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Revised redactions 2/9/12

DAVID CLOHESSY

JANUARY 2, 2012

1 IN THE CIRCUIT COURT OF JACKSON COUNTY  
2 STATE OF MISSOURI

3 CASE NO. 1016-CV-29995

4 JOHN DOE, B. P.

5 Plaintiff

6 vs.

7 FATHER MICHAEL TIERNEY, et al.

8 Defendants  
9  
10  
11

12 Crowne Plaza Hotel  
13 7750 Carondelet Avenue  
14 Clayton, Missouri  
15 January 2, 2012  
16 9:00 A.M. to 4:00 P.M.

17 VIDEOTAPED DEPOSITION OF DAVID CLOHESSY  
18  
19  
20

21 Taken before Sandra L. Ragsdale, Certified  
22 Court Reporter by the State of Missouri, pursuant  
23 to Notice for:

24 Atkinson-Baker, Inc. Court Reporters  
25 500 North Brand Boulevard, Third Floor  
Glendale, California 91203  
800-288-3376, www.depo.com  
File A50A471

A50A471  
DAVID CLOHESSY JANUARY 2, 2012

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	<p style="text-align: center;">A_P_P_E_A_R_A_N_C_E_S</p> <p>-----</p> <p>Jeffrey B. Jensen, Esq. Matthew P. Diehr, Esq. Jensen Bartlett &amp; Schelp, LLC 222 S. Central Avenue, Suite 110 St. Louis, Missouri 63105 314-725-3939 jjensen@jbslawyers.com On behalf of David Clohessy</p> <p>Rebecca M. Randles, Esq. Randles Mata &amp; Brown, LLC 406 West 34th Street, Suite 623 Kansas City, Missouri 64111 816-931-9901 rebecca@rmblawyers.com On behalf of plaintiffs John Doe, B.P., John Doe, J.D., John Doe, M.F., Joe Eldred, John Doe, M.S., Jane Doe, I.P. and Jane Doe, W.R.</p> <p>Brian T. Madden, Esq. Wagstaff &amp; Cartmell, LLP 4740 Grand Avenue, Suite 300 Kansas City, Missouri 64112 816-701-1132 bmadden@wcllp.com On behalf of defendant Father Michael Tierney</p> <p>Martin M. Meyers, Esq. The Meyers Law Firm, LC 503 One Main Plaza 4435 Main Street Kansas City, Missouri 64111 816-444-8500 mmeyers@meayerslaw.com On behalf of defendant Father Mark Honhart</p>	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	<p style="text-align: center;">INDEX_TO_TESTIMONY</p> <p style="text-align: right;">Page</p> <p>Examination by Mr. Madden.....8 Examination by Mr. Wyrsh.....66 Luncheon recess.....104 Examination by Mr. Wyrsh.....104 Examination by Ms. Cohara.....146 Examination by Mr. Meyers.....181 Examination by Mr. McGonagle.....190 Examination by Mr. Jensen.....211</p> <p style="text-align: center;">INDEX_TO_EXHIBITS</p> <p>-----</p> <p>Exhibit 1.....15 Tax return 2010 Exhibit 2.....40 Subpoena to David Clohessy</p> <p>Exhibit 3.....49 Email string re SNAP event Exhibit 4.....52 Petition for damages re John Doe SB2</p> <p>Exhibit 5.....56 Documents produced in response to subpoena Exhibit 6.....58 Privilege log of David Clohessy</p> <p>Exhibit 7.....58 Privilege log of David Clohessy Exhibit 8.....59 Posting by SNAP, For first time ever...</p> <p>Exhibit 9.....62 Petition for damages re John Doe 101 Exhibit 10.....63 Posting re another clergy sex case filed</p> <p>Exhibit 11.....67 Amended Cross-Notice...</p>	Page 2Page 4
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<p>1 (VIDEOTAPE NUMBER 1) 2 VIDEOGRAPHER: This is the videotaped 3 deposition of David Clohessy. I'm Chris O'Brien, 4 your videographer, and I represent Atkinson-Baker, 5 Inc. in Glendale, California. I am not 6 financially interested in this action nor am I a 7 relative or employee of any of the attorneys or 8 any of the parties. 9 The date is January 2, 2012. The time 10 is approximately 9:54 A.M. This deposition is 11 taking place at the Crowne Plaza Hotel, 7750 12 Carondelet in Clayton, Missouri. This is case 13 number 1016CV29995 entitled John Doe, B.P. versus 14 Father Michael Tierney, et al. 15 The deponent is David Clohessy. This 16 deposition is being taken on behalf of the 17 defendants. The court reporter is Sandra 18 Ragsdale. 19 Will the attorneys please introduce 20 themselves? 21 MR. MADDEN: Brian Madden for Father 22 Michael Tierney. 23 MS. COHARA: Mara Cohara for the 24 Diocese. 25 MR. MEYERS: I'm Martin Meyers -- can</p> <p style="text-align: right;">Page 6</p>	<p>1 and plaintiff Jane Doe, W.R. 2 MR. DIEHR: Matthew Diehr here on 3 behalf of the deponent. 4 MR. JENSEN: Jeff Jensen here on 5 behalf of David Clohessy. 6 REPORTER: Sir, if you'd raise your 9:56A 7 right hand I'll swear you in. Do you swear the 8 testimony you're about to give will be the truth, 9 the whole truth and nothing but the truth so help 10 you God? 11 THE WITNESS: I do. 12 DAVID CLOHESSY, 13 of lawful age, being produced, sworn and examined, 14 testified as follows: 15 EXAMINATION 16 QUESTIONS BY MR. MADDEN: 17 Q. Please state your name. 18 A. David Clohessy, C-L-O-H-E-S-S-Y. 19 Q. Mr. Clohessy, my name is Brian Madden 20 and I represent Father Michael Tierney. Have you 21 ever given a deposition before today? 22 A. No, sir. 23 Q. If I ask you a question today that you 24 do not understand, will you tell me so? 25 A. Yes, sir.</p> <p style="text-align: right;">Page 8</p>
<p>1 you hear me -- and I represent Father Mark Honhart 2 in cases filed by John Doe, J.D., Case No. 3 1116CV07048, and John Doe, M.F., Case No. 4 1116CV23198. 5 MR. MCGONAGLE: My name is Gerald 6 McGonagle and I am here representing Monsignor 7 Thomas J. O'Brien specific to my cross deposition 8 notice in the case of John Doe, M.S. v. O'Brien, 9 et al., Jackson County Circuit Court, Division 13, 10 in front of the Honorable Ann Mesle, Case No. 11 116-CV04798. 12 MR. WYRSCH: My name is James Wyrsh. 13 I represent Father Francis McGlynn in a case 14 pending in the Circuit Court of Jackson County, 15 Missouri, Case No. 1116-CV29252, now pending in 16 front of Judge Del Muro. 17 In addition I represent Father Thomas 18 Cronin who is a defendant in the Circuit Court of 19 Clinton County, Missouri, Case No. 11CL-CV00078, 20 that's pending in front of Judge Chapman. 21 MS. RANGLES: My name is Rebecca 22 Randles. I'm the attorney on behalf of plaintiff 23 John Doe, B.P., plaintiff John Doe, J.D., 24 plaintiff John Doe, M.F., plaintiff [REDACTED] 25 plaintiff John Doe, M.S., plaintiff Jane Doe, I.P.</p> <p style="text-align: right;">Page 7</p>	<p>1 Q. Thank you. What is your business 2 address? 3 A. Business address, -- I work out of my 4 home. SNAP is headquartered in Chicago. We have 5 a post office box, 6416. I don't know the zip 6 code, I'm sorry. 7 Q. What is your home address then that 8 you work out of? 9 MR. JENSEN: Objection to giving out 10 his home address. Mr. Clohessy has been the 11 subject of numerous death threats over the years 12 and there's no relevance to that information and 13 I'll instruct the witness not to answer the 14 question. 15 BY MR. MADDEN: 16 Q. Is the home out of which you work 17 located in the St. Louis area? 18 A. Yes. 19 Q. Okay. Who represents you in today's 20 deposition? 21 A. Mr. Diehr and Mr. Jensen. 9:57A 22 Q. Has Ms. Randles ever represented you? 23 A. No -- well, excuse me. Hold on. 24 (DISCUSSION WAS HAD OFF THE RECORD) 25 A. So when I filed my own lawsuit against</p> <p style="text-align: right;">Page 9</p>

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<p>1 Father John Whitely in the Diocese of Jefferson 2 City -- because, by the way, he molested me and 3 Ms. Randles either helped to prepare 4 or formally filed, I'm not sure which, an amicus 5 brief on behalf of organizations that supported me 6 in my civil litigation. 7 <b>Q. All right. With regard to today's</b> 9:58A 8 <b>deposition and this action, are you represented by</b> 9 <b>Ms. Randles?</b> 10 A. No, sir. 11 <b>Q. Have you discussed today's deposition</b> 12 <b>with Ms. Randles prior to today?</b> 13 <b>(DISCUSSION WAS HAD OFF THE RECORD)</b> 14 MR. JENSEN: Object to that question 15 and any conversations Mr. Clohessy may have had 16 with Rebecca Randles, the basis being the Missouri 17 Rape Crisis Center Statute, at R.S.MO 455.03 which 18 prohibits the release of confidentiality of any 19 information that would identify individuals served 20 by SNAP and any information or records that are 21 directly related to the advocacy services provided 22 to such individuals. 23 BY MR. MADDEN: 9:59A 24 <b>Q. Mr. Clohessy, that brings up --</b> 25 MR. JENSEN: In addition, I'd like to</p> <p style="text-align: right;">Page 10</p>	<p>1 that just the mere fact that someone has filed a 2 lawsuit doesn't necessarily indicate a right for 3 you to learn the name of that individual unless 4 they're specific to either the lawsuit that you're 5 representing or a lawsuit against 6 MR. JENSEN: We would also object for 7 any questions that get to the -- even the initials 8 of people involved or necessary contacts that Mr. 9 Clohessy has had with those individuals under the 10 Rape Crisis Center Statute as he does not have 11 their written consent to testify about those 12 matters. And under the same NAACP v. Alabama case 13 I discussed earlier. 14 BY MR. MADDEN: 15 <b>Q. Now when Ms. Randles and you talked</b> 16 <b>about this deposition before today's deposition,</b> 17 <b>was she contacting you in the context of needing</b> 18 <b>SNAP services?</b> 19 MS. RANGLES: Objection. 20 MR. JENSEN: Same objection. 21 MS. RANGLES: And I object to the form 22 of the question as it includes facts that are not 23 yet in evidence. No foundation. 24 MR. JENSEN: And I'll instruct the 10:01A 25 witness not to answer the question.</p> <p style="text-align: right;">Page 12</p>
<p>1 object based on NAACP versus Alabama in that 2 answers to those questions would trespass upon 3 fundamental freedoms protected by the due process 4 clause of the 14th Amendment because the effect of 5 compelled disclosure of such information will be 6 to abridge the rights of its members and 7 supporters to engage in lawful association in 8 support of their common beliefs. 9 BY MR. MADDEN: 10 <b>Q. Mr. Clohessy, do you refuse to answer</b> 11 <b>based on that objection?</b> 12 A. I do. 13 <b>Q. Let me state at the beginning of this</b> 14 <b>deposition, I do not want the names of any victims</b> 15 <b>that have contacted you other than those people</b> 16 <b>who have contacted you and have filed suit against</b> 17 <b>either Father Michael Tierney or the Diocese in</b> 18 <b>Kansas City-St. Joseph. Do you understand what</b> 19 <b>I'm saying? I don't want the names -- I don't</b> 20 <b>want you to reveal to me the names of any victims</b> 21 <b>other than those who have put their names forward</b> 22 <b>in lawsuits. Do you understand that?</b> 23 A. I've heard what you said. 10:00A 24 <b>Q. Okay.</b> 25 MS. RANGLES: And I have to object</p> <p style="text-align: right;">Page 11</p>	<p>1 BY MR. MADDEN: 2 <b>Q. Who is your current employer?</b> 3 A. SNAP, the Survivors Network of those 4 Abused by Priests. 5 <b>Q. How long have you been employed by</b> 6 <b>SNAP?</b> 7 A. Since roughly June of 2002. 8 <b>Q. What is the business of SNAP?</b> 9 A. Our mission is to protect the 10 vulnerable and heal the wounded. We are a 11 confidential, independent, non-profit, support and 12 advocacy group for men, women and children who are 13 sexually violated as both children and adults by 14 clergy and others in a position of power, Catholic 15 and non-Catholic. Increasingly, we have helped 16 many people who were abused in other institutional 17 settings, schools, summer camps, daycare centers, 18 scouting programs. 19 <b>Q. Who are the other employees or members</b> 10:03A 20 <b>of SNAP other than yourself</b> 21 MR. JENSEN: Excuse me. You said -- 22 if I could ask for clarification? 23 BY MR. MADDEN: 24 <b>Q. Okay. Who are the other employees of</b> 25 <b>SNAP besides yourself?</b></p> <p style="text-align: right;">Page 13</p>

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<p>1 A. Barbara Blaine, B-L-A-I-N-E, of 2 Chicago. [REDACTED] of St. Louis. 3 Do I go on to sort of the nonprofessional staff 4 or -- 5 MR. JENSEN: Just the employees is the 6 question. 7 A. Okay. We have an administrative 8 person who is new whose name is [REDACTED] And I 9 apologize, I don't know her name, her last name. 10 She works in Chicago. We have another -- excuse 11 me -- another administrative person who works in 12 Chicago named [REDACTED] 13 Q. Anyone else? 10:04A 14 A. No. We've had -- oh, we've had a fund 15 raising person [REDACTED] And I 16 apologize, I don't know the spelling of her last 17 name. 18 Q. All right. What about [REDACTED] 19 [REDACTED] what's her role with SNAP? 20 (DISCUSSION WAS HAD OFF THE RECORD) 21 MR. JENSEN: We'll object to that 22 question based on the Missouri Rape Crisis Center 23 Statute, R.S.MO 455.003 which prohibits the 24 release of the confidentiality of any information 25 that would identify individuals served by SNAP and</p> <p style="text-align: right;">Page 14</p>	<p>1 corner. If you'll turn to page 7 of this Exhibit 2 1. 3 MS. RANGLES: Do you have additional 4 copies? 5 MR. MADDEN: I don't. I just gave 6 counsel a copy. 7 Q. On page 7 of Exhibit 1 -- 8 A. Right. 9 Q. -- you see your name listed as 10 executive director? 11 A. I do. 12 Q. All right. And then Barbara Blaine is 13 listed as president; do you see that? 14 A. Yes, sir. 15 Q. And then your salaries appear in those 16 columns -- 17 A. Yes, sir. 18 Q. -- correct? 19 A. Yes. 20 Q. Is that an accurate report of your 21 salary? 22 A. I suspect it is. 23 Q. All right. And then we have the names 24 of [REDACTED] director, [REDACTED] 25 director, [REDACTED] as chairman, [REDACTED]</p> <p style="text-align: right;">Page 16</p>
<p>1 any information or records that are directly 2 related to the advocacy services provided to such 3 individuals, as well as objecting based on the 4 freedom of association afforded through NAACP 5 versus Alabama In that such information -- 6 answers -- information and answers are privileged 7 pursuant to the First Amendment of the United 8 States Constitution through the 14th Amendment as 9 they will trespass upon fundamental freedoms 10 protected by the due process clause of the 14th 11 Amendment because the effect of compelled 12 disclosure of this information will be to abridge 13 the rights of its members -- of SNAP's members 14 that is -- and supporters to engage in lawful 15 association in support of their common beliefs. 16 BY MR. MADDEN: 10:05A 17 Q. Mr. Clohessy, let me hand you -- do 18 you refuse to answer based on that objection? 19 A. I do. 20 (DEFENDANT'S EXHIBIT NO. 1 MARKED FOR 21 IDENTIFICATION) 22 Q. Let me hand what you I've marked as 23 Exhibit 1. Exhibit 1 is the publicly filed tax 24 return for SNAP dated 2010. And if you'll turn -- 25 the page numbers are up at the top right-hand</p> <p style="text-align: right;">Page 15</p>	<p>1 as director, and [REDACTED] as treasurer. 2 Are those people paid employees of 3 SNAP? 4 A. I'm not -- 10:07A 5 (DISCUSSION WAS HAD OFF THE RECORD) 6 MR. JENSEN: Same objection. I'll 7 instruct the witness not to answer the question. 8 BY MR. MADDEN: 9 Q. All right. And do you follow your 10 counsel's instruction? 11 A. I do. 12 Q. Who is your supervisor at SNAP? 13 A. You know, Barbara Blaine and I 14 essentially -- I don't have one. 15 Q. All right. So the title executive 16 director means that -- are you at the top of the 17 chain as far as the chain of command at SNAP? 18 A. You know, in essence Barbara and I are 19 peers, [REDACTED] -- Blaine, excuse me. 20 Q. And does Barbara office out of 10:08A 21 Chicago? 22 A. Yes. 23 Q. Does SNAP have a physical building 24 location either in St. Louis or Chicago or 25 anywhere else?</p> <p style="text-align: right;">Page 17</p>

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<p>1           A. We rent a small office in Chicago.</p> <p>2           <b>Q. Do you have any employment other than</b></p> <p>3 <b>SNAP?</b></p> <p>4           A. No.</p> <p>5           <b>Q. Has SNAP ever advertised itself as a</b></p> <p>6 <b>rape crisis counseling center?</b></p> <p>7           A. We don't advertise.</p> <p>8           <b>Q. All right. What rape crisis</b></p> <p>9 <b>counseling training do either you or Ms. Blaine or</b></p> <p>10 <b>anybody else associated with SNAP have?</b></p> <p>11           MR. JENSEN: Object to the form of the</p> <p>12 question.</p> <p>13           A. I'm obviously not going to answer</p> <p>14 about anyone else associated with SNAP.</p> <p>15 BY MR. MADDEN:</p> <p>16           <b>Q. All right. Let's --</b></p> <p>17           A. And you started the whole thing by</p> <p>18 saying you're not asking about who our members</p> <p>19 are, right? And then --</p> <p>20           <b>Q. No, I said -- no, victims, sir. I</b></p> <p>21 <b>said I wasn't going to ask about victims. The</b></p> <p>22 <b>reason I --</b></p> <p>23           <b>(DISCUSSION WAS HAD OFF THE RECORD)</b> 10:09A</p> <p>24           A. Barbara Blaine has a Master's degree</p> <p>25 in social work.</p> <p style="text-align: right;">Page 18</p>	<p>1           counselors.</p> <p>2           <b>Q. So is the answer no?</b></p> <p>3           <b>(DISCUSSION WAS HAD OFF THE RECORD)</b></p> <p>4           BY MR. MADDEN:</p> <p>5           <b>Q. The question is does SNAP have any</b></p> <p>6 <b>licensed counselors in the State of Missouri?</b></p> <p>7           A. We have support groups in Missouri</p> <p>8 that meet on a regular basis and offer support and</p> <p>9 comfort and consolation and guidance to people who</p> <p>10 have been sexually victimized by priests, nuns,</p> <p>11 camp counselors.</p> <p>12           <b>Q. Are there any licensed social workers</b></p> <p>13 <b>or counselors on the staff of SNAP at any of those</b></p> <p>14 <b>meetings in the State of Missouri?</b></p> <p>15           A. Barbara Blaine sometimes comes. 10:11A</p> <p>16 Barbara Blaine is a licensed -- as I said, she has</p> <p>17 a Master's degree in social work.</p> <p>18           <b>Q. Is Barbara Blaine licensed as a</b></p> <p>19 <b>counselor or social worker in the State of</b></p> <p>20 <b>Missouri or the State of Illinois?</b></p> <p>21           A. I don't know.</p> <p>22           <b>Q. How many licensed counselors -- by</b></p> <p>23 <b>whatever state the person resides in, how many</b></p> <p>24 <b>licensed counselors does SNAP employ?</b></p> <p>25           A. One that I know of.</p> <p style="text-align: right;">Page 20</p>
<p>1           <b>Q. All right. And what is your --</b></p> <p>2           A. And in -- well, never mind.</p> <p>3           <b>Q. What is your experience or training</b></p> <p>4 <b>with regard to rape crisis counseling?</b></p> <p>5           A. You know, I've done -- I've provided</p> <p>6 support to victims of sexual assault for 20 --</p> <p>7 roughly 23 or 24 years. I do not have a -- no.</p> <p>8           <b>Q. All right. I guess the better</b></p> <p>9 <b>question is do you have any formal education or</b></p> <p>10 <b>training with regard to rape crisis counseling?</b></p> <p>11           A. I do not.</p> <p>12           <b>Q. And what formal education, if any,</b></p> <p>13 <b>does Barbara Blaine have with regard to rape</b></p> <p>14 <b>crisis counseling?</b></p> <p>15           A. I don't know. She ran a homeless</p> <p>16 shelter in a poor Chicago neighborhood for well</p> <p>17 over a decade. And she may have had training</p> <p>18 because presumably a lot of the people that came</p> <p>19 to the shelter -- it was a women's shelter. So</p> <p>20 she may have had training.</p> <p>21           <b>Q. Does SNAP have any licensed counselors</b> 10:10A</p> <p>22 <b>in the State of Missouri?</b></p> <p>23           A. We are a -- as I said at the</p> <p>24 beginning, we're a self-help group. We are not --</p> <p>25 we don't hold ourselves out to be formal licensed</p> <p style="text-align: right;">Page 19</p>	<p>1           <b>Q. And who would that be?</b></p> <p>2           A. That would be Barbara Blaine.</p> <p>3           <b>Q. So you do believe she's licensed?</b></p> <p>4           A. Again, I mean she has a Master's</p> <p>5 degree in social work. I don't know whether she's</p> <p>6 an LCSW or -- you know, don't know that.</p> <p>7           <b>Q. Okay. What --</b> 10:12A</p> <p>8           A. She too has been for as long --</p> <p>9 actually for longer than I have, she's been</p> <p>10 listening to and supporting and consoling and</p> <p>11 guiding clergy sex abuse victims and victims of</p> <p>12 other kinds of sexual violence.</p> <p>13           <b>Q. What I'm trying to get an</b></p> <p>14 <b>understanding of, is there a location in the State</b></p> <p>15 <b>of Missouri that a victim would go to to receive</b></p> <p>16 <b>counseling services from SNAP, is there such a</b></p> <p>17 <b>location?</b></p> <p>18           A. You know, --</p> <p>19           <b>(DISCUSSION WAS HAD OFF THE RECORD)</b></p> <p>20           MR. JENSEN: We can step out. Any</p> <p>21 objections to that?</p> <p>22           MR. MADDEN: No.</p> <p>23           <b>(DISCUSSION WAS HAD OFF THE RECORD)</b></p> <p>24           MR. MADDEN: Would you read back the 10:16A</p> <p>25 last question?</p> <p style="text-align: right;">Page 21</p>

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<p>1 (REPORTER READ FROM THE RECORD AS 2 FOLLOWS: 3 QUESTION: What I'm trying to get an 4 understanding of, Is there a location 5 in the State of Missouri that a victim 6 would go to to receive counselling 7 services from SNAP, Is there such a 8 location?) 9 A. We have held support group meetings 10 In, you know, St. Louis, Kansas City, probably 11 Springfield, the Columbia area. We have regular 12 scheduled support group meetings every month in 13 Kansas City for the most part for years and years. 14 And in St. Louis for the most part since 1991. We 15 also meet with people -- you know, much of the 16 work that we do is over the phone. 17 <b>Q. All right.</b> 18 A. People are -- many, many times frankly 19 it takes months before somebody is even 20 comfortable sitting down face to face with someone 21 from SNAP. We meet people wherever they want to 22 meet, in Starbuck's, at, you know, -- wherever 23 people feel comfortable, that's where we meet. 24 <b>Q. How much money does SNAP expend</b> 10:17A 25 <b>annually for counseling services for victims of</b>  Page 22</p>	<p>1 <b>this way, first of all, does SNAP ever charge</b> 2 <b>counseling fees to victims of sexual abuse?</b> 3 A. No. 4 <b>Q. Okay. Does SNAP pay for counseling</b> 5 <b>for victims of sexual abuse?</b> 6 MR. JENSEN: Object to the form of the 7 question. 8 BY MR. MADDEN: 9 <b>Q. Do you understand my question?</b> 10 A. I think I do. 11 <b>Q. All right. Does SNAP expend money to</b> 12 <b>pay counselors to counsel victims of sexual abuse?</b> 13 MR. JENSEN: I believe that's a 14 different question. Could you read back the 15 earlier question? 16 (REPORTER READ FROM THE RECORD AS 10:19A 17 FOLLOWS: 18 QUESTION: Does SNAP ever charge 19 counseling fees to victims of sexual 20 abuse?) 21 BY MR. MADDEN: 22 <b>Q. The answer was no as I understood it?</b> 23 A. That's right. 24 MR. MADDEN: And the next question 25 was? I'm sorry.  Page 24</p>
<p>1 <b>sexual abuse?</b> 2 A. You know, the overwhelming bulk of our 3 work is talking to, listening to, supporting sex 4 abuse victims. The overwhelming majority of our 5 work. I couldn't begin to put a dollar figure on 6 that. 7 And remember too, I mean, you know, 8 you keep asking about SNAP, SNAP has three 9 professional employees. But, you know, we're an 10 international network that is largely composed of 11 volunteers. So, you know, the vast, vast majority 12 of what, you know, you would call or I would call 13 SNAP's work is conducted by volunteers. 14 <b>Q. And those three paid professionals are</b> 15 <b>you, Barbara Blaine and [REDACTED] correct?</b> 16 A. Right. 17 <b>Q. Am I correct then that SNAP does not</b> 10:18A 18 <b>spend any money on victim counseling?</b> 19 MR. JENSEN: Objection. 20 MS. RANGLES: Objection. 21 MR. JENSEN: Form of the question, 22 misstates the earlier answer. 23 MS. RANGLES: Join. 24 BY MR. MADDEN: 25 <b>Q. In other words, -- let me go about it</b>  Page 23</p>	<p>1 (REPORTER READ FROM THE RECORD AS 2 FOLLOWS: 3 QUESTION: Does SNAP pay for 4 counseling for victims of sexual 5 abuse? 6 REPORTER: And the next one: Does 7 SNAP expend money to pay counselors to 8 counsel victims of sexual abuse?) 9 A. I'm sorry. Try it one more time. 10 MS. RANGLES: Which -- 11 BY MR. MADDEN: 12 <b>Q. Okay. Let's strike those prior two</b> 13 <b>questions and start over. Does SNAP with the</b> 14 <b>money it has from fund raising spend any of that</b> 15 <b>money to provide counseling for victims of sexual</b> 16 <b>abuse, individual counseling?</b> 17 MS. RANGLES: Do you mean by a paid 18 therapist, is that what you're asking? You're 19 asking about support groups. 20 MR. MADDEN: I assume they have to be 21 paid if they're spending money. 22 MS. RANGLES: Well, no, they don't, 23 Brian. That's the problem with the question is 24 that it's vague and confusing. 25 MR. MADDEN: Let's start again.  Page 25</p>

7 (Pages 22 to 25)

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<p>1 Strike the question.</p> <p>2 MR. WYRSCH: Just a minute. I object</p> <p>3 to speaking objections.</p> <p>4 MS. RANGLES: But, Jim, sometimes it</p> <p>5 helps to let Mr. Madden know what the concern is.</p> <p>6 MR. MADDEN: I'll strike my question</p> <p>7 and start over.</p> <p>8 BY MR. MADDEN:</p> <p>9 Q. Does SNAP spend any money that it</p> <p>10 raises through fund raising on counseling for</p> <p>11 individuals in individual therapy sessions?</p> <p>12 A. I don't -- I mean -- yes. 10:20A</p> <p>13 Q. All right. How much annually does</p> <p>14 SNAP spend for individuals in individual therapy</p> <p>15 sessions?</p> <p>16 A. I have no idea.</p> <p>17 Q. Where would that be recorded within</p> <p>18 SNAP?</p> <p>19 A. I mean I don't know how -- you know, I</p> <p>20 can't begin to tell you how we could possibly</p> <p>21 quantify that. Individuals call me and they share</p> <p>22 their pain with me. And I console them and I may</p> <p>23 be on the phone with them for an hour. We don't</p> <p>24 charge anybody for that. I don't have a time log</p> <p>25 where I say, you know, 9 A.M. to 10 A.M., you</p> <p style="text-align: right;">Page 26</p>	<p>1 question.</p> <p>2 A. I don't know.</p> <p>3 BY MR. MADDEN:</p> <p>4 Q. Has it happened?</p> <p>5 A. That's the question you just asked me.</p> <p>6 Q. Yes.</p> <p>7 A. Has it happened.</p> <p>8 Q. You don't know? You don't know?</p> <p>9 A. And the answer is I don't know if it's</p> <p>10 happened.</p> <p>11 Q. All right. Who would know, if you</p> <p>12 don't know as the executive director who in SNAP</p> <p>13 would know whether there's happened or not?</p> <p>14 A. You know, you would probably have to</p> <p>15 ask every person in this country and several other</p> <p>16 foreign countries who has been a local SNAP</p> <p>17 leader -- that's my phone, sorry. Because, you</p> <p>18 know, we have chapters all over this country and</p> <p>19 all over the world -- not all over the world.</p> <p>20 But, you know, and different chapters operate in</p> <p>21 different ways, you know. Has -- yes, I'm -- you</p> <p>22 know, when you ask me has it ever happened --</p> <p>23 Q. Has it ever been reported on the tax 10:24A</p> <p>24 return for SNAP?</p> <p>25 A. I don't know.</p> <p style="text-align: right;">Page 28</p>
<p>1 know, I spent talking with victim X.</p> <p>2 Q. Mr. Clohessy, I understand that. I 10:22A</p> <p>3 understood your answer to my question was that</p> <p>4 SNAP doesn't charge for its time with regard to</p> <p>5 counseling. I think we got that understood.</p> <p>6 My question is if a victim calls in</p> <p>7 and says I'm in Kansas City and I really need to</p> <p>8 go talk to somebody, a licensed therapist, a</p> <p>9 professional, does SNAP expend money to help that</p> <p>10 person go get counseling from a licensed</p> <p>11 professional?</p> <p>12 MR. JENSEN: Object to the form of the</p> <p>13 question. Subject to the objection you can</p> <p>14 answer.</p> <p>15 A. I mean, you know, we certainly spend</p> <p>16 staff time.</p> <p>17 BY MR. MADDEN:</p> <p>18 Q. Not my question. Are checks ever</p> <p>19 written from SNAP to a third party counselor for a</p> <p>20 victim of sexual abuse? Has that ever happened?</p> <p>21 If, so how much annually is spent for victims of</p> <p>22 sexual abuse where you've directly paid third</p> <p>23 party counselors?</p> <p>24 MR. JENSEN: Object to the form of the 10:23A</p> <p>25 question. Subject to that you may answer the</p> <p style="text-align: right;">Page 27</p>	<p>1 Q. Going back to Exhibit 1, Exhibit 1</p> <p>2 compiles the years -- if you look at this line</p> <p>3 right here in Exhibit 1 on page -- it's page 3,</p> <p>4 and you have total support numbers. Do you see</p> <p>5 those? In 2006 it's 929,000. 2007 467,000. We</p> <p>6 go over to 2010, 352,000. And then you have a</p> <p>7 total for years '06 through '10 of almost 3</p> <p>8 million dollars.</p> <p>9 A. Uh-huh.</p> <p>10 (DISCUSSION WAS HAD OFF THE RECORD)</p> <p>11 Q. Mr. Clohessy, where is that money kept</p> <p>12 that's reported in SNAP's tax return for 2010?</p> <p>13 A. Where is the money kept?</p> <p>14 Q. Yes, where is the bank account? 10:25A</p> <p>15 A. I'm assuming it's in Chicago.</p> <p>16 Q. All right. And do you know whether</p> <p>17 any money that's reported in this tax return</p> <p>18 marked as Exhibit 1, whether any of that money</p> <p>19 which is almost 3 million dollars, has been</p> <p>20 expended to provide individual counseling for</p> <p>21 individuals who may have been sexually abused?</p> <p>22 A. Has any of that money?</p> <p>23 Q. Yes.</p> <p>24 A. Yes, a huge chunk of that money. I</p> <p>25 have no idea how to -- you know, our money pays --</p> <p style="text-align: right;">Page 29</p>

