REVEREND WILLIAM E. COUSINS, D.D.
 Archbishop of Milwaukee

Fr. W. d. e. n. a
after 12/5/76 -
100 Pierce Apt 304
Crescent St. - 33510
813-443-5702

Rt. Wm. Johnson (over)
275
440 S. Peterson 0707
Orange CA 92668

Don Schmauz - church Wheaton

AOM 0192

Theisen
 EXHIBIT *13*
990
 BROWN & JONES

APR 8 10 10 AM '02
1078 Salvadore
Coast Mesa
Calif 92626

10/10/02 10:00 AM

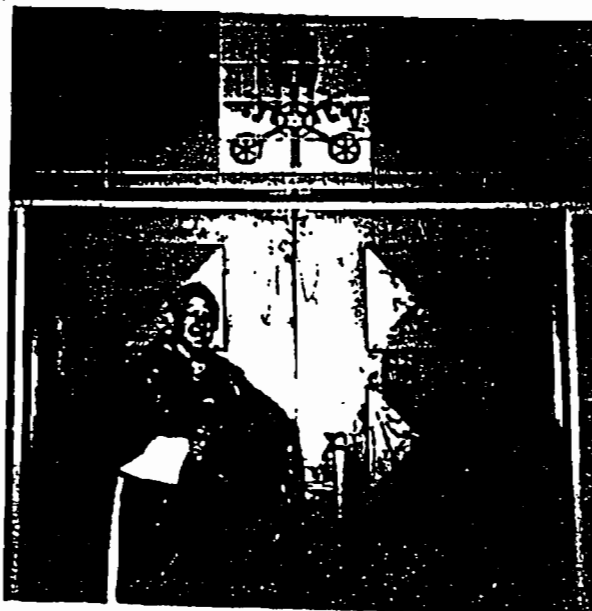
R. FREBERG ESQ. HOME

Feb. 1977
Paris
St. Paul
Cal.
Buena
Vista
Windsor



10 10:17 AM 10/10/02

10 10:17 AM 10/10/02



December 20, 1976

His Excellency
The Most Reverend William R. Johnson
440 South Batavia Street
Orange, California 92668

ATTENTION: Father Michael Driscoll

Dear Father Driscoll,

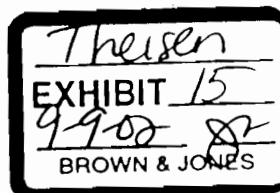
A few days ago I talked by phone to Bishop Johnson about a possible pastoral assignment for Father Siegfried Widera of this Archdiocese. The conversation was very general and the Bishop suggested that perhaps something could be done on a temporary basis. My reason for approaching Bishop Johnson is founded in the fact that Father Widera's brother and family live in Costa Mesa, California. In the course of our conversation the Bishop informed me that he would be absent for a while and asked that I discuss the matter further with you.

I talked to Father Widera this morning and informed him that I was writing to you at the Bishop's request. I learned that he is leaving to visit his brother and will arrive in California on or about January 5th. Under the circumstances I recommended that upon his arrival he immediately get in touch with you or with the Bishop and that in the meantime I would have written to you and to His Excellency.

Father Widera was ordained in 1967 and has done good work for the Diocese in the places to which he was assigned. In his earlier years there was a moral problem having to do with a boy in school. This seemed adequately confronted through treatment and an intense desire upon Father's part to avoid any repetition of a previous offense.

More recently, however, there has been a repetition, and according to our State Laws further psychiatric treatment is mandated with the strong recommendation that no immediate assignment be made in the environs of the Archdiocese.

Father Widera has cooperated in every way and is presently under treatment. His doctor is somewhat in favor of his leaving the scene but expects that there will be continuing treatment. This has already been arranged and a doctor in California will take over at this point. From all the professional information I can gather there would seem no great risk in allowing this man to return to pastoral work, but there are legal complications at present writing. Incidentally, these legal technicalities would permit Father's going to another State as long as treatment is continued.



AOM 0024

December 20, 1976

His Excellency
The Most Reverend William R. Johnson

-2

ATTENTION: Father Michael Driscoll

I would not expect Bishop Johnson or yourself to act in this matter without first of all interviewing Father Widera and satisfying yourself that charity will not add to existing personnel problems. If the man could be assigned on a temporary basis or if he could be given some part-time work that would give him the support of living in residence with other priests, half of the problem would be licked. This must be left to the Bishop's discretion and this discretion should not be exercised until pertinent and important questions have been answered. I hope this can be accomplished in a personal interview sometime in January.

There is no thought of incardination involved, and I am quite willing to accept the man back into the Archdiocese whenever circumstances would indicate. Though I anticipate no recurrence of this past aberration, I would certainly want to be informed if the slightest suspicion were to develop. I would like to show fraternal charity to a fellow priest but I cannot be virtuous at the expense of a fellow Bishop.

With the warmest of personal regards and with every good wish for the Holiday Season, I am

Faternally yours in Christ,

Most Reverend William E. Cousins
Archbishop of Milwaukee

EXHIBIT "J"

St. Joseph High School of Kenosha, Inc.

2401 Sixty-ninth Street
Kenosha, Wisconsin 53140
Telephone (414) 654-8651

BOARD OF TRUSTEES

REV. PAUL M. ESSER, M. Ed.
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G. THOMAS McTERNAN
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WM. G. SCHMITZ
EUGENE W. SCHULTE
FERD SERTO
GENE F. SOENS

September 3, 1973

Conversation with Fr. Rolland Glass

From Paul Esser

Fr. Glass' comments on Fr. Siegfried Widera:

1. He was always in bed or sitting--literally. Not very ambitious.
2. He drank a lot. The police brought him home on at least one occasion in an intoxicated state. He would leave the bottles laying around his room.

He was a "loner." He had difficulty relating with adults. He had instant rapport with young boys and spent a lot of time with them.

4. His family seemed normal.. His father was a very strict German. His three brothers and sisters lost their German accent. Fr. Siegfried did not.

5. He would do what he was directed to do, but no more. Would not really move in and take over with a job. He needs a programmed situation--possibly in education.

6. He did not take care of his person. He smelled.

7. A male grade school teacher saw Fr. Siegfried fooling around with the boys of another teacher. He said to father that if he fooled around in the same way with his students, he would punch Father in the face.

8. Fr. Glass had reports for some time from within and without the parish that something was wrong.

9. He coached the boys in basketball. He would be in the shower with the boys--all in the nude. When an adult male entered the shower, Fr. Siegfried covered himself with a towel.

10. Fr. Siegfried took boys swimming at a motel in Milwaukee. Father knew the owner and could use the pool. This happened over a period of time.

11. Parishioners came forward after the fact and indicated incidents they had noticed and warnings they had given their own children about not letting Father touch them.

Fr. Glass' mother told Glass that Fr. Siegfried on at least one occasion had a boy ~~to~~ sleep with him overnight in the rectory.

13. Fr. Glass did confront Fr. Siegfried: "Circumstances are forcing me to draw certain conclusions about you and your conduct with little boys." Fr. Siegfried stopped seeing boys for a time but then went back to it.

14. There was a pattern of contact with small boys.

15. At the trial, the D.A.' office asked for the full five years in jail. The D.A. is a "good Catholic."

PHE

EXHIBIT "K"

CONFIDENTIAL

SIEG WIDERA

1.

6/29/76

Archbishop called - Mike Short, a therapist in Elkhorn, had called in to Bob Sampon - Short is a counselor and now advocate for [REDACTED]

[REDACTED] She reported to Short that her son had been sexually molested by Fr. Widera while on a week-end fishing outing - Son is [REDACTED] age 13, an altar boy at parish. Archbishop suggested I call Widera first, then Short, assuring complainants that W. will be removed from parish and will receive in-patient treatment, if necessary.

Called Widera - gone - his day off - left message with Henke to call me. Tried to call his parental home - Otto Widera, Hawthorne Ave. - but an unpublished number - no. info. available.

7/30

Contacted Widera in P.M. - appointment tomorrow.

7/1

At Swan - 10:30 A.M. - Widera admitted that he made "a slip". He took boy fishing alone about 3 weeks ago. He had heard nothing about the incident. He does not know therapist. He has been seeing Leo Graham for past 3 years. He is "on probation" with the law - ends in August. He was apparently shook by this discovery and sought advice what to do. I informed him that he probably would be transferred and would need in-patient treatment. I would try to keep the lid on the thing, so no police record would be made. He went to his sister's at (421-0264) -- parent's number (762-8965) and informed her of his problem. I can call her to inform him to call me back. Parents will not be informed.

Immediately called Mike Short at Lakeland Counseling Center, Elkhorn, Box 29 - on County Rd. NN, 2 miles east of Elkhorn (1-723-5400, Ext. 238). - (Ron Barta also works there - Short was guided by him). Made app't to meet Short [REDACTED] on Thursday, July 8 at 2 P.M. at Elkhorn. Short said [REDACTED] didn't know what to do after she pulled this info. out of the boy. Son must have manifested some trauma after the experience. She called Short. He feels that boy needs some help to re-establish spiritual values and attitudes toward Church and priests. [REDACTED] had not gone to police. She is separated from husband and apparently feared reprisals from Church if she would go to police. She does not want priests from parish to counsel the boy. Short feels that alcohol may be Widera's basic problem. He will contact [REDACTED] and convince her not to act with police, if Church removes W. from parish, and gets him help, as well as counsels the boy.

Widera called back - gave him above info. He asked what he should do. I suggested no further action at this time, but he should prepare to be re-assigned - which is probably the Archbishop's recommendation. Will call Widera immediately after Thurs. meeting - he will meet me in Elkhorn.

Called and left above information with Ralph F. for the Archbishop.

AOM-FIS 087

7/7

Leo Graham called - had received note from Fr.W. saying that he would not be in for appointment because he would be going to St.Vincent Hospital, etc.

- Leo did not know what had happened but was greatly concerned that if Fr.W. leaves state during this probationary period, he could be picked up and immediately sent to prison without any further court trial. Graham is the de facto probationary officer. Has seen Widera weekly for past 3 years. Graham feels that if Fr.Widers must be sent to hospitalization, it must be within State (at least during next 60 days)- Leo doubts value of in-patient treatment however. If [redacted] will not approach police, Graham suggests that Fr.W. remain in Delalvan - at least temporarily. He suggests that I offer services of the Archdiocese for a one shot evaluation of the boy (to determine if there be any traumatic damages (usually in these cases, there is not). Graham at first was disturbed that his patient was being sent out of State without consultation with Leo. I explained that nothing was finalized yet - and in view of his probationary situation, he probably would not be sent. (If necessary, Graham would suggest Milw. Sanitarium). I also explained that I was following Archbishop's agenda = contact, Widera, then Short, then mother, etc.

Graham asked me to report back to him after Conference with Short, mother, etc. Discussed briefly with him the Henke-Vojtik situation. Graham feels if Widera goes, this above relationship will deteriorate. Graham feels that Widera is non-communicative, and willing to agree to anything and self-destructive (not suicidal, however). Graham feels that "one slip" in 3 years is not too bad a track record.

7/8

Graham called - Probation officer is actually a member of his parish - attends W's Mass regularly. If W. is moved out of the State, P. officer will ask "Why?" Also, if W. is moved before probation period is over, P.O. will find out the reason. Graham does not know the legal consequences if P.O. finds out post hoc what happened pre-hoc - doesn't know what attorney to call.

Went to Lakeland Counseling Center at Elkhorn - met Mike Short, [redacted] - heard [redacted] story - mature lad of 10 years - incident happened in lake while swimming - also next day in sacristy before Mass.

- [redacted] was not seeking hospitalization - only that Fr.W. be moved from parish - she doesn't want to see him
- otherwise she will take her children out of School
- she understands that Fr.W. is sick but was greatly disillusioned by his conduct - she agreed to bring [redacted] to Leo Graham for an evaluation to see if any traumatic effects. No cost to her. I tried to help the boy sort through his feelings. I indicated that

SIEG WIDERA

3.

7/8 = cont'd.

I had spoken to Leo Graham re:counseling for Fr. W. (I did not reveal that Fr. W. had been seeing him for 3 yrs. already)

Then called Fr. W. to come to Elkhorn restaurant.

- told him to re-schedule his appointments with Graham
- find himself a Spiritual director
- anticipate moving from Delavan after his probation is over
- not to tell Fr. Henke at this time
- stay away from [REDACTED]
- also stay away from another boy he is seen with frequently

7/9

Reported to Archbishop. He agreed that Fr. W. should continue with Graham - should not be moved out of State for hospitalization - will move Fr. W. after probation period is over (I shall find out when from Graham). He said I can call Paul Noelke Co. attorneys [REDACTED]

**ATTORNEY/CLIENT
PRIVILEGE**

7/12

Leo Graham-
(964-7520)
2939 N. Oakland

Called Graham - gave him above report - he does not know exact day of probation termination but presumes it to be mid-August - he is concerned that Widera get a good spot without pressures as next assignment - wishes me to influence Personnel Board at that time - Graham will call Personnel Board, too, if necessary.

- He will call [REDACTED] and make an appointment for [REDACTED], etc.

7/26

Short called - [REDACTED] had heard from no-one I told him I had contacted Graham and Archbishop
-Widera will probably not be moved till after Labor Day because of replacement problems
-he should give this info. to [REDACTED]

I called Graham's office - on vacation till the 10th - his secretary has been trying to reach [REDACTED] to make an appointment with her and boy - she will continue to try to reach her to set up the appointment.

SIEG WIDERA

4.

8/20

- Graham called - he had seen [REDACTED] and son-
- a) no permanent damage to son - spent 3 hrs. with mother.
 - b) Waldbauer called - Henke had called him and wanted Widera removed - he had learned about incident from other people - then he asked [REDACTED] about it. Waldbauer agreed to get supply help for the parish.
 - c) Called Graham - Parole terminated Aug. 16th, he learned from lawyer.
 - d) Called Henke and Widera - they agreed that W. would go "on vacation"(California!) as soon as Waldbauer would find supply help. Then he would be transferred. W. should tell people only that he's going on vacation.
 - e) Called Waldbauer - he will hunt - has not alerted Board to this case - in agreement with above arrangements.

8/23

Told Archbishop of the above developments.

9/27

Approached Esser about above - the Personnel Board has heard nothing from anyone - Archbishop has not spoken to Personnel Board about this matter

- however, Paul knew that Widera's father had been to Delavan and moved out Siegfried's belongings
- Paul would have problem in conscience to re-assign Siegfried- When? and should they really - in view of Widera's record???

Graham called - Widera calls him every week to 10 days from Calif. - he is living with his brother - dad is very incensed(disowning Sieg?) about matter - Graham said Siegfried said that maybe he should stay in California and get himself a job(outside ministry). Graham wondered if this should be the direction of counsel. I reluctantly agreed - esp. in view of Esser's above comments. Graham will call Esser and discuss this with him. I explained that if he sought ministry out there I would feel obliged to send reports to the diocese in which he works.

1/77

Waldbauer gave me address of Widera in Calif. - called Graham

- but he has not heard from Widera recently - Widera was in to see Personnel Board recently.

1/11/77

Met Widera for lunch in L.A. He will work in Orange diocese

- showed me letter of app't. - confused with expression "in hospitality". He was concerned about "mo. back pay, Blue Cross, Pension Fund
- Said that I would confer with Sampon when I return- of letter 1/7

EXHIBIT "L"



**West Allis Police Department
Incident Report**

I0204494.DOC

INTERVIEW WITH [REDACTED] (FATHER OF VICTIM)

I spoke with [REDACTED] regarding his son's disclosure of abuse. [REDACTED] confirmed that his son told him about the abuse while they were watching a news story about WIDERA being recently charged in Wisconsin.

[REDACTED] was very bothered by this and still is friends with the priest that WIDERA replaced at ST MARY HELP OF CHRISTIANS- Father VOJTIK. [REDACTED] confirmed that he had spoken with Father VOJTIK about Father WIDERA. Father VOJTIK told him [REDACTED] that personnel within the ARCHDIOCESE OF MILWAUKEE had warned him that WIDERA had a "problem with young boys" and "had to be watched" when WIDERA was transferred to ST ANDREW'S.

[REDACTED] was very bothered by the fact that his son had been molested and that the Archdiocese knew about WIDERA's problem and kept moving him. [REDACTED] wrote a letter to the Archdiocese and this was how they contacted [REDACTED]

I asked [REDACTED] if he thought Father VOJTIK would be open to talking to me about this. [REDACTED] Thought he would and gave me Father VOJTIK's phone number

INTERVIEW WITH FATHER JAMES VOJTIK (SERVED WITH WIDERA AT ST ANDREWS PARISH IN DELEVAN, WI)

I interviewed Father James P VOJTIK, (M/W; 10-24-1936; ST MARY'S LAKE CHURCH, 6092 Lake Church Rd, Belgium WI 53004; ph# 262-285-3040) via phone on 06-26-2002. I received the following information from Father VOJTIK:

"I arrived in '75 at ST ANDERWS- June or July. He (WIDERA) was already there. At some point the Pastor told me that he (WIDERA) was getting psychiatric help or counseling and that he (WIDERA) 'had trouble with boys.' (WIDERA) was supposed to be monitored while here (at ST ANDREWS). I supposed the Pastor was monitoring him. I didn't know.

I remember going to a Brewers game via bus with him and a group of kids. On the way home, I saw him rolling around on the floor with some of them. He was tickling them (boys) and they were tickling him. I did not think it was appropriate behavior and reported it to the Pastor (Eugene HENKE- now deceased). As far as how others viewed him, (WIDERA) was tremendously well-liked and was adept at most sports. He was indefatigable! Lots of activities and always on the go."

00309



West Allis Police Department Incident Report

I0204494.DOC

I asked why WIDERA had to leave ST ANDREWS. Father VOJTIK explained:

"I was leaving ST ANDREWS for a new appointment. On the day I was leaving, two ladies, Ruth [REDACTED] and Jean [REDACTED], rushed into the Rectory after morning mass. They were very upset and very shaken by what they saw. They had attended morning mass and they witnessed Father WIDERA performing a sex act in the Sacristy with two boys. They came in and told me that they had 'seen him in the act' with a young server and saw him with a young child. The ladies were shaken up and crying.

The procedure back then was you tell the Pastor and the Pastor took care of it. This time I called the Priest Personnel Board or the Chancellery directly to report what had happened. I don't remember which but it was one of them. I left the parish that afternoon and WIDERA left the parish that next day; the Diocese moved him almost immediately! I'm not sure what happened but I think there was something that he could not serve in a priestly capacity in Milwaukee. I don't know if (WIDERA) was confronted. I believe they passed that off on the Pastor. I don't know if I told the Pastor or not. I did tell the Executive of the Priest Board, Father John WELLBAUER (no longer serving as a priest) and I think I also told Father Bob SAMPON."

I asked Father VOJTIK if he remembered what date this incident occurred on. Father VOJTIK told me that he was not sure but believes it occurred on August 22, 1976.

INTERVIEW WITH JEAN [REDACTED] (WITNESS TO INCIDENT IN 1976)

On 07-11-2002, I spoke with Mary Jean [REDACTED] known as Jean [REDACTED] in her home in [REDACTED]. I told her I wanted to know about Father WIDERA and said that I heard that she might have witnessed an incident. Jean [REDACTED] nodded and said, "We were in the church saying prayers after morning mass. We heard noises coming from the Sacristy. We had heard rumors about (WIDERA) before and we knew that something was going on. (WIDERA) sounded like he was roughing them (the altar boys who had just served mass with WIDERA) up. We could hear the two boys crying out, very matter of fact, 'No! Stop it!' We knew the boys and knew what he was doing to them in there. We went to the Rectory and told Father VOJTIK what was going on."

INTERVIEW WITH RUTH [REDACTED] (WITNESS TO INCIDENT IN 1976)

On 07-12-2002, I spoke with Ruth [REDACTED] in her home in [REDACTED] regarding the incident she witnessed in 1976. Ruth relayed the following information:

"I was a friend of the housekeeper, Agnes [REDACTED] (now deceased). She told me that Father WIDERA would have young boys come over to the Rectory and ring the doorbell. Father HENKE got very upset and would 'shoo' them away. (Agnes) would get angry with Father HENKE for this, not realizing what Father WIDERA was doing with those boys.

00310



West Allis Police Department Incident Report

I0204494.DOC

One day after morning mass, I was in the church and I heard the altar boys 'squealing.' There was a lot of commotion in the Sacristy...something wrong in there. I told someone... I don't remember who I told. Within days (WIDERA) was gone from the parish."

SUBPOENA TO ARCHDIOCESE OF MILWAUKEE FOR RECORDS REGARDING SIEGFRIED WIDERA

ADA Liegel had requested WIDERA's records from the ARCHDIOCESE OF MILWAUKEE. On May 13, 2002, the ARCHDIOCESE OF MILWAUKEE voluntarily turned over 56 pages of documents pertaining to Siegfried WIDERA. None of those documents mentioned the 1976 incident reported directly to the Archdiocese by Father VOJTIK. ADA Liegel contacted Matthew FLYNN, the attorney retained by the ARCHDIOCESE OF MILWAUKEE, to inform him that he (ADA Liegel) believed there were documents that had not been turned over. Attorney Flynn said the Archdiocese would not turn over treatment documentation or other documentation without a subpoena as the information in those documents may be privileged.

On 07-11-2002, ADA Liegel drafted a Subpoena Duces Tecum for any information, including, without exception, all information in the custody and control of the ARCHDIOCESE OF MILWAUKEE whether or not such information may be considered secret or confidential pursuant to Roman Catholic Canon Law. Milwaukee County Judicial Court Commissioner Barry Slagle signed the subpoena and it was delivered to QUARLES & BRADY LLP/ Attorney Matthew FLYNN.

MOTION FOR A PROTECTIVE ORDER TO PREVENT THE RELEASE OF WIDERA'S TREATMENT RECORDS AND OTHER RECORDS

In a letter dated 07-26-2002, Attorney David MUTH (QUARLES & BRADY) provided notice that as counsel for the ARCHDIOCESE OF MILWAUKEE, he had filed a Notice of Motion and Motion for a Protective Order to prevent having to produce certain documents "on the grounds that they are protected from disclosure." The motion was to be heard at a future time and date. It did not occur, as WIDERA was not taken into custody.

