

FEDERAL BUREAU OF INVESTIGATION  
FOI/PA  
DELETED PAGE INFORMATION SHEET  
FOI/PA# 1468393-0

Total Deleted Page(s) = 83

- Page 7 ~ b6; b7C; b7D; Referral/Direct;
- Page 8 ~ b6; b7C; b7D; Referral/Direct;
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FM LEGAT BONN (163A-BN-12211) (P)

TO DIRECTOR FBI/ROUTINE//

FBI LOS ANGELES/ROUTINE/

BT

UNCLAS E F T O

CITE: //5300:BON007.004//

PASS: FBIHQ FOR CID, IRB, IRU I.

SUBJECT: CHURCH OF SCIENTOLOGY; FPC; OO: BN.

THE [REDACTED], AS WELL AS A  
 NUMBER OF [REDACTED] HAVE BEEN CONDUCTING  
 AN EXTENSIVE INVESTIGATION INTO THE CHURCH OF SCIENTOLOGY IN  
 GERMANY. THE BASIS OF THEIR INVESTIGATION IS TO DETERMINE IF  
 THE CHURCH OF SCIENTOLOGY IS A RELIGIOUS ORGANIZATION, A  
 CRIMINAL CONSPIRACY OR AN ORGANIZATION THAT PRESENTS A DANGER  
 TO CONSTITUTIONAL DEMOCRACY IN GERMANY.

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TELETYPE

1-9-95

163A-BN-12211-1

|                 |            |
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| SEARCHED        | SERIALIZED |
| SERIALIZED      | FILED      |
| JAN 04 1995     |            |
| FBI-LOS ANGELES |            |

clo FA 8

IN THEIR RESEARCH WORK, [REDACTED] HAS DETERMINED THAT A U.S. CITIZEN [REDACTED] AGE 46, RECENTLY WON A 4.7 MILLION DOLLAR CIVIL SUIT AGAINST THE CHURCH OF SCIENTOLOGY IN LOS ANGELES, CALIFORNIA. [REDACTED] A FORMER MEMBER OF THE CHURCH, CLAIMED THAT HE HAD BEEN BRAIN WASHED AND DRIVEN TO NEAR INSANITY BY SECT MEMBERS. THE JUDGMENT BY THE COURT IN LOS ANGELES WAS APPARENTLY RENDERED IN OCTOBER 1994. [REDACTED] WAS NOT AWARE WHETHER THE COURT INVOLVED WAS A FEDERAL OR STATE COURT.

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THE LOS ANGELES OFFICE IS REQUESTED TO REVIEW THE FEDERAL AND STATE COURT DOCKET FOR THE LOS ANGELES AREA FOR A CIVIL SUIT SETTLEMENT INVOLVING THE CHURCH OF SCIENTOLOGY AND [REDACTED] IF THE SETTLEMENT IS LOCATED, THE LOS ANGELES OFFICE IS REQUESTED TO OBTAIN A COPY OF THE SETTLEMENT OR COURT JUDGMENT IN THIS MATTER FOR [REDACTED]

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BT

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163A-BN-1221-2

|                   |         |
|-------------------|---------|
| SEARCHED          | INDEXED |
| SERIALIZED        | FILED   |
| JAN 27 1995       |         |
| FBI - LOS ANGELES |         |

28

LEVEL 1 - 1 OF 1 CASE

\*\*\* THIS DATA IS FOR INFORMATIONAL PURPOSES ONLY \*\*\*

LOS ANGELES COUNTY SUPERIOR COURT CIVIL CASE INDEX

CASE NAME: CHURCH SCIENTOLOGY CALIF v.

b6  
b7C

CIVIL CASE NUMBER: BC 074815

FILING DATE: 02/16/93

DISTRICT: CENTRAL (LOS ANGELES)

CASE TYPE: CIVIL

PARTY:

PLAINTIFF

DEFENDANT

COMMENT

CHURCH SCIENTOLOGY CALIF

Press Alt-H for Help or Alt-Q to Quit.

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CHURCH SCIENTOLOGY CALIF v.

ENTER LEXDOC TO ORDER COPIES OF PLEADINGS AND RELATED FILINGS

*Register Pys 2*

b7D

Press Alt-H for Help or Alt-Q to Quit.

FBI

TRANSMIT VIA:

- Teletype
- Facsimile
- AIRTEL

PRECEDENCE:

- Immediate
- Priority
- Routine

CLASSIFICATION:

- TOP SECRET
- SECRET
- CONFIDENTIAL
- UNCLAS E F T O
- UNCLAS

Date 1/30/95

TO : DIRECTOR OF FBI (163A-BN-12211) (P)

FROM : SAC, Los Angeles (163A-BN-12211) (RUC) (C-1)

SUBJECT : CHURCH OF SCIENTOLOGY;  
FPC;  
OO: BN

Re teletype to Director from Legat Bonn dtd, January 4, 1995.

Request of the Bureau:

The Bureau is requested to disseminate to Legat Bonn, a certified copy of the Final Judgement and two Dockets of the following case:

Enclosed for Legat Bonn is a certified Notice of Final Judgment case number BC74815 and its accompanying docket obtained from the Los Angeles County Civil Superior Court House, Los Angeles, CA. Also enclosed is a docket obtained from the USADC, case number 85-CV-7197, Los Angeles, CA.

Los Angeles considers this matter RUCD.

5 - Bureau  
 (2 - Legat Bonn) (Encs. 3)  
 1 - Los Angeles (encs. 3)  
 (6)  
 /lap

*163A-BN-12211-2*

Approved: \_\_\_\_\_ Transmitted \_\_\_\_\_ Per \_\_\_\_\_  
 (Number) (Time)

TERMED (Bx)

U.S. District Court  
Central District of California (Western Div.)

CIVIL DOCKET FOR CASE #: 85-CV-7197

Religious Technology, et al v. [redacted] et al Filed: 11/04/85  
Assigned to: Judge A. Wallace Tashima Jury demand: Plaintiff  
Demand: \$0,000 Nature of Suit: 890  
Lead Docket: None Jurisdiction: Federal Question  
Dkt# in other court: None

Cause: 18:1962 Racketeering (RICO) Act

RELIGIOUS TECHNOLOGY CENTER, a  
California corporation  
plaintiff

[redacted]  
[COR LD NTC]  
Peterson & Brynan  
8530 Wilshire Blvd  
Beverly Hills, CA 90211  
213 659-9968

b6  
b7c

[redacted]  
[COR LD NTC]  
Fischbach Perlstein & Yanny  
1925 Century Park East  
Suite 1260  
Los Angeles, CA 90067  
310-551-2966

CHURCH OF SCIENTOLOGY  
INTERNATIONAL, a California  
corporation  
plaintiff

[redacted]  
(See above)  
[COR LD NTC]

b6  
b7c

[redacted]  
(See above)  
[COR LD NTC]

v.

[redacted] an  
individual  
defendant

[redacted]  
[COR LD NTC]  
1770 N Highland  
#626  
Hollywood, CA 90068  
213 482-1122

[redacted] an individual  
defendant

[redacted]  
[COR LD NTC]  
[redacted]

b6  
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103A-30-1821-2

Proceedings include a [redacted] events.  
2:85cv7197 Religion Technology, et al v. [redacted] et al

TERMED (Bx)

[COR LD NTC]  
McCutchen Doyle Brown & Enersen  
Three Embarcadero Center  
San Francisco, CA 94111  
415-393-2000

[redacted]  
(See above)  
[COR LD NTC]

[redacted] an individual  
defendant

[redacted]  
(See above)  
[COR LD NTC]

b6  
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[redacted]  
(See above)  
[COR LD NTC]

[redacted]  
(See above)  
[COR LD NTC]

[redacted] an individual  
defendant

[redacted]  
(See above)  
[COR LD NTC]

[redacted]  
(See above)  
[COR LD NTC]

[redacted]  
(See above)  
[COR LD NTC]

b6  
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[redacted] an individual  
defendant

[redacted]  
(See above)  
[COR LD NTC]

[redacted]  
(See above)  
[COR LD NTC]

[redacted]  
(See above)  
[COR LD NTC]

[redacted] an individual  
defendant

[redacted]  
(See above)  
[COR LD NTC]

[redacted]  
(See above)  
[COR LD NTC]

b6  
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Proceedings include all events.  
2:85cv7197

Religious Technology, et al v. [redacted] et al

TERMED (Bx)

[redacted]

(See above)  
[COR LD NTC]

[redacted] an individual  
defendant

[redacted]

(See above)  
[COR LD NTC]

b6  
b7C

[redacted]

(See above)  
[COR LD NTC]

[redacted]

(See above)  
[COR LD NTC]

[redacted] an  
individual  
defendant

[redacted]

(See above)  
[COR LD NTC]

[redacted]

(See above)  
[COR LD NTC]

[redacted]

(See above)  
[COR LD NTC]

b6  
b7C

[redacted] an individual  
defendant

[redacted]

(See above)  
[COR LD NTC]

[redacted]

(See above)  
[COR LD NTC]

[redacted]

(See above)  
[COR LD NTC]

CHURCH OF THE NEW CIVILIZATION  
dba  
Advanced Ability Center  
defendant

[redacted]

(See above)  
[COR LD NTC]

[redacted]

(See above)  
[COR LD NTC]

b6  
b7C

[redacted]

(See above)  
[COR LD NTC]

DOES, 1 through 100 inclusive

[redacted]

Proceedings include [redacted] events.

2:85cv7197 Religion Technology, et al v. [redacted] et al

TERMED (Bx)

defendant

(See above)  
[COR LD NTC]

[redacted]

(See above)  
[COR LD NTC]

b6  
b7C

[redacted]

(See above)  
[COR LD NTC]

GREENE O'REILLY BROILLET PAUL  
SIMON MCMILLAN WHEELER AND  
ROSENBERG, a California  
corporation  
defendant

[redacted]

(See above)  
[COR LD NTC]

[redacted]

(See above)  
[COR LD NTC]

b6  
b7C

[redacted]

(See above)  
[COR LD NTC]

b6  
b7c

Proceedings include [redacted] events.

2:85cv7197 Religion Technology, et al v. [redacted] et al

TERMED

(Bx)

6/30/93 --

MINUTES: Case reassigned to Judge A. W. Tashima for all further proceedings by Judge James M. Ideman CR: none (cc: all counsel) (es)

TITLE: RELIGIOUS TECHNOLOGY CTR-V. [REDACTED]

*St A/C 2-26-87*  
*Counter claim 3-20-87*

CAUSE: CMPLT/R I C O 18:1962 AWT (Bx)

b6  
b7C

RELIGIOUS TECHNOLOGY CENTER,  
a California corporation, and  
CHURCH OF SCIENTOLOGY  
INTERNATIONAL, INC., a  
California corporation;

[REDACTED] *900 Ave of the Stars*  
HERZIG & YANNY *Suite 1526*  
ATTY FOR PLTFS *L.A., Ca 90067*  
9465 WILSHIRE BLVD STE 428  
BEVERLY HILLS CA 90211  
(213) 272-8671

Plaintiffs,

[REDACTED] b6  
[REDACTED] b7C  
PETERSON & BRYNAN  
ATTY FOR PLTFS  
8530 WILSHIRE BLVD  
BEVERLY HILLS CA 90211  
(213) 659-9968

[REDACTED] an individual;  
[REDACTED] an individual;  
[REDACTED] an individual;  
[REDACTED] an individual;  
[REDACTED] an individual;  
[REDACTED] an individual;  
[REDACTED] an individual;

Hollywood - Los Angeles, CA 90017-2516 90068  
[REDACTED] fr defts

OF THE NEW CIVILIZATION, (dba  
ADVANCED ABILITY CENTER) a  
California corporation;

04/10/87 AG  
5: 85-7197  
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[REDACTED] AND [REDACTED]  
a California Corporation; and  
DOES 1 through 100, inclusive,

Defendants.

DFT [REDACTED]  
DFT [REDACTED]  
DFT NEW CIVILIZATION  
DFT CED ABILITY CENTER

[REDACTED] an individual;  
DAVID MAYO, an individual; and  
CHURCH OF THE NEW CIVILIZATION  
(d/b/a ADVANCED ABILITY CENTER),

Counter-Claimants,

vs.

RELIGIOUS TECHNOLOGY CENTER,  
a California corporation;  
CHURCH OF SCIENTOLOGY INTERN-  
ATIONAL, INC., a California  
corporation; CHURCH OF SPIRITUAL  
TECHNOLOGY, a California corpora-  
tion; and ESTATE OF L. RON  
HUBBARD, Deceased,

[REDACTED] ET AL  
DFT [REDACTED]  
1-100  
b6  
b7C

McCutchen, Doyle, Brown & Petersen  
[REDACTED]  
Three Embarcadero Center  
San Francisco, CA 94111  
Telephone: (415) 393-2000  
fr defts

Counter-Defendants.

|   |                  |                |             |                  |
|---|------------------|----------------|-------------|------------------|
| <input type="checkbox"/> CHECK HERE<br>IF CASE WAS FILED IN FORM PAUPERIS | FILING FEES PAID |                |             | STATISTICAL CARD |
|   | DATE             | RECEIPT NUMBER | C.D. NUMBER | CARD DATE MAI    |
|   |                  |                |             | JS-5             |
|   |                  |                |             | JS-6             |



*DMJ m/ep*

CIVIL DOCKET CONTINUATION SHEET

|                          |            |   |
|--------------------------|------------|---|
| PLAINTIFF                | DEFENDANT  | DOCKET NO. <u>85-7197</u> <sup>MD</sup> |
| Religious Technology CLF | [REDACTED] | PAGE <u>3</u> OF <u>    </u> PAGES      |

| DATE      | NR. | PROCEEDINGS   |
|-----------|-----|---|
| *11-19-85 | pb  | 41. Opp to renewed ex parte appl for temp restraining ord & OSC re prelim injunct; declares & exhibits defts  |
| *11-19-85 | pb  | 42. Ex parte Appl for an Ord for expedited discvry; memo of P&A's; declares pltf  |
| 11-20-85  | pb  | 43. Prf/service served [REDACTED] cpy of renewed ex parte appl et al, on 11-15-85   |
| 11-20-85  | pb  | 44. Notc of intention to cross-examine declarants pltfs   |
| 11-20-85  | pb  | 45. Prf/srvce served [REDACTED] & [REDACTED] copy of Temp Restraining Ord on 11-7-85.   |
| 11-25-85  | sh  | 46. Prelim Inj : Re: deft [REDACTED] the law firm of Greene, O'Reilly, et al Prelim Inj re: upper level materials, i.e a POWER, b SOLO PART c R6EW, d DCSI, e sunshine Rundown f Clearing Course, g OT I, h OT II, OT III, j OT IV, k OT V, OT VI, m OT VII, n NOTS, o solonots etal. Crt Ord no add bond other than the \$100.000 bond already ord. Luapplic because this ord was prep by the [REDACTED] defts Clerk to give notc prties on 11-25-85. (ENT 11-25-85) Mld copys & notc. |
| 11-25-85  | pb  | 47. ANSWER TO COMPL defts [REDACTED] et al  |
| 11-21-85  | pb  | 48. OSC re prelim injunct cont to 11-22-85 at 9 a.m. MO   |
| 11-22-85  | pb  | 49. Prelim injunct - crt grants injunct for pltfs. Cnsl to rtn 11-23-85 at 11a.m MO   |
| 11-23-85  | pb  | 50. Prelim Injunction & further findings of the crt. ORD that pltf post BOND of \$100,000 by 11-27-85, 12:00 noon, MO   |
| 12/3/85   | TS  | 51. Deft's NOTC OF APPEAL to 9th Cir. C/A frm ord ent 11/23/85. \$70.00 flng & doc fee pd.  |
| 12-3-85   | pb  | 52. Rtn of services of smms & compl served [REDACTED] etc; [REDACTED] & [REDACTED] on 11-6-85.  |
| 12-3-85   | pb  | 62. Association of cnsl deft  |
| 12-3-85   | pb  | 63. Prf/srvce served Note of mtn & mtn for ord partially staying, ex parte appl etc by mail to [REDACTED] & [REDACTED] on 12-3-85.  |
| 12-3-85   | pb  | 64. Declar of [REDACTED] defts  |
| 12-3-85   | pb  | 65. Declar of [REDACTED] in support of ex parte appl for ord shortening ti. defts   |
| 12-3-85   | pb  | 66. Ex Parte Appl for Ord shortening ti. defts LODGED Ord & Mtn   |
| 12-3-85   | pb  | 67. Prf/srvce served Temp Restraining Ord to [REDACTED] & [REDACTED] on 11-6-85.  |
| 12-3-85   | pb  | 68. Ex Parte Appl for & Ord directing the Clerk to deposit funds in an interest bearing acct; declar of [REDACTED] pltf LODGED Ord  |
| 12-4-85   | pb  | 69. ORD shortening ti on mtn of defts Church of the New Civilization, [REDACTED] & [REDACTED] to 12-9-85 at 10 a.m. defts   |
| *12-3-85  | pb  | 70. ORD granting pltfs ex-parte appl to deposit \$ 100,000.00 pledged as security in a 3 month Certificate of Deposit with an automatic rollover provis with the interest thereon to be distributed to pltfs at the end of ea three month period.   |

*Buer*

CIVIL DOCKET CONTINUATION SHEET

|                                    |                         |                              |
|------------------------------------|-------------------------|------------------------------|
| PLAINTIFF<br><i>Religious Tech</i> | DEFENDANT<br>[Redacted] | DOCKET NO. <i>85-711A7</i>   |
|                                    |                         | PAGE <i>4</i> OF _____ PAGES |

| DATE      | NR. | PROCEEDINGS  | b6<br>b7C |
|-----------|-----|--|-----------|
| 12-4-85   | pb  | 71. Notc of mtn & mtn for ord partially staying pending appeal. prelim/injunct entered 11-23-85, hrg: 12-9-85 at 10 a.m, defts [Redacted] & [Redacted]   |           |
| 12-4-85   | pb  | 72. Memo of P&A's in support of ex parte appl for ord shortening ti. defts   |           |
| 11-23-85  | pb  | 73. Crt signs prelimin injunct.; Crt ords bond set in the amount of \$100,000.00 to be posed by Wednesday 11-27-85. MO   |           |
| 11-27-85  | pb  | 74. Notc of filing cash in lieu of Bond. (copy). pltf  |           |
| 11-27-85  | pb  | 75. Notc of tkg depos of several deponents on 12-11-85 to 12-26-85 and 12-26-85 to 1-20-85. defts.   |           |
| 11-27-85  | pb  | 76. Joinder & notc of depo of [Redacted] on 12-6-85. deft  | b6        |
| 12-2-85   | pb  | 77. Joinder & notc of depo of [Redacted] on 12-6-85. deft  | b7C       |
| 12-6-85   | pb  | 78. Opp to defts' mtn to stay prelim/injunct. pltfs  |           |
| 12-9-85   | pb  | 79. ANSWER TO COMPL, COUNTERCLAIMS & DEMAND FOR J/T defts Church of the New Civil-ization (AAC)  |           |
| 12-9-85   | pb  | 80. Notc of tkg depo of [Redacted] & request for production of documents & things. deft  |           |
| 12-9-85   | pb  | 81. Crt takes mtn for ord partially staying pending appeal undersubmission. Cnsl for pltf to file mtn this week to quash subpoenas filed by [Redacted] & set for hrg on 12-13-85 at 3:30 p.m. MO |           |
| 12-10-85  | pb  | 82. Notc of status conf set 3-3-86 at 10 a.m.  |           |
| 12-12-85  | pb  | 83. Suppl memo in opp to defts; mtn to stay; declar of [Redacted] pltf   |           |
| 12-18-85  | pb  | LODGED ORD<br>LODGED ORD Quashing the taking of depos  |           |
| *12-13-85 | pb  | 84. Crt grants pltfs appl to quash subpoenas. MO   |           |
| 12-19-85  | pb  | LODGED ORD<br>LODGED Proposed Ord Denyi ng Mtn to stay   |           |
| 12-30-85  | pb  | 85. Reply by cinterdefts Religious Technology Cnter & Church of Scient   |           |
| *12-18-85 | pb  | 86. Notc of Ruling TO COUNTERCLAIMS pltf/cnterdeft   | b6        |
| *12-18-85 | pb  | 87. ORD re inspection of dcouments. pltf   | b7C       |
| *12-18-85 | pb  | 88. ORD Quashing the taking of depos. pltf/cnterdeft   |           |
| 12-18-85  | pb  | 89. ORD re appearance of [Redacted] on 1-6-86 at 10 a.m. pltf  |           |
| 12-23-85  | pb  | 90. Filed rprr's transc of proceeds had on 11-6,8,11,12,13,21,22 198 Also filed rprr's transc of proceeds had on 12-9-85 of case CV 85-711 MRP, consolidated with case CV 85-7197 MRP            |           |
| 12-30-85  | pb  | 91. Notc of mtn & mtn for leave to amend & suppl compl, 1-27-86 at 10a.m., memo of P&A's pltf Religious Tech   |           |
| 12-30-85  | pb  | 92. Ex parte Appl to cont the date for hrg on pltfs; mtn for reconsideration, 1-6-86   |           |
| 1-6-86    | pb  | 93. Notc of tkg depos of [Redacted] on 1-14-86 & [Redacted] on 1-16-86. defts  |           |
| 1-8-86    | pb  | 94. Cnter notc of Ruling. defts  |           |
| 1-10-86   | pb  | 95. ORD Denying Mtn to Stay. pltfs/cnterdef t  |           |
| 1-8-86    | pb  | 96. Designation of Trial Crt Clerk's Record. defts   |           |
| 1-13-86   | pb  | 97. Memo of P&A's in opp to mtn to amd; 1-21-86 at 10 a.m. defts   |           |
| 2-12-86   | pb  | 98. Notc of cancellation of depo of [Redacted] pltf & cnterdeft  |           |
| 2-12-86   | pb  | 99. Notc of rescheduling of depo of Church of the new Civil to 2-17-86. pltf & c   |           |
| 2-13-86   | pb  | 100. Notc of tkg depo of [Redacted] on 2-20-86. pltf cnter defts   |           |