8 (Pages 26 to 29)



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1 **Q No, my question is has any of that**  
2 **money to your knowledge been paid to an individual**  
3 **counselor on behalf of another person?**  
4 MR. JENSEN: Object to the form of the  
5 question. It's a different question.  
6 BY MR. MADDEN:  
7 **Q. That's my question now.**  
8 A. Okay. Has SNAP ever -- has SNAP ever  
9 paid money to an individual counselor for an  
10 individual victim?  
11 **Q. Correct, out of that 3 million dollars** 10:26A  
12 **that's in the tax return?**  
13 A. Don't know.  
14 **Q. You don't know. Would Ms. Blaine be**  
15 **the person who could best answer that question?**  
16 A. She would probably -- yes, she'd  
17 probably be -- be better than I.  
18 **Q. What are SNAP's sources of funding?**  
19 **Not -- I'm not asking for names. But generically**  
20 **what are its sources of funding?**  
21 MR. JENSEN: Object to the question  
22 based on the Missouri Rape Crisis Center Statute  
23 that prohibits release of information directly  
24 related to the advocacy services provided by SNAP.  
25 MS. RANGLES: And I object to the

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1 question as impinging upon free association for  
2 those who donate to SNAP.  
3 BY MR. MADDEN:  
4 **Q. Are you refusing to answer based on**  
5 **those objections?**  
6 A. Yes.  
7 **Q. What records are kept regarding**  
8 **funding of SNAP? The tax return references a**  
9 **Schedule O. Have you seen Schedule O which lists**  
10 **all the donors to SNAP?**  
11 A. I don't -- Is it in this document? 10:27A  
12 **Q. No, it's not. Have you seen that**  
13 **Schedule O?**  
14 A. For 2010 or --  
15 **Q. For any year?**  
16 A. I'm sure I've seen lists of donors,  
17 yes, absolutely.  
18 **Q. And where are those lists of donors**  
19 **kept?**  
20 A. I assume in Chicago.  
21 **Q. Who keeps those records?**  
22 A. I assume that our administrative staff  
23 does -- [REDACTED] -- I shouldn't be speculating. I  
24 don't know, I don't know who keeps them.  
25 **Q. All right. What percentage of SNAP's**

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1 **funding comes from attorneys?**  
2 MR. JENSEN: Objection based on the  
3 Missouri Rape Crisis Center Statute that prohibits  
4 the release of any information or records that are  
5 directly related to the advocacy services provided  
6 to SNAP -- or by SNAP, excuse me. Also objection  
7 based on NAACP versus Alabama.  
8 MS. RANGLES: I join the objection.  
9 BY MR. MADDEN: 10:28A  
10 **Q. Are you refusing to answer based on**  
11 **those objections?**  
12 A. Uh-huh.  
13 **Q. Is that a yes?**  
14 A. Yes.  
15 **Q. Thank you. Does SNAP have any**  
16 **agreements with attorneys regarding referral of**  
17 **victims to those attorneys?**  
18 A. Can I say I'm offended at the  
19 question?  
20 MR. JENSEN: You just answer it.  
21 A. No, we don't.  
22 BY MR. MADDEN:  
23 **Q. Okay. How does SNAP keep its**  
24 **records -- where does SNAP keep its records?**  
25 MS. RANGLES: Object to the form of

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1 the question. It doesn't define the types of  
2 records you're talking about.  
3 BY MR. MADDEN:  
4 **Q. [REDACTED]**  
5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 MR. JENSEN: I'll object to the  
9 question based on the Missouri Rape Crisis Center  
10 Statute and based on NAACP versus Alabama and I'll  
11 instruct the witness not to answer the question.  
12 BY MR. MADDEN: 10:29A  
13 **Q. Are you refusing to answer?**  
14 A. I am refusing.  
15 **Q. Your tax return indicates that SNAP**  
16 **has a record retention policy. Do you know what**  
17 **the record retention policy is?**  
18 **(DISCUSSION WAS HAD OFF THE RECORD)**  
19 A. Yes, I don't know.  
20 **Q. Is SNAP a mandatory reporter?**  
21 A. I don't know.  
22 **Q. Do you believe you're a mandatory**  
23 **reporter of sexual abuse?**  
24 A. I don't know what the law considers.  
25 I consider myself a mandatory reporter.

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9 (Pages 30 to 33)

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<p>1       <b>Q. And when you receive a call working</b> 2 <b>for SNAP by a victim of sexual abuse, do you</b> 3 <b>report that abuse to governmental authorities?</b> 4       MR. JENSEN: Objection based on the 5 Missouri Rape Crisis Center Statute in that the 6 answer would contain information that is directly 7 related to the advocacy services provided by SNAP. 8       MS. RANGLES: And I object to the form 9 of the question in that it includes legal 10 information that is not appropriate. It's not the 11 law. You know that. 12       MR. MADDEN: I'm asking for his 10:31A 13 understanding. 14 BY MR. MADDEN: 15       <b>Q. Do you refuse to answer based on those</b> 16 <b>objections?</b> 17       A. I do. 18       <b>Q. Does SNAP keep files regarding accused</b> 19 <b>priests? In other words, is there a Father</b> 20 <b>Michael Tierney file at SNAP?</b> 21       MR. JENSEN: Objection based on the 22 Missouri Rape Crisis Center Statute in that the 23 answer calls for information directly related to 24 the advocacy services provided by SNAP. 25 BY MR. MADDEN:</p> <p style="text-align: right;">Page 34</p>	<p>1       memory?) 2       MS. RANGLES: I object to the form of 3 the question as being compound. 4 BY MR. MADDEN: 5       <b>Q. You can answer.</b> 6       A. Okay. I am -- I'm going to be as 7 polite as I can but I am deeply offended. 8       <b>Q. Do you understand the question doesn't</b> 10:39A 9 <b>assume that you do give such counseling?</b> 10       A. I do. 11       <b>Q. Okay. So what is the answer to the</b> 12 <b>question?</b> 13       A. The answer -- let's just play this 14 safe. One more time please. I'm sorry. 15 (REPORTER READ FROM THE RECORD AS 16 FOLLOWS: 17 QUESTION: What counseling or 18 instructions does SNAP provide to 19 sexual abuse victims, if any, 20 regarding the issue of repressed 21 memory?) 22       A. We provide no instructions to anybody 23 about repressed memory. 24       <b>Q. Okay. Is there anything in writing</b> 25 <b>that SNAP provides to people who call that</b></p> <p style="text-align: right;">Page 36</p>
<p>1       <b>Q. Do you refuse to answer?</b> 2       A. Yes, I refuse. 3       <b>Q. What counseling or information does</b> 4 <b>SNAP provide sexual abuse victims, if any,</b> 5 <b>regarding the issue of repressed memory?</b> 6       A. Repeat the question please. 7       <b>Q. Right. What counseling or</b> 8 <b>instructions does SNAP provide to sexual abuse</b> 9 <b>victims, if any, regarding the issue of repressed</b> 10 <b>memory?</b> 11       A. Let me take a minute please. One more 10:32A 12 time, what counseling do we provide -- 13       <b>Q. If any, counseling or instructions, if</b> 14 <b>any, regarding the issue of repressed memory?</b> 15 (AT THIS POINT A BRIEF RECESS WAS 16 TAKEN) 17       A. Okay. 18       MR. MADDEN: Could you please read 10:38A 19 back the last question? 20 (REPORTER READ FROM THE RECORD AS 21 FOLLOWS: 22 QUESTION: What counseling or 23 instructions does SNAP provide to 24 sexual abuse victims, if any, 25 regarding the issue of repressed</p> <p style="text-align: right;">Page 35</p>	<p>1       mentions or discusses the issue of repressed 2 memory? 3       A. No. 4       <b>Q. If SNAP issues a press release that</b> 5 <b>names an individual victim, what is the process</b> 6 <b>for getting that victim's consent before that</b> 7 <b>press release is issued?</b> 8       MR. JENSEN: Objection based on the 10:41A 9 Rape Crisis Center Statute in that the answer 10 would require information or records that are 11 directly related to the advocacy services provided 12 by SNAP. Also the same NAACP versus Alabama 13 objection we've been making. 14       Further, pursuant to Nebraska Press 15 Association versus Stuart. Such a compelled 16 answer would function as a prior restraint on Mr. 17 Clohessy and SNAP's ability to function as an 18 advocacy service for future victims of sexual 19 abuse and others who rely upon SNAP. Subject to 20 that I'll instruct the witness not to answer the 21 question. 22 BY MR. MADDEN: 23       <b>Q. Are you refusing to answer based on</b> 24 <b>that instruction?</b> 25       A. I am.</p> <p style="text-align: right;">Page 37</p>

10 (Pages 34 to 37)

<p>1 <b>Q. Does SNAP get permission in writing</b> 2 <b>from a sexual abuse victim before SNAP issues a</b> 3 <b>press release that names that person?</b> 4 MR. JENSEN: Same objection. And I'll 5 instruct the witness not to answer the question. 6 BY MR. MADDEN: 7 <b>Q. Do you refuse to answer?</b> 8 A. I do. 10:42A 9 <b>Q. Does SNAP post any information via</b> 10 <b>social media, Twitter, Facebook, anything like</b> 11 <b>that?</b> 12 A. Yes. 13 <b>Q. And what social media does SNAP use?</b> 14 A. Twitter I believe. And I'm sure some 15 of our members have Facebook accounts. 16 <b>Q. With regard to you personally, do you</b> 17 <b>post on either Twitter or Facebook?</b> 18 A. I think I have. I have a Facebook 19 account. I have done some tweets if that's the 20 correct terminology, obviously not often. 21 <b>Q. And I'm not asking about anything you</b> 22 <b>do in your personal life.</b> 23 A. Understood. 24 <b>Q. I'm talking about in your role for</b> 25 <b>SNAP. Do you use Twitter and Facebook in your</b></p> <p style="text-align: right;">Page 38</p>	<p>1 <b>abuse that later turned out to be unfounded?</b> 2 MR. JENSEN: Same objection. You may 3 answer the question. 4 A. We have certainly issued press 5 releases about credibly accused child predators 6 whom church officials have later claimed were 7 unsubstantiated or not founded. 8 BY MR. MADDEN: 9 <b>Q. Let me hand you, Mr. Clohessy, what we</b> 10 <b>marked as Exhibit 2.</b> 11 <b>(DEFENDANT'S EXHIBIT NO. 2 MARKED FOR</b> 12 <b>IDENTIFICATION)</b> 13 <b>Q. Which was the subpoena that was served</b> 14 <b>upon you for today -- well, for a deposition and</b> 15 <b>we moved it to today.</b> 16 MS. RANGLES: Can we take just a quick 17 break before you get into that? 18 MR. MADDEN: Sure. 19 <b>(AT THIS POINT A BRIEF RECESS WAS</b> 10:45A 20 <b>TAKEN)</b> 21 BY MR. MADDEN: 10:48A 22 <b>Q. Mr. Clohessy, going back to Deposition</b> 23 <b>Exhibit 2, this is the subpoena with the notice</b> 24 <b>and the exhibit of items that we asked you to</b> 25 <b>bring to today's deposition. And you'll see on</b></p> <p style="text-align: right;">Page 40</p>
<p>1 <b>role for SNAP?</b> 2 A. I have. 3 <b>Q. All right. Has SNAP to your knowledge</b> 4 <b>ever issued a press release that contained false</b> 5 <b>information?</b> 6 A. Sure. 10:43A 7 <b>Q. All right. Has SNAP ever issued a</b> 8 <b>press release regarding a person who claimed</b> 9 <b>sexual abuse who later retracted that claim?</b> 10 A. I don't know. 11 <b>Q. Are you aware of any situation where</b> 12 <b>SNAP issued a press release regarding claimed</b> 13 <b>sexual abuse that turned out to be unfounded</b> 14 <b>later?</b> 15 MR. JENSEN: Objection to the form of 16 the question. It's vague. 17 BY MR. MADDEN: 18 <b>Q. Are you aware of any such</b> 19 <b>situations --</b> 20 MR. JENSEN: Subject to the objection 21 you can answer the question. 22 A. Oh, I'm sorry. 10:44A 23 BY MR. MADDEN: 24 <b>Q. The question is are you aware of a</b> 25 <b>press release issued by SNAP regarding sexual</b></p> <p style="text-align: right;">Page 39</p>	<p>1 <b>Exhibit A to Exhibit 2 there are eight categories</b> 2 <b>of documents. Did you perform a search for those</b> 3 <b>eight categories of documents?</b> 4 A. Yes, sir. 5 <b>Q. All right. With regard to the first</b> 6 <b>category of documents, which is any documents or</b> 7 <b>correspondence included but not limited to</b> 8 <b>electronic mail that mention or refer to Father</b> 9 <b>Michael Tierney or the Diocese of Kansas City-St.</b> 10 <b>Joseph, where did you look for those documents?</b> 11 A. Three places. In my hard copy files. 12 On my hard drive computer. And e-mails on my 13 computer. 14 <b>Q. All right. And did you find any</b> 15 <b>responsive documents? With regard to that</b> 16 <b>category?</b> 17 A. Yes. 18 <b>Q. All right. And have you brought those</b> 19 <b>documents with you today?</b> 20 A. No. 10:49A 21 <b>Q. Where are those documents?</b> 22 A. At my house. 23 <b>Q. Why have you not brought those</b> 24 <b>documents today?</b> 25 A. It's our firm belief that, you know,</p> <p style="text-align: right;">Page 41</p>

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<p>1 the victims who contact us and the whistle-blowers 2 who contact us and the witnesses who contact us 3 and the law enforcement professionals who contact 4 us and the journalists who contact us with the 5 expectation that those communications are private, 6 will be kept private, and we think it's a horrific 7 betrayal of trust and privacy. 8 I mean I've given a speech. But, you 9 know, it's a gross violation of their 10 constitutional rights and our constitutional 11 rights and freedom of speech and freedom of 12 assembly and privacy. 13 Right. So we have given those -- 10:50A 14 sorry -- we've given those documents to our 15 attorneys and they've prepared a privileged log. 16 Q. Okay. So did you that search for 17 those documents? 18 A. Yes, sir. 19 Q. You gave those documents or copies 20 thereof to your attorneys and they have prepared a 21 log; is that true? 22 A. Yes, sir. 23 Q. All right. Let's go to category 2 on 24 Exhibit 2 which is any press releases or drafts of 25 press releases that mention Father Michael Tierney</p> <p style="text-align: right;">Page 42</p>	<p>1 releases or drafts of press releases; correct? 2 A. Correct. 3 Q. Category 3 is correspondence to and 4 from the press? 5 A. Correct. 6 Q. And those are being withheld as 7 privileged; is that your understanding? 8 A. Category 3 is. 9 Q. Okay. Category 4 is any 10 correspondence -- 11 (DISCUSSION WAS HAD OFF THE RECORD) 12 A. Right. So category 2 is what, you 13 know, we consider to be public communications. In 14 other words, material that we have sent to the 15 press. And so that's being provided today. The 16 third category is private correspondence. 17 Q. So you deem correspondence between 18 SNAP and the press as privileged and those are not 19 being produced, correct? Is that correct? 20 A. Let's be clear. There's two kinds of 21 correspondence with the press. 22 Q. Fair enough. 10:52A 23 A. There's when a member of the news 24 media e-mails me or I e-mail him, we consider that 25 to be private and privileged. Where we write a</p> <p style="text-align: right;">Page 44</p>
<p>1 or the Diocese of Kansas City-St. Joseph. Did you 2 also do a search for those? 3 A. Yes, sir. 4 Q. In the same places? 5 A. Yes, sir. 6 Q. Did you provide those to your 7 attorneys? 8 A. Yes, sir. 9 Q. Category number 3 is any 10 correspondence to or from members of the press 11 that mentions or refers to Father Michael Tierney 12 or the Diocese of Kansas City-St. Joseph. Did you 13 do a search for those documents? 14 A. Yes, sir. 15 Q. And did you provide those to your 16 attorneys? 17 A. Yes, sir. 18 Q. Do you know whether either category 2 19 or category 3 has been produced at today's 20 deposition? Or should I ask your attorney about 21 that? 22 A. My understanding is that we are 10:51A 23 producing category 2 and that we're not producing 24 category 3. 25 Q. All right. So category 2 is the press</p> <p style="text-align: right;">Page 43</p>	<p>1 press release and send it out by fax and e-mail to 2 multiple reporters, we don't consider that to be 3 privileged. 4 Q. All right. Thanks for that 5 clarification. 6 A. You're welcome. 7 Q. All right. Category 4 on Exhibit 2 8 asks for any correspondence to or from Rebecca 9 Randles that mentions or refers to Father Michael 10 Tierney or the Diocese of Kansas City-St. Joseph. 11 Did you do a search for that material? 12 A. We did. 13 Q. And did you find any responsive 14 documents? 15 A. I believe we did. 16 Q. Did you provide those documents to Mr. 17 Jensen, your attorney? 18 A. Yes, sir, we did. 19 Q. And are those documents being produced 20 in today's deposition or are they being withheld 21 as privileged? 22 A. My understanding is they're being 23 withheld as privileged. 24 Q. All right. The fifth category on 10:53A 25 Exhibit 2 is any correspondence including but not</p> <p style="text-align: right;">Page 45</p>

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<p>1 limited to electronic mail to or from members of 2 the public, including plaintiffs in any litigation 3 that mentions or refers to Father Michael Tierney 4 or the Diocese of Kansas City-St. Joseph. Did you 5 do a search for those documents? 6 A. We did. 7 Q. Did you find responsive documents? 8 A. We did. 9 Q. And have those been produced to Mr. 10 Jensen, your attorney? 11 A. They have. 12 Q. Are those being withheld as 13 privileged? 14 A. They are. 15 Q. Okay. Category 6 on Exhibit 2 is any 16 documents or correspondence including but not 17 limited to electronic mail that mention or refer 18 to any priests currently or formerly associated 19 with the Diocese of Kansas City-St. Joseph? 20 A. We did. 21 Q. You did do a search for that; correct? 22 A. Yes, sir. 23 Q. And did you find responsive documents? 24 A. We did. 25 Q. And those have been produced to your</p> <p style="text-align: right;">Page 46</p>	<p>1 discussed it. He then prepared a list of terms 2 for us to use. And we searched by those terms. 3 And I am -- yes, those terms were -- his name was 4 not in that list of terms. 5 Q. Okay. Category 8 is any 10:56A 6 correspondence including but not limited to 7 electronic mail to or from members of the public 8 that discusses or relates to repressed memory. 9 Did you do a search -- 10 A. We did. 11 Q. -- on that category? 12 A. We did. 13 Q. Did you find responsive documents? 14 A. Yes, we did. 15 Q. And were those produced to your 16 attorney, Mr. Jensen? 17 A. Yes, sir. 18 Q. Are those being withheld as privileged 19 today? 20 A. Yes, sir. 21 Q. With regard to category 2 which is the 22 press release category, are drafts of those press 23 releases also being produced today to your 24 knowledge? 25 A. I don't think we -- to my knowledge we</p> <p style="text-align: right;">Page 48</p>
<p>1 attorney? 2 A. Yes. 3 Q. And are those being withheld as 4 privileged? 5 A. Yes, sir. 10:54A 6 Q. All right. The seventh category is 7 any correspondence including but not limited to 8 electronic mail to or from -- and then I've whited 9 out the name as John Doe, B.P. of Kansas City, 10 Missouri who is the plaintiff in the case where I 11 represent Father Michael Tierney. Do you know 12 who -- do you know the real name of John Doe, 13 B.P.? 14 A. I do not. 15 Q. All right. When you did your search 16 pursuant to the subpoena the name appeared in the 17 subpoena, the name of John Doe, B.P. appeared in 18 the subpoena. Did you do a search for that 19 person's name? 20 A. I don't believe that we did. 21 Q. All right. Were you instructed not to 22 do a search for that person's name or do you know 23 why that didn't happen? 24 A. No, we were given a list of -- you 25 know, I took the subpoena to our lawyer, we</p> <p style="text-align: right;">Page 47</p>	<p>1 don't -- we didn't find any drafts. Let me -- 2 hold on. I don't know, I don't know. That's the 3 real answer. I don't -- yes. 4 (DEFENDANT'S EXHIBIT NO. 3 MARKED FOR 5 IDENTIFICATION) 6 Q. Mr. Clohessy, I hand you Exhibit 3 7 which you see at the top is an e-mail string first 8 from Judy Thomas at the Kansas City Star to Becky 9 Summers at the Diocese of Kansas City-St. Joseph. 10 And below that is an e-mail from SNAP Chicago 11 dated Thursday, October 20, 2011 at 8:14 A.M.; do 12 you see that? 13 A. I do. 10:57A 14 Q. Do you recognize Exhibit 3 as a SNAP 15 press release? 16 A. Yes, the term -- yes, sure. The term 17 we use for these are media advisories. But -- 18 Q. That's fine. 19 A. But that's semantics. 20 Q. I can call it a media advisory. With 21 regard to Exhibit 3, did you have any role with 22 preparing Exhibit 3? 23 MR. JENSEN: Objection based on the 24 Rape Crisis Center Statute that prohibits the 25 release of any information or records that are</p> <p style="text-align: right;">Page 49</p>

13 (Pages 46 to 49)

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<p>1 directly related to the advocacy services provided 2 by SNAP. 3 Also objecting based on NAACP versus 4 Alabama, the same objection that's been stated 5 earlier. 6 In addition, objecting based on 7 Nebraska Press Association versus Stuart in that 8 answering the questions would serve as a prior 9 restraint on Mr. Clohessy and SNAP's ability to 10 function as an advocacy service for future victims 11 of sexual abuse and others who rely upon SNAP. 12 And I'll instruct the witness not to 13 answer the question. 14 BY MR. MADDEN: 10:58A 15 Q. Do you refuse to answer based on your 16 lawyer's instruction? 17 A. I do. 18 Q. You'll see in Exhibit 3 if we go to 19 page 2 of that Exhibit, under the heading "Why" it 20 says: 21 A new civil child sex abuse and cover-up 22 lawsuit filed today in Jackson County Court 23 charges that Father Michael Tierney 24 molested a then 12 year old boy at two 25 locations, the priest's mother's house</p> <p style="text-align: right;">Page 50</p>	<p>1 Is he also employed by SNAP? 2 A. He's not. 3 Q. What is Mr. [REDACTED] reason for being 4 on this press release, do you know? 5 A. Yes, he's the SNAP volunteer leader 6 for the Kansas City area. 7 (DEFENDANT'S EXHIBIT NO. 4 MARKED FOR 8 IDENTIFICATION) 9 Q. Sir, I hand you Exhibit 4. I'm 10 looking for another copy. I think I got shorted a 11 copy. Here you go. 12 MR. JENSEN: Thank you. 11:01A 13 Q. Exhibit 4 is a lawsuit entitled John 14 Doe, S.B.2 versus Father Michael Tierney and the 15 Catholic Diocese of Kansas City-St. Joseph. And 16 you'll see it has a file stamp of October 20, 2011 17 which is the same date as the press release we 18 marked as Exhibit 3; do you see that? 19 A. I do. 20 Q. Okay. How is it -- and you'll see the 21 file stamp of Exhibit 4 is 2:44 P.M. on October 22 20th; do you see that? 23 A. I do. 24 Q. How is it that SNAP had the 25 information in the lawsuit we've marked as Exhibit</p> <p style="text-align: right;">Page 52</p>
<p>1 in KC MO and a local YMCA around 1971. 2 What is the source if you know for the 3 information that's contained in Exhibit 3? 4 MR. JENSEN: Same objections. And 5 I'll instruct the witness not to answer the 6 question. 7 BY MR. MADDEN: 8 Q. Do you refuse to answer based on your 9 lawyer's advice? 10 A. I'm sorry. On my lawyer's advice? 11 Q. Yes. 12 A. I'm sorry. I thought I heard you say 13 employer's advice. 14 Q. No. 15 A. I refuse. 16 Q. Your name appears at the bottom of 17 this -- what did you call it, a press advisory? 18 A. Media advisory. 10:59A 19 Q. Media advisory. Your name and contact 20 information appears; correct? 21 A. Yes, sir. 22 Q. Along with [REDACTED] You 23 indicated she's a SNAP employee; correct? 24 A. Yes, sir. 25 Q. And then the name [REDACTED] appears.</p> <p style="text-align: right;">Page 51</p>	<p>1 4 before it was filed with the court? 2 MR. JENSEN: Again objection based on 3 the Missouri Rape Crisis Center Statute, on SNAP's 4 right to freedom of speech and freedom of 5 association and freedom of assembly, based on 6 NAACP versus Alabama and based on Nebraska Press 7 Association versus Stuart. 8 And I'll instruct the witness not to 9 answer the question. 10 BY MR. MADDEN: 11:02A 11 Q. Do you refuse to answer, sir? 12 A. Yes. 13 MR. WYRSCH: Is it clear that you're 14 instructing the witness not to answer when you 15 make that objection? 16 MR. MADDEN: He did. 17 MR. JENSEN: I thought it was clear. 18 MR. MADDEN: He did say that, Jim. 19 MR. JENSEN: But I can do it again. 20 MR. MADDEN: No, he said it. I don't 21 want to hear it again. 22 Q. Exhibit -- let me ask you this for the 23 record, was Exhibit 4, the lawsuit regarding 24 Father Michael Tierney, communicated to you or 25 anyone else at SNAP before the press release that</p> <p style="text-align: right;">Page 53</p>

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<p>1 we've marked as Exhibit 3?</p> <p>2 MR. JENSEN: Same objections. I'll</p> <p>3 instruct the witness not to answer the question.</p> <p>4 BY MR. MADDEN:</p> <p>5 Q. And do you follow your lawyer's</p> <p>6 advice, sir?</p> <p>7 A. Yes.</p> <p>8 Q. Have you been made aware of what's</p> <p>9 been referred to as a gag order with regard to</p> <p>10 this case against Father Michael Tierney?</p> <p>11 A. Yes.</p> <p>12 Q. And how were you made aware of that? 11:03A</p> <p>13 A. Rebecca Randles told me.</p> <p>14 Q. And were you made aware of the gag</p> <p>15 order in this case before the press release was</p> <p>16 issued that's marked as Exhibit 3?</p> <p>17 A. Don't know.</p> <p>18 Q. Do you recall when you were made aware</p> <p>19 of the gag order in this case?</p> <p>20 MR. JENSEN: Objection, asked and</p> <p>21 answered to the extent that he just said he</p> <p>22 doesn't know.</p> <p>23 BY MR. MADDEN:</p> <p>24 Q. And I'm asking when. Do you recall</p> <p>25 when you were made aware of that?</p> <p style="text-align: right;">Page 54</p>	<p>1 physically here, those things that you're</p> <p>2 producing? Are they in a box?</p> <p>3 A. Yes, my apologies for misspeaking. 11:13A</p> <p>4 It's been a --</p> <p>5 Q. That's all right.</p> <p>6 MS. RANGLES: What was the limits on</p> <p>7 production that you laid down early in the</p> <p>8 deposition?</p> <p>9 MR. JENSEN: Well, we didn't -- Mr.</p> <p>10 Wyrsh didn't want me to lay those down. I mean I</p> <p>11 can if anybody would like. Brian, I can explain</p> <p>12 what we provided and didn't provide any time you</p> <p>13 want.</p> <p>14 MR. MADDEN: Sure. Let me mark this</p> <p>15 first.</p> <p>16 (DEFENDANT'S EXHIBIT NO. 5 MARKED FOR</p> <p>17 IDENTIFICATION)</p> <p>18 Q. Mr. Clohessy, I've marked a binder --</p> <p>19 not a binder -- a folder that contains documents.</p> <p>20 Is it your understanding that Exhibit 5 is the</p> <p>21 documents that are being produced pursuant to the</p> <p>22 subpoena?</p> <p>23 A. Are these lawsuits in the back?</p> <p>24 Q. I'm just asking for your</p> <p>25 understanding, sir. If you don't know that's just</p> <p style="text-align: right;">Page 56</p>
<p>1 A. I don't.</p> <p>2 Q. All right. We've got to break for the</p> <p>3 tape.</p> <p>4 A. All right.</p> <p>5 (AT THIS POINT A BRIEF RECESS WAS</p> <p>6 TAKEN)</p> <p>7 (VIDEOTAPE NUMBER 2) 11:12A</p> <p>8 Q. Mr. Clohessy, Exhibit 2 was the</p> <p>9 subpoena that had the Exhibit with items we wanted</p> <p>10 you to bring?</p> <p>11 A. Right.</p> <p>12 Q. And I believe you indicated that the</p> <p>13 only items brought to the deposition were category</p> <p>14 2 which is press releases and a privileged log.</p> <p>15 Is that accurate?</p> <p>16 A. No, we also -- you know, we also --</p> <p>17 I'm sorry -- we're also producing today some from</p> <p>18 category 8.</p> <p>19 Q. Which is the repressed memory?</p> <p>20 A. Right, we are producing some number of</p> <p>21 lawsuits that we found in our files that</p> <p>22 specifically mention the repressed memory.</p> <p>23 Q. All right.</p> <p>24 A. Sorry about that.</p> <p>25 Q. That's fine. And where are those</p> <p style="text-align: right;">Page 55</p>	<p>1 --</p> <p>2 A. Yes, no. These are the documents.</p> <p>3 And it also looks like a copy of our website is in</p> <p>4 here too. So yes, we spent, I'm guessing, you</p> <p>5 know, 300 man hours and that's the stuff that we</p> <p>6 are producing today</p> <p>7 MR. JENSEN: Brian, just to be clear, 11:15A</p> <p>8 you said before we started that you weren't going</p> <p>9 to take those until we had a protective order.</p> <p>10 I'm fine taking your word for it but --</p> <p>11 MR. MADDEN: I just wanted to mark</p> <p>12 them.</p> <p>13 MR. JENSEN: Right.</p> <p>14 MR. MADDEN: I'll let the court</p> <p>15 reporter take them.</p> <p>16 MR. JENSEN: Okay. But we're fine on</p> <p>17 that. I'll obviously take your word for it. Just</p> <p>18 so we know it's clear that they're subject to a</p> <p>19 protective order where you won't be turning them</p> <p>20 over to the cross-noticed defendants.</p> <p>21 MR. MADDEN: Well, I think -- I mean</p> <p>22 you and I can work out a protective order. I</p> <p>23 think it's a different deal with them.</p> <p>24 MR. JENSEN: Right. And we're not</p> <p>25 providing them to them. We're providing them to</p> <p style="text-align: right;">Page 57</p>