DOCUMENTS TURNED OVER UPON SUBPOENA

A packet from QUARLES & BRADY was hand delivered to the West Allis Police Department. The packet contained all the documents the ARCHDIOCESE OF MILWAUKEE was willing to turn over in response to the subpoena. The packet contained the following groups of documents:

- Priest Ombudsman File- marked "Confidential"

60311

EXHIBIT "M"

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ORANGE, CENTRAL JUSTICE CENTER

ERIC NATHAN PAINO,
Plaintiff,

)
) Case No. 02 CC06293
)
)

vs.

)
)
) THE ROMAN CATHOLIC BISHOP
) OF ORANGE, THE ARCHDIOCESE
) OF MILWAUKEE, FATHER
) SIGFRIED F. WIDERA, and DOES
) 1 through 100, inclusive,
)
) Defendants.
)

DEPOSITION OF MICHAEL PATRICK DRISCOLL

September 6, 2002

Boise, Idaho

Reported By:

Amy E. Menlove, CSR No. 685, RPR

COPY

ASSOCIATED
R REPORTING, INC.



1 A. No. I mean, documents, no.

2 Q. One of the requests asks for your diaries and
3 calendars that may have referred to Father Widera. Did
4 you have a chance to look for those?

5 A. I have no diaries. And I got rid of a lot of
6 calendars because all they do is just put dates. So I
7 didn't want to haul a bunch of stuff.

8 Q. When you were working at the Diocese of
9 Orange, was it your practice to keep a calendar?

10 A. Sure, I had a calendar.

11 Q. And was that a calendar that you kept on your
12 person or was that something that your secretary kept?

13 A. Both.

14 Q. There were two calendars, correct?

15 A. Yes.

16 Q. And what happened to those calendars that you
17 personally kept when you were associated with the
18 Diocese of Orange?

19 A. Threw them away.

20 Q. Did you throw them away at the time you left
21 the Diocese of Orange?

22 A. Some even before that.

23 Q. What was your practice, if you had one, about
24 whether you kept calendars or you threw them away?

25 A. Threw them away, because there is nothing in

1 Q. And did you get that master's in social work?

2 A. Yes.

3 Q. And what was your next position?

4 A. In '75, I was appointed the director of the
5 Catholic Welfare Bureau of Orange County in Orange
6 County and lived at St. Boniface parish.

7 Q. And in 1975, that was before the time that
8 the Diocese of Orange was formed, correct?

9 A. Correct.

10 Q. And what was your next position?

11 A. In 1976, in June, the Diocese of Orange was
12 created. And I was asked to serve as secretary to the
13 Bishop and chancellor and vocations director and
14 anything else that might come up that we might need to
15 do.

16 Q. And you held that position of
17 secretary/chancellor through 1987?

18 A. No. I held the position of secretary to 1980
19 and chancellor to 1987.

20 Q. All right. So we have a clear record, you
21 held the position of secretary for the Diocese of Orange
22 from June of 1976 through 1980?

23 A. Correct.

24 Q. And you held the position of chancellor of
25 the Diocese of Orange from June of 1976 through 1987?

1 have a duty or obligation to parishioners outside your
2 diocese?

3 A. You know, I'm not a canon lawyer and so I
4 don't know if there is a specific canon to that effect.
5 If you know of one, let me know.

6 Q. All right.

7 A. I mean, do you know of one?

8 Q. Other than canon law, do you consider it your
9 personal responsibility to have any kind of duties or
10 obligation to parishioners outside your diocese?

11 A. Could you be more specific?

12 Q. With what part of my question?

13 A. What are you asking that I should do with
14 people across the country?

15 Q. And I'm just trying to understand generally,
16 does a bishop of one diocese have an obligation or duty
17 to Catholics countrywide?

18 A. Obligation, responsibility, I don't know in
19 the specific sense of what you're saying. I know that
20 when we meet together as bishops, we discuss, you know,
21 ways in which the church will look to operate or worship
22 or pray or reach out to the poor, what have you,
23 throughout the country if you're saying that, then yes,
24 we do. If I were to -- if I were to know that there was
25 one of my priests or somebody who had left my diocese

1 and went somewhere else and I had concerns about him, I
2 would let the bishop in that diocese know.

3 But I don't know what else you're saying.
4 I'm not responsible for the income of people or the --
5 or how they attend mass in Montana or -- you know, I am
6 not responsible for any of that. So I don't know what
7 you're saying.

8 Q. Okay. And you don't know as you sit here
9 today whether any canon law provision has any kind of
10 requirement for you to have any obligation for other
11 Catholics outside your diocese?

12 A. Like I said, I'm not a canon lawyer.

13 Q. I understand that.

14 A. So I don't really know. There could be, but
15 I'm just not aware. And if you show me if there was
16 one, then I'll acknowledge it.

17 Q. All right. If you have a priest who you have
18 information has molested in your diocese and that priest
19 is released into another diocese, do you consider it
20 your duty and obligation to warn the parishioners where
21 that priest is assigned?

22 MR. CALLAHAN: We're talking now about a priest who
23 is assigned to another diocese. Not somebody who leaves
24 and goes about his own business.

25 THE WITNESS: We don't do that anymore. We don't

1 with a boy, would you have accepted him into the Diocese
2 of Orange?

3 MR. CALLAHAN: Objection; calls for speculation and
4 misstatement of his obligations and abilities.

5 THE WITNESS: The bishop is the one, Bishop Johnson
6 was the one who accepted him in.

7 Q. (BY MS. FREBERG) Okay.

8 A. I never heard from Bishop Johnson anything
9 about any conviction on anything.

10 Q. Okay. If in 1976 you had been told by
11 Archbishop Cousins that Father Widera had been
12 criminally convicted of moral perversion with a boy in
13 the year 1973, would you have recommended to Bishop
14 Johnson to accept Father Widera into the Diocese of
15 Orange?

16 A. I would say that I probably would not have
17 recommended that we accept anybody that's been convicted
18 of anything.

19 Q. Okay.

20 A. Shoplifting or anything.

21 Q. Well --

22 A. I mean anything.

23 Q. But especially molesting a young boy when the
24 priest was going to be put into assignments where he was
25 going to be around kids?

1 A. Yes, that would be true.

2 Q. Now, if Archbishop Cousins had not given
3 assurances to you that Father Widera was safe to be
4 around minors, would you have recommended to Bishop
5 Johnson that he still accept Father Widera into the
6 Diocese of Orange?

7 MR. FLYNN: Objection; lack of foundation, improper
8 and incomplete hypothetical. I object to the form of
9 the question.

10 THE WITNESS: Because he said that he was safe to
11 be around minors, I would then believe that would be
12 true.

13 Q. (BY MS. FREBERG) Okay. So the fact that
14 Archbishop Cousins told the Diocese of Orange that he
15 was safe to be around minors caused you to be more
16 comfortable with the concept of him coming to the
17 Diocese of Orange?

18 MR. FLYNN: Object; lack of foundation, improper
19 and incomplete hypothetical. Object to the form of the
20 question.

21 THE WITNESS: Yes.

22 Q. (BY MS. FREBERG) And if Archbishop Cousins
23 had told you that Father Widera was not safe to be
24 around minors, would you have recommended that Father
25 Widera be accepted into the Diocese of Orange?

1 A. I would not have recommended that he be
2 accepted if anybody had said he's not safe to be among
3 minors.

4 Q. Okay. In 1976, you understood that an adult
5 man molesting a minor boy was a crime; is that correct?

6 A. Probably.

7 Q. Was there any point in time in your adult
8 life where you did not recognize that an adult man
9 molesting a minor was a crime?

10 A. Probably not. I didn't think much of it.

11 Q. As the secretary and chancellor for the
12 Diocese of Orange, you did get information or there had
13 been allegations of priests molesting minors, correct?

14 A. In the course of the years that I served, I
15 was, you know -- I guess I should say yeah, I would know
16 that it was wrong. It was wrong for anybody to molest
17 anybody.

18 Q. Okay.

19 A. Adult man or woman. It makes no difference.
20 And so I would have that knowledge.

21 Q. And you recognize during the time period that
22 you were the secretary and chancellor of the Diocese of
23 Orange, where you got information of allegations of
24 priests molesting, you recognize during that time period
25 that it was a crime for an adult to molest a minor?

1 doctor is somewhat in favor of his leaving the scene but
2 expects that there will be continuing treatment. This
3 has already been arranged and a doctor in California
4 will take over at this point."

5 Do you see that?

6 A. Yes.

7 Q. Did you ask anyone to find out what
8 Archbishop Cousins meant by this statement that he --
9 treatment has already been arranged in California?

10 A. Not that I recall.

11 Q. Okay. Do you have any information as to what
12 arrangements were made by the Archdiocese in Milwaukee
13 for the treatment of Father Widera in California?

14 A. No.

15 Q. Do you know what doctor Archbishop Cousins
16 was referring to?

17 A. No.

18 Q. Did Father Widera see that doctor in
19 California?

20 A. I don't know.

21 Q. Who from the period 1976 through 1985 was
22 responsible at the Diocese of Orange to arrange for
23 psychiatric treatment for priests who had been accused
24 of molesting?

25 A. That would be one of the things that I would

1 be asked to do.

2 Q. Did you at any point in time before Father
3 Widera was sent off for psychiatric treatment at Jemez
4 Springs, New Mexico, ever assist Father Widera in
5 getting psychiatric treatment in the state of
6 California?

7 A. Did I ever assess -- no.

8 Q. I'm sorry. Let me ask the question again.

9 A. Okay.

10 Q. Prior to the time -- I understand that you
11 helped Father Widera to go to New Mexico for treatment
12 in the year 1985.

13 A. Right.

14 Q. All right. Other than that instance, was
15 there any time prior to that that you ever helped Father
16 Widera get psychiatric treatment in the state of
17 California?

18 A. No.

19 Q. Okay. And because you did not help Father
20 Widera get treatment in the state of California prior to
21 1985 and you were the person responsible for assisting
22 priests, is it safe to assume that the Diocese of Orange
23 did not assist Father Widera in getting treatment,
24 psychiatric treatment before the year 1985?

25 A. Yes.

1 Diocese of Orange's practice not to warn the
2 parishioners and minors that a priest had been accused
3 of molesting, had to undergo treatment?

4 A. As far as -- yeah, I don't believe -- yeah,
5 you're right.

6 Q. And to the best of your knowledge, was -- I
7 think you may have already answered this.

8 Was every priest who was accused of molesting
9 in the Diocese of Orange always sent for treatment?

10 A. Yes.

11 Q. Father Michael Pecharich was sent for
12 treatment?

13 A. That accusation came after I was gone.

14 Q. I thought that came out in '87 -- I'm sorry,
15 in '97.

16 A. Well, I didn't know about it until it became
17 public in 2002.

18 Q. Okay. What about the accusations against
19 Father Denis Lyons. Were you there when those
20 accusations came out?

21 A. Yes.

22 Q. And was he sent for treatment?

23 A. I can't answer because I had nothing to do
24 with the followup on that.

25 Q. Okay. After Father Widera was working in

1 California, but he was still incardinated into the
2 Archdiocese of Milwaukee, are you aware of anyone from
3 the Archdiocese of Milwaukee ever warning any
4 parishioners of any church that Father Widera was
5 assigned to that Father Widera had a history of
6 molesting boys?

7 A. I'm not aware of anything.

8 Q. After Father Widera was working in
9 California, but still incardinated into the Archdiocese
10 of Milwaukee, are you aware of anyone from the
11 Archdiocese of Milwaukee ever overseeing Father Widera
12 to ensure that he was not working with kids?

13 A. I have no knowledge.

14 Q. Did anyone from the Archdiocese of Milwaukee
15 ever request of the Diocese of Orange that Father Widera
16 not be assigned to a position in the Diocese of Orange
17 where he was going to be around kids?

18 A. No.

19 Q. The documents that have been produced by the
20 Archdiocese of Milwaukee in this case indicate that
21 Milwaukee had knowledge of the different assignments
22 that Father Widera was given in the Diocese of Orange.

23 MR. FLYNN: Object to the form of that question,
24 lack of foundation. I think it's contrary to the
25 record.

1 information to the Archdiocese of Milwaukee?

2 A. I do not know who does, no.

3 Q. Okay. When Father Widera was being
4 transferred to different parishes within the Diocese of
5 Orange, did the Archdiocese of Milwaukee have to approve
6 those transfers?

7 A. No.

8 Q. When Father Widera was being transferred to
9 the different parishes within the Diocese of Orange, did
10 the Diocese of Orange inform the Archdiocese of
11 Milwaukee of those transfers?

12 A. Probably by a copy of the transfer so that
13 they would know where he was going.

14 Q. And, in fact, the letters that we looked at
15 earlier, there was a notation that copies were sent to
16 Archbishop Cousins; is that correct?

17 A. Okay. I think that's right.

18 MR. FLYNN: Are you talking about all the letters
19 or some of the letters?

20 MS. FREBERG: Some of the letters.

21 THE WITNESS: The assignment letters?

22 Q. (BY MS. FREBERG) Yes.

23 A. Well, they should have been until he got
24 incardinated.

25 Q. Okay. So during that time period that Father

1 Widera remained incardinated into the Archdiocese of
2 Milwaukee but working in the Diocese of Orange, the
3 Archdiocese of Milwaukee was given notice of where
4 Father Widera was being assigned in the Diocese of
5 Orange?

6 A. Yes.

7 Q. Did the Archdiocese of Milwaukee have further
8 contact with Father Widera while he was incardinated in
9 the Archdiocese of Milwaukee but working in the Diocese
10 of Orange?

11 A. I don't know.

12 Q. During the time period that Father Widera was
13 incardinated into the Archdiocese of Milwaukee but
14 working in Orange, the Archdiocese of Milwaukee did have
15 some authority over Father Widera; is that correct?

16 A. He was still their priest.

17 Q. The Archdiocese of Milwaukee could have
18 ordered him back at any point in time?

19 A. Yes.

20 Q. The Archdiocese of Milwaukee could have
21 ordered him to come back to meet with the Archbishop of
22 Milwaukee?

23 A. Yes.

24 Q. The Archbishop of Milwaukee could have
25 supervised the work of Father Widera in the Diocese of

1 working in Orange, California?

2 MR. CALLAHAN: I'm going to object as it calls for
3 speculation and asking for a list that couldn't possibly
4 be all inclusive. Do you want examples?

5 MS. FREBERG: Examples, yes.

6 MR. CALLAHAN: What could Milwaukee have ordered
7 Widera to do, if anything?

8 THE WITNESS: Ordered him to return to the diocese.
9 Could have told him if he wasn't going on retreats or
10 something, that he should do a retreat. If they heard
11 of something that he was doing and did not approve of,
12 they could have said something to him about that. Could
13 have ordered him to go to school. They still had
14 authority in that sense to move him or to ask him to
15 return or whatever.

16 Q. (BY MS. FREBERG) Could they have ordered him
17 into psychiatric treatment?

18 A. They could have.

19 Q. Was it the practice of the diocese who had
20 priests working in other dioceses but remaining
21 incardinated into their diocese to have contact on an
22 annual or semiannual or any kind of regular basis with
23 that priest associated in the other dioceses?

24 A. I can't answer what other dioceses or
25 dioceses do with their priests that are in other

1 MR. CALLAHAN: Again, she asks, if there is a
2 little pause, even a split second, then you answer.

3 THE WITNESS: Okay. But it's frustrating.

4 MS. FREBERG: I understand.

5 MR. CALLAHAN: You should be where I'm sitting.

6 Q. (BY MS. FREBERG) I understand it's not the
7 normal way of talking and you may feel like I'm asking
8 the same questions over again, but bear with me.

9 So you presume, based upon what Archbishop
10 Cousins said, that they were going to see to it Father
11 Widera was going to get treatment in California. You
12 presumed that was going to be handled by the Archdiocese
13 of Milwaukee?

14 A. Yes.

15 Q. And therefore you did not do anything
16 yourself to ensure he got treatment in California?

17 A. Correct.

18 Q. Even though the Archdiocese of Milwaukee was
19 saying it was important for Father Widera?

20 A. Yes.

21 Q. For the past problems that he had with a
22 moral problem with a boy in Wisconsin?

23 A. Correct. That's what he said.

24 MR. CALLAHAN: Now, can we not go there again
25 unless you have to? We've been there maybe five or six

WEDNESDAY, MAY 1, 2002

ORANGE COUNTY EDITION

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SECTION

B

CALIFORNIA

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Los Angeles Times

Church Sued for Abuser's Transfer

Scandal: Bishops sent to Orange County a priest with a molestation history, suit alleges. Man says he and his brother became the next victims

By WILLIAM LOBDELL
TIMES STAFF WRITER

An Orange man filed suit Tuesday against the Roman Catholic Church, alleging that two former bishops conspired to move a Milwaukee priest who had molested boys there to Orange County, where he is accused of sexually abusing more minors. In his lawsuit filed in Orange County Superior Court, Eric Nathan Paine, 25, alleges that Father Sigfried F. Widera molested him and his older brother in 1985 under the guise of tucking the boys, then 8 and 7, into bed as a favor to their single mother.

Widera, who lives in Arizona, could not be reached for comment Tuesday. He was stripped of his ability to function as a priest in 1986, shortly after Paine's mother complained to the diocese. He has not been defrocked.

Paine is one of the youngest victims to sue during the church's 4-month-old priest sex scandal.

"The only reason I'm doing this is because this needs to be stopped," said Paine, a truck driver.

"Not just with Widera, but all other priests."

Last month Paine filed a criminal report with Mesa police, who have jurisdiction over neighboring Yuma Linda, where the incidents allegedly took place. A police spokesman said a preliminary investigation determined that the statute of limitations has run out on the 17-year-old case.

Orange Bishop William Johnson accepted Widera into the diocese in 1976, despite a warning letter from Milwaukee Archbishop William Cousins that the priest had a "moral problem having to do with a boy in school." Both Johnson and Cousins are deceased.

Since Widera's first Orange County accuser, an Anaheim man, stepped forward last month, diocesan officials said four others have contacted the church.

In Milwaukee, Widera was convicted of sexual misconduct with an adolescent boy in 1973 and sentenced to three years' probation. He also was ordered by his archbishop to undergo counseling.

Now police in a Milwaukee suburb are investigating allegations of another sexual assault by Widera during the 1970s. The case will be reviewed this week by the local district attorney.

Orange officials said there was nothing in Widera's personnel file about his criminal conviction, a statement corroborated by a priest within the diocese at the time.

The archbishop of Milwaukee "had told us [Widera] had gone through counseling and was declared to be OK and safe," said Bishop of Boise Michael Patrick Driscoll, who was an advisor to the bishop of Orange in 1976. "That would never happen today. We were told that it would not be a problem. I'm really sorry. . . . It's a problem."

Please see SUIT, B2

SUIT: O.C. Man Alleges Priest Molested Him in '85

Continued from B1
shame we put children in Orange County at risk."

A spokesman for the Milwaukee archdiocese said they hadn't seen the suit and couldn't comment.

Katherine K. Freberg, Palno's attorney, called Palno "the poster boy to show why zero-tolerance [for molesting priests] is needed."

Palno said Widera befriended his family, coming over for dinner, swimming in the backyard pool, giving rides on his motorcycle and handing out bags of candy that he kept in the trunk of his car.

Palno said the molestations took place in the summer of 1985. He said his mother remembered a dinner when her young son said, "I

don't want Father Widera tucking me in bed anymore."

She asked why, and he replied, "I don't like the way he's touching me." Palno's mother went to church officials, and soon afterward, Widera was sent to New Mexico for more counseling.

Palno's brother still is considering his legal options, said Freberg.

In his nine years with the Orange diocese, Widera was at five parishes: St. Pius V Church in Buena Park, St. Justin Martyr Church in Anaheim, St. Edward Church in Dana Point, Immaculate Heart of Mary in Santa Ana, and St. Martin de Porres Church in Yorba Linda. The Palno family attended services in Yorba Linda.

WIDERA, SIEGFRIED F.

-1-

3/2/72 - telephone - requests transfer.

7/31/73 - telephone per Archbishop - that S. Widera needs to be transferred immediately.

8/14/73 - telephone per Archbishop - that S. Widera on 3 years probation. Sees Dr. Leo Graham two times a week. May not return to area of Port Washington by order of judge. Staying with parents 762-7092.

8/15/73 - interview with F. Paulus - rejected S. Widera as A.P. at St. Mary, Elm Grove.

8/16/73 - telephone per J. Waldbauer - informed him of S. Widera being refused by F. Paulus.

8/22/73 - telephone per J. Emmenegger - inquired whether S. Widera going to S. Papelbon. No.

8/30/73 - telephone JWaldbauer to S. Widera to assure him Board is still working on an assignment.

8/31/73 - telephone per P. Lippert - he and J. M. Murphy would like to offer S. Widera place to work but with them not take anyone away.



AOM 0160

9/6/73 - telephone per J. Waldbauer - that S. Widera will be helping out at St. Andrew, Delavan.

9/19/73 - telephone per E. Hanke - says to list S. Widera as A.P. Pro Tem.

10/2/73 - telephone - S. Widera will be at Delavan 3 or 4 more weeks.

10/22/73 - telephone per J. Rathke re helpout - told him to contact S. Widera himself.

10/23/73 - telephone per F. Schmidt - requests S. Widera as A.P.

10/29/73 - telephone - will call Tuesday re whether he will go to St. Catherine, Milwaukee.

11/2/73 - telephone - Dr. Graham

REDACTED

11/5/73 - telephone - Dr. Graham

REDACTED

11/7/73 - telephone - E. Henke open to keeping S. Widera. Would like to keep it as it is now, on an unofficial basis.

11/8/73 - telephone - S. Widera happy to stay on at Delavan per J. Waldbauer. Dr. Graham **REDACTED** . If situation changes they will let Board know.

1/30/74 - telephone per J. Thompson - that S. Widera becoming too popular and posing threat to J. Kramer.

3/15/74 - telephone from parishioner, St. Andrew, Delavan (Thacker) requests that S. Widera remain.

9/6/74 - telephone - J. Thompson - concerned about S. Widera's status. Also concerned about the deaf being taken care of. Ask's that J.J.W. call him next week.

11/7/74 - telephone - J. Thompson - check on status of S. Widera in Delavan

5/6/75 - Personnel Board recommended that S. Widera be assigned to A.P., St. Andrew, Delavan.

5/19/75 - telephone - S. Widera - accepts A.P., St. Andrew, Delavan, but with no publication in Herald Citizen.

8/20/76 - telephone - E. Henke - informed that S. Widera has had an incident with an 11 year old boy a couple of months ago. Henke is concerned that the talk may become vicious against him in such a small town because news travels fast. D. Weber knows about it and is asked to be consulted.

