

1 Graham E. Berry, SBN# 128503
3384 McLaughlin Avenue
2 Los Angeles, CA 90066
Telephone: 310.745-3771
3 Facsimile: 310.745-3771
Email: grahamberry@ca.rr.com

4 Attorney for Plaintiff,
5 Francois G. Choquette.

6
7 SUPERIOR COURT OF CALIFORNIA
8 COUNTY OF RIVERSIDE
9 CENTRAL DISTRICT

10 **FRANCOIS G. CHOQUETTE, an**)
11 **individual**)
12)
13)
14)
15)
16)
17)
18)
19)
20)
21)
22)
23)
24)
25)
26)
27)
28)

Plaintiff,
v.
**CHURCH OF SCIENTOLOGY
INTERNATIONAL, a California
corporation; BUILDING MANAGEMENT
SERVICES, a California corporation;
DAVID ALAN DUNIGAN, an individual;
KENNETH R. SEYBOLD, an individual;
MATTHEW JAMES BUTLER, an
individual; SALVATORE MEO, and
individual; and DOES 1 through 20,
inclusive,**
Defendants.

Case No. RIC 538634
Assigned: Hon. Sharon J. Waters, Dept.10

**FIRST AMENDED
COMPLAINT FOR DAMAGES FOR:**

1. Assault & Battery
2. Assault & Battery, Excessive Force
3. False Arrest & Imprisonment
4. Negligent Hiring, Supervision and Retention
5. Negligence, Nuisance & Occupier's Liability
6. Abuse of Process
7. Malicious Prosecution
8. Violation of California Civil Code § 52.1
9. Violation of California Constitution Article 1, §§1, 2, 3, 4, 7 & 13

UNLIMITED CIVIL CASE

DEMAND FOR JURY TRIAL

Complaint filed: October 22, 2009
Trial Date: None
Motion Cut-off: None
CMC: April 23, 2010

1 Plaintiff, **FRANCOIS G. CHOQUETTE**, on information and belief, makes the following
2 allegations to support his **First Amended Complaint** as of right:

3 **SECULAR ACTION**

4 **1.** This First Amended Complaint is not directed at any of Defendants' religious beliefs or
5 freedoms. It is only directed at Defendants' demonstrably secular policies, processes, practices
6 and conduct in connection with, at the very most, religiously motivated conduct which is subject
7 to regulation for the protection of society.
8

9 **PARTIES**

10 **2.** Plaintiff FRANCOIS G. CHOQUETTE (“Choquette” or “Plaintiff”) is an individual who
11 currently resides in the County of Riverside, California.

12 **3.** Defendant CHURCH OF SCIENTOLOGY INTERNATIONAL (“CSI”) is an entity
13 incorporated under the laws of the State of California as a religious corporation with its principal
14 place of business at 6331 Hollywood Boulevard, Los Angeles, CA. CSI also does business as
15 GOLDEN ERA PRODUCTIONS (“GOLDEN ERA”) at 19625 Highway 79, Gilman Hot Springs,
16 CA 92583. In doing the acts herein alleged, CSI’s employees, subcontractors, volunteers and
17 agents acted within the scope of their employment and agency with CSI. Defendant CSI engaged
18 in the acts alleged herein and/or condoned, permitted, authorized, and/or ratified the conduct of its
19 managing agent Sea Organization Captain David Miscavige, corporate affiliates, employees,
20 subcontractors, volunteers and agents alleged herein. Although CSI is organized as a religious
21 corporation with the word “church” part of its name, it is a mere management entity that acts as a
22 self-described “mother church” which, *inter alia*, directs and controls the activities of *alter egos*,
23 other Scientology corporations and individuals, and many false front groups including the World
24 Institute of Scientology Enterprises (“WISE”), the Cult Awareness Network (“CAN”), the
25 Citizen’s Commissions for Human Rights (“CCHR”), the Association for Better Living
26
27
28

1 (“ABLE”), Applied Scholastics, Narconon and Criminon. CSI is also the registered copyright
2 owner of either most or all of the written policies referred to herein as the policies and practices
3 for the “handling” [and “destruction”] of “Suppressive Persons” or “SPs.”

4 **4.** Defendant BUILDING MANAGEMENT SERVICES (“BMS”) is an entity incorporated
5 under the laws of the State of California as a religious corporation with its principal place of
6 business at 6331 Hollywood Boulevard, Los Angeles, CA. BMS also does business as BUILDING
7 MANAGEMENT SERVICES (GOLD) at 19625 Highway 79, Gilman Hot Springs, CA 92583.
8 BMS is one of the corporations of Scientology with its principal object being the ownership and
9 management of various Scientology properties. In doing the acts herein alleged, its employees,
10 subcontractors, volunteers and agents acted within the scope of their employment and agency with
11 BMS and its affiliates. Defendant BMS engaged in the acts alleged herein and/or condoned,
12 permitted, authorized, and/or ratified the conduct of its managing agent Sea Organization Captain
13 David Miscavige, corporate affiliates, lessees, mortgagors, employees, subcontractors, volunteers
14 and agents alleged herein. Although BMS is organized as a religious corporation, it is a mere real
15 estate ownership and management entity that participates through its officers, directors, and
16 Scientology Sea Organization volunteers and/or employees, in the activities of *alter egos*, false
17 front groups and other Scientology corporations and individuals including those alleged of the
18 various other Defendants herein. Upon information and belief, one of the principal purposes of the
19 corporate existence of BMS is to own, manage and shield Church of Scientology real property
20 assets from attachment by potential judgment creditors such as the Plaintiff herein.

21
22
23
24 **5.** Plaintiff is informed and believes that the Scientology corporate structure is a deliberately
25 deceptive façade and that in reality the entire Scientology organization is the *alter ego* of
26 the Scientology Sea Organization, the Commodore’s Messenger Organization, and their most
27 senior ranking officer and managing agent Captain DAVID MISCAVIGE. The Sea Organization
28

1 and the Commodore's Messenger Organization are unincorporated associations that are the *alter*
2 *ego* controlling entities of the entire Scientology enterprise. Various courts of law also designated
3 Captain David Miscavige's predecessor Commodore L. Ron Hubbard as the Managing Agent of
4 the churches and corporations of Scientology which, *inter alia*, caused L. Ron Hubbard to go into
5 hiding for the last seven years of his life. Plaintiff is informed and believed that staff and assets are
6 moved among the various Scientology corporations as the circumstances may require and that
7 "acceptable truths" and "lies" are told to deceive and defraud others including law enforcement
8 agencies and officers, and the courts of law.

10 **6.** Although CSI and its managing agent David Miscavige widely claim to have a global
11 membership exceeding ten million people that is a falsified figure involving creative and
12 misleading statistics. Upon information and belief, there are only 30-50,000 currently active
13 Scientology staff members and public members worldwide. Over the past 18 months both
14 Scientology's worldwide membership and its global gross income have diminished by about half.

16 **7.** There exists, and at all times relevant hereto, has existed, such a unity of control and
17 interest among the corporate Defendants, the Sea Organization and the Commodores Messenger
18 Organization, and all of the other corporations and churches of Scientology, including but not
19 limited to those churches and corporations of Scientology that are or have been the subject of
20 Internal Revenue Service § 501(c)(3) exemption letters, that any individuality and separateness
21 between each of them has ceased and each is the *alter ego* or agent of the others. Adherence to the
22 fiction of the separate existence of the Defendant corporations, the other churches and
23 corporations of Scientology, and of the Sea Organization and the Commodore's Messenger
24 Organization, would permit an abuse of corporate privilege and would promote injustice in that,
25 *inter alia*, via the unified control exercised, *inter alia*, across corporate lines by the managing
26 agent (s), the Sea Organization, and the Commodore's Messengers' Organization, the assets of the
27
28

1 corporate Defendants, the other churches and corporations of Scientology, the Sea Organization
2 and the Commodore's Messenger Organization, can be transferred at will and thus concealed from
3 corporate debts, liabilities, government obligations and taxes and other obligations. Similarly,
4 officers, directors, employees, agents and lawyers are interchanged and transferred back and forth
5 between the various corporations and associations in response to circumstances, events and
6 strategies. Adherence to the fiction of the separate existence of the Defendant corporations, the
7 other churches and corporations of Scientology, the Sea Organization and the Commodore's
8 Messengers' Organization, would also be inequitable because the Managing Agent (s) and/or
9 subdivisions of the Scientology enterprise can transfer personnel and control of documents from
10 one entity to another, to engage in corporate restructurings, asset transfers, and asset
11 encumbrances, thus, *inter alia*, allowing the Defendants to avoid paying judgments, to avoid
12 legitimate litigation discovery and thereby to effect the continuing abuse of process, obstruction of
13 justice, and improper manipulation of the judicial system of which evidence abounds.

16 **8.** Plaintiff is informed and believes that other Scientology corporate entities also occupy or
17 have designated staff at the Golden Era property at Gilman Hot Springs. These allegedly separate
18 Scientology corporate entities include Church of Spiritual Technology, Religious Technology
19 Center, Building Management Services and Building Management Services (GOLD). Currently
20 Plaintiff lacks information as to whether any of these corporations or any of their assigned staff
21 participated in the acts, circumstances and occurrences alleged herein. When the true and precise
22 nature of their relationship and participation, if any, in the events and matters relating to this
23 Complaint becomes better known than at the present time, this Complaint will be amended to
24 reflect the same (by appropriate additions, deletions and/or dismissals) or it will be established at
25 the time of trial, according to proof.

1 **9.** Both CSI and BMS are among the many Scientology related and/or funded *alter egos* of:
2 (a) Scientology Managing Agent and Scientology Sea Organization Captain David Miscavige, (b)
3 Church of Spiritual Technology Managing Agent David Miscavige, (c) Religious Technology
4 Center Chairman of the Board David Miscavige, (d) Religious Technology Center, (e) Church of
5 Spiritual Technology, (f) the Scientology Sea Organization, and (g) the Commodore’s Messenger
6 Organization.
7

8 **10.** Upon information and belief, the funds to engage in the conduct alleged of the Defendants
9 herein was/is provided by multiple sources including but not limited to the International
10 Association of Scientologists (the “I.A.S.”), the World Institute of Scientology Enterprises
11 (“W.I.S.E.”), Narconon, the Citizen’s Commission for Human Rights (“CCHR”), various
12 Scientology celebrity members including but not limited to Tom Cruise, John Travolta, James
13 Packer of the Packer news and media group, Greta Van Susteran of Fox News, and others.
14

15 **11.** At various times, in the doing of the things either alleged herein or reasonably related to
16 the events herein, Managing Agent David Miscavige has been assisted by others, or has punished
17 and/or violated the constitutional rights of many others, including but not limited to Lawrence
18 (“Larry”) Brennan, Vicki Azneran, Richard Azneran, Jesse Prince, Mark (“Marty”) Rathbun,
19 Michael Rinder, Stacy Brooks Young, Andre Tabayoyan, Hana Whitfield, Gerry Whitfield, Ken
20 Hoden, Lawrence Wollersheim, Gerry Armstrong, Marc Headley and Jason Beghe.
21

22 **12.** Defendant DAVID ALAN DUNIGAN (“Dunigan”) is a resident of Riverside County
23 California and/or was a security guard at Golden Era on October 26, 2008. At all relevant times,
24 Defendant Dunigan was under the direct supervision, employ, and control of Defendant CSI or
25 BMS. In doing the acts alleged herein, Defendant Dunigan was acting within the course and scope
26 of his employment and agency with Defendant CSI or BMS.
27
28

1 **13.** Defendant KENNETH R. SEYBOLD (“Seybold”) is a resident of Riverside County
2 California and is an employee of CSI or BMS and is believed to be the “Estates Manager” and/or
3 the “Port Captain” for the Golden Era property. At all relevant times, Defendant Seybold was
4 under the direct supervision, employ, and control of Defendant CSI or BMS. In doing the acts
5 alleged herein, Defendant Seybold was acting within the course and scope of his employment and
6 agency with Defendant CSI.
7

8 **14.** Defendant MATTHEW JAMES BUTLER (“Butler”) is a resident of Riverside County
9 California and/or was a security guard at Golden Era on October 26, 2008. At all relevant times,
10 Defendant Butler was under the direct supervision, employ, and control of Defendant CSI or
11 BMS. In doing the acts alleged herein, Defendant Butler was acting within the course and scope of
12 his employment and agency with Defendant CSI or BMS.
13

14 **15.** Defendant SALVATORE MEO (“Meo”) is a resident of Riverside County California
15 and/or was a security guard at Golden Era on October 26, 2008. At all relevant times, Defendant
16 Meo was under the direct supervision, employ, and control of Defendant CSI or BMS. In doing
17 the acts alleged herein, Defendant Meo was acting within the course and scope of his employment
18 and agency with Defendant CSI or BMS.
19

20 **16.** Upon information and belief, at all times relevant to the conduct and communications
21 herein each of the individual defendants was acting for, upon, and in furtherance of the business of
22 their employer (s) and/or Church of Scientology, CSI and BMS managing agent David Miscavige.
23 Plaintiff is ignorant of the true names and capacities of Defendants, Does 1 through 20, and
24 therefore sues said Defendants by fictitious names. Plaintiff will seek leave to amend this
25 complaint when the true names of said Defendants have been ascertained. Plaintiff is informed
26 and believes and on that basis alleges that each of the fictitious Defendants was in some way
27
28

1 responsible for, participated in or contributed to the matters and things of which Plaintiff
2 complains herein and, in some fashion, has legal responsibility therefore.

3 **17.** At all times herein mentioned, each of the Defendants and/or their predecessors, affiliates,
4 subsidiaries and related entities, and each of the Doe Defendants, was the agent, servant,
5 employee, fellow member, associated and/or joint venturer or conspirator of each of the other
6 Defendants, and of the various corporations and churches of Scientology, the Sea Organization
7 and the Commodore's Messengers' Organization, and was at all times acting within the purpose
8 and scope of said agency, employment or joint venture, and acting with the express and/or implied
9 knowledge or consent of the Defendants, and each of them. The acts of each Defendant were
10 approved and/or ratified by each other Defendant, and the other corporations and churches of
11 Scientology, the Sea Organization and the Commodore's Messengers' Organization, and the
12 managing agent of the Scientology conglomerate, organization and enterprise and together,
13 constitute a single course of conduct throughout the events at issue herein.
14

15
16 **18.** To the extent any one of more Defendants may continue to claim to be a peace officer
17 Plaintiff is informed and believes and thereon alleges that the acts of such Defendant (s) alleged in
18 this Complaint were done by such Defendant (s) under color of law and under pretense of the
19 constitution, statutes, ordinances, regulations, customs and usages of the United States, the State
20 of California, and the County of Riverside therein, and under the authority of their offices, and
21 during the course and scope of their service as peace officers for said State or County, and said
22 State or County is legally responsible for their conduct according to principals of vicarious
23 liability and respondeat superior. In such event, Plaintiff will seek leave to add appropriate federal
24 civil rights claims herein pursuant to, *inter alia*, 42 U.S.C. §§§1983, 1985 and 1988. At the time of
25 filing herein, Plaintiff lacks sufficient knowledge, information and belief to assert such a claim
26 relative to any conduct that may be beyond the limited immunity granted California peace officers
27
28

1 receiving persons delivered into their custody following a “citizen’s arrest” or “private person’s
2 arrest.”