*5 of 5*

CIVIL DOCKET CONTINUATION SHEET

*JM*  
*1/21/86*  
*777*

|                |  |            |                       |
|----------------|--|------------|-----------------------|
| PLAINTIFF      |  | DEFENDANT  | DOCKET N85-7197-118   |
| Religious Tech |  | [redacted] | PAGE 5 OF _____ PAGES |

| DATE     | NR. | PROCEEDINGS   |           |
|----------|-----|---|-----------|
| 1-17-86  | pb  | 98. Notc of advcmnt for mtn for leave to amend & suppl compl to 1-24-86 at 10 a.m.  | b6<br>b7C |
| 1-21-86  | pb  | 99. Crt ords [redacted] to be deposed or questioned in [redacted] crtrm. MO   |           |
| 1-21-86  | pb  | 100. Notc of tkng depo of [redacted] on 1-30-86. pltf issd  |           |
| 1-21-86  | pb  | 101. Notc of tkng depo of [redacted] on 1-28-86. pltf issd  |           |
| 1-21-86  | pb  | 102. Notc of change of address - [redacted] pltf  |           |
| 1-21-86  | pb  | 103. Notc of tkng depo of [redacted] on 2-18-86. pltf issd  |           |
| 1-22-86  | p b | 104. Reply to defts' opp to mtn to amend. pltf  |           |
| 1-22-86  | pb  | 105. Notc of tkng depo of [redacted] on 2-20-86. pltf issd  |           |
| 1-22-86  | pb  | 106. Notc of tkng depo of [redacted] on 2-19-86. pltf issd  |           |
| *1-7-86  | pb  | 107. Pltfs note of desig of rpters transcrip. pltf  |           |
| 1-24-86  | pb  | 108. ORD pltf's mtn for appt of a Commissioner to permit the taking of testimony in Europe is here by granted.                            |           |
| 1-24-86  | pb  | 109. Crt denies mtn to amend & suppl compl. Crt to sign ord. Crt grants mtn for reconsideration of [redacted] ruling. MO                  |           |
| 1-27-86  | pb  | 110. Notc of deposition of church of the New Civilization on 2-10-86. pltf  | b6<br>b7C |
| 1-27-86  | pb  | 111. Notc of tkng depo of [redacted] on 2-28-86. pltf   |           |
| 1-27-86  | pb  | 112. Notc of tkng depo of [redacted] on 2-27-86. pltf   |           |
| 1-27-86  | pb  | 113. Notc of tkng depo of Palo Alto Advanced Ability Center on 2-14-86. pltf  |           |
| 1-27-86  | pb  | 114. Notc of tkng depo of [redacted] on 3-4-86. pltf  |           |
| 1-27-86  | pb  | 115. Notc of tkng depo of [redacted] on 2-13-86. pltf   |           |
| 1-30-86  | pb  | 116. Notc of tkng depo of [redacted] & req for prod of docus on 2-26-86. pltf   |           |
| 2-2-86   | pb  | 117. Prf/srvce for [redacted] & [redacted] depo subp to testify etc on 1-22-86.   |           |
| *1-16-86 | pb  | 118. Transcrip designation & ordering form.   |           |
| 2-5-86   | pb  | 119. ORDER denying pltfs' mtn to amd & supl compl. defts  |           |
| 2-10-86  | pb  | 120. Ex parte appl for ord shortening ti to file mtn. defts   |           |
| 2-10-86  | pb  | 121. Notc of hrg for Protective Order. defts  |           |
| 2-10-86  | pb  | 122. Declar of non-cooperation. pltf & cnterdefts   |           |
| 2-10-86  | pb  | 123. Crt grants ord shortening ti & denies mtn for protectove ord. MO   |           |
| 2-14-86  | pb  | 124. Notc of cancel of depo of Palo Alto advanced ability Center by [redacted] pltf   |           |
| 2-14-86  | pb  | 125. Notc of cal of depo of Palo Alto Advanced Ability Center by [redacted] pltf  |           |
| 2-24-86  | pb  | 126. Notc of tkng depo of [redacted] & req for prod on 3-7-86. pltf issd  |           |
| 2-24-86  | pb  | 127. Notc of tkng depo of [redacted] & req to prod on 3-6-86. pltf  |           |
| 2-24-86  | pb  | 128. Notc of tkng depo of [redacted] & req to prod docus on 3-13-86. pltf issd  |           |
| 2-24-86  | pb  | 129. Notc of tkng depo of [redacted] & req to prod docus on 3-13-86. pltf issd  |           |
| 2-24-86  | pb  | 130. Notc of tkng depo of [redacted] & req to produc docus on 3-4-86. pltf issd   |           |
| 2-24-86  | pb  | 131. Notc of resched of depo of [redacted] & req to prod to 3-12-86. pltf issd  |           |
| 2-24-86  | pb  | 132. Declar of non-cooper relocal rule 6.4 & proposed jnt status rpt. pltf  | b6<br>b7C |
| 2-24-86  | pb  | 133. Suppl desig of trial crt clerk's records. deft   |           |
| 2-25-86  | pb  | 134. Notc of cancellation of Depo of [redacted] pltf  |           |
| 2-28-86  | pb  | 135. Declar of [redacted] defts   |           |
| 3-3-86   | pb  | 136. MO: Cnsl to submit letters to this Crt the day after the C/T in the Sate Crt is compl re status & this Crt will reset the stat conf. |           |
| 3-3-86   | pb  | 137. W/D as co cnsl. deft   |           |
| 3-4-86   | pb  | 138. Notc of tkng depo of [redacted] & req for docus on 3-19-86. pltf issd  |           |
| 3-4-86   | pb  | 139. Notc of cancel of depo of [redacted] pltf  |           |

*(over) to pg 6*

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF

DEFENDANT

DOCKET NO. \_\_\_\_\_

Religious Technology

[Redacted]

et al,

PAGE 6 OF \_\_\_\_\_ PAGES

| DATE    | NR. | PROCEEDINGS   |           |
|---------|-----|---|-----------|
|         |     |   | b6<br>b7C |
| 3-12-86 | pb  | 140. Note of cancel of depo of [Redacted] on 3-13-86. pltf  |           |
| 3-12-86 | pb  | 141. Prf/svc for [Redacted] & [Redacted] pltf   |           |
| 3-7-86  | pb  | 142. Note of tkng depo of Personality Deficiency Center on 4-4-86. issd 1 deft  |           |
| 3-7-86  | pb  | 143. Prf/srv for [Redacted] & [Redacted] pltf   |           |
| 3-7-86  | pb  | 144. Note of tkng depo of [Redacted] & req for prod of docus on 4-4-86. deft  |           |
| 3-19-86 | pb  | 145 Note of tkng depo of [Redacted] & req for prod of docus on 4-4-86. pltf   |           |
| 3-27-86 | pb  | 146. Ex parte appl for ord staying disc & con mtn for consol of actn, 4-1-86 at 3:30 a.m. deft  |           |
| 3-27-86 | pb  | 147. Note of mtn & mtn for contempt against [Redacted] 4-28-86 at 10 a.m. memo of P&A's pltf  | b6<br>b7C |
| 3-27-86 | pb  | 148. Note of tkg depo of [Redacted] on 5-9-86. defts issd 1   | b6<br>b7C |
| 3-31-86 | pb  | 149. Note of hrg on appl short ti, 4-1-86 at 3:30p.m. defts   |           |
| 3-31-86 | pb  | 150. Ex parte appl for ord short ti in which to file mtn. defts   |           |
| 3-31-86 | pb  | 151. Mtn for prot Ord quashing notc of depes; declar of [Redacted] memo of P&A. defts   |           |
| 3-31-86 | pb  | 152. Ord short ti in which to file mtn is grntd, hrg 4-1-86 at 3:30p.m.   |           |
| 3-31-86 | pb  | 153. Pltfs partial opp to exparte appl for ords staying disc etc.   |           |
| 4-3-86  | pb  | 154. Note of cancellation of depo of [Redacted] for 4-4-86. pltf  |           |
| 4-3-86  | pb  | 155. Note of cancellation of depo of [Redacted] for 4-3-86. pltf  |           |
| 4-8-86  | pb  | LODGED Ord on mtn for contempt & sact   |           |
| 4-8-86  | pb  | 156. Note of mtn & mtn for contempt against [Redacted] 5-12-86 at 10 a.m. memo of P&A's. pltf   |           |
| 4-8-86  | pb  | 157. Note of mtn & mtn for contempt against [Redacted] 5-12-86; memo of P&A declar. pltf  |           |
| 4-8-86  | pb  | 158. Note of mtn & mtn for contempt against [Redacted] 5-12-86 at 10 a.m., memo of P&A's; declar. pltf  | b6<br>b7C |
| 4-9-86  | pb  | LODGED Ord  |           |
| 4-9-86  | pb  | LODGED Ord  |           |
| 4-9-86  | pb  | LODGED prop Ord on mtn for contempt against [Redacted]  |           |
| 4-9-86  | pb  | LODGED Ord  |           |
| 4-9-86  | pb  | LODGED prop Ord on mtn for contempt against [Redacted]  |           |
| 4-9-86  | pb  | 159. Note of chg of hrg date, Mtn for contempt changed to 5-12-86. pltf   |           |
| 4-16-86 | pb  | 160. Note of mtn & mtn for an Ord realeasing bond, 5-12-86 at 10 a.m. pltf & center   |           |
| 4-16-86 | pb  | LODGED Ord  |           |
| 4-22-86 | pb  | 161. Note of depo of [Redacted] & req for prod of docus on 5-14-86. pltf issd 1   |           |
| 4-22-86 | pb  | 162. Note of tkng depo of [Redacted] & req for prod of docus on 5-15-86   |           |
| 4-23-86 | pb  | 163. Note of cancel of depo of [Redacted] pltf  |           |
| 4-23-86 | pb  | 164. Note of cancel of depo of [Redacted] & [Redacted] pltf   |           |
| 4-24-86 | pb  | 165. Note of recheduling of depo of [Redacted] 4-25-86 at 1p.m. pltf  | b6<br>b7C |
| 4-24-86 | pb  | 166. Note of cancel of hrg on mtn for contempt re [Redacted] pltf   | b6<br>b7C |
| 4-24-86 | pb  | 167. Note of rescheduling of depo [Redacted] to 5-1-86.   |           |
| 5-2-86  | pb  | 168. Memo of P&A's in opp to pltf's mtn for an ord releasing bond. deft   |           |
| 5/9/86  | la  | 169. Crt note of cont the pltfs mot for contempt agnst [Redacted] & [Redacted]. Mot to release bond to 5/19/86 at 10am to release bon 6/2/86 at 10am re contempt for hrg. |           |

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CIVIL DOCKET CONTINUATION SHEET

CV 85-7197-12

|   |  |                                |                              |
|---|--|--------------------------------|------------------------------|
| PLAINTIFF<br><i>Religious Technology Center, etc, et al</i> |  | DEFENDANT<br><i>etc, et al</i> | DOCKET NO. _____             |
|   |  |                                | PAGE <u>7</u> OF _____ PAGES |

| DATE     | NR. | PROCEEDINGS   |
|----------|-----|---|
| 5-13-86  | dc  | 170. Desig of Managing Agent of Church of Scientology International Inc. pltf/cntr<br>171. Desig of Managing Agent of Religious Technology Center. pltf/cntrdft.  |
| 5-15-86  | pb  | 172. Notc of w/d of mtn to compel ans to interrog & req for prod of docus. pltf   |
| 5-15-86  | pb  | 173. Reply to def't's opp to pltf's mtn for an order releasing bond. pltf   |
| 5-21-86  | pb  | 174. Notc of issu of letter of req. pltf  |
| 5-19-86  | pb  | 175. MO: Crt grnts mtn to release bond. Crt to sign ord.  |
| 5-22-86  | pb  | 176. ORD that pltf's' bond posted upon issu of TRO in the amount of \$5,000.00 shal<br>be rtrnd by clerk of this crt to Plts Religious Technology Center and<br>Church of Scientology International.  |
| 6-2-86   | pb  | 177. Notc of w/d of mtn to compel ans to interrog and req for production of docu<br>ptfs  |
| 6-4-86   | pb  | 178. MO: ORD that pltf/cntrdefts Mtns for Contempt is cont to 6-24-86 at 9:30 a   |
| 6-16-86  | pb  | 179. NOTc of mtn & mtn for apptmnt of a receiver, 7-7-86 at 10 a.m. or altern for<br>a special master; memo of P&A's. pltf<br>LODGED lcopy only of under seal exh with judge  |
| 6-17-86  | pb  | 180. NOTc of mtn & mtn for an ord compel defts resp to pltf's' interrog & req<br>for prod of docus, 7-14-86 at 10 a.m. pltf   |
| 6-20-86  | dc  | 181. MO: crt grnts applic & ords mtn to apnt a rcvr or special master advanced to<br>6-27-86, 1:15pm; cnsl fr dft to fi opp 6-26-86, 12 noon.   |
| 6-23-86  | dc  | 182. Reply to non-pty [redacted] opp to pltf's' mtn fr contempt. pltf.  |
| 6-24-86  | dc  | 183. MO: tht [redacted] & [redacted] each is directd to cmpl, upn pain of cont<br>of crt, with written ntc by first class mail, renotcng his depo on at leas<br>wks ntc; ORD tht [redacted] is directd to cmplt, with wrttn ntc by fir<br>class ml today, renotcng his depo fr 7-1-86 |
| 7-16-86  | pb  | LODGED cpy of ord frm USCA fro the 9th Cir remandng the matter to district<br>crt for the limited purpose; crt is to resp by 7-21-86.   |
| 7-22-86  | pb  | 184. MO: Crt's own mtn ORD Mtn for ord compell defts resp to pltf's' interrog &<br>req for prod of docus, filed 6-17-86 is cont to 8-12-86 at 9:30 a.m.   |
| 9-3-86   | me  | 185. Stip stmt of disc dispute re: depo of ct clerks. pltf's/counterdefts.  |
| 10-22-86 | me  | 186. Treasury Check #203292 for the amount of \$5,000.00 in full payment for cost   |
| 10-28-86 | me  | 187. Disb the sum of \$1,756.85 to Religious Technology Center & Church of Scienco<br>Int'l Inc. per ord dtd 12-3-85 (int for 3-4-86), \$1,756.85 to the same payee<br>ord dtd 12-3-85 (int for 6-2-86) & another \$1,512.33 to the same payee per<br>dtd 12-3-85 (int of 9-2-86).    |
| 10-30-86 | me  | LODGED cc of ord from US CCA 9th Cir reversg jdmt of Dist. Crt.   |
| 10-31-86 | me  | 187. Notc of hrg of flg & spreadg jdmt of crt of appeals set for hrg 11-17-86 @J  |
| 11-24-86 | me  | 188. ORD that mot for leave to amend & supplmt complt set for hrg 11-26-86 @10:30   |
| 12-1-86  | me  | LODGED cc of ord frm 9th Cir C/A reversg jdmt of Dist Crt. Costs are taxed agst<br>appellee in the amount of \$1,074.20.  |
| 12-9-86  | me  | LODGED FIRST AMEND COMPLT., DEMAND FOR JURY TRIAL.  |

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*(Over)*

PLAINTIFF  
*RELIGIOUS TECHNOLOGY*

DEFENDANT  
[Redacted]

DOCKET NO. \_\_\_\_\_  
PAGE 8 OF \_\_\_\_\_ PAGES

| DATE    | NR. | PROCEEDINGS  |
|---------|-----|--|
| 12-4-86 | me  | 189. ORD from 9th Cir C/A reversg jdmt of dist crt, costs are taxed agst appellee in amt of \$1,074.20. (ENT 12-10-86) mld copies w/stamped notc of entry to all pty's.  |
| 12-8-86 | lpc | Distb. \$1,310.68 to Relig Tech per ord dtd 12-3-85  |
| 1-6-87  | me  | 190. Memo of P's & A's in opp to mot to dismiss. Religious Technology Center & Church of Scientology International, INC.   |
| 1-13-87 | me  | LODGED stmt of uncontroverted facts, conclusions of law, genuine issues of material fact in opp to mot for summ adjudication of issues, 1-26-87 @11am.   |
| 1-12-87 | me  | 191. Notc of joinder of mot to dismiss, 1-20-87 @10am. defts.  |
| 2-6-87  | me  | 192. FIRST AMEND COMPLT, no demand for J/T. pltf's.  |
| 3-13-87 | sh  | 193. ANSWER TO 1ST A/C Defts [Redacted]<br>[Redacted] (hereinafter Collectively Called teh [Redacted] Defts)   |
| 3-6-87  | me  | 194. Disb the sum of \$1,331.51 to RTCC of SI int.   |
| 3-20-87 | me  | 195. ANSWER to 1st A/C; COUNTERCLAIM, demand for jury trial. Church of the New Civil tation & [Redacted]   |
| 4-10-87 | me  | [Redacted]   |
| 4-14-87 | me  | 196. ANSWER to sub & supplmentl 1st A/C, demand for J/T. [Redacted] & [Redacted]   |
| 4-17-87 | me  | 197, Transcript designation & ordering form.   |
| 4-29-87 | me  | 198. Transcript designation & ordrg form.  |
| 4-30-87 | me  | 199. Transcript designation & ordrg form.  |
| 5-18-87 | me  | 200. PRAE: issd sms on counterclaim.   |
| 6-2-87  | me  | 201. Crt w/hear mots in question 6-30-87 @10am. (See MO for further details) MO bC   |
| 6-15-87 | me  | 202. Memo of P's & A's in opp to pltf's' mot for ord strikng portions of defts' ans to [Redacted]  |
| 7-1-87  | me  | 203. Affidavit of svc of S&C to Church of Spiritual Technology, thru [Redacted] 6-25-87. pltf.   |
| 7-2-87  | me  | 204. Proof of svc by mail of transcript designation. defts.  |
| 7-20-87 | me  | 205. Receipt for reporter's transcript hrg hld 11-25-86, fld 7-20-87 reported by [Redacted] & fwd to C/A orig reporter's transcript of procedgs had 11-25-86.<br>206. Receipt for reporter's transcript hrg hld 11-25-86, fld 7-20-87 reported by [Redacted] & fwd to C/A orig reporter's transcript of procedgs had 11-25-86. |
| 8-13-87 | dc  | 207. dft reqst fr ent of dflt agnst cntrclm dft. (valid p/s provided)<br>208. ENTRY OF DELT BY CLERK AGNST CNTRDEFT CHURCH OF SPIRITUAL TECHNOLOGY a calif corp.   |
| 8-20-87 | me  | 209. Notc of applic, & applic for ord for assessmnt of damages by jury & for entry c jdmt by deflt, declar of [Redacted] 8-31-87 @10am. Church of the New Civilization & [Redacted]  |
| 8-21-87 | me  | 210. LODGED ORD Notc of mot & mot to dismiss counter-deft, memo of P's & A's, 9-21-87 @10am. Church Spiritual Technology.  |

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*See Page 9*

CIVIL DOCKET CONTINUATION SHEET

AWT [Signature]

|                 |  |            |                    |
|-----------------|--|------------|--------------------|
| PLAINTIFF       |  | DEFENDANT  | DOCKET NO. 85-7197 |
| Religious Tech. |  | [Redacted] | PAGE 9 OF PAGES    |

| DATE    | NR. | PROCEEDINGS   |
|---------|-----|---|
| 8-26-87 | me  | 211. Memo of P's & A's in opp to applic for ord for assessmnt of damags by jury & entry of jdmnt by deflt; declaration of [Redacted] in supp & req for sanctions. Church of Spiritual Tech.   |
| 8-31-87 | me  | 212. Declaration of [Redacted] in supp of applic for deflt jdmnt agst Church of Tech. Church of the New Civilization & [Redacted]<br>213. Declaration of [Redacted] in supp of applic for deflt jdmnt agst Spirit Tech. (Same as above.)<br>214. Supplmntl memo in supp of applic for deflt jdmnt agst Spiritual Tech. (Same as above)  |
| 9-1-87  | me  | 215. Memo of P's & A's in opp to defts' mot for S/adjudication of obligation & exe ptlts/counterdefts.<br>216. Exhibits in supp of memo of P's & A's in opp to defts' mot for S/adjudicatio of obligation & Exec. ptlts/counterdefts.   |
| 9-2-87  | me  | 217. Ex parte applic for ors shortng ti to hear mot to set aside entry of deflt; declaration of [Redacted], 9-2-87 @3:30pm. Church of Spiritual Tech.<br>LODGED ORD<br>LODGED MOT W/NOTC.<br>218. Notc of mot & mot6 to set aside entry of deflt, 9-28-87 @1pm. Church of Spir Tech.<br>219. Declaration of [Redacted] in opp to ex parte applic for. ors shortng ti in supp of applic for ord contg hrs set for 9-14-87 to 9-28-87 & memo of P's A's, 9-2-87 @10am. Church of the New Civilization & [Redacted] A's, 9-2-87 @10am. Church of the New Civilization & [Redacted] (Forw'd to CRD) |
| 9-3-87  | me  | LODGED ord prop. Church of the New Civilization & [Redacted] (Forw'd to CRD)  |
| 9-4-87  | me  | 220. Note of depo of [Redacted] 9-17-87. issd 1. ptlts.   |
| 9-8-87  | me  | Disb. \$1,520.82 to Religious Tech. Ctr & Church of Scintology Int'l per ord dtd 1-23-85 int/   |
| 10-5-87 | me  | 221. Reply to counterclaims. pltf [Redacted]  |
| 9-14-87 | me  | 222. Reply to counterclaims of [Redacted] & Church of the New Civilization. [Redacted]  |
| 12-2-87 | me  | 223. Notc of cessation of law practice by reason of death of atty. Atty for Estate.   |
| 12-9-87 | sb  | Disb \$1,470.96 to Religious Technology   |
| 2-1-88  | me  | 224. ORD that [Redacted] shall pay \$675.00 & ptlts shall pay \$675.00 to defts' cnsl, for a total award of \$1350.00.  |
| 2-9-88  | vc  | 225. ORD compelling fur responses; protectv ord.  |
| 3-8-88  | lj  | Disbursed \$1,495.89 to Religious Technology Center per Order dated 12-3-85, Disb. Interest:  |
| 3-24-88 | vc  | 226. ORD (MRP) to reassign case. Case reassinged to Judge A. Andrew Hauk for all fur procedgs. cc ptys.   |
| 3-30-88 | vc  | 227. ORD (AAH) transfng actn to cal of Judge Mariana R. Pfaelzer for all fur procedgs. cc ptys.   |
| 6-7-88  | dm  | Pd \$1,474.52 to pltf per ORD dated 12-3-85 (interest)  |
| 8-8-88  | dm  | 228. Ex parte applic for hrg on ORD short'g ti for motn for reconsideration of [Redacted] 8-4 & 5-88 ORDS; declar of [Redacted] in suppt. ptlts/cnd<br>229. MO: Hrg pltf's motn for relief from Crt's informal stay in ord to tk depos of [Redacted] Crt GRANTS motn. Cnsl for deflt makes motn for certfctn. Crt DENIED motn. Crt ORDS sepos to be tkn in Crt's jury room on a date & ti approved by [Redacted] Crt to set hrg on pltf's applic for reconsiderati of [Redacted] ORDS. C/R-BEC  |

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SEE PG [Signature]

CIVIL DOCKET CONTINUATION SHEET

|           |           |                                     |
|-----------|-----------|-------------------------------------|
| PLAINTIFF | DEFENDANT | DOCKET NO. <u>85-7197</u>           |
|           |           | PAGE <u>10</u> OF <u>    </u> PAGES |

| DATE     | NR. | PROCEEDINGS   |
|----------|-----|---|
| *8-4-88  | dm  | 230. MO: Pltf's objectns to [redacted] representation of wit during the depos in progress is OVERRULED. The depos shall proceed forthwith. The fact of [redacted] representation of [redacted] for the purposes of this depos shall not be used against either of them in any proceeding in this or any other crt as evid of misconduct or unethical behavior. C/R-#70  |
| *8-5-88  | dm  | 231. MO: Inquiry in subject [redacted] depos as to whether he conveyed, directly or indirectly, any of pltf's confid info to any member of the defense team. Collateral inq shall be limited, as discussed in open crt. Absent a contrary ruling by Dist Judge, pltf's inq into discussions w/IRS are prohibited as of too remote relevance. Depos shall resume 12:30 pm & direct examtn shall conclude by 3:30 pm. Defts shall hv 2 hrs, until 5:30 for x-examtn. C/R-70/71/72   |
| 11-8-88  | dm  | 233. Deft's motn to compel ans to questions propounded at depos (see doc for specific MO C/R-Tape #99   |
| 12-7-88  | dm  | Pd \$1,657.95 to Religious Technology   |
| 1-9-89   | dm  | 234. Ex parte applic for ord shor'g ti to hr motn for sched of evidentiary hrg. pltf's/cnterdefts LODGED prop ORD (F'wd to CRD)   |
| 1-31-89  | dm  | 235. Oppos to motn to ascertain damages . pltf's/cnterdefts<br>236. Motn of defts/cnterclmnts Mayo and Church of New Civilization to compl fur ident & prodctn of docs: As to categor's 1,2,4 CST respndd that it does not hv "possessn, cust or control" reqstd docs. (see doc for specifics) Category 3 reqst is neither vague, ambiguous or irrel but if inclu in afore said stmt und penalty of perjury as material not in CST's possessn. Mag un-derstands that lack of possessn, cust, etc has nt been assertd in respnse to reqst 11; CST shall, prod fully materials described therein. [redacted] motn as to reqst 12 is DENIED w/o prej to svc of new, less broad & more specific reqst upon CST. Compliance shall be by 2-14-89. Prys bear own costs/fees. MO #113 |
| 3-7-89   | dm  | 237. ORD allowing subst of atty of [redacted] in place of [redacted] [redacted] ... for pltf  |
| 3-29-89  | dm  | 238. ORD allowing subst of atty [redacted] & [redacted] in place of [redacted] & [redacted] for deft<br>239. ORD allowing subst of atty [redacted] & [redacted] in place of [redacted] & [redacted] for deft<br>Church of the New Civilization  |
| 3-28-89  | dm  | 240. Consolidated proceedgs. Oral motn of pltf's for lv to srv subp duces tecum GRANTED by crt. Crt ORD all reqst for fur discov be svd on/before 4-11-89. Crt recommends that cnsl meet & attempt to resolve iss which are subj of proceedgs. Upon oral stip of cnsl Crt ORDs depos listed in notc of lodging orig depos transcr for evid hrg be retnd to cnsl for safekeeping & retnd to crt for next sched hrg dte. MO C/R BS GYR Tape 89-39 & 89-40   |
| 4-11-89  | sb  | 241. motn to disqualify Judge Pfaelzer id denied (ENT 4-14-89)<br>Mld cpy & NOTc  |
| 4-20-89  | dm  | 242. Stip & ORD that evidentiary hrg will resume 5-23-89 9 am, [redacted] pltf's  |
| ✓5-24-89 | vc  | 243. ORD (MRP) transfng actn to cal of Judge JAMES M. IDEMAN for all fur: proceedgs. cc pty's.  |
| 3-20-89  | mc  | Rtn to Fsc1 - Disb \$1,820.00 to Religious Tech Cntr int per ord dtd 12/3/85  |
| 6-28-89  | mc  | 244. MO: Dft's Mtn for PRotctve Ord Qushng Ntc of Depo of [redacted] & for Sncts Mtn is grntd in part & denied in part; It is ord tht CST's cnsl may depose [redacted] as to the cntr-clm only durng wk of 8/21/89 for nt mre thn 2 dys; It is frthr ord tht x-mtns for sncts & fees are denied; Prys shl bear their own costs & fees.  |