8/20/76 - telephone - S. Widera - plans to leave St. Andrew Parish, Delavan, on Monday, Aug. 23; he plans to go to his brother's place: Hans Widera - 1078 Salvadore - Costa Mesa, California 92626 - 1-714-557-2564.

8/23/76 - telephone - E. Henke - says S. Widera at 3995 West College Avenue, Milw., Wis. 53221.

9/28/76 - telephone - Re. S. Widera - L. Graham reports

REDACTED

10/18/76 - telephone - S. Widera - wonders what is available if he were to return; he feels that he may ask for a leave of absence or work in a California parish.

11/16/76 - telephone - S. Widera - is open to going for treatment, just as long as it would not be a reduplication of what his contact with Graham is and has been. He wonders what financial help is available for such care.

11/19/76 - telephone - Leo Graham -

REDACTED

11/26/76 - Interview - S. Widera - is considering a move toward sick leave, going to California and continuing consultation with a psychiatrist at UCLA.

12/3/76 - telephone - S. Widera - plans to see the Archbishop.

12/3/76 - telephone - Archbishop informs the Board that: S. Widera - will spend some time with his parents in Florida and then go to California to continue psychotherapy with the contact of Leo Graham; the Archbishop plans to contact Bishop Johnson of Orange to see if there might be something available for Widera.

12/17/76 - telephone - Archbishop: has called Bishop Johnson in Orange about possibility for S. Widera.

1/20/77 - telephone - W.E.C. - S. Widera has faculties and residence with \$ per month salary at St. Pius V Parish, 7691 Orangethorpe Ave., Buena Park, California 90621 (714-522-2193), effective 1/12/77 on an indefinite time

3/25/77 - telephone - The Archbishop reports: (a) Appointment of S. Widera as A.P., St. Justin Martyr in Anaheim, Cal., effect. 4/11/77.

12/16/81 - corresp. - R. Sampon reports that S. Widera is now excardinated from Archdiocese of Milw., and incardinated into Diocese of Orange, Ca., effective 11/23/81.

SIEG WIDERA

1.

6/29/76

Archbishop called - Mike Short, a therapist in Elkhorn, had called in to Bob Sampon - Short is a counselor and now advocate for [REDACTED]

[REDACTED] She reported to Short that her son had been sexually molested by Fr. Widera while on a week-end fishing outing - Son is [REDACTED] age 13, an altar boy at parish. Archbishop suggested I call Widera first, then Short, assuring complainants that W. will be removed from parish and will receive in-patient treatment, if necessary.

Called Widera - gone - his day off - left message with Henke to call me. Tried to call his parental home - Otto Widera, Hawthorne Ave. - but an unpublished number - no. info. available.

7/30

Contacted Widera in P.M. - appointment tomorrow.

7/1

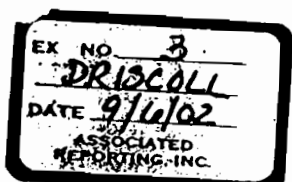
At Swan - 10:30 A.M. - Widera admitted that he made "a slip". He took boy fishing alone about 3 weeks ago. He had heard nothing about the incident. He does not know therapist. He has been seeing Leo Graham for past 3 years. He is "on probation" with the law - ends in August. He was apparently shook by this discovery and sought advice what to do. I informed him that he probably would be transferred and would need in-patient treatment. I would try to keep the lid on the thing, so no police record would be made. He went to his sister's at (421-0264) -- parent's number (762-8965) and informed her of his problem. I can call her to inform him to call me back. Parents will not be informed.

Immediately called Mike Short at Lakeland Counseling Center, Elkhorn, Box 29 - on County Rd. NN, 2 miles east of Elkhorn (1-723-5400, Ext. 238). - (Ron Barta also works there - Short was guided by him). Made app't to meet Short [REDACTED] on Thursday, July 8 at 2 P.M. at Elkhorn. Short said [REDACTED] didn't know what to do after she pulled this info. out of the boy. Son must have manifested some trauma after the experience. She called Short. He feels that boy needs some help to re-establish spiritual values and attitudes toward Church and priests. [REDACTED] had not gone to police. She is separated from husband and apparently feared reprisals from Church if she would go to police. She does not want priests from parish to counsel the boy. Short feels that alcohol may be Widera's basic problem. He will contact [REDACTED] and convince her not to act with police. if Church removes W. from parish, and gets him help, as well as counsels the boy.

Widera called back - gave him above info. He asked what he should do. I suggested no further action at this time, but he should prepare to be re-assigned - which is probably the Archbishop's recommendation. Will call Widera immediately after Thurs. meeting - he will meet me in Elkhorn.

Called and left above information with Ralph F. for the Archbishop.

AOM



7/7

Leo Graham called

REDACTED

Graham asked

REDACTED

7/8

Graham called

REDACTED

Went to Lakeland Counseling Center at Elkhorn - met Mike Short, [REDACTED] - heard [REDACTED] story - mature lad of 10 years - incident happened in lake while swimming - also next day in sacristy before Mass.

- [REDACTED] was not seeking hospitalization - only that Fr.W. be moved from parish - she doesn't want to see him
- otherwise she will take her children out of School
- she understands that Fr.W. is sick but was greatly disillusioned by his conduct - she agreed to bring [REDACTED] to Leo Graham for an evaluation to see if any traumatic effects. No cost to her. I tried to help the boy sort through his feelings. I indicated that

SIEG WIDERA

3.

7/3 = cont'd.

I had spoken to Leo Graham re:counseling for Fr. W. (I did not reveal that Fr. W. had been seeing him for 3 yrs. already)

Then called Fr. W. to come to Elkhorn restaurant.

- told him to re-schedule his appointments with Graham
- find himself a Spiritual director
- anticipate moving from Delavan after his probation is over
- not to tell Fr. Henke at this time
- stay away from [REDACTED]
- also stay away from another boy he is seen with frequently

7/9

Reported to Archbishop. He agreed that Fr. W. should continue with Graham -

REDACTED

He said I can call Paul Noelke Co. attorneys

REDACTED

7/12

Called Graham

Leo Graham-
(964-7520)
2939 N.Oakland

REDACTED

7/26

Short called - [REDACTED] had heard from no-one
I told him I had contacted Graham and Archbishop
-Widera will probably not be moved till after
Labor Day because of replacement problems
-he should give this info. to [REDACTED]

I called Graham's office - on vacation till the
10th - his secretary has been trying to reach
[REDACTED] to make an appointment with her and
boy - she will continue to try to reach her to set
up the appointment.

SIEG WIDERA

4.

3/20

- Graham called - he had seen [REDACTED] and son-
- a) no permanent damage to son - spent 3 hrs. with mother.
 - b) Waldbauer called - Henke had called him and wanted Widera removed - he had learned about incident from other people - then he asked [REDACTED] about it. Waldbauer agreed to get supply help for the parish.
 - c) Called Graham -
- REDACTED**
- d) Called Henke and Widera - they agreed that W. would go "on vacation"(California!) as soon as Waldbauer would find supply help. Then he would be transferred. W. should tell people only that he's going on vacation.
 - e) Called Waldbauer - he will hunt - has not alerted Board to this case - in agreement with above arrangements.

3/23

Told Archbishop of the above developments.

3/27

Approached Esser about above - the Personnel Board has heard nothing from anyone - Archbishop has not spoken to Personnel Board about this matter

- however, Paul knew that Widera's father had been to De'avan and moved out Siegfried's belongings
- Paul would have problem in conscience to re-assign Siegfried- When? and should they really - in view of Widera's record???

Graham called -

REDACTED

1/77

Waldbauer gave me address of Widera in Calif. - called Graham

REDACTED

1/11/77

Met Widera for lunch in L.A. He will work in Orange diocese

- showed me letter of app't. - confused with expression "in hospitality". He was concerned about 4 mo. back pay, Blue Cross, Pension Fund
- Said that I would confer with Sampon when I return - cf letter 1/7

AOM 0147

October 29, 1976

The Reverend Siegfried F. Widera
1078 Salvadore
Costa Mesa, California 92626

Dear Siegfried,

This letter is written to you to follow our telephone conversation Wednesday morning. This relates to the recommendation of the Personnel Board at its meeting of October 26th. After I spoke with you, I called the Archbishop, who is aware of this direction and supports its intent.

The Personnel Board recommends a choice. First, that you pursue significant counseling to assist you in coming in touch with yourself about the action that has brought about a hasty exit from your last two assignments. Specifically, the House of Affirmation was suggested at the Board meeting and such information was given to you via the phone. Subsequent to such therapy, you would be considered for an appointment within the Archdiocese. The alternative would be for you to be released to the services of another diocese; with the permission of the Archbishop, you would request to minister elsewhere. Should you select the second alternative, the Board would ask periodic reports about your status.

You are confronted toward a decision by the Board, in what we hope is very positive toward dealing with your present situation. You may well decide to seek consultation from others like Leo Graham, your brother or others, but basically you will need to decide.

Your present status with the Archdiocese is delicate. Subsequently, your salary, insurance, and all other benefits need to be clarified. We suggest that you contact Father Sampon to finalize your present situation. Be assured that help is available to assist you through all of this. On the other hand, you may need to look to helping out in a priestly way during this duration, to get some method of financial income. The Chancellor, Father Sampon, would be able to direct you relating to faculties and benefit. His address is P. O. Box 2018, 345 North 95th Street, Milwaukee, Wisconsin, 53201.



AOM 0190

The Reverend Siegfried F. Widera

Page 2

We do ask that underneath all of what is stated, that you are assured of our interest in you. You are a generous and loving man, who has served as a priest for almost ten years. At the same time, there is something within you that you need to give adequate attention to, so that you can take away the suspicion and mistrust within yourself that forces you to run away. The Personnel Board is interested in being informed at the earliest possible time of your direction in all of this.

Sincerely yours in Christ,

Reverend John J. Waldbauer,
Executive Secretary
Priests' Personnel Board

January 25, 1977

The Reverend Siegfried Widera
St. Pius V Parish
7691 Orangethorpe Avenue
Buena Park, California 90621

Dear Father Widera,

I have just received a letter from Father Driscoll informing me of your assignment "in hospitality" to St. Pius V Parish in Buena Park. It is his understanding and ours that you are still covered in your absence by our insurance programs and that the parish in which you presently live will supply a salary of \$175.00 a month and give you the use of a car for parish duties.

According to our earlier conversations, your stay in California will be determined by the doctor recommended to you before your departure and to whom I confidently trust you have committed yourself for necessary help. Treatment is important to you and essential to your future assignment, but I have every reason to believe that you will accept this condition and work towards an early return.

With the warmest of personal regards and joining my prayers to yours for your complete success, I am

Sincerely and fraternally yours in Christ,





PAGE TWO

ST. PIUS V — BUENA PARK

Sixty-eight years of daily MASS

— Lawrence WELK

The man whose name is synonymous with "champagne music" has spent a lifetime in close proximity to sacrificial wine.

Lawrence Welk, the nation's most popular band-leader, has attended Mass daily since he was five years old. He is now 73.

"I get so much good out of it," he declared. "I believe in the Golden Rule and I believe in the Ten Commandments. I believe in God and the guidelines that He has given us."

Welk was reared in a Catholic family in a North Dakota community that was 90 percent Catholic. That upbringing, he says, enabled him to cope with the reverses he encountered early in his career.

The worst occurred in the early 1930s in South Dakota. The members of his five-piece band approached him with an announcement. They were better than he was, they said, better speakers, better musicians. He was a hindrance. So they were going on without him, under a different name.

Welk had to choose between returning home in disgrace to a father who had opposed his son's musical career, or going ahead on his own.

"I knew myself and I had faith that I could handle hard times and hard knocks," he said. "So just a few days after having lost my band, I made my decision to stick with it."

The rest, as they say, is history.

BEFORE AND SINCE, however, Welk has never let any personal inconvenience except illness stand between him and the nearest Catholic church.

"There have been countless times when going to church meant going through all sorts of storms in order to go to Mass, but I never let anything stop me," he said.

"Numberless times through the years as we traveled throughout the country I would re-route the bus and go out of the way to get to a church. Those added miles must be in the thousands, but going to church was as natural and as important to me as breathing."

He added, "Many times I would call for a breakfast stop, and while everyone else was eating his breakfast, I would go to Mass. I felt better when I did that."

... NEWS ...

* Dear Members of the Parish Family,

It is with extreme reluctance and a deep sense of parochial and personal loss that I share with you the communication that Father Siegfried Wildera has been transferred from St. Pius. His appointment to St. Justin will be effective on April 11, 1977.

He has been with us only a few short months but during that brief time, he has endeared himself to all of us. We have grown to know and love him as a wonderful man of God who possess-

ed those admirable qualities of which we were in special need — leadership in the fields of youth direction, adult education, marriage encounter, charismatic prayer, athletic appreciation, and daily homilies. Always open, available and affable, we will miss his spontaneous warmth, carefree manner and joyful laughter.

Next Sunday a farewell reception will be held in his honor in St. Pius V auditorium to bid him 'God-speed' y Vaya con Dios. Each of us will have the opportunity to thank him for all that he has done for us and meant to us — for just being someone special to whom we could all relate — our own dear Father Sleg.

Devotedly in Christ,
Rev. James Pierse

LENTEN SCHEDULE

DAILY MASSES are at 6:30, 8:00 a.m. and 5:15 p.m. (Except on Wednesdays when evening Mass is at 7:30 p.m.)

CONFESSIONS: Thursday, March 31st, 4:30 to 5:30 and 7:30 to 8:30 p.m. Wednesday, April 6th, a Special Penitential Service after 7:30 p.m. Mass.

STATIONS OF THE CROSS are Fridays at 2:15 for students and 7:30 p.m. for adults.

OPERATION RICE-BOWL

AMERICAN CATHOLIC OVERSEAS AID APPEAL collection is being taken up TODAY at all the Masses. Special envelopes are in the pews. Please be generous.

FLOWERS — You may help beautify the church and altars for Holy Week and Easter by contributing to the special flower collection which will be taken up next Sunday.

OUR SUNDAY VISITOR, a national Catholic newspaper, is available at the entrances of the church. This week's paper is a special issue on Catholic Youth and Education.

RECYCLE LIFE — DONATE BLOOD

Monday March 28, from 2:45 to 7:30 p.m.

Knights of Columbus Hall

8410 Kass Drive, Buena Park

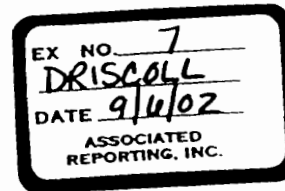
Your cooperation will insure a successful blood donor campaign among St. Pius parishioners. Please designate your donation for St. Pius V Blood Bank.

SCHOOL NEWS

Friday, April 1st — End of 3rd quarter. Mass at 10:45 a.m. Stations of the Cross at 2:15 p.m.

50/50 RAFFLE: Our lucky winner for March 16th drawing was Doris Lang of Buena Park. Ticket No. 491 won for her \$691.00. Congratulations! Remember the April tickets are available after some of the Masses or call 828-1097; 523-5507.

AOM 0150



MARCH 27, 1977

FIFTH SUNDAY OF LENT

PAGE THREE

YOUTH NEWS

Saints and Sinners: Sunday, March 27th — serving Coffee and Donuts. Monthly business meeting at 8:30 a.m.

Thursday, April 14 at 7:00 p.m. — Youth Mass — All the youth of this parish are cordially invited to attend and bring a friend. Fr. Widera will be the celebrant. For information call Jon Martinez, 523-1131. May we of the Saints and Sinners take this most Holy time of the year to remind all of you of the sacrifice that Jesus made for all of us.

Young Singles: Sunday, March 27th — L.A. Zoo, meet at the church, The Un-Game Experience at 7:30 p.m. Coffee and Donut Room. Come and join us.

Saturday, April 2nd — District Dance.

Sunday, April 3rd — Volleyball, Cypress College.

Sunday, April 10th — Easter Sunrise Services. For information call Joel, 535-7413 or Carol, 522-3049.

THE CHRISTIAN SERVICE PROGRAM has a clothes closet with clothes available at no cost to parishioners in need. For information call 523-5166 or 521-7872.

ALTAR SOCIETY NEWS: Sunday, April 3rd, 8:30 a.m. Mass is our Communion Sunday. Meet in front of the church. There will be a special collection for Easter flowers at all the Masses.

Monday, April 4th, will be our monthly meeting in the hall.

MEN'S RETREAT for St. Pius V at Serra Retreat House, Malibu, April 15th. For information or reservations call Hank Ficke, 527-1447, Nick Cotugno, 522-4542, or Marcellino Cipres, 926-7636.

ADULT EDUCATION COURSE conducted by Fr. Widera, will meet on Thursday, March 31, 8:00 p.m., in the Coffee and Donut Room. The topic will continue to be The Mass — The Easter Mystery (and befitting the season: a study of the Shroud).

A CLASS FOR PROSPECTIVE CONVERTS this WEEK will meet on Wednesday evening at 7:30 p.m. in the Conference Room. (A make up class is held on Saturday mornings at 11:00.) All interested persons are cordially invited to attend. Please call the rectory, 522-2193, for further information.

ST. PIUS V. SOCIAL CLUB sponsors BINGO every Friday evening, 7:30 to 10:30 p.m., in the parish hall. **GRAND PRIZE \$250.00 Cash.**

ST. PIUS V CHARISMATIC PRAYER GROUP meet every Sunday (except the 4th Sunday) in the library at 7:30 p.m. Everyone is welcome. For information call 828-8440 or (213) 926-6865.

MARRIAGE ENCOUNTER MASS this Sunday, March 27, at 12:15.

NEW DIOCESAN RADIO PROGRAMS — KYMS FM 106.3 on Sunday mornings at 9:00 a.m. Mass and at 10:30 a.m. Catholic Dimensions. Each week there will be stimulating discussion about activities in the new Diocese of Orange.

CATHOLIC TELEVISION

Presented by the Diocese of Orange — UHF Channel 40.

"The Word Made Flesh," Catholic Scripture Study, Saturdays at 2:00 p.m.

"Ven Espirito Santo," Spanish language sharing program dealing with the renewal and special teachings by host Fr. Alejandro Burciaga, Saturdays at 6:30 p.m.

"It's A Brand New Day," Catholic sharing and teaching program, Sundays at 6:00 p.m.; Fridays at 2:30 p.m.; and Saturdays at 1:30 p.m.

THE ORANGE CAMPUS of Loyola Marymount University is sponsoring a series of lectures by Fr. John Wright, S.J., "Recent Developments in Roman Catholic Theology." The series will be held on Friday, April 1 at 7:30 p.m.; Saturday, April 2 at 10:00 a.m. and 2:00 p.m., and Sunday, April 3 at 9:30 a.m. Donation: \$3.00 per lecture, \$10.00 for the series. For information and pre-registration, call 633-8495, ext. 7763.

BANNS OF MARRIAGE

3rd Announcement: Kenneth Haynes and Kerry Ann Lynch.

1st Announcement: Ray Carmody and Denise Capezzuto; Ron Chirumbolo and Paula Nelson.

YOUR PRAYERS ARE REQUESTED FOR:

The repose of the soul of Andrew DiNoble; the recovery of the sick of the parish, especially John Horoszko, Jean Krier, Henry Hawrylew, Edna Collins, Dean Ristow, Mary Kastner, George Gonzales, Victor Medeiros, Frank Montegro, Veronica Reck, Pat Underwood, Anna Marie Shepard, Kathleen Callahan, Betty Filadelfia, Bonny Gillen, Betty Wigton, and Clare Melton.

JEST KIDDING

A priest had been called in to deliver the oration at a funeral. The departed was a complete stranger. After the service had started, the clergyman realized that the name given him might be applied to male or female. The details given him about the deceased gave him no clue as to the sex. He was getting more concerned by the minute. He proceeded as diplomatically as possible but he finally arrived at the point where he just had to know.

At the propitious moment, the choir began to sing. He heaved a sigh of relief and bent over and whispered to a nearby mourner, "Brother or Sister?"

The weeping mourner answered hoarsely, "Cousin."

893. Widera, Siegfried

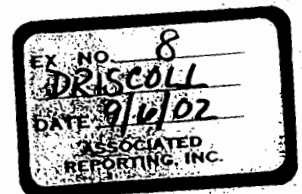
On November 24, 1992 Barb Cusack sent the file of Siegfried Widera from the Chancery to our office. She recently received a call from Delavan concerning an allegation from years ago. She is not sure if it is a new allegation.

RTV

✓ 462. Siegfried Widera

On July 27, 1993 I spoke with Sr. Rose Steinfast who communicated some caution about Siegfried's current status in the Diocese of Orange, especially in view of the present historical review.

RJS



ARCHDIOCESE
OF MILWAUKEE

345 NORTH NINETY FIFTH STREET • P.O. BOX 2018 • MILWAUKEE, WISCONSIN 53201 • PHONE 414/476 2101

THE CHANCERY

February 22, 1977

The Reverend Siefried Widera
St. Pius V Rectory
7691 Orangethorpe Avenue
Buena Park, California 90621

Dear Father Widera:

Greetings from the most thriving Metropolis in the Midwest!

It was good to hear of your parish assignment in Buena Park. I suspect that it must be a rather beautiful part of the country. Think of all the frigid weather you escaped from this winter!

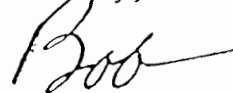
I am enclosing a transfer card for your Blue Cross with a letter of explanation. The new group to which you will belong is called, "Chancery Office Priest Group", #80853. Use March 1 as the effective date.

The Chancery will pay for the present. Later we may have to ask your parish out there to cover this fringe benefit.

As for the Priest Pension Plan, that you will have to keep up yourself. As you know, each of us is responsible for one month's salary (Archdiocesan scale) per year. I checked with the St. Michael's Priest Fund and was told that the board would consider an application for back salary. The application should be made directly to St. Micheal's Priest Fund, Box 2018, Milwaukee, Wisconsin 53201. I do not have an application form here. If you do not have one among your papers, perhaps just a letter spelling out the facts will suffice.

Prayers and best wishes from all of us.

Fraternally,



(Rev.) Robert G. Sampon
Chancellor

RGS:map
Enclosures

EX NO.	9
DRISCOLL	
DATE	9/6/02
ASSOCIATED REPORTING, INC.	