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<p>1      you and the Diocese.</p> <p>2      BY MR. MADDEN:</p> <p>3          <b>Q. All right. Mr. Clohessy, you</b></p> <p>4      <b>mentioned a privileged log too. Is that contained</b></p> <p>5      <b>in Exhibit 5, the privileged log here?</b></p> <p>6          A. I don't know.</p> <p>7          MR. MADDEN: Mr. Jensen, is the</p> <p>8      privileged log in Exhibit 5?</p> <p>9          MR. JENSEN: I believe that's a</p> <p>10     separate document. It's actually two different</p> <p>11     documents. One is general documents. One is</p> <p>12     attorney-client privileged log. So it's really</p> <p>13     two logs.</p> <p>14     BY MR. MADDEN: <span style="float: right;">11:16A</span></p> <p>15             (DEFENDANT'S EXHIBIT NOS. 6 and 7</p> <p>16     MARKED FOR IDENTIFICATION)</p> <p>17          <b>Q. Mr. Clohessy, I've marked as Exhibit 6</b></p> <p>18      <b>and 7 two logs produced by your counsel. Did you</b></p> <p>19      <b>review those after they were prepared?</b></p> <p>20          A. I did not.</p> <p>21          <b>Q. All right. You relied on your counsel</b></p> <p>22      <b>to prepare the logs that are marked as Exhibit 6</b></p> <p>23      <b>and 7; is that true?</b></p> <p>24          A. Yes, yes. We've had long discussions</p> <p>25      about -- yes. And it's been a long time.</p> <p style="text-align: right;">Page 58</p>	<p>1             MR. JENSEN: Objection, based on the</p> <p>2      Missouri Rape Crisis Center Statute in that the</p> <p>3      answer would call for the provision of information</p> <p>4      or records that are directly related to the</p> <p>5      advocacy services by SNAP.</p> <p>6             In addition, we make the same freedom</p> <p>7      of speech and freedom of association and freedom</p> <p>8      of assembly arguments.</p> <p>9             Objection based on NAACP versus</p> <p>10     Alabama. Objection based on -- the same objection</p> <p>11     I spoke of earlier, the same objection I spoke of</p> <p>12     earlier with respect also to Nebraska Press</p> <p>13     Association versus Stuart.</p> <p>14             Also object to the form of the</p> <p>15     question and relevance.</p> <p>16             And I'll instruct the witness not to</p> <p>17     answer the question.</p> <p>18     BY MR. MADDEN: <span style="float: right;">11:19A</span></p> <p>19          <b>Q. Will you follow your attorney's</b></p> <p>20      <b>instructions?</b></p> <p>21          A. I do.</p> <p>22             VIDEOGRAPHER: Off the record.</p> <p>23             (AT THIS POINT A BRIEF RECESS WAS</p> <p>24     TAKEN DUE TO TECHNICAL DIFFICULTIES)</p> <p>25     BY MR. MADDEN:</p> <p style="text-align: right;">Page 60</p>
<p>1          <b>Q. Mr. Clohessy, let me mark and hand you</b></p> <p>2      <b>Exhibit 8.</b></p> <p>3             (DEFENDANT'S EXHIBIT NO. 8 MARKED FOR</p> <p>4      IDENTIFICATION)</p> <p>5          A. Okay.</p> <p>6          <b>Q. All right. Exhibit 8 appears to be --</b></p> <p>7      <b>if you look at the date at the top, this was</b></p> <p>8      <b>forwarded by e-mail from Becky Summers at the</b></p> <p>9      <b>Diocese regarding another lawsuit filed against</b></p> <p>10     <b>Father Tierney dated November 8, 2011. And if we</b></p> <p>11     <b>go below that on the first page you see a row of</b></p> <p>12     <b>pictures and then the headline is: For first time</b></p> <p>13     <b>ever victims assistance coordinator speaks out.</b></p> <p>14     <b>And then it says: Posted by David Clohessy on</b></p> <p>15     <b>November 8, 2011.</b></p> <p>16             <b>Is this a website posting for SNAP?</b></p> <p>17          A. Yes, it appears to be. <span style="float: right;">11:18A</span></p> <p>18          <b>Q. All right. And is the press or media</b></p> <p>19      <b>communicated with via this vehicle that something</b></p> <p>20      <b>is posted on the website like this?</b></p> <p>21          A. I'm sure the press can find our</p> <p>22      website and read it.</p> <p>23          <b>Q. In other words, is this posting by you</b></p> <p>24      <b>forwarded to members of the press such as the</b></p> <p>25      <b>e-mail that we looked at?</b></p> <p style="text-align: right;">Page 59</p>	<p>1          <b>Q. Mr. Clohessy, going back to Exhibit 8,</b></p> <p>2      <b>the photographs that appear on page 1 of Exhibit</b></p> <p>3      <b>8, do you know who those -- who is depicted in</b></p> <p>4      <b>those photographs?</b></p> <p>5          A. Pretty hard to see that small but I</p> <p>6      certainly know some of them.</p> <p>7          <b>Q. All right. And are these people who</b></p> <p>8      <b>consented to have their photographs appear on the</b></p> <p>9      <b>website, what was the --</b></p> <p>10             MR. JENSEN: Objection, the same <span style="float: right;">11:20A</span></p> <p>11     objections based on Rape Crisis Center Statute,</p> <p>12     freedom of association, freedom of assembly,</p> <p>13     freedom of speech, NAACP versus Alabama and</p> <p>14     Nebraska Press Association versus Stuart. And as</p> <p>15     to relevance.</p> <p>16             And I'll instruct the witness not to</p> <p>17     answer the question.</p> <p>18     BY MR. MADDEN:</p> <p>19          <b>Q. Do you follow your attorney's advice?</b></p> <p>20          A. I do.</p> <p>21          <b>Q. All right. If we look at the e-mail</b></p> <p>22      <b>that appears on the -- at the top of page 1 of</b></p> <p>23      <b>Exhibit 8, do you see a time stamp on the e-mail</b></p> <p>24      <b>of 11:12 A.M.?</b></p> <p>25          A. I do.</p> <p style="text-align: right;">Page 61</p>

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<p>1 Q. And this document that we've marked as 2 Exhibit 8 announces a lawsuit against Father 3 Michael Tierney; correct? 4 A. I'll have to read it and see. 5 Q. I'll see if I can help you out. 6 A. Yes. 7 MR. JENSEN: Hold on for a second. 8 Q. Bottom of page 2, do you see that? 9 A. Yes, yes, I see that. 10 (DEFENDANT'S EXHIBIT NO. 9 MARKED FOR 11 IDENTIFICATION) 12 Q. Sir, I hand you Exhibit 9 which is a 13 lawsuit naming Father Michael Tierney and do you 14 see that it has a file stamp of November 8th, 2011 15 at 1:28 P.M.? 11:22A 16 A. I do. 17 Q. How is it that you were able to post 18 information from this lawsuit before it was filed 19 with the court? 20 MR. JENSEN: The same objections that 21 were stated earlier to the last objection based on 22 the Rape Crisis Center Statute, the First 23 Amendment rights of freedom of speech, association 24 and assembly, NAACP versus Alabama as well as 25 Nebraska Press Association versus Stuart. And to</p> <p style="text-align: right;">Page 62</p>	<p>1 lawsuit being filed, correct, if you look at the 2 top? 3 A. Yes, sir, uh-huh. 4 Q. All right. Here in the second 5 paragraph on page 3 of this exhibit it mentions 6 the plaintiff or the person making the allegations 7 is [REDACTED] do you see that? 8 A. I do. 9 Q. Have you spoken with Mr. [REDACTED] about 10 his allegations against Father Michael Tierney? 11:24A 11 MR. JENSEN: Objection based on the 12 Missouri Rape Crisis Center Statute that's been 13 discussed earlier, as well as SNAP's rights of 14 free speech and association and assembly, NAACP 15 versus Alabama and Nebraska Press Association 16 versus Stuart, as well as the relevance of the 17 question. 18 And I'll instruct the witness not to 19 answer the question. 20 BY MR. MADDEN: 21 Q. Do you refuse to answer based on your 22 attorney's advice? 23 A. Yes. 24 Q. Do you have written consent from 25 Mr. [REDACTED] to have issued this press release?</p> <p style="text-align: right;">Page 64</p>
<p>1 relevance. 2 And I'll instruct the witness not to 3 answer the question. 4 BY MR. MADDEN: 5 Q. Do you accept your attorney's advice, 6 sir? 7 A. I do. 8 (DEFENDANT'S EXHIBIT NO. 10 MARKED FOR 9 IDENTIFICATION) 10 Q. Sir, I hand you Exhibit 10. 11 A. Thank you. 12 Q. And do you see that Exhibit 10 is an 13 e-mail on page 1 from [REDACTED] She works 14 for SNAP; correct? 15 A. She does. 16 Q. And the date is July 28, 2011, 17 correct? 11:23A 18 A. Yes, sir. 19 Q. And it's issued at 7:08 A.M., true? 20 A. That's true. 21 Q. And if you turn to the third page, 22 sir, there's reference to a lawsuit against Father 23 Michael Tierney; do you see that on page 3? 24 A. I do. 25 Q. And it references that it's the fourth</p> <p style="text-align: right;">Page 63</p>	<p>1 MR. JENSEN: Same objections. 2 Instruct the witness not to answer the question. 3 BY MR. MADDEN: 4 Q. Do you follow your attorney's advice? 5 A. I do. 6 Q. On this same exhibit, page 3, sir, it 7 lists Rebecca Randles's cell phone number; do you 8 see that? 11:25A 9 A. I do. 10 Q. And then there's also a telephone 11 number if you look higher up for Father Tierney 12 and an e-mail for Father Tierney; do you see that? 13 A. I do. 14 Q. From what source did you get the 15 e-mail for Father Tierney and the cell phone 16 number for Ms. Randles? 17 MR. JENSEN: The same objections based 18 on the Missouri Rape Crisis Center Statute, SNAP's 19 rights of freedom of assembly and freedom of 20 speech, NAACP versus Alabama, Nebraska Press 21 Association versus Stuart, and relevance. 22 And I'll instruct the witness not to 23 answer the question. 24 BY MR. MADDEN: 25 Q. Do you follow your attorney's advice,</p> <p style="text-align: right;">Page 65</p>

17 (Pages 62 to 65)

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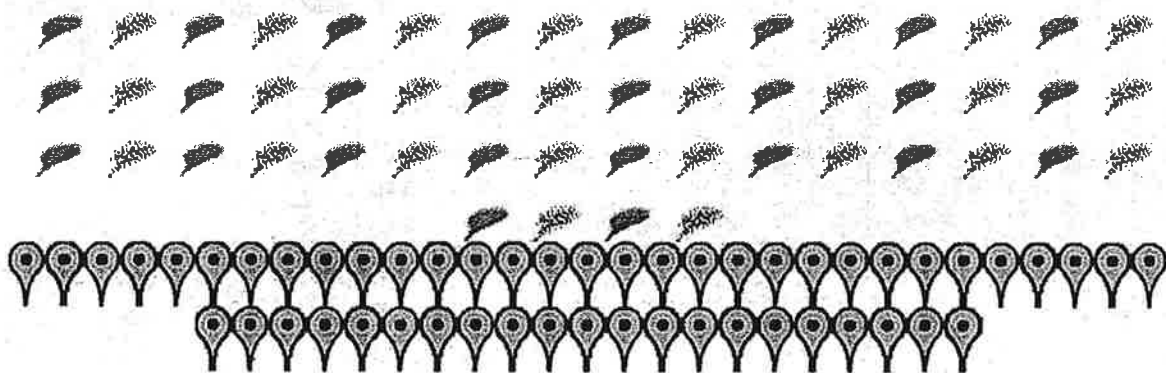
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<p>1 sir?</p> <p>2 A. Can we take a break? Can I take this</p> <p>3 out with me?</p> <p>4 Q. Yes.</p> <p>5 (AT THIS POINT A BRIEF RECESS WAS 11:26A</p> <p>6 TAKEN)</p> <p>7 BY MR. MADDEN:</p> <p>8 Q. Mr. Clohessy, before we took that last</p> <p>9 break I asked you a question about the source of</p> <p>10 information --</p> <p>11 A. Right.</p> <p>12 Q. -- for Ms. Randles's cell phone and</p> <p>13 the e-mail for Father Tierney?</p> <p>14 A. Right. 11:27A</p> <p>15 Q. Did you now wish to answer or --</p> <p>16 A. No.</p> <p>17 Q. -- or are you refusing to answer</p> <p>18 still?</p> <p>19 A. Still refusing.</p> <p>20 Q. All right.</p> <p>21 MR. MADDEN: I believe I'll pass the</p> <p>22 witness. I think Mr. Wyrsh is going to have some</p> <p>23 questions for you.</p> <p>24 EXAMINATION 11:30A</p> <p>25 QUESTIONS BY MR. WYRSCH:</p> <p style="text-align: right;">Page 66</p>	<p>1 (DEFENDANT'S EXHIBIT NO. 12 MARKED FOR</p> <p>2 IDENTIFICATION)</p> <p>3 Q. Exhibit 12 is the cross notice of the</p> <p>4 deposition in Father McGlynn's case?</p> <p>5 A. Yes.</p> <p>6 Q. And in McGlynn's case you understand</p> <p>7 you're appearing pursuant to notice; right?</p> <p>8 A. Yes. I'd welcome a call from either 11:32A</p> <p>9 of your clients if they'd like to talk to me.</p> <p>10 Q. Okay. But just so we're clear, before</p> <p>11 you issued press releases you didn't call them and</p> <p>12 ask them what their version of events was; is that</p> <p>13 correct?</p> <p>14 A. That's the same question you answered</p> <p>15 (sic). And yes, I did not call either of them.</p> <p>16 Q. Just a few follow-up questions from</p> <p>17 the earlier questioning. Can you tell me what is</p> <p>18 the extent of your education?</p> <p>19 A. Yes, I have a Bachelor's degree.</p> <p>20 Q. And what is that in?</p> <p>21 A. Philosophy and political science.</p> <p>22 Q. And from what institution?</p> <p>23 A. Drury College, now Drury University,</p> <p>24 in Springfield, Missouri.</p> <p>25 Q. Okay. Have you had any postgraduate</p> <p style="text-align: right;">Page 68</p>
<p>1 Q. Mr. Clohessy, my name is Jim Wyrsh.</p> <p>2 I represent Father Francis McGlynn and Father</p> <p>3 Thomas Cronin. These are both priests that you</p> <p>4 have issued press releases about; isn't that</p> <p>5 correct?</p> <p>6 A. Yes, sir. 11:31A</p> <p>7 Q. Have you ever met either one of them?</p> <p>8 A. No, sir.</p> <p>9 Q. Have you ever talked to either one of</p> <p>10 them?</p> <p>11 A. No, sir.</p> <p>12 Q. Before you issued any press releases</p> <p>13 about them, did you ever call them on the phone</p> <p>14 and ask them what their version of the events</p> <p>15 were?</p> <p>16 A. No, sir. I just said I didn't talk to</p> <p>17 them. So if I didn't talk to them then I probably</p> <p>18 didn't call them on the phone.</p> <p>19 (DEFENDANT'S EXHIBIT NO. 11 MARKED FOR</p> <p>20 IDENTIFICATION)</p> <p>21 Q. Exhibit 11 is the notice of taking</p> <p>22 deposition in the Cronin matter. You're aware</p> <p>23 that you've also been cross-noticed to appear in</p> <p>24 that deposition; is that correct?</p> <p>25 A. Yes.</p> <p style="text-align: right;">Page 67</p>	<p>1 education?</p> <p>2 A. No, sir, I have not.</p> <p>3 Q. Can you tell me what the definition of</p> <p>4 rape trauma syndrome is?</p> <p>5 A. I cannot.</p> <p>6 Q. Can you tell me what is a safe exam?</p> <p>7 A. I cannot. 11:34A</p> <p>8 Q. Is part of the function of SNAP to</p> <p>9 publicize lawsuits against Catholic priests?</p> <p>10 A. Part of our function is to expose</p> <p>11 proven, admitted and credibly accused child</p> <p>12 molesters and to protect children and to warn</p> <p>13 parents and to encourage victims and witnesses and</p> <p>14 whistle-blowers to come forward to police and</p> <p>15 prosecutors and to get help for the trauma that</p> <p>16 they've suffered.</p> <p>17 Q. So is part of that function of SNAP to</p> <p>18 publicize lawsuits against priests?</p> <p>19 A. Our interest is in warning people</p> <p>20 about dangerous and potentially dangerous men and</p> <p>21 women --</p> <p>22 Q. Is that --</p> <p>23 A. -- Including priests and others.</p> <p>24 Q. Didn't mean to interrupt. But part of 11:35A</p> <p>25 what you do is to publicize lawsuits against</p> <p style="text-align: right;">Page 69</p>

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1      **priests; isn't that correct?**  
2          A. Yes, sir.  
3      **Q. And part of the function of SNAP is to**  
4 **hold press conferences about lawsuits against**  
5 **priests, isn't that correct, Catholic priests?**  
6          A. We certainly do hold news conferences.  
7      Our function --  
8      **Q. News conferences about lawsuits**  
9 **against Catholic priests; isn't that correct?**  
10          A. Right, right. Our -- I'm struggling  
11 with the word "function." I mean, you know --  
12 yes, that's something that we do.  
13      **Q. Something you do?**  
14          A. Yes, sir.  
15      **Q. Would that be fair?**  
16          A. Yes.  
17      **Q. Okay. Is part of your something that**  
18 **you do is to coordinate with lawyers that file**  
19 **lawsuits against Catholic priests?**  
20          MS. RANGLES: Object to the form of  
21 the question, vague.  
22 BY MR. WYRSCH:  
23      **Q. You can answer.**  
24          A. Repeat the question.  
25      **Q. Yes. Is part of what you do, and that**

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1      **is SNAP, is to coordinate with lawyers that**  
2 **publicize -- I'm sorry -- that file lawsuits**  
3 **against Catholic priests?**  
4          MS. RANGLES: Same objection.      11:36A  
5          A. We certainly talk to lawyers who file  
6 lawsuits.  
7 BY MR. WYRSCH:  
8      **Q. Yes. And do you receive information**  
9 **from those lawyers before you hold press**  
10 **conferences --**  
11          MR. JENSEN: Objection based on the  
12 Missouri --  
13          MR. WYRSCH: I've not finished my  
14 question. I understand --  
15          MR. JENSEN: I thought you were done.  
16 I'm sorry.  
17          MR. WYRSCH: No problem.  
18 BY MR. WYRSCH:  
19      **Q. Is part of what you do, that is SNAP,**  
20 **is to receive information from lawyers about**  
21 **lawsuits before you hold press conferences about**  
22 **those lawsuits?**  
23          MR. JENSEN: Objection in that based  
24 on the Missouri Rape Crisis Center Statute, SNAP's  
25 First Amendment rights to freedom of speech,

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1      freedom of assembly and freedom of association.  
2          Objection based on NAACP versus  
3 Alabama and on Nebraska Press Association versus  
4 Stuart.  
5          Also object based on relevance and the  
6 form of the question. And I'll instruct the  
7 witness not to answer the question.  
8          MS. RANGLES: I join the objection.      11:37A  
9 BY MR. WYRSCH:  
10      **Q. Mr. Clohessy, I assume -- you are**  
11 **following the instruction of your lawyer; is that**  
12 **correct?**  
13          A. Yes.  
14      **Q. How many times since you've been**  
15 **associated with SNAP have you coordinated press**  
16 **conferences with lawyers filing lawsuits against**  
17 **Catholic priests?**  
18          MR. JENSEN: Same objection. Same  
19 instruction.  
20 BY MR. WYRSCH:  
21      **Q. What is the clinical definition --**  
22          MR. MEYERS: Jim, the witness hasn't  
23 affirmed that he's following the instruction.  
24          A. I'm sorry. I'm following the  
25 instruction of my attorney.

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1      **Q. Okay. I think we need to have you say**  
2 **that, but I'm assuming even if we don't you will**  
3 **always follow the instruction of your lawyer; is**  
4 **that correct?**  
5          MR. JENSEN: Unless we get to the  
6 point where he doesn't want to. So far. Maybe  
7 you have better clients than I do.  
8          MR. WYRSCH: Then we'll have him go  
9 ahead and do it every time.  
10 BY MR. WYRSCH:  
11      **Q. What is the clinical definition of**  
12 **repressed memory?**      11:38A  
13          A. The clinical definition -- I don't  
14 know. I'm not a clinician and don't pretend to  
15 be.  
16          MR. WYRSCH: Is there a privilege log  
17 that's been produced so we can have that marked as  
18 an exhibit?  
19          MR. DIEHR: It's already been marked.  
20          MR. WYRSCH: May I see that then  
21 please?  
22          MR. JENSEN: Actually 6 and 7.  
23          MS. RANGLES: Just for the record with  
24 respect to the notice, the notice did not specify  
25 subpoena duces tecum on the notice on Jane Doe

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19 (Pages 70 to 73)

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<p>1 W.R. or on the notice for Jane Doe I.P. 2 MR. WYRSCH: Do what now? 3 MS. RANGLES: There's been no request 4 for documents pursuant to the notice of the 5 deposition of Jane Doe W.R. and Jane Doe I.P. 6 MR. WYRSCH: I agree with that. Why 7 can't I ask questions? Are you saying I can't ask 8 questions? 9 MS. RANGLES: No, I'm just saying -- 10 MR. WYRSCH: You're absolutely right, 11:39A 11 we did not do a subpoena. 12 BY MR. WYRSCH: 13 <b>Q. Let me ask you just in Exhibit 6, I</b> 14 <b>don't see that there are any Bate stamp numbers</b> 15 <b>that are reflected on Exhibit 6. First of all,</b> 16 <b>let me ask you on Bate stamps -- or I'm sorry --</b> 17 <b>documents identified with Bate stamps, are you</b> 18 <b>familiar with what a Bate stamp is?</b> 19 A. It's this -- is that it or -- 20 <b>Q. No, that's the exhibit number. Well,</b> 21 <b>let me ask you this, on the documents that are</b> 22 <b>reflected on Exhibit 6, how many -- are any of</b> 23 <b>those pages marked in the sense that they have a</b> 24 <b>number on them so that we know -- we can identify</b> 25 <b>those documents by number?</b></p> <p style="text-align: right;">Page 74</p>	<p>1 same objections as before, the Missouri Rape 2 Crisis Center Statute, SNAP's First Amendment 3 rights to freedom of association and freedom of 4 assembly and freedom of speech, NAACP versus 5 Alabama, as well as Nebraska Press Association 6 versus Stuart, relevance and the form of the 7 question. 8 And I'll instruct the witness not to 9 answer the question. 10 A. And I'm following his advice. 11 BY MR. WYRSCH: 11:41A 12 <b>Q. Okay. At any of the press conferences</b> 13 <b>that you have held about lawsuits being filed</b> 14 <b>by -- against -- I'm sorry -- Catholic priests,</b> 15 <b>has the public been excluded from attending those</b> 16 <b>press conferences?</b> 17 A. I don't know. 18 <b>Q. Well, the ones that you have been</b> 19 <b>there at those press conferences, have you said</b> 20 <b>that the public is not invited to attend the press</b> 21 <b>conference?</b> 22 MR. JENSEN: Object to the form of the 23 question. Subject to the objection you can 24 answer. 25 A. Have -- ever, have I ever been a part</p> <p style="text-align: right;">Page 76</p>
<p>1 A. I don't know. 2 <b>Q. You don't know one way or the other?</b> 3 A. Well, let me try again. Ask the 4 question again? I'm sorry. 5 <b>Q. Do you know whether any of the</b> 6 <b>documents that are reflected on Exhibit 6 have a</b> 7 <b>number on them so that we know how many pages of</b> 8 <b>documents -- so that we can identify what</b> 9 <b>documents that you are asserting privilege on on</b> 10 <b>Exhibit 6?</b> 11 A. I don't know that. 11:40A 12 <b>Q. Okay. On Exhibit 7, there are appears</b> 13 <b>to be some Bates label on those; do you see that?</b> 14 A. Right, left-hand column. 15 <b>Q. All right. And so does that refresh</b> 16 <b>your recollection that at least those documents</b> 17 <b>bear a Bate stamp number?</b> 18 A. I assume that they do, yes. 19 <b>Q. Okay. And do you know why on Exhibit</b> 20 <b>7 there's a Bate stamp number but there's not on</b> 21 <b>Exhibit 6?</b> 22 A. I do not. 23 <b>Q. Did you speak to the press about this</b> 24 <b>deposition?</b> 25 MR. JENSEN: Objection based on the</p> <p style="text-align: right;">Page 75</p>	<p>1 of a new conference where members of the public 2 have been told not to attend? 3 BY MR. WYRSCH: 4 <b>Q. Right.</b> 5 A. Ever, I don't know. 6 <b>Q. When you say you don't know, you don't</b> 7 <b>remember?</b> 8 A. Correct. I've done hundreds and 11:42A 9 hundreds of them. 10 <b>Q. All right. Well, let's just take the</b> 11 <b>last five years, have there been any press</b> 12 <b>conferences that you have attended that you've --</b> 13 <b>publicizing lawsuits against Catholic priests</b> 14 <b>where you said the public wasn't invited?</b> 15 MR. JENSEN: Objection, asked and 16 answered. 17 A. I don't know. 18 BY MR. WYRSCH: 19 <b>Q. You don't know the answer to that?</b> 20 MR. JENSEN: Objection, asked and 21 answered. 22 A. I mean can I -- okay. 23 BY MR. WYRSCH: 24 <b>Q. Have you held press conferences</b> 25 <b>publicizing lawsuits against Catholic priests that</b></p> <p style="text-align: right;">Page 77</p>

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<p>1 have been held in public places?</p> <p>2 A. Certainly. Most of them are.</p> <p>3 Q. What are some of those public places?</p> <p>4 A. Outside of churches, chancery offices,</p> <p>5 courthouses, police stations. Any number of</p> <p>6 places.</p> <p>7 Q And are you asserting a privilege as</p> <p>8 to what you said in those press conferences in</p> <p>9 public places?</p> <p>10 (DISCUSSION WAS HAD OFF THE RECORD) 11:43A</p> <p>11 A. No, not asserting a privilege of</p> <p>12 anything that we've said publicly at news</p> <p>13 conferences.</p> <p>14 Q. All right. Do you serve on the board</p> <p>15 of directors of SNAP?</p> <p>16 A. Yes, sir.</p> <p>17 Q. And have you done so since 2006?</p> <p>18 A. I believe I have.</p> <p>19 Q. Are you an officer of SNAP?</p> <p>20 A. I'm on the board. Does that make me</p> <p>21 an officer? I don't know. I have a title. I'm</p> <p>22 executive director.</p> <p>23 Q. Okay. That's your title?</p> <p>24 A. Yes, sir.</p> <p>25 Q. Okay. Are you a president or been</p> <p style="text-align: right;">Page 78</p>	<p>1 MR. JENSEN: Objection. Objection</p> <p>2 based on the Missouri Rape Crisis Center Statute,</p> <p>3 freedom of association, freedom of assembly,</p> <p>4 freedom of speech, NAACP versus Alabama, Nebraska</p> <p>5 Press Association versus Stuart and relevance.</p> <p>6 And I'll instruct the witness not to</p> <p>7 answer the question.</p> <p>8 BY MR. WYRSCH:</p> <p>9 Q. You're refusing to answer that</p> <p>10 question?</p> <p>11 A. Yes, sir.</p> <p>12 Q. I'm sorry. I was doing something 11:45A</p> <p>13 else. If I'm getting this right, is that Exhibit</p> <p>14 13?</p> <p>15 (DEFENDANT'S EXHIBIT NO. 13 MARKED FOR</p> <p>16 IDENTIFICATION)</p> <p>17 Q. Mr. Clohessy, let me hand you what's</p> <p>18 been marked for identification as Deposition</p> <p>19 Exhibit 13.</p> <p>20 A. Okay.</p> <p>21 Q. Mr. Clohessy, this is a -- well, let</p> <p>22 me ask you this, do you recognize this as a</p> <p>23 publicly filed tax return of SNAP for the year</p> <p>24 2006?</p> <p>25 A. I do. 11:47A</p> <p style="text-align: right;">Page 80</p>
<p>1 president or vice president or secretary or</p> <p>2 treasurer?</p> <p>3 A. Of the board?</p> <p>4 Q. Of the SNAP -- let me back up. Do you</p> <p>5 understand that SNAP is a corporation?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Do you know it has to function by</p> <p>8 reason of a board of directors; isn't that</p> <p>9 correct?</p> <p>10 A. Yes, sir.</p> <p>11 Q. And you know it has officers; isn't</p> <p>12 that correct?</p> <p>13 Time 11:44AM 1/2/12</p> <p>14 A. Yes, the board has officers. Okay,</p> <p>15 I'm sorry.</p> <p>16 Q. You've identified -- you've said that</p> <p>17 you're an executive director?</p> <p>18 A. Yes.</p> <p>19 Q. Have you been a president, a vice</p> <p>20 president, a secretary or treasurer of SNAP?</p> <p>21 A. I don't believe I ever have. I may</p> <p>22 have but I don't know for sure. We've been around</p> <p>23 a long time.</p> <p>24 Q. Who is paying your attorney fees in</p> <p>25 connection with this deposition?</p> <p style="text-align: right;">Page 79</p>	<p>1 Q. And let me also represent to you that</p> <p>2 in statements to the press Ms. Randles has</p> <p>3 indicated what she contributed to this</p> <p>4 organization. I believe Jeff Anderson has also</p> <p>5 stated what he has contributed to SNAP.</p> <p>6 My question is how much money did</p> <p>7 Rebecca Randles contribute to SNAP in the year</p> <p>8 2006?</p> <p>9 MR. JENSEN: Objection based on the</p> <p>10 same Missouri Rape Crisis Center Statute, SNAP's</p> <p>11 rights to freedom of speech, freedom of assembly</p> <p>12 and freedom of association, NAACP versus Alabama,</p> <p>13 National (sic) Press Association versus Stuart,</p> <p>14 relevance and the form of the question.</p> <p>15 And I'll instruct the witness not to</p> <p>16 answer the question.</p> <p>17 BY MR. WYRSCH:</p> <p>18 Q. Mr. Clohessy, are you following that</p> <p>19 instruction?</p> <p>20 A. I am.</p> <p>21 Q. You're following that instruction even</p> <p>22 though they publicly said what they contributed to</p> <p>23 SNAP?</p> <p>24 A. I'm not a lawyer. I'm going to follow 11:48A</p> <p>25 the lawyer's --</p> <p style="text-align: right;">Page 81</p>