*See Page 11*

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CIVIL DOCKET CONTINUATION SHEET

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| PLAINTIFF<br><b>RELIGIOUS TECHNOLOGY CENTER</b> | DEFENDANT<br><b>LARRY WOLLERSHIEM ETAL</b> | DOCKET NO. <b>CV85-7197</b><br>PAGE <u>11</u> OF <u>    </u> PAGE <u>    </u> |
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| DATE     | NR. | PROCEEDINGS  |
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| 8-11-89  | mc  | 245. MO: 6 dscvy mtns prsntly on/cal for 8/15/89 @11:00am & 9:30am bfr [redacted] are now off/cal; these mtns are: Mtn to Compel Prod of Docs Rspnsv to Dft's 4th Reqst for Docs; Mtn to Compel Frthr Prod of Docs & Tapes Rspnsv to Dft's 2nd Reqst for Docs & for Sctns; Dfts Mtn to Compel Frthr Prod of Docs by Contrdft Cost Rspnsv to Dfts 2nd & 4th Reqst for Docs & for Sctns; Dfts Mtn to Compel Prod of Docs Rspnsv to Starkey Subp Duces Tecum; Pltf's Mtn for Protctve Ord & Pltf's Mtn for Ord Reschdng or Lmtng Depo of [redacted] |
| 9-5-89   | mc  | 246. MO: Clk dirctd to cntct cnsl to inform thm tht there is no hrg schld for 9/6/89 as erroneously reflctd in crt's ord filed 8/25/89; Cnsl are frthr advsd tht when a hrg is set they all will be notifd of tme & dte.   |
| 9-7-89   | mc  | 247. MO: Crt continues st conf set frm 9-11-89 to 12-11-89 @10:00am.   |
| 9/29/89  | ca  | 248. The ex parte motn for protective ord of Church of Spiritual Technology, to prohibit the depos of [redacted] & [redacted] on 10/2 & 3/89, upon notc made on this date, is GRANTED. Said depos shall not be hld. M.O. C/R none.   |
| 9-13-89  | ms  | 249. ORD re oral agreement.  |
| 10-27-89 | ms  | Dep. \$8,000.00 to LNB in an interest bearing account.   |
| 10-24-89 | ms  | Opened M/M Acct. for \$12,500.00 at Lincoln National Bank.   |
| 11-3-89  | ms  | 250. In Chambers. Stats confn is taken off calendar, to be re-set by the Special Master. M.O.  |
| 9-22-89  | ms  | Disb \$1,047.93 to Religious Technology Center & Church of Scientology Int'l for Interest per ord dtd 12-3-89.   |
| 12-11-89 | ms  | Dep \$2,250.00 to LNB for dep into M/M Acct.   |
| 1-8-90   | ms  | Disb \$5,400.00 to [redacted] Special Master per ord dtd 12-11-89.   |
| 1-18-90  | ms  | LODGED cc Ord frm 9th CCA revrsng & remndng decision of D.C.   |
| 2-13-90  | ms  | Disb \$2,186.88 to [redacted] per Ord dtd 1-8-90.  |
| 3-6-90   | ms  | Purs to Crt Ord dtd 2-8-90, disb the sum of \$900.00 to Inga Parsons, Research. Asst. & sum of \$7,325.00 to [redacted] Spec. Master.  |
| 3-20-90  | ms  | Purs to Ct Ord dtd 3-5-90, disb \$6,900.00 to [redacted] Special Master & \$5,900.00 to [redacted]   |
| 10-24-89 | ms  | Recd frm 9th CCA 5 vol. reporter's transp.   |
| 4-27-90  | ms  | Disb. \$8,550.00 to [redacted] & \$2,800.00 to [redacted] per ord dtd 4-11-90.   |
| 5-4-90   | ms  | 251. ORDER payment of fees & costs to Special Master pursn to sixth rept of Special Master for time period April 1-30, 1990.   |

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| -30-90   | ms  | Disb \$1,928.22 to Religious Technology Center & Church of Scientology Intern'l for interest.  |
| 6-20-90  | es1 | 252. Note of mot & mot to recuse the Hon. James Ideman; memo of P/A & declr of [redacted] in suppt, on 7-16-90,10AM. pltfs (CV13)      |
| -9-90    | ms  | 253. ORDER that mot to disqualify Judge Ideman be, & hereby is denied. Mot lacks merit & fails to meet requirments.                    |
| 17-90    | ms  | 254. Note of lodging of docs in support of oppos to mot to recuse. Pro-Per deft in RTC, et al vs. [redacted] et al.                    |
| 19-90    | ms  | 255. ORDER re oral argument.   |
| -5-90    | cc  | Plntfs fld Note of Appl to 9thCCA frm ord fld 8-10-90. Flng & doc fees pd. Cpy of Note srvd to: [redacted] & Hon. J. Kolts on 9-14-90. |
| -11-90   | cc  | Plntfs fld Amended Note of Appl to 9thCCA frm ord fld 8-10-90. FEES PREVIOUSLY PAID. Cpy of Note srvd same as above on 9-14-90.        |
| -23-90   | es1 | Disb. \$2,250.00 to James G. Kolts, Sp. Master & \$950.00 to [redacted] per Ord dtd 10-15-90.  |
| 0-19-90  | es1 | Disb. \$4,425.00 to James G. Kolts, Sp. Master & \$2,800.00 to [redacted] per ord dtd 9-20-90.   |
| 1-9-90   | es1 | 256. Receipt of Reprtr's transc had on 11-5-85, 11-8-85, 11-11-85, 11-12-85, 11-13-85, 11-21-85, 11-22-85 & 11-9-90.                   |
| -17-90   | cat | Religious Technology vs. [redacted] Disb \$2,400.00 to James G. Kolts, S/M & \$1,750.00 to [redacted] per Ord dtd 12/10/90.            |
| -10-90   | cat | Religious Technology vs [redacted] Disb. \$5,550.00 to James G. Kolts, Special [redacted] Ord dtd 8/1/90.                              |
| 11/14/90 | cat | Disb. \$4,850.00 to James G. Kolts, sp/master and disb. \$1,500.00 to [redacted] R/A per Ord dtd 11/6/90.                              |
| /17/90   | cat | Disb \$4,200.00 to James G. Kolts, sp/Master and disb \$1,520.00 to [redacted] per ord dtd 5/3/90.                                     |
| -5-91    | cat | 257. ORD re oral argmt.  |
| -3-91    | cat | 258. Note of change of add for deft [redacted] pro per   |
| 5-8-91   | cat | Disb. \$3,225.00 to James G. Kolts, Spec. Master per Ord DD 5/2/91.<br>Disb. \$2,200.00 to [redacted] per Ord DD 5/2/91.               |
| 3-12-91  | cat | Disb. \$1,425.00 to James G. Kolts, Spec. Master per Ord dated 3/5/91.   |
| 4-22-91  | cat | Disb. \$6,150.00 to James Kolts, Sp. Master and \$2,400.00 to [redacted] Asst. per Ord dtd 4/9/91.                                     |
| 2-12-91  | cat | Disb \$1,800.00 to James Kolts, Sp. Master and \$1,300.00 to [redacted] Asst. per Ord dated 2/7/91.                                    |
| 2-27-91  | cat | Disb. \$1,575.00 to James Kolts, Sp. Master and \$1,850.00 to [redacted] Asst. per Ord dated 1/11/91.                                  |

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| 6-6-91   | cat | 259. ORD tht the registry of Crt disburse from funds deposited w/it by ptys purs to ord apptg spcl master sums as follows: James G. Kolts, Spcl mstr \$2,700.00; [Redacted] \$3,250.00.  |
| 7-9-91   | cat | Purs to Ct Ord dated 6/5/91, disb the sum of \$2,700.00 to James G. Kolts, Spcl [Redacted] & \$3,250.00 to [Redacted]  |
| 7-17-91  | cat | Dep the sum of \$25,000.00 into M/M acct at CUB.   |
| 10-3-91  | cat | Per memo from GRD [Redacted] CV 85-711 JMI, CV 85-7197 JMI and CV 90-2042 JMI are all fld by cnsl representing Church of Scientology et al and state the same ground for alleged prejudice. These cases state the same ground of prejudice as CV 88-1786 JMI which has been assigned to Judge Letts for hrg. These mots shld also be assigned to Judge Letts. Any addtl recusal mots tht may come up on related cases, prior to the assigned hrg date of 10/15/91 shld also be ref'd to Judge Letts. |
| 10/8/91  | BP  | 260. M.O. In chambers ORD on the crt's own motn, the above entitled actn is set on cla for 10/25/91 at 3:30 pm. for hrng on pltf's motn to recuse Judge Ideman. c/r none   |
| 9-18-91  |     | --- Disb \$3,975.00 to James G. Kolts. Special Master per ord dd 9/3/91.   |
| 9-30-91  | gk  | Disb \$2,200.00 to [Redacted] per ord dd 9/3/91.<br>---Disb \$3,625.00 to James G. Kolts. Special Master per ord dd 9/16/91.<br>Disb \$1,150.00 to [Redacted] per ord dd 9/16/91.  |
| 1/23/92  | BP  | --Disb. \$1,050.00 to James G. Kolts, spec. master per ord dtd 1/9/92  |
| 4/15/92  | BP  | -- Disb. \$5,225.00 to James G. Kolts, Sp. master, \$4,100.00 to [Redacted] [Redacted] per ord dtd 3/9/92.   |
| 10/18/91 | ess | Disb. \$3,075.00 to James G. Kolts, spec. master & \$2,250.00 to [Redacted] per Ord dtd 10-8-91.   |
| 3-5-92   | ess | Disb \$1,750.00 to [Redacted] & \$2,850.00 to [Redacted] [Redacted] Master per Ord dtd 2/20/92 for [Redacted]  |
| 3-5-92   | ess | Disb \$1,090.75 to Religious Tech Center & Church of Scientology Int'l for Interest per Ord dtd 12-3-85.   |
| 4-3-92   | ess | 261. ORD subst of atty [Redacted] in place of [Redacted] of QUINN, KULLY & MORROW. plf & cntrdft Religious Tech Center<br>262. ORD subst of atty [Redacted] in place of [Redacted] plf & cntrdft Church of Scientology Intl  |
| 4-22-92  | ess | Disb. \$1,800.00 to [Redacted] \$4,825.00 to James Kolts, Sp. Master per Ord dtd 4-9-92.   |
| 7/15/92  | BP  | 263. M O. Cnsl are notified tht due to the volume of motns pending bef the crt. pla's motns for evidentiary hrng; entry of default judgment & motn to vacate the Special Master's ord of 4/26/91 will all be cont'd to 8/17/92. cnsl are reminded tht the motns remain under submission & there will be no apprn's c/r none  |
| 7/22/92  | BP  | --LODGED ord frm 9th cca this case is resubmitted.   |
| 8/6/92   | BP  | 264. ORD re: oral arg: please see lengthy doc in fl for details.   |
| 8/12/92  | BP  | 265. Oral arg; please see lengthy doc in fl for details.   |

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| 8/31/92  | BP  | -- LODGED frm 9th cca ord tht the judgment of the said distric crt in this cause by, & hereby is affirmed  |
| 9/3/92   | BP  | -- LODGED frm 9th cca ord by this crt tht the judgment of the said District Crt in this cause be, & hereby is affirmed.  |
| 9/3/92   | BP  | 266. M.O. FRM 9TH CCA CRT ORD THT mandate affirming: the record reflects tht costs of the prevailing party were taxed by the 9th cca in the amount of \$338.20 & \$125.70 on 8/26/92. (ENT 9/11/92) mld cpys .                     |
| 9/22/92  | BP  | 267. ORD tht the hrng on dfts motn for attys fees is hereby GRANTED. The hrng dt on said motn is cont'd from 10/5/92, to 10/26/92. Pla's opp should be fld by 10/5/92, & dfts opp by 10/19/92.                                     |
| 9/23/92  | BP  | 268. ORD tht upon pla's ex parte appl, & dfts response, it is ORD; Pla's ex parte appl for a stay of the hrng scheduled in response to dfts motn to specially set, is hereby DENIED.   |
| 9/30/92  | BP  | 269. M.O. On the crt's own motn, it is ORD tht pla's motn to disqualify Judge Ideman. presently on cla for 10/26/92, is cont'd to 11/2/92, at 1:00 pm. c/r none  |
| 11-10-92 | r/s | 270. ORD plfs mot to discharge Specl Mastr Kolts is DENIED., [Ent 11-13-92] mld cpys, Notc.  |
| 12-02-92 | r/s | 271. ORD den plfs mot to review <u>specl mastrs ord of 09-10-92 denying mot to vacate dism as to [redacted] and [redacted] dfts req snctns den.</u> [Ent 12-04-92] mld cpys, Notc.   |
|          |     | 272. ORD den plfs mot for rlvw of specl mastrs ord 09-10-92 as to S/J mot re: emotnl distress., [Ent 12-04-92] mld cpys, Notc.   |
|          |     | 273. ORD den plfs mot for dterminatn that there is no prevail pty and for cont of dfts applic to tax costs til final jgm rendered., [Ent 12-04-92] mld cpys, Notc.   |
|          |     | 274. ORD gr plfs mot for rnsidratn of that port of crts ord of 08-28-92 dterm that plfs applic for evid hrng assessment of dmages and ent of jgm by dflt as to certain dfts had been rndered moot., [Ent 12-04-92] mld cpys, Notc. |
|          |     | 275. ORD den plf mot for amd to crts ord 08-28-92 w/respect to ord on mot for rlvw specl mastr ord 06-02-92; plf ord pay dfts snctns \$2,319.85 as directed in 06-02-92 ord., [Ent 12-04-92] mld cpys, Notc.                       |
|          |     | 276. ORD gr plfs mot rnsidratn of port of crts ord 08-28-92 den review on grounds of mootness of both the 04-26-91 and 07-21-91 ords. [Ent 12-04-92] mld cpys, Notc.   |
|          |     | 277. ORD den plfs expte applic for ord cont hrng atty fees mot; ORD transf dfts mot for atty fees to Specl Mastr Kolts., [Ent 12-04-92] mld cpys, Notc.  |
| 1/12/93  | BP  | 278. ORD tht pla's motn for review of the special master's 11/13/92 ord is hereby DENIED. Dft's request for sanctions is hereby DENIED (ENT 1/14/93) mld cpys & notc.  |
| 3/93     | BP  | 279. ORD RE: oral argument.  |

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| 2/5/93  | BP  | 280. ORD tht, pla's request for an evidentiary hrng or oral argument is hereby DENIED.<br>281. ORD tht, pla's ex parte applic for permission ot fl an oversized brief is hereby DENIED.   |
| 2/8/93  | BP  | 282. Ex parte applic requesting tht dfts concurrently fld motn for an inj barring p frm re-litigating issues & claims determined in this case, be referred to the special master; memo of P's & A's; supporting decl of [REDACTED] dft's LODGED PROP ORD (FW'D TO CRD)  |
| 2/11/93 | BP  | 283. ORD tht the court hereby MODIFIES its ORD of 2/10/93. The ORD, on line 18, incorrectly reads pla's ex parte applic. The ORD, in accord with the above caption, should state dfts ex parte applic re: reference to special Master of motn seeking injunctive relief. The ord shall be read with these changes.  |
| 2/17/93 | BP  | 284. ORD tht the motn of pla's Religious technology center, et al. be DENIED (ENT 2/19/93) mld cpys & notc.   |
| 2/18/93 | BP  | 285. ORD: The court is in receipt of pla's motn to recuse the Honorable James M. Ideman & the HOnorable James G. Kolts (special Master), calendared for hrng on 3/15/93. Pursuant to the L.R. of the Central district of Ca, the motn to recuse the Honorable James M. Ideman is hereby referred to the Homorable J. Spencer Letts. Judge Letts has been assigned two previous motns to recuse in this actn & the instant recusal motn may invovle the same subject matter as tht contained in the recusal motn fo 9/22/92. since it is patently obvious tht the instant recusal motn is done for the purpose of delay & harassment, & because the motn is neither grounded in fact nor warranted by law, the court hereby DENIES pla's recusal motn as to special master Kolts. Dft's ex parte applic for an ord authorizing the special master to proceed with pending matters is hereby GRANTED. The Special Master is hereby ORD to continue with all proceedings. there shall be no abatement of proceedings pending Judge Lett resolution of the above referenced recusal motn (ENT 2/19/93) mld cpys & notc. |
| 2/23/93 | BP  | 286. ORD tht dtf's motn for an ord allowing special master fees as a recoverable cost & to re-tax certain costs is GRANTED. Special Master fees & costs are allowed in teh amount of \$98,860; In addt to the costs allowed by the clerk i the amount of \$49,219.15, Dft's are also allowed an addtl \$938.65 for photocopying of depo transcripts for which there is no documentary supp, the crt relying instead upon the decl of cnsl for corroboration of the reasonable of the amounts incurred & tht the transcripts were necessary for use in this case (ENT 2/25/93) mld cpys & notc.<br>287. ORD tht pla's motn to re-tax costs came on regularly for hrng bef the Honorab James M. Ideman, U.S. district Judge, on 1/25/93. Having thoroughly read & considered pla's motn, dfts opp thereto & all docs fld therewith, the crt fin tht pla's motn is neither warranted by law nor grounded in fact. Accordingly pla's motn to re-tax costs is hereby DENIED. (ENT 2/25/93) mld cpys & notc.  |
| 3/8/93  | yrt | -- ORD denying plfs mot for review of special master's ord of 12/29/93. (ENT 3/10/93) mld cpy & ntc   |

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| 4/1/93    | BP  | 289. ORD tht the court finds tht the mot is neither grounded in fact nor warranted by law. Accordingly, counter-defendants mot for fur detail & reimbursement of special maste Kolts fees is hereby DENIED (ENT 4/2/93) mld cpys & notc.   |                        |
| 4/5/93    | BP  | 290. Memo of decision. .   |                        |
| 4/14/93   | BP  | 291. M.O. It has been brought to the crt's attention tht copies of the ord granting attys fees, prepared by cnsl for dfts, approved & fld on 2/24/93, was missing pag 3. The clerk has verified tht the original of the ord is missing page 3. although the copy for the court contained all pages. The clerk is directed to send cnsl a complete copy of the ord, forthwith. c/r none   |                        |
| 4/21/93   | BP  | 292. ORD pla's September 21, 1992 mot for certification of issues for appellate revie is hereby denied. To the extent pla's September 21, 1992, mot is still viable i.e., not mooted by subsequent ords issued by this court & by the Ninth Circuit, the court finds tht pla's mot is neither grounded in fact nor warranted by law. Pla's failed to establish the staturoy cirteria set forth in title 28 U.S.C. 1292(b). For example, this court is not of the opinion tht the July 23, 1992 ord presents a controlling question of law to which there is substantial ground for difference of opinion. Accordingly, pla's mot for certification of issues for appellate review is hereby DENIED. (ENT 4/22/93)  |                        |
| 4/21/93   | BP  | 293. ORD tht the court hereby transfers pla's April 12, 1993 mot for an ord enjoining fur proceedings pending Resolution of issues regarding stolen docs & violation of confidentiality ords & for related relief to Special Master Kolts. Purs to the courts' referral ord appointing special master Kolts, the court finds tht the instant mot fails squarely within the purview of the special master's authority. Accordingly, the instant mot is hereby TRANSFERRED.  |                        |
| 4/21/93   | BP  | 294. ORD tht counterdft's ex parte applic for an ord to produce unredacted attys bil is hereby DENIED. The court finds, after thorough review & carefull considerati tht counterdft's ex parte applic is neither grounded in fact nor warranted by law. Counterdft's ex parte applic for an ord vacating special master kolts Apri 1993, ord is hereby DENIED. After thorough review & carefull consideration the court finds tht cntr-dft's mot is neither grounded in fact nor warranted by law Pla's ex parte applic for review of the special master's ord of April 5, 1993 with respect ot the sufficiency of pla's doc production & the taking of various is hereby DENIED. After thorough review & carefull consideration the court find the application is neither grounded in fact nor warranted by law. Pla's are ord to ocmply forthwith with the instrurctions contained in speical master kolts April 5, 1993, ord (ENT 4/27/93). |                        |
| 5/5/93    | BP  | 295. ORD tht the court hereby DENIES pla's May 4, 1993, ex parte appl for a stay of proceedings. Purs to [redacted] V. U.S., 835 F.2d 727 (9th Cir. 1987), this court & Special Master Kolts will proceed with the instant case while the writ of [redacted] is pending bef the Ninth Circuit (ENT 5/7/93) mld cpys & notc.'   |                        |
| 5/26/93   | yrt | 296. ORD that the crt grams ex parte applic filed on behalf of [redacted] and the depo subp srv upon [redacted] is quashed. No fur civil subp shl be iss by plfs and their cnsl to [redacted] unless so ord by this crt. (ENT 5/28/93) mld cpys & ntc  |                        |