AOM 0134

CALIFORNIA

SECTION

B

Los Angeles Times

1000

EX NO.	10
DRISCOLL	
DATE	9/6/02
ASSOCIATED REPORTING, INC.	

Church Sued for Abuser's Transfer

Scandal: Bishops sent to Orange County a priest with a molestation history, suit alleges. Man says he and his brother became the next victims

By WILLIAM LOBDELL
TIMES STAFF WRITER

An Orange man filed suit Tuesday against the Roman Catholic Church, alleging that two former bishops conspired to move a Milwaukee priest who had molested boys there to Orange County, where he is accused of sexually abusing more minors. In his lawsuit filed in Orange County Superior Court, Eric Nathan Paine, 25, alleges that Father Sigfried F. Widera molested him and his older brother in 1985 under the guise of tucking the boys, then 8 and 7, into bed as a favor to their single mother.

Widera, who lives in Arizona, could not be reached for comment Tuesday. He was stripped of his ability to function as a priest in 1986, shortly after Paine's mother complained to the diocese. He has not been defrocked.

Paine is one of the youngest victims to sue during the church's 4-month-old priest sex scandal.

"The only reason I'm doing this is because this needs to be stopped," said Paine, a truck driver.

"Not just with Widera, but all other priests."

Last month Paine filed a criminal report with Brown police, who have jurisdiction over neighboring Yorba Linda, where the incidents allegedly took place. A police spokesman said a preliminary investigation determined that the statute of limitations has run out on the 17-year-old case.

Orange Bishop William Johnson accepted Widera into the diocese in 1976, despite a warning letter from Milwaukee Archbishop William Cousins that the priest had a "moral problem having to do with a boy in school." Both Johnson and Cousins are deceased.

Since Widera's first Orange County accuser, an Anaheim man, stepped forward last month, diocesan officials said four others have contacted the church.

In Milwaukee, Widera was convicted of sexual misconduct with an adolescent boy in 1973 and sentenced to three years' probation. He also was ordered by his archbishop to undergo counseling.

Now police in a Milwaukee suburb are investigating allegations of another sexual assault by Widera during the 1970s. The case will be reviewed this week by the local district attorney.

Orange officials said there was nothing in Widera's personnel file about his criminal conviction, a statement corroborated by a priest within the diocese at the time.

The archbishop of Milwaukee had told us [Widera] had gone through counseling and was declared to be OK and safe," said Bishop of Boise Michael Patrick Driscoll, who was an advisor to the bishop of Orange in 1976. "That would never happen today. We were told that it would not be a problem. I'm really sorry. . . . It's a problem."

Please see SUIT, B4

SUIT: O.C. Man Alleges Priest Molested Him in '85

Continued from B1
shame we put children in Orange County at risk."

A spokesman for the Milwaukee archdiocese said they hadn't seen the suit and couldn't comment.

Katherine K. Freberg, Paino's attorney, called Paino "the poster boy to show why zero-tolerance [for molesting priests] is needed."

Paino said Widera befriended his family, coming over for dinner, swimming in the backyard pool, giving rides on his motorcycle and handing out bags of candy that he kept in the trunk of his car.

Paino said the molestations took place in the summer of 1985. He said his mother remembered a dinner when her young son said, "I

don't want Father Widera tucking me in bed anymore."

She asked why, and he replied, "I don't like the way he's touching me." Paino's mother went to church officials, and soon afterward, Widera was sent to New Mexico for more counseling.

Paino's brother still is considering his legal options, said Freberg.

In his nine years with the Orange diocese, Widera was at five parishes: St. Pius V Church in Buena Park, St. Justin Martyr Church in Anaheim, St. Edward Church in Dana Point, Immaculate Heart of Mary in Santa Ana, and St. Martin de Porres Church in Yorba Linda. The Paino family attended services in Yorba Linda.

EXHIBIT "N"

December 20, 1976

His Excellency
The Most Reverend William R. Johnson
440 South Batavia Street
Orange, California 92668

ATTENTION: Father Michael Driscoll

Dear Father Driscoll,

A few days ago I talked by phone to Bishop Johnson about a possible pastoral assignment for Father Siegfried Widera of this Archdiocese. The conversation was very general and the Bishop suggested that perhaps something could be done on a temporary basis. My reason for approaching Bishop Johnson is founded in the fact that Father Widera's brother and family live in Costa Mesa, California. In the course of our conversation the Bishop informed me that he would be absent for a while and asked that I discuss the matter further with you.

I talked to Father Widera this morning and informed him that I was writing to you at the Bishop's request. I learned that he is leaving to visit his brother and will arrive in California on or about January 5th. Under the circumstances I recommended that upon his arrival he immediately get in touch with you or with the Bishop and that in the meantime I would have written to you and to His Excellency.

Father Widera was ordained in 1967 and has done good work for the Diocese in the places to which he was assigned. In his earlier years there was a moral problem having to do with a boy in school. This seemed adequately confronted through treatment and an intense desire upon Father's part to avoid any repetition of a previous offense.

More recently, however, there has been a repetition, and according to our State Laws further psychiatric treatment is mandated with the strong recommendation that no immediate assignment be made in the environs of the Archdiocese.

Father Widera has cooperated in every way and is presently under treatment. His doctor is somewhat in favor of his leaving the scene but expects that there will be continuing treatment. This has already been arranged and a doctor in California will take over at this point. From all the professional information I can gather there would seem no great risk in allowing this man to return to pastoral work, but there are legal complications at present writing. Incidentally, these legal technicalities would permit Father's going to another State as long as treatment is continued.

December 20, 1976

His Excellency
The Most Reverend William R. Johnson

-2

ATTENTION: Father Michael Driscoll

I would not expect Bishop Johnson or yourself to act in this matter without first of all interviewing Father Widera and satisfying yourself that charity will not add to existing personnel problems. If the man could be assigned on a temporary basis or if he could be given some part-time work that would give him the support of living in residence with other priests, half of the problem would be licked. This must be left to the Bishop's discretion and this discretion should not be exercised until pertinent and important questions have been answered. I hope this can be accomplished in a personal interview sometime in January.

There is no thought of incardination involved, and I am quite willing to accept the man back into the Archdiocese whenever circumstances would indicate. Though I anticipate no recurrence of this past aberration, I would certainly want to be informed if the slightest suspicion were to develop. I would like to show fraternal charity to a fellow priest but I cannot be virtuous at the expense of a fellow Bishop.

With the warmest of personal regards and with every good wish for the Holiday Season, I am

Faternally yours in Christ,

Most Reverend William E. Cousins
Archbishop of Milwaukee

EXHIBIT "O"

January 10, 1977

Rev. Siegfried F. Widera
St. Pius V
7691 Orangethorpe Avenue
Buena Park, California 90621

Dear Father Widera:

His Excellency, Bishop William R. Johnson, has
directed me to confirm your appointment in

HOSPITALITY AT
ST. PIUS V
BUENA PARK, CALIFORNIA

This appointment carries with it the faculties of
an Associate Pastor and will become effective on
Wednesday, January 12, 1977.

Praying for God's every blessing upon you and your
work, I remain

Sincerely yours in Christ,

Reverend Michael P. Driscoll
Chancellor-Secretary to the Bishop

ph

cc: Most Rev. William E. Cousins
Archbishop of Milwaukee

EXHIBIT "P"



DIOCESE OF ORANGE

440 SOUTH BATAVIA ST.

ORANGE, CALIFORNIA 92668

714 - 639-8010 - 639-8011

January 17, 1977

Most Reverend William E. Cousins
Archbishop of Milwaukee
345 North Ninety Fifth Street
P. O. Box 2018
Milwaukee, Wisconsin 53201

Your Excellency:

I wish to thank you for your letter of December 20, 1976 and introduction to Reverend Siegfried Widera of the Archdiocese of Milwaukee. Father Widera made an appointment to see me on January 10, 1977 and was assigned to be IN HOSPITALITY at St. Pius V Parish, 7691 Orangethorpe Avenue, Buena Park, California 90621. I am enclosing a copy of Father Widera's assignment to St. Pius V Parish for your information.

While Father Widera is living at St. Pius V Parish in Buena Park it is our understanding that he still retains all the benefits of being a member of the Archdiocese of Milwaukee with regard to health insurance. From the Parish of St. Pius V Father Widera will receive a salary of \$175 a month and have the use of a car for parish duties.

Praying God's continued blessings upon you I remain

Sincerely yours in Christ,

Reverend Michael P. Driscoll
Chancellor-Secretary to the Bishop

ph

Enclosure

EXHIBIT "Q"

January 25, 1977

His Excellency
The Most Reverend William R. Johnson
440 South Batavia Street
Orange, California 92668

Dear Bishop Johnson,

Your Chancellor, Father Driscoll, has informed me that Father Siegfried Widera of this Archdiocese has been assigned "in hospitality" to St. Pius V Parish in Buena Park, California. He has also informed me of our mutual understanding and that Father Widera will remain a member of the Archdiocese and as such be carried in our health and medical insurance program.

Permit me to express my sincere thanks to you and those involved for this consideration of a priest who has done good work and whose absence from the Diocese is predicated upon the local situation discussed in earlier letters.

I fully expect that upon the recommendation of those professionally helping him at the present time he will be reassigned in our Archdiocese.

With the warmest of personal regards, I am

Faternally and gratefully yours in Christ,

Most Reverend William E. Cousins
Archbishop of Milwaukee

EXHIBIT "R"

BROWN & JONES REPORTING, INC.

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ORANGE, CENTRAL JUSTICE CENTER

ERIC NATHAN PAINO,

Plaintiff,

-vs-

Case No. 02 CC06293

**ORIGINAL
TRANSCRIPT**

THE ROMAN CATHOLIC BISHOP OF
ORANGE, THE ARCHDIOCESE OF
MILWAUKEE, FATHER SIGFRIED F.
WIDERA and DOES 1 through 100, inclusive,

Defendants.

Examination of ROBERT G. SAMPON, taken at
the instance of the Plaintiff, under and pursuant to
Section 804.05 of the Wisconsin Statutes, pursuant to
Stipulation, before JODI L. TYLEY, a Registered
Professional Reporter and Notary Public in and for the
State of Wisconsin, at the Archdiocese of Milwaukee,
3501 South Lake Drive, Milwaukee, Wisconsin, on the
13th day of September, 2002, commencing at 11:11 a.m.
and concluding at 12:49 p.m.

1 you were -- Do you believe that you were the
2 Chancellor of the Milwaukee Archdiocese in 1976?

3 A No. I really don't remember.

4 Q Okay. Do you have any idea why a priest coming
5 from the State of California to Wisconsin who was
6 originally incardinated in Wisconsin would be
7 meeting with you in 1976?

8 A No, I don't.

9 Q And do you have any recollection of meeting with
10 him at all?

11 A No, I don't.

12 Q Why don't you turn -- We are finished with that
13 particular document.

14 MR. STEIN: And Counsel, if you'd hand
15 him Bates stamp 134.

16 BY MR. STEIN:

17 Q This is Exhibit No. 2, Father, and I'm going to
18 give you an opportunity to read through that
19 letter. Would you do that for me, please?

20 A Yes. Uh-huh.

21 Q Okay. Now that you've had an opportunity to read
22 that letter, Father Sampon, I'm going to point out
23 to you that the letter appears to be dated
24 February 22, 1977 up at the top, okay?

25 A Yes.

1 Q And down at the bottom it's signed by -- Is that
2 your signature?

3 A Yes.

4 Q And it indicates Robert G. Sampon, Chancellor.
5 Does that help to refresh your memory at all as to
6 the years in which you were in fact Chancellor of
7 the Milwaukee Archdiocese?

8 A Yes, it does.

9 Q Would you acknowledge then that you in all
10 likelihood and in fact were the Chancellor in
11 February of 1977?

12 A Yes.

13 Q Okay. Now, do you have a recollection of writing
14 this letter?

15 A No, I don't.

16 Q I know that it's many years ago.

17 A And 500 some priests in the Diocese.

18 Q Okay. It's addressed to Father Widera, and it's
19 dated in 1977. Would you acknowledge then that in
20 1977 you did know who Father Widera was?

21 A Yes.

22 Q Okay. And you're writing to him in Buena Park,
23 California; is that correct?

24 A Yes, it is.

25 Q So apparently you as the Chancellor of the

1 Milwaukee Archdiocese in 1977 were aware of where
2 Father Widera was living and located; is that
3 correct?

4 A Yes.

5 Q And according to this letter, you indicate you're
6 happy to hear that he had a parish assignment in
7 Buena Park. Do you have any recollection of how
8 you knew that he was in fact assigned or had
9 received an assignment in Buena Park, California?

10 A No. I have no idea.

11 Q You're sending him a transfer card for Blue Cross.
12 That would be his health insurance, right?

13 A Yes.

14 Q Would that be, dealing with health insurance for
15 priests, a part of the Chancellor's job?

16 A No, not really.

17 Q Do you have any idea why you as Chancellor would be
18 sending Father Widera his Blue Cross/Blue Shield
19 card?

20 A No, I don't.

21 Q In the third paragraph it makes reference to, and I
22 quote, "Chancery office priest group," that's in
23 quotes, "No. 80853." Do you know what that is?

24 A Blue Cross/Blue Shield provided us with individual
25 memberships and groups, so all I would say is

1 that --

2 Q I don't mean to interrupt you, but does the
3 language in that paragraph seem to imply to you
4 that Father Widera was enrolled in a group plan
5 through Blue Cross?

6 A Yes.

7 Q Was that group a group consisting of priests that
8 were incardinated in the Milwaukee Archdiocese?

9 A Ordinarily the parishes form a group, and this
10 Chancery office group must have included those who
11 aren't in parishes.

12 Q So that would be the Milwaukee Chancery Office?

13 A Yes, uh-huh.

14 Q And that's where you were the Chancellor?

15 A Right. Yes.

16 Q So what happened here is evidently Blue Cross
17 provided a group health insurance coverage for the
18 Chancery Office Priest Group of the Milwaukee
19 Archdiocese?

20 A Yes.

21 Q And you were sending Siegfried Widera his group
22 membership card in that group; is that correct?

23 A Yes.

24 Q And then you're informing him that he's going to
25 have to be responsible himself for the priest

1 pension plan. That's in the second to the last
2 paragraph.

3 A Uh-huh.

4 Q Is that correct?

5 A Yes.

6 Q What was the St. Michael's Priest Fund?

7 A That was a fund set up in the 1800s to assist
8 priests in one capacity or another if they didn't
9 have a parish.

10 Q If a priest was assigned to a parish, he would
11 receive a salary and other benefits?

12 A Right. Yes.

13 Q And if a priest was not assigned to a parish or
14 anyplace else, then this St. Michael's Priest Fund
15 was set up to provide him with benefits because he
16 wasn't getting them from the parish?

17 A That's correct.

18 Q And is St. Michael's Priest Fund exclusive in the
19 Milwaukee Archdiocese, or is that something that
20 extends throughout the Catholic world?

21 A No, just the Archdiocese.

22 Q Okay. So you're informing him that if he wants
23 benefits from the St. Michael's Priest Fund of the
24 Milwaukee Archdiocese he was going to have to make
25 his own application and take care of that himself.

1 A Yes.

2 Q Okay. If Father Widera was in Buena Park,
3 California, why would he be entitled to benefits
4 from the Milwaukee Archdiocese St. Michael's Priest
5 Fund?

6 A I really don't know.

7 Q Okay. Thank you. I'm finished with that exhibit.

8 MR. STEIN: Would you please show the
9 good Father Exhibit 3 which is Bates stamped 0037?

10 BY MR. STEIN:

11 Q I'll give you an opportunity to read through that
12 letter if you would be so kind, Father.

13 A Yes.

14 Q This is a letter from you as Chancellor in the
15 Milwaukee Archdiocese dated November 22, 1977 to
16 Siegfried Widera who then is in Anaheim,
17 California; is that correct?

18 A Would you repeat that?

19 Q Yes. Certainly. Is this a letter that you sent to
20 Siegfried Widera?

21 A Yes.

22 Q It's dated November 22, 1977, correct?

23 A Yes. Correct.

24 Q You were then Chancellor, were you not?

25 A Yes.

1 A Yes.

2 Q Given the fact that this is the St. Michael's
3 Priest Fund, was the purpose of this letter to
4 inform Father Derfus that Siegfried Widera was no
5 longer eligible for help through the St. Michael's
6 Priest Fund?

7 A Yes.

8 Q It would be fair to say then that he was entitled
9 to benefits from the St. Michael's Priest Fund at
10 least up to November 23, 1981?

11 MR. MUTH: I object to the form and
12 foundation.

13 BY MR. STEIN:

14 Q Okay. Do you know if or -- Maybe you can answer
15 this question for me. If Siegfried Widera had been
16 incardinated in the Archdiocese of Milwaukee up to
17 November 23, 1981, he would have been eligible for
18 benefits under the St. Michael's Priest Fund; is
19 that correct?

20 A Up until?

21 Q Well, until the date he becomes excardinated.

22 A Yes.

23 Q Okay. So at least with respect to benefits from
24 the St. Michael's Priest Fund, we have to assume
25 or -- Strike that. If Father Widera was

1 incardinated in the Archdiocese of Milwaukee up to
2 November 23, 1981, the Archdiocese would have had a
3 certain amount of jurisdiction over him, would it
4 not?

5 A Yes.

6 Q And to what extent would it have been able to
7 exercise jurisdiction over Father Widera so long as
8 he was incardinated in the Archdiocese of
9 Milwaukee?

10 A That's really a complicated question.

11 Q Okay, then answer it for me as best you can. I
12 understand that it's complicated, but whatever
13 understanding you have concerning this
14 jurisdictional matter, why don't you just tell me
15 what you know.

16 A As far as the priest's appointments are
17 concerned -- Why don't you ask me the question
18 again.

19 Q Okay. If Father Siegfried Widera was incardinated
20 in the Archdiocese of Milwaukee up to November 23,
21 1981, I asked you previously would the Archdiocese
22 of Milwaukee have had any jurisdiction over him,
23 and you said yes; is that correct?

24 A Yes.

25 Q And then I asked you to tell me whatever you can

1 about what kind of jurisdiction the Archdiocese of
2 Milwaukee would have had over Siegfried Widera,
3 what could they make him do or prevent him from
4 doing, or could they direct him to go places, to do
5 things, that kind of stuff.

6 A Yes. They could do that.

7 Q All of those things?

8 A All of those things.

9 Q Okay. I'm finished with Exhibit 8. I would like
10 you -- I'm sorry. Go back. I did ask you if you
11 wrote this letter, and you confirmed that you did;
12 is that correct?

13 A Uh-huh, yes.

14 Q Then I'd like to do the same thing with Exhibit
15 No. 9, Bates stamped 208. Father Sampon, this is a
16 letter signed by you; is that correct?

17 A Yes.

18 Q And it's in your capacity as Chancellor in the
19 Archdiocese of Milwaukee; is that correct?

20 A Yes.

21 Q It's dated December 15, 1981; is that correct?

22 A Yes.

23 Q It's addressed to Reverend Joseph F. Hornacek of
24 the Priests' Personnel Board; is that correct?

25 A Yes.

1 Plan -- Strike that. Did it make any difference
2 that Siegfried Widera was in California while he
3 was still incardinated in the Milwaukee
4 Archdiocese?

5 MR. MUTH: With respect to the fund?

6 BY MR. STEIN:

7 Q With respect to the pension plan.

8 A I really don't know.

9 Q Okay. Fair enough. I'm finished with Exhibit 11.
10 I'd like you, Father, to look at Exhibit 12 Bates
11 stamped 0061. Father Sampon, is this again a
12 letter from you?

13 A Yes.

14 Q Signed in your capacity as Chancellor?

15 A Yes.

16 Q Dated December 15, 1981?

17 A Yes.

18 Q Who's Ethel Gintoft?

19 A She's the editor of the Catholic Herald, or she was
20 at that time.

21 Q Why would Ethel Gintoft of the Catholic Herald have
22 Siegfried Widera's name in her records?

23 A The Catholic Herald sends the weekly newspaper for
24 the Archdiocese to priests outside the Diocese.

25 Q Which would include Siegfried Widera while he was

1 in California.

2 A Yes, uh-huh.

3 Q And once he became excardinated from the Milwaukee
4 Archdiocese, he would no longer receive that paper.

5 A That's right.

6 Q But so long as he was incardinated, regardless of
7 where he physically was located, he would get a
8 copy of the Catholic Herald published in the
9 Milwaukee Archdiocese?

10 A He should have.

11 Q He was entitled to.

12 A He was entitled to it.

13 Q I'm finished with Exhibit 12. We are now at
14 Exhibit 13 which is 0062. Do you have that in
15 front of you, Father?

16 A Yes.

17 Q Again, this is a letter written by you in your
18 capacity as Chancellor.

19 A Yes.

20 Q It bears the date of December 15, 1981.

21 A Yes.

22 Q It is to the Reverend Monsignor Francis M. Beres.

23 A Yes.

24 Q He was President of the Priest Senate of Milwaukee.

25 A Yes.

1 Q What's the Priest Senate of Milwaukee?

2 A That's a body of priests entitled to assist the
3 Archbishop in the workings of the Diocese.

4 Q You're informing Reverend Monsignor Beres in his
5 capacity as President of the Priest Senate of
6 Milwaukee about the excardination of Siegfried
7 Widera in the Milwaukee Archdiocese and his
8 incardination in the Diocese of Orange; is that,
9 correct?

10 A Yes.

11 Q You're telling Monsignor Beres to remove Siegfried
12 Widera's name from his records and
13 responsibilities; is that correct?

14 A Yes.

15 Q For what reason would the Priest Senate of
16 Milwaukee have Siegfried Widera's name in its
17 records?

18 A Because all priests belong to the Priest Senate,
19 and if he's no longer in the Archdiocese, he would
20 no longer be a member of the Priest Senate.

21 Q So in other words, even though Siegfried Widera was
22 in California, so long as he was incardinated in
23 the Milwaukee Archdiocese, he was a member of the
24 Priest Senate of Milwaukee?

25 A In a broad sense, uh-huh.

1 Q Is that right?

2 A Uh-huh.

3 Q What authority does the Archdiocese exercise over
4 the Priest Senate of Milwaukee?

5 A I really can't give a full answer to that. The
6 Senate is advisory to the Archbishop, and he can
7 accept or not accept recommendations of the Priest
8 Senate made to him.