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<p>1 Q. You've got to follow your lawyer --</p> <p>2 A. Sorry.</p> <p>3 Q. Okay. As a director of SNAP, do you</p> <p>4 understand that SNAP is required by federal law to</p> <p>5 contribute so much of their assets every year for</p> <p>6 charitable purposes?</p> <p>7 A. I'm not aware of that.</p> <p>8 Q. Can you tell me looking at the tax</p> <p>9 return of 2006, how much did SNAP contribute to a</p> <p>10 charitable organization in that year?</p> <p>11 A. I can't. If -- I can't. If you want</p> <p>12 me to -- if you want to direct me to a page or</p> <p>13 something I can --</p> <p>14 Q. I'm not sure I can direct you to a</p> <p>15 page because I don't see it myself but I thought</p> <p>16 maybe I ought to ask you about it.</p> <p>17 A. I don't know the answer to that</p> <p>18 question.</p> <p>19 Q. Okay. So far as you know, there is no</p> <p>20 policy or understanding by SNAP to contribute so</p> <p>21 much of their assets every year to a charitable</p> <p>22 purpose; is that correct?</p> <p>23 A. I simply don't know. 11:49A</p> <p>24 Q. Okay. What were the amounts of cash</p> <p>25 on hand for SNAP for the year 2006?</p> <p style="text-align: right;">Page 82</p>	<p>1 A. Item 67, unrestricted?</p> <p>2 Q. Yes, do you see that?</p> <p>3 A. Yes, I do.</p> <p>4 Q. Is there a figure of \$437,234?</p> <p>5 A. Yes, sir.</p> <p>6 Q. Is that -- it's not -- okay. In what</p> <p>7 way are those funds restricted, do you know?</p> <p>8 A. This says unrestricted. So 11:51A</p> <p>9 apparently --</p> <p>10 Q. You're reading -- unrestricted, okay.</p> <p>11 So they're not restricted; is that correct?</p> <p>12 A. That's what this says.</p> <p>13 Q. So SNAP is free to use those funds so</p> <p>14 long as they go to a charitable purpose for</p> <p>15 anything they desire as far as you know; is that</p> <p>16 correct?</p> <p>17 MR. JENSEN: Object to the form of the</p> <p>18 question. The document speaks for itself. The</p> <p>19 witness has testified he doesn't have knowledge.</p> <p>20 You may answer the question.</p> <p>21 A. I don't know..</p> <p>22 BY MR. WYRSCH:</p> <p>23 Q. If you look on page 5 it shows total</p> <p>24 revenue of \$928,129; do you see that?</p> <p>25 A. I do.</p> <p style="text-align: right;">Page 84</p>
<p>1 A. According to this tax return?</p> <p>2 Q. Yes.</p> <p>3 A. Cash on hand, if you want to direct me</p> <p>4 to a number or a page I could -- I mean, you know,</p> <p>5 I don't --</p> <p>6 Q. In other words, I need to direct you,</p> <p>7 you're not certain yourself or have a memory of</p> <p>8 what -- of how much money they had on hand?</p> <p>9 A. It's 2012 and I don't have a</p> <p>10 recollection as to how much money we had on file</p> <p>11 on the day that we filed this in 2006, I do not</p> <p>12 know.</p> <p>13 Q. Let's look on page 4 under item 45,</p> <p>14 cash; do you see that?</p> <p>15 A. At the top, cash, nonbearing interest, 11:50A</p> <p>16 correct?</p> <p>17 Q. Cash on hand was \$454,606; isn't that</p> <p>18 correct?</p> <p>19 A. Apparently.</p> <p>20 Q. Okay. If you look down on line 66,</p> <p>21 the total liability, is \$27,614; isn't that</p> <p>22 correct?</p> <p>23 A. That's what it says, yes, sir.</p> <p>24 Q. In item -- looks like item 67 it shows</p> <p>25 temporarily restricted assets; do you see that?</p> <p style="text-align: right;">Page 83</p>	<p>1 Q. And your expenses are \$695,730; do you</p> <p>2 see that?</p> <p>3 A. I do.</p> <p>4 Q. So roughly there was about \$230,000</p> <p>5 received over and above expenses in that year;</p> <p>6 isn't that correct?</p> <p>7 A. That's what this seems to indicate.</p> <p>8 Q. And I understand based on an earlier 11:52A</p> <p>9 question you're not going to -- you won't tell us</p> <p>10 the sources of your funding; isn't that correct?</p> <p>11 A. That's correct.</p> <p>12 Q. Okay. Now will you answer the</p> <p>13 question though, when you -- you send out</p> <p>14 literature to various possible donors indicating</p> <p>15 what the function of SNAP is?</p> <p>16 A. Sometimes, yes.</p> <p>17 Q. Did you do so in 2006?</p> <p>18 A. No idea.</p> <p>19 Q. In any of that literature did you tell</p> <p>20 them that you were functioning as a Rape Crisis</p> <p>21 Center under the Missouri statute?</p> <p>22 MS. RANGLES: Object to foundation.</p> <p>23 MR. WYRSCH: Foundation from this</p> <p>24 witness?</p> <p>25 MS. RANGLES: There was no foundation</p> <p style="text-align: right;">Page 85</p>

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<p>1 for the question. He already indicated he didn't 2 know if they'd sent out anything -- 3 MR. WYRSCH: Well, I don't want you to 4 suggest -- go ahead. I'm sorry. 5 MS. RANGLES: -- In 2006. And then 6 your question was -- It's just a form question -- 7 then your question was well, in that information. 8 Well, he'd already indicated he didn't know. So 9 there's no foundation for the question that you're 10 asking. It's a form question. 11 BY MR. WYRSCH: 11:54A 12 <b>Q. You can answer the question.</b> 13 MS. RANGLES: Easily corrected. 14 A. I'm sure that if we sent out a fund 15 appeal or any sort of information to donors, I'm 16 sure we did not make reference to any Missouri 17 statute. 18 BY MR. WYRSCH: 19 <b>Q. Or to being a rape crisis center; is</b> 20 <b>that correct?</b> 21 A. I'm sorry? 22 <b>Q. Or to being a rape crisis center;</b> 23 <b>isn't that correct?</b> 24 MR. JENSEN: Same objection, form of 25 the question. He doesn't know what materials were</p> <p style="text-align: right;">Page 86</p>	<p>1 you see that? 2 A. I don't. On page 2? 3 <b>Q. Page 2 of Schedule A.</b> 4 A. Okay. Let me find Schedule A please. 5 A page number might be helpful but -- oh, here we 6 go. 7 <b>Q. I'm sorry. I should have numbered</b> 8 <b>these pages.</b> 9 A. I'm on Schedule A. Page 2 of Schedule 10 A, I don't see any figures at all -- oh, here it 11 is at the top. I see the figure \$7,888, lobbying. 12 <b>Q. What were the -- how was this money</b> 13 <b>used; this \$7,888 in connection with lobbying</b> 14 <b>activities?</b> 15 A. I certainly don't know how every bit 11:56A 16 of it was spent. 2006, I'm pretty sure it was 17 used to try to help educate and persuade 18 legislators in some state capital or states' 19 capital to reform the statute of limitations so 20 that victims could expose child predators and 21 protects kids and -- 22 <b>Q. Did that include any lobbying in the</b> 23 <b>State of Missouri?</b> 24 A. I don't know. I don't believe so. 25 <b>Q. If you will look back on -- it says</b></p> <p style="text-align: right;">Page 88</p>
<p>1 sent out. You may answer the question. 2 A. I don't know. 3 BY MR. WYRSCH: 4 <b>Q. Do you have a memory of any -- do you</b> 5 <b>ever look over the literature that's sent out to</b> 6 <b>donors?</b> 7 A. I sometimes do. 8 <b>Q. Did you ever recall any reference to</b> 9 <b>being a rape crisis center under Missouri</b> 10 <b>statutes?</b> 11 A. No. Again, we -- it's -- we would 12 never put a name of a Missouri statute or the 13 phrase Missouri statute in any kind of fund 14 appeal. 15 <b>Q. Eliminate the words "Missouri</b> 16 <b>statute." Did you identify yourself as a rape</b> 17 <b>crisis center?</b> 18 A. I don't know. 19 <b>Q. On page 2 -- I'm sorry -- page 2 of</b> 20 <b>the --</b> 21 MR. JENSEN: I think it's 18 -- it's 11:55A 22 13. 23 <b>Q. -- organization -- it's under Schedule</b> 24 A. I'm sorry. There's a reference to an 25 expenditure for lobbying activities of \$7,888; do</p> <p style="text-align: right;">Page 87</p>	<p>1 <b>federal statements. This is the page here. It</b> 2 <b>says federal statements.</b> 3 A. Okay. Let me get there. 4 <b>Q. If you look at the bottom of the page</b> 5 <b>under statement 4, is there any item in terms of</b> 6 <b>other expenses listed there for counseling</b> 7 <b>services?</b> 8 A. I don't see the phrase counseling 11:57A 9 services listed there. 10 <b>Q. Do you know of any other place on this</b> 11 <b>return where there may be a listing of</b> 12 <b>expenditures for counseling services?</b> 13 A. I'm not conversant -- 14 <b>Q. In 2006 --</b> 15 MR. JENSEN: I'd ask that the witness 16 be allowed to answer the question. 17 A. I'm not intimately familiar with this 18 five year old document. If you want me to page 19 through and look for those phrases, I will but I 20 don't -- 21 BY MR. WYRSCH: 22 <b>Q. Well, I understand what you're saying</b> 23 <b>but this is -- you were director of this</b> 24 <b>organization and you knew that this organization</b> 25 <b>had filed this return; isn't that correct?</b></p> <p style="text-align: right;">Page 89</p>

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<p>1            A. Yes, sir.</p> <p>2            <b>Q. You knew this return was public</b></p> <p>3 <b>information; isn't that correct?</b></p> <p>4            A. Yes, sir.</p> <p>5            <b>Q. Okay. On page 3 of this document</b></p> <p>6 <b>there's a listing of officers, directors, trustee</b></p> <p>7 <b>and key employees, and you're one of those; is</b></p> <p>8 <b>that correct?</b></p> <p>9            A. I am certainly an employee. On my            11:59A</p> <p>10 page 3 --</p> <p>11            MR. JENSEN: He means page 3 of --</p> <p>12            A. Oh, of the Schedule A thing, okay.</p> <p>13            MR. WYRSCH: Let's go off the record a</p> <p>14 minute.</p> <p>15            (DISCUSSION WAS HAD OFF THE RECORD)</p> <p>16 BY MR. WYRSCH:            12:00P</p> <p>17            [REDACTED]</p> <p>18            [REDACTED]</p> <p>19            MR. JENSEN: Objection based on the</p> <p>20 fact that people from SNAP have had their lives</p> <p>21 threatened, objection based on the Missouri Rape</p> <p>22 Crisis Center Statute as potential identifying</p> <p>23 information. Objection based on SNAP's First</p> <p>24 Amendment rights to freedom of speech, freedom of</p> <p>25 association, freedom of assembly. Objection based</p> <p style="text-align: right;">Page 90</p>	<p>1            same objections, the Missouri Rape Crisis Center</p> <p>2 Statute, SNAP's freedom of assembly, freedom of</p> <p>3 speech, freedom of association, NAACP versus</p> <p>4 Alabama, Nebraska Press Association versus Stuart.</p> <p>5 Object to the relevance. Object to the form of</p> <p>6 the question.</p> <p>7            And I'll instruct the witness not to</p> <p>8 answer the question.</p> <p>9 BY MR. WYRSCH:</p> <p>10            <b>Q. Can you tell me why -- and if it's the</b></p> <p>11 <b>same objection, fine -- can you tell me why</b></p> <p>12 <b>[REDACTED] is listed as a director of SNAP for the</b></p> <p>13 <b>year 2006?</b></p> <p>14            MR. JENSEN: Same objection.</p> <p>15 BY MR. WYRSCH:</p> <p>16            <b>Q. If we will turn to page 2 of the</b></p> <p>17 <b>document that says federal statements, okay.</b></p> <p>18 <b>You'll see up in statement 5, the statement of the</b></p> <p>19 <b>organization's primary exempt purpose; do you see</b></p> <p>20 <b>that?</b></p> <p>21            A. I do.            12:08P</p> <p>22            <b>Q. And down in statement 6 do you see a</b></p> <p>23 <b>statement of the program service accomplishments;</b></p> <p>24 <b>do you see that?</b></p> <p>25            A. I do.</p> <p style="text-align: right;">Page 92</p>
<p>1            on NAACP versus Alabama. Objection based on</p> <p>2 Nebraska Press Association versus Stuart. Object</p> <p>3 to the relevance of the question. Object to the</p> <p>4 form of the question.</p> <p>5            And I'll instruct the witness not to</p> <p>6 answer the question.</p> <p>7            A. I'm not going to answer. Nothing in</p> <p>8 the world more important to us than the privacy of</p> <p>9 our members and our supporters.</p> <p>10 BY MR. WYRSCH:</p> <p>11            <b>Q. You indicated that you operate out of</b></p> <p>12 <b>your house; is that correct?</b></p> <p>13            A. Yes, sir.            12:01P</p> <p>14            <b>Q. Would you like a break? I mean you</b></p> <p>15 <b>look like you're --</b></p> <p>16            A. Yes, I'll take a break. Thanks.</p> <p>17 Appreciate it.</p> <p>18            (AT THIS POINT A BRIEF RECESS WAS</p> <p>19 TAKEN)</p> <p>20 BY MR. WYRSCH:            12:07P</p> <p>21            <b>Q. Mr. Clohessy, 2006 -- and if it's too</b></p> <p>22 <b>much for you to answer this I'll go on to</b></p> <p>23 <b>something else -- but what did [REDACTED] do</b></p> <p>24 <b>for the SNAP organization?</b></p> <p>25            MR. JENSEN: Objection based on the</p> <p style="text-align: right;">Page 91</p>	<p>1            <b>Q. Do you see any reference in any of</b></p> <p>2 <b>those -- in either statement 5 or statement 6</b></p> <p>3 <b>concerning the fact that SNAP is a rape crisis</b></p> <p>4 <b>counseling group?</b></p> <p>5            A. Well, sexually victimized. It would</p> <p>6 include people who are raped --</p> <p>7            <b>Q. Pardon?</b></p> <p>8            A. The phrase sexually victimized appears</p> <p>9 in both sections and that phrase from our</p> <p>10 perspective includes rape, sodomy, oral</p> <p>11 copulation, all of those terms. Do I see the word</p> <p>12 "rape" in each, I don't see the word "rape" in</p> <p>13 either of the two boxes.</p> <p>14            <b>Q. All right. Do you see anything about</b></p> <p>15 <b>counseling in here, counseling rape victims in</b></p> <p>16 <b>here?</b></p> <p>17            A. Provide support for men and women who</p> <p>18 have been sexually victimized is in statement 5.</p> <p>19            <b>Q. It says moral support, does it not?</b>            12:09P</p> <p>20            A. No, it does not. The word "moral"</p> <p>21 doesn't appear there --</p> <p>22            <b>Q. In statement 5?</b></p> <p>23            A. In statement 5 -- oh, I'm sorry, it</p> <p>24 does at the end. But the first line says: To</p> <p>25 provide support for men and women.</p> <p style="text-align: right;">Page 93</p>

24 (Pages 90 to 93)

<p>1 Q. Then it goes on -- I'm sorry, go 2 ahead. 3 A. Okay. 4 Q. Then it goes on to say: Meet the 5 needs of membership through moral support, 6 information and advocacy; doesn't it? 7 A. It does. 8 Q. Is there anything about being -- about 9 counseling in there? 10 A. When we provide support for men and 11 women who have been sexually victimized, raped, 12 sodomized, whatever the crime is, that's 13 counseling. 14 Q. Is it counseling in a professional 15 sense? 16 MR. JENSEN: Objection to the form of 17 the question. 18 BY MR. WYRSCH: 19 Q. Would you agree with me that you and 20 anyone else that you know of within SNAP does not 21 provide any professional counseling services? 22 MR. JENSEN: Objection. And also 23 vague as to what professional means. 24 BY MR. WYRSCH: 25 Q. You can answer.</p> <p style="text-align: right;">Page 94</p>	<p>1 SNAP, any licensed rape counselors that were 2 professionals in that area to treat people? 3 MR. JENSEN: Objection, form of the 4 question. 5 THE WITNESS: I can answer? 12:11P 6 MR. JENSEN: You can answer. 7 A. We have employed and still employ 8 Barbara Blaine who has a Master's degree in social 9 work. 10 BY MR. WYRSCH: 11 Q. Is she a licensed counselor under 12 Illinois law? 13 MR. JENSEN: Objection, asked and 14 answered. 15 A. I don't know if she is or not. 16 BY MR. WYRSCH: 17 Q. Okay. What is the definition of a 18 rape crisis counseling center under Missouri law? 19 MS. RANGLES: Objection, calls for a 20 legal conclusion. He's not qualified to answer 21 that. 22 BY MR. WYRSCH: 23 Q. You can answer. 24 MR. JENSEN: If you know you can 25 answer.</p> <p style="text-align: right;">Page 96</p>
<p>1 A. Try the question again please. 12:10P 2 Q. Will you agree with me that you or 3 anyone else in the SNAP organization in 2006 or 4 any time provided professional counseling services 5 to victims of rape? 6 MR. JENSEN: Same objection, form of 7 the question. You may answer. 8 A. No, I will not agree with you on that. 9 BY MR. WYRSCH: 10 Q. You won't agree with that? 11 A. No, sir. 12 Q. So you all had licensed counselors 13 that you were employing to counsel rape victims; 14 is that correct? 15 MR. JENSEN: Objection, misstates the 16 earlier testimony and object to the form of the 17 question. 18 MS. RANGLES: Join the objection. 19 BY MR. WYRSCH: 20 Q. You can answer. 21 A. Have we ever employed licensed 22 counselors, is that the question? Maybe you 23 should just repeat it. 24 Q. Well, this has already been answered. 25 I'm just saying any time did you employ, that is</p> <p style="text-align: right;">Page 95</p>	<p>1 A. I've seen the statute. I don't know 2 the words. I've seen the statute and I've read 3 the statute. 4 BY MR. WYRSCH: 5 Q. Well, did you know what the statute 6 said in the year 2006? 7 A. No idea. 8 Q. Or even aware there was such a statute 9 in 2006? 10 A. I have no idea. 11 Q. Well, you -- 12:12P 12 A. You understand that, by the way, we're 13 not a Missouri organization, that we operate 14 literally -- you know, we help victims all across 15 the globe. So I'm unaware of state laws and laws 16 in different countries about what constitutes a 17 rape crisis center and what doesn't. 18 Q. But did you file a statement with the 19 Missouri Secretary of State as doing business in 20 the State of Missouri? 21 A. I don't know. 22 Q. Are you aware whether you do or not? 23 A. No, I'm not. 24 Q. Okay. You do business in the State of 25 Missouri, do you not, SNAP?</p> <p style="text-align: right;">Page 97</p>

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<p>1 A. I certainly don't consider what we do 2 a business. 3 <b>Q. Okay. Well, do you take in -- go</b> 4 <b>ahead. I'm sorry.</b> 5 A. I live in Missouri. I work from my 6 home. I have for SNAP since 2002 on a paid basis. 7 Since 1989 or '90 on a volunteer basis. 8 <b>Q. Okay. Well, for instance, at your</b> 9 <b>house do you have an occupational license or a</b> 10 <b>business license to do business out of your house?</b> 11 A. No. 12:14P 12 MR. JENSEN: Objection, relevance. 13 You can answer the question. 14 A. No, sir. 15 BY MR. WYRSCH: 16 <b>Q. But so far as you know, you haven't</b> 17 <b>filed any report with the Missouri Secretary of</b> 18 <b>State concerning SNAP activities in the State of</b> 19 <b>Missouri; is that correct?</b> 20 MR. JENSEN: Objection, asked and 21 answered. Go ahead. 22 A. I don't know. 23 BY MR. WYRSCH: 24 <b>Q. Okay. Who would know that n the SNAP</b> 25 <b>organization?</b></p> <p style="text-align: right;">Page 98</p>	<p>1 answer the question. 2 BY MR. WYRSCH: 3 <b>Q. You have to say --</b> 4 A. I won't answer. 5 <b>Q. Okay. Incidentally, Mr. Madden gave</b> 6 <b>you some instructions at the beginning, but I want</b> 7 <b>to let you know that if I ask a question you don't</b> 8 <b>understand, just tell me you don't understand it;</b> 9 <b>okay?</b> 10 A. Will do. 12:16P 11 <b>Q. And we'll rephrase the question</b> 12 <b>then --</b> 13 A. Thank you. 14 <b>Q. -- so that you and I will have a</b> 15 <b>mutual understanding. Is that okay with you?</b> 16 A. Yes, sir. 17 (DEFENDANT'S EXHIBIT NO. 14 MARKED FOR 18 IDENTIFICATION) 19 (DISCUSSION WAS HAD OFF THE RECORD) 20 <b>Q. Let me hand you Exhibit 14 to this</b> 21 <b>deposition. Let me ask you to look at this part</b> 22 <b>of Exhibit 14 and in the back it says federal</b> 23 <b>statements.</b> 24 A. Okay. 12:18P 25 <b>Q. And under statement 3 there's</b></p> <p style="text-align: right;">Page 100</p>
<p>1 A. I suspect Barbara Blaine or [REDACTED] 2 [REDACTED] 3 <b>Q. Okay. You actually received</b> 4 <b>contributions in the State of Missouri, did you</b> 5 <b>not, 2006? Without telling me who they are, I</b> 6 <b>know you won't tell me who they are, but did you</b> 7 <b>receive any contributions to SNAP in the year 2006</b> 8 <b>from individuals living in the State of Missouri?</b> 9 A. I'm sure we have. Or we did. 10 <b>Q. Did you expend monies, in other words,</b> 11 <b>you paid out money for various things that you</b> 12 <b>did, SNAP did, in the State of Missouri in 2006?</b> 13 A. I assume we did. 12:15P 14 <b>Q. You didn't tell persons in 2006 when</b> 15 <b>they came in to talk to you, now listen, it's a</b> 16 <b>rape crisis center, anything you tell me is</b> 17 <b>privileged? You didn't say anything like that,</b> 18 <b>did you?</b> 19 MR. JENSEN: Object to the form of the 20 question. Object based on the Missouri Rape 21 Crisis Center Statute. Object based on freedom of 22 assembly, freedom of association, freedom of 23 speech, NAACP versus Alabama, Nebraska Press 24 Association versus Stuart, and to relevance. 25 And I'll instruct the witness not to</p> <p style="text-align: right;">Page 99</p>	<p>1 organization's primary exempt purpose. And then 2 statement 4 is statement of program service 3 accomplishments; do you see that? 4 A. I do. 5 <b>Q. I asked you these questions about</b> 6 <b>Exhibit 13. But basically what is described in</b> 7 <b>here is the primary exempt purpose and the program</b> 8 <b>service accomplishments is the same thing as the</b> 9 <b>year before; is that correct?</b> 10 A. I'm sure -- I suspect it is. I 11 haven't read every word in it. But if you tell me. 12 It's the same I'll accept that. 13 <b>Q. I think there's a little bit of</b> 14 <b>difference because it does say the organization</b> 15 <b>established 50 regional chapters throughout the</b> 16 <b>country and holds local regular self-help and</b> 17 <b>support meetings. But other than that, it appears</b> 18 <b>to be the same description of the primary exempt</b> 19 <b>purpose and the program service accomplishments;</b> 20 <b>is that correct?</b> 21 A. Okay. 12:19P 22 <b>Q. Do you agree?</b> 23 A. Yes. 24 <b>Q. Okay. If we look up there in</b> 25 <b>statement 2 concerning the other expenses, again</b></p> <p style="text-align: right;">Page 101</p>

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<p>1     <b>there's no particular line item in there about</b> 2     <b>counseling fees; is that correct?</b> 3             MR. JENSEN: Objection to the form of 4     the question and lack of foundation unless you're 5     just asking him what this document says, but he 6     hasn't testified that he's ever seen it or is 7     aware of the document. 8     BY MR. WYRSCH: 9             <b>Q. Well, I guess I can back up. Are you</b> 10    <b>aware that SNAP filed a federal tax return for</b> 11    <b>2007?</b> 12             A. I'm sure we filed one every year we've 13    been required to. I don't know if I've ever seen 14    this or not but I'm -- 15             <b>Q. Well, if we look at this document, do</b> 16    <b>you see anything in statement 2 under the federal</b> 17    <b>statements portion where it lists out separately</b> 18    <b>for counseling fees?</b> 19             A. I don't, although I don't know what 20    the category survivor support involves. But I 21    don't see the word "counseling" if that's what 22    you're asking me. 23             <b>Q. Well, if we look under survivor</b>             12:20P 24    <b>support how much money are we talking about there?</b> 25             A. \$593.</p> <p style="text-align: right;">Page 102</p>	<p>1             (WHEREUPON, A LUNCHEON RECESS WAS 2     TAKEN AT THIS POINT) 3     (VIDEOTAPE NUMBER 3)                             12:24P 4     CONTINUED QUESTIONS BY MR. WYRSCH:             1:14P 5             <b>Q. Mr. Clohessy, the Exhibit 6 and 7 are</b> 6    <b>the privileged logs. Did you review any other</b> 7    <b>documents other than the ones that are on the</b> 8    <b>privileged log and the ones you produced today in</b> 9    <b>preparation for your deposition?</b> 10             A. Sure. We went through -- we spent 11    roughly 300 man hours going through every document 12    on my hard drive, in my e-mails and in my hard 13    copy. 14             <b>Q. So were there documents you didn't</b> 15    <b>produce because you felt like they were not</b> 16    <b>pertinent to the case or to the subpoena issued</b> 17    <b>for documents?</b> 18             A. Yes, we used the search terms -- I 19    mean if I have a document about -- that doesn't 20    repressed memory, that doesn't mention Kansas City 21    priest, that doesn't mention the diocese, that 22    doesn't mention, you know, any of those terms in 23    the subpoena, I have those documents. 24             <b>Q. Okay. What were the search terms</b>             1:16P 25    <b>you --</b></p> <p style="text-align: right;">Page 104</p>
<p>1             <b>Q. Okay. So if that item includes</b> 2    <b>counseling fees, the maximum amount of money that</b> 3    <b>SNAP expended in the year 2007 for survivor</b> 4    <b>support was \$593; is that correct?</b> 5             MS. RANGLES: Objection to the form of 6    the question. 7             MR. JENSEN: Objection to the form of 8    the question. 9             BY MR. WYRSCH: 10             <b>Q. That's what it says; doesn't it?</b> 11             MR. JENSEN: Object to the form of the 12    question. You may answer. 13             A. You repeat the question please. 14             BY MR. WYRSCH: 15             <b>Q. The maximum amount of money that was</b> 16    <b>expended by SNAP in the year 2007 for survivor</b> 17    <b>support was \$593; isn't that correct?</b> 18             A. Correct. I also don't know what the 19    miscellaneous category involves either. 20             (DISCUSSION WAS HAD OFF THE RECORD) 21             (DEFENDANT'S EXHIBIT NO. 15 MARKED FOR 22    IDENTIFICATION) 23             <b>Q. Let me hand you what's been marked for</b> 24    <b>identification in this deposition as Exhibit 15.</b> 25             A. Thank you.                             12:22P</p> <p style="text-align: right;">Page 103</p>	<p>1             A. The names of every Kansas City priest, 2    living or dead apparently, accused or not. You 3    know, there were some -- more than 20 of those 4    names. What else? St. Joseph, Kansas City 5    diocese. Repressed memory. I mean if you've got 6    the exhibit I'll look at them again if you want 7    but we went over that. 8             <b>Q. You just went down the list of</b> 9    <b>categories that are listed on the subpoena?</b> 10             A. Yes. 11             <b>Q. Okay. I notice that Father Cronin</b> 12    <b>lives in Nevada. Did you look for documents</b> 13    <b>pertaining to him?</b> 14             A. Sure. 15             <b>Q. Okay. Other than your attorneys, did</b> 16    <b>you speak with anyone else about this deposition</b> 17    <b>in preparation for the deposition?</b> 18             A. I'm not sure -- 19             <b>Q. I'm not interested in, you know, you</b> 20    <b>mentioned casually you're coming over here or</b> 21    <b>anything like that. But anything of substance?</b> 22             A. Give me a second.                             1:17P 23             (DISCUSSION WAS HAD OFF THE RECORD) 24             A. In preparation for today's deposition 25    I talked to my attorneys.</p> <p style="text-align: right;">Page 105</p>