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| *8/15/91 | rm  | --Purs to crt ord dtd 7/31/91 disb to the follow: \$4,125.00 to James G. Kolts, Spec. Master, \$1,400 to [redacted] Asst for spec master fees. Dep \$13,525.00 into M/M attc at CUB.   |
| 1/6/92   | rm  | --Disb \$7,550.00 James G. Kolts Spec Master & \$4,350.00 to [redacted] per ord dtd 12/9/91.   |
| 6/9/92   | rm  | --Disb \$5,100.00 to James C. Kolts, Spec Master & \$900.00 to [redacted] per ord dtd 6/3/92.  |
| 6/16/92  | rm  | --Disb \$5,375.00 to James G. Kolts Spec Master & \$2,950.00 to Sean Kennedy.  |
| 7/24/92  | rm  | --Disb \$4,275.00 to James G. Kolts Spec Master & \$2,700 to [redacted] per ord dtd 7/16/92  |
| 8/21/92  | rm  | --Disb \$1,650.00 to James G. Kolts Spec Master & \$2,860.00 to [redacted] per ord dtd 8/13/92.  |
| 9/9/92   | rm  | --Disb \$2,625.00 to James G. Kolts Spec Master & \$1,760.00 to [redacted] per ord dtd 9/2/92.   |
| 9/2/92   | rm  | LODGED prop ord granting atty fees (fwd to CRD)  |
| 10/6/92  | rm  | 297. ORD on 9/22/92 pltfs fi a mot for recusal of the crt & the special master. That mot currently pending bf Judge Letts & is sched for hrg on 11/2/92. Hrg on defts atty fees mot cal for 10/26/92 is cont to 11/23/92. Pltf's opp s/be fi nlt 10/26/92 & defts reply be fi nlt 11/9/92. |
| 11/4/92  | rm  | --Disb \$3,650.00 to James G. Kolts spec Master & \$1,760 to [redacted] per ord dtd 10/23/92.  |
| 12/2/92  | rm  | 298. ORD re oral arg.  |
| 12/11/92 | rm  | --Disb \$820.25 to Religious Technology interest (monthly)   |
| 12/11/92 | rm  | 299. ORD w/in 30 days of the fi of this ord, pltf to deposit w/ crt \$25,000.00 & defts to deposit w/crt \$25,000.00.  |
| 12/22/92 | rm  | Disb \$4,975.00 to James Kolts spec master per ord dtd 12/8/92.  |
| 1/14/93  | rm  | 300. ORD re oral arg.  |
| 1/15/93  | rm  | --Disb \$8,305.00 to James G. Kolts sepc master per ord dtd 1/5/93.  |
| 2/19/93  | rm  | --Disb \$5,000.00 to James G. Kolts, spec master per rod dtd 2/4/93  |
| 3/10/93  | rm  | --Disb \$7,180.01 to James G. Kolts spec masterper ord dtd 3/4/93.   |
| 3/19/93  | rm  | 301. ORD re oral arg.  |
| 4/26/93  | rm  | --Disb \$2,435.00 to James G. Kolts spec. master per ord dtd 4/8/93  |
| 5/24/93  | rm  | 302. ORD re oral arg.  |
| *1/15/93 | rm  | --Deposited \$16,695.00 with CUB   |
| 1/15/93  | rm  | --Deposited \$25,000.00 with CUB.  |
| 5/19/93  | rm  | --Disb \$3,950.00 to James G. Kolts spec master per ord dtd 5/10/93  |
| 6/30/93  | es  | 303. MO: Crt has determined tht it must recuse itself on the following cases: CV85-711-JMI & CV85-7197 JMI, previously consolidated & CV93-2226-JMI: Case rasgn to the cal of Judge A. WALLACE TASHIMA for all fur procdngs. cc ptys ENTERED ON ICMS <i>[signature]</i>                    |
| 7/15/93  | BP  | 304. ORD requiring joint status report.  |
|          |     | 305. ORD of subst of atty Heller & Edwards-in place of Turner, Gerstenfeld, et al. dft   |
| 7/16/93  | BP  | 306. Letter from Judge Wallace Tashima to Judge James G. KOLTS of the Superior crt (retired) re; status report.  |
| 7/23/93  | BP  | 307. Letter frm Judge James G. Kolts Superior crt (retired) to Judge A. Wallace Tashima U.S.D.C. re status report.   |

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CIVIL DOCKET CONTINUATION SHEET

|           |           |                               |
|-----------|-----------|-------------------------------|
| PLAINTIFF | DEFENDANT | DOCKET NO. <u>85-7197</u>     |
|           |           | PAGE <u>18</u> OF _____ PAGES |

| DATE     | NR. | PROCEEDINGS  |
|----------|-----|--|
| 3-22-94  | sb  | 308. Statmnt of unconf fact & concl of law in suppt of mot for sum jgm as to counterclaim for false designation of origin (ENT 3-24-94) Mld cpys<br>309. Statmnt of uncon fact & concl of law in suppt of mot for sum jgm as to countercla for unfair competition (ENT 3-24-94) Mld cpys & Ntc<br>310. Statmnt of Uncont fact & concl of law ins uppt partial sum jgm as to intentional infliction of emotional distress. (ENT 3-24-94) Mld cpy<br>311. Statment of Unconf fact & concl of law re mot fro partial sum jgm as to Counter claims for libel (ENT 3-24-94) Mld cpys<br>312. FINAL JGM . dft counterclaims are dism on the merits. Each pty shall bear its his or her own costs LR 16.2.3 (ENT 3-24-94) MD JS 6 Mbd cpys & Ntc<br><div style="text-align: right;">ENTERED ON ICMS <i>AB</i></div> |
| 5/18/94  | fv  | NOTICE OF APPEAL by defdts & Counter-Claimnatd David Mayo & Church of New Civilization to 9th C/A from Dist. Court igm ent 3/22/94, amended 4/18/94 & ord ent 5/7/90. (cc: [redacted] & [redacted] Esq.; [redacted] Esq.,; [redacted] & [redacted] & [redacted] Fee: Paid.<br>(see CV 85-711 AWT (Bx))   |
| *7/6/93  | BP  | -- Disb the sum of \$1,050.00 to James G. Kolts, spec master for payments of fees per ord dtd 6/21/93.   |
| *8/31/93 | BP  | -- Disv. \$750.44 to religious technology center & church of Scientology Intl as interest per ord dtd 12/3/85.   |
| *2/25/94 | BP  | -- Disb \$693.15 to religious technology center & church of scientology Intl as intererst per ord dtd 12/2/85.   |
| 6/1/94   | fv  | NOTICE OF APPEAL by defdts & Counter-clmnts Religious Technology Center, Church of Scientology Intl, to 9th C/A from Dist. Court igm ent 4/20/94 amending igm ent 3/24/94. (cc: [redacted] & [redacted] & [redacted] Fee: Billed. (CV 85-711)  |

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SUPERIOR COURT LOS ANGELES COUNTY

8C 74815

CHURCH ONTOLOGY CALIF

Attorney

Attorney

NATURE OF ACTION: MISC CIVIL COMPLAINT-MONEY INVOLVED

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12-9-93

REPORTER / ERM

Trial Judge:

| YEAR | MONTH | DAY | PROCEEDINGS   | FILED DOC | FEES   |
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| 993  | FEB   | 16  | COMPLAINT FILED AND SUMMONS ISSUED  |           | 182.00 |
| 993  | FEB   | 16  | CERTIFICATE OF ASSIGNMENT FILED   |           |        |
| 993  | FEB   | 16  | CASE ASSIGNED TO TRIAL COURT DELAY REDUCTION PROJECT  |           |        |
| 93   | 4     | 12  | newly filed   |           |        |
| 93   | 5     | 26  | Order of no to SA-16 6-24-93 500 12-14  |           | no fee |
| 93   | 5     | 26  | Ord on App for [redacted] & [redacted] & case   |           |        |
| 93   | 5     | 27  | ORDER   |           |        |
| 93   | 5     | 27  | applic for [redacted]   |           |        |
| 93   | 5     | 27  | Decl of [redacted]  | b6        |        |
| 93   | 5     | 27  | Decl of [redacted]  | b7C       |        |
| 93   | 6     | 21  | proposed order Re: [redacted] Relief  |           |        |
| 93   | 6     | 22  | proposed order  |           |        |
| 93   | 6     | 24  | MO. Cont 7-2-93 for only  |           |        |
| 93   | 7     | 2   | Due to Supreme Court Appeal Pending the court stays all matters until the Supreme Court Relief. |           |        |
| 93   | 11    | 23  | note of Resignation of Special [redacted]   |           |        |
| 93   | 11    | 23  | Decl of Special mem of PTA  |           |        |
| 93   | 11    | 23  | EXH. to Decl of Special mem of PTA  |           |        |
| 93   | 12    | 9   | Court orders that matter be stayed  |           |        |
| 94   | 1     | 7   | Order of court Re: PTA's Special MO.  |           |        |

| ARBITRATION CONFERENCE SET | DATE | TIME | DEPT | REFERRED TO ARBITRATION | TSC SET | DATE | TIME | DEPT |
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| JUDGMENT ENTERED | JUDGMENT VACATED | APPEAL FILED | REMITTITUR FILED | SUMMONS ORG FILED |
|------------------|------------------|--------------|------------------|-------------------|
|                  |                  |              | AFFIRMED         |                   |
|                  |                  |              | MODIFIED         |                   |
|                  |                  |              | REVERSED         |                   |
|                  |                  |              | DISMISSED        |                   |

| SUBSTITUTION OF ATTORNEY | FOR | NEW ATTORNEY | DEFAULT ENTERED | FOR | DISMISSAL ENTERED | ENTIRE ACTION FOR: |
|--------------------------|-----|--------------|-----------------|-----|-------------------|--------------------|
|                          |     |              |                 |     |                   |                    |

CASE NO.

SUPERIOR COURT LOS ANGELES COUNTY

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[REDACTED]  
COOLEY, MANION, MOORE & JONES, P.C.  
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Suite 2000  
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(213) 661-4030

Attorneys for Defendant  
CHURCH OF SCIENTOLOGY OF CALIFORNIA

**FILED**  
LOS ANGELES SUPERIOR COURT  
MAR 11 1994  
[REDACTED] CLERK  
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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

BC 74815

[REDACTED]  
Plaintiff,  
  
vs.  
  
CHURCH OF SCIENTOLOGY OF  
CALIFORNIA,  
  
Defendant.

) CASE NO. ~~C 232 827~~  
)  
) NOTICE OF FINAL JUDGMENT  
)  
)  
) POST-TRIAL NOTICE  
) NO TRIAL DATE  
) NO DISCOVERY CUT-OFF  
) NO MOTION CUT-OFF  
)  
)  
)


TO PLAINTIFF AND HIS COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on March 7, 1994, Church of  
Scientology of California's petition for certiorari to the United  
States Supreme Court in the above-entitled matter was denied.  
On March 20, 1992, after the judgment herein had been vacated by  
the United States Supreme Court, the California Court of Appeal,  
Second Appellate District, Division Seven, issued an opinion and  
order, which is attached hereto as Exhibit A. That order was

1 then modified by the Court of Appeal on April 20, 1992. A copy  
2 of the modification is attached hereto as Exhibit B. Accordingly,  
3 the final judgment in this action, as articulated in Exhibits A  
4 and B, is for the amount of \$500,000 in compensatory damages and  
5 \$2,000,000 in punitive damages, together with interest thereon  
6 calculated at the statutory rate from March 20, 1992.

7 Dated: March 11, 1994

Respectfully submitted,

8   
9 COOLEY, MANION, MOORE &  
JONES, P.C.

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10 BOWLES & MOXON

11 By 

12  
13 Attorneys for Defendant  
14 CHURCH OF SCIENTOLOGY OF  
15 CALIFORNIA  
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This case is on remand from the United States Supreme Court to reconsider the punitive damage award modified and approved in our earlier opinion [redacted] v. Church of Scientology (1989) 212 Cal.App.3d 872, rev. den. Oct. 26, 1989, cert. grtd., vac. and remd. (1991) 111 S.Ct. 1298,) in the light of the high court's decision in Pacific Mut. Life Ins. Co. v. [redacted] (1991) 111 S.Ct. 1032. To facilitate review of this question, we ordered supplemental briefing and heard oral argument from the parties. Upon reconsideration, we conclude the California procedures for determining punitive damage awards pass constitutional muster under [redacted]. We further conclude, as we did in our prior opinion, the jury acted appropriately in imposing a punitive damage award in this case but the amount it awarded is excessive under the standards established by California law. Consequently, we affirm the judgment, subject to a remittitur.<sup>1/</sup>

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#### I. THE PROCEEDINGS THUS FAR

The original appeal followed a jury award of \$30 million in compensatory and punitive damages to

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<sup>1/</sup> Our prior opinion dealt exhaustively with the tort, freedom of religion, evidentiary and procedural issues appellant raised in its appeal. Our rationale for and disposition of those issues remain the same. We see no virtue in repeating that discussion in this opinion. Accordingly, except as we may touch some of these topics tangentially in the course of addressing the question of the punitive damages award and its constitutionality, as to all these issues the original opinion remains and is incorporated intact and unaltered in this decision. The punitive damages section and the disposition paragraph of the original opinion, however, are replaced in their entirety by this opinion.

[redacted], a former member of the Church of Scientology (Scientology). The complaint alleged Scientology intentionally and negligently inflicted severe emotional injury on [redacted] through certain practices, including "auditing," "disconnect," and "fair game." Since the trial court granted summary adjudication that Scientology is a religion and "auditing" is a religious practice, the trial proceeded under the assumption they were. In our original opinion we concluded there was substantial evidence to support a finding Scientology had committed the tort of intentional infliction of emotional injury against [redacted]. We also found sufficient evidence the "auditing" and other practices in this case were conducted in a coercive environment. Thus, none of them qualified as "voluntary religious practices" entitled to constitutional protection under the First Amendment religious freedom guarantees. At the same time, we concluded both the compensatory and punitive damages the jury awarded in this case were excessive. Consequently, we reduced the compensatory damages to \$500,000 and the punitive damage award to \$2 million.

The California Supreme Court denied the petitions for review unanimously. (Oct. 26, 1989.) The United States Supreme Court, however, granted certiorari on the punitive damages issue and held this case along with ten others (see fn. 4, infra) awaiting its disposition of the lead case on the constitutionality of punitive damages--Pacific Mut. Life Ins. Co. v. [redacted] supra, 111 S.Ct. 1032. After deciding

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[redacted] the Supreme Court remanded all 11 punitive damage cases it was holding for the lower courts to review in light of [redacted].

Since the [redacted] opinion was limited solely to the issue of the constitutionality of punitive damage awards, our reconsideration of our prior decision likewise is confined to that issue.<sup>2/</sup> We first review the procedures and standards

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<sup>2/</sup> After this court filed its original opinion in the instant case the United States Supreme Court decided Employment Div. Dept. of Human Res. of Oregon v. [redacted] (1990) 110 S.Ct. 1595. In this decision, the high court altered the constitutional standard for judging whether a state law which impinges on a citizen's free exercise of religion violates the First Amendment. No longer must there be a compelling interest in applying the state law to those whose religion prohibits compliance. After [redacted] it is sufficient the law is a valid, neutral law of general applicability and not aimed at a specific religion or at religion in general. "To make an individual's obligation to obey such a law contingent upon the law's coincidence with his religious beliefs, except where the State's interest is 'compelling'--permitting him, by virtue of his beliefs, 'to become a law unto himself,' (citation omitted)--contradicts both constitutional tradition and common sense." (Id. at p. 1603.)

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The California Supreme Court presently has before it the issue whether the religious guarantees of the state Constitution are to fall into line with the [redacted] decision. Our state's highest court recently granted review of an appellate decision holding the "compelling state interest analysis still applies under state constitutional law." [redacted] v. Fair Employment & Housing Comm. (1991) 1 Cal.App.4th 387, 401, rev. gr. Feb. 27, 1992. See also People v. [redacted] (1964) 61 Cal.2d 716 and [redacted] v. Holy Spirit Assn. (1988) 46 Cal.3d 1092, pre-[redacted] decisions applying compelling interest balancing test to free exercise issues and arguably decided under California Constitution as well as United States Constitution.)

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We need not reenter this particular thicket, however. To the extent we reached that step of the analysis, this court applied the compelling interest test to its review of the constitutionality of imposing tort liability on Scientology's "fair game," "disconnect," and "auditing" practices. (See [redacted] v. Church of Scientology, supra, 212 Cal.App.3d at

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(Footnote continued)

California courts apply in deciding the appropriateness and amount of punitive damage awards and determine whether that process is constitutional under [redacted] We then examine the specific punitive damage award in this case, as reduced by this court, and determine whether it passes constitutional muster.

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II. THE PROCESS CALIFORNIA USES FOR DETERMINING AND REVIEWING PUNITIVE DAMAGES AWARDS IS CONSTITUTIONAL UNDER THE RECENT UNITED STATES SUPREME COURT DECISION IN PACIFIC MUTUAL INSURANCE CO. v. [redacted]

This court and other California appellate courts already have ruled this state's procedures for determining punitive damages comply with the "due process" standards enunciated in [redacted] (Liberty Transport, Inc. v.

Harry W. Gorst Co. (1991) 229 Cal.App.3d 417; Las Palmas Associates v. Las Palmas Center (1991) 235 Cal.App.3d 1220.)

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None of these opinions, however, had occasion to consider this question in depth. Consequently, we examine the [redacted] opinion

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2/ (Continued)

pp. 887-899.) For the most part, as will be recalled, we found these activities were not constitutionally protected religious practices because [redacted] was coerced into participating in them. Accordingly, in most instances it was unnecessary to ask the next question--whether the state had a "compelling interest" which overrode the "free exercise" concerns. Where that question was reached, however, we used the stricter, pre-[redacted] standard. Having upheld the constitutionality of the state's tort laws under this tougher standard, it is unnecessary to reconsider whether those laws would survive the lesser standard suggested in [redacted] For the same reason, we also need not bother pondering the intriguing question whether the religious guarantees of the state Constitution will continue to impose a compelling interest test on state laws of general application even though the federal Constitution no longer does.

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in some detail and the Alabama punitive damages procedures approved in that decision as background for reviewing the punitive damage award the jury levied on Scientology. As further background for our review, we also have included an appendix containing a table of appellate opinions in which California courts evaluated punitive damage awards. This table updates a similar table which appears in [redacted] v. Kearney AMC/Jeep/Renault, Inc. (1984) 155 Cal.App.3d 381, 393-396.

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In [redacted] an insurance agent was accredited by at least one other insurance carrier as well as the defendant, Pacific Mutual. The plaintiffs were employees of a company this agent signed up for a group combined health and life insurance policy. Pacific only supplied the life insurance portion of this policy and another of this agent's companies provided the health insurance component. Later the agent embezzled premiums plaintiffs' employer had forwarded to him instead of paying them over to the insurance companies. The policies were cancelled. So when these plaintiffs became sick they suddenly and unhappily found out they had no health coverage. (111 S.Ct. at p. 1036.)

The plaintiffs sued the agent and Pacific for fraud. The other three plaintiffs only received compensatory damages, but [redacted] won "general damages" in the amount of \$1,040,000. (111 S.Ct. at p. 1037.) The Supreme Court concluded at least \$840,000 of this represented punitive damages. (Id. at fn. 2.) Pacific appealed and the Alabama Supreme Court affirmed, including the punitive damages portion of the award, by a

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divided vote. After granting certiorari the United States Supreme Court also affirmed in a majority opinion signed by five Justices. Two Justices separately concurred and one dissented. (The ninth Justice did not participate in the decision.)

In assessing the constitutionality of the punitive damages award in [ ] the United States Supreme Court traced the long history and important role of punitive damages in Anglo-American law. On the basis of this historical review, the high court ruled, "So far as we have been able to determine, every state and federal court that has considered the question has ruled that the common-law method for assessing punitive damages does not in itself violate due process. [Citation omitted.] In view of this consistent history, we cannot say that the common-law method for assessing punitive damages is so inherently unfair as to deny due process and be per se unconstitutional." (Id. at p. 19.)

Having ruled punitive damages awards are constitutional in concept, the Supreme Court considered whether the specific award in the [ ] case was constitutionally acceptable. The justices set forth the general considerations that are to guide the decision of whether a specific award is constitutional. "[U]nlimited jury discretion--or unlimited judicial discretion for that matter--in the fixing of punitive damages may invite extreme results that jar one's constitutional sensibilities.... [G]eneral concerns of reasonableness and adequate guidance from the court when the case is tried to a

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jury properly enter into the constitutional calculus." (Id. at p. 20.)

The Supreme Court described several attributes of the Alabama process for determining punitive damage awards and, on that basis, concluded "the award here did not lack objective criteria.... [I]n this case it does not cross the line into the area of constitutional impropriety." (Id. at p. 23.) The high court did not, however, hold nor imply the Alabama process was the one and only system which accords due process. Nor did it suggest any particular attribute of the Alabama process was absolutely essential to constitutionality.<sup>3/</sup> All the Supreme Court held was that the Alabama process achieved the constitutional requirement of "reasonableness" and "adequate guidance to the jury."<sup>4/</sup>

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<sup>3/</sup> "Other than explaining that Alabama's procedure passes constitutional muster, [redacted] offers little guidance as to what would be necessary to render a different system unconstitutional." [redacted] v. International Society for Krishna Consciousness of California, etc. (1992) \_\_\_ Cal.App.3d \_\_\_, \_\_\_ (4 Cal.Rptr. 2d 473, \_\_\_, 92 D.A.R. 1593, 1611.)

<sup>4/</sup> It is clear we are not alone in construing [redacted] to allow a variety of punitive damage systems which do not necessarily mimic the Alabama system under review in that particular case. According to our research, four of the eleven cases the Supreme Court remanded after [redacted] have been decided thus far and another sixteen other cases (other than those decided by California courts) have considered the constitutionality of their state punitive damages processes under the [redacted] opinion.

In all four remanded cases the courts upheld the state punitive damages system under review and affirmed the particular award. Thus, the punitive damages procedures of Alabama,

(Footnote continued)

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The Supreme Court found several features of the Alabama process worthy of mention. We consider each and consider how the Supreme Court's observations about Alabama criteria and

4/ (Continued)

Georgia, and Mississippi as well as California have passed constitutional muster at least at the first level of appeal in these remanded cases. (Alabama: Southern Life and Health Insurance Co. v. [redacted] (Ala. 1991) 586 So.2d 854; Georgia: Hospital Authority of Gwinnett County v. [redacted] (Ga. 1991) 261 Ga. 613, 409 S.E.2d 501; California: [redacted] v. International Society for Krishna Consciousness of California, supra, Cal.App.3d \_\_\_, 92 D.A.R. 1593); Mississippi: [redacted] v. Reserve Life Ins. Co. (5th Cir. 1991) 934 F.2d 1377.) Of the 16 other cases evaluating the constitutionality of punitive damages awards under [redacted] 11 upheld the jurisdiction's process and the specific award outright, two upheld the process but found the specific award excessive (as we do in the instant case), and 3 found their state's process defective in some way. In total, in these 16 cases state or federal courts have applied [redacted] and approved the punitive damage procedures in 10 states (in addition to California): Alabama (once again): Yamaha Motor Co. Ltd. v. Thornton (Ala. 1991) 579 So.2d 619; [redacted] v. Jahandarfarid (Ala.1991) 578 So.2d 1041; [redacted] v. Congra, Inc. (11th Cir. 1991) 936 F.2d 1169; Louisiana: [redacted] v. General American Tank Car Corp. (E.D.La. 1991) 764 F.Supp. 1093; Minnesota: [redacted] v. Hubbard Broadcasting, Inc. (Minn.App. 1991) 471 N.W.2d 670 [procedure approved although specific award found excessive]; Missouri: [redacted] v. Goodyear Tire & Rubber Co. (Mo.App. 1991) 808 S.W.2d 868; Oregon: [redacted] v. Honda Motor Co. (Or.App. 1991) 814 P.2d 517; Pennsylvania: [redacted] v. Allstate Insurance Co. (E.D. Pa. 1991) 771 F.Supp. 673; South Carolina: [redacted] v. [redacted] (S.C. 1991) 406 S.E.2d 350; Texas: [redacted] v. Armstrong Cork Co. (5th Cir. 1991) 946 F.2d 1085; State Farm Mutual Auto Insurance Co. v. [redacted] (Tex.App. 1991) 808 S.W.2d 890 [procedure approved although specific award found excessive]; Wisconsin: [redacted] v. American Family Ins. Group (Wis.App. 1991) 473 N.W.2d 14.; Arkansas: Robertson Oil Co., Inc. v. Phillips Petroleum Co. (W.D. Ark. (1991) 779 F.Supp. 994.

Several of these courts found procedures constitutional which deviated substantially from the Alabama punitive damage system approved in [redacted]. For instance, the Fifth Circuit held the Texas procedure constitutional even though juries and courts

(Footnote continued)

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procedures relate to the constitutionality of California's punitive damages process.

A. The Adequacy of Jury Instructions.

The Supreme Court observed the Alabama jury instructions adequately described the purposes of punitive damages as punishing the defendant and deterring "the defendant and others from doing such wrong in the future," rather than compensating the plaintiff. The instructions gave the jury "significant discretion" in determining punitive damages, but that discretion was limited to the amount needed to advance the "state policy concerns" of "deterrence and retribution." Moreover, the degree of discretion allowed "is no greater than that pursued in many familiar areas of the law." (The Supreme Court listed several examples including "reasonable care," "due diligence," and "appropriate compensation for pain and suffering or mental anguish.") (Id. at pp. 1044.)