9 Q Does the Priest Senate meet from time to time?

10 A Yes, uh-huh.

11 Q How frequently in 1981 or 1980 would the Priest
12 Senate meet, if you know?

13 A I don't remember.

14 Q Would all of the priests, since every priest
15 incardinated in the Milwaukee Archdiocese was a
16 member of the Senate, would they all gather
17 together at the same time for those meetings?

18 A No.

19 Q How did it work?

20 A It's probably incorrect to say that -- All belong
21 in the Priest Senate but not in the same way.
22 There is a body of priests who form a group called
23 the Priest Senate.

24 Q So is this kind of like a representative body in
25 the same way that the Senate of the United States

1 of America represents all the population?

2 A Yes, uh-huh.

3 Q And as long as Siegfried Widera was incardinated in
4 the Milwaukee Archdiocese, he would be represented
5 by the Priest Senate, would he not, his interests?

6 A Yes, uh-huh.

7 Q And the same way that as long as I remain a citizen
8 of the United States, regardless of where I live,
9 be it France or Israel or anyplace else, the Senate
10 of the United States still represents my interests.

11 A Yes, uh-huh.

12 MR. STEIN: I'm finished with Exhibit 13.

13 Would you please show the good Father Exhibit 14?

14 0064 is the Bates stamp number.

15 BY MR. STEIN:

16 Q Father, do you have that letter in front of you?

17 A Yes, I do.

18 Q It's again a letter from yourself, is it not?

19 A Yes.

20 Q It's addressed to The Most Reverend Leo J. Brust,
21 D.D., who's Vicar of Finance, correct?

22 A Yes.

23 Q Dated December 15, 1981.

24 A Yes.

25 O Again, you are informing the Vicar of Finance that

1 California in 1976?

2 A I don't know.

3 Q During the period of time that Father Widera was
4 incardinated in the Archdiocese of Milwaukee, do
5 you know whether or not the Archdiocese of
6 Milwaukee gave him permission to practice as a
7 priest in California?

8 A No, I don't.

9 Q During the period of time that Father Widera was
10 incardinated in the Archdiocese of Milwaukee, would
11 Father Widera have been allowed to practice as a
12 priest in California without getting permission
13 from the Milwaukee Archdiocese?

14 A I don't know how the Diocese of Orange, what its
15 policies are.

16 Q Okay. Well, let me ask the question in this sense,
17 here we have a priest who's incardinated in the
18 Archdiocese of Milwaukee, correct?

19 A Yes.

20 Q And he is answerable to the Archbishop, is he not?

21 A Yes, uh-huh.

22 Q He may have other superiors, but ultimately he's
23 answerable to the Archbishop.

24 A Yes.

25 Q And a priest incardinated in the Archdiocese of

1 Milwaukee would be obligated to follow the orders
2 and directions of his Archbishop, would he not?

3 A Yes.

4 Q If the Archbishop wanted an individual to go to
5 another state, he could order him to do so, could
6 he not?

7 A Yes.

8 Q And if the Archbishop wanted a priest incardinated
9 in Milwaukee to come back to Milwaukee from another
10 state, he could order him to do that as well, could
11 he not?

12 A Yes, uh-huh.

13 Q Assume that the Archdiocese of Orange, excuse me,
14 the Diocese of Orange was willing to permit Father
15 Widera to practice as a priest in that diocese,
16 wouldn't he, by that I mean Widera, still have to
17 get permission from the Archbishop of Milwaukee?

18 A I really don't know.

19 Q Well, as between bishops in the various dioceses,
20 the archbishops in various dioceses, does one have
21 more clout than another?

22 A Within his own territory for sure.

23 Q Okay. When a priest is incardinated in an
24 archdiocese, that means he's a part of that
25 archdiocese, correct?

1 A Yes.

2 Q And he's not answerable to the archbishop or the
3 bishop of any other diocese, is he?

4 A No.

5 Q Even if he's physically within another diocese, the
6 person who has authority over him is the archbishop
7 or the bishop where he is incardinated.

8 A Yes.

9 Q Can't we assume from that then that if Siegfried
10 Widera was in California, the Diocese of Orange, in
11 1976, '77, '78, he would still be answerable to
12 Archdiocese Cousins regardless of the fact that he
13 was in the State of California?

14 A Yes.

15 Q And if Archbishop Cousins didn't want him to
16 practice as a priest in California, all he would
17 have had to do is say so.

18 A Yes.

19 Q Is it possible for you to have, you as Chancellor,
20 to have been aware that Siegfried Widera was in
21 California and the Archbishop's office not know
22 that fact?

23 A Yes. That is possible.

24 Q Is it likely?

25 A No.

1 Q If there had been a slipup of some kind and the
2 information simply hadn't been passed along, that's
3 a circumstance where the Archdiocesan office
4 wouldn't know, correct?

5 A Right.

6 Q But barring a slipup of some kind, if you knew as a
7 Chancellor, certainly the Archbishop would have
8 known.

9 A Yes.

10 Q I want you to assume that in the late 1970s, '77,
11 '78, '79, '80, and '81, I want you to assume that
12 Siegfried Widera was acting as a priest in the
13 Diocese of Orange and was still incardinated in the
14 Archdiocese of Milwaukee, okay?

15 A Yes.

16 Q Assume that fact, is it likely that that could have
17 happened without the Archdiocese of Milwaukee
18 knowing about it?

19 MR. MUTH: Objection, speculation.

20 BY MR. STEIN:

21 Q Go ahead and answer if you can.

22 A Would you repeat it.

23 Q Sure. Assume Siegfried Widera was practicing as a
24 priest in the Diocese of Orange in the late '70s,
25 is it likely that the Archdiocese of Milwaukee

1 would be unaware of that fact?

2 MR. MUTH: Same objection. You can
3 answer.

4 THE WITNESS: Yes.

5 BY MR. STEIN:

6 Q It is likely that they would be unaware of it or
7 it's likely that they would know?

8 A I think it's likely that they would know.

9 Q And at that same period of time, if Archbishop
10 Cousins didn't want him to do that, act as a priest
11 in the Diocese of Orange, he could have said,
12 "Siegfried, stop doing that," correct?

13 A "And come back," yes.

14 Q So in other words, even though -- If, in fact,
15 Father Widera was practicing as a priest within the
16 State of California but still incardinated in the
17 Archdiocese of Milwaukee, the archbishop here,
18 Cousins, still had authority over him.

19 A Yes.

20 Q He could order him to come back to Wisconsin.

21 A Uh-huh, yes.

22 Q He could remove him from the Diocese of Orange?

23 MR. MUTH: Vague and ambiguous.

24 MR. STEIN: That is ambiguous. Let me
25 withdraw that question. It's not necessary.

1 BY MR. STEIN:

2 Q The Archbishop in Milwaukee, even while Father
3 Widera is practicing as a priest in California but
4 still incardinated in Milwaukee, Archbishop Cousins
5 or any archbishop could remove Father Widera's
6 faculties as a priest.

7 A Yes.

8 Q Would the Archbishop in Milwaukee under those same
9 circumstances have the right to make inquiry of
10 Father Widera as to what he was doing, what kind of
11 activities he was participating in?

12 A Yes, he could.

13 Q He could say to him, "Father Widera, are you still
14 molesting children?" He could say that to him,
15 couldn't he?

16 A Well --

17 Q As Archbishop, he would have had the authority to
18 make that inquiry.

19 A Oh, I see what you mean, yes.

20 Q Would the Archbishop in Milwaukee, while Father
21 Widera was practicing as a priest in California,
22 have the right to conduct an independent
23 investigation to find out whether Father Widera was
24 involving himself inappropriately with children?
25 He could do that, couldn't he?

1 A Yes.

2 Q Would the Archbishop of Milwaukee have had the
3 right or the power or the authority to ask the
4 Diocese of Orange to provide him with, he Cousins,
5 with reports concerning Father Widera's activities?
6 That's a tougher one.

7 A Yeah. I suppose he could ask.

8 Q He could ask the Diocese of Orange if they wanted
9 to comply.

10 A Yes.

11 Q Are you aware of the fact, now, I'm not saying when
12 you found out, but are you right now as we sit here
13 today aware of the fact that Siegfried Widera is a
14 pedophile?

15 A I had no idea.

16 Q You didn't know that he had molested children in
17 the State of Wisconsin on a number of occasions.

18 A No.

19 Q Is my telling you this a surprise?

20 A No, it isn't, because I saw it in the paper.
21 That's my only knowledge.

22 Q So you saw it in the paper awhile back?

23 A A few months ago.

24 Q That was the first knowledge you had?

25 A Yes.

1 Q I want you to assume that Archbishop Cousins knew
2 that Siegfried Widera was a pedophile as early as
3 1973, okay?

4 A All right.

5 Q I want you to assume that fact. I want you to
6 assume that Siegfried Widera went to California in
7 1976 and after awhile began functioning as a priest
8 in the State of California, okay?

9 A Yes.

10 Q Given the fact that Archbishop Cousins knew that
11 Siegfried Widera was a pedophile, could Archbishop
12 Cousins, if you know, have ordered him not to
13 accept any assignment in which he would be involved
14 with children?

15 A I don't know.

16 Q Do you think he could have ordered Widera to
17 undergo evaluation to find out if he was still a
18 risk to children?

19 MR. MUTH: While he was in California?

20 BY MR. STEIN:

21 Q While he was in California but he's still
22 incardinated in Milwaukee, so could Archbishop
23 Cousins say to Siegfried Widera in Buena Park,
24 California or wherever he was, "Siegfried, I want
25 you to get some counseling to make sure you're not

1 getting into trouble again"? Could he do that?

2 A Yes, he could.

3 Q To the best of your knowledge, while Siegfried
4 Widera was acting as a priest in California but
5 still incardinated in Milwaukee, were his faculties
6 as a priest ever revoked?

7 A I don't know.

8 Q Do you know whether or not while Widera was working
9 as a priest in California if anyone from the
10 Milwaukee Archdiocese informed the priests and nuns
11 in California that Father Widera had a history of
12 molesting boys? Do you know if that was ever done?

13 A No, I don't.

14 Q You've told me that you had absolutely, even though
15 you were Chancellor of the Archdiocese, this is not
16 information that came to you concerning Siegfried
17 Widera, that he was a pedophile.

18 A Right.

19 Q Were you aware of the fact that Siegfried Widera
20 was arrested in Ozaukee County and prosecuted for
21 molesting children?

22 A No.

23 Q Were you aware of the fact that there was a picture
24 in either the Milwaukee Journal or the Milwaukee
25 Sentinel that showed Archbishop Cousins sitting in

1 Q The parish for whom he was working?

2 A That's right.

3 Q Or the agency?

4 A That's right.

5 Q Not from the Milwaukee Archdiocese?

6 A No.

7 Q And his living expenses, the same thing?

8 A Same thing.

9 Q And we already know, however, that at least up
10 until 1981, Father Widera's health care insurance
11 was being paid through Milwaukee.

12 MR. MUTH: Objection, assumes facts not
13 in evidence.

14 BY MR. STEIN:

15 Q Okay. Let me rephrase the question. We previously
16 went through some documents concerning Blue Cross
17 and Blue Shield, correct?

18 A Uh-huh, yes.

19 Q We know that for a period of time while Father
20 Widera was in California, because you wrote to him
21 there, that he was a member of the group through
22 the Milwaukee Archdiocese. We know that, don't we?

23 A Yes, uh-huh.

24 Q Who was responsible for paying the premiums for the
25 health insurance?

1 MR. MUTH: Vague and ambiguous. I don't
2 understand the question.

3 BY MR. STEIN:

4 Q Father Widera is out in California. His health
5 insurance is through a group within the Archdiocese
6 of Milwaukee, okay?

7 A Yes.

8 Q Who's paying the premium?

9 A The Archdiocese or St. Michael's Priest Fund.

10 Q But not Father Widera.

11 A No. I don't think so.

12 Q So either the Archdiocese or the priests' fund or
13 someone within the Milwaukee Archdiocese paid those
14 premiums.

15 A Yes.

16 Q Let's assume that Father Widera is in California,
17 still incardinated in Milwaukee and he's got some
18 mental health care expenses from a psychologist or
19 a psychiatrist and it's not covered by Blue
20 Cross/Blue Shield, who would pay for that?

21 MR. MUTH: Speculation, incomplete
22 hypothetical.

23 BY MR. STEIN:

24 Q If you know.

25 A It would be speculation. I really don't know.

1 Q Okay. We talked previously about some pension
2 benefits. In addition to priests contributing to
3 the pension fund, did the Archdiocese also
4 contribute to the pension fund?

5 A Yes. That's from the Catholics Stewardship Appeal.

6 Q So as long as a priest is incardinated in an
7 archdiocese, there is a contribution to his pension
8 fund through the archdiocese.

9 A Yes.

10 Q Can we assume then that if Father Widera was still
11 incardinated in Milwaukee but working in California
12 that there would be a contribution through the
13 Milwaukee Archdiocese to his pension fund?

14 A Yes.

15 Q Okay. Are you aware of whether or not Father
16 Widera had any mental health care treatment while
17 he was in the State of California?

18 A No. I have no knowledge.

19 MR. STEIN: Why don't you show him 24 and
20 25? It's Exhibit 16.

21 BY MR. STEIN:

22 Q I'm going to represent to you, Father, that this
23 letter dated December 20, 1976 is from Archbishop
24 Cousins to a Father Michael Driscoll in the office
25 of William R. Johnson, Most Reverend William R.

1 contact with Father Widera on a regular basis while
2 he was in California?

3 A No, I wasn't.

4 Q Were you aware of the fact that Archbishop Cousins'
5 successor, Archbishop Weakland, was in regular
6 contact with Widera while he was in California?

7 A No.

8 Q Do you know Donald Weber?

9 A Yes.

10 Q Do you know whether Donald Weber had contact with
11 Father Widera while he was in California?

12 A I don't know.

13 Q Do you know whether the Archdiocese of Milwaukee
14 asked Father Widera to return to Milwaukee?

15 A No, I don't.

16 Q Other than the Catholic Herald, were there any
17 other newsletters or brochures or fliers or
18 pamphlets or newsletters or anything else that was
19 sent out to priests?

20 A There were on a rather regular basis what we call
21 Chancery newsletters, and that went to all priests
22 who were incardinated, all of our priests.

23 Q Regardless of where they were located?

24 A That's right.

25 Q So we can assume from that that while Father Widera

1 was incardinated in Milwaukee but living in
2 California he was getting the Chancery newsletter?

3 MR. MUTH: Speculation.

4 BY MR. STEIN:

5 Q If you know.

6 A He should have.

7 Q Barring some slipup, it was the intent of the
8 Chancery office to send Father Widera these
9 newsletters in California.

10 A Yes, uh-huh.

11 Q Okay.

12 A Those newsletters never went into personal or
13 private matters.

14 Q I'm well aware of that, Father Sampon. I'm not
15 really so concerned with the content. I'm just
16 concerned with the fact that they were sent out
17 there to him.

18 A Oh, okay.

19 Q Did you ever have any contact with the Diocese of
20 Orange concerning Father Widera?

21 A No.

22 Q Do you know whether anybody else had any contact
23 with the Diocese of Orange?

24 A From the Archdiocese?

25 Q From anyone, from the Archdiocese, from the vicar's

1 office?

2 A No.

3 Q From anybody with the Diocese of Orange concerning
4 Widera?

5 A No. I have no idea.

6 Q What about contact with the Diocese of Orange for
7 any other purposes? Do you have any knowledge of
8 that?

9 A No, I don't.

10 MR. STEIN: Show the good Father 0001.

11 BY MR. STEIN:

12 Q This is Exhibit 17, Father. Do you have any idea
13 what that is?

14 A That's a personnel card file for each of our
15 priests in the Chancery office.

16 Q Do you note down at the bottom this has to do with
17 Siegfried Widera? Is that correct?

18 A Yes.

19 Q Up at the top there's some handwriting concerning
20 an address and someplace in California and a
21 telephone number, right?

22 A I see the telephone number. It's hard to read.

23 Q All right. You don't have to take my word for it.
24 We can drop down to the bottom of the card. We see
25 the third line from the bottom, "Assignment outside

1 the Diocese: St. Pius V Parish, on Orangethorpe
2 Avenue, Buena Park, California (Diocese of Orange)
3 January 12, 1977." Why would the personnel office
4 have information concerning this fact if you know?

5 A We try to keep in contact, and make sure
6 that -- Presumably these are appointments before
7 his leaving the Diocese, so we just kept in touch.

8 Q So long as Widera was incardinated in Milwaukee,
9 his whereabouts was of interest and concern.

10 A That's right.

11 MR. MUTH: We are done with that one?

12 MR. STEIN: Yeah. Sorry.

13 MR. MUTH: That's okay.

14 BY MR. STEIN:

15 Q During the time that Father Widera was acting as a
16 priest in California, do you know whether or not
17 the Diocese of Orange was asked to provide periodic
18 reports on Widera?

19 A I have no personal knowledge.

20 MR. STEIN: Show the good Father
21 Exhibit 18 Bates stamped 0021.

22 MR. MUTH: One page?

23 MR. STEIN: I only have one page here.

24 MR. MUTH: It looks like this is a letter
25 that doesn't have a signature block or may have

ARCHDIOCESE OF MILWAUKEE

345 NORTH NINETY FIFTH STREET • P.O. BOX 2018 • MILWAUKEE, WISCONSIN 53201 • PHONE 414/476 2101

THE CHANCERY

February 22, 1977

The Reverend Siefried Widera
St. Pius V Rectory
7691 Orangethorpe Avenue
Buena Park, California 90621

Dear Father Widera:

Greetings from the most thriving Metropolis in the Midwest!

It was good to hear of your parish assignment in Buena Park. I suspect that it must be a rather beautiful part of the country. Think of all the frigid weather you escaped from this winter!

I am enclosing a transfer card for your Blue Cross with a letter of explanation. The new group to which you will belong is called, "Chancery Office Priest Group", #80853. Use March 1 as the effective date.

The Chancery will pay for the present. Later we may have to ask your parish out there to cover this fringe benefit.

As for the Priest Pension Plan, that you will have to keep up yourself. As you know, each of us is responsible for one month's salary (Archdiocesan scale) per year. I checked with the St. Michael's Priest Fund and was told that the board would consider an application for back salary. The application should be made directly to St. Michael's Priest Fund, Box 2018, Milwaukee, Wisconsin 53201. I do not have an application form here. If you do not have one among your papers, perhaps just a letter spelling out the facts will suffice.

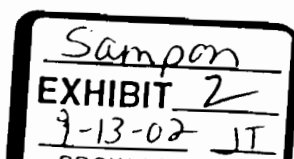
Prayers and best wishes from all of us.

Faternally,



(Rev.) Robert G. Sampon
Chancellor

RGS:map
Enclosures



AOM 0134

November 22, 1977

The Reverend Siegfried F. Widera
St. Justin Martyr Church
2050 West Ball Road
Anaheim, California 92804

Dear Siegfried:

Greetings from "up here"!

Your letter accompanying the statement regarding your Blue Cross/
Blue Shield expenses ended on my desk. You refer to a diocesan plan
for all priests in your diocese. That sounds fine, but I think you
had better check for sure that you are included out your way before
we cancel your membership here. We certainly do not want to enrich
Blue Cross by paying double coverage!! If you are in some diocesan-
wide group in Orange then I still think you or your parish there
should cover the cost of the enclosed bill, as you should have in-
formed us long ago of the local coverage.

But please let us know right away whether to cancel your membership
in Wisconsin Blue Cross or not. It is obviously too important of a
matter to be in doubt about. OK? Many thanks.

Faternally yours in Christ,

(Rev.) Robert G. Sampon
Chancellor

RGS:map

P.S. The new Archbishop, now home from the Bishops' Meeting in
Washington, is getting adjusted.



AOM 0037

December 7, 1977

✓ The Reverend Siegfried F. Widera
St. Justin Martyr Church
Ball Road
Anaheim, California 92803

Dear Siegfried:

We have the Blue Cross/Blue Shield billing for the next quarter beginning January 1, 1978. Would you please let me know if you are to be continued on our plan or (cf. my letter dated November 22, 1977).

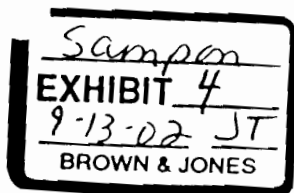
If I do not hear by December 13, 1977, I will presume that you have obtained coverage under the local diocesan plan. Alright?

Regards from all of us and best wishes for a Blessed Christmas and New Year's.

Faternally yours in Christ,

(Rev.) Robert G. Sampon
Chancellor

RGS:map

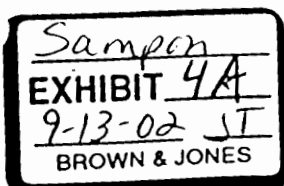


ST. JUSTIN MARTYR CHURCH
2050 W. BALL ROAD - ANAHEIM, CALIF. 92804

ar'd Muli
12/30/7

Dear Bob,

Have not written earlier
about my Blue Cross &
Blue Shield coverage —
because it has been up
in the air — have been
trying to get some info.
Have learned that only the
priests of the diocese are
covered. And since, as
of the present, I am not
incardinated, I am not
covered by the Diocesan
Blue Cross & Blue Shield.



I talked to the Pastor,
Fr. O'Connor, about it.

Maybe you could relate some
info to him. But he did
give me a check to send
on to you. Hope you had
a Blessed Christmas - I spent
it with my brother & family
Had a very good time. It
started to rain - finally. Need
it badly.

Thanks for everything.

Sieg

January 5, 1978

The Reverend Siegfried F. Widera ✓
St. Justin Martyr Church
Ball Road
Anaheim, California 92803

Dear Siegfried:

Your letter regarding Blue Cross coverage arrived December 30th. As noted in my earlier letters there was an urgency as we had to know by December 13th. Not having heard from you by that time, as I mentioned in my letters we did cancel your Blue Cross as of December 31st.

At your request now we are maneuvering to reinstate you. It is a "big deal" because of Blue Cross computer complications and I hope it works. We will bill you for the quarter beginning January 1st.

You might inquire about the possibilities of joining California Blue Cross even though you are not incardinated. I think it would simplify things a whole lot.

Thank you for your check for the last two quarters. Have a Blessed New Year!