3 COMMON ALLEGATIONS

4
5 **19.** In mid January 2008 a biography of Tom Cruise was published by Andrew Morton.
6 Almost simultaneously a Scientology recruiting video starring Tom Cruise was uploaded to the
7 worldwide web of the Internet. CSI, through its attorneys, then used copyright claims to try and
8 prevent continued distribution and viewing of the Scientology recruiting film in which, among
9 other things, Tom Cruise claims to “smash Suppressive Persons” [critics of Scientology] such as
10 the Plaintiff into “a mere footnote in history” and he encourages other Scientologists to similarly
11 engage in the same unlawful and/or anti-social conduct. Upon information and belief, Tom Cruise
12 has also offered to personally “beat the living [bleep] out of disobedient Scientologists.” Upon
13 further information and belief, Scientology leader Captain David Miscavige has held out Tom
14 Cruise’s conduct and statements as an ideal example for Scientologists such as the individual
15 defendants herein. Plaintiff alleges that this is part of the attitudes, gestalt, policies and procedures
16 that legally, directly and proximately caused the Plaintiff to suffer general and special damages,
17 *inter alia*, as alleged herein.
18
19

20 **20.** CSI and its managing agent David Miscavige maintain a policy and practice of “Command
21 Intention.” During the lifetime of L. Ron Hubbard “command intention” referred to what
22 Commodore Hubbard wanted to be done or what Scientology upper management wanted to be
23 done in accordance with the Scientology policy and practice letter known as “Keeping Scientology
24 Working No. 1” or “KSW 1.” After managing agent David Miscavige extorted and seized control
25 of the Scientology enterprise from Hubbard’s appointed successors Pat and Annie Broeker, and
26 after he terrorized and extorted certain of the Hubbard family heirs and seized/stole portions of the
27 Hubbard family inheritances, David Miscavige altered or “squirreled” numerous Scientology
28

1 policies contrary to its “Doctrine of Source” and “Command Intention” took on the meaning of
2 what David Miscavige or “DM” wanted done. In accordance with DM’s “Command Intention,”
3 various of the “Suppressive Person” policies and practices are used against persons such as the
4 Plaintiff herein, and were used against the Plaintiff herein, by the Defendants acting jointly and/or
5 severally. Within the Scientology/CSI/BMS enterprise, “Command Intention” also mandates that
6 any Scientology staff member is able to “make it go right” and to do whatever is required for the
7 good of the greatest number of Scientologists. In other words, Defendants have copyrighted
8 secular policies and practices providing, in pertinent parts, that the Plaintiff had “no civil rights,”
9 that he could be “utterly destroyed” by any means “by any Scientologist without any penalty to
10 that Scientologist,” and that the ends justify the means whether lawful or unlawful. Upon
11 information and belief, the Defendants used these secular policies and practices in their conduct
12 and handling of the Plaintiff as alleged herein.
13
14

15 **21.** In or about February 2008 a loosely organized leaderless global collective or group of
16 human rights and Internet activists, numbering more than nine thousand, began protesting the
17 alleged copyright abuses, crimes, frauds, human rights abuses, and civil rights abuses committed
18 by the churches and corporations of Scientology and their representatives. The amorphous global
19 collective (in over 110 cities and more than 42 nations) called itself Anonymous and it engaged in
20 light hearted non-violent protests and other related first amendment protected activity against the
21 Scientology enterprise (s). Many of the Anonymous participants wore “V for Vendetta” masks
22 (also known as Guy Fawkes masks) to prevent Defendant CSI from retaliating against them with
23 its copyrighted secular policies and practices for the handling and destruction of Suppressive
24 Persons.
25
26
27
28

1 **22.** In or about March 2008 the Plaintiff participated in his first monthly Anonymous global
2 picket with the Anonymous group protesting Scientology human and civil rights abuses thereby
3 becoming subject to CSI's secular Suppressive Person policies and practices himself.

4 **23.** In or about February and/or March 2008 CSI *inter alia* engaged in conduct against
5 Anonymous in general, and later against the Plaintiff in particular, in furtherance of the secular
6 "Suppressive Persons" policies and practices previously copyrighted by CSI. In accordance with
7 express and mandatory provisions of these copyrighted secular policies and practices, CSI's
8 objective against the Plaintiff and his associates was to "intimidate," "harass," "silence" and
9 "utterly destroy" those engaged in first amendment speech and association that was either critical
10 of the alleged crimes and abuses of the Church of Scientology or CSI's objective of a Scientology
11 ruled global totalitarian political state, medical, business and social system compared by many to
12 the vision of George Orwell's novel 1984. The related objectives of CSI included identifying,
13 exposing, persuading, harassing, intimidating, arresting, prosecuting and psycho-terrorizing the
14 Anonymous and other participants in the Anonymous movement in general and the Plaintiff in
15 particular from engaging in any other First Amendment protected activity against the Scientology
16 churches, corporations, front groups and enterprises. To those ends, CSI, BMS and their managing
17 agent David Miscavige used Scientology employees, Scientology members, Scientology
18 volunteers, lawyers, private investigators, governmental entities, law enforcement entities, false
19 claims and false police reports. "Cease and desist" protesting against Scientology letters were
20 prepared by law firms both large and small and they were delivered by Scientology volunteers,
21 employees, private investigators and others to identified Anonymous protestors including but not
22 limited to the Plaintiff herein, their parents, neighbors, colleges, and employers. CSI spent many
23 millions of tax exempt dollars, across county, state, federal and international borders in this effort
24 to suppress and destroy the first amendment rights of the Anonymous protestors in general and the
25
26
27
28

1 Plaintiff in particular. To this end, CSI arranged, *inter alia*, for scientology staffers, scientology
2 volunteers, politicians, public employees and/or peace officers to close public streets and
3 sidewalks to picketers who included the Plaintiff, to prevent picketers from accessing public
4 accommodations and conveyances such as restaurants and buses, to prevent the first amendment
5 communications of the picketers from being seen or heard by their intended audience, and to
6 engage in false arrests, false imprisonments and other unlawful conduct which intentionally or
7 recklessly interfered with the constitutional rights of the Plaintiff herein. Numerous picketers
8 including the Plaintiff were also subjected to physical assaults and violence perpetrated by
9 Scientology “staffers” and “publics” present at Scientology locations and elsewhere. Upon
10 information and belief, in the doing of the things alleged herein CSI, its managing agents,
11 employees, volunteers and representatives also engaged in undue and/or improper influence and
12 corruption of public officials. In addition, CSI used and directed private businesses and their
13 employees as participants in the unconstitutional and other unlawful conduct against the Plaintiff
14 as alleged herein. Upon information and belief, these businesses include but are not limited to a
15 certain Subway Restaurant in Los Angeles, a certain common carrier in Los Angeles, and the
16 Westin Bonaventure Hotel in Los Angeles.

19 **24.** CSI’s related conduct against the Plaintiff, whether as an individual or whether due to his
20 attendance at first amendment protected activities with other Anonymous protestors, included
21 conduct intended to violate, and conduct that did violate, Plaintiff’s constitutional and civil rights,
22 and/or involved false law enforcement reports, perjury and other unlawful conduct intended to
23 interfere, and/or which did interfere with the Plaintiff’s rights and lawful activities and which
24 distressed and damaged the Plaintiff as alleged herein. Upon information and belief this conduct
25 against Suppressive Persons such as Anonymous in general and the Plaintiff in particular, *inter*
26 *alia*, was either ordered by and/or ratified by David Miscavige and carried out by various of his
27
28

1 subordinate officers (including but not limited to Michael Rinder through mid 2007) within the
2 Scientology enterprise, all of who are always required to act in accordance with David
3 Miscavige’s “command intention.” Upon information and belief, since its establishment, CSI has
4 engaged in the pattern and practice of the same or similar conduct against many other of its self-
5 perceived “enemies” such as the Plaintiff herein and as alleged herein.
6

7 **25.** The Scientology secular and administrative policies and practices, *inter alia*, for the
8 handling of Suppressive Persons are part of the *gestalt* of the Scientology enterprise, and are part
9 of the *res gestae* herein, in that the Scientology secular Suppressive Person policies and practices
10 have been in effect and employed against the Plaintiff throughout the events at issue herein.

11 **26.** Defendant CSI has represented that the secular Suppressive Person policies and practices,
12 of which Fair Game is a part, were cancelled over forty years ago. Notwithstanding this
13 transparent falsehood (or “acceptable truth” in Scientology parlance), these policies and practices
14 (most of which call for hate-filled conduct and communication) have been recognized and
15 discussed in a number of more recent California and other cases including but not limited to:
16 Church of Scientology v. Armstrong, 232 Cal.App.3d 1060, 1067 (1991); Wollersheim v. Church
17 of Scientology, 212 Cal.App.3d 872, 888-89 (1989); Allard v. Church of Scientology, 58
18 Cal.App.3d 439, 443 n.1 (1976); United States v. Kattar, 840 F.2d 118, 125 (1st Cir. 1988); Van
19 Schaick v. Church of Scientology, 535 F.Supp. 1125, 1131 n.4 (U.S.D.C. Mass. 1982);
20 Christofferson v. Church of Scientology, 57 Ore.App.203 (1982). In addition, CSI and/or its
21 affiliates have continued to renew the copyright registrations of the written secular policies
22 relating to the handling of Suppressive Persons such as the Plaintiff herein. Similarly, CSI and its
23 affiliates have continued to issue written “Suppressive Person Declares” against former
24 Scientologists and others right up to the present time.
25
26
27
28

1 **27.** CSI’s copyrighted secular policies and practices for handling Suppressive Persons such as
2 the Plaintiff herein expressly mandate hate-filled conduct in breach of their human and civil rights.
3 Conduct in furtherance of these copyrighted secular policies is intended to “terrorize” those CSI
4 classifies as Suppressive Persons and, among other things, to [mis]use the law to harass and
5 “utterly destroy” them. These secular policies and practices target Plaintiff and others for “utter
6 destruction” because they are NOT of the Scientology religion and are opposed to alleged CSI
7 crime, abuse and plans for global totalitarian rule and genocide (of all Suppressive Persons).
8 Consequently the wrongful and criminal conduct directed by Defendants at the Plaintiff including
9 but not limited to assault, battery and false imprisonment also constitutes a hate crime and/or a
10 hate tort under applicable laws.

12 **28.** Upon information and belief, on or about August 10, 2008, during the course of first
13 amendment protected activity in Los Angeles that some local Anonymous participants called
14 “Operation Barney and Friends,” Los Angeles Police Department Officers (“L.A.P.D.”) stopped
15 the Plaintiff and demanded his identification. Subsequently, an L.A.P.D. officer is believed to
16 have communicated the Plaintiff’s identity and address to a representative of CSI contrary to
17 Plaintiff’s express request to the L.A.P.D. Officer not to do so. Upon information and belief,
18 other L.A.P.D. and/or County of Riverside Sheriff’s officers, sometimes in the “off-duty”
19 employment of CSI or a related Scientology entity, also demanded the identification information
20 of other Anonymous participants and are also believed to have communicated that private
21 information to C.S.I. staff or agents.

24 **29.** After CSI violated the constitutional right of the Plaintiff to engage in First Amendment
25 activity through masked anonymity, and used police and private investigators to obtain the
26 identification information of the previously anonymous picketer who is the Plaintiff herein, CSI
27 employed a private investigator (s), set up a sting operation in the form of fake media interview to
28

1 lure the Plaintiff into a public place in Westminster, California, unmasked where he could be
2 photographed and then followed (stalked) to his residence. After CSI agents had lured the Plaintiff
3 into a public place as alleged above they then followed him by car for over eleven hours before he
4 finally returned to his temporary Lake Elsinore residence in the early hours of the morning.

5 **30.** Late at night on or about September 21, 2008, three persons associated with CSI and/or its
6 agents visited the Defendant's residential property, trespassed on private land and distributed
7 defamatory "flyers" about him to his neighbors' properties. The defamatory "flyers" stated, among
8 other things, that the Plaintiff associated with "Nazis, racists, that he brings chaos and laughs in
9 the face of tragedy." The defamatory flyers were distributed through conduct in compliance with
10 the "Dead Agenting," "Third Partying," "Noisy Investigation," and "Fair Game" aspects of CSI's
11 copyrighted secular "Suppressive Person" policies and practices. The next morning, at approx.
12 5.45 A.M. the same people (who included one Pauline Lombard) entered upon the Plaintiff's
13 residential property to disrupt his sleep. The Lake Elsinore police were called to eject the
14 Scientology agents from the Plaintiff's residential property and boundaries.

15 **31.** In September, 2008 and on approximately six subsequent occasions prior to October 26,
16 2008, the Plaintiff joined with other Anonymous protestors to picket the 500 acre Golden Era
17 Productions film studio property at 19625 Highway 79, Gilman Hot Springs, CA 92583 ("the
18 Golden Era property"). On each such occasion the Plaintiff and the other protestors had suffered
19 through threatening acts of intimidation and verbal harassment, extremely loud discordant pipe
20 organ tri-notes and directed water sprinkler attacks/assaults from Golden Era security guards.

21 **32.** The Golden Era property is also the International Headquarters of the Church of
22 Scientology. Many former top Scientology executives have compared the very high security
23 compound to a Soviet or North Korean gulag. The Plaintiff and his Anonymous companions were
24 protesting, *inter alia*, alleged Scientology forced labor, forced abortions, human trafficking,
25
26
27
28

1 violence, unlawful imprisonment, human rights violations, civil rights violations, labor code and
2 O.S.H.A. violations at the very high security Golden Era film studio property.

3 **33.** The 500 acre Golden Era property at 19625 Highway 79, Gilman Hot Springs, CA is
4 bisected by California State Highway 79. At the northern end of the property is approximately 1.3
5 acres of unfenced unused vacant land that includes a public right of way, dirt tracks, and an area
6 that has regularly been used for vehicle parking by protestors and the public generally (“the
7 unfenced roadside land”). The same unfenced roadside land also serves as a sewerage leach field
8 for the Golden Era property. Upon information and belief, before October 26, 2008 the unfenced
9 roadside land was not properly posted with the proper sized, positioned or number of “no
10 trespassing” signs as required by applicable California law (e.g. Penal Code §§552-556).
11 Subsequent to the events at issue herein the Golden Era “no trespassing” signs were changed and
12 relocated upon the unfenced roadside land on one or more occasions.