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4/ (Continued)

only consider three factors--nature of the wrong, degree of culpability, and extent the conduct offends propriety and justice--all of them relate solely to the reprehensibility of the defendant's conduct. [redacted] v. Armstrong Cork Co., supra, 946 F.2d 1085.) The Pennsylvania and Missouri procedures were found to satisfy [redacted] even though the jury awards are reviewed for "excessiveness" without any specific, articulated standards. [redacted] v. Allstate Insurance Co., supra, 771 F.Supp. 673; [redacted] v. Goodyear Tire & Rubber Co., supra, 808 S.W.2d 868.) And, the Oregon procedure was approved even though the state Constitution severely limits the review of jury awards of punitive damages by allowing reversal only when a reviewing court finds a lack of any evidence to support the award. [redacted] v. Honda Motor Co., supra, 814 P.2d 517.)

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We note in the instant case the trial court gave the standard instructions on punitive damages which reflect California law on the same basic subjects as the Alabama instructions endorsed in [redacted]. Indeed the California instructions given here were, if anything, more extensive and more precise than the Alabama instructions described in [redacted]. Not only did these instructions describe the purposes of punitive damages and distinguish them from compensatory damages, they also informed the jury the amount of damages awarded should bear a reasonable relation to the injury the plaintiff sustained and to the defendant's financial condition.

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Scientology does not claim the trial court failed to give the instructions defining the purposes and scope of punitive damages which the Supreme Court found important in [redacted]. Instead Scientology complains the trial court failed to give an instruction appellant's counsel requested which it now claims was meant to implement the corporate responsibility provision found in Civil Code section 3294, subdivision (b). This provision limits punitive damages against corporations to acts an officer, director or managing agent ordered, ratified or knew about before they happened.<sup>5/</sup>

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<sup>5/</sup> Civil Code section 3294, subdivision (b) reads in pertinent part as follows:

"With respect to a corporate employer, the advance knowledge and conscious disregard, authorization, ratification or act of oppression, fraud or malice must be on the part of an officer, director or managing agent of the corporation."

Scientology's requested instruction, however, did not address the "corporate responsibility" issue covered in Civil Code section 3294, subdivision (b). The request did not mention the clause "officer, director, or managing agent" nor suggest Scientology's liability for punitive damages was limited to actions this class of agent personally did or authorized, ratified, or knew of in advance. Instead the proposed instruction advised jurors they "may not award punitive damages against the defendant Church for the intentional oppressive or malicious acts of its members, employees, or agents, unless you find that the defendant Church of Scientology directed, authorized or ratified such intentional oppressive acts." As proffered, the requested instruction in no way even hinted only an officer, director or managing agent" could make the "defendant Church of Scientology" liable for punitive damages.

It is not absolutely clear from the record why Scientology did not request a "corporate responsibility" instruction. Perhaps it was because appellant wanted the jurors to think of it as a religious "church" and not a secular "corporation." In any event, the "corporate responsibility" instruction was not relevant to the issues framed by the pleadings or raised in the evidence. Scientology did not base its defense on a contention  alleged injuries were inflicted by out of control lower level employees. Instead its pleadings and evidence emphasized the harmful acts, if any,

were constitutionally protected religious practices. The evidence was undisputed the "auditing," "fair game," and "disconnect" actions taken in regard to [redacted] were official practices of the Church of Scientology promulgated by its leaders, not some ad hoc aberrational acts of individual employees. Thus, it is not surprising Scientology did not bother to request an instruction it was only liable in punitive damages for what its "officers, directors, or managing agents" personally, authorized or ratified.

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By failing to tender a "corporate responsibility" instruction, Scientology is foreclosed under California law from claiming the trial court committed "reversible error" when it neglected to give such an instruction. [redacted] v. [redacted] (1979) 25 Cal.3d 932, 951 [when defendant corporation failed to tender and the trial court failed to give a "corporate responsibility" instruction in a punitive damage case] the court concluded "[the defendants] have waived their right to complain that a qualified instruction distinguishing between ... vicarious liability for compensatory and for punitive damages **should** have been given".)

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Despite having itself failed to propose a "corporate responsibility" instruction during trial Scientology now claims it was denied federal "due process" under [redacted] because the trial court also failed to give such an instruction. That the court's failure to instruct on "corporate responsibility" is not a constitutional violation under [redacted] is apparent from

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the facts of that case. There the United States Supreme Court held a punitive damage award against an insurance company afforded constitutional due process even though the award was imposed for liability for punitive damages was predicated solely respondeat superior. Indeed Alabama law, specifically found to satisfy due process in [ ] permits punitive damages to be assessed against corporations without any proof the senior corporate officials authorized or ratified the offensive conduct. (Pacific Mut. Life Ins. Co. v. [ ] supra, 111 S.Ct. at p. 1041.) Thus, it is apparent federal due process does not prohibit the imposition of punitive damages on a corporation just because the corporation's leadership remains ignorant of the egregious acts of its lesser employees or agents. It is California law--not constitutional due process--which limits corporate liability for punitive damages to acts done, authorized, or ratified by senior corporate officials. Accordingly, the consequences for failing to give a "corporate responsibility" instruction likewise are determined under California law.

Scientology offers a further argument the failure to give this "corporate responsibility" instruction rises to the level of a federal "due process" violation. This argument likewise is without merit. It treats language in [ ] pointing out the "jury was adequately instructed" in that case as if the Supreme Court had held the failure to give any possibly relevant instruction in a punitive damages case

automatically violates the federal "due process" clause. For reasons explained above, while it may have been preferable for the trial court to have given a "corporate responsibility" instruction in the instant case, Scientology waived its right to complain by failing to request the instruction. Moreover, under the pleadings and evidence in this case "corporate responsibility" was not a significant issue. Consequently, the "jury was adequately instructed." The instructions the Supreme Court mentioned in [redacted] were those the Alabama court delivered advising the jurors on the purposes of punitive damages and the criteria they were to apply in fixing the amount of those damages. The trial court in the instant case gave instructions covering those same topics. That is the most [redacted] and the "due process" clause require.

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Finally, after reviewing the total evidence offered in this trial and the actual issues involved, we find that even if it were error to fail to give a "corporate responsibility" instruction that error was not prejudicial. [redacted] v. Harnischfeger Corp. (1974) 12 Cal.3d 663, 670; [redacted] v. Carl Karcher Enterprises, Inc. (1986) 182 Cal.App.3d 479, 489; see 9 Witkin, Cal. Procedure (3d ed. 1985) Appeal, § 352, pp. 355-356.) There is nothing to suggest the giving of these instructions would have substantially enhanced the chances Scientology would have prevailed.

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B. Evidence of Defendant's Financial Condition.

The Supreme Court noted with apparent approval Alabama

law excludes any evidence of a defendant's wealth even in punitive damages cases. Thus, "the fact finder must be guided by more than the defendant's net worth. Alabama plaintiffs do not enjoy a windfall because they have the good fortune to have a defendant with a deep pocket." (Id. at p. 22.)

For good reason, Scientology does not claim the California punitive damages process violates due process because it permitted--and now mandates--evidence of a defendant's financial condition in all punitive damages cases. [redacted] v. [redacted] (1991) 54 Cal.3d 105.) As our Supreme Court has pointed out, the defendant's financial condition is an essential limitation on the jury's discretion in this state. The jury is instructed it may only award punitive damages which, taking account of the defendant's financial condition, are enough to punish and deter but not so high as to impair the defendant's ability to continue functioning. We do not read the United States Supreme Court opinion in [redacted] to suggest a state punitive damages procedure which admits evidence of financial condition for this purpose and with these limiting instructions denies due process to defendants.

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C. Review of Punitive Damages at the Trial Court Level.

In Alabama, the posttrial review of punitive damages awards at the trial court level requires the trial judge to scrutinize the amount of those awards for possible "excessiveness." The criteria the Alabama Supreme Court has set forth to guide this trial court review include "culpability

of the defendant's conduct," "desirability of discouraging others from similar conduct," and "impact on the parties."

California law likewise provides for trial court review of the possible excessiveness of punitive damage awards. The criteria guiding this review, however, are more precise in many ways than those the United States Supreme Court found "meaningful and adequate" in [redacted]. As the California Supreme Court listed them in [redacted] v. Farmers Ins. Exchange, (1978) 21 Cal.3d 910, and as reemphasized in [redacted] v. [redacted] supra, 154 Cal.3d. 105, these criteria fall in three main categories--first, the relative egregiousness of the defendant's conduct, as measured by the consequences of its acts, second, whether the punitive damages award bears a reasonable relationship to the plaintiff's injury, and third, whether the punitive damages award bears a reasonable relationship to the defendant's financial condition--enough to punish and deter the egregious conduct, but not so much as to destroy the defendant. Nearly all of the individual factors the Alabama courts employ are subsumed under one or the other of the main categories the California courts use.

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There is a slight difference between California and Alabama in the procedure required of trial courts after they have completed their review of a punitive damage award. According to [redacted] Alabama requires trial judges to state

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their findings and reasoning on the record, whether they affirm, modify or reverse the award. (111 S.Ct. at p. 1044.) California has not had such a requirement, although trial judges frequently do so on their own.

Scientology complains the trial judge in this case denied its lengthy new trial and JNOV motions by filing a simple minute order noting those motions were "denied." Among other things, these posttrial motions raised punitive damage issues. Scientology seizes upon language in [ ] to the effect Alabama trial courts reflect "on the record" the reasons for refusing to interfere with a jury's punitive damage award. It interprets this to be a federal "due process" requirement and argues the trial court's failure to give a detailed account of its reasoning "on the record" denied Scientology its constitutional right.

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We first observe that at no place in [ ] did the Supreme Court suggest a state punitive damages procedure had to match the Alabama procedure in each and every aspect if it were to satisfy federal due process requirements. (See fn. 3, supra.) It neither said nor implied it was essential every state require trial judges to state their reasons on the record.

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Indeed the Supreme Court seemed to place far more importance on the existence of a set of criteria the trial court is to apply in judging whether the jury's verdict was excessive than whether the trial court places its reasoning on the record. After mentioning the fact Alabama requires judges

to reflect their reasons on the record and then listing the criteria they are to apply in evaluating punitive damage awards, the Supreme Court emphasizes: "[This] test ensures meaningful and adequate review by the trial court whenever a jury has fixed the punitive damages." (111 S.Ct. at p. 1044, italics added.)

In the instant case, the trial court patiently entertained a lengthy hearing on the new trial and JNOV motions which took several hours spread over several days. The judge fully heard Scientology's presentation challenging the punitive damages award. These arguments addressed the criteria California law establishes for evaluating the propriety and amount of these awards. A full transcript exists of the arguments made and the evidence relevant to evaluating the propriety and amount of punitive damages.<sup>6/</sup> Thus the record is complete and sufficient for this court on appeal to review the jury verdict on punitive damages and the trial court's

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<sup>6/</sup> The posttrial hearing assumes special importance in Alabama. Unlike California, some of the facts essential to meaningful review of the punitive damages award do not appear in the trial record. In particular, Alabama law does not permit either party to introduce any evidence of the defendant's financial condition at the trial itself. In contrast, California has always allowed such evidence and now requires it. [redacted] v. [redacted], supra, 54 Cal.3d 105.) Trial courts in Alabama accept this sort of evidence for the first time at the posttrial hearing on excessiveness of the punitive damage award. Thus, it is only the evidence introduced at this posttrial hearing which allows Alabama's trial and appellate courts to conduct a "meaningful review" of whether the damages awarded bear a reasonable relation to defendant's conduct and financial resources.

disposition of Scientology's claim those damages were excessive. The fact the trial court found it unnecessary to set forth its reasoning on the record only means the court deviated in this one detail from the procedure Alabama apparently follows. It does not mean Scientology was denied a "meaningful and adequate review" of the punitive damage award by the trial court or that it was denied due process.

The record produced in the trial court was more than ample for purposes of that court's consideration of the punitive damage award and for appellate review by this court. We would have gained little had it reflected the trial court's reasoning. Indeed that record was sufficient for this court to determine the punitive damages award should be reduced. (See p. 3, supra.)

The trial court here did not violate California law by failing to place its reasoning on the record nor does California law run afoul of the Constitution by failing to require this particular procedural step. This is not to say it would not be a preferable practice for trial judges to do so. It is merely to conclude the failure to make a record of the reasoning behind the trial court's ruling does not deny the parties of due process under the U.S. constitution. Nor does it constitute reversible error under California law.

There is empirical evidence trial court review in California is "meaningful and adequate" which was not available or at least not mentioned by the Supreme Court in its evaluation of the Alabama process. The high court found trial court review

of punitive damages in Alabama to be "meaningful and adequate" without citing any specific examples where trial courts in that state actually had reversed or reduced punitive damages awards. (The high court, on the other hand, specifically mentioned cases where such awards had been reduced at the appellate level.) (111 S.Ct. at p. 53.) By way of contrast, the tables incorporated in [ ] v. Kearny Mesa AMC/Jeep Renault, Inc., supra, 155 Cal.App.3d 381 and the appendix to this opinion document numerous cases in which California trial courts have reduced punitive damages awards, a fact which reinforces our finding trial court review of punitive damages awards in California is at least as "meaningful and adequate" as is true in Alabama.

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This conclusion is bolstered further by a recent Rand Corporation study of posttrial reductions of jury awards in selected California and Illinois courts.<sup>7/</sup> [ ] and [ ] Posttrial Adjustments to Jury Awards (Rand Institute for Civil Justice (1987).) The study revealed verdicts which

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<sup>7/</sup> The study was based on data from three jurisdictions--Cook County, Illinois, San Francisco County, California, and the ring of counties surrounding it, and "all California counties greater than 150,000 in population but outside the largest metropolitan areas." ([ ] and [ ] Posttrial Adjustments to Jury Awards, (Rand Institute for Civil Justice, 1987) at p. 3., fn. 15.) (Despite their size, the latter category included cities as large as Sacramento and Bakersfield.) Although the study included a non-California jurisdiction, the authors report "[r]esults appear to vary little across the three locations in the study." (Id. at p. ix.) Consequently, the findings discussed in this opinion represent valid evidence of what is happening in this state.

include punitive damage awards are reduced over twice as much on average as those limited to compensatory damages--by 43 percent in those with punitive damages versus 18 percent in those without. (*Id.* at pp. 38-39.)<sup>8/</sup> Furthermore, courts reduce damage awards far more drastically than they are through posttrial settlements--by 54 percent on average compared to 33 percent. (*Id.* at pp. 43-46.) The study further found "[m]ore of those cases [in which courts reduced damage awards] resulted from motions to the trial court than from the appeals process." (*Id.* at p. 45.) Thus, this empirical data supplies strong evidence California trial courts afford "meaningful and adequate" review of punitive damages awards in practice as well as theory.

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<sup>8/</sup> "In the 165 cases where punitive damages constituted a part of the total award, final payments were only .57 of the total. In contrast, when only compensatory damages were involved, final payments were .82 of the total.... This result is not just a function of the larger award size of punitive damage cases, but holds for all cases with verdicts greater than \$100,000. ... [F]or cases with verdicts between \$100,000 and \$999,000, those with punitive damages paid an average proportion of .61 [a reduction of 39 percent], while those without such damages paid an average proportion of .86 [a reduction of 14 percent]. For cases exceeding \$1 million, the difference is about the same. With punitive damages the payout rate was .55 [a reduction of 45 percent], while without punitive damages the payout was .76 [a reduction of 24 percent]. [redacted] and [redacted] Posttrial Adjustments to Jury Awards, *supra*, at p. 38.)

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These findings are corroborated by another Rand study which was confined to punitive damage cases in San Francisco, California, and Cook County, Illinois. That study reported punitive damages were reduced an average 50 percent in the sample it covered from the 1979 - 1983 period. [redacted] and [redacted] Punitive Damages: Empirical Findings (Rand Institute for Civil Justice (1987).)

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D. Review of Punitive Damages at Appellate Level.

The United States Supreme Court also emphasized the Alabama Supreme Court conducted its own review of the possible excessiveness of the punitive damage award. California likewise provides one and sometimes two levels of appellate review of these awards.

By the time of its review of the  award the list of criteria the Alabama high court applied had been refined to include the "relationship between the punitive damages award and the harm likely to result from the defendant's conduct as well as the harm that actually has occurred," "degree of reprehensibility" and "duration" of that conduct, "defendant's awareness" or "concealment" of the conduct, "existence and frequency of past conduct," "profitability to the defendant of the wrongful conduct and the desirability of removing that profit and of having the defendant also sustain a loss," defendant's "financial position," "all costs of litigation," and "imposition of criminal sanctions" or "other civil awards... for the same conduct ... these also to be taken in mitigation." (111 S.Ct. at p. 1045.)

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Most but not all of the above criteria are subsumed in the three major categories of criteria California appellate courts as well as trial courts apply in reviewing punitive damages awards. The United States Supreme Court did not hold or imply that each and every one of the criteria the Alabama Supreme Court now applies is essential to due process. It

merely held this particular set of criteria was sufficient to satisfy due process, not that another set would fail to do so. The nation's high court emphasized Alabama's appellate review "ensures that punitive damages awards are not grossly out of proportion to the severity of the offense and have some understandable relationship to compensatory damages .... Alabama plaintiffs do not enjoy a windfall because they have the good fortune to have a defendant with a deep pocket.... [¶] The standards provide for a rational relationship in determining whether a particular award is greater than reasonably necessary to punish and deter." (111 S.Ct. at pp. 1045-1046.)

Scientology complains the California criteria do not specifically highlight two factors it deems important--"impact on innocent third parties," and "punitive damage awards imposed in prior cases for the same conduct." Nothing in  suggests these two particular factors are essential to the constitutionality of a formula for reviewing punitive damage awards. But it is worthwhile to note both of them can be subsumed under the existing California formula and its overall goal of producing an award that is sufficient to punish and deter harmful conduct but not so severe it destroys the defendant. Evidence of prior punitive damage awards for the same conduct or the impact on "innocent third parties" both bear on that ultimate question and would be admissible under one or the other of the three major categories.

What the United States Supreme Court concluded about the purpose and effect of appellate review of punitive damages awards in Alabama is equally true in California. Our high court has emphasized and reemphasized both trial and appellate courts should scrutinize these awards to ensure the amount is not beyond that required to punish and deter the offending conduct. The United States Supreme Court found appellate review in Alabama had "real effect" primarily because it could point to two cases in which the Alabama Supreme Court had reduced punitive damage awards. A survey of California appellate decisions reveals many reversals and reductions of punitive damages even in cases where the trial court had refused to interfere with the jury's verdict.

(See appendix, infra, and [ ] v. Kearny Mesa AMC/Jeep Renault, Inc., supra, 155 Cal.App.3d at pp. 393-396.)

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Scientology complains about the standard of review this court and other California courts apply under California law--the traditional "passion and prejudice" standard. Scientology equates California's "passion and prejudice" standard with the Vermont and Mississippi standards which the [ ] opinion noted had warranted expressions of "concern" from individual Justices in other opinions. (Pacific Mutual Life Ins. Co. v. [ ] supra, 111 S.Ct. at p. 1045, fn. 10, citing Browning-Ferris Industries of Vermont, Inc. v. Kelco Disposal, Inc. (1989) 492 U.S. 257 and Bankers Life & Casualty Co. v. [ ] (1988) 486 U.S. 71.)

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Setting aside the fact the [ ] court only mentioned the Vermont and Mississippi formulations had raised "concerns" and in no way held they violated due process, Scientology is mixing apples and oranges in comparing California's version of a "passion and prejudice" standard with what exists in these two jurisdictions. Vermont allows punitive damages to be modified or set aside only if "manifestly and grossly excessive" while Mississippi modifies or sets aside a punitive damages verdict only if the award "evinces passion, bias and prejudice on the part of the jury so as to shock the conscience."

It is true California uses the rubric of a "presumption the jury acted out of passion and prejudice" to justify setting aside or modifying jury awards of punitive damages. But in reality, as discussed earlier, that standard now stands for a set of specific criteria, detailed jury instructions, and procedures which define "passion and prejudice" in a way which is far more precise and far less subjective than the Vermont and Mississippi formulations.<sup>9/</sup>

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<sup>9/</sup> It is interesting but not essential to our decision in this case to note a federal appellate court has held the Mississippi standard of review is constitutional under [ ] despite the expressions of "concern" reflected in that opinion. [ ] v. Reserve Life Ins. Co., supra, 934 F. 1377 was one of the other cases the United States Supreme Court was holding at the time it decided [ ] and remanded for reconsideration in the light of [ ]. On remand the Fifth Circuit Court of Appeal evaluated the Mississippi procedures and the specific punitive damage award. The court upheld that award even though it was 500 times compensatory damages and even though Mississippi

Indeed as highlighted earlier, the California criteria closely parallel--and in some respects are more precise and less subjective--than the Alabama criteria found constitutional in [redacted]. We find nothing in [redacted] suggesting California's version of a "presumption of passion and prejudice" standard of review is unconstitutional. (Accord: Las Palmas Associates v. Las Palmas Center, supra, 235 Cal.App.3d 1220.) Accordingly, we have no reservations about applying this standard to the punitive damage award the jury imposed in the instant case.

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E. The Preponderance of the Evidence Standard as Applied to Punitive Damages Issues.

The United States Supreme Court expressly approved the use of a "preponderance of the evidence" standard in deciding punitive damages issues. (Pacific Mutual Life Ins. Co. v. [redacted] supra, 111 S.Ct. at p. 1046, fn. 11.) California law has been amended to require the higher standard of "clear and convincing" evidence. (Civ. Code.) However, at the time of the trial in the instant case the standard was still "preponderance of the evidence." Yet, as the nation's high court held, "the lesser standard prevailing in

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courts only reverse when an award evinces passion, bias, or prejudice sufficient to "shock the conscience." (Id.) "As long as there is some meaningful procedural assurance that the amount of the award is not an impulsive reaction to the wrongful conduct of the defendant, the award survives the procedural protection aspect of the due process analysis...." (Id. at p. 1385.)

Alabama--'reasonably satisfied from the evidence'--when buttressed, as it is, by the procedural and substantive protections outlined above is constitutionally sufficient."

(Pacific Mutual Life Ins. Co. v. [REDACTED] supra, 111 S.Ct. at p. 1040, fn.11.) For reasons expressed above, California law supplies the same "buttress" of procedural and substantive protections, and did so at the time the instant case was tried. Accordingly, the use of a "preponderance of the evidence standard" in this case was constitutionally sufficient under [REDACTED]

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III. APPLYING CALIFORNIA'S STANDARDS TO THIS CASE WE CONCLUDE THE PUNITIVE DAMAGES AWARD WAS EXCESSIVE AND MUST BE REDUCED OR RETRIED.

Having determined California punitive damages law is constitutional, we now apply that law to the punitive damages award in this case. We first review the guiding principles of California law on this subject, most of which have been mentioned in the course of the constitutional discussion.

A. Applying the California Criteria.

"It is well established that a reviewing court should examine punitive damages and, where appropriate, modify the amount in order to do justice." [REDACTED] v. [REDACTED] (1988) 204 Cal.App.3d.968, 980; [REDACTED] v. Church of Scientology (1976) 58 Cal.App.3d 439, 463.) In reviewing a punitive damages award, the appellate court applies a standard similar to that used in reviewing compensatory damages, i.e., whether, after reviewing the entire record in the light most favorable to the judgment,

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the award was the result of passion or prejudice. (See [redacted] v. National General Corp. (1974) 13 Cal.3d 43, 64; [redacted] v. Kearny Mesa AMC/Jeep/Renault, Inc., *supra*, 155 Cal.App.3d at p. 388.) However, as discussed earlier the test here is more refined, employing three factors to evaluate the propriety of the award.

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The first factor is the degree of reprehensibility of the defendant's conduct. [redacted] v. Farmers Ins. Exchange (1978) 21 Cal.3d 910, 928.) "[C]learly, different acts may be of varying degrees of reprehensibility, and the more reprehensible the act, the greater the appropriate punishment, assuming all other factors are equal." (*Ibid.*)

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The second factor is the relationship between the amount of the award and the actual harm suffered. (*Ibid.*; [redacted] v. [redacted] (1987) 190 Cal.App.3d 844, 867.) This analysis ordinarily focuses upon the ratio of compensatory damages to punitive damages; the greater the disparity between the two awards, the more likely the punitive damages award is suspect. [redacted] v. [redacted], *supra*, 190 Cal.App.3d at p. 867; see [redacted] v. Stuyvesant Life Ins. Co. (1977) 67 Cal.App.3d 451, 469-470.)