As ever,

(Rev.) Robert G. Sampon
Chancellor

RGS:map



Priests who received help from the St. Michael's Priest Fund in 1977
either directly or for their benefit, e.g. BC/BS supplement

Albinger, John L.....	1,208.61	Kappellen, John A.....	755.80
Altstadt, Ralph J.....	304.12	Kelley, Jack J.....	966.72
Altenbach, Conrad A.....	147.12	Kelly, James E.....	147.12
Arens, John A.....	299.22	Kelly, Robert D.....	223.12
Barry, John J.....	147.12	Kempka, Casimir N.....	685.80
Belda, Walter H.....	147.12	Klas, Alois J.....	147.12
Becker, Franklyn W.....	550.00	Klinkhammer, Peter J.....	147.12
Bertrand, Paul J.....	87.00	Knackert, Anthony J.....	217.12
Betlinski, Joseph.....	234.12	Koehring, Leonard.....	147.12
Bier, Jos. V.....	453.72	Koenig, John J.....	147.12
Bonesho, William B.....	35.00	Koren, Louis F.....	747.12
Braun, Donald.....	35.00	Kozak, W. James.....	150.00
Braun, Edgar F.....	4,980.80	Krusing, Oswald G.....	147.12
Brey, Larry S.....	3,375.80	Kuehn, Vernon.....	108.50
Brophy, John L.....	670.61	LaBui, Francis C.....	234.12
Budde, Ray F.....	189.00	Lambert, Leo M.....	70.00
Cieslewicz, Marian J.....	147.12	Langenfeld, Henry R.....	284.12
Czaja, Anthony B.....	204.89	Leack, Larry J.....	598.80
Dabrowski, Stanely.....	668.80	Lomasz, Joseph A.....	234.12
Darneider, Donald A.....	75.00	Manley, James.....	48.92
DEmse, Thomas P.....	35.00	McDermott, Ray J.....	4,980.80
Dorzynski, Julius A.....	105.00	Mehan, James A.....	3,085.80
Drabinowicz, Francis A.....	304.12	Murphy, Daniel T.....	149.61
Drewek, Lenoard A.....	668.80	Murphy, Lawrence C.....	2,598.80
Fale, Richard A.....	149.61	Nadolny, Jos. J.....	149.90
Felsecker, Bernard H.....	147.12	Neu, Charles J.....	234.12
Fetterer, Raymond A.....	167.12	Neumann, Larry.....	70.00
Fox, Raymond L.....	175.00	Nolan, John F.....	147.12
Gapinski, Bernard D.....	234.12	O'Connor, Harold J.....	147.12
Garvey, Danile J.....	110.43	Orth, George N.....	167.12
Graham, James J.....	217.12	Paulus, Francis H.....	234.12
Graves, Robert H.....	315.00	Peight, Harry R.....	4,399.80
Groessel, Hm. H.....	147.12	Popek, Alphonse S.....	155.00
+Hausmann, Raynor.....	48.92	Reichling, Jos. P.....	385.00
Hefter, John P.....	606.00	Restle, William.....	234.12
Helm, Jos. J.....	234.12	Rewolinski, Roman J.....	618.80
Herbst, Harold H.....	685.80	Roensch, Fred F.....	755.80
Hopf, George S.....	668.80	Rose, Phillip J.....	234.12
Janicki, Joseph A.....	195.00	Rykowski, Valeriy J.....	598.80
Jentges, Geo. P.....	147.12	+Schaefer, Richard.....	73.38
Johnson, Gordon A.....	1,370.00	Schiffler, Leo.....	234.12
		Schmidt, Fred N.....	378.00
		Schmitt, Warren J.....	2,948.50
		Schouten, Clarence J.....	147.12

Sampon
EXHIBIT 7
9-13-02 JT
BROWN & JONES

ARCHDIOCESE OF MILWAUKEE

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THE CHANCERY

December 15, 1981

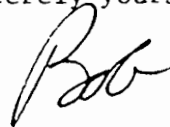
The Reverend Kenneth J. Derfus
7125 North 41st Street
Milwaukee, Wisconsin 53209

Dear Ken:

This is to inform the St. Michael's Priest Fund that Father Siegfried F. Widera has been excardinated from the Archdiocese of Milwaukee and officially incardinated into the Diocese of Orange, California, as of November 23, 1981. Kindly remove his name from your records and responsibilities.

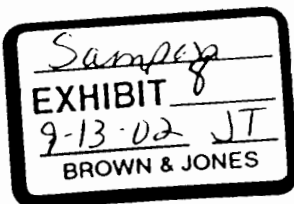
With kind personal regards, I am

Sincerely yours in Christ,



(Rev.) Robert G. Sampon
Chancellor

RGS/mk



AOM 0143

ARCHDIOCESE
OF MILWAUKEE

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THE CHANCERY

Rm
Jim
St. A
H

December 15, 1981

The Reverend Joseph F. Hornacek
Priests' Personnel Board
6033 West Lloyd Street
Milwaukee, Wisconsin 53213

Dear Father Hornacek:

This is to inform the Priests' Personnel Board that Father Siegfried F. Widera has been excardinated from the Archdiocese of Milwaukee and officially incardinated into the Diocese of Orange, California, as of November 23, 1981. Kindly remove his name from your records and responsibilities.

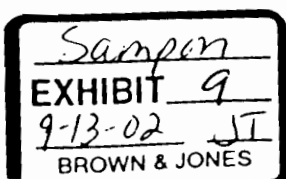
With kind personal regards and good wishes, I am

Sincerely yours in Christ,



(Rev.) Robert G. Sampon
Chancellor

RGS/mk



AOM 0208

ARCHDIOCESE
OF MILWAUKEE

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THE CHANCERY

December 15, 1981

The Reverend Joseph A. Janicki
Vicar for Priest Personnel
Archdiocese of Milwaukee

Dear Joe,

This is to inform you that Father Siegfried F. Widera has been excommunicated from the Archdiocese of Milwaukee and officially incardinated into the Diocese of Orange, California, as of November 23, 1981. Kindly remove his name from your records and responsibilities.

Fraternally yours in Christ,

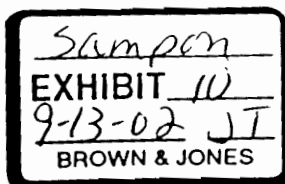


(Rev.) Robert G. Sampon
Chancellor

RGS/mk

P.S. The following offices and agencies have been notified:

Office of Finance
Priests' Pension Plan
Priests' Personnel Board
St. Michael's Priest Fund
Priest Senate
THE CATHOLIC HERALD (not for the Official Column)



AOM 0207

ARCHDIOCESE
OF MILWAUKEE

345 NORTH NINETY FIFTH STREET • P.O. BOX 2018 • MILWAUKEE, WISCONSIN 53201 • PHONE 414/476-2101

THE CHANCERY

M E M O

December 15, 1981

To: The Most Reverend Leo J. Brust, D.D.
Vicar of Finance

Re: Priests' Pension Plan - Contribution Reimbursement

Since Father Siegfried F. Wider[✓] has officially been incardinated into the Diocese of Orange, California, as of November 23, 1981, the monies that he personally contributed to the Priests' Pension Plan should be returned to him.

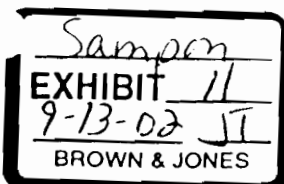
May I ask you to determine the amount to which he is entitled and make a check in that amount available to me so that it can be forwarded to him. In returning such monies, the Priests' Pension Plan Board demands of the priest a signed Election to Not Participate and Waiver form which is also a receipt. This form will be sent to him with the check.

R.G.S.

(Rev.) Robert G. Sampon
Chancellor

RGS/mk

cc: Rev. Raymond A. Sochurek
Rev. Joseph A. Janicki ✓



AOM 0206

December 15, 1981

Mrs. Ethel Gintoft
THE CATHOLIC HERALD
P. O. Box 26587
Milwaukee, Wisconsin 53226

Dear Ethel:

This is to inform the CATHOLIC HERALD that Father Siegfried F. Widera has been excommunicated from the Archdiocese of Milwaukee and officially incardinated into the Diocese of Orange, California, as of November 23, 1981. Kindly remove his name from your records and responsibilities.

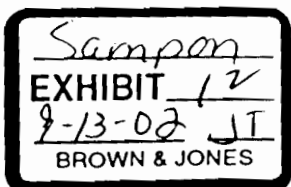
With kind personal regards, I am

Sincerely yours in Christ,

(Rev.) Robert G. Sampon
Chancellor

RGS/mk

P.S. This is not for the OFFICIAL COLUMN.



AOM 0061

December 15, 1981

The Rev. Msgr. Francis M. Beres
President, Priest Senate of Milwaukee
2604 Swan Blvd.
Wauwatosa, Wisconsin 53226

Dear Frank:

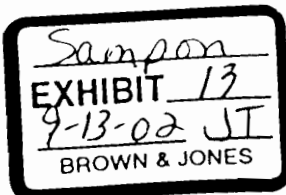
This is to inform the Priest Senate that Father Siegfried F. Widera has been excommunicated from the Archdiocese of Milwaukee and officially incardinated into the Diocese of Orange, California, as of November 23, 1981. Kindly remove his name from your records and responsibilities.

With kind personal regards, I am

Sincerely yours in Christ,

(Rev.) Robert G. Sampon
Chancellor

RGS/mk



AOM 0062

December 15, 1981

The Most Reverend Leo J. Brust, D.D.
Vicar of Finance
Archdiocese of Milwaukee

Dear Bishop,

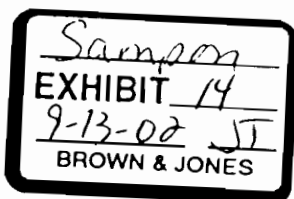
This is to inform the Office of Finance that Father Siegfried F. Widera has been excardinated from the Archdiocese of Milwaukee and officially incardinated into the Diocese of Orange, California, as of November 23, 1981. Kindly remove his name from your records and responsibilities.

With kind personal regards, I am

Sincerely yours in Christ,

(Rev.) Robert G. Sampon
Chancellor

RGS/mk



December 15, 1981

The Reverend Raymond A. Sochurek
440 Ridge Ct.
Kohler, Wisconsin 53044

Dear Ray:

This is to inform the Priests' Pension Plan Board that Father Siegfried F. Widera has been excardinated from the Archdiocese of Milwaukee and officially incardinated into the Diocese of Orange, California, as of November 23, 1981. Kindly remove his name from your records and responsibilities.

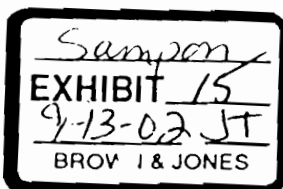
With kind personal regards, I am

Sincerely yours in Christ,

(Rev.) Robert G. Sampon
Chancellor

RGS/mk

cc: Mr. Wayne A. Schneider
Office of Finance



AOM 0065

December 20, 1976

His Excellency
The Most Reverend William R. Johnson
440 South Batavia Street
Orange, California 92668

ATTENTION: Father Michael Driscoll

Dear Father Driscoll,

A few days ago I talked by phone to Bishop Johnson about a possible pastoral assignment for Father Siegfried Widera of this Archdiocese. The conversation was very general and the Bishop suggested that perhaps something could be done on a temporary basis. My reason for approaching Bishop Johnson is founded in the fact that Father Widera's brother and family live in Costa Mesa, California. In the course of our conversation the Bishop informed me that he would be absent for a while and asked that I discuss the matter further with you.

I talked to Father Widera this morning and informed him that I was writing to you at the Bishop's request. I learned that he is leaving to visit his brother and will arrive in California on or about January 5th. Under the circumstances I recommended that upon his arrival he immediately get in touch with you or with the Bishop and that in the meantime I would have written to you and to His Excellency.

Father Widera was ordained in 1967 and has done good work for the Diocese in the places to which he was assigned. In his earlier years there was a moral problem having to do with a boy in school. This seemed adequately confronted through treatment and an intense desire upon Father's part to avoid any repetition of a previous offense.

More recently, however, there has been a repetition, and according to our State Laws further psychiatric treatment is mandated with the strong recommendation that no immediate assignment be made in the environs of the Archdiocese.

Father Widera has cooperated in every way and is presently under treatment. His doctor is somewhat in favor of his leaving the scene but expects that there will be continuing treatment. This has already been arranged and a doctor in California will take over at this point. From all the professional information I can gather there would seem no great risk in allowing this man to return to pastoral work, but there are legal complications at present writing. Incidentally, these legal technicalities would permit Father's going to another State as long as treatment is continued.



AOM 0024

December 20, 1976

His Excellency
The Most Reverend William R. Johnson

-2

ATTENTION: Father Michael Driscoll

I would not expect Bishop Johnson or yourself to act in this matter without first of all interviewing Father Widera and satisfying yourself that charity will not add to existing personnel problems. If the man could be assigned on a temporary basis or if he could be given some part-time work that would give him the support of living in residence with other priests, half of the problem would be licked. This must be left to the Bishop's discretion and this discretion should not be exercised until pertinent and important questions have been answered. I hope this can be accomplished in a personal interview sometime in January.

There is no thought of incardination involved, and I am quite willing to accept the man back into the Archdiocese whenever circumstances would indicate. Though I anticipate no recurrence of this past aberration, I would certainly want to be informed if the slightest suspicion were to develop. I would like to show fraternal charity to a fellow priest but I cannot be virtuous at the expense of a fellow Bishop.

With the warmest of personal regards and with every good wish for the Holiday Season, I am

Faternally yours in Christ,

Most Reverend William E. Cousins
Archbishop of Milwaukee

Widera, Rev. Siegfried F.

33926 Calle La

Thurman

San Jose, Calif 95129

(714) 496-1307

WIDERA, Rev. Siegfried F.
St. Justin Martyr Church
2050 W. Ball Rd.
Anaheim, CA. 92804

(714) 774-2595

BOHN	December 20, 1940 at Dortmund, Germany		
STUDIES	St. Francis Minor Seminary, 1955-1960; St. Francis Major Seminary, 1960-1967		
TONSURE	March 13, 1964	Seminary Chapel	M. Rev. R. R. Atkielsk
	Sept. 29, 1964	" "	M. Rev. R. R. Atkielsk
ORDERS	April 3, 1965	" "	M. Rev. W. E. Cousins
SUBDEACON	March 26, 1966	St. John Cathedral	M. Rev. W. E. Cousins
DEACON	Nov. 5, 1966	St. John Cathedral	M. Rev. W. E. Cousins
PRIESTHOOD	May 20, 1967	St. John Cathedral	M. Rev. W. E. Cousins
APPOINTMENTS	July 14, 1967 - Curate, St. John de Nepomuc, Milwaukee		
	Associate Pastor, St. Mary Help of Christians, W. Allis - 19		
	Associate Pastor, St. Mary, Port Washington - June 13, 1972		
	Associate Pastor, St. Andrew, Delavan - June 17, 1975		
	Assignment Outside the Diocese: St. Pius V Parish, 7691 Orangethorpe Ave., Buena Park, CA (Diocese of Orange) - January 12, 1977.		
NAME	WIDERA, Rev. Siegfried Francis		

Sampson
EXHIBIT 17
9-13-02 JT
BROWN & JONES

AOM 0001

EXHIBIT "S"

BROWN & JONES REPORTING, INC.

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ORANGE, CENTRAL JUSTICE CENTER

ERIC NATHAN PAINO,

ORIGINAL

Plaintiff,

-vs-

Case No. 02 CC06293

THE ROMAN CATHOLIC BISHOP OF
ORANGE, THE ARCHDIOCESE OF
MILWAUKEE, FATHER SIGFRIED F.
WIDERA and DOES 1 through 100, inclusive,

Defendants.

Examination of RICHARD SKLBA, taken at
the instance of the Plaintiff, under and pursuant to
Section 804.05 of the Wisconsin Statutes, pursuant to
Stipulation, before JODI L. TYLEY, a Registered
Professional Reporter and Notary Public in and for the
State of Wisconsin, at the Archdiocese of Milwaukee,
3501 South Lake Drive, Milwaukee, Wisconsin, on the
13th day of September, 2002, commencing at 2:41 p.m. and
concluding at 3:42 p.m.

1 A No, it isn't my decision. It depends on what in
2 this case the Archbishop wants it to mean.

3 Q How long have you held that position?

4 A I believe I was named Vicar General in early 1980.

5 Q And at that time Archbishop Weakland was the
6 Archbishop of the Milwaukee Archdiocese?

7 A That's correct.

8 Q What did he want the job of Vicar General to be?

9 A He gave me the general impression that a vicar
10 general was to be available for decisions if he was
11 not, if he was out of the area.

12 Q Sounds like a vice president.

13 A Something like that.

14 Q So there would always be somebody available in the
15 event that there was a local problem that needed to
16 be addressed?

17 A That's true.

18 Q As a practical matter, how have you functioned, and
19 what kinds of things have you been doing as Vicar
20 General over the last what, 22 years?

21 A As Vicar General, in fact very little. I have
22 signed proxy requests. In other words, when a
23 parish wants to engage in a building project, I
24 would review it substantively, not in detail, but
25 the substance of it and approve it. I would on

1 A I was not.

2 Q When you were involved with issues concerning
3 molestation of minors by priests, what was the
4 nature of your involvement?

5 A The nature of the involvement began when I was
6 Vicar for clergy.

7 Q And that was when?

8 A From 1985 until '91.

9 Q That's when it began. Go on then.

10 A Okay. It began within that context. I think the
11 first instance of direct involvement would have
12 been in about 1988; and thereafter if there was
13 some allegation, if a victim wanted to make contact
14 and speak, often they made contact with me because
15 I was, being from the area, fairly well-known.
16 Now, those have been terrible cases.

17 Q I could well imagine.

18 A There is no way in which you can minimize that.

19 Q When you would -- When you would become involved,
20 was it just as a recipient of information, or was
21 there also a component of doing something
22 proactive?

23 A Usually it was a recipient of information and then
24 taking action subsequently.

25 Q Action such as what, removal of the priest from the

1 Q Since May 20 of 1977, have you spoken with
2 Siegfried Widera?

3 A I don't think so.

4 Q Have you written him any other letters?

5 A I don't think so.

6 MR. STEIN: Would you show the witness
7 Bates stamp 00021 and 00022? These are not from
8 your depositions, our depositions. This happens to
9 come from a deposition taken in California.

10 BY MR. STEIN:

11 Q I'm going to represent to you, Bishop, that this
12 Exhibit No. 2 is in fact a photocopy of a record
13 from the Diocese of Orange, and I would like you to
14 look at the second page. There is a note there
15 that is dated December 17, 1993, and it says,
16 "Bishop Scelba."

17 A It's incorrectly spelled there.

18 Q Okay. They probably spelled it phonetically.

19 A I'm sure.

20 Q "Called," and then there's a telephone number. Was
21 that your telephone number at any point in time?

22 A Yes.

23 Q "Asked about," or whatever that thing means,
24 "status of Sig Widera. Trying to figure out who's
25 responsible for him." Can you tell me do you

1 recall making that call?

2 A I do.

3 Q What prompted you to make that call?

4 A In '93 the Bishop of the country had just passed,
5 if that's the word, promulgated a protocol for
6 dealing with matters of sexual abuse in 1992, and
7 so I came back from the Bishop's meeting and began
8 to ask if there were people who were not in our
9 Archdiocese, where were they, people I hadn't been
10 associated with or had any contact with for a long
11 time, and so systematically I went through several
12 different names I'm sure in an effort to find out
13 where they were.

14 Q Okay. I'm trying to put together two things.
15 Maybe I'm missing the connection and you'll help
16 me. In 1992 at this meeting, you developed a
17 protocol involving sexual molestation. Is that
18 what I understood you to say?

19 A Yes.

20 Q And then you said when you came back from the
21 conference you systematically were contacting
22 people who were no longer in the Archdiocese. How
23 do those two things interconnect, the protocol
24 concerning sexual molestation and your calling
25 people not in the Archdiocese?

1 MR. STEIN: This is Exhibit No. 5. It's
2 Bates stamped 0001. Would you show that to him?
3 It's this.

4 MR. FLYNN: Okay.

5 BY MR. STEIN:

6 Q Did you ever see that before?

7 A I don't think so. I may have, but I don't think
8 so.

9 Q Assuming that Father Widera was still incardinated
10 in the Archdiocese of Milwaukee, if he had gone to
11 California in 1976, would that have required the
12 permission of the then Archbishop Cousins?

13 A Required? Normally. Normally.

14 Q What kind of situations can you think of in which
15 the Archbishop's permission would not be required?

16 A Diocesan priests are independent cusses, and there
17 are cases when someone would go elsewhere and then
18 inform the Archdiocese, rare but they happen.

19 Q After the fact?

20 A After the fact.

21 Q "Guess what, I'm in California?"

22 A Guess what?

23 Q Okay. Assuming that this selfsame priest being the
24 independent cuss that he was had gone off to
25 California without first asking permission of the

1 A Basically.

2 Q So I ask you again, what's the purpose of
3 incardination?

4 MR. FLYNN: Objection, asked and
5 answered. I mean, he can answer one more time, but
6 we've been here awhile.

7 THE WITNESS: For stability.

8 BY MR. STEIN:

9 Q I'm going to ask you a series of questions that
10 deal with the period of time when Father Widera was
11 acting as a priest within the State of California
12 but was still incardinated into the Archdiocese of
13 Milwaukee, and the questions are going to be under
14 those circumstances, did the Archdiocese of
15 Milwaukee retain any authority over Father Widera?

16 A Whatever was not delegated to the Bishop of Orange.

17 Q How would this delegation take place? Would it be
18 a formal written document of some kind?

19 A It might be telephone conversations or a written
20 document.

21 Q Exhibit 4 Bates stamped 0024 and 0025, would that
22 letter be sufficient?

23 A I've not read the letter.

24 Q Go ahead.

25 A Well, I note immediately a previous telephone

1 conversation, I don't know what that was about,
2 about a possible pastoral assignment. I can't
3 speculate. The telephone conversation itself may
4 have done it.

5 Q So what you're saying to me is that during the
6 course of a telephone conversation, Archbishop
7 Cousins might have delegated the responsibilities
8 of the Milwaukee Archdiocese for Father Widera to
9 the Diocese of Orange?

10 A Yes.

11 Q Okay. But you have no information as to whether or
12 not that in fact ever took place.

13 A I do not.

14 Q Okay. Now I'm going to ask you some specific
15 questions, and I can anticipate what the answers
16 are going to be, but I'll ask them nonetheless.
17 Under those same set of circumstances wherein
18 Father Widera is acting as a priest in the State of
19 California, incardinated in the Archdiocese of
20 Milwaukee, did the Archdiocese of Milwaukee have
21 the authority to order Widera to come back to
22 Wisconsin?