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<p>1 <b>Q. I'm not interested in what you talked</b> 2 <b>to your attorneys about. Anyone else other than</b> 3 <b>your attorneys?</b> 4 A. All right. I did talk to a small 5 number of other SNAP members and staff. 6 <b>Q. All right. Who did you talk to?</b> 7 MR. JENSEN: Objection, 8 attorney-client privilege. And work product. 9 MR. WYRSCH: Instruct the witness not 10 to answer? 11 MR. JENSEN: Instruct the witness not 12 to answer. 13 A. I'll not answer. 14 BY MR. WYRSCH: 15 <b>Q. What was the date that you went to</b> 16 <b>work full time for SNAP?</b> 17 A. Roughly June of 2002. 1:18P 18 <b>Q. Can you just briefly tell me your work</b> 19 <b>history from college on up to 2002?</b> 20 A. Almost all in the non-profit world. I 21 spent five years working for a political 22 consulting firm. I worked for five years for a 23 school district. I worked for -- as a community 24 organizer for roughly eight or nine years. I 25 worked briefly as a union organizer. What else?</p> <p style="text-align: right;">Page 106</p>	<p>1 that support group and help train that support 2 group leader that volunteers or travel to cities 3 and states where we don't have a support group and 4 start a support group or do a public media event 5 to bring forward victims who can start a support 6 group. 7 So I can't -- I mean I can't stress 8 this enough, you know, that you all see the public 9 face of SNAP and the media and the advocacy stuff. 10 But the biggest percentage of stuff that we do 11 involves counseling, listening to, offering advice 12 to, offering consolation to, you know, tens of 13 thousands or maybe hundreds of thousands of people 14 who were sexually violated. 15 I don't see the word -- in answer to 16 your question, I don't see the word counseling on 17 this page. 1:21P 18 <b>Q. That was my question actually. At the</b> 19 <b>bottom of the page, statement 4, and on the next</b> 20 <b>page, statement 5, that's a statement of the</b> 21 <b>primary purpose of the organization. And then the</b> 22 <b>next page, statement 5, statement of program</b> 23 <b>service accomplishments; is that correct?</b> 24 A. Yes, sir. 25 (DEFENDANT'S EXHIBIT NO. 16 MARKED FOR</p> <p style="text-align: right;">Page 108</p>
<p>1 That's probably basically -- I worked on some 2 political campaigns. 3 <b>Q. Okay. Exhibit 15 is in front of you.</b> 4 <b>Just a couple of questions about Exhibit 15. I</b> 5 <b>mean as you look at it, it's the 2008 return, tax</b> 6 <b>return for SNAP; is it not?</b> 7 A. That's what it looks like, uh-huh. 1:19P 8 <b>Q. Again looking back at page 1 where it</b> 9 <b>says federal statements; do you see that?</b> 10 A. I do. 11 <b>Q. And again there's a list of other</b> 12 <b>expenses there and I've asked you about it before,</b> 13 <b>but at least as you look at that schedule there,</b> 14 <b>is there anything specifically that sets out that</b> 15 <b>there were expenses for counseling?</b> 16 A. I've said this before and I'll say it 17 again, you know, the overwhelming majority of the 18 work that's done by SNAP is done by volunteers all 19 across the country and the world. The 20 overwhelming majority of our staff time is spent 21 counseling victims. 22 I just thought about, you know, 23 travel, \$92,000. I suspect that the lion's share 24 of that money was to travel to cities where we 25 have a support group and we work to strengthen</p> <p style="text-align: right;">Page 107</p>	<p>1 IDENTIFICATION) 2 <b>Q. Let me hand you what's been marked for</b> 3 <b>identification as Exhibit 16. Let me see the</b> 4 <b>document. It should have a sticker on it. And</b> 5 <b>this is a 2009 tax return for SNAP; is that</b> 6 <b>correct?</b> 7 A. Looks like it, uh-huh. 1:22P 8 <b>Q. On the second page there's a</b> 9 <b>description of program services, service</b> 10 <b>accomplishments, and a statement of the -- what</b> 11 <b>appears to be the primary purpose; do you see</b> 12 <b>there?</b> 13 A. I do. 14 <b>Q. And those are accurate to the best of</b> 15 <b>your knowledge and belief?</b> 16 A. I do not -- not inclusive. It's a 17 pretty short space there. But as much as we can 18 fit on the first few lines, you know. Our mission 19 is to provide support for men and women who have 20 been sexually victimized. 21 You know, honestly, it's increasingly 22 in recent years more and more of our mission has 23 shifted to prevention which isn't reflected here 24 in as much specificity as I'd like, you know, we 25 prevent abuse by exposing proven, admitted,</p> <p style="text-align: right;">Page 109</p>

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<p>1 credibly accused child molesters, so the parents 2 and the public and prospective employers are 3 warned about them and so that other victims of 4 theirs might be encouraged to contact the police 5 so those child sex offenders can be prosecuted and 6 jailed and kept away from kids.</p> <p>7 <b>Q. You mentioned that what, publicized</b> 1:23P 8 <b>proven sex offenders; was that right?</b></p> <p>9 A. Proven, admitted and credibly accused.</p> <p>10 <b>Q. How do you define the word "credibly</b> 11 <b>accused?"</b></p> <p>12 A. You know, there's all kinds of 13 criteria. Do you want to get into this? Like in 14 some instances, you know, there are multiple, 15 multiple accusers. In some instances, you know, 16 there's hard evidence. There are e-mails from 17 child molesters to their victims. Letters of 18 apology from child molesters to their victims 19 later. In some instances there are -- you know, 20 there's pending criminal charges even though they 21 may not be, you know, resolved. There's multiple, 22 multiple civil lawsuits. There's oftentimes -- 23 you know, I could just go on and on. There's a 24 lot of different, you know, --</p> <p>25 <b>Q. If there's a lawsuit filed are you</b> 1:25P Page 110</p>	<p>1 <b>crisis; isn't that correct?</b></p> <p>2 MR. JENSEN: Object to the form of the 1:26P 3 question. I'm not sure I understand the question. 4 Could you restate it? 5 BY MR. WYRSCH:</p> <p>6 <b>Q. Well, you say you're a rape crisis</b> 7 <b>center; right? You assert that SNAP is a rape</b> 8 <b>crisis center?</b></p> <p>9 MR. JENSEN: Objection, calls for a 10 legal conclusion. 11 BY MR. WYRSCH:</p> <p>12 <b>Q. Well, let me just state, you don't</b> 13 <b>know what a rape crisis center is; do you?</b></p> <p>14 MR. JENSEN: Objection, calls for a 15 legal conclusion. You can answer the question.</p> <p>16 A. I don't know under the Missouri 17 statutes exactly what constitutes a rape crisis 18 center. 19 BY MR. WYRSCH:</p> <p>20 <b>Q. Did you ever get a written legal</b> 21 <b>opinion about what it was?</b></p> <p>22 MR. JENSEN: Objection, calls for 23 attorney-client information, work product, 24 violation of the Rape Crisis Center Statute, NAACP 25 versus Alabama, freedom of speech, freedom of Page 112</p>
<p>1 <b>saying that that's a credibly -- that's credible</b> 2 <b>information that you can have a press conference</b> 3 <b>and accuse someone of being a predator?</b></p> <p>4 A. It depends.</p> <p>5 <b>Q. What about an event that occurred some</b> 6 <b>40 to 50 years ago and never was reported,</b> 7 <b>somebody remembered it in 2010 and there's no</b> 8 <b>witnesses; is that credible in your opinion?</b></p> <p>9 A. Under some circumstances. I mean 10 if, -- you know, Father John Gagin (phonetic) in 11 Boston, right, molested more than 100 kids. If 12 somebody comes forward in 2011 and says I remember 13 now being molested by Father Gagin, I would tend 14 to give that some degree of credibility.</p> <p>15 <b>Q. Okay. Other than that can you give me</b> 16 <b>another example?</b></p> <p>17 MR. JENSEN: Object to the form of the 18 question, it calls for speculation. But subject 19 to that you can answer.</p> <p>20 A. I mean all the other things I was 21 saying before. If you look, you know, -- 22 BY MR. WYRSCH:</p> <p>23 <b>Q. Now this rape crisis center, you</b> 24 <b>understood that in order to qualify you would be</b> 25 <b>counseling people that had been raped or in</b> Page 111</p>	<p>1 association, freedom of assembly, Nebraska Press 2 Association versus Stuart. Object to the form of 3 the question. Object to relevance.</p> <p>4 MR. WYRSCH: Instruct the witness not 5 to answer?</p> <p>6 MR. JENSEN: Instruct the witness not 1:27P 7 to answer. 8 BY MR. WYRSCH:</p> <p>9 <b>Q. You're not going to answer?</b></p> <p>10 A. No.</p> <p>11 <b>Q. Let's see. You have Exhibit 16 in</b> 12 <b>front of you, do you not?</b></p> <p>13 A. Yes, sir.</p> <p>14 <b>Q. On the first page there's a</b> 15 <b>description of the primary purpose of the</b> 16 <b>organization; is that correct?</b></p> <p>17 A. There is.</p> <p>18 <b>Q. And then we asked you about the second</b> 19 <b>page, a description of the -- you made some</b> 20 <b>explanation about that, right; is that correct?</b></p> <p>21 A. Is what correct?</p> <p>22 <b>Q. I asked you about the second page of</b> 23 <b>Exhibit 16, you've already given us some statement</b> 24 <b>about what you consider the purpose to be; is that</b> 25 <b>correct?</b> Page 113</p>

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<p>1 A. Yes, yes, I have.</p> <p>2 <b>Q. If you look back on federal statements</b></p> <p>3 <b>in the back, again taking your explanation of what</b></p> <p>4 <b>your organization does, will you agree with me at</b></p> <p>5 <b>least on this particular statement of other</b></p> <p>6 <b>expenses there's no separate line item for</b></p> <p>7 <b>counseling? Now I understand you've given me an</b></p> <p>8 <b>explanation which I'm going to take in connection</b></p> <p>9 <b>with this answer. But is there any separate line</b></p> <p>10 <b>item for counseling?</b></p> <p>11 A. 2009 apparently Form 990 on the IRS on 1:28 P</p> <p>12 page 1 under federal statements I do not see a</p> <p>13 specific line item that says the word</p> <p>14 "counseling."</p> <p>15 (DEFENDANT'S EXHIBIT NO. 17 MARKED FOR</p> <p>16 IDENTIFICATION)</p> <p>17 <b>Q. Let me hand you what's been marked for</b></p> <p>18 <b>identification as Deposition Exhibit 17.</b></p> <p>19 A. Page 2.</p> <p>20 MR. MADDEN: Jim, I believe this is</p> <p>21 marked as Exhibit 1 already.</p> <p>22 MR. WYRSCH: That's correct. You</p> <p>23 asked questions about that already. Sorry. I</p> <p>24 remember now.</p> <p>25 (DEFENDANT'S EXHIBIT NO. 18 MARKED FOR</p> <p style="text-align: right;">Page 114</p>	<p>1 we'll use press release, news release, media</p> <p>2 advisory, they're all --</p> <p>3 <b>Q. All right, press release, okay. How</b></p> <p>4 <b>many different media, if I can use that term, or</b></p> <p>5 <b>members of the press received this document?</b></p> <p>6 A. Oh, I'm going to -- should I guess? I</p> <p>7 mean I don't know.</p> <p>8 <b>Q. I don't think anybody wants you to</b> 1:32 P</p> <p>9 <b>guess. Have you got a reasonable estimate?</b></p> <p>10 A. Yes, reasonable estimate, somewhere</p> <p>11 between 15 and 30.</p> <p>12 <b>Q. Okay. And would some of that press be</b></p> <p>13 <b>in Jackson County, Missouri, the Kansas City area?</b></p> <p>14 A. Yes, sir.</p> <p>15 <b>Q. Now as I -- we look at this document,</b></p> <p>16 <b>it says you're going to hold a -- what appears to</b></p> <p>17 <b>be a press conference at October 25 at 11 A.M.; is</b></p> <p>18 <b>that correct?</b></p> <p>19 A. Yes, sir.</p> <p>20 <b>Q. Was that press conference held?</b></p> <p>21 A. Was it held?</p> <p>22 <b>Q. Yes.</b></p> <p>23 A. I assume that it was.</p> <p>24 <b>Q. All right. And it says it's going to</b></p> <p>25 <b>be outside the Kansas City Diocesan headquarters,</b></p> <p style="text-align: right;">Page 116</p>
<p>1 IDENTIFICATION)</p> <p>2 <b>Q. Exhibit 18. Mr. Clohessy, can you</b></p> <p>3 <b>identify Exhibit -- what is that I've got there,</b></p> <p>4 <b>18?</b></p> <p>5 A. 18 it looks like to me. 1:31 P</p> <p>6 MR. JENSEN: We didn't use 17 because</p> <p>7 that was a repeat of 1.</p> <p>8 MR. WYRSCH: Well, let's go ahead. It</p> <p>9 should be 18. Is there 18 on the front of it? I</p> <p>10 recognize there's a duplicate here but rather</p> <p>11 than --</p> <p>12 MR. JENSEN: Got it, yes.</p> <p>13 EXAMINATION</p> <p>14 BY MR. WYRSCH:</p> <p>15 <b>Q. Can You identify that Exhibit for me?</b></p> <p>16 A. It looks like it's a SNAP media</p> <p>17 advisory printed off from our website apparently.</p> <p>18 <b>Q. Okay. And is this a press release</b></p> <p>19 <b>that was issued by SNAP?</b></p> <p>20 A. Again, we call these media advisories.</p> <p>21 But yes, this looks to be one that we issued.</p> <p>22 <b>Q. And how many different organizations</b></p> <p>23 <b>got this? Is it media advisory, is that how you</b></p> <p>24 <b>want me to refer to it?</b></p> <p>25 A. Doesn't matter. Let's just agree that</p> <p style="text-align: right;">Page 115</p>	<p>1 <b>20 West 9th Street at Baltimore, Kansas City,</b></p> <p>2 <b>Missouri; is that correct?</b></p> <p>3 A. Yes, sir.</p> <p>4 <b>Q. Now did you, in fact, appear there?</b></p> <p>5 A. I honestly don't --</p> <p>6 <b>Q. For a press conference?</b></p> <p>7 A. I don't know if I did. I'm sure</p> <p>8 someone from SNAP did. It might have been me or</p> <p>9 it might have been [REDACTED] Usually</p> <p>10 there's several of us.</p> <p>11 <b>Q. And did you notify what you considered</b></p> <p>12 <b>to be victims to be present at this particular</b></p> <p>13 <b>press conference?</b></p> <p>14 A. We sometimes invite victims to come. 1:33 P</p> <p>15 <b>Q. If you look at the top of page 2 of</b></p> <p>16 <b>Exhibit 18 it says "Who" at the bottom of the</b></p> <p>17 <b>first page. And then it says "three child sex</b></p> <p>18 <b>abuse victims that belong to SNAP;" isn't that</b></p> <p>19 <b>correct?</b></p> <p>20 A. Right.</p> <p>21 MR. JENSEN: Objection to the -- the</p> <p>22 document speaks for itself. So objection to the</p> <p>23 form of the question unless there's a foundation</p> <p>24 established that Mr. Clohessy has knowledge of</p> <p>25 this particular press conference. Subject to that</p> <p style="text-align: right;">Page 117</p>

30 (Pages 114 to 117)



<p>1 you can answer the question.</p> <p>2 BY MR. WYRSCH:</p> <p>3 <b>Q. Did you know who appeared with you?</b></p> <p>4 A. No -- I don't even know that I was</p> <p>5 there.</p> <p>6 MR. JENSEN: Objection.</p> <p>7 BY MR. WYRSCH:</p> <p>8 <b>Q. Can you say you weren't there or you</b></p> <p>9 <b>just don't remember?</b></p> <p>10 A. I don't remember. I mean we do --</p> <p>11 <b>Q. This is October of 2011; right?</b></p> <p>12 A. Right. We do hundreds of these. So,</p> <p>13 you know, best estimate is that [REDACTED] was</p> <p>14 there or I was there.</p> <p>15 <b>Q. And it says the press conference to be</b></p> <p>16 <b>at 11:00; right?</b></p> <p>17 A. You already asked that and I already 1:34P</p> <p>18 answered. But yes, it says right here --</p> <p>19 <b>Q. Just wanted to make sure that the</b></p> <p>20 <b>record is clear. If you look on the second page</b></p> <p>21 <b>it talks about, quote: A new legal filing that</b></p> <p>22 <b>has happened in another clergy case. Do you see</b></p> <p>23 <b>that?</b></p> <p>24 A. I do.</p> <p>25 <b>Q. It describes what that legal filing is</b></p> <p style="text-align: right;">Page 118</p>	<p>1 <b>Q. Not going to answer the question,</b></p> <p>2 <b>okay. Did you know that this legal filing was in</b></p> <p>3 <b>a case called Jane Doe, I.P. versus Father Francis</b></p> <p>4 <b>McGlynn in the Diocese of Kansas City-St. Joseph?</b></p> <p>5 A. Did I know that this was --</p> <p>6 <b>Q. This legal filing occurred in a case</b></p> <p>7 <b>called John Doe -- Jane Doe, I.P. versus Father</b></p> <p>8 <b>Francis McGlynn in the Diocese of Kansas City-St.</b></p> <p>9 <b>Joseph?</b></p> <p>10 MR. JENSEN: Object to the form of the</p> <p>11 question. Object to lack of foundation. It</p> <p>12 hasn't been established that he was aware of this</p> <p>13 press release. Subject to that you can answer the</p> <p>14 question.</p> <p>15 A. I don't know.</p> <p>16 BY MR. WYRSCH:</p> <p>17 <b>Q. Have you ever spoken with Jane Doe,</b></p> <p>18 <b>I.P.?</b></p> <p>19 MR. JENSEN: Objection. Answering the</p> <p>20 question would be a violation of the Missouri Rape</p> <p>21 Crisis Center Statute. Objection based on First</p> <p>22 Amendment rights, freedom of assembly, freedom of</p> <p>23 association, freedom of speech. Objection based</p> <p>24 on NAACP versus Alabama. Objection based on</p> <p>25 Nebraska Press Association versus Stuart.</p> <p style="text-align: right;">Page 120</p>
<p>1 <b>and what the facts are concerning that legal</b></p> <p>2 <b>filing; isn't that correct?</b></p> <p>3 A. Looks like it.</p> <p>4 <b>Q. Now where did you get that</b></p> <p>5 <b>information --</b></p> <p>6 MR. JENSEN: Objection.</p> <p>7 MR. WYRSCH: Wait a minute. I know</p> <p>8 you're going to object. Hold on.</p> <p>9 BY MR. WYRSCH:</p> <p>10 <b>Q. Where did you get the information that</b></p> <p>11 <b>is contained in this document is Exhibit 18 about</b></p> <p>12 <b>another -- a new legal filing; where did you get</b></p> <p>13 <b>that information?</b></p> <p>14 MR. JENSEN: Objection, calls for an</p> <p>15 answer that would be a violation of the Missouri</p> <p>16 Rape Crisis Statute. Violates SNAP's First</p> <p>17 Amendment rights to freedom of speech and freedom</p> <p>18 of association, freedom of assembly, NAACP versus</p> <p>19 Alabama, Nebraska Press Association versus Stuart.</p> <p>20 Object to the form of the question and to the</p> <p>21 relevance.</p> <p>22 And I'll instruct the witness not to</p> <p>23 answer the question.</p> <p>24 A. I'm not going to answer. 1:36P</p> <p>25 BY MR. WYRSCH:</p> <p style="text-align: right;">Page 119</p>	<p>1 Object to the form of the question and</p> <p>2 object to relevance. And I instruct the witness</p> <p>3 not to answer the question.</p> <p>4 MR. WYRSCH: Just for the record, and 1:37P</p> <p>5 Rebecca, correct me if I'm wrong, in a public</p> <p>6 filing I believe she has stated that SNAP never</p> <p>7 spoke to Jane Doe, I.P. So I don't see where</p> <p>8 there's any privilege when the attorney for Jane</p> <p>9 Doe, I.P. said you never spoke to her.</p> <p>10 MR. JENSEN: Is that -- you're asking</p> <p>11 the witness about whether --</p> <p>12 MR. WYRSCH: Well, I'm asking you to</p> <p>13 reconsider your objection.</p> <p>14 MR. JENSEN: I'm not aware of there</p> <p>15 being a written waiver on behalf of this Jane Doe</p> <p>16 allowing SNAP to the speak in violation --</p> <p>17 otherwise it would be a violation of the Rape</p> <p>18 Crisis Center Statute.</p> <p>19 MR. WYRSCH: Just for the record, if</p> <p>20 he never spoke to her, SNAP never spoke to her,</p> <p>21 there is no privilege.</p> <p>22 BY MR. WYRSCH:</p> <p>23 <b>Q. But I understand you're asserting a</b></p> <p>24 <b>privilege and won't answer the question; is that</b></p> <p>25 <b>correct?</b></p> <p style="text-align: right;">Page 121</p>

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<p>1 A. That's correct.</p> <p>2 <b>Q. Now the press conference occurred at</b></p> <p>3 <b>11:00; isn't that correct?</b></p> <p>4 A. I assume --</p> <p>5 MR. JENSEN: The witness has already</p> <p>6 testified he doesn't know if he was there and</p> <p>7 therefore doesn't have firsthand knowledge of the</p> <p>8 press conference. Object to the form of the</p> <p>9 question, lack of foundation. Subject to that you</p> <p>10 can answer the question.</p> <p>11 A. I'm assuming it happened.</p> <p>12 BY MR. WYRSCH: 1:38 P</p> <p>13 <b>Q. At 11:00?</b></p> <p>14 A. I'm assuming it happened at or around</p> <p>15 11:00.</p> <p>16 (DEFENDANT'S EXHIBIT NO. 19 MARKED FOR</p> <p>17 IDENTIFICATION)</p> <p>18 <b>Q. I've handed you Exhibit 19 for</b></p> <p>19 <b>purposes -- I've marked Exhibit 19 for purposes of</b></p> <p>20 <b>this deposition. Mr. Clohessy, I've handed you</b></p> <p>21 <b>Exhibit 19 which is a document entitled</b></p> <p>22 <b>Suggestions in Support of Motion for Section</b></p> <p>23 <b>510.263.8 Finding Probability of Punitive Damages</b></p> <p>24 <b>Allowing Discovery of Assets. Do you see that</b></p> <p>25 <b>document?</b></p> <p style="text-align: right;">Page 122</p>	<p>1 A. Go back to this document?</p> <p>2 <b>Q. Yes.</b></p> <p>3 A. You're asking me on page 2 is there a</p> <p>4 reference to what?</p> <p>5 <b>Q. A press release of the Diocese of</b></p> <p>6 <b>Kansas City-St. Joseph and the previous deposition</b></p> <p>7 <b>testimony of Father McGlynn.</b></p> <p>8 A. I'm sorry, I don't. Am I missing</p> <p>9 something? I'm on page 2 of Exhibit 18, right?</p> <p>10 <b>Q. Right.</b></p> <p>11 A. And I'm looking for a reference to a 1:42 P</p> <p>12 statement by the Diocese? I see the phrase: The</p> <p>13 Diocese has done little or nothing to disclose</p> <p>14 other relevant information about McGlynn.</p> <p>15 <b>Q. Okay. Maybe it's not specific enough</b></p> <p>16 <b>but if you look at the paragraph on page 2 where</b></p> <p>17 <b>it says in response to her suit?</b></p> <p>18 A. Yes, I see that paragraph.</p> <p>19 <b>Q. (reading): The Diocese said it</b></p> <p>20 <b>received the first complaint of sexual misconduct</b></p> <p>21 <b>against McGlynn in April of 2002 -- according to</b></p> <p>22 <b>the 10-20 Kansas City Star.</b></p> <p>23 <b>But then it says: But her new legal</b></p> <p>24 <b>filing says that diocesan records show that church</b></p> <p>25 <b>officials knew about McGlynn's sexual propensities</b></p> <p style="text-align: right;">Page 124</p>
<p>1 A. I do. 1:40 P</p> <p>2 <b>Q. You see it has a Bates (sic) stamp of</b></p> <p>3 <b>3:17 P.M. on October 25 of 2011. Do you see that?</b></p> <p>4 A. I do.</p> <p>5 <b>Q. Is this document the document that's</b></p> <p>6 <b>referred to in the press release I just handed you</b></p> <p>7 <b>which I think is Exhibit 18?</b></p> <p>8 A. I don't -- I don't know.</p> <p>9 <b>Q. Well, you see that attached to this is</b></p> <p>10 <b>a -- what appears to be a statement for the</b></p> <p>11 <b>Diocese of Kansas City-St. Joseph and some copies</b></p> <p>12 <b>of some testimony from several depositions</b></p> <p>13 <b>involving Father McGlynn; do you see that?</b></p> <p>14 A. I see Exhibit B looks like a</p> <p>15 deposition of Father McGlynn.</p> <p>16 <b>Q. Do you see -- if you look -- I'm 1:41 P</b></p> <p>17 <b>sorry, go ahead and look more if you like.</b></p> <p>18 A. Go ahead.</p> <p>19 <b>Q. If you look back on Exhibit 18 isn't</b></p> <p>20 <b>there a specific reference to a statement by the</b></p> <p>21 <b>Diocese of Kansas City-St. Joseph about Father</b></p> <p>22 <b>McGlynn and deposition testimony of Father</b></p> <p>23 <b>McGlynn? I'm talking about the press release now.</b></p> <p>24 A. On our press release?</p> <p>25 <b>Q. Yes.</b></p> <p style="text-align: right;">Page 123</p>	<p>1 long before then.</p> <p>2 <b>Do you see that?</b></p> <p>3 A. I do.</p> <p>4 <b>Q. Do you know whether that refers to the</b></p> <p>5 <b>press release that is attached to Exhibit 19?</b></p> <p>6 A. I do not know.</p> <p>7 <b>Q. It refers to a "legal filing." What</b></p> <p>8 <b>is the legal filing you are referring to?</b></p> <p>9 MR. JENSEN: Object to lack of</p> <p>10 foundation. Object that it misstates the</p> <p>11 testimony that this witness had something to do</p> <p>12 with -- that this witness knows what was in the</p> <p>13 press release. Subject to that you can answer the</p> <p>14 question.</p> <p>15 A. And again the question is? I'm 1:43 P</p> <p>16 sorry, could you --</p> <p>17 BY MR. WYRSCH:</p> <p>18 <b>Q. It refers in that Exhibit 18 to a</b></p> <p>19 <b>legal filing. Is the legal filing what is</b></p> <p>20 <b>contained in Exhibit 19?</b></p> <p>21 MR. JENSEN: Same objection. You can</p> <p>22 answer the question.</p> <p>23 A. I don't know.</p> <p>24 (DEFENDANT'S EXHIBIT NO. 20 MARKED FOR 1:46 P</p> <p>25 IDENTIFICATION)</p> <p style="text-align: right;">Page 125</p>

32 (Pages 122 to 125)

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<p>1 BY MR. WYRSCH:</p> <p>2 Q. Let's see. 20 is the next one, right?</p> <p>3 A. I believe so.</p> <p>4 Q. Mr. Clohessy -- how do you pronounce</p> <p>5 it?</p> <p>6 A. CLAUS-SEE.</p> <p>7 Q. CLAUS-SEE. Exhibit 20 has been marked</p> <p>8 for identification.</p> <p>9 A. Uh-huh.</p> <p>10 Q. I'm handing you that exhibit. Mr.</p> <p>11 Clohessy, have you ever looked -- sorry -- prior</p> <p>12 to this deposition ever seen Exhibit 20?</p> <p>13 A. Don't know. 1:47P</p> <p>14 Q. So you don't ever remember seeing</p> <p>15 anything about it?</p> <p>16 A. I don't know.</p> <p>17 Q. Okay. There's a reference there to a</p> <p>18 Jane Doe, I.P. Now we have an understanding here</p> <p>19 we will not refer to the name of the person that</p> <p>20 is stated to be the plaintiff in Exhibit 20.</p> <p>21 But -- I know I'm repeating myself -- but did you</p> <p>22 ever talk to Jane Doe, I.P.?</p> <p>23 MR. JENSEN: Objection. To answer the</p> <p>24 question would violate Missouri Rape Crisis Center</p> <p>25 Statute, violate the First Amendment right to free</p> <p style="text-align: right;">Page 126</p>	<p>1 A. Pretty hastily but sure.</p> <p>2 Q. In this Exhibit it's from a newspaper</p> <p>3 article?</p> <p>4 A. Yes, sir.</p> <p>5 Q. And I believe it's the Registered</p> <p>6 Journal in Reno, Nevada. And let me read it.</p> <p>7 You're quoted as saying, quote:</p> <p>8 The minute Reno's Bishop knew of the</p> <p>9 lawsuit, he should have publicly disclosed</p> <p>10 it, suspended Cronin, and begged anyone</p> <p>11 with information to step forward, Clohessy</p> <p>12 said. It's proof yet again that bishops</p> <p>13 are concealing child abuse allegations.</p> <p>14 From our view. This is a continued and</p> <p>15 disturbing deliberate cover-up. If the</p> <p>16 media had not called, I seriously doubt</p> <p>17 that the Reno Catholics would know about</p> <p>18 it, unquote.</p> <p>19 Did you make that statement to this</p> <p>20 newspaper?</p> <p>21 A. I'm sure I did.</p> <p>22 Q. What was the factual basis for you to</p> <p>23 say that Father Cronin should be suspended from</p> <p>24 his priesthood? Or acting as a priest?</p> <p>25 A. Two reasons. Number one, Catholic 1:55P</p> <p style="text-align: right;">Page 128</p>
<p>1 speech and freedom of association, violate NAACP</p> <p>2 versus Alabama, would violate National Press</p> <p>3 Association versus Stuart.</p> <p>4 Object to the form of the question.</p> <p>5 Object to relevance. And instruct the witness not</p> <p>6 to answer the question.</p> <p>7 MR. WYRSCH: Okay. Just for the 1:48P</p> <p>8 record, if he never talked to her I cannot see</p> <p>9 that there's a privilege. But I understand</p> <p>10 there's been an assertion and he's refused to</p> <p>11 answer. We'll take that up with the court.</p> <p>12 MR. JENSEN: Same objection.</p> <p>13 (DEFENDANT'S EXHIBIT NO. 21 MARKED FOR</p> <p>14 IDENTIFICATION)</p> <p>15 BY MR. WYRSCH:</p> <p>16 Q. Exhibit 21 I'm handing to the witness. 1:50P</p> <p>17 Let me see that a minute. Make sure I've got the</p> <p>18 right one. Have you had an opportunity to review</p> <p>19 this document?</p> <p>20 A. I've just skimmed it down to the 1:51P</p> <p>21 middle of page 2.</p> <p>22 Q. Yes, go ahead and read it if you</p> <p>23 would.</p> <p>24 A. I've skimmed it. You want me to -- 1:53P</p> <p>25 Q. Have you had a chance to read it?</p> <p style="text-align: right;">Page 127</p>	<p>1 bishops have promised to promptly suspend accused</p> <p>2 priests.</p> <p>3 And, secondly, we believe that the</p> <p>4 lawsuit constitutes a credible allegation. And</p> <p>5 that when forced to make a choice, bishops should</p> <p>6 honor their own promises and common sense and</p> <p>7 safety and err on the side of temporarily</p> <p>8 suspending credibly accused priests from their</p> <p>9 positions while an investigation happens. In much</p> <p>10 the same way that police departments, when there's</p> <p>11 an allegation of a police officer misusing a</p> <p>12 weapon, the officers are temporarily suspended</p> <p>13 while an allegation happens.</p> <p>14 Our view, our view is that -- is that</p> <p>15 employers have to err on the side of the safety of</p> <p>16 potentially dozens of innocent and vulnerable</p> <p>17 children versus the reputation of one powerful</p> <p>18 adult. It takes seconds, I don't mean to get</p> <p>19 graphic, but it takes literally seconds for a</p> <p>20 child molester to shove his tongue down a child's</p> <p>21 throat or to shove his hand in a child's pants.</p> <p>22 And if the Bishop of Reno, the minute</p> <p>23 he knew about the lawsuit he should have said, I'm</p> <p>24 going to do what I promised, I'm going to put the</p> <p>25 safety of kids first, I'm putting this priest on</p> <p style="text-align: right;">Page 129</p>

33 (Pages 126 to 129)

1 suspension. I also made promises of openness and  
2 transparency as every Catholic bishop in America  
3 has. I'm going to honor those promises. And I'm  
4 going to tell the public and parishioners that  
5 there's been a civil lawsuit filed against Father  
6 Cronin. And we don't know the truth or falsity of  
7 the allegations, but for the sake of the safety of  
8 children, we're going to suspend him from his  
9 ministry until this is resolved.