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Finally, a reviewing court will consider the relationship of the punitive damages to the defendant's financial condition. [redacted] v. [redacted] *supra*, 54 Cal.3d 105; [redacted] v. Farmers Ins. Exchange, *supra*, 21 Cal.3d at p. 928; [redacted] v. Kearny Mesa AMC/Jeep/Renault, Inc., *supra*, 155

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Cal.App.3d at p. 390.) In applying this factor courts must strike a proper balance between inadequate and excessive punitive damage awards. "While the function of punitive damages will not be served if the wealth of the defendant allows him to absorb the award with little or no discomfort, the function also will not be served by an award which is larger than necessary to properly punish and deter." [redacted] v. Kearney Mesa AMC/Jeep/Renault, Inc., supra, 155 Cal.App.3d at p. 391.)

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In this case, we need not go beyond the third factor--the ratio between punitive damages and the defendant's financial condition. The evidence admitted at trial supported the finding the appellant church had a net worth of \$16 million at the time of trial. Accepting these figures as true, the punitive damages award was 150 percent of appellant's net worth. Under prevailing standards established in prior appellate cases, this ratio is clearly excessive. [redacted] v. [redacted] supra, 190 Cal.App.3d at p. 869 [punitive damages reversed; award was 200 percent of defendant's net worth]; [redacted] v. National Enquirer, Inc. (1983) 144 Cal.App.3d 991, 1012 [punitive damages reduced; initial award was 35 percent of defendant's net worth]; [redacted] v. Mutual of Omaha Insurance Co. (1979) 24 Cal.3d 809, 824 [punitive damages reversed; award was 58 percent of defendant's net income]; [redacted] v. Church of Scientology, supra, 58 Cal.App.3d at pp. 445-446, 453 [punitive damages reversed; award was 40 percent of defendant's net worth]; compare [redacted] v. Kearney AMC/Jeep/Renault, Inc., supra,

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155 Cal.App.3d at pp. 391-392 [punitive damages affirmed where award was 17.5 percent of defendant's net worth]; [redacted] v. [redacted] (1980) 113 Cal.App.3d 828, 836-837 [punitive damages affirmed; award was 10 percent of defendant's net worth]; [redacted] Savings & Loan Assn. v. Ohio Casualty Ins. Co. (1987) 189 Cal.App.3d 1072, 1100 [punitive damages affirmed; award was 7.2 percent of defendant's net income].) Accordingly, we reverse the punitive damage award unless the plaintiff accepts a remittitur of that judgment to \$2 million.<sup>10/</sup>

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B. It Is Both Proper and Constitutional to Reduce Rather Than Reverse the Punitive Damage Award in This Case.

Scientology questions a court's authority to reduce a punitive damages award even under a remittitur where it has concluded the award was excessive under a "presumption of passion and prejudice" standard. According to Scientology, we should be required to reverse the entire punitive damages judgment unconditionally.

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<sup>10/</sup> In his brief on this reconsideration of the original judgment, [redacted] claims Scientology's true net worth was several times greater than \$16 million. The brief argues principally from purported revelations in other litigation rather than the record in this case. In essence, respondent's counsel claims Scientology spun off the majority of its assets to related corporations in contemplation of litigation and to put most of those assets beyond the reach of [redacted] and other litigants. The record in this case is insufficient to support any such finding. Accordingly, for purposes of this appeal we are bound by the \$16 million net worth figure in evaluating the punitive damage award. [redacted] is not required to accept the remittitur if he is willing to retry the punitive damages phase of this case. In that retrial, he would not be bound by the record in the first trial on the question of Scientology's present net worth.

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**Scientology** relies for this proposition on a single decision of the United States Supreme Court, Minneapolis, etc. Ry. v. [redacted] (1931) 283 U.S. 520, 521. There are several grounds on which [redacted]--and its holding that "no verdict can ... stand which is found to be in any degree the result of appeals to passion and prejudice"--could be distinguished. However, that is not necessary since [redacted] is in no sense binding on this or any other California court. [redacted] was not announcing a rule of federal due process to guide litigation in state courts. Rather this case arose in a federal action tried in state court. It sets forth a rule of federal law and is limited in its application to federal cases. Indeed the United States Supreme Court was careful to highlight the rule it was announcing had nothing to do with the rules Minnesota courts apply in state litigation. Accordingly, there is no merit to Scientology's claim [redacted] supersedes the many California Supreme Court and Court of Appeal cases which have reduced punitive damage awards rather than setting them aside after finding those awards were excessive and thus "presumed to be the product of passion and prejudice." (See, e.g., [redacted] v. Farmers Ins. Exchange, supra, 21 Cal.3d 910; [redacted] v. [redacted] supra, 204 Cal.App.3d.968, 980; [redacted] v. Church of Scientology, supra, 58 Cal.App.3d at p. 453.) See also other appellate cases in which punitive awards were reduced rather than set aside in the appendix to this case and the earlier chart in [redacted] v. Kearney AMC/Jeep/Renault, Inc., supra, 155

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Cal.App.3d 381.)

C. Scientology Is Not Exempt From Punitive Damages for Acts, Such as Those Involved in This Case, Which Are Not Constitutionally Protected Religious Practices.

In a final challenge, Scientology claims the First Amendment bars the imposition of punitive damages on religious organizations for their "religious expressions" or, at a minimum, the First Amendment in combination with the due process clause requires closer scrutiny of any punitive damage award than would be true for other persons or entities. To support these arguments, Scientology cites cases actually involving freedom of speech or press not freedom of religion but which it claims "express reservations" about the use of punitive damages which might inhibit First Amendment activity (i.e., [redacted] v. [redacted] (1974) 418 U.S. 323; Electrical Workers v. [redacted] (1979) 442 U.S. 42.) Notably, several opinions, including one cited by Scientology, uphold punitive damage awards in private defamation actions. [redacted] v. [redacted] [redacted] supra; 418 U.S. 323; Dun & Bradstreet v. Greenmoss Builders, Inc. (1985) 472 U.S. 749; Curtiss Publishing Co. v. [redacted] (1967) 388 U.S. 130.)

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The first of Scientology's arguments ignores the fact this court found the patterns of activities which justified punitive damages in this case were either found not to qualify as "religious expression" at all (i.e., "fair game")

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[redacted] v. Church of Scientology, supra, 212 Cal.App.3d at pp. 891-899) or were found not to be constitutionally

protected because forced on participants like [redacted] through emotional, economic and physical coercion (i.e., "auditing," "disconnect.") (Id. at pp. 891-899.) Thus, the imposition of punitive damages for this conduct does not impinge on constitutionally protected religious expression. It only punishes and deters reprehensible activities which visit serious harm on others in society. Under California law, punitive damages could be imposed on other individuals and entities which engaged in this conduct. Therefore, such damages can be imposed on those who claim to have done these constitutionally unprotected actions out of religious motivation. (Employment Div. Dept. of Human Res. of Oregon v. [redacted] supra, 494 U.S. 872.)

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The "heightened scrutiny" argument merely resurrects the contention and many of the authorities Scientology marshalled in support of its earlier position the court must closely scrutinize liability claims based on actions which may constitute "religious expression." Once again, the cases cited involve freedom of speech not free exercise of religion (i.e., [redacted] v. American Mini Theatres (1976) 427 U.S. 50; New York Times Co. v. United States (1971) 403 U.S. 713; [redacted] v. [redacted] (1958) 357 U.S. 513.) Moreover, these cases focus on the process the court uses in determining whether the speech involved qualifies for constitutional protection at all, not whether it warrants a punitive damage award.

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Nonetheless, setting these problems aside, the

fundamental problem with Scientology's argument is that we already have applied this "heightened scrutiny" to the activities for which Scientology claims constitutional protection. We found those activities did not qualify as "voluntary religious expression" or in some instances did not qualify as "religious expression" at all. (See  v. Church of Scientology, *supra*, 212 Cal.App.3d at pp. 891-899.) We already subjected these activities to "heightened scrutiny" and found them to lack constitutional protection under the free exercise of religion clause. Consequently, there is no reason to subject them to another round of "heightened scrutiny" in order to determine whether they are immune from punitive damages. The reason for "heightened scrutiny" of the punitive damage award evaporated with the finding the acts themselves were not constitutionally protected.

Alternatively, even if we follow Scientology's request and subject the punitive damage award in this case to "heightened scrutiny" we arrive at the same conclusion as when we subjected the acts themselves to "heightened scrutiny." There is a compelling state interest in punishing and deterring this constitutionally unprotected, harmful conduct just as there is a compelling state interest in compensating the victims.

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DISPOSITION

The judgment is reversed as to the cause of action for negligent infliction of emotional injury. The judgment as to the cause of action for intentional infliction of emotional injury is affirmed with the exception the compensatory damage award and the punitive damage award are set aside, unless the plaintiff agrees to a remittitur reducing the compensatory damages to \$500,000 and the punitive damages to \$2 million. Each party to bear its own costs on appeal.

CERTIFIED FOR PUBLICATION

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We concur:

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**APPENDIX**



**v. CHURCH OF SCIENTOLOGY**

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| CASE  | COMPENSA-<br>TORY<br>DAMAGES                                    | ORIGINAL<br>PUNITIVE<br>DAMAGES | RELATIONSHIP<br>OF PUNITIVE<br>DAMAGES TO<br>WEALTH OF<br>DEFENDANT | TRIAL COURT<br>RULING ON<br>NEW TRIAL<br>MOTION                                      | RELATIONSHIP<br>OF PUNITIVE<br>DAMAGES TO<br>WEALTH OF<br>DEFENDANT | APPELLATE<br>COURT<br>DECISION<br>(RE DAMAGES)  | FINAL<br>RELATIONSHIP<br>OF PUNITIVE<br>DAMAGES TO<br>WEALTH OF<br>DEFENDANT | FINAL RATIO<br>OF PUNITIVE<br>DAMAGES TO<br>COMPENSATORY<br>DAMAGES |
|---|---|---------------------------------|---|--|---|---|--|---|
| [redacted] v.<br>(1981)<br>125 Cal.App.3d<br>623  | \$450,000   | \$1.5 mil                       | No wealth<br>data   |  | No wealth<br>data   | Affirmed  | No wealth<br>data  | 3.3 to 1  |
| [redacted] v.<br>Finance<br>Co. of N.<br>America<br>(1981)<br>126 Cal.App.<br>3d 86                 | \$5,146.71  | \$200,000                       | .08% net<br>profit<br>.01% net<br>worth                             | Denied   | .08% net<br>profit<br>.01% net<br>worth                             | Affirmed  | .08% net<br>profit<br>.01% net<br>worth                                      | 40 to 1   |
| [redacted] v.<br>Allstate<br>Ins. Co.<br>(1984)<br>154 Cal.App.<br>3d 688                           | \$500,000<br>against<br>D1<br>\$500,000<br>against<br>D1 and D2 | \$3 Mil.<br>against<br>D1       | Less than<br>one-half<br>week's<br>earnings                         | Granted<br>(Unless joint<br>and several<br>compensatory<br>remitted to<br>\$50,000.) | Less than<br>one-half<br>week's<br>earnings                         | Affirmed  | Less than<br>one-half<br>week's<br>earnings                                  | 5.5 to 1  |
| [redacted] v.<br>(1984)<br>161 Cal.App.<br>3d 1214  | \$714.29  | \$15,000                        | 10.7% net<br>worth  |  | 10.7% net<br>worth  | Affirmed<br>Compensatory<br>damages.<br>Punitives<br>reversed.<br>(Unless remitted to \$7,500.) | 5.4% net<br>worth  | 10.5 to 1   |
| [redacted] v.<br>Bateman<br>Eichler,<br>Hill,<br>Richards,<br>Inc. (1985)<br>164 Cal.App.<br>3d 174 | \$96,000<br>against<br>D1 and<br>D2                             | \$220,000<br>against<br>D1      | 1% net<br>worth   | Denied   | 1% net<br>worth   | Affirmed  | 1% net<br>worth  | 2.3 to 1  |

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| CASE  | COMPENSA-<br>TORY<br>DAMAGES      | ORIGINAL<br>PUNITIVE<br>DAMAGES  | RELATIONSHIP<br>OF PUNITIVE<br>DAMAGES TO<br>WEALTH OF<br>DEFENDANT | TRIAL COURT<br>RULING ON<br>NEW TRIAL<br>MOTION  | RELATIONSHIP<br>OF PUNITIVE<br>DAMAGES TO<br>WEALTH OF<br>DEFENDANT | APPELLATE<br>COURT<br>DECISION<br>(RE DAMAGES) | FINAL<br>RELATIONSHIP<br>OF PUNITIVE<br>DAMAGES TO<br>WEALTH OF<br>DEFENDANT | FINAL RATIO<br>OF PUNITIVE<br>DAMAGES TO<br>COMPENSATORY<br>DAMAGES |
|---|-----------------------------------|--|---|--|---|--|--|---|
| [redacted] v.<br><u>Equifax,</u><br><u>Inc. (1985)</u><br>166 Cal.App.<br>3d 1012   | \$100,000                         | \$5 Mil.   | No wealth<br>data   | Denied<br>(Conditional<br>upon reduction<br>in punitives<br>to \$1 Mil.)   | No wealth<br>data   | Affirmed                                       | No wealth<br>data  | 10 to 1<br>(If remittitur<br>accepted.)                             |
| [redacted]<br>v. <u>Spectrum</u><br><u>Insurance</u><br><u>Company (1985)</u><br>174 Cal.App.<br>3d 111                     | \$350,000<br>against D1<br>and D2 | \$400,000<br>against<br>D1<br>\$42,500<br>against<br>D2                        | D2 earned<br>\$2,000/mo.<br>and owned<br>automobile                 | Granted<br>(Unless com-<br>pensatory re-<br>duced to<br>\$150,000; pun-<br>itives against<br>D1 reduced to<br>\$200,000; pun-<br>itives against<br>D2 reduced to<br>\$15,000.) | D2 earned<br>\$2,000/mo.<br>and owned<br>automobile                 | Reinstated<br>original<br>judgments            | D2 earned<br>\$2,000/mo.<br>and owned<br>automobile                          | D1: 1.1 to 1<br>D2: .12 to 1  |
| [redacted] v.<br><u>Johnson &amp;</u><br><u>Johnson</u><br><u>Products,</u><br><u>Inc. (1985)</u><br>174 Cal.App.<br>3d 831 | \$500,000                         | \$10 Mil.  | .44% net<br>worth   | Granted<br>(Unless com-<br>pensatory<br>damages re-<br>mitted to<br>\$100,000 and<br>punitives to<br>\$1 Mil.)   | .04% net<br>worth   | Affirmed                                       | .04% net<br>worth  | 10 to 1   |
| [redacted]<br>v. [redacted]<br>(1986) 182<br>Cal.App.3d<br>806  | \$181,<br>291.13                  | \$99,<br>393.19<br>(To be<br>reduced<br>to \$1,000<br>if paid by<br>deadline.) | No wealth<br>data   | None   | No wealth<br>data   | Affirmed                                       | No wealth<br>data  | .55 to 1<br>(If deadline<br>met, .01 to<br>1.)                      |

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| CASE   | COMPENSA-<br>TORY<br>DAMAGES | ORIGINAL<br>PUNITIVE<br>DAMAGES | RELATIONSHIP<br>OF PUNITIVE<br>DAMAGES TO<br>WEALTH OF<br>DEFENDANT  | TRIAL COURT<br>RULING ON<br>NEW TRIAL<br>MOTION | RELATIONSHIP<br>OF PUNITIVE<br>DAMAGES TO<br>WEALTH OF<br>DEFENDANT | APPELLATE<br>COURT<br>DECISION<br>(RE DAMAGES)   | FINAL<br>RELATIONSHIP<br>OF PUNITIVE<br>DAMAGES TO<br>WEALTH OF<br>DEFENDANT | FINAL RATIO<br>OF PUNITIVE<br>DAMAGES TO<br>COMPENSATORY<br>DAMAGES |
|--|------------------------------|---------------------------------|--|---|---|--|--|---|
| [redacted] v.<br>(1986)<br>42 Cal.3d<br>72   | \$338,000                    | \$338,000                       | No wealth<br>data  | None  | No wealth<br>data   | Ct. of<br>Appeal affd.<br>Supreme Ct.<br>revd. and<br>reduced com-<br>pensatory<br>damages<br>to \$15,000<br>and punitives<br>to \$100,000. (Unless<br>D files amended complaint.) | No wealth<br>data  | 6.7 to 1  |
| [redacted] v. [redacted]<br>BCH (1986)<br>188 Cal.App.<br>3d 283                         | \$1 Mil.                     | \$2 Mil.                        | No wealth<br>data  | None  | No wealth<br>data   | Modified<br>compensa-<br>satory damages<br>to \$500,000;<br>reversed pun-<br>itives and re-<br>manded to deter-<br>mine defendant's<br>net worth                                   | _____  | _____   |
| Downs S&L<br>Assn. Co.<br>Ohio<br>Casualty Ins.<br>Co. (1987)<br>189 Cal.App.<br>3d 1072 | \$152,<br>983.43             | \$5 Mil.                        | 1.9% net<br>worth; 1%<br>net worth of<br>parent co.<br>16.7% net<br>annual income;<br>3.64% net an-<br>nual income of<br>parent co.;<br>7.14% average<br>net annual income | Denied  | (Same as<br>column 3)   | Affirmed   | (Same as<br>column 3)  | 33 to 1   |

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| CASE  | COMPENSA-<br>TORY<br>DAMAGES                               | ORIGINAL<br>PUNITIVE<br>DAMAGES | RELATIONSHIP<br>OF PUNITIVE<br>DAMAGES TO<br>WEALTH OF<br>DEFENDANT | TRIAL COURT<br>RULING ON<br>NEW TRIAL<br>MOTION                | RELATIONSHIP<br>OF PUNITIVE<br>DAMAGES TO<br>WEALTH OF<br>DEFENDANT | APPELLATE<br>COURT<br>DECISION<br>(RE DAMAGES)  | FINAL<br>RELATIONSHIP<br>OF PUNITIVE<br>DAMAGES TO<br>WEALTH OF<br>DEFENDANT | FINAL RATIO<br>OF PUNITIVE<br>DAMAGES TO<br>COMPENSATORY<br>DAMAGES |
|---|--|---------------------------------|---|--|---|---|--|---|
| <span style="border: 1px solid black; display: inline-block; width: 60px; height: 15px;"></span> v.<br><u>Pan. Am.</u><br><u>World</u><br><u>Airways, Inc.</u><br>(1987) 43<br>Cal.3d 517       | \$265,000  | \$300,000                       | No wealth<br>data   | Granted<br>(Unless remit-<br>tur of<br>\$358,393<br>accepted.) | No wealth<br>data   | Ct. of<br>Appeal affd.<br>and rein-<br>stated<br>original<br>judgment.<br>Supreme Ct.<br>reversed.<br>(Tort action<br>preempted by Federal<br>Railway Labor Act;<br>breach of warranty; cause of<br>action remanded for new trial.) | No wealth<br>data  | _____   |
| <span style="border: 1px solid black; display: inline-block; width: 60px; height: 15px;"></span> v.<br>(1987)<br>190 Cal.<br>3d 844   | \$200,000<br>joint and<br>several<br>among 5<br>defendants | \$2.66<br>Mil.<br>against<br>D1 | 200% net<br>worth   | Denied   | 200% net<br>worth   | Reversed<br>compensa-<br>tory and<br>and puni-<br>damages as<br>excessive   | _____  | _____   |
| <span style="border: 1px solid black; display: inline-block; width: 60px; height: 15px;"></span> v.<br><u>ed Stevens</u><br><u>Honda</u><br>(1987)<br>193 <u>App.</u><br>3d 550                 | \$29,500   | \$150,000                       | No wealth<br>data   | Denied   | No wealth<br>data   | Puni-<br>tive<br>damages<br>reversed because<br>evidence of<br>actual damages<br>improperly excluded  | No wealth<br>data  | _____   |
| b6<br>b7C<br><u>Castaic Clay</u><br><u>Manuf. Co. v.</u><br><span style="border: 1px solid black; display: inline-block; width: 60px; height: 15px;"></span><br>(1987) 195<br>Cal.App.3d<br>444 | \$529,000  | \$200,000                       | No wealth<br>data   |  | No wealth<br>data   | Affirmed  | No wealth<br>data  | .38 to 1  |

| <u>CASE</u>   | <u>COMPENSA-<br/>TORY<br/>DAMAGES</u> | <u>ORIGINAL<br/>PUNITIVE<br/>DAMAGES</u>                 | <u>RELATIONSHIP<br/>OF PUNITIVE<br/>DAMAGES TO<br/>WEALTH OF<br/>DEFENDANT</u>   | <u>TRIAL COURT<br/>RULING ON<br/>NEW TRIAL<br/>MOTION</u>              | <u>RELATIONSHIP<br/>OF PUNITIVE<br/>DAMAGES TO<br/>WEALTH OF<br/>DEFENDANT</u>  | <u>APPELLATE<br/>COURT<br/>DECISION<br/>(RE DAMAGES)</u>   | <u>FINAL<br/>RELATIONSHIP<br/>OF PUNITIVE<br/>DAMAGES TO<br/>WEALTH OF<br/>DEFENDANT</u>                                | <u>FINAL RATIO<br/>OF PUNITIVE<br/>DAMAGES TO<br/>COMPENSATORY<br/>DAMAGES</u> |
|---|---------------------------------------|--|--|--|---|--|---|--|
| [redacted] v.<br>[redacted] (1988)<br>204 Cal.App.<br>3d 968  | \$8,200<br>against<br>D1 and<br>D2    | \$50,000<br>against<br>D1;<br>\$100,000<br>against<br>D2 | 70% gross<br>income of<br>D1, 11%<br>net worth<br>of D1,<br>100% net<br>worth of D2<br>111% to 67%<br>annual net<br>income of D2 | Granted<br>unless puni-<br>tives against<br>D1 remitted<br>to \$25,000 | 5.6% net<br>worth of D1<br>35% gross<br>income of<br>of D1<br>100% net<br>worth of D2<br>111% -<br>67% annual<br>net income of D2 | Reduced<br>punitives<br>against<br>D2 to<br>\$1,000  | 5.6% net<br>worth of D1<br>35% gross<br>income of D1<br>1% net worth<br>of D2<br>1.11%-.67% an-<br>ual net income of D2 | D1: 3.1 to 1<br>D2: .12 to 1   |
| [redacted] v.<br><u>Continental<br/>Casualty<br/>Co.</u> (1989)<br>211 Cal.App.<br>3d 1598                  | \$70,000                              | \$2.5 Mil.   | No wealth<br>data  |  | No wealth<br>data   | Compensa-<br>tory and<br>and puni-<br>damages<br>reversed<br>(Plaintiff not<br>entitled to com-<br>pensatory damages and<br>prejudicial error made in<br>jury instructions.) | _____   | Plaintiff not<br>entitled<br>to compensatory<br>damages                        |
| [redacted]<br><u>v. Church<br/>of<br/>Scientology<br/>of California</u><br>(1989)<br>212 Cal.App.<br>3d 872 | \$5 Mil.                              | \$25 Mil.  | 156% net<br>worth  | Denied   | 156% net<br>worth   | Modified<br>punitives<br>to \$2 Mil.<br>and compen-<br>satory damages<br>to \$500,000  | 13% net<br>worth  | 4 to 1   |