13
14 **34.** Upon information and belief, some or all of the unfenced roadside land and/or the Golden
15 Era property is being occupied by the Scientology enterprise in fraudulent violation of F.E.M.A.
16 flood plain restrictions and requirements. In addition, at least one of the Scientology buildings at
17 the Golden Era property colloquially called “the Hole” confines over forty senior Scientology
18 executives night and day, some held there for more than five years, without doors with inside
19 handles or escape bars.

20
21 **35.** For over thirty years CSI and its agents have engaged in unlawful conduct to prevent
22 Scientology employees from leaving the Golden Era property without authorization or guarantee
23 of return. Similarly, CSI and its agents have engaged in unlawful conduct to keep non-
24 Scientologists from even the perimeters of the Golden Era property (and related properties such as
25 “Happy Valley”) whether they are engaged in picketing, hand gliding or photography. To this end
26 the Golden Era property is surrounded by the dangerous spiked fences, advanced electronic
27
28

1 security devices and even, from time to time, a staffer armed with a sniper's rifle and located on
2 the mountainside above the Golden Era property in a "fox hole" called "the Eagle's Nest" by
3 Scientology staff members posted to the Golden Era property.

4 **36.** Notwithstanding, a few Scientologists confined upon the Golden Era property have
5 managed to escape, sometimes with outside assistance. Upon information and belief, this conduct
6 whether intentional or reckless has even resulted in the death of a young depress Scientologist (s)
7 staffer such as Stacy Meyer Moxon or a young girl such as Ashley Shaner who was driving home
8 from bible study and fatally proceeding past the Golden Era property in the early evening
9 darkness.

10
11 **37.** When there is picketing or other anti-Scientology abuse activity outside the Golden Era
12 property all but a few security guards and senior executives are ordered indoors and behind
13 shutters. They are expressly forbidden and actively prevented from hearing or seeing any of the
14 picket or protest information directed to their attention and consideration. They are not permitted
15 to receive any information that is in any way critical of Scientology or contrary to what they have
16 been told by Scientology about events within their own "reality."

17
18 **38.** Prior to October 26, 2008 the Plaintiff had become familiar with the positioning of the no
19 trespassing signs on the unfenced roadside land of the Golden Era property and he reasonably but
20 wrongly assumed that they were located at and along the property lines as required by applicable
21 California law. Unbeknownst to the Plaintiff, the sign (s) were not in accordance with the
22 applicable law and thus was/were a public nuisance as specifically provided in Penal Code §§553
23 and 556.3.

24
25 **39.** On Internet message boards during the week preceding October 26, 2008, the Plaintiff and
26 other participants in the Southern California Anonymous group openly discussed their intention to
27 picket the CSI Golden Era property on Sunday October 26, 2008. Upon information and belief,
28

1 CSI monitors and “troll” those same Internet Message Boards. Upon information and belief, CSI
2 and the other Defendants herein would have discussed and prepared plans to try and prevent the
3 Plaintiff and other protestors from conveying their written and verbal communications to mentally
4 manipulated and coercively indoctrinated Scientology staffers confined behind the high security
5 fences and electronic equipment at the Golden Era property. Upon information and belief these
6 plans to “handle” the Plaintiff and the other Anonymous protestors included actions set forth in
7 various of the Church of Scientology copyrighted secular policies and practices for handling
8 Suppressive Persons such as the Plaintiff herein. These plans would also have involved written
9 Orders, Staff Announcements and statements at the “Musters” and roll calls held at various times
10 of the day and night during employment shifts or “watches” at the Golden Era property. In
11 addition, there were written policies for handling intruders upon the Golden Era property.
12

13
14 **40.** At approximately 11-30 A.M. on Sunday October 26, 2008 the Plaintiff and four other
15 Anonymous picketers arrived at the Golden Era property all traveling in the same vehicle, a rented
16 passenger van. In accordance with local custom and usage, they parked the vehicle on the south
17 east side of Highway 79 upon the unfenced roadside land which is part of the dedicated public
18 easement and commenced their picketing activity on the public easement along Highway 79 and
19 the Golden Era property. In addition, for their own safety, the picketers cell phoned the Riverside
20 County Sheriff’s Department and advised them of their presence and the picket taking place. The
21 picketers carried signs which read, among other things: “Stop the beatings,” “Stop Scientology
22 slave labor camps,” “David Miscavige beats his staff,” “Scientology is destructive and a rip-off”
23 and “Scientology is worse than you think.” Many passing vehicles honked their horns in approval
24 unaware that Scientology cameras positioned beside Highway 79 were recording the registration
25 plate number and driver’s face of every vehicle that drives past the Golden Era property.
26
27
28

1 **41.** Soon after the October 26, 2008, picket of the Golden Era property commenced a
2 deafening and disturbing discordant organ tri-note note was broadcast across the landscape by at
3 least seven huge outdoor concert speakers positioned on the inside edge of the Golden Era
4 property adjacent to Highway 79. The sound was measured as being at or exceeding 110-115
5 decibels which substantially exceeds the 75 decibels permissible noise level in Riverside County.
6 The ordinance violating noise continued throughout most of the picket (approximately 3.5 hours).
7 Although a number of Riverside County Deputy Sheriff's were in attendance during much of the
8 picket they took no action to abate the excessive noise violation even after being requested to do
9 so. Upon information and belief, the deafening organ dirge (a discordant tri-note) was intended to
10 both prevent the Scientology employees on the Golden Era property from hearing the picketer's
11 first amendment protected communications and to interfere with the minds of the picketers.
12

13 **42.** At the commencement of the picket on October 26, 2008, the Plaintiff remained hidden in
14 the vehicle the picketers had arrived in. On the basis of past experience, the Plaintiff expected CSI
15 security guards would drive up to the vehicle and engage in a thorough examination and possible
16 vehicular interference while the picketers were about 10 minutes walk away. In time a CSI
17 security guard arrived in a black pathfinder SUV and spent significant time examining the
18 picketer's parked vehicle while the Plaintiff remained hidden but observing and recording from
19 inside. Eventually, the Plaintiff emerged from the vehicle. The Scientology security guard rushed
20 back to his vehicle and drove in reverse along the semi-circular dirt track beside Highway 79 and
21 the unfenced roadside land.
22

23 **43.** During the rest of the picket the Scientology security guard (s) repeatedly drove back to the
24 protestor's vehicle, got out of his own vehicle and physically examined the exterior and underside
25 of the picketer's van. On several times, one of the picketers proceeded back down Highway 79 to
26 see what the Scientology security guard was doing to the vehicle. Each time the picketer
27
28

1 approached the van the Scientology guard would cease inspecting/interfering with the picketer's
2 vehicle, return to his own vehicle and drive into a nearby cluster of trees on the unfenced roadside
3 land. At one point Defendant Butler approached the picketer's van with what appeared to be a tool
4 and departed with some acquired object. Finally, the Scientology security guard positioned, lit and
5 then returned to reposition a flaming roadside flare behind the gas tank of the protestor's vehicle
6 and provoked the subsequent events as complained herein.
7

8 **44.** At about 11-50 A.M. on October 26, 2008, Riverside Deputy Sheriff George Foresburg
9 arrived at the picket and remained for the duration of most of the protest. During the course of the
10 picket and in violation of applicable United States Supreme Court case authority, he
11 unsuccessfully insisted that one or more of the protestors had to give him his identification
12 information if the picketer was to wear a mask and protest anonymously.
13

14 **45.** At about 12-55 P.M. on October 26, 2008, Deputy Foresburg and two other Sheriff's
15 deputies returned. They spend a considerable time closeted on the Golden Era property with
16 Scientology security guards and other staff. Thereafter Deputy Foresburg emerged and engaged
17 one or more of the picketers in conversation. Deputy Foresburg informed the picketer (s) that by
18 protesting outside the Golden Era guardhouse and main entrance they were engaged in illegal
19 residential picketing and that they should move their picket down the road and onto the unfenced
20 roadside land where some of the events at issue (including the alleged assault, battery, false arrest
21 and false imprisonment) herein later occurred. Deputy Forseburg added that the picketing of the
22 main entrance to the Golden Era property may cause an accident and if it did the picketers would
23 be named as parties to the cause of the accident. This claim by the Deputy Sheriff was similar to
24 those made by Scientology representatives on other occasions. The Deputy Sheriff was visibly
25 annoyed at the picketer's refusal to move their protest down to the very same portion of unfenced
26 roadside land where he later took custodial delivery of the Plaintiff after the Plaintiff had been
27
28

1 subjected to a “citizen’s arrest” by the Defendants for alleged trespassing and battery upon a peace
2 officer.

3 **46.** During the October 26, 2008 protest against Scientology abuse and unlawful
4 imprisonments at the Golden Era property, there were Sheriff’s deputies present the majority of
5 the time but they either refused or failed to respond to the pleas of the protestors regarding Church
6 of Scientology civil rights and noise violations being directed against them or the assault by
7 directed water sprinklers. Usually, as on most other occasions, the Riverside County Deputy
8 Sheriffs were huddled with the Scientology security guards and executives behind the Scientology
9 security fences; sometimes in long conversation and other times apparently “joking and
10 degrading” at the those exercising their first amendment rights on the outside of the high security
11 barriers. The picketers had advised the deputies of their intended departure time of about 3 P.M.
12 Upon information and belief, a Sheriff’s deputy so informed the Scientology employees.

13
14 **47.** Upon information and belief, the Golden Era property has encroached upon public land
15 with, among other things, roadside vegetation that intentionally, maliciously and/or negligently
16 creates a public nuisance and/or restricts the public’s ability to walk on the public easement
17 without being forced into the traffic stream of Highway 79. These obstructions upon the public
18 easement beside the Golden Era property and Highway 79 do not exist reasonably nearby on
19 Highway 79 other than outside the Golden Era property itself. This public easement also contains
20 Scientology installed, maintained and monitored sophisticated motion detectors, camera and
21 microphone equipment as well as a sprinkler system that sprays water onto the public easement
22 and across Highway 79, often creating a very slippery and dangerous road surface. Upon
23 information and belief these encroachments upon the public highway easement have not been
24 authorized by duly issued permit (s) issued by the County of Riverside or the California
25 Department of Transportation (Caltrans).
26
27
28

1 **48.** Upon information and belief, CSI has used its self-created dangerous Highway 79
2 condition in support of its political lobbying and alliance with Riverside County Supervisor Jeff
3 Stone to have Highway 79 re-routed away from the Golden Era property which it currently bisects
4 (although CSI has two pedestrian tunnels underneath). Last month the San Jacinto City Council
5 held a public meeting on the issue and expressed its opposition. Plaintiff attended and spoke
6 thereat. Another Anonymous known as AGP participant also intended to attend and speak in
7 opposition. However, that same day CSI attorney Elliot Abelson advised that Anonymous
8 participant, through his counsel who was with the Plaintiff herein, that if the Anonymous protestor
9 known as AGP attended the public meeting he would be arrested for a violating a [non-existent]
10 bail condition not to be in the presence of a Scientologist and there would be Scientologists at the
11 San Jacinto City Council public meeting. In the words of one of the Suppressive Person policies
12 allegedly at issue herein, AGP was “shuddered into silence” by the misrepresentation of CSI in-
13 house attorney Elliott Abelson.

16 **49.** At about 2-15 P. M. on October 26, 2008, the Golden Era property roadside sprinkler
17 system was turned on. There were stationery cameras on tripods within the sprinkler spray area.
18 They belonged to the Anonymous picketers. The Golden Era property sprinklers caused the
19 picketers, or some of them who included the Plaintiff herein, to be assaulted by wet water spray
20 which forced them into the roadway and put them in potential physical danger. Upon information
21 and belief, it was similar willful and reckless disregard that negligently caused the death of sixteen
22 year Ashley Shaner (and twenty year old Stacy Meyer Moxon). As with the continuing excessive
23 discordant organ tri-note dirge, the Riverside County Deputy Sheriff’s passively remained with the
24 Scientology staffers and took no action to curb either the excessive noise or the sprinkler assault
25 upon the picketers who were acting lawfully at all pertinent times and anxious for the active
26 assistance and protection of the Riverside County Sheriff’s Department. Upon information and
27
28

1 belief, CSI and BMS has repeatedly engaged in conduct calculated to cause the Riverside County
2 Sheriff's Department to ignore the rights of persons such as the Plaintiff picketing the Golden Era
3 property, to interfere with those rights, and to violate those rights as was done to the Plaintiff on
4 October 26, 2008 and at least three occasions thereafter. To this end CSI and/or BMS have made
5 false claims and false police reports causing distress and damage to persons including the Plaintiff
6 herein.

7
8 **50.** At about 2-45 P.M. the Riverside County Deputy Sheriff's departed from the Golden Era
9 property. Very soon thereafter Defendant Butler returned to the picketer's van and lit an
10 incendiary road flare despite the county-wide ban of such devices because of the late summer high
11 fire danger; it was a "red flag" day. Initially, Defendant Butler pointed the flaming road flare
12 under the picketer's van and near its gas tank but later returned and re-positioned in the northern
13 direction. The Plaintiff observed this conduct and was alarmed by it and the potential for causing a
14 catastrophic explosion and/or fire in an area often ravaged by late summer wild fires and subject
15 that very day to a county-wide total ban of all fires and, *inter alia*, any roadside flares.

16
17 **51.** The Plaintiff went to his rented vehicle which was threatened by the illegal flaming
18 roadside flare while Defendant Butler retreated about thirty feet away next to some roadside
19 vegetation. Meanwhile another vehicle, a grey Honda Accord, had arrived and was parked about a
20 quarter mile away. Believing the car may include additional picketers who were expected, the
21 Plaintiff walked towards the vehicle. However, as the Plaintiff walked towards the Honda Accord
22 it began slowly reversing down the Highway and then pulled a U turn and sped away to the south.

23
24 **52.** As the Plaintiff walked back to the picketer's van, the grey Honda Accord came back, right
25 behind him. The Plaintiff, now concerned for his safety, proceeded back to towards the picketer's
26 van using a small dirt road path, adjacent to Highway 79, as an apparent safe short cut. As he was
27
28

1 doing this the Plaintiff noticed Defendant Butler's black Nissan Pathfinder parked and he walked
2 over to enquire as to what he had been doing at the picketer's vehicle and why.