23 A I guess so, yes.

24 Q Revoke his faculties as a priest?

25 A Yes.

1 does that have?

2 A The granting of faculties by the Diocese of Orange
3 indicates that they have assumed responsibility for
4 his ministry.

5 Q And in the absence of granting of faculties by the
6 Diocese of Orange, the responsibility remains with
7 the Archdiocese of Wisconsin -- of Milwaukee,
8 excuse me.

9 A If he's doing any ministry.

10 Q Okay. Do you know if while Father Widera was out
11 in California acting as a priest anybody from the
12 Archdiocese of Milwaukee warned anybody in
13 California that Father Widera was a pedophile, if
14 you know?

15 A I don't know.

16 Q Have you any information from your own personal
17 knowledge or sources as to how Father Widera paid
18 for his travels back and forth from Milwaukee to
19 California?

20 A I do not.

21 Q Okay. There has been some inference that at some
22 point in time in 1976 the Archdiocese of Milwaukee
23 or someone told Father Widera to, quote, "Go on
24 vacation," end quote. Does the Archdiocese send
25 priests on vacation?

1 A I do not.

2 Q Any of his retirement benefits?

3 A I do not.

4 Q Do you know whether or not arrangements were made
5 for the Diocese of Orange to pay his salary?

6 A I do not.

7 Q Any arrangements made for the Diocese of Orange to
8 pay his living expenses?

9 A If he had an assignment, that would have come from
10 wherever he was assigned.

11 Q Fine. Do you know whether or not during that same
12 period of time the Archdiocese of Milwaukee made
13 any arrangements for Father Widera to obtain
14 treatment from a mental health care provider?

15 A I do not.

16 Q In Exhibit No. 4, which is the letter from
17 Archbishop Cousins --

18 A Okay.

19 Q -- there's a reference in paragraph 4 to the fact
20 that Father Widera was in need of psychiatric
21 treatment mandated by the Court. Do you have any
22 knowledge of that?

23 A I do not other than this letter's statement.

24 Q Do you have any idea whether or not that treatment
25 was provided?



ST. FRANCIS SEMINARY
School of Pastoral Ministry

3257 SOUTH LAKE DRIVE
MILWAUKEE, WISCONSIN 53207

OFFICE OF THE RECTOR

20 May, 1977

The Reverend Siegfried P. Widora
Saint Andrew's Church
714 East Walworth Avenue
Delevan, Wisconsin 53115

Dear Siegfried,

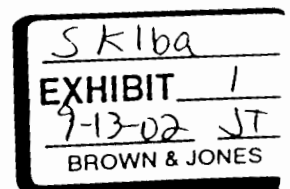
As I put a few final touches on this year's plans for ordination, I found my mind going back a few years to your own class of 1967 and to your plans for the same event some ten years ago. We laughed together and I still have some of the things your class gave me in those first years of my life here on this seminary campus.

I hope that these intervening years have brought their share of personal satisfaction and happiness along with the inevitable problems of growing wiser in the knowledge of ourselves and in the service of the Gospel. I both offer and accept encouragement from the pastoral ministry which we have shared across the miles, and trust that your fidelity has deepened and brought you a sense of peace and a conviction that the Kingdom is a bit closer because of your efforts. I gather that the years have had their own share of disappointments, Siegfried, and that not everything has been filled and crowned with success. I share the failures, too, and add my own to the mix of colors woven into the fabric of our salvation histories.

Feel free to stop in anytime, for the seminary remains yours, and we would enjoy hearing about the work you do these days and the ways in which we might make preparation for ordination more effective in 1977 as a result of your pastoral experience. Best wishes and many blessings to you Siegfried, in the hope that you have no regrets or pain, but only peace on the tenth anniversary of your ordination.

Sincerely,

Richard J. Skiba
Rector



PERSONAL RECORD OF REV. SIEGFRIED F. WIDERA

NAME IN FULL

Date 1-10-76

ORDAINED FOR DIOCESE OF MILWAUKEE

Date and Place 6-20-67

Ordaining Prelate Wm. Cousins

If incardinated in Orange Date NOVEMBER 23, 1981

IF NOT INCARDINATED IN Orange

Date of Arrival 6-10-76

What letters from own Ordinary or Superior?

Length and purpose of stay:

Residence:

Phone No.

FACULTIES GIVEN UNTIL

Birth: Date and Place 12-20-40 DORTMUND, GERMANY

Baptism: Date and Place 1-6-41 HEILIGE KREUZ KIRCHE, DORTMUND, GER

Present Citizenship U. S. A.

If Naturalized, Date and Place 1957

Elementary School—Dates and Places DORTMUND, GERMANY + JUNE 1955 for
SACRED HEART ELEMENTARY SCHOOL, ST. FRANCIS, WIS.

High School—Dates and Places (ST. FRANCIS MINOR SEMINARY)
DE SALLES PREP — JUNE, 1959 — MILWAUKEE, WIS.

College—Dates and Places ST. FRANCIS COLLEGE — 1963 —
MILWAUKEE, WIS.

Seminary—Dates and Places ST. FRANCIS PASTORAL SCHOOL OF
MINISTRY — 1967 — MILWAUKEE, WIS.

Post-Graduate Work—Dates and Places

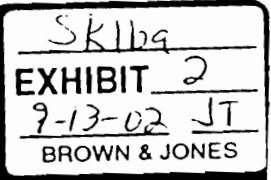
Degrees—Dates and Places

What foreign languages can you speak? GERMAN

Father's and Mother's (maiden) Name OTTO F. & GERTRUDE YERMA

Name and address of nearest relative or friend JOHN WIDERA 1078 SALVADORE, GSTA

92



PERSONAL RECORD OF REV. DIETRICH

1 FULL

List of Appointments since Ordination

TOWN	PARISH	CAPACITY	DATES
MILWAUKEE	ST. JOHN DE NEPOMUC	ASS - PASTOR	1967-1968
WEST ALIS	ST. MARY	ASS - PASTOR	1968-1972
FT. WASHINGTON	ST. MARY	ASS - PASTOR	1972-1973
DELA VAN	ST. ANDREW	ASS - PASTOR	1973-1976
Burns Park	St. Paul	Hospitality	Jan. 12, 1977
Anaheim	St. Justin Martyr	Associate	April 11, 1977
	NAIM CONFERENCE	Chaplain	February 1, 1978
	Previous assignment	unchanged	
Dana Point	St. Edward	Associate	July 6, 1981
		Incardinated	November 23, 1981
Same	Same	Adm. Pro Tem	May 26, 1982
Santa Ana	Immaculate Heart	Associate	july, 1984
	of Mary Church		
Outside Diocese		Inactive leave	Sept. 24, 1985
	12-17-93		
	Bishop Sculba		
	called (414) 769-3486		
	(Milwaukee)		
	Asked @ status of		
	Sig Skidera		
	Trying to figure out		
	who's responsible		
	for him		

List of ecclesiastical dignities and date of reception.....

State any special work or assignment and give dates.....

893. Widera, Siegfried

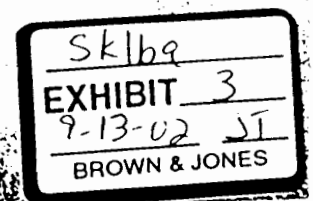
On November 24, 1992 Barb Cusack sent the file of Siegfried Widera from the Chancery to our office. She recently received a call from Delavan concerning an allegation from years ago. She is not sure if it is a new allegation.

RTV

✓ 462. Siegfried Widera

On July 27, 1993 I spoke with Sr. Rose Steinfast who communicates some caution about Siegfried's current status in the Diocese of Orange, especially in view of the present historical review.

RJS



AOM 0209

December 20, 1976

His Excellency
The Most Reverend William R. Johnson
440 South Batavia Street
Orange, California 92668

ATTENTION: Father Michael Driscoll

Dear Father Driscoll,

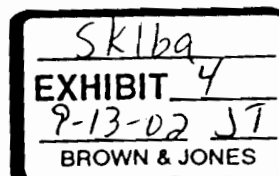
A few days ago I talked by phone to Bishop Johnson about a possible pastoral assignment for Father Siegfried Widera of this Archdiocese. The conversation was very general and the Bishop suggested that perhaps something could be done on a temporary basis. My reason for approaching Bishop Johnson is founded in the fact that Father Widera's brother and family live in Costa Mesa, California. In the course of our conversation the Bishop informed me that he would be absent for a while and asked that I discuss the matter further with you.

I talked to Father Widera this morning and informed him that I was writing to you at the Bishop's request. I learned that he is leaving to visit his brother and will arrive in California on or about January 5th. Under the circumstances I recommended that upon his arrival he immediately get in touch with you or with the Bishop and that in the meantime I would have written to you and to His Excellency.

Father Widera was ordained in 1967 and has done good work for the Diocese in the places to which he was assigned. In his earlier years there was a moral problem having to do with a boy in school. This seemed adequately confronted through treatment and an intense desire upon Father's part to avoid any repetition of a previous offense.

More recently, however, there has been a repetition, and according to our State Laws further psychiatric treatment is mandated with the strong recommendation that no immediate assignment be made in the environs of the Archdiocese.

Father Widera has cooperated in every way and is presently under treatment. His doctor is somewhat in favor of his leaving the scene but expects that there will be continuing treatment. This has already been arranged and a doctor in California will take over at this point. From all the professional information I can gather there would seem no great risk in allowing this man to return to pastoral work, but there are legal complications at present writing. Incidentally, these legal technicalities would permit Father's going to another State as long as treatment is continued.



AOM 0024

December 20, 1976

His Excellency
The Most Reverend William R. Johnson

-2

ATTENTION: Father Michael Driscoll

I would not expect Bishop Johnson or yourself to act in this matter without first of all interviewing Father Widera and satisfying yourself that charity will not add to existing personnel problems. If the man could be assigned on a temporary basis or if he could be given some part-time work that would give him the support of living in residence with other priests, half of the problem would be licked. This must be left to the Bishop's discretion and this discretion should not be exercised until pertinent and important questions have been answered. I hope this can be accomplished in a personal interview sometime in January.

There is no thought of incardination involved, and I am quite willing to accept the man back into the Archdiocese whenever circumstances would indicate. Though I anticipate no recurrence of this past aberration, I would certainly want to be informed if the slightest suspicion were to develop. I would like to show fraternal charity to a fellow priest but I cannot be virtuous at the expense of a fellow Bishop.

With the warmest of personal regards and with every good wish for the Holiday Season, I am

Fraternally yours in Christ,

Most Reverend William E. Cousins
Archbishop of Milwaukee

Widera, Rev. Siegfried F.

WIDERA, Rev. Siegfried F.

St. Justin Martyr Church

2050 W. Ball Rd.
Anaheim, CA. 92804

San Diego, Calif 92109

(714)774-2595

(714)496-1307

BORN	December 20, 1940 at Dortmund, Germany		
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NAME	WIDERA, Rev. Siegfried Francis		

SK1169
EXHIBIT 5
9-13-02 JT
BROWN & JONES

AOM 0001

EXHIBIT "T"

BROWN & JONES REPORTING, INC.

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ORANGE, CENTRAL JUSTICE CENTER

ERIC NATHAN PAINO,

Plaintiff,

-vs-

Case No. 02 CC06293

THE ROMAN CATHOLIC BISHOP OF
ORANGE, THE ARCHDIOCESE OF
MILWAUKEE, FATHER SIGFRIED F.
WIDERA and DOES 1 through 100, inclusive,

Defendants.

TRAN

Examination of JOSEPH JANICKI, taken at
the instance of the Plaintiff, under and pursuant to
Section 804.05 of the Wisconsin Statutes, pursuant to
Court Order, before JACQUELINE R. KOEPNICK, a Registered
Professional Reporter and Notary Public in and for the
State of Wisconsin, at Safer & Stein, 9001 North 76th
Street, Milwaukee, Wisconsin, on the 10th day of
September, 2002, commencing at 2:10 p.m. and concluding
at 3:41 p.m.

1 Q But that you no longer are?

2 A Yes.

3 Q How long has it been since you were a priest?

4 A Since last February.

5 Q Did you retire?

6 A I retired, and I resigned.

7 Q Did your resignation have anything to do with
8 Siegfried Widera?

9 A No.

10 Q Did it have anything to do with activities similar
11 to those in which Siegfried Widera is accused?

12 A No.

13 Q At one point in time, it's my understanding you
14 were the Vice Chancellor and Vicar for Priest
15 Personnel for the Archdiocese of Milwaukee; is that
16 correct?

17 A Yes.

18 Q Can you tell me what years you held that position
19 or those positions?

20 A I was the Vice Chancellor from 1977 to 1980, and I
21 was Vicar of Priest Personnel from -- what did I
22 say, I meant '80, 1980 to 1985.

23 Q What does it mean to be a Vice Chancellor?

24 A It's an assistant to the Chancellor of the
25 Archdiocese. The Chancery office is the business

1 A The Archbishop or whoever was in charge of their
2 clergy.

3 Q And what kind of questions would you ask?

4 A Why he was coming, whether he had any problems.

5 Q Did you ever have a situation in which a priest was
6 coming into the Milwaukee Archdiocese where you
7 made inquiry and determined that he had had
8 molested a child?

9 A Yes.

10 Q Did you accept that priest into the Milwaukee
11 Archdiocese?

12 A He was not allowed to function in any parish. He
13 lived privately and he was under the treatment of a
14 local psychiatrist who was -- who had made himself
15 personally responsible for that man and he
16 guaranteed us that he would not -- he was
17 meeting -- he was counseling him every day, I
18 believe it was, and he would not -- he guaranteed
19 us that the man would not function.

20 Q It was very important to you as the Vicar to make
21 sure that this individual who came from another
22 Diocese into the Milwaukee Archdiocese who had
23 molested a child wouldn't have any further
24 opportunity to do that; is that correct?

25 A Yes.

- 1 Q Would the reverse be true, sir; if a priest who was
2 a pedophile was transferred out of the Archdiocese,
3 would you alert whoever you had to alert where he
4 was going?
- 5 A Oh, sure.
- 6 Q What kind of information would you pass on; was
7 that the priest's personnel file to the new
8 Archdiocese or Diocese?
- 9 A No.
- 10 Q Would you reveal that he had been a pedophile and
11 had molested children?
- 12 A This is hypothetical?
- 13 Q Yes, sir.
- 14 A Yes.
- 15 Q Did you ever have such a situation, where a
16 pedophile priest transferred out of Milwaukee
17 Archdiocese to go elsewhere?
- 18 A I don't recall.
- 19 Q But hypothetically if you had had such a situation,
20 you would have made sure that wherever he was going
21 they knew he had been a pedophile and to stay away
22 from children?
- 23 A Yes.
- 24 Q And he ought to be under treatment?
- 25 A Yes.

1 Q And would you assist in coordinating treatment for
2 that priest where he was going?

3 MR. MUTH: Object, hypothetical.

4 THE WITNESS: I don't know.

5 BY MR. STEIN:

6 Q Is that because you never had the opportunity?

7 A Yes.

8 Q But you did say that your expectation that if a
9 pedophile priest is transferring into the Milwaukee
10 Archdiocese, you would certainly expect the people
11 from whenst he came to cooperate with you in
12 getting counseling for this man and seeing to it
13 that he had counseling?

14 A Yes.

15 Q I'm going to show you what I've had marked as
16 Exhibit 1, and it corresponds with Bates stamp 0195
17 and 0195 and ask you if you recognize that
18 document?

19 A No, I don't recall that.

20 Q You don't recognize this?

21 A This is not to me.

22 Q There may have been some misunderstanding on the
23 other end. Let me show you what we've had marked
24 as Exhibit No. 2, and that corresponds with Bates
25 stamp 00142. That is a letter from you; is that

1 correct?

2 A Yes.

3 Q And it's addressed to Siegfried Widera?

4 A Yes.

5 Q And it's dated October 27, 1981?

6 A Yes.

7 Q So you obviously knew him then in '81, did you not?

8 A Yes.

9 Q How long had you known him?

10 A I knew Siegfried from the seminary days. He was a
11 few years behind me in the seminary.

12 Q Did you have ongoing contact with him?

13 A No.

14 Q Had you been in contact with him -- strike that.

15 Obviously, you had been in contact with him
16 sometime prior to October 27, 1981; is that
17 correct?

18 A Yes.

19 Q And you sent this letter to him in California; is
20 that correct?

21 A Yes.

22 Q How did you know where to find him in California?

23 A I ran into him at a priest golf outing a short time
24 before this.

25 Q Where?

1 A It was somewhere in the area, somewhere in the
2 Milwaukee area.

3 Q Oh, so sometime in 1981 he had been in Milwaukee?

4 A Yes.

5 Q Okay. And how long before that was the last time
6 that you had seen him?

7 A Years.

8 Q Were you aware at the time that you saw him at this
9 golf outing in the Milwaukee area in 1981 that he
10 had been arrested for child molestation in Ozaukee
11 County?

12 A I don't recall.

13 Q You know that now, don't you?

14 A Yes.

15 Q To the best of your recollection, when did you
16 first become aware of that fact?

17 A I think it was through the news media.

18 Q Back in 1973?

19 A No, now.

20 Q So you're telling me then that up until recently
21 the last year or so you had no idea that he had
22 been arrested in Ozaukee County for child
23 molestation?

24 A I don't recall.

25 Q Did you -- can you tell me whether or not you knew

1 Q What's that?

2 A Church annulments, helping the Diocese work on
3 church annulments.

4 Q Does that include family Canonical?

5 A No.

6 Q This is kind of an instructional letter about how
7 to go about getting an official position with the
8 Orange Diocese?

9 A Yes.

10 Q Knowing that he was going to -- strike that. In
11 the first paragraph, there is an indication that he
12 had received an invitation of Bishop Johnson,
13 that's the Archbishop of Orange, is it not, or the
14 Bishop of Orange Diocese?

15 A That would have been, yes.

16 Q That he received an invitation to affiliate. Did
17 he tell you, did Widera tell you how that
18 invitation came about?

19 A He just told me that the Bishop invited him to
20 become incardinated.

21 Q It says here in the letter that you wrote to Widera
22 that you discussed this matter in some great detail
23 with Archbishop Weakland. How so?

24 A I would discuss anything like this with the
25 Archbishop for any priest that would make a request

1 like this.

2 Q Did you look into Widera's personnel file?

3 A I can't recall.

4 Q Wouldn't that have been your usual procedure?

5 A Yes.

6 Q Do you know of any reason why you would have
7 departed from your usual procedure in the case of
8 Widera?

9 A No.

10 Q So we could logically assume since there is no
11 reason why you'd deviate and that you would look
12 into these files under these circumstances, that
13 you did, in fact, look at Widera's personnel file;
14 isn't that correct?

15 A I don't recall.

16 Q If you had looked at Widera's file and you had
17 noted from it's contents that he had been convicted
18 of being a pedophile in 1973, would you have told
19 that to Bishop Johnson?

20 MR. MUTH: Objection, speculation. You
21 can answer.

22 BY MR. STEIN:

23 Q If you had looked into Widera's file in 1981 and
24 ascertained from it that he had been convicted of
25 pedophilia in 1973, would you have notified anybody

1 in the Diocese of Orange?

2 MR. MUTH: Same objection.

3 BY MR. STEIN:

4 Q You can still answer.

5 A I don't know.

6 Q I took it from your previous answers that you would
7 have expected that courtesy from another Diocese;
8 is that correct?

9 A Yes.

10 Q Wouldn't you extend the same courtesy as you would
11 expect to receive?

12 MR. MUTH: Objection, vague as to time,
13 misstates prior testimony.

14 BY MR. STEIN:

15 Q In 1981 while he's Vicar. While you're Vicar,
16 wouldn't you have extended the same courtesy to a
17 Diocese that you would have expected from it?

18 A Unless it had already been conveyed.

19 Q Did you make inquiry to determine what information
20 had been conveyed to Orange by the Archdiocese of
21 Milwaukee?

22 A I don't recall.

23 Q Do you know why Widera was in Milwaukee the summer
24 of '81?

25 A I don't recall. Except for the golf outing.

1 Widera to the Diocese of Orange?

2 A Yes.

3 Q I'm showing you Exhibit 4, which corresponds with
4 Bates stamp 0052. What is this letter?

5 A This is a letter of -- an advisement that he has
6 received a decree of excardination from the
7 Archdiocese of Milwaukee.

8 Q A prerequisite to incardination in Orange?

9 A Yes.

10 Q It says here that the decree of excardination from
11 the Archdiocese of Milwaukee was with assurance of
12 your being, Widera's, good character. Did the
13 Archdiocese in Milwaukee give assurances in 1981
14 that Father Widera was a good character?

15 A I don't recall.

16 Q Who would have been the person to pass on that
17 information that is contained in this particular
18 exhibit, this information concerning assurances of
19 good character?

20 A I don't know.

21 Q Would a priest who is a pedophile, molests
22 children, and had been convicted of such, be a
23 priest of good character?

24 MR. MUTH: Objection, vague, ambiguous,
25 incomplete hypothetical. You can answer.

1 BY MR. STEIN:

2 Q Be a good character within the meaning of this
3 particular exhibit.

4 A If a person has received counseling, treatment,
5 supervision, whatever, they can recover their good
6 character.

7 Q And be a good example?

8 A Yes.

9 Q What proof would you as the Vicar have wanted to
10 establish that the person had regained their good
11 character and was a good example?

12 A I would want his testimony, his effort --
13 statement, and I'd want at least the absence of any
14 further complaint. I'd want the testimony of the,
15 if he's outside the Diocese, of the place where
16 he's working. If he says that he's been clean, if
17 there haven't been any complaints, and if they, the
18 Diocese itself, were to say that, in this
19 particular case, by inviting him to incardinate you
20 have testimony right there.

21 Q So your assumption is that if the Diocese of Orange
22 invited Father Widera to be incardinated in Orange
23 that would be proof in and of itself that he had
24 recovered from his pedophilia?

25 MR. MUTH: Objection.

1 MR. STEIN: I think that's what he said.

2 MR. MUTH: I think it misstates the
3 witness's testimony. You can answer that question,
4 though.

5 THE WITNESS: No, those would be criteria
6 that I would look for, that I would expect.

7 BY MR. STEIN:

8 Q Have you ever looked at Father Widera's personnel
9 files?

10 A I don't recall.

11 Q Are you aware of the fact that after 1973 he was
12 accused again of molesting a child in Wisconsin?

13 A I don't recall.

14 Q If in 1981 you had known that, A, he had been
15 arrested for pedophilia in 1973 and convicted, and
16 that he had been transferred to another parish and
17 had molested a boy a second time, would that mean
18 to you that he had not recovered?

