

# Queen for a New Year's Day

Dusty Gibbs, center, was named the 90th Rose Queen on Tuesday by the Tournament of Roses in Pasadena. The 17-year-old Arcadia High School student was selected from seven Rose princesses, including Zena Brown, left, and Katie Merrill, right.

## Ruling may end suit against cardinals

**A judge says he lacks the authority to decide whether church leaders conspired to protect an alleged pedophile.**

By GREG KRIKORIAN  
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A lawsuit accusing the two most powerful Roman Catholic prelates in the Western Hemisphere of negligence was partially resolved Tuesday, when a Los Angeles judge ruled he had no jurisdiction to decide whether Cardinal Norberto Rivera of Mexico City had conspired with officials in the U.S. to protect an alleged pedophile priest.

Barring an appeal or a decision to refile the case in Mexico, the ruling by L.A. County Superior Court Judge Elihu Berle effectively ends the case against Rivera, who was accused last year of concealing the sexual transgressions of a longtime priest.

In his lawsuit, Joaquin Mendez, now 26, also charged that Los Angeles Cardinal Roger M. Mahony conspired with Rivera to hide the actions of Father Nicholas Aguilar, enabling him to continue to molest boys in the United States and Mexico for years.

It was not immediately clear whether the case against Mahony was also resolved. A spokesman for the cardinal said Tuesday that Mendez was among 508 victims of sexual abuse who will share in a landmark \$660-million settlement announced by the archdiocese in July.

But Mendez's attorney, Michael Finnegan, said his client's case against Mahony was not yet settled. Finnegan also expressed disappointment at the judge's ruling. "The judge wasn't ruling on the merits at all," Finnegan said. "And we had hoped that instead of getting off on a legal technicality, that Cardinal Rivera would answer for his complicity in sending a known child molester to the United States."

In his lawsuit, Mendez alleged that Aguilar raped him in a Mexico City church rectory in 1994,

when he was a 13-year-old altar boy. The alleged assault occurred while Aguilar was a fugitive from sexual abuse charges in the U.S., where he was accused of molesting 10 altar boys while assigned to Our Lady of Guadalupe Church in El Sereno.

In a declaration early this year, Rivera said he had warned Mahony in a 1987 letter, before Aguilar began working in the Los Angeles Archdiocese, that the priest had "some sort of problem" and that he had suspicions that Aguilar was a homosexual but not that he was a pedophile.

"I cautioned that the motivation for Father Aguilar's trip to Los Angeles was 'family and health reasons,'" Rivera said in his declaration, explaining that the phrase was used within the church to "warn that a priest suffers from some sort of problem."

The Los Angeles Archdiocese, however, later said that Mahony had never received a letter from Rivera. In a four-hour sworn deposition last month, Mahony denied that he had been warned about Aguilar, according to Finnegan.

"He said, 'If you had told us that, he would not have been allowed into the ministry,'" Finnegan said Tuesday.

The lawsuit, Finnegan said, resulted in "the two most powerful Catholic figures in North and South America pointing the finger at each other and saying it's the other's fault."

Rivera's attorney, Steve Selsberg, said the court made the right ruling. "The plaintiff had no business pursuing this claim in the California courts," he said. Selsberg also said that the evidence was "crystal clear"

that Rivera did not send Father Aguilar to Los Angeles and that he had no idea when the priest left Mexico that he had allegedly been abusing children.

Tod Tamberg, spokesman for Mahony, said that documents in the case had "consistently shown that Cardinal Mahony was surprised and upset by [Father] Aguilar's unannounced departure from Los Angeles and that he urged him to return to face justice.

"So we believed from the beginning that this lawsuit had no merit," Tamberg said. "Nevertheless, we settled all of the lawsuits against us in July, including this one. And from the moment of that announcement, we were out of it."

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### Sinkhole near LAX

Department of Water and Power workers repair a 1930s water main that ruptured Tuesday, causing a sinkhole near Sepulveda and Century boulevards next to Los Angeles International Airport. Traffic on Century Boulevard was diverted between Vicksburg Avenue and Sepulveda, and the California Highway Patrol closed the Sepulveda offramp of the Century Freeway for several hours.