10 **Q. So it was your understanding when you** 1:57P  
11 **made that statement that the person that was**  
12 **accusing Father Cronin was a child, isn't that**  
13 **correct, or at least when the events happened the**  
14 **person was a child; is that correct?**  
15 A. Don't know. You know, I think  
16 honestly our -- I shouldn't speculate.

17 **Q. I think my -- did you know whether or**  
18 **not the person that is named as the plaintiff when**  
19 **they said that these things occurred was a child**  
20 **when you made this statement to the newspaper in**  
21 **Reno?**  
22 A. Don't know.

23 **Q. Okay. So when you made the statement**  
24 **you didn't know whether this was a child or not,**  
25 **right?**

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1 A. No. I'm telling you today I don't  
2 know what I knew then. You know, we hear the  
3 names --

4 **Q. Well, in this deposition you can't**  
5 **tell us what your memory of the age of the**  
6 **so-called -- or not so-called -- but the person**  
7 **that sued Father Cronin, you can't tell us what**  
8 **the age of the person was when they say that the**  
9 **abuse occurred?**  
10 A. Today I cannot. 1:58P  
11 **Q. Did you know back then?**  
12 A. I most likely knew, sure.

13 **Q. Okay. And it's your view that if just**  
14 **a lawsuit is filed that a priest should be**  
15 **suspended; is that correct?**  
16 MR. JENSEN: Objection, that misstates  
17 the earlier testimony. Subject to that you can  
18 answer the question.

19 A. We think that bishops should err on  
20 the side of public safety.

21 BY MR. WYRSCH:  
22 **Q. Therefore, if the lawsuit -- I didn't**  
23 **mean to interrupt you.**  
24 A. Well, I mean, you know, it's hard to  
25 make -- these are individual cases. It's hard to

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1 make, you know, hard and fast generalizations.

2 **Q. What investigation did you do of this**  
3 **case before you made this statement to the Reno**  
4 **paper, you yourself?**  
5 MR. JENSEN: Objection. That gets to  
6 a violation of the Missouri Rape Crisis Center  
7 Statute, violation of the First Amendment rights  
8 to free speech, freedom of association and freedom  
9 of assembly, violation of NAACP versus Alabama and  
10 violation of Nebraska Press Association versus  
11 Stuart.

12 Object to the form of the question.  
13 Object to the relevance and instruct the witness  
14 not to answer the question.

15 BY MR. WYRSCH: 1:59P  
16 **Q. Mr. Clohessy, are you refusing to**  
17 **answer the question?**  
18 A. Yes, I'm refusing.  
19 (DEFENDANT'S EXHIBIT NO. 22 MARKED FOR  
20 IDENTIFICATION)  
21 **Q. Handing you what's been marked for**  
22 **identification as Exhibit 22.**  
23 A. You want me to read the whole thing  
24 or --  
25 **Q. Yes, if you would please.**

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1 A. Okay. I've read it.

2 **Q. Have you had a chance to read it?** 2:02P  
3 A. I have, sir.

4 **Q. You agree with me that you made the**  
5 **following statement in this Exhibit, quote:**  
6 **It is especially heinous when two predators**  
7 **under the guise of religion sexually**  
8 **assault a teenager.**  
9 **Do you see that?**  
10 A. I do.

11 **Q. What facts did you have when you made**  
12 **that statement?**  
13 A. Boy, where to start. You know, Father  
14 Tulipana --

15 **Q. Let me -- I understand about Father**  
16 **Tulipana. Father Cronin, what information did you**  
17 **have about Father Cronin to say he was a predator?**  
18 A. I'm not --

19 MR. JENSEN: The same objections I've  
20 made all along, violation of Missouri Rape Crisis  
21 Center Statute, First Amendment rights to freedom  
22 of speech and freedom of association and freedom  
23 of assembly, NAACP versus Alabama, Nebraska Press  
24 Association versus Stuart.  
25 Object to the form of the question.

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<p>1 Object to relevance. And instruct the witness not 2 to answer the question. 3 BY MR. WYRSCH: 2:04P 4 Q. You're refusing to answer that 5 question? 6 A. I am. 7 Q. This is a press release; is it not? 8 A. It is. 9 Q. How many different media got this 10 press release? 11 A. I'm not sure. Best estimate, you 12 know, however many there are in Reno. So I'm 13 going to estimate fewer than 10. 14 Q. There's a statement from [REDACTED] 15 [REDACTED] about Father Cronin in this release; do you 16 see that? 17 A. At the bottom, I do. 18 Q. What facts did [REDACTED] have 19 when she made that statement to these 15 or 20 20 members of the press? 21 MR. WYRSCH: Same objection? 22 MR. JENSEN: Same objection, instruct 23 the witness not to answer the question. 24 BY MR. WYRSCH: 25 Q. Are you going to refuse to answer that</p> <p style="text-align: right;">Page 134</p>	<p>1 15 or 30 members of the media in -- 2 A. No, this would -- I'm almost certain 3 this went to Reno. 4 Q. So this was not ever sent to anybody 5 in Jackson County? 6 A. This was not, no. Not that I know of, 7 not that I know of. 8 Q. Did you receive any information from 9 Rebecca Randles with respect to this Exhibit or 10 the information that's contained in this Exhibit? 11 MR. JENSEN: Same objection. Instruct 2:06P 12 the witness not to answer the question. 13 A. I won't answer. 14 Q. It does have Rebecca Randles's name 15 and phone number on this exhibit; does it not? 16 A. It does. 17 Q. On the previous press release that 18 went out to the -- that I asked you about that 19 went out to the Registered Journal in Reno -- 20 A. Exhibit 21? 21 Q. Exhibit 21 -- 22 A. Right, that's not a press release. 23 That's a news article if I'm not mistaken. 24 Q. Okay. Did you give an interview 25 though to the Reno paper?</p> <p style="text-align: right;">Page 136</p>
<p>1 question? 2 A. I said 10 media. You said 15 or 20. 3 Q. I misstated. I'm sorry, I didn't mean 4 to. Ten media? 5 A. Estimate. That's an estimate. 2:05P 6 Q. I thought before you -- maybe I picked 7 up from the previous -- one of the previous press 8 releases. Didn't you say before you normally send 9 it out to 15 or 20? 10 A. Different press releases. Different 11 towns. Different size of media markets. 12 Different number of media outlets. 13 Q. So this one you think is about 10? 14 A. Yes. 15 Q. How many in Jackson County? 16 A. I think I said 15 to 30 I believe. 17 Although that -- yes, that doesn't -- that's not 18 media outlets. That's total number of -- 19 estimate, total number of journalists in the 20 Kansas City area that get one of our typical 21 Kansas City press releases. 22 Q. I'm sorry, how many? 23 A. I'm guessing 15 to 30 in Jackson 24 County. 25 Q. Do you know whether this was sent to</p> <p style="text-align: right;">Page 135</p>	<p>1 A. I assume that I did. I assume that 2 they called me and I talked to them, yes. Usually 3 if it's something that we've written, a reporter 4 says SNAP says this in a prepared statement. So 5 since it says Clohessy said, I'm assuming that 6 they talked to me on the phone. 7 (DEFENDANT'S EXHIBIT NO. 23 MARKED FOR 2:07P 8 IDENTIFICATION) 9 Q. Handing you what's been marked for 10 identification Exhibit 23. Have you had a chance 11 to look at Exhibit 23? 12 A. I've just glanced at it. Looks like a 2:08P 13 lawsuit. 14 Q. There's a reference to the plaintiff 15 as Jane Doe, W.R.? 16 A. I see that. 17 Q. Do you know who Jane Doe, W.R. is? 18 MR. JENSEN: Objection, same 19 objections. Instruct the witness not to answer 20 the question based on Missouri Rape Crisis Center 21 Statute, First Amendment rights to freedom of 22 speech and freedom of association, NAACP versus 23 Alabama, Nebraska Press Association versus Stuart. 24 Object to the form of the question. 25 Object to relevance. And instruct the witness not</p> <p style="text-align: right;">Page 137</p>

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<p>1 to answer the question.</p> <p>2 A. I won't answer.</p> <p>3 BY MR. WYRSCH:</p> <p>4 <b>Q. Have you ever spoken to Jane Doe,</b></p> <p>5 <b>W.R.? Now if you have the same objection, same</b></p> <p>6 <b>objection and same instruction?</b></p> <p>7 MR. JENSEN: Same objection, same</p> <p>8 instruction.</p> <p>9 BY MR. WYRSCH:</p> <p>10 <b>Q. And you refuse to answer?</b></p> <p>11 A. Correct.</p> <p>12 <b>Q. Did you review this document before</b></p> <p>13 <b>you made any public statements through the media?</b></p> <p>14 MR. JENSEN: Object to lack of</p> <p>15 foundation. Sorry. I didn't mean to interrupt.</p> <p>16 THE WITNESS: I can answer? 2:09P</p> <p>17 MR. JENSEN: Uh-huh.</p> <p>18 A. I don't know.</p> <p>19 BY MR. WYRSCH:</p> <p>20 <b>Q. You say you don't know. Would you</b></p> <p>21 <b>have known at one point but just don't remember</b></p> <p>22 <b>now?</b></p> <p>23 A. Yes, that's likely the case. The</p> <p>24 question is did I look at this lawsuit before we</p> <p>25 issued a press release of some sort?</p> <p style="text-align: right;">Page 138</p>	<p>1 <b>sued shouldn't you be suspended from operation?</b></p> <p>2 MR. JENSEN: Object to the form of the</p> <p>3 question.</p> <p>4 A. We don't molest children. We don't</p> <p>5 cover up child sex crimes. It's a little</p> <p>6 different.</p> <p>7 MS. RANGLES: And I object to the form</p> <p>8 of the question.</p> <p>9 (DEFENDANT'S EXHIBIT NO. 24 MARKED FOR</p> <p>10 IDENTIFICATION)</p> <p>11 BY MR. WYRSCH:</p> <p>12 <b>Q. Exhibit 24?</b></p> <p>13 A. I should take a break if you don't</p> <p>14 mind. That's really offensive.</p> <p>15 (AT THIS POINT A BRIEF RECESS WAS 2:14P</p> <p>16 TAKEN)</p> <p>17 (VIDEOTAPE NUMBER 4)</p> <p>18 BY MR. WYRSCH: 2:18P</p> <p>19 <b>Q. Exhibit 24, are you aware of that</b></p> <p>20 <b>order that was issued by Judge Del Muro on</b></p> <p>21 <b>December 12, 2011?</b></p> <p>22 A. I don't believe so. I don't think</p> <p>23 I've seen this before.</p> <p>24 <b>Q. Do you have any objection to reading</b></p> <p>25 <b>it so that you understand what it says?</b></p> <p style="text-align: right;">Page 140</p>
<p>1 <b>Q. Right.</b></p> <p>2 A. I don't know. I don't know.</p> <p>3 <b>Q. Would you have received -- I didn't</b></p> <p>4 <b>mean to interrupt you.</b></p> <p>5 A. Well, no, that's fine. I'm sorry,</p> <p>6 would I what?</p> <p>7 <b>Q. Would you have received this document</b></p> <p>8 <b>from Rebecca Randles?</b></p> <p>9 A. I don't know.</p> <p>10 <b>Q. The previous lawsuit against Father</b></p> <p>11 <b>McGlynn, did you ever receive that from Rebecca</b></p> <p>12 <b>Randles?</b></p> <p>13 A. I don't know.</p> <p>14 <b>Q. Has SNAP ever been sued?</b></p> <p>15 A. We have, uh-huh. 2:10P</p> <p>16 <b>Q. Have you ever been sued?</b></p> <p>17 A. I don't believe I have.</p> <p>18 <b>Q. Okay. If SNAP got sued would that be</b></p> <p>19 <b>a reason to suspend operations, because they had</b></p> <p>20 <b>been sued?</b></p> <p>21 A. I would -- I would certainly hope not.</p> <p>22 We've been sued four times, by the way,</p> <p>23 unsuccessfully each time, by priests who claimed</p> <p>24 that we slandered or libeled them and they lost.</p> <p>25 <b>Q. But under your criteria if you've been</b></p> <p style="text-align: right;">Page 139</p>	<p>1 A. No.</p> <p>2 <b>Q. Pardon?</b></p> <p>3 A. No objection. I'll read it.</p> <p>4 Okay.</p> <p>5 MR. JENSEN: Just a second. 2:19P</p> <p>6 BY MR. WYRSCH:</p> <p>7 <b>Q. You read and understood that Exhibit</b></p> <p>8 <b>24?</b></p> <p>9 MR. JENSEN: Just a second.</p> <p>10 A. Have I read it, yes. Do I understand</p> <p>11 it? I'm not a lawyer and don't purport to be but</p> <p>12 I think I get the gist of it.</p> <p>13 BY MR. WYRSCH:</p> <p>14 <b>Q. Okay. September of 2003 did Forbes</b></p> <p>15 <b>magazine do an article on the contributors to</b></p> <p>16 <b>SNAP?</b></p> <p>17 A. Forbes has written an article about</p> <p>18 SNAP but that sounds like about the right time. I</p> <p>19 don't have that article in front of me.</p> <p>20 <b>Q. Did Forbes report at that time or in</b></p> <p>21 <b>that Forbes article that Lawrence Drivon I believe</b></p> <p>22 <b>who was a leading victims attorney was the largest</b></p> <p>23 <b>contributor to SNAP in 2002?</b></p> <p>24 MR. JENSEN: Object to the form of the</p> <p>25 question. But subject to the question (sic) you</p> <p style="text-align: right;">Page 141</p>

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<p>1 may answer it.</p> <p>2 MS. RANGLES: Yes, I object that that</p> <p>3 has absolutely no relevance that Lawrence Drivon</p> <p>4 may have provided -- contributed money to SNAP.</p> <p>5 BY MR. WYRSCH: 2:20P</p> <p>6 <b>Q. You can answer the question.</b></p> <p>7 A. Are we done with this?</p> <p>8 <b>Q. Yes.</b></p> <p>9 A. The question again? I'm sorry.</p> <p>10 <b>Q. Did Forbes magazine report in 2003 in</b></p> <p>11 <b>September that Lawrence Drivon, D-R-I-V-O-N, who</b></p> <p>12 <b>was a leading attorney in the suits against the</b></p> <p>13 <b>Catholic Church was the largest contributor in</b></p> <p>14 <b>2002?</b></p> <p>15 MR. JENSEN: Same objection.</p> <p>16 A. So I can answer? I believe so. I</p> <p>17 believe that's what --</p> <p>18 BY MR. WYRSCH:</p> <p>19 <b>Q. Did you agree or disagree with what he</b></p> <p>20 <b>had to say?</b></p> <p>21 A. I believe that's what Forbes magazine</p> <p>22 reported.</p> <p>23 <b>Q. Is that accurate?</b></p> <p>24 A. Don't know.</p> <p>25 <b>Q. Did Jeff Anderson, the attorney for</b></p> <p style="text-align: right;">Page 142</p>	<p>1 BY MR. WYRSCH:</p> <p>2 <b>Q. you don't know if you made that</b></p> <p>3 <b>statement?</b></p> <p>4 A. You know, if I make -- in what year?</p> <p>5 MR. JENSEN: Just answer the question.</p> <p>6 BY MR. WYRSCH:</p> <p>7 <b>Q. Did you make that statement in 2006?</b></p> <p>8 A. I suspect I did, 18 percent of the</p> <p>9 donations to SNAP were from --</p> <p>10 <b>Q. Lawyers?</b> 2:22P</p> <p>11 A. I suspect I said that, yes.</p> <p>12 <b>Q. That was accurate?</b></p> <p>13 A. Well, I -- yes, I'll -- yes.</p> <p>14 <b>Q. Final question --</b></p> <p>15 A. Wouldn't swear to it, you know, might</p> <p>16 be 19. It wasn't a ballpark guess.</p> <p>17 <b>Q. Final question. Is part of the</b></p> <p>18 <b>purpose of your organization is to publicize</b></p> <p>19 <b>lawsuits that are filed against the Catholic --</b></p> <p>20 <b>various Catholic dioceses and various Catholic</b></p> <p>21 <b>priests?</b></p> <p>22 MR. JENSEN: Objection, asked and</p> <p>23 answered</p> <p>24 MS. RANGLES: Join.</p> <p>25 BY MR. WYRSCH:</p> <p style="text-align: right;">Page 144</p>
<p>1 many of these plaintiffs that sued the Catholic</p> <p>2 Church and priests, contribute -- or according to</p> <p>3 Forbes magazine contribute 10,000 in 2002 and then</p> <p>4 offered 50,000 in 2003?</p> <p>5 MS. RANGLES: The same objection.</p> <p>6 MR. JENSEN: Same objection. 2:21P</p> <p>7 A. Don't know.</p> <p>8 BY MR. WYRSCH:</p> <p>9 <b>Q. Do you recall that being reported?</b></p> <p>10 A. No, I remember that the Forbes</p> <p>11 magazine mentioned Drivon and mentioned Anderson.</p> <p>12 <b>Q. Mentioned Anderson?</b></p> <p>13 A. I do recall that.</p> <p>14 <b>Q. Was that accurate as far as you know,</b></p> <p>15 <b>what they reported?</b></p> <p>16 A. Don't know.</p> <p>17 <b>Q. In 2006 did you make a public</b></p> <p>18 <b>statement that approximately 18 percent of the</b></p> <p>19 <b>budget, annual budget of SNAP, came from lawyers'</b></p> <p>20 <b>donations?</b></p> <p>21 A. Don't know. If you've got --</p> <p>22 MR. JENSEN: Object to the form of the</p> <p>23 question. Object to relevance. Subject to that</p> <p>24 you may answer the question.</p> <p>25 A. Don't know.</p> <p style="text-align: right;">Page 143</p>	<p>1 <b>Q. You can answer.</b></p> <p>2 A. A key part of our function is to</p> <p>3 protect children and warn the public about</p> <p>4 dangerous child molesters, Catholic and otherwise.</p> <p>5 And we will do that, you know, in whatever legal,</p> <p>6 responsible way that we can, including publicizing</p> <p>7 when accused predator priests are suspended by</p> <p>8 their own bishops, when accused predator priests</p> <p>9 are suspended by or defrocked by Rome, when</p> <p>10 accused predator priests are arrested by criminal</p> <p>11 authorities, when accused predator priests and</p> <p>12 other child molesters are criminally charged by</p> <p>13 prosecutors, when they're found guilty by juries,</p> <p>14 when they serve their prison time and come back</p> <p>15 out on the street where they can molest again. I</p> <p>16 don't know how to make it any clearer to you.</p> <p>17 <b>Q. All right. Let me ask the question</b> 2:24P</p> <p>18 <b>again. And I don't think you answered my</b></p> <p>19 <b>question. Is part of what you do, SNAP, is to</b></p> <p>20 <b>publicize lawsuits --</b></p> <p>21 A. Yes.</p> <p>22 <b>Q. -- against Catholic dioceses and</b></p> <p>23 <b>Catholic priests?</b></p> <p>24 A. Yes.</p> <p>25 <b>Q. Okay.</b></p> <p style="text-align: right;">Page 145</p>

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1            MR. WYRSCH: That's all I have.  
2            EXAMINATION  
3            QUESTIONS BY MS. COHARA:  
4            **Q. Mr. Clohessy, my name is Mara Cohara.**  
5            **I represent the Diocese. I'll just ask you a few**  
6            **questions, a few follow-up questions on the**  
7            **corporate form of SNAP. Do you know if SNAP is a**  
8            **member or non-member not-for-profit; do you have**  
9            **any idea?**  
10           A. A member or non-member not-for-profit,      2:25P  
11           I have no idea  
12           **Q. Who would know?**  
13           A. I assume Barbara Blaine would know.  
14           **Q. So would you have any knowledge**  
15           **regarding SNAP's compliance with filing**  
16           **requirements of Missouri or other states that SNAP**  
17           **files in with respect to the incorporation? Or**  
18           **would that be Barbara?**  
19           A. It certainly wouldn't be me.  
20           **Q. Okay.**  
21           A. I'm sorry. I don't mean to be flip  
22           about it. I expect Barbara would know.  
23           **Q. Would you have any knowledge whether**  
24           **SNAP remains in good standing as a 501-C3 or would**  
25           **that be Barbara?**  

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1           A. That would be Barbara but I certainly  
2           assume we do or we are.  
3           **Q. How are members of the board selected**  
4           **for SNAP?**  
5           THE WITNESS: Can we talk?  
6           MR. JENSEN: Sure. Need a break.  
7           MS. COHARA: Okay.  
8           (DISCUSSION WAS HAD OFF THE RECORD)  
9           MR. JENSEN: Objection based on the      2:26P  
10           Rape Crisis Center Statute, SNAP's First Amendment  
11           rights for freedom of speech, freedom of  
12           association, freedom of assembly, NAACP versus  
13           Alabama, Nebraska Press Association versus Stuart.  
14           Object to the form of the question.  
15           Object to relevance and instruct the witness not  
16           to answer the question.  
17           A. I'm not going to answer.  
18           BY MS. COHARA:  
19           **Q. Upon dissolution of SNAP where would**  
20           **the assets go, do you have any idea?**  
21           A. I've no idea.  
22           **Q. Who would know that?**  
23           A. My best answer -- I bet no one knows  
24           but I certainly don't know.  
25           (DISCUSSION WAS HAD OFF THE RECORD)  

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1           **Q. Is there an internal organization**  
2           **chart that's been produced based on all involved**  
3           **in SNAP? Have you seen an organizational chart**  
4           **for SNAP?**  
5           A. I've not.      2:27P  
6           **Q. Have you heard about one existing? I**  
7           **mean is there an organizational chart that gives**  
8           **sort of the breakdown of the SNAP organization?**  
9           A. I've not, no.  
10           **Q. Does that mean there isn't one or you**  
11           **just don't know?**  
12           A. I don't know, I don't know.  
13           **Q. Do you know whether SNAP maintains**  
14           **personnel records for SNAP employees?**  
15           A. I don't.  
16           **Q. Who would know whether personnel**  
17           **records are kept for SNAP employees?**  
18           A. Don't know.  
19           **Q. Do you know if you have a personnel**  
20           **file as an employee of SNAP?**  
21           A. I don't. I don't know if I have one      2:28P  
22           or not.  
23           **Q. Okay. Who hired you to be the**  
24           **executive director of SNAP?**  
25           A. The SNAP board.  

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1           **Q. Okay. Now Mr. Wyrsh quickly asked**  
2           **you about lawsuits that SNAP is involved with.**  
3           **What role does SNAP have in the criminal case**  
4           **against the Vatican officials that was filed some**  
5           **time ago?**  
6           MS. RANGLES: Object to relevance.  
7           MR. JENSEN: Object to relevance.  
8           Object to the form of the question. Are you  
9           asking what role do they have publicly or what  
10           role --  
11           MS. COHARA: What role does SNAP have  
12           in a lawsuit.  
13           MR. JENSEN: Object to relevance.      2:29P  
14           Object based on the Rape Crisis Center Statute,  
15           the First Amendment rights we've discussed, NAACP  
16           versus Alabama, Nebraska Press Association versus  
17           Stuart. And instruct the witness not to answer  
18           the question.  
19           BY MS. COHARA:  
20           **Q. Are you going to refuse to answer?**  
21           A. Yes. It's not a lawsuit by the way  
22           but.  
23           **Q. It's not a lawsuit what, could you**  
24           **tell me what it is?**  
25           A. Yes, it's a formal filing with the  

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1 International Criminal Court. I'm sorry, I  
2 shouldn't -- I shouldn't -- you know, to me  
3 lawsuits are civil matters. My understanding is  
4 that that's not a civil matter.

5 **Q. We discussed a little bit the**  
6 **methodology at SNAP when someone calls in. And**  
7 **I'm not asking about any specific individuals or**  
8 **for names or anything. But when a victim first**  
9 **calls or e-mails, are they directed to a certain**  
10 **person? I mean who takes that first call or**  
11 **e-mail?**

12 MR. JENSEN: Objection, that's 2:30P  
13 information precluded from being released under  
14 the Missouri Rape Crisis Center Statute.

15 BY MS. COHARA:

16 **Q. Does the person, whoever the person --**  
17 **are you going to refuse to answer?**

18 A. I refuse to answer.

19 **Q. Does the person who takes the call, is**  
20 **there sort of a standard list of topics that's**  
21 **discussed with someone when they call in?**

22 MR. JENSEN: Same objection as it  
23 relates to -- directly related to the advocacy  
24 services provided by SNAP.

25 BY MS. COHARA:

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1 **Q. Does SNAP inform potential new members**  
2 **of websites such as bishopaccountability.org?**

3 MR. JENSEN: Same objection.

4 BY MS. COHARA:

5 **Q. Are you going to refuse to answer?**

6 A. Not going to answer.

7 **Q. What other organizations is SNAP**  
8 **affiliated with?**

9 A. Affiliated with, none. 2:31P

10 **Q. Is SNAP affiliated with M [REDACTED]**

11 [REDACTED]

12 MR. JENSEN: Objection to the vague  
13 nature of the question without explaining to the  
14 witness what you mean by "affiliated." Subject to  
15 that you can answer the question.

16 A. Are we affiliated with [REDACTED]

17 [REDACTED]

18 BY MS. COHARA:

19 **Q. Yes, that's my question.**

20 A. I mean I know some of the people in [REDACTED]  
21 [REDACTED] We've helped them. I know a number  
22 of people in [REDACTED] You know,  
23 we're separate organizations.

24 **Q. When you say you've helped them, what**  
25 **type of help have you provided to [REDACTED]?**

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1 A. Helping to teach them how to respond  
2 to survivors who call in pain.

3 **Q. And who have you worked with at [REDACTED]**

4 [REDACTED]

5 THE WITNESS: Should I name names? 2:32P

6 I mean -- sorry.

7 (DISCUSSION WAS HAD OFF THE RECORD)

8 MR. JENSEN: We need to take a break.

9 (AT THIS POINT A BRIEF RECESS WAS  
10 TAKEN)

11 BY MS. COHARA: 2:34P

12 **Q. Do you need the question read back to**  
13 **you?**

14 A. Sure.

15 MS. COHARA: Do you mind reading the  
16 last question please?

17 (REPORTER READ FROM THE RECORD AS  
18 FOLLOWS:

19 QUESTION: And who have you worked  
20 with at [REDACTED]?)

21 MR. JENSEN: Same objections based on 2:35P  
22 the Missouri Rape Crisis Center Statute and then  
23 the series of First Amendment objections we've  
24 been making which I'd like to just refer to as the  
25 First Amendment objections if that's okay.

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1 Referring here on out to First Amendment right to  
2 free speech, free association, freedom of  
3 assembly, NAACP versus Alabama, National Press  
4 Association versus Stuart. And again I'll just  
5 refer to those as the First Amendment objections.