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| <u>CASE</u>  | <u>COMPENSA-<br/>TORY<br/>DAMAGES</u>          | <u>ORIGINAL<br/>PUNITIVE<br/>DAMAGES</u>                | <u>RELATIONSHIP<br/>OF PUNITIVE<br/>DAMAGES TO<br/>WEALTH OF<br/>DEFENDANT</u>                       | <u>TRIAL COURT<br/>RULING ON<br/>NEW TRIAL<br/>MOTION</u> | <u>RELATIONSHIP<br/>OF PUNITIVE<br/>DAMAGES TO<br/>WEALTH OF<br/>DEFENDANT</u>                       | <u>APPELLATE<br/>COURT<br/>DECISION<br/>(RE DAMAGES)</u>  | <u>FINAL<br/>RELATIONSHIP<br/>OF PUNITIVE<br/>DAMAGES TO<br/>WEALTH OF<br/>DEFENDANT</u> | <u>FINAL RATIO<br/>OF PUNITIVE<br/>DAMAGES TO<br/>COMPENSATORY<br/>DAMAGES</u> |
|--|--|---|--|---|--|---|--|--|
| [redacted] v.<br>[redacted]<br>(1989)<br>213 Cal.App.<br>3d 1262                 | \$47,000                                       | \$141,000   | No wealth<br>data  | Denied  | No wealth<br>data  | Reversed<br>punitives<br>and remanded<br>for re-<br>determination<br>based on<br>defendant's net<br>wealth  | No wealth<br>data  | _____  |
| <u>Storage<br/>Services v.</u><br>[redacted]<br>(1989)<br>214 Cal.App.<br>3d 498 | \$1 Mil.<br>044,250<br>against<br>D1 and<br>D2 | \$75,000<br>against<br>D1<br>\$150,000<br>against<br>D2 | 50% - 37.5%<br>net worth<br>of D1<br>144% - 129%<br>gross income<br>of D1<br>No wealth<br>data on D2 |   | 50% - 37.5%<br>net worth<br>of D1<br>144% - 129%<br>gross income<br>of D1<br>No wealth<br>data on D2 | Reversed<br>punitives<br>against<br>D1 as<br>excessive.<br>(If plaintiff<br>consents<br>to remittur<br>modified to<br>\$20,000); reverses<br>punitives against<br>D2 in absence of data<br>on net wealth. | _____  | _____  |
| [redacted] v.<br>(1989)<br>215 Cal.App.<br>3d 1174                               | \$95,000                                       | \$40,000  | No wealth<br>data  | Denied  | No wealth<br>data  | Affirmed  | No wealth<br>data  | .42 to 1   |
| [redacted] v.<br>(1990)<br>218 Cal.App.<br>3d 887                                | \$25,000                                       | \$1,000   | No wealth<br>data  | Denied  | No wealth<br>data  | Affirmed  | No wealth<br>data<br>(Court infers<br>from record<br>that \$1,000 not<br>excessive)      | .04 to 1   |

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| CASE   | COMPENSA-<br>TORY<br>DAMAGES                            | ORIGINAL<br>PUNITIVE<br>DAMAGES                         | RELATIONSHIP<br>OF PUNITIVE<br>DAMAGES TO<br>WEALTH OF<br>DEFENDANT | TRIAL COURT<br>RULING ON<br>NEW TRIAL<br>MOTION | RELATIONSHIP<br>OF PUNITIVE<br>DAMAGES TO<br>WEALTH OF<br>DEFENDANT | APPELLATE<br>COURT<br>DECISION<br>(RE DAMAGES)  | FINAL<br>RELATIONSHIP<br>OF PUNITIVE<br>DAMAGES TO<br>WEALTH OF<br>DEFENDANT | FINAL RATIO<br>OF PUNITIVE<br>DAMAGES TO<br>COMPENSATORY<br>DAMAGES |
|--|---|---|---|---|---|---|--|---|
| [redacted] v.<br><u>Ford</u><br><u>Aerospace</u><br>&<br><u>Communications</u><br><u>Corp.</u> (1990)<br>224 Cal.App.<br>3d    | \$292,<br>224.09  | \$750,000   | No wealth<br>data   | Denied  | No wealth<br>data   | Affirmed  | No wealth<br>data  | 2.6 to 1  |
| [redacted]<br><u>Assoc.</u> v.<br>[redacted]<br>(1990)<br>225 Cal.App.<br>3d 9   | About<br>\$5.2 Mil.                                     | \$3 Mil.  | No wealth<br>data   |   | No wealth<br>data   | Affirmed<br>modified<br>judgment<br>allowing<br>for offset<br>against com-<br>satory damages                                      | No wealth<br>data  | .58 to 1  |
| <u>Liberty</u><br><u>Transport,</u><br><u>Inc.</u> v.<br>[redacted]<br><u>Company, Inc.</u><br>(1991) 229<br>Cal.App.3d<br>417 | \$82,500<br>against<br>D1 and<br>D2                     | D1:<br>\$40,000<br>D2:<br>\$400,000                     | No wealth<br>data   | Denied  | No wealth<br>data   | Affirmed  | No wealth<br>data  | D1: .48 to 1<br>D2: 4.8 to 1  |
| [redacted] v.<br>[redacted]<br>(1991)<br>54 Cal.3d<br>105  | \$274,266<br>(after<br>adjust-<br>ment by<br>trial ct.) | \$750,000<br>(after<br>adjust-<br>ment by<br>trial ct.) | No wealth<br>data   | None  | No wealth<br>data   | Ct. of<br>Appeal affd.<br>Supreme Ct.<br>reversed<br>punitives<br>because of<br>lack of evi-<br>dence of<br>defendant's<br>wealth | No wealth<br>data  | _____   |

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| <u>CASE</u>   | <u>COMPENSA-<br/>TORY<br/>DAMAGES</u> | <u>ORIGINAL<br/>PUNITIVE<br/>DAMAGES</u> | <u>RELATIONSHIP<br/>OF PUNITIVE<br/>DAMAGES TO<br/>WEALTH OF<br/>DEFENDANT</u>   | <u>TRIAL COURT<br/>RULING ON<br/>NEW TRIAL<br/>MOTION</u> | <u>RELATIONSHIP<br/>OF PUNITIVE<br/>DAMAGES TO<br/>WEALTH OF<br/>DEFENDANT</u>   | <u>APPELLATE<br/>COURT<br/>DECISION<br/>(RE DAMAGES)</u>  | <u>FINAL<br/>RELATIONSHIP<br/>OF PUNITIVE<br/>DAMAGES TO<br/>WEALTH OF<br/>DEFENDANT</u>  | <u>FINAL RATIO<br/>OF PUNITIVE<br/>DAMAGES TO<br/>COMPENSATORY<br/>DAMAGES</u> |
|---|---------------------------------------|--|--|---|--|---|---|--|
| Las Palmas<br>Assoc. v.<br>Las Palmas<br>Center<br>Assoc. (1991)<br>235 Cal.App.<br>3d 20 | \$1 Mil,<br>502,393                   | \$10 Mil.                                | 2% net<br>value  | Denied  | 2% net<br>value  | Reduced<br>punitives<br>to \$2 Mil.<br>Reduced com-<br>satory to<br>to \$464,786  | .4%   | 4.3 to 1   |
| [redacted] v.<br>[redacted]<br>(1991)<br>1 Cal.App.<br>4th 729                            | \$10,624                              | \$187,000                                | Per defen-<br>dant, nearly<br>50% value of<br>his business<br>property. Per<br>plaintiff,<br>"small fraction"<br>of defendant's<br>net worth | Denied  | Per defen-<br>dant, nearly<br>50% value of<br>his business<br>property. Per<br>plaintiff,<br>"small fraction"<br>of defendant's<br>net worth | Affirmed  | Per defen-<br>dant, nearly<br>50% value of<br>hia business<br>property. Per<br>plaintiff<br>"small fraction"<br>of defendant's<br>net worth | 18 to 1  |
| [redacted]<br>v. [redacted]<br>(1991)<br>1 Cal.App.<br>4th 766                            | \$10,000                              | \$50,000                                 | More than<br>30% ad-<br>mitted<br>worth  | Denied  | More than<br>30% ad-<br>mitted<br>worth  | Affirmed<br>compensa-<br>tory<br>damages.<br>Reversed<br>punitives.<br>(remanded<br>for re-<br>determination<br>on evi-<br>dence of<br>defendant's<br>financial condition | _____   | _____  |

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT  
DIVISION SEVEN

[Redacted]

Plaintiff and Respondent,

v.

CHURCH OF SCIENTOLOGY OF CALIFORNIA,

Defendant and Appellant.

) B023193  
)  
) (LASC No. C332827)  
)

) ORDER MODIFYING  
) OPINION AND  
) DENYING REHEARING  
) COURT OF APPEAL - SECOND DIST.

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FILED

APR 20 1992

THE COURT:

[Redacted] Clerk

It is ordered that the opinion filed herein on March 20, 1992, be modified in the following particulars:

1. On page 31, line 9, delete footnote number 10. At the bottom of that page delete footnote 10.

2. On page 36, lines 5 through 7 of the text, replace the remainder of the sentence after the words "damage award" with the following:

are modified to reduce the compensatory damages to \$500,000 and the punitive damages to \$2 million.

This modification of the opinion represents a change in judgment.

Appellant's petition for rehearing is denied.

CERTIFIED FOR PUBLICATION

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[Redacted]

PROOF OF SERVICE

STATE OF CALIFORNIA        )  
                                  )    ss.  
COUNTY OF LOS ANGELES    )

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen (18) years and not a party to the within action. My business address is 6255 Sunset Blvd., Suite 2000, Hollywood, California 90028.

On March 11, 1994 I served the foregoing document described as NOTICE OF FINAL JUDGMENT on interested parties described as in this action,

by placing the true copies thereof in sealed envelopes as stated on the attached mailing list;

by placing  the original  a true copy thereof in sealed envelopes addressed as follows:

See attached list.

BY MAIL

\*I deposited such envelope in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid.

As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Executed on March 11, 1994 at Los Angeles, California.

\*\*(BY PERSONAL SERVICE) I delivered such envelope by hand to the offices of the addressee.

Executed on \_\_\_\_\_, at Los Angeles, California.

(State) I declare under penalty of the laws of the State of California that the above is true and correct.

(Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

\_\_\_\_\_  
Type or Print Name

\_\_\_\_\_  
Signature

[REDACTED]  
HUB LAW OFFICES  
711 Sir Francis Drake Boulevard  
San Anselmo, CA 94960-1949

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[REDACTED]  
NOKES, VAN SICKLE & QUINN  
One Newport Place  
Suite 1000  
Newport Beach, CA 92660

CUMMINS & WHITE  
865 South Figueroa Street  
24th Floor  
Los Angeles, CA 90017

[REDACTED]  
LAW OFFICE OF CHARLES O'REILLY  
511 Wilshire Blvd.  
Santa Monica, CA 90401

GREENE, BROILLET, PAUL, SIMON & WHEELER  
816 S. Figueroa Street  
Los Angeles, CA 90017

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[REDACTED]  
LEWIS, D'AMATO, BRISBOIS & BISGAARD  
221 N. Figueroa Street Suite 1200  
Los Angeles, CA 90012

REPRODUCED FROM THE ORIGINAL  
BY THE NATIONAL ARCHIVES  
SERIALS ACQUISITION DIVISION  
COLLEGE PARK, MARYLAND 20740

APR 13 1988

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COLLEGE PARK, MARYLAND 20740

APR 13 1988

THE DOCUMENT TO WHICH THIS CERTIFICATE IS  
ATTACHED IS A FULL, TRUE, AND CORRECT COPY  
OF THE ORIGINAL ON FILE AND OF RECORD IN  
MY OFFICE.

JAN 12 1995

ATTEST

[Redacted Signature]

Executive Officer/Clerk of the Superior  
Court of California, County of Los Angeles.

By [Redacted Signature], Deputy

[Redacted Signature]

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163 ARBN-1221-3

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| JAN 27 1995       |         |
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28

011-12211

LEVEL 1 - 1 OF 1 CASE

\*\*\* THIS DATA IS FOR INFORMATIONAL PURPOSES ONLY \*\*\*

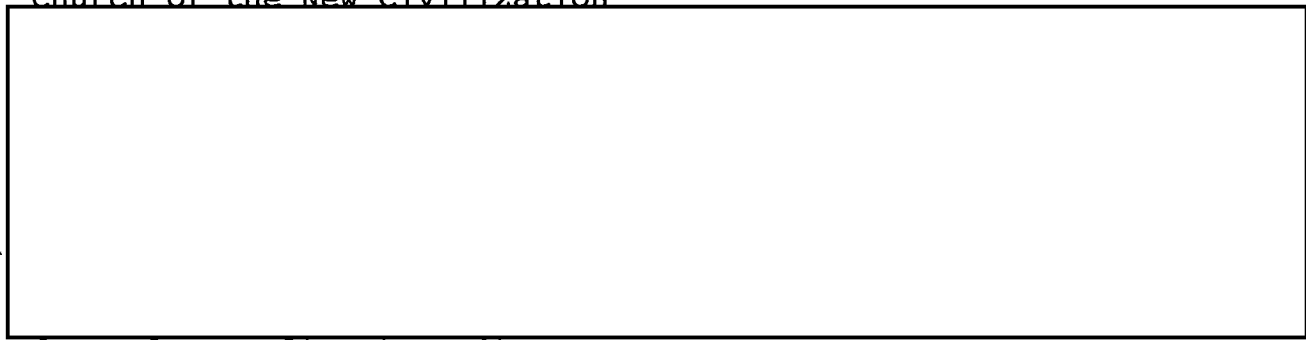
U.S. DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA CIVIL CASE INDEX

RELIGIOUS TECHNOLOGY, et al vs [redacted] et al

PLAINTIFF: Church of Scientology International  
Religious Technology Center

DEFENDANT: Church of the New Civilization  
alias Advanced Ability Center  
Church of the New Civilization

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Press Alt-H for Help or Alt-Q to Quit.

Judgment by Court in LA 10/94  
Obtain: Docket, copy of Settlement / Court  
Judgment

2:85-CV-07197

RELIGIOUS TECHNOLOGY, et al vs  et al

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CASE NUMBER: 2:85-cv-07197

FILING DATE: 11/04/1985

COURT: Los Angeles

JUDGE: James M. Ideman

Press Alt-H for Help or Alt-Q to Quit.

10 JUL 95 23 58

RECEIVED

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| Dep. Dir.            | _____ |
| ADD Adm.             | _____ |
| ADD Inv.             | _____ |
| Asst. Dir.:          |       |
| Adm. Serv.           | _____ |
| Crim. Inv.           | _____ |
| Ident.               | _____ |
| Insp.                | _____ |
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| Lab.                 | _____ |
| Legal Coun.          | _____ |
| Plan. & Insp.        | _____ |
| Rec. Mgmt.           | _____ |
| Tech. Serv.          | _____ |
| Training             | _____ |
| Cong. & Public Affs. | _____ |
| Off. of Public Affs. | _____ |
| Telephone Rm.        | _____ |
| Director's Office    | _____ |

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FM LEGAT BONN (163A-BN-12211) (P)

TO DIRECTOR FBI/ROUTINE/

FBI LOS ANGELES/ROUTINE/

BT

UNCLAS E F T O

CITE: //5300:BDN531.188//

PASS: FBIHQ FOR CID, IRB, IRU I.

SUBJECT: <sup>(1)</sup> CHURCH OF SCIENTOLOGY; FPC; OO: BN.

REBNTel TO BUREAU DATED 1/4/95.

[REDACTED], AS WELL AS A  
NUMBER OF [REDACTED], HAVE BEEN CONDUCTING  
AN EXTENSIVE INVESTIGATION INTO THE CHURCH OF SCIENTOLOGY IN  
GERMANY. THE BASIS OF THEIR INVESTIGATION IS TO DETERMINE IF  
THE CHURCH OF SCIENTOLOGY IS A RELIGIOUS ORGANIZATION, A  
CRIMINAL CONSPIRACY OR AN ORGANIZATION THAT PRESENTS A DANGER

b7D

163A-BN-12211-3

MUST BE PROPERLY TRANSFERRED  
TO RELEASE OR FORWARDING.

TO TRANSFER CALL 3421.

TO DATE INFORMATION CALL 3421.

FBI/DOJ

|         |      |
|---------|------|
| Name    | Room |
| Subject | UTD  |
| Serial  |      |

PAGE TWO DE BON 0007 UNCLAS E F T O

TO CONSTITUTIONAL DEMOCRACY IN GERMANY.

IN THEIR RESEARCH WORK, [REDACTED] HAS DETERMINED THAT A U.S. CITIZEN [REDACTED] AGE 46, RECENTLY WON A 4.7 MILLION DOLLAR CIVIL SUIT AGAINST THE CHURCH OF SCIENTOLOGY IN LOS ANGELES, CALIFORNIA. [REDACTED] A FORMER MEMBER OF THE CHURCH, CLAIMED THAT HE HAD BEEN BRAIN WASHED AND DRIVEN TO NEAR INSANITY BY SECT MEMBERS. THE JUDGMENT BY THE COURT IN LOS ANGELES WAS APPARENTLY RENDERED IN OCTOBER 1994. [REDACTED] WAS NOT AWARE WHETHER THE COURT INVOLVED WAS A FEDERAL OR STATE COURT.

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THE LOS ANGELES OFFICE IS REQUESTED TO REVIEW THE FEDERAL STATE COURT DOCKET FOR THE LOS ANGELES AREA FOR A CIVIL SUIT SETTLEMENT INVOLVING THE CHURCH OF SCIENTOLOGY AND [REDACTED] [REDACTED] IF THE SETTLEMENT IS LOCATED, THE LOS ANGELES OFFICE IS REQUESTED TO OBTAIN A COPY OF THE SETTLEMENT OR COURT JUDGMENT IN THIS MATTER FOR [REDACTED]

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[REDACTED] AND [REDACTED] REQUESTED THE STATUS OF THIS LEAD ON 7/7/95.

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LEGAT BONN APPRECIATES THE LOS ANGELES DIVISION'S ASSISTANCE IN THIS MATTER.

BT

PAGE THREE DE BON 0007 UNCLAS E F T O

#0007

NNNN

# FAX MESSAGE

## VICE & INTELLIGENCE SECTION

SENDING LOCATION FAX NO. (813) 46-7137

TO: AGENTS:

LOCATION: LEGAL ATTACHE OFFICE, BONN GERMANY

FAX NO. 01149228330894

b6  
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FROM: DETECTIVE

COMMENTS: REFERENCE EARLIER PHONE CALL WITH LT.

MY OFFICE NUMBER IS  IF YOU HAVE ANY QUESTIONS.

DATE: FEBRUARY 17, 1995

TOTAL PAGES (INCLUDING COVER PAGE) 6

IF THIS TRANSMISSION IS NOT COMPLETE, PLEASE CALL  
(813) 462-6060.

CONFIDENTIALITY WARNING

213

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE (COLLECT) AND RETURN THE ORIGINAL MESSAGE TO US AT THE BELOW ADDRESS VIA THE U.S. POSTAL SERVICE. YOU WILL BE REIMBURSED FOR POSTAGE.

THANK YOU.

CLEARWATER POLICE DEPARTMENT 100 PIERCE ST., CLEARWATER, FL 34615

163A-BN-122113X

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| SERIALIZED <input checked="" type="checkbox"/> | FILED <input checked="" type="checkbox"/>   |

FEB 17 1995

|                      |
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| LEGAL ATTACHE - BONN |
|----------------------|



# CITY OF CLEARWATER

DEPARTMENT OF POLICE 644 PIERCE STREET  
CLEARWATER, FLORIDA 34616-5495 (813) 462-6000

February 17, 1995

Agent [redacted]  
Agent [redacted]  
Legal Attache Office  
Bonn, Germany

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Fax: 01149228330894

Dear Agent [redacted]

Reference your phone conversation with Lt. [redacted] of the Clearwater Police Department, I am sending you all of the information we have available on one [redacted] aka: [redacted]

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We would like any additional information you could obtain on this subject, especially with respect to his current businesses, influences and associates, also any confirmation of our information.

[redacted] is a white male who was born in Ebhausen, Germany, around 1953. His father is or was a farmer in the area. He supposedly bought the "Krupp Company" in Altbach around 1989 and renamed it "Stahlbautechnik Neckar" steel company. He was supposed to be the chairman for the "Wise Charter Committee" in Stuttgart in 1992. He may be married to or at least related to a [redacted] who is the vice president of one of his Clearwater companies.

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According to news sources from 1993 and 1994, [redacted] was planning a large project for a merchandising center. After his affiliation with Scientology practises in his business dealings was exposed by several, these plans were cancelled.

[redacted] appears to have some influence with some government leaders in Germany or Albania or both and appears to be using them to further the promotion of Scientology there. He has been awarded by the Scientology organization along these lines.

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[Redacted]

ROBOTIC PARKING  
519 CLEVELAND ST  
#105  
CLEARWATER, FLORIDA

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[Redacted]

#1103  
CLEARWATER, FLORIDA

He also appears to be working on a plan to build a large trade center in Clearwater along with a [Redacted] and [Redacted] who is with B.P. Designs.

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We have no further information on him at this time. See attached articles for further details and photo. If you have any questions, please contact me at [Redacted]

Sincerely,

[Redacted Signature]

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Intelligence Unit  
Clearwater Police Department

TFM/pp

attachments

# Stahlbautechnik Neckar

[Steel Manufacturing Technique on the river Neckar]

by Gerhard Haag, CEO

"IF ONE HAS A STRONG INTENTION AND A good target, more is not needed." That has always been my motto. I was born 39 years ago on a small farm in Eba-hausen, Germany. That's a small town near Nagold. My father was a farmer and that is what I was going to be. The game was not big enough, so I changed schools and studied hard to learn the



Steel fabrication for indoor skating rink

steel manufacturing business. I now own one of the most successful steel manufacturing companies in Germany, and I've been a WISE CEO's Circle Member for just over a year.

The professional path I took was not easy. Once, when I was a boy doing an apprenticeship at the Krupp Company in Altbach, my father's car broke down. I decided to fix it myself. Later, the foreman at Krupp accused me of using their materials and doing it on company time. I didn't like being falsely accused and told him, "Someday I will buy this company!" Three years ago, that's exactly what I did! [The company was renamed Stahlbautechnik Neckar, which means Steel Manufacturing Technique on the river Neckar—Ed.]

When I first became a CEO's Circle Member, I wasn't very active with WISE. I knew that there were a few members around Stuttgart, but I didn't know too much about WISE and its services for members.

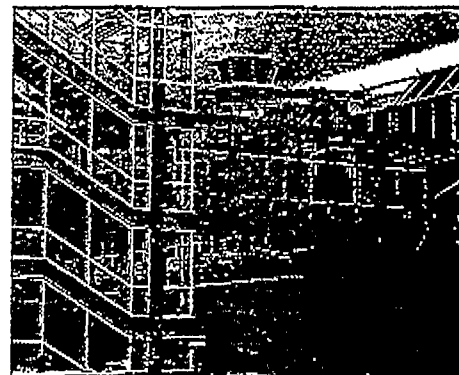
A business cycle developed that was very upsetting to me, and it went on for too long a time. I was visited at my home by two WISE staff members, one

from WISE Int and the other from WISE EU. They listened to what I had to say, and then helped me to handle the situation terminatedly. Just like that, it was over and a source of suppression was off my lines! Suddenly, I understood the purpose of WISE!

I have acquired a lot of experience in my life and my one stable datum has been never, never, never deal with an unethical company. After WISE helped me so effectively I realized that I needed to become more effective, too. It is my responsibility to handle the company that was the source of upset so it becomes ethical. This responsibility extends beyond the world of business into the other areas of life as well.

## CHARTER COMMITTEE

I joined the WISE Charter Committee of Stuttgart. We have applied all the necessary policies and are fully operational. I am now the Charter Committee chairman and we are here and ready to assist companies in our area to apply the Hubbard Administrative Technology in sorting out business disagreements. As a WISE CEO's Circle Member I consider it my duty to see that our Charter Committee continually functions well.



Munich Airport steel fabrication by Stahlbautechnik Neckar

When Philip Mitchell, the Deputy Commanding Officer of WISE Int, came to see me about the L. Ron Hubbard Library that was being installed at Moscow University overlooking Red Square, I was honored to be called upon for help. I gladly donated \$100,000 toward the completion of this great work! Russia's production and morale greatly suffered under communist rule, but now their statistics are reverting. The new library is definitely rewarding good production—just what LRH says to do!

I'm looking forward to an increasing role of seeing that more and more LRH Admin Tech is applied in the business environment. That is, and will be, an ongoing win for all of us!