3 **53.** At all relevant times the Plaintiff had no intention to trespass upon the unfenced roadside
4 land and he reasonably believed, from past observation of the location of the no trespassing sign
5 (s), that he was still on the public easement. As of October 26, 2008 the Plaintiff had no record of
6 prior arrests or criminal convictions.
7

8 **54.** When Plaintiff arrived at the location of Defendant Butler he had less than five seconds to
9 make his enquiry before the Honda Accord screeched to a halt beside him and Defendant's
10 Dunigan and Seybold leapt out screaming "trespassing your under arrest." Contrary to the
11 provisions of law and custom, the Defendants had not given the Plaintiff any and/or adequate
12 notice that he was trespassing on a portion of the unfenced roadside land and they had not given
13 him any reasonable opportunity to exit the unmarked roadside land.
14

15 **55.** As one of the three Scientology security guards (Dunigan, Seybold and Butler) screamed
16 "trespassing your under arrest" they wrongfully, recklessly and negligently swarmed him, tackled
17 him to the ground, dog piled the Plaintiff, dangerously wedged and pressured their knees into the
18 Plaintiff's back and neck and thereby used unlawful deadly force while forcing his full face and
19 mouth into the dry desert dirt where he proceeded to receive bruising on his face, arms and legs
20 and was made to suffer great pain, serious injury, the fear of suffocation and the fear of death. All
21 three of the Defendants were on top of him and held his hands behind his back while they punched
22 him many times causing him severe bruising, neck pains and permanent injuries. At the same
23 time, video taken at the incident clearly records what appears to be a single gun shot. During this
24 time the Plaintiff reflexively and unintentionally bit one of the hands that was holding his face
25 hard in the desert dirt and suffocating him. Defendant Meo then arrived on the scene and
26 participated in the conduct of the three other Golden Era employees. After several minutes of this
27
28

1 the other picketer's arrived and intervened to beg the four Golden Era security guards to get off
2 the Plaintiff and to stop beating and suffocating him because their conduct was killing the
3 Plaintiff. Eventually, Defendants did so but then tied his hands behind with tight plastic handcuffs
4 and detained him until the Deputy Sheriff's returned. They had withdrawn from the property just
5 before events commenced with the illegal flaming roadside flare, the grey Honda Accord, and the
6 Defendant's attack upon the Plaintiff. Photograph (s) of the Plaintiff during/ after this false arrest
7 are attached hereto as Exhibit A. The entire days events at issue herein were captured upon
8 numerous video-audio and still camera equipment.

10 **56.** During the aforesaid assault and battery by the Defendants upon the Plaintiff one of the
11 picketers attempted to intervene and was also physically assaulted by Defendant Dunigan. He
12 yelled at her that he was "making a citizen's arrest" as he held the Plaintiff face down in the dirt
13 while kneeling him in the neck and attempting to hogtie him. Later Defendant Dunigan informed
14 the Deputy Sheriff's that the female picketer had kicked him but he was declining to press charges
15 against her. The video showed the exact opposite; Defendant Dunigan was the one who had
16 attacked her. She suffered abrasions from being thrown to the ground, a deep bruise to one arm, a
17 split nail and a strained back muscle. Upon information and belief, the bruised and battered
18 woman was caused to fear subsequent arrest by the Riverside County Sheriff's Department.

21 **57.** Upon information and belief, Defendant Dunigan has a propensity for violence and he has
22 engaged in acts of violence against other persons including his wife, a member of the public who
23 drove up to the Golden Era property guardhouse, Scientology staffers attempting to escape from
24 the Golden Era property, and Scientology staffers who had escaped from the Golden Era property
25 and were proceeding along the public roadways. These people include former Scientologists Marc
26 Headley and Maureen Bolstead. Defendant Dunigan's propensity for physical violence was well
27 known to his employer CSI which, upon information and belief, had paid over \$1.4 million to
28

1 quickly settle a civil lawsuit resulting from an unprovoked assault and battery by Defendant
2 Dunigan upon a member of the public sitting in his car outside the Golden Era property
3 guardhouse and main entrance.

4 **58.** Upon information and belief, the willful and reckless disregard of the constitutional and
5 other rights of the general public around the Golden Era property include a hang glider pilot who
6 landed on the mountain above the Golden Era property and he was grabbed by Golden Era
7 property security guards and unlawfully imprisoned upon the Golden Era property for over a day
8 before being handed over to Riverside County Sheriffs. Other members of the public have been
9 threatened with a citizen's arrest by Golden Era property security guards as they merely walk on
10 the public easement past the Golden Era property. Upon information and belief, others both at the
11 Golden Era property and in other places, have been subjected to false arrests and flawed
12 prosecutions by CSI and its employees and agents acting pursuant to CSI's secular and
13 administrative policies and practices, *inter alia*, for the handling of Suppressive Persons.

14 **59.** Upon information and belief, the aforesaid CSI secular and administrative policies and
15 practices are also a pattern of practice of intentional and/or reckless civil rights violations resulting
16 in, *inter alia*, the false arrests and/or false citizen's arrest and/or false confinement of others
17 deemed to be Suppressive Persons by CSI including but not limited to a German television crew
18 attempting to film the Golden Era property and nearby "Happy Valley," Bent Corydon, Mark
19 Bunker (on two occasions), Douglas Owens, Anon Ace (St. Louis), Anon 44 (Tennessee), Epic
20 Nose Guy (London), Camera Anon (Las Vegas), Stu Wyatt (England),

21 **60.** After the Deputy Sheriff's returned Defendant Dunigan, "acting in the capacity of a
22 security guard for his employer," and apparently claiming to be a "peace officer," placed the
23 Plaintiff under a "private persons" arrest for misdemeanor trespassing and felony battery upon a
24 peace officer. Upon information and belief, either currently or in the past, Defendant Dunigan has
25
26
27
28

1 served as a volunteer peace officer for one of the local law enforcement agencies and has received
2 training in arrest and detention there-from.

3 **61.** Plaintiff continued to complain that he was in pain from the assault and battery upon him
4 and the tight handcuffs but his pleas were ignored by the Defendants who had arrested him and
5 later by the Sheriff's Deputies who refused and/or failed to view an audio-video of the attack in
6 order to conduct a proper investigation before receiving the Plaintiff into their custody. Had the
7 Sheriff's Deputies conducted a proper investigation, and properly exercised their statutory
8 discretion regarding a citizen's arrest, they would/should have concluded that, in the
9 circumstances (improper sign posting, no reasonable notice of trespass, and no reasonable
10 opportunity to leave) there had been no probable cause to arrest and imprison the Plaintiff
11 irrespective of whether or not the Defendant had strayed a little beyond an invisible line in the dirt
12 of the unfenced roadside land.

13
14
15 **62.** Eventually the Plaintiff, still handcuffed, was transported in a black and white sheriff's
16 cruiser to the Riverside County South West Justice Center in Murrieta which is at the other end of
17 Riverside County. The Plaintiff was denied medical attention while in the custody of the Riverside
18 County Deputy Sheriff's at the scene, during transportation, and at the County Jail.

19 **63.** The Plaintiff was held in the County Jail at Murrieta for over twelve hours before being
20 released upon his own recognizance in the early morning hours of October 27, 2008.

21
22 **64.** Whether or subject to a privilege or immunity arising from the Defendant's "citizen's
23 arrest" of the Plaintiff, the pertinent actions of the Riverside County Sheriff's Deputies on October
24 26, 2008, and on the two subsequent occasions he was falsely arrested and imprisoned as alleged
25 herein, were taken while acting under color of state law and while so doing they wrongfully and
26 unlawfully deprived the Plaintiff of an interest (s) protected by the Constitution and/or laws of the
27 United States and the State of California.

28

1 **65.** On October 26, 2008 Plaintiff did not fail to cease the alleged trespass and to exit the
2 relevant portion of the unfenced roadside land after receiving reasonable notice and opportunity to
3 do so. The Plaintiff did not resist arrest or obstruct justice. There were no exigent circumstances or
4 attempt to escape. The entire incident was captured upon numerous CSI surveillance cameras and
5 the identity, name and address of the Plaintiff was well known to Defendant CSI. In fact, CSI
6 agents had visited Defendant's residence on multiple occasions and had harassed him there. The
7 lack of probable cause and show of force by the Defendants caused an unreasonable seizure and
8 confinement of the Plaintiff.
9

10 **66.** After the Plaintiff was released from Riverside County Jail he and some of the other
11 October 26, 2008 Anonymous picketers and witnesses to the assault and battery of the Plaintiff
12 made several visits to the Riverside County Sheriff's Department in San Jacinto and requested an
13 opportunity to file a police complaint against the individual Defendants herein for their violence
14 and other conduct against the Plaintiff as described above. On successive days the Riverside
15 Deputy Sheriff's refused to receive or co-operate in the filing of a police report against the CSI
16 security guards; the individual defendants herein. Eventually, after KESQ TV reporter Nathan
17 Baca had filmed and broadcast the Plaintiff trying to make a criminal complaint, the Riverside
18 Sheriff's Department agreed to meet with the Plaintiff and to receive a criminal complaint against
19 the Scientology security guards.
20

21 **67.** On January 5, 2009 the Plaintiff met with Investigator Kim Judge at the Riverside County
22 Sheriff's Department in San Jacinto. After an extended interview and a review of other evidence
23 the Sheriff's investigator submitted a report that Defendants Dunigan, Matthew Butler and
24 Kenneth Seybold be prosecuted. A copy of this report is attached hereto as Exhibit B.
25

26 **68.** The Plaintiff had intended the report to be a separate police complaint requiring separate
27 action. Instead, the Sheriff's Department treated the Plaintiff's complaint as a supplemental report.
28

1 Upon information and belief, by designating the report as a supplemental report and not as a new
2 complaint, the Plaintiff's allegations were ignored despite the unequivocal analysis, conclusion
3 and "exceptional" recommendation contained in the report. In addition, the Plaintiff's complaint
4 and supporting evidence were subsequently destroyed. A Riverside County District Attorney
5 Investigation Report dated August 6, 2009 confirms this. A copy of this report is attached hereto
6 as Exhibit C.
7

8 **69.** On December 9, 2008 Riverside County Board of Supervisors Chairman Jeff Stone
9 introduced Ordinance No. 884 to restrict "targeted residential picketing" in the County of
10 Riverside. Later, he introduced Ordinance No. 888 to pass Ordinance No. 884 with urgency
11 because of the alleged emergency circumstances created by the Anonymous pickets of the Golden
12 Era property. Supervisor Stone used a CSI created a highly defamatory and false "Anonymous
13 Pamphlet" which was given to Supervisor Stone who used it in support of Ordinance No. 884 and
14 888. CSI also provided Supervisor Stone with false and highly defamatory information about the
15 Plaintiff herein and Supervisor Stone also used that information in public debate upon Ordinance
16 No. 884 and 888. As originally proposed by Supervisor Stone, the impact of Ordinance No. 884
17 would have been to restrict all pickets of the Golden Era property to an area no closer than
18 approximately one mile from the intended audience for the picketer's first amendment activity.
19

20 **70.** During debates at successive meetings of the Riverside Board of Supervisors the County
21 attorney, CSI's local land use and zoning attorney, and CSI public relations executive Catherine
22 Fraser all made statements that, in summary, were that a month or so earlier CSI's land use and
23 zoning attorney had provided the Riverside County Attorney with a draft of a proposed Ordinance
24 No. 884 and that they had subsequently worked on it together. Upon information and belief, after
25 the Plaintiff was arrested on October 26, 2008, CSI contacted Supervisor Stone and provided him
26 with the defamatory material described in the immediately preceding paragraph. Supervisor Stone
27
28

1 used the CSI produced materials to publicly and falsely accuse the Plaintiff, among others, of
2 being a “dangerous criminal” engaged in bomb threats, anthrax attacks, nuclear bombings and
3 other sick absurdities. These fabricated characterizations of the Plaintiff in particular and the
4 Anonymous anti-Scientology abuses in general were subsequently used by Supervisor Stone to
5 justify emergency passage of the Scientology proposed Ordinances.
6

7 **71.** The Plaintiff and others publicly opposed the proposed Ordinance No. 884 and 888 during
8 the public comment sessions of the Riverside County Board of Supervisors and he has, along with
9 others, continued to call the Riverside County Board of Supervisors attention to the human rights
10 abuses, civil rights abuses, human trafficking and unlawful imprisonments at the Golden Era
11 property; all without success. The Plaintiff has handled supporting documentation to Supervisor
12 Stone personally and to Sheriff Stanley Sniff. The Plaintiff has also attended political fundraisers
13 and observed Scientology retained lawyers and staffers also attending, presumably making
14 political contributions to Supervisor Stone and others.
15

16 **72.** The Plaintiff, along with others, has also protested corruption in both Riverside and Los
17 Angeles Counties, particularly concerning relationships between the Scientology enterprise, local
18 government, county government, the civil and criminal courts, and their relevant representatives.
19

20 **73.** Upon information and belief, for decades CSI has engaged in a continuing course of
21 related similar conduct mandated by it’s copyrighted “Suppressive Persons” and other policies,
22 and that conduct of CSI (or its predecessor Church of Scientology of California) has been
23 employed in matters that are part of a course of conduct constituting, *inter alia*, public corruption
24 involving and/or including but not limited to the Plaintiff herein as alleged herein and for which he
25 seeks relief herein, Paulette Cooper, the Estate of L. Ron Hubbard, Julie Christofferson, Gerald
26 Armstrong, Michael Flynn, Esq., Lawrence Wollersheim, Charles B. O’Reilly, Esq., Robin Scott,
27 David Mayo, Joseph A. Yanny, Esq., Barry Van Sickle, Esq., Ford Greene, Esq., the Cult
28

1 Awareness Network, F.A.C.T. Net, Arnie Lerma, Keith Henson, Jesse Prince, Mark Bunker,
2 Robert Minton, Ursula Caberta, and that group of over nine thousand persons calling themselves
3 Anonymous and anonymously protesting Scientology crime and abuse around the globe.

