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9 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
FOR THE COUNTY OF LOS ANGELES - CENTRAL DISTRICT

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LISSA UVIZL,

Plaintiff,

vs.

DONALD J. MYERS,

Respondent.

) Case Nos. **BS116340 /BS116339**
)
) **Hon. Richard E. Rico**

) **DEFENDANT’S REPLY IN SUPPORT OF**
) **NOTICE OF SPECIAL MOTION AND**
) **SPECIAL MOTION OF DONALD J.**
) **MYERS TO STRIKE PLAINTIFF’S**
) **COMPLAINT PURSUANT TO CODE**
) **CIV. PROCEDURE §425.16; REBUTTAL**
) **DECLARATION OF GRAHAM BERRY**
) **AND EXHIBITS THERETO.**

LEWIS MIRANDA,

Plaintiff,

vs.

DONALD J. MYERS,

Respondent.

) (C.C.P. §527.6 and 425.16)

) **DATE: Friday, October 24, 2008.**
) **TIME: 8-30 a.m.**
) **DEPT: 76**

) Action Filed: August 11, 2008
) Trial Date: None

) [Filed concurrently with: (1) Defendant’s
) Supplemental Written Objections to Evidence]

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MEMORANDUM OF POINTS AND AUTHORITIES IN REPLY

I. INTRODUCTION

This case arises from protected speech by the Defendant, Plaintiff’s case lacks even minimal merit, and their complaints and causes of action should be struck pursuant to C.C.P. §425.16. Plaintiff’s opposition includes deception, distraction, obfuscation, *ad hominem* attacks, purple prose and a plethora of unsupported assertions and allegations. Its omissions, inconsistencies, evidential deficiencies and lack of any proper evidential objections are glaring. Its failure to even address, let alone controvert, the evidence of abuse of the T.R.O. herein, or the evidence of a pattern of champerty and corruption that is continuing herein, is both amazing and disturbing.

Defendant has filed a “[Proposed] Order” herein. It sets forth eight principal detailed [proposed] findings of the Court. Plaintiffs have not filed an alternate [proposed] order or any objections to the contents of Defendants [Proposed] Order. Furthermore, Plaintiff’s Opposition does not controvert, either effectively or at all, the first six statements of proposed findings of fact in the [Proposed] Order.

In addition, attorney Kendrick L. Moxon, Esq. has failed to file a declaration denying any of the foundational matters for the evidential matters set forth in paragraph seven of the “[Proposed] Order herein.” In fact through a number of proceedings he has never denied any of the Cipriano, Apodaca, Hurtado, etc. ‘course of corrupt conduct’ testimony, exhibits and other incriminating documents. See generally, Berry Moving Declaration ¶ 293 to 315, Exhibits E - H. Appropriately, Evidence Code §413 provides that “[i]n determining what inferences to draw from the evidence or facts in the case against a party, the trier of fact may consider, among other things, the party’s failure to explain or to deny by his testimony such evidence or facts in the case against him, or his willful suppression of evidence relating thereto.”

The orders in paragraph 8 *et seq.*, of the [Proposed] Order should immediately issue.

1 **II. THE MOTION MUST BE GRANTED IN ITS ENTIRETY**

2 Defendant’s evidence is that he has been picketing on the public sidewalk (a public forum)
3 outside 6331 Hollywood Boulevard because that is where the offices of the Church of Scientology
4 Office of Special Affairs and middle management are located. He is not there to speak to the
5 particular plaintiffs herein. Indeed, Defendant contends that attorney Moxon has continued to
6 engage in champerty in this case and that these two plaintiffs are mere shills and stooges for
7 attorney Moxon and the Church of Scientology Office of Special Affairs. Plaintiffs have failed to
8 address, deny, or to properly object to, the contentions and evidence in this regard. One of
9 Defendant’s free speech purposes herein is to give information to Scientology staff members, such
10 as Plaintiffs, who Defendant reasonably believes are coercively indoctrinated and effectively
11 isolated from any information critical or negative to the Church of Scientology. That message of
12 the Defendant, and the many other Anonymous protestors, is directed to the Scientology group as
13 a whole and not to any specific persons who, for whatever reason, happen to hear to the group
14 message. The applicable law is clear and uncontroverted, that Defendant and the other protestors
15 are entitled to broadcast that message in a public place in a reasonable manner. Plaintiffs really
16 seek, as transparent shills for the Office of Special Affairs, restrictions on the Defendant’s
17 picketing activity that would, as a practical matter, be a total ban, render the activity useless, put
18 his “head upon a pike,” and provide a precedent for the filing of a plethora of other such cases.

21 In effect, the court is being asked to tell Defendant, and the many other similarly situated
22 picketers, what they cannot say to cult members who happen to be in a proper public forum for an
23 informational picket and protest. Where the facts support it, the appropriate remedy is a
24 subsequent action for defamation and damages, not a prospective punitive and intimidating gag
25 order as Plaintiffs, in reality, seek here.