19 MR. MUTH: Speculation.

20 BY MR. STEIN:

21 Q From your perspective? Go ahead and answer.

22 A I don't know.

23 Q Considering this exhibit that you have in front of
24 you, which is No. 4, does that pre-suppose that the
25 Archdiocese of Milwaukee had given Father Widera

1 permission to go to California?

2 A Yes.

3 Q Who would have given that permission?

4 A By permission to go to California, do you mean to
5 be excardinated?

6 Q To be excardinated in the Archdiocese of Milwaukee,
7 and be incardinated in Orange.

8 A That would have been Archbishop Weakland would have
9 given that permission.

10 Q Depending upon when it was done?

11 A Yes.

12 Q And you're saying that in 1981 it would have been
13 Archbishop Weakland?

14 A Yes.

15 Q In 19 -- okay. Do you know whether or not the
16 Archdiocese of Milwaukee gave Widera permission to
17 go to California in 1976?

18 A Yes.

19 MR. MUTH: Yes, you know, or, yes, they
20 gave permission? The yes is a vague and ambiguous
21 answer.

22 THE WITNESS: Yes, they gave permission.

23 BY MR. STEIN:

24 Q That would have been Archbishop Cousins at the
25 time?

1 A Yes.

2 Q By the way, would there have been some kind of
3 document from the Archdiocese of Milwaukee to the
4 Diocese of Orange that would have had to precede
5 this Exhibit No. 4, in other words --

6 A Yes. That's the Decree of Excardination.

7 Q So a document entitled Decree of Excardination
8 would have been prepared by the Archdiocese of
9 Milwaukee, correct?

10 A Yes.

11 Q And sent to the Archdiocese of Orange -- the
12 Diocese of Orange?

13 A Yes.

14 Q Is that document similar to Exhibit 4 only it deals
15 with excardination as opposed to incardination?

16 A I don't recall what it looks like right now.

17 Q This looks like kind of a form letter?

18 A This is a form letter.

19 Q Exhibit 4?

20 A It looks to me like one.

21 Q Would there be such a form letter generated here in
22 Milwaukee that would -- it's referred to in the
23 Exhibit 4, it says that you have received a Decree
24 of Excardination from the Archdiocese of Milwaukee,
25 would there have been a form of some sort?

1 Q Is it true that if Archbishop Cousins at the time
2 had refused Widera permission to go to California,
3 that Widera would have had to obey?

4 MR. MUTH: Foundation.

5 BY MR. STEIN:

6 Q If you know.

7 A Say it again.

8 Q Here is what I'd like to know. Widera goes out to
9 California in 1976 with the permission of the
10 Archbishop of the Archdiocese of Milwaukee. If the
11 Archbishop had said no, you can't go to California,
12 would Widera have to have obeyed?

13 A Yes.

14 MR. MUTH: Foundation.

15 BY MR. STEIN:

16 Q How do you know that?

17 A Church law.

18 Q You're familiar with that particular aspect of
19 church law?

20 A Yes.

21 Q Just so that I have it clear in my own mind, a
22 priest may practice in another Diocese without
23 permission of his home Diocese as long as he's been
24 given permission to go to wherever he is?

25 A And as long as he has the permission of the Bishop

1 of the Diocese he lives in, too.

2 Q But a prerequisite to going out to another Diocese
3 in the first place comes from your own Diocese?

4 A Yes.

5 Q Would the officials of the Diocese to which this
6 priest goes have inquired of Milwaukee did you give
7 him permission to come out here?

8 A Yes.

9 Q Would that have been done in letter form or
10 telephone call or how would it have happened?

11 A Either.

12 Q So before -- it would be your opinion that before
13 Father Widera could act as a priest in California,
14 the Orange Diocese or someone from there would have
15 called Milwaukee and said did you give this guy
16 permission to come out here?

17 A Yes.

18 Q What, if any, authority would the Archdiocese of
19 Milwaukee have retained over Father Widera while he
20 was acting as a priest in California, before
21 incardination in California, while he was still
22 incardinated in Milwaukee?

23 A They could have recalled him.

24 Q Would that be about the extent of it?

25 A Yes.

1 Q So they could have ordered Father Widera to come
2 back to Wisconsin, correct?

3 A Yes.

4 Q And removed him from the Orange Diocese?

5 A Yes.

6 Q Could they have revoked his faculties as a priest?

7 A In the Milwaukee Archdiocese, they could revoke his
8 faculties, but Milwaukee couldn't revoke faculties
9 in Orange.

10 Q Even if he was still incardinated in Milwaukee?

11 A Yes.

12 Q What about petitioning the Pope to laicize Father
13 Widera, could they do that?

14 A Milwaukee would have to do that.

15 Q But Orange wouldn't do that, Milwaukee would do
16 that?

17 A Yes.

18 Q Could Milwaukee have inquired of Father Widera
19 while he was out in California if he was still
20 molesting children?

21 A Yes.

22 Q Could they investigate Father Widera's activity to
23 determine if, in fact, he was molesting children?

24 A Yes.

25 Q Could they ask the Diocese of Orange to provide

1 reports on Father Widera's status?

2 A Yes.

3 Q Could they ask the Diocese of Orange to put Father
4 Widera into an assignment that he would not be
5 around kids?

6 A I don't know.

7 Q Could the Milwaukee Archdiocese order Father Widera
8 to undergo evaluation, psychological or
9 psychiatric, while he was out in California?

10 MR. MUTH: I'm sorry, did you say order
11 or ask?

12 MR. STEIN: Order.

13 MR. MUTH: Okay.

14 THE WITNESS: Yes.

15 BY MR. STEIN:

16 Q Could they ask him, Father Widera to -- could
17 Milwaukee ask Father Widera to take a lie detector
18 test to determine if he was still molesting
19 children?

20 A Yes.

21 Q To the best of your knowledge, did the Archdiocese
22 of Milwaukee ever revoke Father Widera's facilities
23 as a priest?

24 A I don't recall.

25 Q To the best of your knowledge, Joe, after Father

1 Widera was working as a priest in California, did
2 anyone from the Archdiocese of Milwaukee inform any
3 of the priests or nuns in California that Father
4 Widera had a history of molesting boys and that he
5 should be supervised?

6 A I don't recall.

7 Q You didn't personally do anything of that sort, did
8 you?

9 A I don't recall.

10 Q Did you do -- well, you've already testified that
11 you didn't know that he was a molester and
12 pedophile until what, the last year; is that what
13 you're saying?

14 MR. MUTH: I believe he testified he
15 didn't recall.

16 THE WITNESS: Yeah, I don't recall.

17 BY MR. STEIN:

18 Q Okay. That's different. Do you recall whether or
19 not you did anything to ensure that Father Widera
20 was being supervised in California?

21 A I don't recall.

22 Q Did anybody from the Archdiocese of Milwaukee warn
23 any of the parishioners in California that Father
24 Widera had a history of molesting children?

25 A I don't recall.

1 A There would be a mutual agreement so that those
2 temporalities would be covered.

3 Q A communication as such between the two?

4 A Yes.

5 Q To make arrangements for the payment?

6 A Yes.

7 Q Good. I believe that you also indicated that if
8 you were getting a priest into the Milwaukee
9 Archdiocese who had had a checkered past involving
10 child molestation, you would want to see to it that
11 he got treatment here in Milwaukee, right?

12 A Yes.

13 Q And you would have expected that the Archdiocese
14 from whenst he came would at least cooperate with
15 you in that regard?

16 A Yes.

17 Q And would the opposite be true; if a priest from
18 Milwaukee Archdiocese went elsewhere and was in
19 need of treatment because of pedophilia, it would
20 be expected that Milwaukee would cooperate?

21 A Yes.

22 Q Do you know whether Milwaukee cooperated with
23 Orange with respect to Father Widera?

24 A I don't recall.

25 Q Take a look at Exhibit No. 5 and particularly the

1 MR. MUTH: What exhibit is that?

2 MR. STEIN: 8.

3 THE WITNESS: I don't recall.

4 BY MR. STEIN:

5 Q He states that he has not received any further
6 professional help in California but intends to do
7 so in the near future; is that correct?

8 A That's what this says.

9 Q And this was in 1981 that you're writing this?

10 A Yes.

11 Q Why do you suppose he told you that he intended to
12 get psychological -- professional help in
13 California in the near future?

14 A I don't recall.

15 Q The next sentence says, "he has experienced no
16 personal problems since he had been in California."
17 What do you mean by personal problems?

18 A I don't recall.

19 Q You weren't even the least bit curious about why he
20 was going to seek professional help or what kind of
21 professional --

22 A I don't recall what the conversation was.

23 Q I see. During the 1970s and the 1980s, do you know
24 whether the Archdiocese of Milwaukee had some kind
25 of a newsletter or report that they would send out

1 to priests on some kind of a regular basis?

2 A Yes.

3 Q What was the name of it or --

4 A The Chancery newsletter.

5 Q How often did it come out?

6 A About once a month.

7 Q Was it sent to all priests that were incardinated
8 in Milwaukee Archdiocese?

9 A Yes.

10 Q Was it sent even if that priest was outside of the
11 Archdiocese?

12 A Yes.

13 Q So between 1976 and 1981 if Father Widera was still
14 incardinated in Milwaukee Archdiocese, he would
15 have gotten that newsletter?

16 A Yes.

17 Q It would have been mailed from Milwaukee to
18 California if that's where he was living?

19 A Yes.

20 Q Did I understand your prior testimony that although
21 you wrote the letter that we have here as an
22 exhibit to Siegfried Widera, had asked a letter be
23 sent by Father Sampon, you personally had no
24 contact with the Orange Diocese?

25 A I don't recall.

1 A I don't recall what his assignments were out there.

2 Q Let me show you Bates number 0001, Exhibit No. 6.

3 Have you ever seen that before?

4 A I don't recall seeing this, although this is a
5 standard form in the Chancery office. I might
6 have.

7 Q So how are these entries made on this form?

8 A They're made by the Chancellor. Whenever a priest
9 is assigned or reassigned, the Chancellor gets a
10 letter, carbon copy of his letter of appointment,
11 and then he records it for the -- or she records it
12 for the record.

13 Q So that if you look down at the bottom three lines,
14 when Siegfried Widera was assigned outside the
15 Diocese to St. Pius V Parish at 7691 Orangethorpe
16 Avenue, Buena Park California, Diocese of Orange,
17 on January 12th, 1977, the Milwaukee Archdiocese
18 would have received a notification of that fact; is
19 that correct?

20 A Yes.

21 Q And thereafter it would be entered on this card
22 which is maintained in the ordinary course of
23 business in the Chancery office?

24 A Yes.

25 Q Isn't it a fact, Joe, that while Father Widera was

ARCHDIOCESE OF MILWAUKEE

345 NORTH NINETY FIFTH STREET • P.O. BOX 2018 • MILWAUKEE WISCONSIN 53201 • PHONE 414/476 2101

VICAR FOR PRIEST PERSONNEL

October 27, 1981

Rev. Siegfried Widera
St. Edward Church
33926 Calle La Primavera
Dana Point, CA 92629

Dear Siegfried:

Your most recent letter reminded me of the pleasant visit we had this summer. At that time you stated your desire and the invitation of Bishop Johnson to affiliate with the Diocese of Orange. Subsequently, I discussed this matter in great detail with Archbishop Weakland, and we are now both in agreement that should the invitation still exist you are free to pursue it and all its implications.

Your next step would be to approach Bishop Johnson with this letter as a confirmation of your permission to seek incardination into the Orange Diocese with assurance that you will be excardinated from Milwaukee with our blessings. He then will initiate a formal request for the excardination/incardination process to begin. After that the process is quite simple and culminates when you take your oath of allegiance to the Bishop of Orange and his successors. Following your incardination the monies which have accrued to you in the Archdiocesan Priests' Pension Plan will be transferred to the Diocese of Orange for a similar purpose.

I am edified at all the good work and study that you are accomplishing in your present assignment. It is good to know that the combined effort of ministry and study has been a source of great personal growth and joy for you. I wish you only the best in success and blessings for the future. Let me know if there is anything further I can do to facilitate this process. In the meantime let us continue to pray for each other.

Fraternally yours in Christ,



A handwritten signature in cursive script, appearing to read 'Joe Janicki'.

Reverend Joseph A. Janicki
Vicar for Priest Personnel

JAJ/srs



DIOCESE OF ORANGE

MARYWOOD CENTER

2811 EAST VILLA REAL DRIVE

ORANGE, CALIFORNIA 92667

(714) 974-7120

Reverend Siegfried Widera
St. Edward Church
33926 Calle La Primavera
Dana Point, California 92629

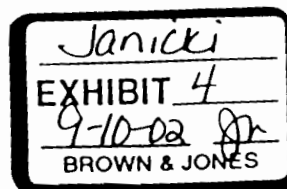
Reverend and dear Father:

In view of the needs of our Diocese and in accord with the provisions of Canon Law especially regarding your title of Ordination and officially advised that you have recieved a decree of excardination from THE ARCHDIOCESE OF MILWAUKEE with assurance of your good character, your course of studies and your good example and in view of your oath which I have received (personally or before a delegated priest) by which you declare and affirm that you wish to be permanently attached to the service of Our Diocese of Orange in California, in response to your petition, we by this present document incardinate and declare you incardinated in Our Diocese of Orange in California.

Given in Orange, California

on NOVEMBER 23, 1981

With our Seal and the co-signature
of Our Chancellor.




Bishop of Orange, California


Chancellor

December 20, 1976

His Excellency
The Most Reverend William R. Johnson
440 South Batavia Street
Orange, California 92668

ATTENTION: Father Michael Driscoll

Dear Father Driscoll,

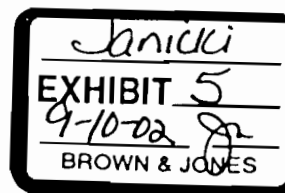
A few days ago I talked by phone to Bishop Johnson about a possible pastoral assignment for Father Siegfried Widera of this Archdiocese. The conversation was very general and the Bishop suggested that perhaps something could be done on a temporary basis. My reason for approaching Bishop Johnson is founded in the fact that Father Widera's brother and family live in Costa Mesa, California. In the course of our conversation the Bishop informed me that he would be absent for a while and asked that I discuss the matter further with you.

I talked to Father Widera this morning and informed him that I was writing to you at the Bishop's request. I learned that he is leaving to visit his brother and will arrive in California on or about January 5th. Under the circumstances I recommended that upon his arrival he immediately get in touch with you or with the Bishop and that in the meantime I would have written to you and to His Excellency.

Father Widera was ordained in 1967 and has done good work for the Diocese in the places to which he was assigned. In his earlier years there was a moral problem having to do with a boy in school. This seemed adequately confronted through treatment and an intense desire upon Father's part to avoid any repetition of a previous offense.

More recently, however, there has been a repetition, and according to our State Laws further psychiatric treatment is mandated with the strong recommendation that no immediate assignment be made in the environs of the Archdiocese.

Father Widera has cooperated in every way and is presently under treatment. His doctor is somewhat in favor of his leaving the scene but expects that there will be continuing treatment. This has already been arranged and a doctor in California will take over at this point. From all the professional information I can gather there would seem no great risk in allowing this man to return to pastoral work, but there are legal complications at present writing. Incidentally, these legal technicalities would permit Father's going to another State as long as treatment is continued.



AOM 0024

December 20, 1976

His Excellency
The Most Reverend William R. Johnson

-2

ATTENTION: Father Michael Driscoll

I would not expect Bishop Johnson or yourself to act in this matter without first of all interviewing Father Widera and satisfying yourself that charity will not add to existing personnel problems. If the man could be assigned on a temporary basis or if he could be given some part-time work that would give him the support of living in residence with other priests, half of the problem would be licked. This must be left to the Bishop's discretion and this discretion should not be exercised until pertinent and important questions have been answered. I hope this can be accomplished in a personal interview sometime in January.

There is no thought of incardination involved, and I am quite willing to accept the man back into the Archdiocese whenever circumstances would indicate. Though I anticipate no recurrence of this past aberration, I would certainly want to be informed if the slightest suspicion were to develop. I would like to show fraternal charity to a fellow priest but I cannot be virtuous at the expense of a fellow Bishop.

With the warmest of personal regards and with every good wish for the Holiday Season, I am

Faternally yours in Christ,

Most Reverend William E. Cousins
Archbishop of Milwaukee

Widera, Rev. Siegfried F.

WIDERA, Rev. Siegfried F.

St. Justin Martyr Church

2050 W. Ball Rd,
Anaheim, CA. 92804

San Gabriel, Calif 95629

(714) 774-2595

(714) 496-1307

BORN	December 20, 1940 at Dortmund, Germany		
STUDIES	St. Francis Minor Seminary, 1955-1960; St. Francis Major Seminary, 1960-1967		
TONSURE	March 13, 1964	Seminary Chapel	M. Rev. R. R. Atkielski
	Sept. 29, 1964	" "	M. Rev. R. R. Atkielski
ORDERS	April 3, 1965	" "	M. Rev. W. E. Cousins
SUBDEACON	March 26, 1966	St. John Cathedral	M. Rev. W. E. Cousins
DEACON	Nov. 5, 1966	St. John Cathedral	M. Rev. W. E. Cousins
PRIESTHOOD	May 20, 1967	St. John Cathedral	M. Rev. W. E. Cousins
APPOINTMENTS	July 14, 1967 - Curate, St. John de Nepomuc, Milwaukee		
	Associate Pastor, St. Mary Help of Christians, W. Allis - 1968		
	Associate Pastor, St. Mary, Port Washington - June 13, 1972		
	Associate Pastor, St. Andrew, Delavan - June 17, 1975		
	Assignment Outside the Diocese: St. Pius V Parish, 7691 Orangethorp Ave., Buena Park, CA (Diocese of Orange) - January 12, 1977.		
NAME	WIDERA, Rev. Siegfried Francis		

Widera
EXHIBIT 6

9-10-02
BROWN & JONES

AOM 0001

PROOF OF SERVICE

I am employed in the City of Irvine, County of Orange, State of California. I am over the age of 18 years and not a party to the within action. My business address is the Law Offices of Freberg & Associates, 8001 Irvine Center Drive, Suite 1070, Irvine, California 92618.

On June 19, 2006, I served the foregoing document described as **DECLARATION OF J. OWEN CAMPBELL IN SUPPORT OF PLAINTIFFS' MOTION FOR PERMISSION OF COURT TO ALLEGE PUNITIVE DAMAGES AGAINST THE ARCHDIOCESE OF MILWAUKEE** as follows:

☐ **By Mail.** The document was served on the parties in this action listed on the attached Mailing List by placing a true copy thereof, enclosed in a sealed envelope, and addressed as indicated on the Mailing List. I deposited such envelope in the mail at Irvine, California. The envelope was mailed with postage thereon fully prepaid. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with U. S. Postal Service on that same day, with postage thereon fully prepaid, at Irvine, California, in the ordinary course of business.

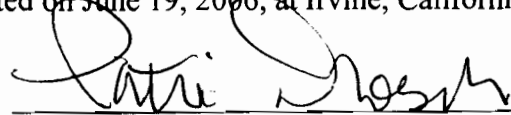
☒ **By Electronic Service.** Pursuant to Case Management Order of Judicial Counsel Coordination Proceeding No. 4286, the document was served via CaseHomePage. I forwarded an electronic version (Portable Document Format (pdf) and/or Word Perfect) document file of the text of the moving papers for scanning on June 19, 2006 to CaseHomePage.

☐ **By Facsimile.** In addition to regular mail, I sent this document via facsimile, to the number(s) as listed on the attached Mailing List.

☐ **By Overnight Mail.** I arranged for this document to be delivered to the address(es) listed on the attached Mailing List by overnight mail.

☒ **By Personal Service.** I arranged for this document to be delivered to the address(es) listed on the attached Mailing List by personal service.

1 I declare under penalty of perjury under the laws of the State of California that the foregoing
2 is true and correct. This declaration was executed on June 19, 2006, at Irvine, California.

3 
4 PATTI DROESCH

MAILING LIST

William V. Whelan
Sheppard, Mullin, Richter & Hampton LLP
501 W. Broadway, Suite 1900
San Diego, CA 92101
(619) 338-6500 - Telephone
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Attorneys for Defendant Doe 1

PROOF OF SERVICE

I am employed in the City of Irvine, County of Orange, State of California. I am over the age of 18 years and not a party to the within action. My business address is the Law Offices of Freberg & Associates, 8001 Irvine Center Drive, Suite 1070, Irvine, California 92618.

On June 19, 2006, I served the foregoing document described as **DECLARATION OF J. OWEN CAMPBELL IN SUPPORT OF PLAINTIFFS' MOTION FOR PERMISSION OF COURT TO ALLEGE PUNITIVE DAMAGES AGAINST THE ARCHDIOCESE OF MILWAUKEE** as follows:

☐ **By Mail.** The document was served on the parties in this action listed on the attached Mailing List by placing a true copy thereof, enclosed in a sealed envelope, and addressed as indicated on the Mailing List. I deposited such envelope in the mail at Irvine, California. The envelope was mailed with postage thereon fully prepaid. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with U. S. Postal Service on that same day, with postage thereon fully prepaid, at Irvine, California, in the ordinary course of business.

☒ **By Electronic Service.** Pursuant to Case Management Order of Judicial Counsel Coordination Proceeding No. 4286, the document was served via CaseHomePage. I forwarded an electronic version (Portable Document Format (pdf) and/or Word Perfect) document file of the text of the moving papers for scanning on June 19, 2006 to CaseHomePage.

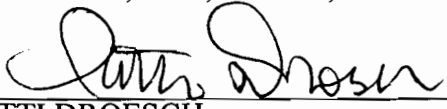
☐ **By Facsimile.** In addition to regular mail, I sent this document via facsimile, to the number(s) as listed on the attached Mailing List.

☒ **By Overnight Mail.** I arranged for this document to be delivered to the address(es) listed on the attached Mailing List by overnight mail.

☐ **By Personal Service.** I arranged for this document to be delivered to the address(es) listed on the attached Mailing List by personal service.

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. This declaration was executed on June 19, 2006, at Irvine, California.


PATTI DROESCH

MAILING LIST

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