4 **74.** On December 3, 2008 the Plaintiff made his first appearance before the California Superior
5 Court in Riverside. On this occasion he did not enter a plea. The Court continued the hearing and
6 released the Plaintiff upon his own recognizance. A “stay away” from the Golden Era property
7 order was entered.
8

9 **75.** Later in December 2008 the Plaintiff participated in an Anonymous picket of CSI’s 6331
10 Hollywood Boulevard offices during the Hollywood Christmas parade. Two CSI agents arranged
11 for the L.A.P.D. to arrest the Plaintiff. After the Plaintiff was handcuffed and detained, an
12 L.A.P.D. on the spot investigation concluded that he had done nothing unlawful and the Plaintiff
13 was then released without charge or citation.
14

15 **76.** On January 29, 2009, the Plaintiff made his second appearance in the Scientology driven
16 prosecution for misdemeanor trespass and felony battery upon a peace officer. CSI’s in-house
17 attorney and national litigation coordinator Elliot Abelson, Esq., also attended in the company of
18 CSI public relations officer Catherine Fraser and Defendant Dunigan. Ms. Fraser and Defendant
19 Dunigan had also attended Plaintiff’s first appearance on December 3, 2008. On that occasion, the
20 Plaintiff had taken a photograph of Defendant Dunigan and Catherine Fraser as they walked away
21 from the steps of the Murrieta courthouse. At the January 29, 2009 hearing Scientology attorney
22 Elliot Abelson informed the court that there had also been a stay-away from victims order in the
23 case (even though a number of people could recall no such thing and there was no such minute
24 order on record). CSI’s attorney Elliott Abelson argued that by taking a photograph the Plaintiff
25 had violated the alleged oral stay away order and that his bail should be revoked. Even though
26 Catherine Fraser was not a victim, at CSI’s request the Court revoked the Plaintiff’s bail, he was
27
28

1 arrested, hand-cuffed and returned to the Riverside County Jail in Murrieta at about 9 A.M. on
2 January 29, 2009. Although the Plaintiff had his bail bond ready almost immediately and
3 ordinarily would have been released in about three hours he was held for another day and night in
4 custody before the Riverside Sheriff's Department would process the necessary paperwork and
5 release him. As a result of the [mis] representations of CSI's attorney Abelson, the false complaint
6 of Fraser and Dunigan, and the application of CSI's Suppressive Person policies and practices, the
7 Plaintiff now had a further arrest on his previously blemish free record. Subsequently, the Court
8 refused to order a copy of the audio recording of the December 3, 2008 hearing and bail
9 conditions be provided to the Plaintiff in connection with the alleged misrepresentations by CSI
10 attorney Elliot Abelson as to what the court had actually ordered in connection with the "stay
11 away from Gold Base" restriction and the alleged restriction that he was to have no contact with
12 his October 26, 2008 "victims" as alleged by CSI attorney Elliott Abelson in successfully moving
13 the court to revoke the Plaintiff's bail and return him to County jail for another day.
14
15

16 **77.** Following his second arrest and imprisonment on January 29, 2009 the Plaintiff continued
17 to picket other Church of Scientology locations and to speak at Riverside County Board of
18 Supervisor's meetings on the subject of Riverside County corruption and CSI's conduct at the
19 Golden Era property involving alleged forced labor, human trafficking, serious physical violence
20 and beatings by Managing Agent David Miscavige of certain employees, unlawful imprisonment,
21 voting deprivations, human rights abuses and other civil rights abuses.
22

23 **78.** On or about September 15, 2009, the Plaintiff handed Supervisor Stone a copy of some of
24 the evidence in the criminal case previously destroyed in the District Attorney's Office. Plaintiff
25 requested Jeff Stone that it be reviewed by the Supervisor and then given to the Riverside County
26 Sheriff. Upon information and belief, Supervisor Stone has continued to work with representatives
27
28

1 of CSI to limit the picketing activity of the Plaintiff in particular and other protestors in general
2 against CSI crimes and abuses including those from the Anonymous group.

3 **79.** Subsequent to the passage of the Scientology sponsored Ordinance No. 884 the
4 Scientology employees have sometimes argued that it prevents any picketing outside the Golden
5 Era property and other times they have conducted clearly false citizen's arrests involving arrests
6 and citations that have been subsequently dropped without further appearance or action being
7 necessary.
8

9 **80.** On October 2, 2009, at about 9-15 A.M. the Plaintiff arrived at the Riverside County
10 Southwest Justice Center in Murrieta with his attorney and another participant in the Anonymous
11 anti-Scientology crime and abuse movement. They were attending a hearing in another case. As
12 they were approaching the entrance to the courthouse they came across Riverside County
13 Supervisor Jeff Stone who had just been videotaped as part of business promotion video for
14 Fausto's Bail Bonds. According to public records, Fausto's Bail Bonds had recently given
15 Supervisor Jeff Stone an [illegal] political campaign contribution of \$3,900.00 which was in
16 apparent violation of California Code of Regulations, Title 10, section 2078 (which provides
17 in/with the disjunctive word "or"). Fausto Atilano, Jr. was also the Plaintiff's bail bondsman in the
18 then pending trespass and battery prosecution.
19

20 **81.** The Plaintiff and Supervisor Jeff Stone entered the courthouse at the same time. The
21 Plaintiff, referring to the paper he had recently given Supervisor Stone personally asked if the
22 Supervisor had read it and forwarded it to Riverside County District Attorney Rod Pacheo.
23 Although surrounded by Riverside County Deputy Sheriffs, Supervisor Stone signaled to Fausto
24 Atilano, Jr. who then demanded his client the Plaintiff step aside the courthouse. Plaintiff's bail
25 bondsman Fausto Atilano, Jr. then escorted the Plaintiff to his pseudo police squad car, donned a
26 bullet proof vest, asked his videographer to continue filming the promotional video commenced
27
28

1 with Supervisor Jeff Stone and then told the Plaintiff he was under arrest. When the Plaintiff asked
2 why he was being arrested his bail bondsman threatened to tazor the Plaintiff. Instead of delivering
3 the Plaintiff to the adjacent County Jail he drove the Plaintiff to the office of Fausto's Bail Bonds
4 where business records demonstrated that the Plaintiff was in full compliance with the terms of
5 bail. Notwithstanding, Fausto Atilano, Jr. then drove the Plaintiff back to the South West Justice
6 Center and delivered him to the Riverside County Jail, all in breach of Penal Code §§847 (a), 1299
7 and 1300. The Deputy Sheriff's expressly stated they did not know why the Plaintiff was there but
8 they were going to "book him" anyway. The Plaintiff was then held in jail for a further nine hours
9 before being released upon his own recognizance.
10

11 **82.** At 1-30 P.M. on October 8, 2009 a Hearing re Bail Surrender was held in the criminal
12 proceeding Case SWM080760. A copy of the court minute order is attached hereto as Exhibit D.
13 Contrary to the minute order the Defendant was not in custody. Neither Defendant nor his counsel
14 were served with or otherwise provided with: (a) any notice of the October 8, 2009 hearing, (b)
15 any copies of any documents filed in connection with the hearing of which there was at least one,
16 (c) any notice of the orders made at the October 8, 2009 hearing, (d) any disclosure that the
17 October 8, 2009 Hearing re Bail Surrender had occurred, even when a directly related motion was
18 heard by the same court the very next morning and argument was had regarding bail matters
19 involved in the undisclosed bail hearing the previous day. A copy of the court's October 9, 2009
20 minute order is attached hereto as Exhibit E, (e) any disclosure that the October 8, 2009 Hearing re
21 Bail Surrender had occurred, even when a directly related motion was heard by the same court on
22 October 19, 2009 and argument was had regarding bail matters involved in the undisclosed bail
23 October 8, 2009 hearing and the un-served papers filed therein. A copy of the court's October 19,
24 2009 minute order is attached hereto as Exhibit F.
25
26
27
28

1 **83.** Upon information and belief, the actions of Defendants in connection with unmasking the
2 anti-Scientology crime and abuse protestors collectively known as Anonymous and the old Guard,
3 who included the Plaintiff herein, as alleged at the beginning of the Common Allegations herein,
4 and the subsequent wrongful conduct of the Defendants either jointly or severally, includes but is
5 not limited to: (a) the violation of the Plaintiff's constitutional right to exercise his First
6 Amendment rights lawfully and anonymously, (b) the various false arrests and false
7 imprisonments of the Plaintiff between October 26, 2008 and October 2, 2009, (c) the abuses of
8 process and malicious prosecution that continued against the Plaintiff through October 19, 2009,
9 (d) CSI's violent terrorism and Patriot Act complaints, made through CSI's lead in-house attorney
10 Kendrick L. Moxon, Esq. and resulting double SWAT team take-downs (against an Golden Era
11 property Anonymous participant (s)) in Las Vegas on October 15/16, 2009 were all part of a single
12 transaction and series of events, or *res gestae*, all with foreseeable, natural and/or probable
13 consequences as alleged herein, and for which the Defendants are culpable and liable to the
14 Plaintiff as alleged herein. In the doing of the things alleged herein the Defendants also acted
15 through Kendrick L. Moxon, Esq., and Elliot Abelson, Esq. who each misled both the District
16 Attorney's Office and the Court in connection, *inter alia*, with the charges filed against the
17 Plaintiff and the bail and other restrictions that were placed upon the Plaintiff who contends that,
18 in all of the circumstances herein, these communications were not subject to any applicable
19 privileges.
20
21
22

23 **84.** Even if the Plaintiff had briefly entered over an invisible line in the desert dirt on October
24 26, 2008, and thereby committed a *de minimis* technical trespass which is denied, he did not
25 occupy the land or cause damage to it.

26 **85.** The wrongful conduct, acts and omissions of the Defendants against the Plaintiff were
27 commenced in front of his friends and associates, were maliciously and baselessly continued in the
28

1 public arena for nearly twelve months, were published worldwide, and will remain upon the
2 Internet and World Wide Web in perpetuity. This has permanently damaged the Plaintiff's aero-
3 space employment prospects, particularly for secret government work, and consequently his
4 financial prospects.

5 **86.** At all times Plaintiff believed he was acting lawfully, violating no laws and he had no
6 intention to violate any laws.

7 **87.** Defendants assault (s) and battery (s) upon the Plaintiff was/were unjustified and without
8 provocation.

9 **88.** When the Plaintiff was swarmed and dog piled by the Defendants he was not free to leave.

10 **89.** When the Plaintiff was placed in handcuffs he was not free to leave.

11 **90.** The dog piling of the Plaintiff constituted excessive force as a matter of law and the
12 handcuffing of the Plaintiff was unlawful and unnecessary because there was no probable cause
13 and/or legal basis to either arrest or handcuff the Plaintiff.

14 **91.** The dog piling and handcuffing of the Plaintiff caused physical pain and injury to the
15 Plaintiff for which he sought medical treatment.

16 **92.** The dog piling, handcuffing, false arrest and false imprisonment of the Plaintiff caused
17 physical pain and injury to the Plaintiff which caused him emotional pain, discomfort,
18 embarrassment and humiliation.

19 **93.** While and when the Defendants swore out a "private persons" arrest form and delivered
20 the Plaintiff into the custody of the Riverside Sheriff's Department he was not free to leave.

21 **94.** When the Plaintiff was placed in a sheriff's vehicle he was not free to leave.

22 **95.** On the subsequent occasions upon which the Plaintiff was arrested, transported, detained
23 and/or imprisoned as alleged herein he was not free to leave.

1 **96.** Defendant’s acts or omissions against the Plaintiff are alleged to have been engaged in
2 with evil motive and intent, and/or in callous, reckless, and wanton disregard to the rights of the
3 Plaintiff. Among other things, Defendant CSI’s copyrighted and mandatory Suppressive Person
4 policies and practices expressly declare that Suppressive Persons such as the Plaintiff have no civil
5 rights at all and may be “destroyed utterly” by any Scientologist without any penalty to that
6 Scientologist. In the case of the individual Defendants herein, through the Scientology secular
7 system (s), *inter alia*, of statistics, “upstats,” “downstats,” and “conditions,” they are rewarded or
8 punished according to the extent they are able to secure the arrest, imprisonment and prosecution
9 of the Plaintiff whether that was factually based or fraudulently obtained and pursued as is alleged
10 herein.

12 **97.** On October 26, 2008, or any material date thereafter, the Plaintiff did not intentionally
13 trespass (and any trespass is denied), threaten the Defendants of any Peace Officer, obstruct
14 justice, resist arrest, batter and/or assault any peace officer. The lack of probable cause and show
15 of force by the Defendants caused, *inter alia*, an unreasonable seizure and unlawful imprisonment
16 of the Plaintiff in violation of his federal and state constitutional and civil rights.

18 **98.** On October 14, 2009 the Riverside District Attorney’s Office advised the Plaintiff’s
19 lawyer herein that, at the next court date, all criminal charges against the Plaintiff would be
20 dismissed pursuant to California Penal Code §1385. On October 19, 2009 the Riverside Superior
21 Court granted the motion of the District Attorney’s office to dismiss all charges against the
22 Plaintiff. A copy of the Court’s minute order dismissing the prosecution is attached hereto as
23 Exhibit F.

25 **99.** Upon information and belief, in the course of the conduct and communications set forth
26 above and/or related thereto, Defendants or persons associated with them have made false
27 statements about the Plaintiff under oath, maliciously and with knowledge that such statements
28

1 were materially false. Among other things, the false statements were relied upon by deputy
2 sheriffs and prosecutors and further encouraged the arrest and continued prosecution of the
3 Plaintiff. Among other things, such false statement (s) caused the Plaintiff to be falsely arrested on
4 four occasions, charged with misdemeanor trespass, felony battery upon a peace officer, and
5 falsely imprisoned on three occasions for over three days in aggregate.
6

7 **100.** Defendant's false statements about the Plaintiff, and acts and/or omissions against the
8 Plaintiff, are alleged to have violated the Plaintiff's federal first amendment and fourth amendment
9 rights, and his comparable California constitutional rights, including Plaintiff's right to be free of
10 arrest without probable cause and to be free of unnecessary, unreasonable and excessive force.
11 Upon information and belief, and as commented upon in various United States and State of
12 California trial court and appellate court opinions, CSI's predecessor, CSI and certain of its
13 representatives have a demonstrable history of making such false statements to police officers,
14 prosecutors and judges.
15

16 **101.** All of Defendant CSI's employees who were present at the scene of the Defendant's
17 citizen's arrest of the Plaintiff on October 26, 2008, and all those CSI employees who were
18 monitoring the Defendant's conduct through surveillance cameras/monitors, cell phones and other
19 communication devices, whether or not specifically directing the conduct of the individual
20 Defendants are also liable to the Plaintiff for their failure to intervene to prevent the preventable
21 harms and violations of the Plaintiff's rights and his injuries committed and caused in their
22 presence or audio/visual view and/or hearing.
23

24 **102.** Plaintiff is informed and believes that Defendant CSI, *inter alia*, failed to properly train,
25 hire, retain, and supervise its employees who caused Plaintiff's damages and failed to properly
26 supervise the Plaintiff's arrest and therefore are responsible for Plaintiff's damages.
27
28

1 **103.** Plaintiff is informed and believes that the above-described “Suppressive Person” and
2 related customs, policies, practices and actions of Defendant CSI constituted, *inter alia*, willful
3 and deliberate indifference to the constitutional and statutory rights of persons such as the
4 Plaintiff. Plaintiff is further informed that the above-described “Suppressive Person” and related
5 customs, policies, practices and actions of Defendant CSI, and the actions and omissions of the
6 Defendants, were a direct, foreseeable and proximate cause of the Plaintiff’s damages.
7

8 **104.** Plaintiff is informed and believes that Defendant CSI, acting through its executives and
9 employees, maintained, fostered, and condoned a policy, practice or custom of deliberate and/or
10 willful indifference to violations of public laws and related rights, which was a direct, proximate
11 and probable cause of the Plaintiff’s damages alleged herein. The Plaintiff is informed and
12 believes that Defendant CSI’s policy, custom, and practice of deliberate indifference includes,
13 among other things: (a) arresting alleged criminal suspects without probable cause, (b) conspiring
14 with security guards and others to falsify police reports, factual allegations, legal submissions, and
15 other matters, and (c) failing to properly supervise, hire, and train its employees regarding their
16 duty to arrest criminal suspects with probable cause.
17

18 **105.** Plaintiff is further informed and believes that the above-described customs, policies, or
19 practices of the Defendants constituted deliberate indifference to the constitutional and statutory
20 rights of persons, such as the Plaintiff. The Plaintiff is further informed and believes that this
21 custom, policy, or practice was a direct, proximate, probable and foreseeable cause of Plaintiff’s
22 damages.
23

24 **106.** The Defendant’s use of excessive force against the Plaintiff, as alleged herein, was
25 effected by the Defendants without authority of law and without any reasonable necessity to use
26 any force, much less the excessive force that they employed and the force employed was used
27 without legal justification, without Plaintiff’s consent, with malice and with intent to inflict pain
28

1 and suffering which it did thereby also causing damage, injury, pain, suffering and the other
2 damages alleged herein.