Above inset: Gerhard Haag

Above: Facility constructed using steel manufactured by Stahlbautechnik Neckar

## INTERNATIONAL

## Germany

**Scientologists Fined for Hate Literature**

**T**hree Scientologists were fined 5400DM [over \$2,000] by the Hamburg Town Council in January for slander in connection with the printing and distribution of literature that compared Scientology critics to Nazi stormtroopers, and Scientology suffering at the hands of its critics to the situation of Jews under the Third Reich. One booklet, "The Merchant of Hamburg," said that members of the Social Democratic Party [a major German political party] had, through attacks on Scientology, stooped to the level of the old Nazi Party; another pamphlet had a caricature of critic Heinrich Westphal, a theologian, as a stormtrooper, with the title, "Their God is their Money." In the pamphlet "Hate and Propaganda," there were numerous examples of anti-Semitic hate articles from the Nazi propaganda newspaper *Die Sturmer* [The Stormtrooper] positioned near articles



from recent German newspapers critical of Scientology practices.

One of the accused said he simply wanted to make sure his religion was recognized in Germany, but Judge Lutz von Selle called the Scientology comparisons "the height of hypocrisy." SPD parliamentarian Ursula Caberta—whom the Scientology publications accused of waging a campaign against them—reportedly met with Hamburg officials after the trial about researching Scientology's political and business activities. (From "Editor of Scientology Publications Found Guilty of Libel," *Neumunster/Holsteinischer Courier*, 1/14/94; "Scientologists Sentenced for Insults," *Hamburger Abendblatt*, 1/14/94; "Editor of Scientology Writings Convicted of Insults," *Bergedorfer Zeitung* [Hamburg-Bergedorf], 1/14/94, 2/12/94)

**Hubbard "Tech" From Germany to Albania**

**S**cientology is undertaking a major move into Albania through German industrialist Gerhard Haag Ende, a Scientologist, who plans a fully stocked merchandising center to be managed through "Scientology Technology," according to Michael Linkersdorfer in *IG-Metallzeitung* (No. 23, 11/12/93).

As revealed in an Albanian TV program, Ende and his Scientology associates promise to lead the country to prosperity using the "management technology" developed by Scientology founder L. Ron Hubbard. They said they had the cooperation of relevant Albanian government ministries. A report on the "project" by a Bavarian TV magazine late last year stimulated visits by other reporters who found in the Tirana library piles of Hubbard books but almost no other Western ones. Ende had also organized Scientology courses at the University, for students, professors, and civil servants, and sent two Albanians to England for 3 months' training, "doubtless to St. Hill Manor, the Scientology center." The German embassy considered Ende—who has friends and colleagues in the German Parliament—a serious investor in Albania's future, and welcomed him. His plans include economic development projects—newspapers, agriculture, tourism, banking, and more—in the Western Balkans.

Ende's own German-based industrial growth—

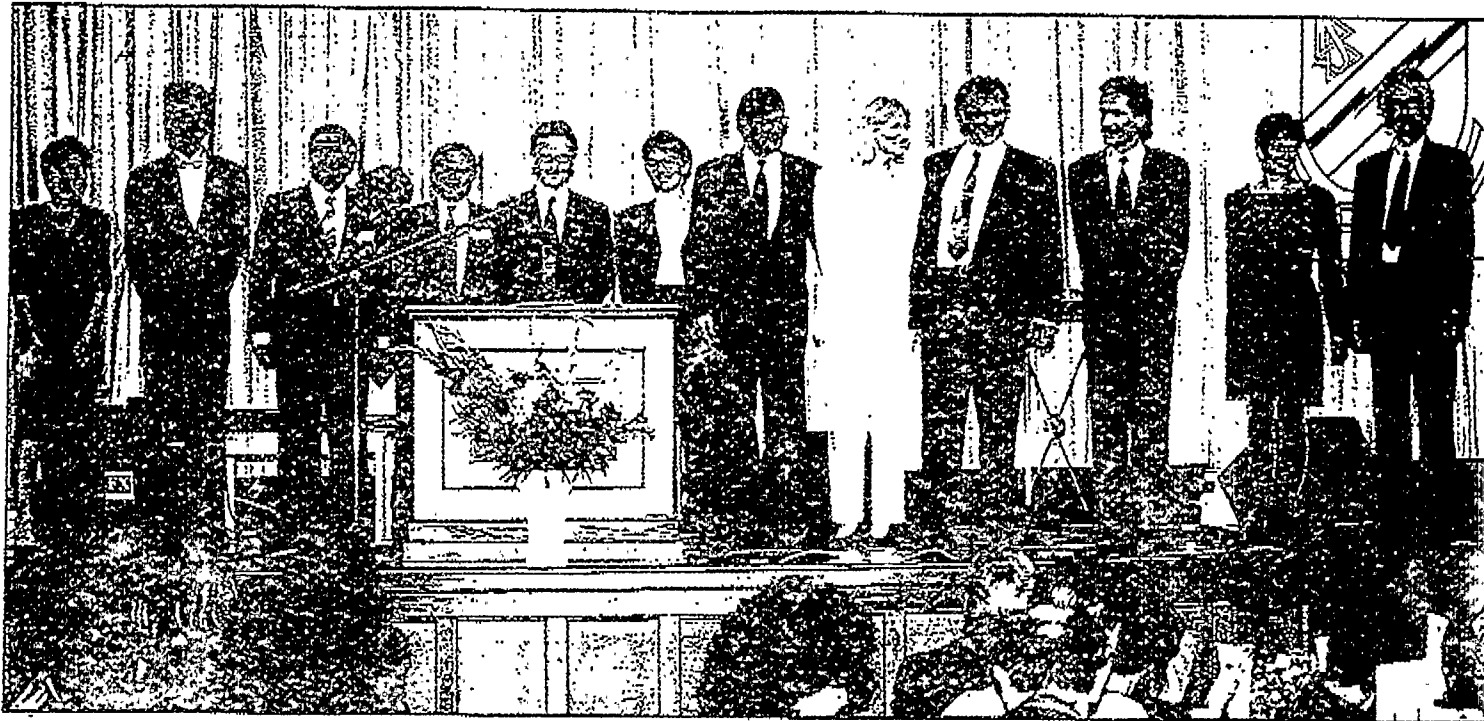
purportedly using Scientology practices — ran into problems late last year, even while working on the Albanian project, during his negotiations to buy a former East German company from the Krupp conglomerate. A business consultant revealed at a press conference the nature of Ende's Scientology-based business practices, such as the keeping of "ethics files" on employees (these include details of intimate personal as well as professional lives). The story was covered widely in the press and the sale was annulled by the bankers involved. ("From Clean Sweep in Albania: Will Albania Become the First Scientologist State?" *Bulles*, No. 41, 1994)

**France****Commission Notes Cults**

The December, 1993 report of the French National Consultative Commission on the Rights of Man, while holding that it would be wrong to pass special laws to protect the public from damaging activities of certain religious groups, appealed to magistrates to pay attention to extant laws for the "protection of persons who are particularly vulnerable, especially minors." The

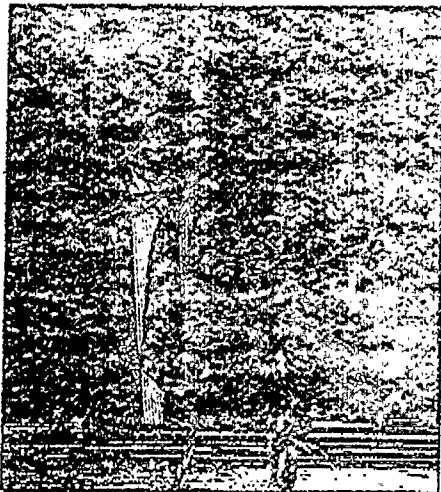
*Continued on the next page*

# Awards presented to WISE Membe



Above: The Stuttgart Charter Committee being acknowledged by all convention attendees.

Awards and recognitions were given to the WISE members that have made outstanding contributions in creating more ethical and sane business and work communities through the introduction of Hubbard Management Technology into businesses and governments.



Ken Rabey received a special recognition award for his outstanding contribution to WISE expansion in Albania.

## Award winners:

**Model of Admin Know-How Award:**  
Executive Software UK  
U-Man Belgium  
Hahn and Partner  
Idee und Geld  
Silhouet Profil Analysis

**Top FSM Award:**  
Kurt & Lexie Jensen

**Top Dissemination Award:** AMK

**Special Recognition Awards:**

*Katerina Paretzoglou:* for her outstanding work in dissemination in Greece and media interviews for Hubbard admin tech.

*Claus Heimann:* for his outstanding production in WISE getting thousands of executives in Scandinavia introduced to Hubbard admin tech.

*Stuttgart Charter Committee:* for their outstanding production as a charter committee operating as a team to get in ethics in their area and to help their members flourish and prosper.

*Horst Tubbesing:* for his outstanding contribution to WISE expansion in Albania.

*Ken & Nornie Rabey:* for their major contribution to the Hubbard technology project in Albania.

*Gerhard Haag:* for his major assistance and persistence in the expansion of WISE in Albania.

**Charter Committee member awards:**  
Andrew Chambers (UK)  
Uwe Reeh (Stuttgart)  
Uta Buccerius (Stuttgart)  
Markus Vogel (Stuttgart)  
Bernd Conradi (Frankfurt)

1630-BN-12211-4

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| SEARCHED          | INDEXED |
| SERIALIZED        | FILED   |
| JAN 30 1995       |         |
| FBI - LOS ANGELES |         |

FBI

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- Teletype
- Facsimile
- AIRTEL

PRECEDENCE:

- Immediate
- Priority
- Routine

CLASSIFICATION:

- TOP SECRET
- SECRET
- CONFIDENTIAL
- UNCLAS E F T O
- UNCLAS

Date 7/17/95

TO : DIRECTOR, FBI

FROM : SAC, Los Angeles Field Office (163A-BN-12211)  
(C-1) (RUC)

SUBJECT : CHURCH OF SCIENTOLOGY;  
FOREIGN POLICE COOPERATION MATTER;  
OO: LEGAT BONN

Re Bonn teletypes to the Bureau and Los Angeles dated 1/4/95 and 7/10/95.

REQUEST OF THE BUREAU

The Bureau is requested to disseminate the below listed enclosures to Legat Bonn.

Legat Bonn is requested to furnish to appropriate German authorities three (3) enclosures which represent documents obtained pursuant to investigation conducted in Los Angeles in conjunction with captioned matter.

Enclosed for Legat Bonn is a copy of Notice of Final Judgement case number BC74815 and its accompanying docket obtained from the Los Angeles County Civil Superior Court House, Los Angeles, California. Also enclosed is a docket obtained from the United States District Court, Central District of California, case number 85-CV-7197, Los Angeles, California.

TELETYPE BY BOND  
Sealed Envelope

- ④ <sup>LD</sup> Bureau *gh*
- 2 - Legat Bonn (Enc. 3)  
(sealed envelope attached)
- 1 - Los Angeles

163A-BN-12211-4

RGP/rc  
(5)

*[Handwritten signature]*  
*gh*

Approved: *[Signature]* Transmitted \_\_\_\_\_ Per \_\_\_\_\_  
(Number) (Time)

The Bureau and Legat Bonn should note that a prior airtel, dated 1/30/95, was sent by Los Angeles with the identical above enclosures, in response to the original request of 1/4/95. It can only be assumed that said communication was never received by Legat Bonn.

In view of the fact that all requested investigation has been conducted and no leads remain outstanding, Los Angeles considers this matter RUC.

\*\*\*\*\* -JOURNAL- \*\*\*\*\* DATE FEB-27-1995 \*\*\* TIME 17:10 \*\*\*\*\*

DATE TIME = FEB-27 17:09  
JOURNAL NO. = 27  
COMM.RESULT = OK  
PAGES = 03  
FILE NO. =  
DURATION = 00:01'43  
MODE = XMT  
STATION NAME =  
TELEPHONE NO. = T 04034864995  
RECEIVED ID = +49 40 2486 4995  
RESOLUTION = STANDARD

\*\*\*\*\* -Legat Bonn - \*\*\*\*\* 49 228 33 08 94- \*\*\*\*\*



711

OFFICE OF THE LEGAL ATTACHE  
UNITED STATES EMBASSY  
FEDERAL REPUBLIC OF GERMANY  
GERMAN FAX NUMBER 0228-33-08-94  
INTERNATIONAL FAX NUMBER 49-228-33-08-94

TO: [Redacted]

INNENSENAT HAMBURG

FAX NUMBER: 040 2486 4995

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b7C

FROM: LEGAT BONN [Redacted]

NUMBER OF FOLLOWING PAGES: 2

COMMENTS: ① Church of Scientology

HOFFENTLICH KÖNNEN WIR HIER  
EINEN INFORMATION AUSTAUSCH MACHEN.

[Redacted]

*Kal*

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[Redacted]

040-2486 4990

1634-BN-12211-4

*KOR*

APPROVED BY: \_\_\_\_\_

UNCLASSIFIED

163ABN-R-12211-5

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| SEARCHED          | INDEXED |
| SERIALIZED        | FILED   |
| JAN 30 1995       |         |
| FBI - LOS ANGELES |         |

SUPERIOR COURT LOS ANGELES COUNTY

8C 74815

CHURCH SCIENTOLOGY CALIF

Attorney

Attorney

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NATURE OF ACTION: MISC CIVIL COMPLAINT-MONEY INVOLVED CODE 0601

REPORTER / ERM

12-9-93

REPORTER / ERM

Trial Judge:

| YEAR | MONTH | DAY | PROCEEDINGS   | FILED DOC | FEES   |
|------|-------|-----|---|-----------|--------|
| 993  | FEB   | 16  | COMPLAINT FILED AND SUMMONS ISSUED  |           | 182.00 |
| 993  | FEB   | 16  | CERTIFICATE OF ASSIGNMENT FILED   |           |        |
| 993  | FEB   | 16  | CASE ASSIGNED TO TRIAL COURT DELAY REDUCTION PROJECT  |           |        |
| 93   | 4     | 12  | Proposed Order  |           |        |
| 93   | 5     | 26  | Order of the court 6-24-93 500 12-14  |           |        |
| 93   | 5     | 26  | Order on App for Grant of Court Fee & cost  |           |        |
| 93   | 5     | 27  | ORDER   |           |        |
| 93   | 5     | 27  | Applic. for summary judgment  |           |        |
| 93   | 5     | 27  | Rec'd of [redacted]   |           |        |
| 93   | 5     | 27  | Rec'd of [redacted]   |           |        |
| 93   | 6     | 21  | proposed order Re: [redacted] Relief  |           |        |
| 93   | 6     | 22  | Final summary judgment  |           |        |
| 93   | 6     | 24  | MO. Court 7-2-93 for [redacted]   |           |        |
| 93   | 7     | 2   | Rule to Supreme Court Appeal pending the court stays all matters until the Supreme Court Rules. |           |        |
| 93   | 11    | 23  | Use of Resettling of Special [redacted]   |           |        |
| 93   | 11    | 23  | Def't i. Suppl memo of PTA's  |           |        |
| 93   | 11    | 23  | EXHIB. to Def't's Suppl. memo of PTA's  |           |        |
| 93   | 11    | 23  | Court orders that matter be stayed  |           |        |
| 94   | 1     | 7   | Order of court Re PTA's Special MO.   |           |        |

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| ARBITRATION CONFERENCE SET | DATE               | TIME         | DEPT             | REFERRED TO ARBITRATION | TSC SET   | DATE | TIME | DEPT |
|----------------------------|--------------------|--------------|------------------|-------------------------|---|------|------|------|
|                            |                    |              |                  |                         |   |      |      |      |
| AT - ISSUE FILED           | AT - ISSUE VACATED | MSC DATE     | TIME             | DEPT                    | TRIAL DATE  | TIME | DEPT |      |
|                            |                    |              |                  |                         |   |      |      |      |
| JUDGMENT ENTERED           | JUDGMENT VACATED   | APPEAL FILED | REMITTITUR FILED |                         | SUMMONS ORG FILED   |      |      |      |
|                            |                    |              | AFFIRMED         | AFFIRMED                |   |      |      |      |
|                            |                    |              | MODIFIED         | MODIFIED                |   |      |      |      |
|                            |                    |              | REVERSED         | REVERSED                |   |      |      |      |
|                            |                    |              | DISMISSED        | DISMISSED               |   |      |      |      |
| SUBSTITUTION OF ATTORNEY   | FOR                | NEW ATTORNEY | DEFAULT ENTERED  | FOR                     | DISMISSAL ENTERED <input type="checkbox"/> ENTIRE ACTION FOR: |      |      |      |
|                            |                    |              |                  |                         |   |      |      |      |

CASE NO.

SUPERIOR COURT LOS ANGELES COUNTY

PAGE

REPORTER *SANCHEZ*

REPORTER

| YEAR | MONTH | DAY |  | FILED DOC | FEE |
|------|-------|-----|--|-----------|-----|
| 94   | 3     | 8   | NTC of <i>Reilly</i>   |           |     |
| 94   | 3     | 14  | Renewal of special mo. to strike<br>3-30-94 9am n 14                   |           |     |
| 94   | 3     | 22  | plaints ntc. of mo. for enforcement of judgement<br>4-14-94 @ 9:00 D14 |           | 14  |
| 94   | 3     | 30  | ORDER Granting Def's special mo. to strike                             |           |     |
| 94   | 3     | 30  | MO. GRANTING   |           |     |
| 94   | 4     | 7   | Entry of order   |           |     |
| 94   | 4     | 14  | MO. at risk of   |           |     |
| 94   | 4     | 27  | exhibits to support of mo. for atty<br>fees                            |           |     |
|      |       |     | 5-12-94 900 D14  |           |     |
| 94   | 4     | 27  | ntc of mo. and mo. for reasonable<br>Att'y fees 5-12-94 900 D14        |           | 14  |
| 94   | 4     | 27  | Def's memo of pt and auto<br>5-12-94 900 D14                           |           |     |
| 94   | 5     | 12  | Motion cont 5-12-94 9am D14  |           |     |
| 94   | 5     | 12  | Additional AUTH in support of pliffs ques                              |           |     |
| 94   | 5     | 12  | pliff's memo of pts  |           |     |
| 94   | 5     | 19  | Mo. cont 5-26-94 9am n 14  |           |     |
| 94   | 5     | 24  | Suppl. exht.   |           |     |
| 94   | 5     | 24  | Pliff's Reply  |           |     |
| 94   | 5     | 27  | Pliff's Objs   |           | 100 |
| 94   | 5     | 23  | <b>NOTICE OF APPEAL</b>  |           |     |
| 94   | 5     | 3   | ORDER of Court regarding Atty fees                                     |           |     |
| 94   | 5     | 31  | NTC of <i>Reilly</i>   |           |     |
| 94   | 6     | 6   | NTC. to prepare Reporters and Election to<br>proceed under Rule 5.1    |           |     |
| 94   | 6     | 6   | NTC. of Lodging of Original Reporters Trans                            |           |     |
| 94   | 6     | 8   | NTC TO ATTY IN RE NTC OF APPEAL  |           |     |
| 94   | 6     | 16  | ntc of entry of judgment   |           |     |
| 94   | 7     | 22  | RECORDS ON APPEAL SENT TO DCA  |           |     |
|      |       |     | RECORDS ON APPEAL SENT TO DCA  |           |     |
| 94   | 8     | 2   | NTce OF APPEAL   |           |     |
| 94   | 8     | 4   | NTce to Attorney in re NTC OF APPEAL                                   |           |     |
| 94   | 8     | 11  | ntc of final judgment  |           |     |



SHOULD YOU NEED ANY FURTHER INFORMATION, PLEASE DO NOT  
HESITATE TO CONTACT THIS OFFICE.



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ASSISTANT LEGAL ATTACHE

APPROVED BY: \_\_\_\_\_

UNCLASSIFIED

163A-BN-R-1241-6

|                             |                 |
|-----------------------------|-----------------|
| SEARCHED                    | INDEXED         |
| SERIALIZED <i>et</i>        | FILED <i>et</i> |
| JAN 30 1995                 |                 |
| FBI - LOS ANGELES <i>lp</i> |                 |

Memorandum



To : LEGAT BONN (163A-BN-12211)

Date 4/21/95

242

*W*  
From : ASSISTANT LEGAL ATTACHE  
[Redacted]

Subject: ① CHURCH OF SCIENTOLOGY;  
FPC; OO: BN

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Due to the retirement of ALAT [Redacted] it is  
recommended this investigation be reassigned to ALAT [Redacted]  
[Redacted]

Awaiting answer to LA lead set by BN 1/4/95.

1 - Bonn  
① - LSG  
KCR/djw (2)

*Reassign  
As  
Above*  
*ewj  
4-21-95*

163A-BN-12211-6

163A BNR-12511-7

|                   |         |
|-------------------|---------|
| SEARCHED          | INDEXED |
| SERIALIZED        | FILED   |
| JAN 30 1995       |         |
| FBI - LOS ANGELES |         |

*Sp*

FBI

TRANSMIT VIA:

- Teletype
- Facsimile
- AIRTEL

PRECEDENCE:

- Immediate
- Priority
- Routine

CLASSIFICATION:

- TOP SECRET
- SECRET
- CONFIDENTIAL
- UNCLAS E F T O
- UNCLAS

Date 1/30/95

TO : DIRECTOR OF FBI (163A-BN-12211) (P)

FROM : SAC, Los Angeles (163A-BN-12211) (RUC) (C-1)

SUBJECT : CHURCH OF SCIENTOLOGY;  
FPC;  
OO: BN

Re teletype to Director from Legat Bonn dtd, January 4, 1995.

Request of the Bureau:

The Bureau is requested to disseminate to Legat Bonn, a certified copy of the Final Judgement and two Dockets of the following case:

Enclosed for Legat Bonn is a certified Notice of Final Judgment case number BC74815 and its accompanying docket obtained from the Los Angeles County Civil Superior Court House, Los Angeles, CA. Also enclosed is a docket obtained from the USADC, case number 85-CV-7197, Los Angeles, CA.

Los Angeles considers this matter RUCD.

- 5 - Bureau
- (2 - Legat Bonn) (Encs. 3)
- ① - Los Angeles (encs. 3)
- (6)
- /lap

*1-30-95 RUC-6*

*7/30/95*

SEARCHED \_\_\_\_\_

INDEXED \_\_\_\_\_

SERIALIZED \_\_\_\_\_

FILED \_\_\_\_\_

Approved: \_\_\_\_\_ Transmitted \_\_\_\_\_

(Number) (Time)

*163A BN R-122118*

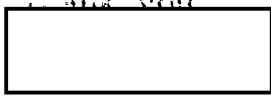


Office of the Legal Attache  
Frankfurt Sub-Office  
011-49-69-7535-3792 (International FAX)  
069-7535-3792 (German FAX)

Date: August 22, 1995

TO: LSG, ATTN: BONN TEAM  
FROM: Frankfurt Sub-Office  
SUBJECT: 163A-BN-12211  
NUMBER OF FOLLOWING PAGES: 3

Enclosed please Frankfurt file # 163A-BN-12211 per case  
agent Rick Fasplin.



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b7C

*AM*  
163A-BN-12211  
8/22/95  
*AM*

8/24/95  
*AM*

244



transmittal letter  
fbi Verbindungs Beamter

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b7C

Legal Attaché Office  
c/o American Consulate General  
Siesmayerstrasse 21  
60323 Frankfurt am Main 1  
Tel. 069-7535-3780  
Fax. 069-7535-3792

Oder

b7D

[redacted] Nebenstelle 4722  
Gebäude - Raum BB117

Our file : 163A-BN-12211  
(unser [redacted])

Date: 21 August 95  
(Datum)

To: OA 31-300 [redacted]  
(Zu Hd.)

b6  
b7C

①

Subject: SCIENTOLOGY  
(Betref.)

Your file #: 68/95  
(Ihr [redacted])

Enclosure: 3  
(Beilage)

Remarks:  
(Vermerk)

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b7C

Beigelegt sind die Dokumente betreffs SCIENTOLOGY, die Sie beantragt haben.

Mit freundlichen Gruessen,

[redacted signature box]

163A+BN-12211-  
C-4  
8/21/95  
RA