6 Object to the form of the question,  
7 object to relevance and instruct the witness not  
8 to answer the question.

9 A. Not going to answer.

10 BY MS. COHARA:

11 **Q. I suspect I'll get the same objection.**  
12 **But how about who have you worked with at [REDACTED]**

13 [REDACTED]

14 MR. JENSEN: Same objection. Same  
15 instruction.

16 BY MS. COHARA:

17 **Q. Does SNAP share meetings with any**  
18 **other groups? When you have your group meetings**  
19 **are they with other groups like [REDACTED]**

20 [REDACTED]

21 A. Our support group meetings are always  
22 just us.

23 **Q. Just SNAP?**

24 A. Victims and their loved ones and  
25 spouses. I'm sure -- well, let me -- I'm sure

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<p>1      that at some point during our 23 year history at 2      one or more of our support group meetings 3      somewhere a guest speaker may have been brought in 4      who might be with another organization. But for 5      the most part our support group meetings are for 6      healing and they're confidential and they're open 7      to only victims and their loved ones. 8      The goal is obviously to find a safe 9      place for people who can share their pain and 10     their experiences with other people who understand 11     and can offer consolation and guidance. 12     <b>Q. I understand SNAP has an annual 13     conference every year?</b> 14     A. Uh-huh. 15     <b>Q. Are other organizations invited to 16     that conference?</b> 17     A. Sure. 18     <b>Q. And I believe I saw somewhere it costs 19     about \$75 for the weekend to come to the 20     conference. How are -- are the costs of the 21     tickets or membership or however you pay to come 22     to the conference, is that subsidized or where do 23     you get the cost of the annual conference of about 24     \$75 or is that incorrect?</b> 25     A. Some of the cost varies from year to</p> <p style="text-align: right;">2:37P Page 154</p>	<p>1      A. Some do. 2      <b>Q. In their capacity as attorneys rather 3      than members of SNAP?</b> 4      A. I don't know how to answer that 5      question. 6      <b>Q. Have any attorneys been guest speakers 7      at any of the annual conferences?</b> 8      A. I'm sure. Barbara Blaine is an 9      attorney, she speaks at every one. Other 10     attorneys I'm sure have spoken as well. 11     <b>Q. Do you recall any other attorneys that 12     have spoken at the conference?</b> 13     A. Sure. [REDACTED] 14     who is an attorney for the Diocese of 15     Galveston-Houston. Who was ostracized and 16     retaliated against when he reported his own abuse 17     to church officials. I'm sure Jeff Anderson has 18     spoken. Let me think. Who else. You know, the 19     programs for these are on our website. Probably 20     not every single one but the programs for many of 21     them. And -- 22     <b>Q. When you talked about the purpose of 23     SNAP, and I understand according to the website 24     and what you've talked about today, it's victim 25     assistance. Is SNAP also organized with respect</b></p> <p style="text-align: right;">2:39P Page 156</p>
<p>1      year location to location. Some of it, we do 2      subsidize and waive the fee for some of our 3      members who come. 4      <b>Q. And is that -- when it's subsidized 5      does that money come from SNAP?</b> 6      A. Yes. 7      <b>Q. So who attends or who generally comes 8      to the conferences?</b> 9      A. For the most part victims. 10     <b>Q. Besides --</b> 11     A. Their family members. Their loved 12     ones. Sometimes, you know, concerned Catholics 13     come. Guest speakers. Current and former 14     whistle-blowers who have been fired or demoted or 15     ostracized or otherwise, you know, experienced 16     retribution for having reported known and 17     suspected child sex crimes and cover-ups. 18     <b>Q. Have they --</b> 19     A. Therapists. 20     <b>Q. Sorry.</b> 21     A. Sorry. 22     <b>Q. No, go ahead.</b> 23     A. I'm just, you know - it's a variety. 24     Police. Prosecutors. Judges. 25     <b>Q. Do attorneys attend?</b></p> <p style="text-align: right;">2:38P Page 155</p>	<p>1      <b>to lobbying efforts with respect to statutes of 2      limitation?</b> 3      A. Let me take a step back. You know, 4      protecting the vulnerable and healing the victims. 5      It's a dual -- you know. So it's not just about 6      healing. It's not just about prevention. But 7      both. And your question was do we do what? 8      Sorry. 9      <b>Q. Involved in organizing lobbying 10     efforts before state legislatures?</b> 11     A. A little bit. A little bit. Not 12     much. 13     <b>Q. When you do organize to go before 14     state legislatures with the lobbying efforts on 15     statute of limitations, do you bring victims or 16     members of SNAP with you to testify at the state 17     legislatures?</b> 18     A. I mean they're all adults. They 19     come, -- you know, we spread the word that the 20     legislative committee is considering this or 21     legislative body considering this and we invite 22     victims and their loved ones to come, sure. 23     <b>Q. So they've attended -- victims have 24     attended the state -- certain state legislature 25     lobbying efforts with SNAP?</b></p> <p style="text-align: right;">2:40P 2:41P Page 157</p>

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<p>1 A. Sure.</p> <p>2 <b>Q. Does SNAP register lobbyists?</b></p> <p>3 A. I think we -- I'm not sure. I'm not</p> <p>4 sure.</p> <p>5 <b>Q. Who would know the answer to that?</b></p> <p>6 A. Barbara Blaine.</p> <p>7 <b>Q. Has SNAP ever reimbursed anyone for</b></p> <p>8 <b>travel expenses to attend or testify before state</b></p> <p>9 <b>legislatures?</b></p> <p>10 A. I don't know.</p> <p>11 <b>Q. Who would know?</b></p> <p>12 A. It's probably Barbara.</p> <p>13 <b>Q. What percentage of your time is spent</b></p> <p>14 <b>on lobbying efforts?</b></p> <p>15 A. Minuscule. I mean -- well, I don't</p> <p>16 know how to answer that question. We've been</p> <p>17 around for 23 years. Some years we do -- most</p> <p>18 years we don't do anything that's construed as</p> <p>19 lobbying. A few years we did. We do less now.</p> <p>20 <b>Q. And my question is you specifically?</b> 2:42 P</p> <p>21 A. Right, okay. Up until 2002, zero.</p> <p>22 Roughly since 2008, near zero. In the middle of</p> <p>23 those, 5 percent, maybe.</p> <p>24 <b>Q. Would you have knowledge of the</b></p> <p>25 <b>percent of SNAP income that's spent on lobbying</b></p> <p style="text-align: right;">Page 158</p>	<p>1 (REPORTER READ FROM THE RECORD AS</p> <p>2 FOLLOWS:</p> <p>3 QUESTION: Do you know or have you --</p> <p>4 well, have you ever spoke with a woman</p> <p>5 by the name of [REDACTED] )</p> <p>6 MR. JENSEN: Objection based on the</p> <p>7 Missouri Rape Crisis Center Statute as it deals</p> <p>8 with advocacy efforts.</p> <p>9 BY MS. COHARA:</p> <p>10 <b>Q. I'm going to ask you a few more names.</b></p> <p>11 <b>[REDACTED]?</b></p> <p>12 (DISCUSSION WAS HAD OFF THE RECORD)</p> <p>13 MR. JENSEN: Same objection.</p> <p>14 BY MS. COHARA:</p> <p>15 <b>Q. [REDACTED]</b></p> <p>16 (DISCUSSION WAS HAD OFF THE RECORD)</p> <p>17 A. Yes, I don't know who it is.</p> <p>18 <b>Q. You don't know who it is, okay.</b></p> <p>19 A. [REDACTED] --</p> <p>20 <b>Q. [REDACTED]?</b></p> <p>21 (DISCUSSION WAS HAD OFF THE RECORD)</p> <p>22 MR. JENSEN: Same objection at least</p> <p>23 without a foundation.</p> <p>24 BY MS. COHARA: 2:52 P</p> <p>25 <b>Q. [REDACTED]</b></p> <p style="text-align: right;">Page 160</p>
<p>1 <b>efforts? Who would have that knowledge?</b></p> <p>2 A. I suspect Barbara. But I keep harping</p> <p>3 on this, you know, the overwhelming majority of</p> <p>4 work that's done by and through SNAP are all --</p> <p>5 it's volunteer. It's men and women who give up</p> <p>6 their day jobs and who give up their off hours to</p> <p>7 go and advocate for wounded victims and for</p> <p>8 innocent kids and to try to make it easier to</p> <p>9 expose predators and keep them away from children.</p> <p>10 And it's wonderful people who don't get paid a</p> <p>11 nickel. And don't for the most part get their gas</p> <p>12 mileage reimbursed. And don't for the most part</p> <p>13 get their lunch paid. I'm sorry, it's just --</p> <p>14 <b>Q. Do you know or have you -- well, have</b> 2:44 P</p> <p>15 <b>you ever spoke with a woman by the name of [REDACTED]</b></p> <p>16 [REDACTED]</p> <p>17 MR. JENSEN: Object to lack of</p> <p>18 foundation. I'd ask that -- well, object to lack</p> <p>19 of foundation.</p> <p>20 MS. RANGLES: Jeff, we need to step</p> <p>21 out for a second.</p> <p>22 (AT THIS POINT A BRIEF RECESS WAS</p> <p>23 TAKEN)</p> <p>24 MR. JENSEN: Read back the question. 2:51 P</p> <p>25 I forgot where we left off.</p> <p style="text-align: right;">Page 159</p>	<p>1 MR. JENSEN: Same objection. I'd add</p> <p>2 the First Amendment objections as well. Relevance</p> <p>3 and form of question and lack of foundation.</p> <p>4 BY MS. COHARA:</p> <p>5 <b>Q. And I don't know if it's been clear in</b></p> <p>6 <b>this deposition. So I'm going to ask again. I'm</b></p> <p>7 <b>sorry if it's been asked. But as far as does SNAP</b></p> <p>8 <b>refer victims or potential victims to lawyers when</b></p> <p>9 <b>they come to seek help from SNAP?</b></p> <p>10 (DISCUSSION WAS HAD OFF THE RECORD)</p> <p>11 MR. JENSEN: Same objections.</p> <p>12 BY MS. COHARA:</p> <p>13 <b>Q. Has SNAP ever encouraged any person</b></p> <p>14 <b>that's contacted SNAP to locate potential</b></p> <p>15 <b>claimants against a priest or a diocese?</b></p> <p>16 A. Have we ever --</p> <p>17 MS. COHARA: Can you read that back?</p> <p>18 I don't think I can ask it as well the second</p> <p>19 time.</p> <p>20 (REPORTER READ FROM THE RECORD AS</p> <p>21 FOLLOWS:</p> <p>22 QUESTION: Has SNAP ever encouraged</p> <p>23 any person that's contacted SNAP to</p> <p>24 locate potential claimants against a</p> <p>25 priest or a diocese?)</p> <p style="text-align: right;">Page 161</p>

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<p>1 (DISCUSSION WAS HAD OFF THE RECORD) 2:53P</p> <p>2 A. No. We --</p> <p>3 MR. JENSEN: Just answer the question.</p> <p>4 BY MS. COHARA:</p> <p>5 <b>Q. You answered no to the question I just</b></p> <p>6 <b>asked about SNAP encouraging persons to locate</b></p> <p>7 <b>potential claimants against a diocese or priests.</b></p> <p>8 <b>And your answer to that was no. What does SNAP</b></p> <p>9 <b>do -- do they do anything to encourage others to</b></p> <p>10 <b>reach out to victims that maybe haven't come to</b></p> <p>11 <b>SNAP specifically?</b></p> <p>12 A. We -- since day one we've always . 2:54P</p> <p>13 encouraged anybody who saw, suspected or suffered</p> <p>14 or sees, suspects or suffers a child sex crime by</p> <p>15 clergy or others, we always have and always will</p> <p>16 encourage them to break their silence, reach out,</p> <p>17 get help, contact law enforcement, expose</p> <p>18 predators, protect kids, start healing. Always</p> <p>19 have done that. Always will do that.</p> <p>20 <b>Q. Does SNAP have an attorney-client</b></p> <p>21 <b>privilege with plaintiff's counsel in the cases</b></p> <p>22 <b>that you all do press releases for or media</b></p> <p>23 <b>statements, is there an attorney-client privilege</b></p> <p>24 <b>with that particular victim's attorney and SNAP?</b></p> <p>25 MR. JENSEN: Objection, calls for a</p> <p style="text-align: right;">Page 162</p>	<p>1 statements, is there an</p> <p>2 attorney-client privilege with that</p> <p>3 particular victim's attorney and</p> <p>4 SNAP?)</p> <p>5 MR. JENSEN: Objection, the same</p> <p>6 series of First Amendment objections. Also</p> <p>7 attorney-client privilege. Rape Crisis Center</p> <p>8 Statute objection.</p> <p>9 And object to the form, object to the</p> <p>10 lack of foundation and object to relevance.</p> <p>11 Direct the witness not to answer the question.</p> <p>12 BY MS. COHARA:</p> <p>13 <b>Q. If someone called you and asked to</b></p> <p>14 <b>have an attorney recommended to them because they</b></p> <p>15 <b>wanted to file a lawsuit, do you have a list of</b></p> <p>16 <b>attorneys that you refer people to?</b></p> <p>17 MR. JENSEN: Same objection. Instruct 2:57P</p> <p>18 the witness not to answer the question.</p> <p>19 BY MS. COHARA:</p> <p>20 <b>Q. Does SNAP have any contracts with</b></p> <p>21 <b>lawyers throughout the United States with respect</b></p> <p>22 <b>to the representation of folks that call in to</b></p> <p>23 <b>SNAP and are seeking representation?</b></p> <p>24 MR. JENSEN: Same objection. Same</p> <p>25 instruction.</p> <p style="text-align: right;">Page 164</p>
<p>1 legal conclusion as to what's attorney-client</p> <p>2 privileged, lack of foundation. Subject to that</p> <p>3 you can answer the question.</p> <p>4 MS. RANGLES: I further object that</p> <p>5 SNAP isn't just David Clohessy. And to the extent</p> <p>6 you're asking if individual SNAP members have</p> <p>7 attorney-client relationships, the answer is yes.</p> <p>8 And I'm not going to answer any further because</p> <p>9 that in and of itself would violate their</p> <p>10 privilege of confidentiality with me.</p> <p>11 MS. COHARA: I'm asking about the SNAP 2:56P</p> <p>12 organization generally.</p> <p>13 MS. RANGLES: If you mean SNAP</p> <p>14 national as opposed to SNAP local --</p> <p>15 MS. COHARA: Because he's the</p> <p>16 executive director of SNAP. So I'm asking about</p> <p>17 SNAP national.</p> <p>18 MR. JENSEN: Can you read the question</p> <p>19 back again?</p> <p>20 (REPORTER READ FROM THE RECORD AS</p> <p>21 FOLLOWS:</p> <p>22 QUESTION: Does SNAP have an</p> <p>23 attorney-client privilege with</p> <p>24 plaintiff's counsel in the cases that</p> <p>25 you all do press releases for or media</p> <p style="text-align: right;">Page 163</p>	<p>1 BY MS. COHARA: 2:58P</p> <p>2 <b>Q. Has Marcy Hamilton, Father Thomas</b></p> <p>3 <b>Doyle or Dr. Richard Sipe ever spoke at any of</b></p> <p>4 <b>your annual conferences?</b></p> <p>5 A. Marcy Hamilton, Tom Doyle, Richard</p> <p>6 Sipe?</p> <p>7 <b>Q. Correct.</b></p> <p>8 A. Yes, they have.</p> <p>9 <b>Q. And have they received speaker fees</b></p> <p>10 <b>when they have spoken at the conferences?</b></p> <p>11 A. No.</p> <p>12 <b>Q. Is that no speaker fees from SNAP or</b></p> <p>13 <b>they've not received speaker fees at all?</b></p> <p>14 A. They haven't received speaker's fees</p> <p>15 from us. I can't imagine that somebody else would</p> <p>16 pay them to -- no, no -- to the best of my</p> <p>17 knowledge we haven't paid speaker's fees for --</p> <p>18 (DISCUSSION WAS HAD OFF THE RECORD) 2:59P</p> <p>19 A. Don't know that for certain but to the</p> <p>20 best of my knowledge.</p> <p>21 <b>Q. Who would know that for certain?</b></p> <p>22 A. Probably Barbara Blaine.</p> <p>23 <b>Q. Okay. Who is in charge of SNAP's</b></p> <p>24 <b>website? Is there a specific company or is it</b></p> <p>25 <b>done in-house?</b></p> <p style="text-align: right;">Page 165</p>

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1 A. Don't know.  
2 **Q. Who would know that?**  
3 A. Probably Barbara Blaine.  
4 **Q. Is there a specific person at SNAP in**  
5 **charge of press releases or media statements?**  
6 A. To the degree that there's anybody  
7 it's probably me.  
8 **Q. Okay. Did any organizations like SNAP** 3:00P  
9 **to your knowledge exist in the 1960s?**  
10 MR. JENSEN: Object, relevance.  
11 Subject to the objection you can answer the  
12 question.  
13 A. I don't know.  
14 BY MS. COHARA:  
15 **Q. How about the '70s?**  
16 MR. JENSEN: Same objection.  
17 A. Don't know.  
18 BY MS. COHARA:  
19 **Q. Do you agree with me that semblance of**  
20 **truth is the proper standard for determining**  
21 **whether a priest who has been accused may continue**  
22 **in ministry?**  
23 MS. RANGLES: I'm sorry?  
24 MR. JENSEN: Can you repeat that 3:02P  
25 question?

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1 MS. COHARA: Yes, can you repeat that?  
2 (REPORTER READ FROM THE RECORD AS  
3 FOLLOWS:  
4 QUESTION: Do you agree with me that  
5 semblance of truth is the proper  
6 standard for determining whether a  
7 priest who has been accused may  
8 continue in ministry?)  
9 MR. JENSEN: Objection in that it's  
10 been asked and answered and we've discussed at  
11 length the standard. But subject to that you can  
12 answer the question.  
13 A. Do I agree that semblance of truth  
14 should be the standard?  
15 BY MS. COHARA:  
16 **Q. Is the proper standard?**  
17 A. I think that the safety of children  
18 should be the standard.  
19 **Q. And how is that different -- well, how**  
20 **about so do you disagree that semblance of truth**  
21 **is a proper standard?**  
22 A. I mean it depends on who is setting  
23 and then determining the standard, right? I mean  
24 if --  
25 MS. RANGLES: I object to the form of

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1 the question because it's vague.  
2 BY MS. COHARA:  
3 **Q. You asked for what. For determining**  
4 **whether a priest who has been accused may continue**  
5 **in ministry?**  
6 MS. RANGLES: So you're asking -- the  
7 question then, just so I understand it, is you're  
8 asking if there's a semblance of truth to the  
9 allegations, then the --  
10 BY MS. COHARA: 3:03P  
11 **Q. My question is does he then -- then do**  
12 **you believe semblance of truth is not a proper**  
13 **standard for determining whether a priest who has**  
14 **been accused may continue in ministry?**  
15 MS. RANGLES: Objection.  
16 MR. JENSEN: Objection to the form of  
17 the question. And asked and answered several  
18 times.  
19 MS. COHARA: It's not been answered.  
20 I asked if he agreed and he didn't, he gave  
21 another standard. So then I'm asking if he is now  
22 saying he doesn't agree.  
23 MR. JENSEN: Objection, form of the  
24 question, asked and answered. Subject to that you  
25 can answer the question.

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1 A. It depends who is defining what a  
2 semblance of truth is and then who is making the  
3 determination.  
4 BY MS. COHARA:  
5 **Q. Who would have to be --**  
6 A. Father Tierney wouldn't -- sorry to  
7 interrupt.  
8 **Q. Who would have to be defining what the**  
9 **semblance of truth is for you to agree that that's**  
10 **the standard?**  
11 MR. JENSEN: Objection, form of the  
12 question. Asked and answered. Subject to that.  
13 BY MS. COHARA:  
14 **Q. You answered it would depend on who**  
15 **was giving the standard?**  
16 A. I'm having a real hard time 3:04P  
17 understanding your question.  
18 **Q. I'm having a hard time with your**  
19 **answer. So my question is you said it would**  
20 **depend on who -- I can't remember what his answer**  
21 **was exactly. I think you said it depended on who**  
22 **was giving the semblance of truth. And I think,**  
23 **are you talking about, is that either a diocese or**  
24 **a victim?**  
25 MS. RANGLES: Object to the form of

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<p>1 the question. 2 MR. JENSEN: Objection. 3 MS. COHARA: I asked -- the answer -- 4 if you could read back his answer to my first 5 original question. That will help me make it more 6 clear. My apologies. It's getting late in the 7 day. 8 (REPORTER READ FROM THE RECORD AS 3:05P 9 FOLLOWS: 10 ANSWER: It depends who is defining 11 what a semblance of truth is and then 12 who is making the determination.) 13 (DISCUSSION WAS HAD OFF THE RECORD) 14 MS. COHARA: Well, I think they're not 15 listening so -- 16 MR. JENSEN: Go ahead. I thought you 17 were reading back for yourself. 18 MS. COHARA: No, it's so you guys 19 understand my question. 20 REPORTER: (rereading answer) It 21 depends who is defining what a 22 semblance of truth is and then who is 23 making the determination. 24 BY MS. COHARA: 25 <b>Q. So who would it have to be that is</b></p> <p style="text-align: right;">Page 170</p>	<p>1 semblance of truth, preponderance of evidence, it 2 doesn't matter what those words are. In practice 3 in our experience with SNAP many, many, many times 4 bishops keep in ministry priests who we believe 5 are credibly accused child molesters. 6 So what matters to us is -- I don't 7 know if this helps -- but what matters to us -- it 8 matters to us much less what the formal written 9 policies are of a diocese. Because in essence 10 every bishop is lord of his own kingdom and in 11 practice oftentimes ignores whatever promises are 12 written on paper, whatever the terms are, whatever 13 the phrases are, whatever the standard allegedly 14 is. And bishops cling desperately to priests and 15 keep them in ministry even after they've been 16 accused of -- and that's one reason why hundreds 17 of thousands of kids have been sexually violated 18 by priests, nuns, bishops, seminarians. 19 <b>Q. Does SNAP monitor regularly the</b> 3:08P 20 <b>activities of the United States Conference of</b> 21 <b>Catholic Bishops?</b> 22 A. Do we monitor the activities of the 23 United States Conference of Catholic Bishops -- 24 MS. RANGLES: Object to the form of 25 the question. It's vague and confusing.</p> <p style="text-align: right;">Page 172</p>
<p>1 <b>defining the semblance of truth that you would</b> 2 <b>agree that semblance of truth is the proper</b> 3 <b>standard?</b> 4 MS. RANGLES: Object to the form of 5 the question. It's vague and confusing. 6 MR. JENSEN: Object to the form of the 7 question. Asked and answered. Subject to that if 8 you can answer the question, answer it. 9 A. I don't feel like I can answer the 10 question. Can you try one more time please? I'm 11 sorry. 12 BY MS. COHARA: 13 <b>Q. You said it depended on who was</b> 14 <b>defining the semblance of truth; is that correct?</b> 15 A. The semblance of truth of an 16 allegation of sexual abuse against a priest? 17 <b>Q. Correct. And your answer was it</b> 18 <b>depended on who was defining it. The answer was</b> 19 <b>read back. Was that your answer?</b> 20 A. In our experience we don't have a lot 21 of faith in when church officials are making the 22 call about whether an accused priest should be 23 removed. You know, in our experience of 22 years 24 it seems that many church officials, no matter 25 what the standard is, one strike and you're out,</p> <p style="text-align: right;">Page 171</p>	<p>1 BY MS. COHARA: 2 <b>Q. Have you studied the Dallas Charter --</b> 3 A. Oh, sure. 4 <b>Q. -- for the protection of children and</b> 5 <b>young people --</b> 6 A. Sure. 7 <b>Q. -- adopted by the USCCB?</b> 8 A. Sure. 9 <b>Q. Are you familiar -- so you are</b> 10 <b>familiar with the Dallas Charter?</b> 11 A. Somewhat, yes. 12 <b>Q. So are you familiar with the portion</b> 3:09P 13 <b>that -- the obligation of every bishop in the</b> 14 <b>country to reach out and try to assist anyone who</b> 15 <b>has complained of being abused as a minor by a</b> 16 <b>member of the Roman Catholic clergy?</b> 17 A. I've read that. 18 <b>Q. How about whether the obligation of</b> 19 <b>every bishop to report suspected child abuse to</b> 20 <b>the local police and comply with all applicable</b> 21 <b>civil laws?</b> 22 A. I've certainly read that. 23 <b>Q. The obligation to create a review</b> 24 <b>board composed of a majority of lay people to</b> 25 <b>advise the bishop in his assessment of allegations</b></p> <p style="text-align: right;">Page 173</p>

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<p>1 of sexual abuse against a minor by a priest in</p> <p>2 determining a cleric's suitability for ministry?</p> <p>3 A. I've read that.</p> <p>4 Q. A bishop is to investigate if there's</p> <p>5 a semblance of truth which we just discussed?</p> <p>6 A. That's what the promise is, yes. The</p> <p>7 reality differs.</p> <p>8 Q. The obligation of each diocese to</p> <p>9 create a safe environment program with training</p> <p>10 programs and recognize child abuse --</p> <p>11 A. That's the promise.</p> <p>12 Q. -- among teachers, parents, volunteers</p> <p>13 and employees, et cetera?</p> <p>14 A. That's what the promise is.</p> <p>15 Q. That each Catholic diocese in the</p> <p>16 United States submit to independent audit</p> <p>17 periodically.</p> <p>18 A. That's the promise. 3:10P</p> <p>19 Q. Then finally that the USCCB has</p> <p>20 created and staffed its own office of child and</p> <p>21 youth protection; have you read that?</p> <p>22 A. That's the promise.</p> <p>23 Q. Are you aware of any other major</p> <p>24 Christian denomination that has developed such a</p> <p>25 comprehensive policy to prevent child abuse?</p> <p style="text-align: right;">Page 174</p>	<p>1 Presbyterian church has done better. The Lutheran</p> <p>2 church has done better. The Episcopalian church</p> <p>3 has done better. Every denomination, every</p> <p>4 institution can and should do a better job of</p> <p>5 protecting kids. No institution is perfect. In</p> <p>6 our experience, sadly, the Catholic hierarchy has</p> <p>7 had far and away the worst track record and</p> <p>8 continues to.</p> <p>9 Q. Would you agree that the Charter is a</p> <p>10 positive step towards rooting out past child abuse</p> <p>11 in the Roman Catholic church?</p> <p>12 MR. JENSEN: Object to the form of the</p> <p>13 question.</p> <p>14 BY MS. COHARA:</p> <p>15 Q. And for preventing child abuse in the</p> <p>16 future?</p> <p>17 MR. JENSEN: Object to the form of the</p> <p>18 question. Object to any relevance to this case.</p> <p>19 Subject to that you can answer the question.</p> <p>20 A. Could you repeat the question please?</p> <p>21 BY MS. COHARA:</p> <p>22 Q. Would you agree with me that the</p> <p>23 Charter is a positive step towards rooting out</p> <p>24 past child abuse in the Roman Catholic Church in</p> <p>25 America and preventing child abuse in the future?</p> <p style="text-align: right;">Page 176</p>
<p>1 MR. JENSEN: Object to the form of the</p> <p>2 question. Object to lack of foundation. Subject</p> <p>3 to that you can answer the question.</p> <p>4 A. Policies don't protect children.</p> <p>5 Action protects children. Words on paper by</p> <p>6 Catholic officials, sadly, those promises have</p> <p>7 been violated time and time again and continue to</p> <p>8 be violated time and time again. Bishops are lord</p> <p>9 of their own kingdom. They make their own</p> <p>10 decisions. They ignore their own rules. They put</p> <p>11 kids at risk and they continue to do so.</p> <p>12 BY MS. COHARA:</p> <p>13 Q. And that's actually not an answer.</p> <p>14 That doesn't answer my question. My question was</p> <p>15 are you aware of any other major Christian</p> <p>16 denomination that's developed such a comprehensive</p> <p>17 policy to prevent child abuse?</p> <p>18 A. I'm disputing the last few words of</p> <p>19 your question. Other denominations have adopted</p> <p>20 policies as well as the Catholic church. I'm sure</p> <p>21 some are better. I'm sure some are worse.</p> <p>22 Q. Can you -- which ones are better?</p> <p>23 A. You know, we judge policies based on 3:11P</p> <p>24 how they're implemented. So in our experience the</p> <p>25 Methodist church has done better. The</p> <p style="text-align: right;">Page 175</p>	<p>1 A. I would submit that it's a belated, 3:12P</p> <p>2 begrudging and small step forward that remains</p> <p>3 largely not implemented in any meaningful way.</p> <p>4 And that it serves as an extraordinary public</p> <p>5 relations tool for church officials.</p> <p>6 And it was adopted only in response to</p> <p>7 tremendous pressure from parishioners and police</p> <p>8 and prosecutors and the public and parents and</p> <p>9 victims and their advocates after years, after</p> <p>10 decades and decades and decades of recklessness</p> <p>11 and callousness and deceit that has led to</p> <p>12 thousands and thousands of innocent lives being</p> <p>13 shattered.</p> <p>14 Q. Has SNAP ever issued a single press</p> <p>15 release commending the USCCB or any diocese or</p> <p>16 archdiocese for taking even a single positive</p> <p>17 step?</p> <p>18 MR. JENSEN: Objection. 3:13P</p> <p>19 A. Yes.</p> <p>20 MR. JENSEN: Objection as to</p> <p>21 relevance. Subject to the objection you can</p> <p>22 answer.</p> <p>23 A. Yes, we have.</p> <p>24 BY MS. COHARA:</p> <p>25 Q. Can you give me examples of when SNAP</p> <p style="text-align: right;">Page 177</p>

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<p>1 has?</p> <p>2 A. Let's see. Where to start. We</p> <p>3 praised the diocese of Metuchen, New Jersey, a</p> <p>4 bishop there I want to say in 2003. We often</p> <p>5 include the phrase: We are grateful that the</p> <p>6 bishop has suspended Father X or Father Y. We</p> <p>7 often say we are glad that the Vatican has</p> <p>8 defrocked Father X or Father Y.</p> <p>9 We praised a bishop in the case of</p> <p>10 Father Henry Willenborg in Wisconsin who refused</p> <p>11 to do the hair-splitting and excuse-making and do</p> <p>12 nothing when Father Willenborg was credibly</p> <p>13 accused of molesting a child and sexually</p> <p>14 exploiting an adult vulnerable Catholic</p> <p>15 parishioner and impregnating her and then ignoring</p> <p>16 her child and refusing to support the child. That</p> <p>17 bishop removed Father Willenborg from parish</p> <p>18 ministry just two and a half years ago, even</p> <p>19 though he could have done what so many of his</p> <p>20 brother bishops did, he could have claimed well,</p> <p>21 he's a religious order priest and I'm a bishop and</p> <p>22 I don't have any control over him.</p> <p>23 We've praised Bishop Wilton Gregory of</p> <p>24 Belleville, formerly of Atlanta, several times,</p> <p>25 any number of times frankly.</p> <p style="text-align: right;">Page 178</p>	<p>1 break. We can either do it now or -- if you're at</p> <p>2 a --</p> <p>3 MS. COHARA: Yes, you can take a</p> <p>4 break. I think I'm done.</p> <p>5 (AT THIS POINT A BRIEF RECESS WAS</p> <p>6 TAKEN)</p> <p>7 (VIDEOTAPE NUMBER 5) 3:23P</p> <p>8 Q. Mr. Clohessy, have you established any</p> <p>9 electronic or social media profiles in the name of</p> <p>10 Bishop Robert Finn?</p> <p>11 A. No. I'm sorry. I'm barely -- you</p> <p>12 know, I can sharpen -- use an electric pencil</p> <p>13 sharpener. That's kind of the extent of it.</p> <p>14 Q. Have you incited others to establish</p> <p>15 profiles under the name of Bishop Robert Finn?</p> <p>16 A. No. And I resent the question. We</p> <p>17 don't incite people. We don't encourage people to</p> <p>18 be deceitful or deceptive in any way, shape or</p> <p>19 form.</p> <p>20 Q. Do you know [REDACTED]?</p> <p>21 A. No.</p> <p>22 MS. COHARA: That's all I have.</p> <p>23 (DISCUSSION WAS HAD OFF THE RECORD)</p> <p>24 A. I don't think I know [REDACTED]</p> <p>25 EXAMINATION</p> <p style="text-align: right;">Page 180</p>
<p>1 I could go on and on.</p> <p>2 Q. Okay. 3:15P</p> <p>3 A. As --</p> <p>4 Q. Would you agree that based on the</p> <p>5 Dallas Charter and what many of the dioceses are</p> <p>6 doing, that it does help the Church to curb child</p> <p>7 abuse?</p> <p>8 MR. JENSEN: Object to relevance.</p> <p>9 Object to form of the question. Subject to that</p> <p>10 you can answer it.</p> <p>11 A. I'm sure it helps somewhat.</p> <p>12 BY MS. COHARA:</p> <p>13 Q. Establish state of the art safe</p> <p>14 environment programs, would you agree that that's</p> <p>15 what it does as well, or has done?</p> <p>16 A. I'm -- it's a little hard to</p> <p>17 acknowledge that these are state of the art</p> <p>18 programs. But, you know, --</p> <p>19 Q. So yes, it has created safe environ --</p> <p>20 we can take out the "state of the art." but how</p> <p>21 about just safe environment programs?</p> <p>22 A. Have dioceses created those, yes, they</p> <p>23 have.</p> <p>24 (DISCUSSION WAS HAD OFF THE RECORD)</p> <p>25 THE WITNESS: I'm going to need a</p> <p style="text-align: right;">Page 179</p>	<p>1 QUESTIONS BY MR. MEYERS:</p> <p>2 Q. Mr. Clohessy, my name is Marty Meyers.</p> <p>3 And I represent Father Mark Honhart. Sir, do I</p> <p>4 understand correctly that if you are provided a</p> <p>5 release from Ms. Randles whereby the plaintiffs</p> <p>6 who have accused my client of sexual abuse waive</p> <p>7 any confidentiality requirements under the Rape</p> <p>8 Crisis Center Statute, that you have no objection</p> <p>9 to providing us with whatever communications you</p> <p>10 may have had with those individuals?</p> <p>11 A. I -- you know, I -- 3:25P</p> <p>12 (DISCUSSION WAS HAD OFF THE RECORD)</p> <p>13 MS. RANGLES: Let me say on the record</p> <p>14 that one of our concerns is that --</p> <p>15 (DISCUSSION WAS HAD OFF THE RECORD)</p> <p>16 A. Yes, I'm obviously not a lawyer.</p> <p>17 MR. JENSEN: By the way, let me object</p> <p>18 to the extent it calls for a legal opinion and to</p> <p>19 the form of the question. Subject to that answer</p> <p>20 the question.</p> <p>21 A. You know, our default position is that</p> <p>22 we protect the privacy, confidentiality of</p> <p>23 victims, witnesses, whistle-blowers, concerned</p> <p>24 Catholics, current and former church employees, on</p> <p>25 and on and on, police and prosecutors, on and on</p> <p style="text-align: right;">Page 181</p>