3 **107.** Plaintiff is informed and believes that all of the conduct alleged herein was part of a
4 single sequence of foreseeable consequences, events or *res gestae* whether or not, as with the bail
5 and motion related events of October 2-9, 2009, any of the Defendants were directly involved in
6 any associated conduct or conspiracy. Plaintiff is further informed and believes that
7 communications and conduct alleged herein that may otherwise be subject to the Civil Code §47
8 litigation immunity were also part of a single sequence of conduct, foreseeable consequences,
9 events or *res gestae* in accordance with the foregoing allegations. Upon information and belief,
10 because at least some if not all of those communications were made in furtherance of a crime or
11 fraud, none of them are subject to any otherwise applicable privileges including but not limited to
12 the attorney-client privilege.
13

14
15 **108.** Upon information and belief, the Plaintiff alleges that at all times material herein the
16 Defendants engaged in the conduct and/or communications alleged of them intentionally,
17 recklessly, negligently and with a willful disregard for the Plaintiff's rights under the law.

18 **109.** The Defendants conduct was performed knowingly, intentionally, willfully and
19 maliciously, and were a deliberate and callous attempt to inflict physical, mental, emotional and
20 financial injury and damage upon the Plaintiff thus entitling him to an award of exemplary and
21 punitive damages for the sake of example and by way of punishing the Defendants. The conduct
22 alleged of the Defendants herein, including but not limited to the claims of false arrest and false
23 imprisonment, was unlawful and not privileged as claimed herein irrespective of whether or not
24 the Plaintiff would have been convicted of either misdemeanor trespass and/or felony battery upon
25 a peace officer as charged at the Defendant's request to the Riverside County Sheriff's
26 Department, on October 26, 2008, after Defendants had failed to provide the Plaintiff with proper
27
28

1 and adequate notice of the alleged trespass and opportunity to exit as required by applicable law.
2 The Riverside District Attorney failed to follow the January 2009 recommendation of the
3 Riverside Sheriff's Department, made after a probable cause investigation, to charge certain of the
4 Defendants herein with criminal assault and battery upon the Plaintiff.

5 **110.** As direct, proximate and/or foreseeable result of the threats, arrests and force applied
6 against him, Plaintiff has suffered serious and permanent physical and health related injuries and
7 complaints, distress, stress, humiliation, embarrassment and false statements made about him in
8 public for a such as courts, council hearing rooms, neighborhood fliers and on the Internet.

9 **111.** As a direct, proximate and/or foreseeable result of the threats and force applied against
10 him, Plaintiff has been caused suffer medical and related expenses in excess of five thousand
11 dollars and similar related expense will continue, perhaps for the rest of the Plaintiff's life.

12 **112.** In violating the First Amendment, Fourth Amendment and other constitutional rights of
13 the Plaintiff, and in the doing of the other conduct alleged herein, the Defendants and its/their
14 agents have caused the Plaintiff damage to his reputation and his future prospects and earnings.

15 **113.** As a direct, proximate and/or foreseeable result of the threats and force applied against
16 him, Plaintiff has been caused considerable anguish, pain and suffering.

17 **114.** As a direct, proximate and/or foreseeable result of the false arrests, false imprisonments
18 and prosecution of the Defendant (through to the eve of trial), the Plaintiff has been caused to
19 incur defense related costs such as land survey fees.

20 **115.** As a result of Defendants conduct as alleged herein the Plaintiff continues to incur
21 medical expenses, related expenses and general damages in an amount (s) to be disclosed in
22 discovery and proven at trial.

23 **116.** The aforementioned acts of the individual Defendants, and any corporate Defendant not
24 incorporated as a religious corporation under the laws of the State of California, were willful,
25

1 wanton, despicable, malicious and oppressive and justify the awarding of exemplary and punitive
2 damages in an amount subject to proof at the time of trial of this matter.

3 **117.** Upon information and belief, Defendants CSI and/or BMS are incorporated as California
4 religious corporations and, as such, may only be sued for punitive damages after the making of a
5 successful special motion herein to add a claim for punitive damages. Accordingly, at an
6 appropriate time after the filing of this complaint the Plaintiff will make a special motion pursuant
7 to Code Civ. Proc. §425.14 to add a claim (s) for punitive damages against the corporate defendant
8 (s) herein.

10 **FIRST CAUSE OF ACTION**

11 Assault & Battery

12 (Against all Defendants and Does 1-20 inclusive)

13 **118.** Plaintiff re-alleges and incorporates by reference, as though fully set forth herein, each
14 and every allegation set forth in paragraphs 1-117 above.

15 **119.** The individual Defendants, individually and in concert, while in the course and scope of
16 their employment or volunteer duties for CSI and/or BMS, intentionally and/or recklessly and/or
17 in willful disregard of Plaintiff's rights, committed acts which threatened and resulted in imminent
18 apprehension of and harmful or offensive contact with Plaintiff's person, to which Plaintiff did not
19 consent. Said imminent apprehension of and harmful or offensive contact caused physical,
20 emotional and pecuniary injury, damage, loss and/or harm to Plaintiffs as alleged herein.

21 **120.** The individual Defendants, individually and in concert, while in the course and scope of
22 their employment or volunteer duties for CSI and/or BMS, intentionally and/or recklessly and/or
23 in willful disregard of Plaintiff's rights, committed acts which involved offensive criminal,
24 tortuous and non-consensual contact with and upon his person. The aforesaid contact and conduct
25 upon Plaintiff's person included intentionally and/or willfully broadcasting an excessively loud
26 organ tri-note for many hours at a time in willful disregard for the Plaintiff's rights and health and
27
28

1 for the purpose, *inter alia*, interfering with the Plaintiff's First Amendment rights and their
2 communication and receipt. The aforesaid contact and conduct upon Plaintiff's person also
3 included intentionally and/or willfully spraying him with water from pre-positioned water
4 sprinklers in willful disregard for the Plaintiff's rights and health, causing him to be soaked wet
5 and to have to step off the public easement and onto the busy Highway 79, and for the purpose,
6 *inter alia*, interfering with the Plaintiff's First Amendment rights and their communication and
7 receipt.
8

9 **121.** Defendants, and each of them, knew or should have known, that the Plaintiff had been
10 assaulted and battered by said noise and water attacks. After learning of the individual
11 Defendant's unlawful conduct, Defendants CSI and/or BMS failed to discipline them and kept
12 them in their employ, thereby authorizing and ratifying their unlawful conduct.
13

14 **122.** The acts described above constitute assault and battery, actionable under the laws of
15 California.

16 **123.** The assault and battery and of the Plaintiff was, at least in part, in furtherance of the
17 CSI's copyrighted "Suppressive Person" policies and practices as alleged herein.

18 **124.** By the aforesaid acts and omissions of Defendants, and each of them, the Plaintiff has
19 been directly and legally caused to suffer general and special damages, *inter alia*, as alleged herein
20 in an amount to be proven at trial.
21

22 **125.** At the appropriate time, the Plaintiff will make a Code Civ. Procedure §425.14 motion to
23 add a claim for punitive damages herein against Defendants CSI and/or BMS.

24 **126.** The Defendants, Does 1 through 20, and each of them, committed the foregoing acts and
25 engaged in the foregoing conduct intentionally, despicably, maliciously, and oppressively to injure
26 the Plaintiff and, *inter alia*, to subject him to the Suppressive Person policies and practices of the
27 corporate defendants and/or their alter egos and corporate affiliates, to otherwise cause him injury,
28

1 damage and/or hardship in willful, conscious or reckless disregard to the physical and emotional
2 safety of the Plaintiff and his rights. The Plaintiff is therefore entitled to an award of punitive
3 damages against the individual Defendants, and Does 1-20, jointly and severally, for the sake of
4 example and by way of punishing the individual Defendants, Does 1-20, and each of them.

5
6 **SECOND CAUSE OF ACTION**

7 Assault & Battery, Excessive Force

8 (Against all Defendants and Does 1-20 inclusive)

9 **127.** Plaintiff realleges and incorporates by reference, as though fully set forth herein, each
10 and every allegation set forth in paragraphs 1-126 above.

11 **128.** The Defendants, individually and in concert, while in the course and scope of their
12 employment or volunteer duties for CSI and/or BMS, intentionally and/or recklessly and/or in
13 willful disregard of Plaintiff's rights, committed acts which threatened and resulted in imminent
14 apprehension of and harmful or offensive contact with Plaintiff's person, to which Plaintiff did not
15 consent. Said imminent apprehension of and harmful or offensive contact caused physical,
16 emotional and pecuniary injury, damage, loss and/or harm to Plaintiffs as alleged herein.

17 **129.** The individual Defendants, individually and in concert, while in the course and scope of
18 their employment or volunteer duties for CSI and/or BMS, intentionally and/or recklessly and/or
19 in willful disregard of Plaintiff's rights, committed acts which involved offensive criminal,
20 tortuous and non-consensual contact with and upon his person. The aforesaid contact and conduct
21 upon Plaintiff's person included swarming him, tackling him to the ground, dog piling him,
22 dangerously wedging and pressuring their knees into his neck and back while forcing his full face
23 and mouth into the dry desert dirt where the Plaintiff proceeded to suffer great pain, serious injury,
24 the fear of suffocation and death. To this end, at least three of the individual Defendants were dog
25 piled on top of the Defendant at one time, his legs flailing in the air, with the individual
26 Defendants holding his hands behind his back while they punched and kicked him many times
27
28

1 causing him severe bruising, neck pains and permanent injuries. At this same time, audio-video
2 film (s) recording the incident clearly records what appears to be a single gun shot.

3 **130.** When the Plaintiff's companions arrived upon the scene a minute or two later they
4 unsuccessfully begged the individual Defendants to get off the Plaintiff and to stop beating and
5 suffocating him. Defendant Dunigan responded by kicking one of them, a late middle aged woman
6 to the desert dirt and then kicking and injuring her while she was down. Later, Defendant Dunigan
7 falsely claimed to Riverside County Deputy Sheriffs that this much older woman was interfering
8 with his citizen's arrest and that it she who had struck him. She suffered abrasions from being
9 thrown to the ground, a deep bruise to one arm, a split nail and a sprained back muscle. Eventually
10 the individual Defendants got up off the Plaintiff but kept his hands tied behind him despite his
11 complaints that the plastic cuffs were too tight, that he was in significant pain and suffering and
12 that he needed medical attention. The Defendants then detained the Plaintiff against his will until
13 the Deputy Sheriff's who had departed a few minutes before then returned to the scene of
14 Defendant's attack upon the Plaintiff.
15

16
17 **131.** Defendants, and each of them, knew or should have known, that the Plaintiff had been
18 assaulted and battered. After learning of the individual Defendant's unlawful conduct, Defendants
19 CSI and/or BMS failed to discipline them and kept them in their employ, thereby authorizing and
20 ratifying their unlawful conduct.
21

22 **132.** The assault and battery and of the Plaintiff was, at least in part, in furtherance of the
23 CSI's copyrighted "Suppressive Person" policies and practices as alleged herein.

24 **133.** The conduct of the Defendants, as described above, constitutes assault and battery,
25 actionable under the laws of California.
26
27
28

1 **134.** The conduct of the Defendants, as described above, and acting either under the authority
2 of their office (s) as a peace officer (s) and/or in the course and scope of their employment as
3 security guards and estates manager and/or as citizens, constituted excessive force.

4 **135.** By the aforesaid acts and omissions of Defendants, and each of them, the Plaintiff has
5 been directly and legally caused to suffer general and special damages, *inter alia*, as alleged herein
6 in an amount to be proven at trial.

7 **136.** Upon information and belief, Defendant Dunigan has a propensity for violence and he
8 has engaged in acts of violence against other persons including his wife, a member of the public
9 who drove up to the Golden Era property guardhouse, Scientology staffers attempting to escape
10 from the Golden Era property and Scientology staffers who had escaped from the Golden Era
11 property and were proceeding along the public roadways. These people include former
12 Scientologists Marc Headley and Maureen Bolstead. Defendant Dunigan's propensity for physical
13 violence was well known to his employer (s) CSI and/or BMS which had settled a civil lawsuit
14 resulting from an assault and battery upon a member of the public sitting in his car outside the
15 Golden Era property. Upon information and belief, CSI paid about \$1.4 million to quickly and
16 quietly settle this case soon after it was filed.

17 **137.** At the appropriate time, the Plaintiff will make a Code Civ. Procedure §425.14 motion to
18 add a claim for punitive damages herein against Defendants CSI and/or BMS.

19 **138.** The Defendants, Does 1 through 20, and each of them, committed the foregoing acts and
20 engaged in the foregoing conduct intentionally, despicably, maliciously, and oppressively to injure
21 the Plaintiff and, *inter alia*, to subject him to the Suppressive Person policies and practices of the
22 corporate defendants and/or their alter egos and corporate affiliates, to otherwise cause him injury,
23 damage and/or hardship in willful, conscious or reckless disregard to the physical and emotional
24 safety of the Plaintiff and his rights. The Plaintiff is therefore entitled to an award of punitive
25 damage and/or hardship in willful, conscious or reckless disregard to the physical and emotional
26 safety of the Plaintiff and his rights. The Plaintiff is therefore entitled to an award of punitive
27 damage and/or hardship in willful, conscious or reckless disregard to the physical and emotional
28 safety of the Plaintiff and his rights. The Plaintiff is therefore entitled to an award of punitive

1 damages against the individual Defendants, and Does 1-20, jointly and severally, for the sake of
2 example and by way of punishing the individual Defendants, Does 1-20, and each of them.

3 **THIRD CAUSE OF ACTION**

4 False arrest and imprisonment

5 (Against all Defendants and Does 1-20 inclusive)

6 **139.** Plaintiff re-alleges and incorporates by reference, as though fully set forth herein, each
7 and every allegation set forth in paragraphs 1-138 above.

8 **140.** The Defendants jointly and/or severally caused the initial arrest (s) of the Plaintiff and
9 were thereby a direct, proximate, probable and foreseeable cause of the subsequent arrests of the
10 Plaintiff whether or not caused by them, CSI agents at the Hollywood Christmas parade, CSI's
11 attorneys Elliot Abelson and Kendrick Moxon, or Supervisor Jeff Stone and Fausto Atilano, Jr.
12 But for the Defendant's initial arrest (s) of the Plaintiff the subsequent arrests would not have
13 occurred.
14

15 **141.** On October 26, 2008, the Defendants arrested the Plaintiff at the Golden Era Property
16 without probable cause to believe that Defendant had committed criminal activity and/or arrested
17 the Plaintiff in disregard of mandatory applicable provisions of the Penal Code including giving
18 the Plaintiff notice of the alleged trespass and a reasonable opportunity to exit the unfenced
19 roadside property.
20

21 **142.** On or about November 30, 2008, the Defendant Church of Scientology and two of its
22 agents, believed but known to be Laurie and Tom Burpee and who are therefore sued as Does until
23 their identity is either confirmed or ascertained, caused the Los Angeles Police Department to
24 arrest the Plaintiff without probable cause to believe that Defendant had committed criminal
25 activity and/or arrested the Plaintiff in disregard of mandatory applicable provisions of the Penal
26 Code. Following an immediate on the spot investigation of the evidence complained the Los
27
28

1 Angeles Police Department released the Defendant from custody, confinement and arrest without
2 further action.

3 **143.** On January 29, 2009, the Defendant Church of Scientology, acting through its in-house
4 attorney Elliot Abelson, made false representations to the Riverside Court about the bail
5 restrictions imposed upon the Defendant and thereby caused him to be arrested again and detained
6 a further day and night before release.

7
8 **144.** On October 2, 2009, Riverside County Board of Supervisors Chairman Jeff Stone who,
9 upon information and belief, has been acting together with representatives of Defendant Church of
10 Scientology International to limit hitherto lawful first amendment activity outside the Golden Era
11 property and elsewhere in Riverside County, caused the Defendant to be falsely arrested and
12 falsely imprisoned for a further day.

13
14 **145.** Upon information and belief, on October 2, 2009, and acting upon the unlawful
15 instructions of Riverside County Board of Supervisors Chairman Jeff Stone, the Defendant's bail
16 bondsman Fausto Alitano, Jr., falsely arrested and imprisoned the Plaintiff without compliance
17 with the mandatory provisions of applicable law.

18
19 **146.** Upon information and belief, on October 8, 2009, Defendant's bail bondsman Fausto
20 Alitano, Jr. caused and participated in a Riverside County Superior Court hearing for the purpose
21 of surrendering and revoking the Defendant's bail without any notice to the Defendant.

22
23 **147.** Upon information and belief, Defendant Church of Scientology International, acting
24 through certain of its employees and agents, was involved in some manner in the false arrest, false
25 imprisonment and bail matters that occurred on or about October 2 and October 8, 2009.

26
27 **148.** As a result of the Defendants' conduct as alleged above, the Plaintiff was confined upon
28 multiple occasions without his consent, he was not free to leave, and the confinement was not
otherwise privileged.

1 **149.** The conduct of the Defendants was in violation of the Fourth Amendment to the United
2 States Constitution, Article 1, section 13 of the State of California Constitution, and the provisions
3 of other applicable Federal and State laws, being more particularly the Plaintiff's rights to be free
4 of arrest and imprisonment without probable cause and/or due process.

5 **150.** The false arrest (s) of the Plaintiff was caused by the Defendants, without any legal
6 justification, without authority of the law and without any reasonable cause of belief that the
7 Plaintiff was in fact guilty of the charged crimes.

8 **151.** The various Defendants who knew of the false arrest (s) and allowed the illegal detention
9 of the Plaintiff to continue are liable to the Plaintiff as a result of their affirmative duty to
10 intervene.

11 **152.** Defendant's managing agent (s), supervisors, superiors and others (whether within or
12 outside the Scientology enterprise) who knew of the false arrest of the Plaintiff and continued to
13 allow and/or order the resulting unlawful prosecution and subsequent arrests and imprisonments of
14 the Plaintiff and/or who either directly participated in the violation of the Plaintiff's rights or who
15 after learning of the violation failed to immediately and/or promptly to remedy the wrong are
16 liable to the Plaintiff for the various violations of his Federal and State constitutional rights, and
17 his other applicable legal rights.

18 **153.** The false arrest (s) and confinement (s) of the Plaintiff was, at least in part, in furtherance
19 of the CSI's copyrighted "Suppressive Person" policies and practices as alleged herein.

20 **154.** As a direct, proximate and foreseeable result of the unlawful arrest (s), the Plaintiff was
21 has been subjected to illegal confinements, forced to attend court appearances, suffered emotional
22 harm, mental anguish, embarrassment, humiliation, anxiety, and pecuniary loss. His reputation in
23 the community was impaired, he was prevented from attending his necessary affairs of business,
24 and he was otherwise injured and permanently damaged.

1 Defendants CSI and/or BMS failed to provide reasonable supervision of their employees, agents
2 and representatives.

3 **161.** Defendant CSI and/or BMS failed to train its employees to control their tempers and to
4 exercise the proper deportment and temperament, to use force prudently and only when necessary,
5 and otherwise to act herein as a reasonably prudent estates manager or as reasonable prudent
6 security guards, and in that the corporate Defendant (s), and its/their agents, employees, volunteers
7 and representatives were otherwise reckless, careless, deliberately indifferent and negligent.

9 **162.** As a direct, proximate and/or foreseeable consequence of the above-described conduct,
10 the Plaintiff has suffered, and continues to suffer, great pain of mind, shock, distress,
11 embarrassment, loss of esteem, disgrace, humiliation, loss of enjoyment of life, and has sustained
12 loss of earning and future earning capacity in an amount to be proven at trial.

13 **163.** Defendants CSI and/or BMS and their managing agent, officers and directors engaged in
14 the acts alleged herein and/or condoned, permitted, authorized, and/or ratified the conduct of its
15 employees, subcontractors, and agents.

17 **164.** The conduct of the Defendants as alleged herein was, at least in part, in furtherance of
18 the CSI's copyrighted "Suppressive Person" policies and practices as alleged herein.

19 **165.** At the appropriate time, the Plaintiff will make a Code Civ. Procedure §425.14 motion to
20 add a claim for punitive damages herein against Defendants CSI and/or BMS.

22 **166.** The Defendants, Does 1 through 20, and each of them, committed the foregoing acts and
23 engaged in the foregoing conduct intentionally, despicably, maliciously, and oppressively to injure
24 the Plaintiff and, *inter alia*, to subject him to the Suppressive Person policies and practices of the
25 corporate defendants and/or their *alter egos* and corporate affiliates, to otherwise cause him injury,
26 damage and/or hardship in willful, conscious or reckless disregard to the physical and emotional
27 safety of the Plaintiff and his rights. The Plaintiff is therefore entitled to an award of punitive
28

1 damages against the individual Defendants, and Does 1-20, jointly and severally, for the sake of
2 example and by way of punishing the individual Defendants, Does 1-20, and each of them.

3 **FIFTH CAUSE OF ACTION**

4 Negligence, Nuisance & Occupier/Premises Liability
5 (Against corporate defendants CSI and BMS only and Does 1-20 inclusive)

6 **167.** Plaintiff re-alleges and incorporates by reference, as though fully set forth herein, each
7 and every allegation set forth in paragraphs 1-166 above.

8 **168.** Upon information and belief, either CSI and/or BMS are the owners, lessees and/or
9 licensees of the Golden Era property and are in legal control of the unfenced road side land where
10 Defendants attacked the Plaintiff as alleged herein. In such capacity and, *inter alia*, pursuant to
11 Civil Code section 1714 (a), CSI and/or BMS owed a legal duty to the Plaintiff to exercise
12 ordinary care in the management of the premises to avoid exposing the Plaintiff and other
13 foreseeable entrants upon the unfenced roadside land to an unreasonable risk of harm.

14 **169.** The Plaintiff herein was a foreseeable intruder upon the unfenced roadside land and
15 Defendants CSI and/or BMS owed a legal duty of care to the Plaintiff to maintain the property in
16 such a manner as to avoid exposing the Plaintiff to an unreasonable risk of injury.

17 **170.** In attacking, arresting and detaining the Plaintiff upon the unfenced roadside land on
18 October 26, 2008, in violation of applicable law and duty as alleged herein, Defendants CSI and/or
19 BMS failed to conform to a standard of care to protect the Plaintiff, failed to meet this standard of
20 care, failed act reasonably or to maintain land in their possession and control in a reasonably safe
21 condition, and were the proximate or legal cause of resulting injury and/or damage to the Plaintiff.

22 **171.** In attacking, arresting and detaining the Plaintiff upon the unfenced roadside land on
23 October 26, 2008, in violation of applicable law as alleged herein, Defendants CSI and/or BMS
24 unreasonably created a sudden and unforeseen condition upon the unfenced roadside property and
25
26
27
28

1 premises creating and causing an unreasonable risk of serious injury and damage, and causing
2 actual injury and damage, to the Plaintiff as alleged above.

3 **172.** In failing to properly position any no trespassing sign on the unfenced roadside land
4 Defendants CSI and/or BMS created a public nuisance as defined by applicable law such as Penal
5 Code §556.3. In creating and maintaining a public nuisance on the unfenced roadside land CSI
6 and/or BMS acted unreasonably and breached their duty of care to the public including but not
7 limited to persons such as the Plaintiff who might foreseeably enter upon the unfenced roadside
8 land in misplaced reliance upon the improperly sized and located “no trespassing” sign (s).

9
10 **173.** Defendant’s negligence as alleged herein was a substantial factor in causing the
11 Plaintiff’s harm, injury and damage as alleged herein.

12 **174.** The public nuisance (Penal Code §556.3) created and maintained by the Defendants was
13 a substantial factor in causing the Plaintiff’s harm, injury and damage as alleged herein.

14 **175.** Defendants CSI and/or BMS unreasonably and negligently created the conditions that
15 caused injury and damage to Plaintiff *inter alia* in furtherance of the CSI’s copyrighted
16 “Suppressive Person” policies and practices as alleged herein.

17
18 **176.** At the appropriate time, the Plaintiff will make a Code Civ. Procedure §425.14 motion to
19 add a claim for punitive damages herein against Defendants CSI and/or BMS.

20
21 **SIXTH CAUSE OF ACTION**

22 Abuse of process

23 (Against all Defendants and Does 1-20 inclusive)

24 **177.** Plaintiff re-alleges and incorporates by reference, as though fully set forth herein, each
25 and every allegation set forth in paragraphs 1-176 above.

26 **178.** On or about October 26, 2009, Defendant Dunigan specifically and aided and abetted by
27 each of the other Defendants made a false citizen’s arrest and caused the subsequent false arrests
28 and false imprisonments and [malicious] prosecution of the Plaintiff by also making a private

1 persons arrest and delivering the Plaintiff into the custody of the Riverside Sheriff's Department
2 as alleged herein.

3 **179.** In initiating the false arrest, false imprisonment and baseless twelve month prosecution
4 of the Plaintiff on a misdemeanor charge of trespass and a felony charge of battery upon a peace
5 officer the Defendants were, *inter alia*, acting in furtherance of their copyrighted policies and
6 practices for the handling of Suppressive Persons and they thereby entertained an ulterior motive
7 in using the process and committed a wrongful act in a wrongful manner including the making of a
8 false private persons arrest, false police report, false and misleading statements to the Sheriff's
9 Department, the District Attorney's office and the Court, and permitting the false imprisonment
10 and false prosecution of the Plaintiff to be maintained until dismissed at the motion of the
11 Riverside District Attorney's Office upon the eve of trial.

12
13
14 **180.** The Plaintiff was harmed and damaged by the abuse (s) of process by the Defendants and
15 each of them.

16 **181.** The Defendant's abuse (s) of process was/were a substantial factor and, *inter alia*, the
17 proximate cause in causing the harm and damage to the Plaintiff as set forth herein.

18 **182.** The Defendant's abuse of process, concealment and suppression, false and misleading
19 representations of fact to the Sheriff's Department, the District Attorney's Office and the court
20 were /was a substantial factor (s) and the proximate cause in causing the harm and damage to the
21 Plaintiff as alleged herein and constituted a punishable fraud upon the Riverside Superior Court.

22
23 **183.** The Plaintiff cannot ascertain at this time the full nature, extent or amount of his harm
24 and damages suffered by virtue of the Defendant's abuse (s) of process. These monies would not
25 otherwise have been spent but for the failure of the Defendants to disclose the concealed and
26 suppressed facts.

1 a criminal proceeding to be brought and maintained against the Plaintiff until voluntarily
2 dismissed in Plaintiff's favor upon the eve of trial.

3 **190.** The Defendants sought out the police and prosecutorial authorities, falsely reported facts
4 to them falsely indicating that the Plaintiff had committed a crime. The Defendants were actively
5 instrumental in causing the prosecution of the Plaintiff and they were actively involved in causing
6 a continuation of the prosecution.
7

8 **191.** The criminal proceeding ended in the Plaintiff's favor.

9 **192.** No reasonable persons in any of the Defendant's circumstances would have believed that
10 there were grounds for causing the Plaintiff to be arrested and/or prosecuted.

11 **193.** The Defendants acted primarily for a purpose other than to bring the Plaintiff to justice.