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<p>1 and on.</p> <p>2 So if somebody says -- you know, gives</p> <p>3 us a written authorization that we can talk about</p> <p>4 or share information, I don't know that we've</p> <p>5 faced that before and my immediate reaction is</p> <p>6 there may be other people who are affected, there</p> <p>7 may be other principles involved. So I can't tell</p> <p>8 you what we would do if that happened.</p> <p>9 BY MR. MEYERS: 3:26P</p> <p>10 <b>Q. Okay. But I do correctly understand,</b></p> <p>11 <b>do I not, that in the absence of such a release</b></p> <p>12 <b>you're not going to disclose the content of those</b></p> <p>13 <b>communications?</b></p> <p>14 A. Right, we're not. And even if there</p> <p>15 were a release I don't -- I can't sit here and</p> <p>16 promise you that we would. You know, there's two</p> <p>17 things that matter, reality and perception. And I</p> <p>18 worry deeply, I mean people who contact us for</p> <p>19 help, you know, have been seriously violated,</p> <p>20 first by a powerful individual, and second,</p> <p>21 oftentimes by that cleric or coach or scout</p> <p>22 leader's colleagues and supervisors, okay.</p> <p>23 So the people who we help are</p> <p>24 incredibly -- many of them are incredibly</p> <p>25 frightened, incredibly mistrustful, incredibly</p> <p style="text-align: right;">Page 182</p>	<p>1 <b>Q. Are you refusing to answer my</b></p> <p>2 <b>question, sir?</b></p> <p>3 A. Yes.</p> <p>4 <b>Q. Have you had any communications with</b></p> <p>5 <b>John Doe, M.F. related to his interactions, if</b></p> <p>6 <b>any, with Father Mark Honhart?</b></p> <p>7 MR. JENSEN: Same objection and same</p> <p>8 instruction.</p> <p>9 BY MR. MEYERS:</p> <p>10 <b>Q. Same response?</b></p> <p>11 A. Same response.</p> <p>12 <b>Q. All right. Have you had any</b></p> <p>13 <b>communication with [REDACTED] regarding his</b></p> <p>14 <b>interactions, if any, with Father Mark Honhart?</b></p> <p>15 MR. JENSEN: Same objections, same</p> <p>16 instruction.</p> <p>17 A. Same result.</p> <p>18 BY MR. MEYERS:</p> <p>19 <b>Q. You're following your lawyer's advice</b></p> <p>20 <b>on all three questions?</b></p> <p>21 A. Correct. 3:28P</p> <p>22 <b>Q. Okay. I understand that you were</b></p> <p>23 <b>given a list of search criteria to search</b></p> <p>24 <b>documents responsive to the subpoena; correct?</b></p> <p>25 A. Yes.</p> <p style="text-align: right;">Page 184</p>
<p>1 skeptical of authority figures. And so we have to</p> <p>2 worry not just about that one individual in that</p> <p>3 one instance, but how others who are certainly</p> <p>4 involved, I mean other victims of the same</p> <p>5 predator or in the same diocese and even beyond</p> <p>6 that. So I mean we have always held a bright,</p> <p>7 clear, serious, strong inviolable principle that,</p> <p>8 you know, we don't disclose who talks to us, who</p> <p>9 we talk to, who we don't talk to, you know.</p> <p>10 <b>Q. Let me just ask this question 3:27P</b></p> <p>11 <b>directly, have you had any communication with John</b></p> <p>12 <b>Doe, J.D. about whatever interactions he may have</b></p> <p>13 <b>had with Father Mark Honhart?</b></p> <p>14 MR. JENSEN: Objection based on the</p> <p>15 Missouri Rape Crisis Center Statute, the same</p> <p>16 First Amendment objections that I've been making</p> <p>17 all along if I could just incorporate by reference</p> <p>18 please.</p> <p>19 MR. MEYERS: You may.</p> <p>20 MR. JENSEN: The form of the question.</p> <p>21 Relevance. And I'll direct the witness not to</p> <p>22 answer the question.</p> <p>23 MS. RANGLES: And I join the</p> <p>24 objection.</p> <p>25 BY MR. MEYERS:</p> <p style="text-align: right;">Page 183</p>	<p>1 <b>Q. Was Father Mark Honhart's name among</b></p> <p>2 <b>the names of the priests that you searched for</b></p> <p>3 <b>communication?</b></p> <p>4 A. Yes, sir.</p> <p>5 <b>Q. Did you find any communications that</b></p> <p>6 <b>discussed Father Mark Honhart?</b></p> <p>7 A. I don't know. I suspect we did. I</p> <p>8 don't know.</p> <p>9 <b>Q. Who would know that?</b></p> <p>10 A. Communications?</p> <p>11 <b>Q. Yes, e-mails, letters, notes?</b></p> <p>12 A. I don't know. I don't know.</p> <p>13 <b>Q. Don't know one way or the other?</b></p> <p>14 A. No, I'm sorry. I do -- yes, we had</p> <p>15 them grouped according to priest names and I do</p> <p>16 remember seeing Honhart's name with some pages</p> <p>17 attached.</p> <p>18 <b>Q. Okay. So those documents would be in</b></p> <p>19 <b>the possession of your lawyer that are being</b></p> <p>20 <b>withheld in a claim of privilege?</b></p> <p>21 A. I think I have them, right? I have</p> <p>22 the ones that we're withholding based on privilege</p> <p>23 are in my possession; is that right?</p> <p>24 MR. JENSEN: You have to answer the 3:29P</p> <p>25 question.</p> <p style="text-align: right;">Page 185</p>

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1 A. I'm sorry. My understanding is that  
2 our lawyers have the documents that were produced  
3 today and that are not privileged. And that a  
4 copy was given here and that they are retaining a  
5 copy. The documents that we believe are  
6 privileged are in my possession.  
7 BY MR. MEYERS:  
8 **Q. Okay. Will you maintain custody of**  
9 **those documents until we get this matter resolved**  
10 **by the court?**  
11 A. Yes, sir.  
12 **Q. Thank you. We sometimes make**  
13 **assumptions that people understand it and they**  
14 **don't realize oh, gee, I didn't understand. I**  
15 **just wanted to make sure you understood it.**  
16 A. I appreciate that. I'm sorry.  
17 **Q. Okay. I want to be clear on who is**  
18 **considered a member of SNAP. I'm not trying to**  
19 **find out the identity of any member. But if I**  
20 **were to contact you or another person associated**  
21 **with staff about a personal situation, would SNAP**  
22 **consider me a member?**  
23 THE WITNESS: Can we talk?  
24 MR. JENSEN: Sure. 3:31P  
25 (DISCUSSION WAS HAD OFF THE RECORD)  
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1 BY MR. MEYERS: 3:33P  
2 **Q. Mr. Clohessy, do you have the last**  
3 **question?**  
4 A. If I could hear it again please.  
5 (REPORTER READ FROM THE RECORD AS  
6 FOLLOWS:  
7 QUESTION: I want to be clear on who  
8 is considered a member of SNAP. I'm  
9 not trying to find out the identity of  
10 any member. But if I were to contact  
11 you or another person associated with  
12 staff about a personal situation,  
13 would SNAP consider me a member?)  
14 MR. JENSEN: Object to the form of the  
15 question and vague as to what's a personal  
16 situation. But subject to that you can answer the  
17 question.  
18 A. Yes.  
19 BY MR. MEYERS:  
20 **Q. Okay. That's what I thought but I**  
21 **wanted to be clear about that.**  
22 A. And when you say if I would contact  
23 you, you mean hypothetically, not you as a defense  
24 lawyer?  
25 **Q. Correct. I wouldn't contact you as a**  
Page 187

1 defense lawyer. I mean if I were an individual  
2 who had a personal situation --  
3 A. Understood. Understood.  
4 **Q. Sir, when was the first time that you**  
5 **recall knowing or believing that the activities**  
6 **that you personally perform on behalf of SNAP are**  
7 **governed or controlled by the Rape Crisis Center**  
8 **Statute?**  
9 MR. JENSEN: Objection, calls for a 3:34P  
10 legal conclusion. Object to the form of the  
11 question. Object to relevance. Subject to that  
12 you can answer the question.  
13 A. No idea.  
14 BY MR. MEYERS:  
15 **Q. You just don't remember?**  
16 A. I don't know.  
17 **Q. Do you understand my question?**  
18 A. Your question was when did I first  
19 realize or understand that what I was doing was  
20 under the rubric of the Rape Crisis Statute in  
21 Missouri?  
22 **Q. Yes.**  
23 MR. JENSEN: I'll also object to --  
24 I'm sorry, I left one out -- on the basis of asked  
25 and answered with respect to the earlier answers  
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1 about various state laws. Subject to that you can  
2 answer the question.  
3 A. Yes, I don't know.  
4 BY MR. MEYERS:  
5 **Q. But you believe that today?**  
6 MR. JENSEN: Same objections. As well  
7 as attorney-client privilege.  
8 BY MR. MEYERS:  
9 **Q. Yes?**  
10 A. Yes --  
11 THE WITNESS: I'm sorry. Don't  
12 answer?  
13 MR. JENSEN: Can you read back the 3:35P  
14 question? I was talking, not listening.  
15 (REPORTER READ FROM THE RECORD AS  
16 FOLLOWS: QUESTION:  
17 When was the first time that you  
18 recall knowing or believing that the  
19 activities that you personally perform  
20 on behalf of SNAP are governed or  
21 controlled by the Rape Crisis Center  
22 Statute?)  
23 THE WITNESS: Don't answer?  
24 BY MR. MEYERS:  
25 **Q. That wasn't my last question. The**  
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<p>1 counseling people as well. But your question was 2 when people have a serious -- and frankly even 3 when they don't have a serious, you know, we never 4 want to be the sole point of contact for somebody 5 who has been sexually violated. And we encourage 6 them, if they won't go to therapy, we encourage 7 them to tell their spouse. If they won't tell 8 their spouse, we encourage them to tell their best 9 friend. Tell their parents, tell somebody. And 10 including therapists.</p> <p>11 <b>Q. So --</b></p> <p>12 A. I mean I know you're in a hurry. But 13 the overwhelming majority of the work that I do 14 isn't in any one geographic area. So when 15 somebody calls me from Tampa, Florida and says 16 they were sodomized by a Marionist brother, 17 whether they bring up therapy or not, I will bring 18 up professional therapy. And I don't have a list 19 in Tampa, Florida of therapists who I send people 20 to. But if we have a support group there, I say 21 please contact our local support group, he or she 22 may have other people who are more trained who can 23 help you.</p> <p>24 <b>Q. Would that support group, do they have</b> 25 <b>certain therapists that they would use on a</b></p> <p style="text-align: right;">Page 194</p>	<p>1 comfortable, if the chemistry isn't there, then 2 therapy is not going to work. And we tell them 3 that experience helps, that they should look for a 4 therapist who has dealt with these kinds of issues 5 before, whether it's sexual abuse directly, 6 whether it's substance abuse, whether it's eating 7 disorders, whether it's suicide.</p> <p>8 <b>Q. And who would that individual be in</b> 9 <b>Jackson County that would have that information?</b> 10 MR. JENSEN: Objection to the extent 11 that gets to the advocacy services of SNAP that 12 are protected by the Rape Crisis Center Statute. 13 And I'll direct the witness not to answer the 14 question.</p> <p>15 THE WITNESS: Can I make a general 16 answer or no?</p> <p>17 MR. JENSEN: I don't want you to 18 identify a person.</p> <p>19 THE WITNESS: No, I won't.</p> <p>20 A. Just like we don't want to be -- I 21 don't want to be -- nobody in SNAP wants to be the 22 sole contact for somebody who's suffering. Ditto 23 with any referrals. We would never say to some -- 24 we work hard to make sure that we don't say to 25 somebody, oh, you live in Butte, Montana, there's</p> <p style="text-align: right;">3:43 P Page 196</p>
<p>1 <b>regular basis?</b></p> <p>2 A. It varies wildly -- well, not I 3 mean -- the word use --</p> <p>4 <b>Q. Refer?</b></p> <p>5 A. They likely would have some or would 6 know where to -- they would say if you go to the 7 United Way of Tampa website, you click on 8 counseling services, you know, the third column 9 down is counselors who deal with sexual abuse, you 10 know, go to that category and start there and pick 11 somebody.</p> <p>12 <b>Q. What about in Kansas City, Missouri,</b> 13 <b>Jackson County specifically, are you aware of any</b> 14 <b>therapists that members of your organization</b> 15 <b>would, if need be, refer victims to?</b></p> <p>16 A. I've certainly heard of names of 17 therapists there. I would typically, because we 18 have a wonderful support group there, I would say 19 if you're looking for a counselor in Jackson 20 County, you know, you should call him and he will 21 know names.</p> <p>22 And we stress to people that the most 23 important factor is their own comfort level with a 24 therapist, because no matter how many degrees he 25 or she has on a wall, if a victim doesn't feel</p> <p style="text-align: right;">3:41 P Page 195</p>	<p>1 a great therapist in Butte, Montana, here's the 2 woman you have to call. We always want people to 3 have multiple options.</p> <p>4 BY MS. MCGONAGLE:</p> <p>5 <b>Q. So when it comes to answering my</b> 6 <b>question about who the individual in Jackson</b> 7 <b>County, Missouri is, you're going to take your</b> 8 <b>lawyer's advice and not answer my question?</b></p> <p>9 A. Yes, absolutely, yes.</p> <p>10 <b>Q. Walk me through the process -- and</b> 11 <b>this is hypothetical -- if I called your agency,</b> 12 <b>your organization, asking for help, what would the</b> 13 <b>first thing be that would happen?</b></p> <p>14 MR. JENSEN: Same objection as it gets 15 to the advocacy efforts of SNAP that are protected 16 by the Rape Crisis Center Statute and I'll direct 17 the witness not to answer the question.</p> <p>18 BY MR. MCGONAGLE:</p> <p>19 <b>Q. Are you going to take your lawyer's</b> 20 <b>advice and not answer my question?</b></p> <p>21 A. I am.</p> <p>22 <b>Q. When these calls are made do you keep</b> 23 <b>a telephone log of these telephone calls?</b></p> <p>24 MR. JENSEN: Same objection, same 25 instruction.</p> <p style="text-align: right;">3:44 P Page 197</p>

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1            A. Same result.  
2        BY MR. MCGONAGLE:  
3            **Q. So you're going to take your lawyer's**  
4        **advice and not answer my question?**  
5            A. I am.  
6            **Q. Any of these telephone calls ever**  
7        **taped, are there transcripts, anything of that**  
8        **nature?**  
9            A. They're never taped.  
10          **Q. [REDACTED]**  
11        [REDACTED]  
12          MR. JENSEN: [REDACTED]  
13        [REDACTED]  
14        [REDACTED]  
15        [REDACTED]  
16          A. [REDACTED]  
17        BY MR. MCGONAGLE:  
18          **Q. [REDACTED]**  
19        [REDACTED]  
20        [REDACTED]  
21        [REDACTED]  
22        [REDACTED]  
23          MR. JENSEN: Same objection, same                      3:45P  
24        instruction.  
25        BY MR. MCGONAGLE:

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1            **Q. Take your lawyer's advice?**  
2            A. Yes.  
3            **Q. Do you keep files on individual**  
4        **priests when people call in to your organization**  
5        **to make individual complaints about being abused?**  
6            MR. JENSEN: Same objection, same  
7        instruction.  
8            A. Same result. I'm taking his advice.  
9        BY MR. MCGONAGLE:  
10          **Q. Taking his advice, okay.**  
11          A. If I don't take his advice I'll holler  
12        loud and clear.  
13          **Q. [REDACTED]**  
14        [REDACTED]  
15        [REDACTED]  
16          MR. JENSEN: Same objection. Same  
17        instruction.  
18          A. I'll follow his advice.  
19          MR. JENSEN: And actually if you don't  
20        mind I'd like to add -- rather than have to go  
21        back through all those last few questions and  
22        answers, add to the Rape Crisis Center objection  
23        in addition the First Amendment objections that  
24        I've been making all along.  
25          MR. MCGONAGLE: Sure. Fine.

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1            MR. JENSEN: Thank you. And  
2        relevance.  
3        BY MR. MCGONAGLE:                                      3:46P  
4            **Q. Does your organization have a file**  
5        **regarding my client, Monsignor Thomas J. O'Brien?**  
6            MR. JENSEN: Same objection, same  
7        instruction.  
8            A. I'm going to follow his advice.  
9        BY MR. MCGONAGLE:  
10          **Q. Have you been contacted by individuals**  
11        **regarding alleged abuse at the hands of my client,**  
12        **Monsignor Thomas J. O'Brien?**  
13          MR. JENSEN: Same objections, same  
14        instruction.  
15          A. I'm following --  
16        BY MR. MCGONAGLE:  
17          **Q. You're taking your attorney's advice.**  
18        **If these victims were to provide you releases, if**  
19        **their attorney was to provide you a release**  
20        **regarding the content of your conversations,**  
21        **regarding any documents that you have in your**  
22        **possession, would you provide those documents to**  
23        **me?**  
24          MR. JENSEN: Objection to the extent  
25        it's been asked and answered as to the impact of a

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1        release would have given other protections might  
2        still exist.  
3        BY MR. MCGONAGLE:  
4          **Q. Are you going to --**  
5        MR. JENSEN: Subject to that you can                      3:47P  
6        answer the question.  
7            A. You know, I thought about it a minute  
8        ago for the first time. And the more I think  
9        about it I don't know.  
10       BY MR. MCGONAGLE:  
11          **Q. You don't know?**  
12          A. Correct.  
13          **Q. The information that you receive, do**  
14        **you -- and any documentation that you have, do you**  
15        **regard that documentation to be the documentation**  
16        **of SNAP or do you regard it to be the**  
17        **documentation of a particular victim?**  
18          MR. JENSEN: Objection to the extent  
19        it calls for a legal conclusion and relevance.  
20        But you can answer the question.  
21          A. And it assumes that I have  
22        documentation.  
23       BY MR. MCGONAGLE:  
24          **Q. Well, since you didn't answer my**  
25        **question I don't know so.**

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51 (Pages 198 to 201)

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DAVID CLOHESSY JANUARY 2, 2012

<p>1 A. Fair enough.</p> <p>2 THE WITNESS: Did you advise me not to</p> <p>3 answer or you said I could answer?</p> <p>4 MR. JENSEN: No, you can answer.</p> <p>5 A. Who would I consider the documentation</p> <p>6 to belong to, me or the victim?</p> <p>7 BY MR. MCGONAGLE:</p> <p>8 <b>Q. Yes.</b></p> <p>9 A. Both. 3:48P</p> <p>10 <b>Q. So if a victim asked you --</b></p> <p>11 <b>hypothetical question -- I want any documentation</b></p> <p>12 <b>you have regarding me in your possession, you</b></p> <p>13 <b>would be unwilling to give it to them?</b></p> <p>14 A. To them?</p> <p>15 <b>Q. Yes, to the victim.</b></p> <p>16 A. I've never thought this through.</p> <p>17 Don't know --</p> <p>18 MR. JENSEN: Object that it calls for</p> <p>19 speculation. But you can answer the question.</p> <p>20 A. Never faced that situation that I can</p> <p>21 recall. Never had time to think it through. So</p> <p>22 the best answer is to say I don't know but I -- if</p> <p>23 a victim said I have a letter that I wrote to the</p> <p>24 Bishop saying -- describing my abuse, remember I</p> <p>25 sent you a copy, Clohessy, and if I said yes, got</p> <p style="text-align: right;">Page 202</p>	<p>1 <b>working for SNAP for the last 20 something odd</b></p> <p>2 <b>years, is that --</b></p> <p>3 A. Part as a -- most as a volunteer.</p> <p>4 Part of it as a paid employee, yes.</p> <p>5 <b>Q. During the time that you were -- I'm</b></p> <p>6 <b>going to use the term involved with SNAP either as</b></p> <p>7 <b>a volunteer or as a paid employee, were you ever a</b></p> <p>8 <b>volunteer on any other organizations?</b></p> <p>9 MR. JENSEN: Objection to relevance 3:50P</p> <p>10 but subject to that you can answer the question.</p> <p>11 A. Sure.</p> <p>12 BY MR. MCGONAGLE:</p> <p>13 <b>Q. Can you tell me what they were?</b></p> <p>14 A. I mean I've volunteered at my</p> <p>15 children's school. I volunteered at my wife's</p> <p>16 church. I volunteered, you know, for arts</p> <p>17 organizations, for scout organizations, I mean,</p> <p>18 you know.</p> <p>19 <b>Q. Any other non-profit organizations?</b></p> <p>20 A. I've only volunteered for non-profits</p> <p>21 that I can think of.</p> <p>22 <b>Q. Have you ever been on the board of</b></p> <p>23 <b>directors of any other organization other than</b></p> <p>24 <b>SNAP?</b></p> <p>25 A. Not that I can recall.</p> <p style="text-align: right;">Page 204</p>
<p>1 it, and they said I want it back, sure, I'd give</p> <p>2 it back to them.</p> <p>3 BY MR. MCGONAGLE:</p> <p>4 <b>Q. Do victims ever send you letters</b></p> <p>5 <b>describing their abuse?</b></p> <p>6 A. Sometimes.</p> <p>7 <b>Q. Any of the -- have you ever received</b></p> <p>8 <b>letters from alleged victims regarding my client,</b></p> <p>9 <b>Monsignor Thomas J. O'Brien?</b></p> <p>10 MR. JENSEN: Same objections as before 3:49P</p> <p>11 with respect to the Rape Crisis Center Statute,</p> <p>12 the First Amendment objections, and relevance and</p> <p>13 I'll direct the witness not the answer the</p> <p>14 question.</p> <p>15 A. I'm taking his advice.</p> <p>16 BY MR. MCGONAGLE:</p> <p>17 <b>Q. Other than SNAP do you volunteer for</b></p> <p>18 <b>any other organizations?</b></p> <p>19 A. Not really -- over the course of my</p> <p>20 life, sure, I have. Over the course of the</p> <p>21 last -- you know, SNAP is a pretty -- I put in</p> <p>22 much more than a 40-hour week. I don't routinely</p> <p>23 volunteer for any other organizations at this</p> <p>24 point.</p> <p>25 <b>Q. Well, you indicated that you'd been</b></p> <p style="text-align: right;">Page 203</p>	<p>1 <b>Q. Does that mean you may have been, you</b></p> <p>2 <b>just can't remember right now?</b></p> <p>3 A. Yes. It's been a long day. Been a 3:51P</p> <p>4 long few weeks. Been on the board -- not -- again</p> <p>5 not that I can recall.</p> <p>6 <b>Q. You indicated when Ms. Cohara asked</b></p> <p>7 <b>you questions that you were I guess the media</b></p> <p>8 <b>person or the press officer for SNAP; is that fair</b></p> <p>9 <b>to say?</b></p> <p>10 MR. JENSEN: I'm sorry. I was reading</p> <p>11 and not listening. Could you read back that</p> <p>12 question?</p> <p>13 (REPORTER READ FROM THE RECORD AS</p> <p>14 FOLLOWS: QUESTION:</p> <p>15 You indicated when Ms. Cohara asked</p> <p>16 you questions that you were I guess</p> <p>17 the media person or the press officer</p> <p>18 for SNAP is that fair to say?)</p> <p>19 MR. JENSEN: Objection, that misstates</p> <p>20 the earlier testimony. Also object to relevance.</p> <p>21 Object to the form of the question. Subject to</p> <p>22 that you can answer the question.</p> <p>23 A. I do more press work than others at</p> <p>24 SNAP, yes.</p> <p>25 BY MR. MCGONAGLE:</p> <p style="text-align: right;">Page 205</p>

52 (Pages 202 to 205)

25 A. My e-mail is at the very bottom, yes,

20 A. Right, allegations that O'Brien would  
21 make boys perform oral sex and mutual masturbation  
22 on each other, require them to perform those acts  
23 on him, following the sexual encounters he would  
24 require them to change into their robes, prepare  
25 Communion, serve Mass. Yes, that's in here.

MR. JENSEN: Objection based on the Rape Crisis Center Statute, the same First Amendment objections that I've been making all

25 O. I'm going to -- we can strike that. I

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1      **mean I didn't ask a question.**  
2      A. I'm not going to reveal the privacy of  
3      victims, of their loved ones. I'm not going to do  
4      that.  
5      **Q. You can't reveal the privacy of**  
6      **victims?**  
7      A. Right.  
8      **Q. Just a few more. Let me check here.** 3:57P  
9      **Who is [REDACTED]?**  
10      **(DISCUSSION WAS HAD OFF THE RECORD)**  
11      A. He's our local SNAP volunteer leader  
12      in Kansas City. He's on our website which is why  
13      I can use his name. He was sexually violated as a  
14      child by a Kansas City priest who went on to  
15      become a bishop and went on to molest other  
16      children.  
17      **Q. Who is [REDACTED] -- [REDACTED]?**  
18      **(DISCUSSION WAS HAD OFF THE RECORD)**  
19      MR. JENSEN: Same objection based on  
20      the Rape Crisis Center Statute, the First  
21      Amendment objections and to relevance. And I'll  
22      instruct the witness not to answer that question.  
23      A. I'll take his advice. 3:58P  
24      BY MR. MCGONAGLE:  
25      **Q. Did you understand all the questions I**

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1      **asked you?**  
2      A. I think so.  
3      **Q. Did you answer my questions as**  
4      **completely and accurately as you could?**  
5      A. Yes, sir.  
6      **Q. Subject to the advice of your learned**  
7      **counsel next to you?**  
8      A. Yes, sir.  
9      **Q. All right.**  
10      MR. MCGONAGLE: I have no further  
11      questions.  
12      MR. JENSEN: I've got a couple  
13      questions.  
14      EXAMINATION  
15      QUESTIONS BY MR. JENSEN:  
16      **Q. In case it hasn't been asked so far,**  
17      **have you or anyone at SNAP to your knowledge ever**  
18      **had contact with John Doe, B.P.?**  
19      A. No, sir.  
20      **Q. Okay. When you say that SNAP counsels**  
21      **people, approximately how many people does SNAP**  
22      **provide counseling to to the best of your**  
23      **estimate?**  
24      A. Over the 23 years or whatever?  
25      **Q. Annually, any number?**

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1      A. I couldn't say annually. Over the  
2      years it's got to be well over 100,000.  
3      MR. JENSEN: I don't have any further  
4      questions.  
5      MS. RANGLES: E-tran, a copy and a 3:59P  
6      mini.  
7      MR. JENSEN: Just an e-tran and that's  
8      it.  
9      MR. MADDEN: E-tran and exhibits.  
10      MS. COHARA: E-tran and exhibits.  
11      (Whereupon, the deposition was 4:00P  
12      concluded at 4:00 P.M.)  
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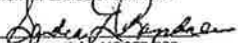
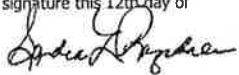
1      SIGNATURE PAGE  
2  
3      I have read the foregoing pages 1  
4      through 212 of my deposition taken on January 2,  
5      2012 and the statements contained therein, subject  
6      to corrections, additions and deletions contained  
7      in the addendum annexed hereto, if any, are true  
8      and correct to the best of my knowledge.  
9  
10  
11  
12      \_\_\_\_\_  
13      DAVID CLOHESSY  
14  
15  
16      SUBSCRIBED AND SWORN to before me this  
17      \_\_\_\_\_ day of \_\_\_\_\_  
18      2012.  
19  
20      My Commission expires:  
21  
22      \_\_\_\_\_  
23      Notary Public  
24  
25

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<div style="display: flex; justify-content: space-between;"><div style="width: 100px; font-size: 8pt; line-height: 1.2;">1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</div><div style="width: 90%;"><p style="text-align: center;">COURT MEMO IN THE CIRCUIT COURT OF JACKSON COUNTY STATE OF MISSOURI CASE NO. 1016CV29995</p><p>JOHN DOE, B. P. Plaintiff v. FATHER MICHAEL TIERNEY, et al. Defendants</p><p style="text-align: center;">CERTIFICATE OF OFFICER AND STATEMENT OF DEPOSITION CHARGES (Rule 57.03.(g)(2)(a) and Section 492.590 RSMo 1985)</p><p style="text-align: center;">DEPOSITION OF DAVID CLOHESSY TAKEN ON BEHALF OF DEFENDANTS JANUARY 2, 2012</p><p>Name and address of person or firm having custody of original transcript:  Wagstaff &amp; Cartmell, LLP 4740 Grand Avenue, Suite 300 Kansas City, Missouri 64112</p><p>TAXED IN FAVOR OF:</p><p>Plaintiffs.....\$ Defendant Father Tierney.....\$ Defendant Dlocese.....\$ Defendants Fathers Cronin and McGlynn...\$ Witness (represented by Mr. Jensen).....\$</p><p>Upon delivery of transcripts the above charges had not been paid. It is anticipated that all charges will be paid in the normal course of business.</p><div style="text-align: right;"> Sandra L. Ragsdale, MOCCR 929</div></div></div>	<div style="display: flex; justify-content: space-between;"><div style="width: 100px; font-size: 8pt; line-height: 1.2;">1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</div><div style="width: 90%;"><p style="text-align: center;">REPORTER'S CERTIFICATE</p><p>I, Sandra L. Ragsdale, a Missouri Certified Court Reporter, do hereby certify that I was personally present at the deposition of</p><p style="text-align: center;">DAVID CLOHESSY</p><p>and that the testimony was stenotyped by me at the time and place and for the purpose in the caption stated; that the witness was duly sworn to tell the truth, the whole truth, and nothing but the truth; that the deposition was transcribed by me personally or under my direction; that the foregoing transcript is a full, true and correct transcript of the said deposition so given; that the witness reserved signature; and that the appearances were as stated in the caption.</p><p>I further certify that I am neither of counsel nor of kin to any of the parties to this action, and am in no way interested in the outcome of said action.</p><p>Witness my signature this 12th day of January, 2012.</p><div style="text-align: right;"> Sandra L. Ragsdale, CCR No. 929</div></div></div>
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55 (Pages 214 to 215)