12 **194.** In initiating the false arrest, false imprisonment and baseless twelve month prosecution
13 of the Plaintiff on a misdemeanor charge of trespass and a felony charge of battery upon a peace
14 officer the Defendants were, *inter alia*, acting in furtherance of their copyrighted policies and
15 practices for the handling of Suppressive Persons and they thereby entertained an ulterior motive
16 in using the process and committed a wrongful act in a wrongful manner including the making of a
17 false private persons arrest, false police report, false and misleading statements to the Sheriff's
18 Department, the District Attorney's office and the Court, and permitting the false imprisonment
19 and false prosecution of the Plaintiff to be maintained until dismissed at the motion of the
20 Riverside District Attorney's Office upon the eve of trial.
21

22 **195.** The Plaintiff was harmed and damaged by the malicious prosecution of the Plaintiff by
23 the Defendants and each of them as alleged herein. This damage includes the Plaintiff out of
24 pocket costs, distress and injury to his reputation as a result of the groundless allegations made in
25 pleadings that are a matter of public record.
26
27
28

1 **196.** The Defendant’s wrongful conduct and malicious prosecution of the Plaintiff was/were a
2 substantial factor and, *inter alia*, the proximate cause in causing the harm and damage to the
3 Plaintiff as set forth herein.

4 **197.** The Defendant’s conduct, concealment and suppression, false and misleading
5 representations of fact to the Sheriff’s Department, the District Attorney’s Office and the court
6 were /was a substantial factor (s) and the proximate cause in causing the harm and damage to the
7 Plaintiff as alleged herein and constituted a punishable fraud upon the Riverside Superior Court.

8 **198.** The Plaintiff cannot ascertain at this time the full nature, extent or amount of his harm
9 and damages suffered by virtue of the Defendant’s malicious prosecution of him. These monies
10 would not otherwise have been spent, or would not otherwise be required to be spent in the future,
11 but for the failure of the Defendants to disclose the concealed and suppressed facts.

12 **199.** Even if Defendants had properly obtained the initial process against the Plaintiff they
13 subsequently misused it and engaged in the perversion of legal procedure by acts and omissions
14 which resulted in the issuance and maintenance of process against the Plaintiff by the Riverside
15 Sheriff, District Attorney and Superior Court.

16 **200.** The conduct of the Defendants as alleged herein was, at least in part, in furtherance of
17 the CSI’s copyrighted “Suppressive Person” policies and practices as alleged herein.

18 **201.** At the appropriate time, the Plaintiff will make a Code Civ. Procedure §425.14 motion to
19 add a claim for punitive damages herein against Defendants CSI and/or BMS.

20 **202.** The Defendants, Does 1 through 20, and each of them, committed the foregoing acts and
21 engaged in the foregoing conduct intentionally, despicably, maliciously, and oppressively to injure
22 the Plaintiff and, *inter alia*, to subject him to the Suppressive Person policies and practices of the
23 corporate defendants and/or their alter egos and corporate affiliates, to otherwise cause him injury,
24 damage and/or hardship in willful, conscious or reckless disregard to the physical and emotional
25
26
27
28

1 safety of the Plaintiff and his rights. The Plaintiff is therefore entitled to an award of punitive
2 damages against the individual Defendants, and Does 1-20, jointly and severally, for the sake of
3 example and by way of punishing the individual Defendants, Does 1-20, and each of them.

4 **EIGHTH CAUSE OF ACTION**

5 Violation of California Civil Code §52.1
6 (Against all Defendants and Does 1-20 inclusive)

7 **203.** Plaintiff re-alleges and incorporates by reference, as though fully set forth herein, each
8 and every allegation set forth in paragraphs 1-202 above.

9 **204.** As alleged and set forth herein, the Defendants intentionally, recklessly and/or with
10 willful disregard for Plaintiff's rights, interfered with or attempted to interfere with the rights of
11 Plaintiff, and those engaged in Anonymous protest with him, to be free from any violence threats,
12 intimidation, and/or coercion of rights by threatening, and committing violent, intimidating or
13 coercive acts in violation of Cal. Civ. Code § 52.1. In the course of such interference the
14 Defendants assaulted and battered the Plaintiff, threatened and intimidated him, and restrained his
15 freedom of movement through false police reports, false arrests, false imprisonments, abuses of
16 process and malicious prosecution.

17 **205.** The aforesaid unlawful conduct of the Defendants set forth herein was, at least in part, in
18 furtherance of the CSI's copyrighted "Suppressive Person" policies and practices as alleged
19 herein.

20 **206.** Defendants CSI and/or BMS engaged in the acts alleged herein and/or condoned,
21 permitted, authorized, and/or ratified the conduct of its employees, subcontractors, and agents and
22 are vicariously liable for the wrongful conduct of its employees, subcontractors, and agents for this
23 cause of action.

24 **207.** In addition to all other relief sought herein, and pursuant to California Civil Code §52.1
25 (a) & (b) the Plaintiff requests that statutory damages in the amount of \$25,000 be assessed against
26
27
28

1 each of the corporate Defendants and each of the Defendants individually who/which are/is
2 determined at trial to have violated the aforesaid code provisions.

3 **208.** In addition to the other relief requested herein, pursuant to California Civil Code §52.1
4 (h) the Plaintiff requests his reasonable attorney's fees herein.

5 **209.** In addition to the other relief requested herein, pursuant to California Civil Code §52.1
6 (b), the Plaintiff herein requests injunctive and other appropriate equitable relief to protect the
7 peaceable exercise of enjoyment of his rights secured under the constitutions and laws of the
8 United States of America and the State of California.

9 **210.** At the appropriate time, the Plaintiff will make a Code Civ. Procedure §425.14 motion to
10 add a claim for punitive damages herein against Defendants CSI and/or BMS.

11 **211.** The Defendants, Does 1 through 20, and each of them, committed the foregoing acts and
12 engaged in the foregoing conduct intentionally, despicably, maliciously, and oppressively to injure
13 the Plaintiff and, *inter alia*, to subject him to the Suppressive Person policies and practices of the
14 corporate defendants and/or their alter egos and corporate affiliates, to otherwise cause him injury,
15 damage and/or hardship in willful, conscious or reckless disregard to the physical and emotional
16 safety of the Plaintiff and his rights. The Plaintiff is therefore entitled to an award of punitive
17 damages against the individual Defendants, and Does 1-20, jointly and severally, for the sake of
18 example and by way of punishing the individual Defendants, Does 1-20, and each of them.

19
20
21 **NINTH CAUSE OF ACTION**

22 Violation of California Constitution Article 1, §1, 2, 3, 4, 7 & 13
23 (Against all Defendants and Does 1-20 inclusive)

24 **212.** Plaintiff re-alleges and incorporates by reference, as though fully set forth herein, each
25 and every allegation set forth in paragraphs 1-211 above.

26 **213.** The California Constitution Article 1, §13 provides: "The right of the people to be secure
27 in their persons, houses, papers, and effects against unreasonable searches and seizures may not be
28

1 violated; and a warrant may not issue except upon probable cause, supported by oath or
2 affirmation, particularly describing the place to be searched and the persons and things to be
3 seized.”

4 **214.** The California Constitution Article 1, §24 provides: “Rights guaranteed by this
5 Constitution are not dependent upon those guaranteed by the United States Constitution.”
6

7 **215.** The Plaintiff is informed and believes and thereon alleges that the Defendants violated
8 the Plaintiff’s right to be secure in his person against unreasonable seizures and caused the
9 Plaintiff to suffer damages through, *inter alia*, false arrest and false imprisonment as alleged
10 herein.

11 **216.** The Defendant’s aforesaid conduct, and all of it, as directed at the Plaintiff among others
12 because he/they is/were not Scientologists and/or opposed to Scientology and/or a Suppressive
13 Person denied the Plaintiff his right to be free from hate based conduct and communications, hate
14 based violence, ordinary violence and/or and intimidation by threats of violence because of his
15 political affiliation and religious views, in violation of the Plaintiff’s rights under the California
16 Constitution [and the Federal Constitution].
17

18 **217.** Defendants CSI and/or BMS engaged in the acts alleged herein and/or condoned,
19 permitted, authorized, and/or ratified the conduct of its employees, subcontractors, and agents and
20 are vicariously liable for the wrongful conduct of its employees, subcontractors, and agents for this
21 cause of action.
22

23 **218.** The above described conduct of the Defendants denied, or attempted to deny, the
24 Plaintiff his rights of privacy and anonymity, to freely and anonymously to speak, write and
25 publish his sentiments, to instruct his representatives, petition government for redress of
26 grievances, to assemble freely and anonymously, to due process of law and equal protection of the
27
28

1 laws, and to be free from unreasonable searches and seizures as provided for by the California
2 Constitution, Article 1, §§1, 2, 3, 7 and 13.

3 **219.** In addition to all other relief sought herein, and pursuant to California Civil Code §52.1
4 (a) & (b) the Plaintiff requests that statutory damages in the amount of \$25,000 be assessed against
5 each of the Defendants individually who/which are/is determined at trial to have violated the
6 aforesaid code provisions.
7

8 **220.** As a direct and proximate result of the above-described conduct and denials of state
9 constitutional rights, the Plaintiff has suffered and continues to suffer general and special
10 damages, great pain of mind and body, shock, distress, embarrassment, loss of self-esteem,
11 disgrace, humiliation and loss of earnings and earning capacity in an amount to be proven at trial.
12

13 **221.** The conduct alleged of the Defendants herein was, at least in part, in furtherance of the
14 CSI's copyrighted "Suppressive Person" policies and practices as alleged herein.

15 **222.** At the appropriate time, the Plaintiff will make a Code Civ. Procedure §425.14 motion to
16 add a claim for punitive damages herein against Defendants CSI and/or BMS.

17 **223.** The Defendants, Does 1 through 20, and each of them, committed the foregoing acts and
18 engaged in the foregoing conduct intentionally, despicably, maliciously, and oppressively to injure
19 the Plaintiff and, *inter alia*, to subject him to the Suppressive Person policies and practices of the
20 corporate defendants and/or their alter egos and corporate affiliates, to otherwise cause him injury,
21 damage and/or hardship in willful, conscious or reckless disregard to the physical and emotional
22 safety of the Plaintiff and his rights. The Plaintiff is therefore entitled to an award of punitive
23 damages against the individual Defendants, and Does 1-20, jointly and severally, for the sake of
24 example and by way of punishing the individual Defendants, Does 1-20, and each of them.
25

26 //
27 //
28

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff seeks judgment as follows.

A. For general and compensatory damages, including loss of earnings and other economic or pecuniary damages, against all Defendants and each of them in an amount to be determined according to proof at trial;

B. At this time of initial filing, as against the individual Defendants, and Does 1 through 20 only sued in their individual capacities, for punitive and exemplary damages, according to proof at trial;

C. After a Code Civ. Proc. §425.14 motion permitting the addition of a claim for punitive damages against religious corporations CSI and/or BMS, an award of punitive and exemplary damages against all Defendants and each of them in an amount according to proof at trial;

D. For nominal damages as provided by law and/or according to proof at trial;

E. For statutory damages and penalties, *inter alia*, pursuant to Civil Code §§ 52 and 52.1;

F. For reasonable attorney’s fees, expenses and costs of suit, *inter alia*, pursuant to Civil Code §§52 and 52.1, Code Civ. Proc. §1021.5, and 42 U.S.C. §1988, and an additional lodestar because of CSI’s litigious nature and record and its copyrighted mandatory policies and practices involving the abuse and misuse of civil litigation that, *inter alia*, discourage potential opposing counsel from accepting retention in litigation involving CSI;

G. For pre-judgment interest, according to law and proof;

H. Pursuant to Civil Code §§52 and 52.1, *inter alia*, for preliminary and permanent injunctions that, in both essence and effect, prohibit Church of Scientology Managing Agent David Miscavige, Defendants, their affiliates, officers, directors and employees, CSI’s Office of Special Affairs and its representatives and agents, from engaging in any further activity to reveal the identities and other information relating to the Plaintiff and others lawfully protesting, whether

1 or not anonymously, *inter alia* alleged Scientology crime and abuse, from conduct that intimidates
2 or interferes with First Amendment activity, and from again making any baseless declaration or
3 false complaint of unlawful assembly, conduct or speech as a pretext for dispersing and
4 suppressing legitimate First Amendment activities by the Plaintiff and any other participants in
5 Anonymous protests and pickets against crime and abuse alleged of the Scientology corporations,
6 churches, entities, individuals or groups; from engaging in further frivolous and false citizen's
7 arrests, and using plastic handcuffs in an improper or unsafe manner when arresting protestors;
8

9 I. For such other and further relief as the Court deems just and proper.

10
11 Dated: November 12, 2009

By:

12
13 Graham E. Berry
14 Attorney for Plaintiff
15 FRANCOIS G. CHOQUETTE

16 **DEMAND FOR JURY TRIAL**

17 The Plaintiff hereby demands trial by jury on all appropriate issues and causes of action.

18
19 Dated: November 12, 2009

By:

20 Graham E. Berry
21 Attorney for Plaintiff
22 FRANCOIS G. CHOQUETTE
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PAGES 64 TO 67 INTENTIONALLY LEFT BLANK

1 **PROOF OF SERVICE BY MAIL**

2 STATE OF CALIFORNIA)
3) ss.:
4 COUNTY OF RIVERSIDE)

5 *FRANCOIS G. CHOQUETTE V. CHURCH OF SCIENTOLOGY INTERNATIONAL,*
6 *RIC 538634*

7 I am employed in the County of Los Angeles, State of California. I am over the age of 18
8 and not a party to the within action. My business address is 3384 McLaughlin Avenue, Los
9 Angeles, California 90066-2005.

10 On November 12, 2009, I served on interested parties in said action the within:
11 **FIRST AMENDED COMPLAINT FOR DAMAGES**
12 by placing a true copy thereof in sealed envelope(s) addressed as stated below.

13 The President, Jeanne M. Gavigan
14 Church of Scientology International, Agent for Service of Process
15 19625 Highway 79, Church of Scientology International
16 Gilman Hot Springs, CA 92583. 3055 Wilshire Boulevard
17 Suite 900
18 Los Angeles, CA 90010

19 The President, Jeanne M. Gavigan
20 Building Management Services, Agent for Service of Process
21 19625 Highway 79, Building Management Services
22 Gilman Hot Springs, CA 92583. 3055 Wilshire Boulevard
23 Suite 900
24 Los Angeles, CA 90010

25 Mr. David A. Dunigan Mr. Kenneth R. Seybold
26 19625 Highway 79, 19625 Highway 79,
27 Gilman Hot Springs, CA 92583. Gilman Hot Springs, CA 92583.

28 Mr. Matthew J. Butler Mr. Salvatore Meo
19625 Highway 79, 19625 Highway 79,
Gilman Hot Springs, CA 92583. Gilman Hot Springs, CA 92583.

I am readily familiar with my practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the 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 November 12, 2009, at Los Angeles, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Graham E. Berry
(Type or print name)

(Signature)