1 The Plaintiff's Opposition brief is essentially a tautology. It assumes that the Defendant's
2 conduct is wrongful, that it does not concern any matter of "public interest," that it does not serve
3 any "legitimate purpose," and that there are no constitutional protections in play. It assumes that
4 the Defendant's activity is directed against the plaintiffs as "specific persons." It assumes that
5 communications with a specific cult member who happens to be at the site of a picket or protest
6 transforms a picket into a non-picket. In essence, Plaintiffs contend that there is no constitutional
7 protection for Defendant's speech herein because it does not fit their self-serving definition of
8 picketing, public interest and it goes too far. These assumptions and contentions of the plaintiffs
9 are without legal basis, case authority, proper evidential support or proper evidential objection.
10 This approach is wrong. The threshold question (the first prong) under C.C.P. §425.16 is whether
11 any of Defendant's conduct is protected. The answer is clearly yes. Consequently, that conduct
12 cannot be stalking or harassment, etc. as a matter of law however many times the parties loosely
13 bandy those conclusory terms around themselves. C.C.P. 527.6, C.C.P. §425.16, Penal code
14 §646.6, Evidentiary Objections (two sets) filed herein. In essence, the Plaintiff's have confused the
15 relevant issues and analytical sequence in determining a C.C.P. §425.16 motion. Motion p.13.

18 "In deciding the question of potential merit, the trial court considers the pleadings and
19 evidentiary submissions of both the plaintiff and the defendant. (§425.16, subd. (b)(2)); ... it
20 should grant the motion if, as a matter of law, the defendant's evidence supporting the motion
21 defeats the plaintiff's attempt to establish evidentiary support for the claim." Citation omitted.
22 *Gilbert v. Sykes* (2007) 147 Cal.App. 4th 13, 27. Defendant Myers has met his burden of proof
23 herein and the Plaintiffs have not. "The defendant has the burden on the first issue [C.C.P.
24 §425.16], the threshold issue; the plaintiff has burden on the second issue [Citation]." *Kajima*
25 *Engineering & Construction, Inc. v. City of Los Angeles* (2002) 95 Cal.App. 4th 921, 928. See also,
26 *Dowling v. Zimmerman* (2001) 85 Cal.App. 4th 1400, 1417. "In this phase, the plaintiff must show
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1 both that the claim is legally sufficient and there is admissible evidence which, if credited, would
2 be sufficient to sustain a favorable judgment.” *Wilcox v. Superior Court* (1994) 227 Cal.App. 4th
3 809, 823-825, disapproved on other grounds by *Equilon Enterprises v. Consumer Cause, Inc.*,
4 (2202) 29 Cal. 4th 53, 68 fn.5. In the case at bar the Plaintiffs have not met that burden of proof.

5 Plaintiffs also argue that C.C.P. §425.16 should not apply to the Plaintiff’s claim herein
6 because of the gravamen or thrust of their petition for a three year 1,000 feet restraining order.
7 Opposition, p. 9:7-14. However, Plaintiffs have the “gravamen” of the complaint principle
8 reversed. That principal is used to avoid having a case saved by throwing in an unprotected cause
9 of action. The issue arises most frequently in cases involving the litigation privilege set forth in
10 Civil Code §47. If the gravamen of the case is a tort barred by the litigation privilege, such as may
11 occur in a malicious prosecution case, the case is not saved by including a contrived fraud or
12 breach of contract claim. In the case at bar, the gravamen of the Plaintiff’s complaint is to silence a
13 critic of the Church of Scientology. See generally, Berry Decl., Exhibit I (“Fair Game”). That is
14 precisely what the anti-SLAPP statute is intended to prevent and punish. In fact, Plaintiff Uvizl
15 herself states, in a declaration written by Church of Scientology counsel, that “I don’t want to see
16 him [Defendant] or hear him or communicate with him ...” Plaintiff’s Exhibit A, Declaration of
17 Lissa Uvizl executed October 12, 2008. However, “Plaintiff’s have no right to be free from public
18 criticism.” Motion, pp. 17:16-20:2.

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21 **III. PLAINTIFF’S COUNSEL HAS FILED TWO PERJURED AFFIDAVITS HEREIN**

22 Plaintiff’s counsel Moxon has submitted an oath or declaration to the court in “such form
23 that criminal sanctions of perjury might apply where material facts so declared to be true, are in
24 fact not true or are not known to be true.” *In re Marriage of Reese & Guy* (1999) 73 Cal.App. 4th
25 1214. Plaintiff’s Opposition brief and separate volume of exhibits herein was personally served
26 on Defendant’s counsel on October 13, 2008, accompanied by two different affidavits of hand
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1 delivery and personal service personally signed by Plaintiff’s counsel Kendrick L. Moon, Esq. “I
2 know Kendrick L. Moxon and Kendrick L. Moxon, Esq. was not the man who hand
3 delivered/personally served me the documents described in Exhibits A and B hereto.” Attached
4 Declaration of Graham Berry (“Berry Declaration”) ¶3. Mr. Moxon’s two affidavits are clearly
5 perjured. The credibility of the two plaintiffs and their counsel should be judged accordingly. “A
6 witness false in one part of his or her testimony is to be distrusted in others. You may reject the
7 entire testimony of a witness who willfully has testified falsely on a material point ...” CACI No.
8 2.22. Similarly, Plaintiff’s claim [Opposition, p.8:19 fn.2] that Mr. Miranda did not punch
9 Defendant’s video camera is impeached by the video footage of the event. Supp. Myers Decl.

11 **IV. PLAINTIFFS HAVE CONCEDED DEFENDANT’S EVIDENCE ON THE MOTION**

12 “It is well settled by statute and case authority that the failure to
13 object, even to otherwise inadmissible evidence, waives the defect.
14 (Evid. Code, § 353, subd. (a); *Estate of Silverstein* (1984) 159
15 *Cal.App.3d* 221, 225 [205 Cal.Rptr. 294]; *People v. Harris* (1978)
16 *85 Cal.App.3d* 954, 957 [149 Cal.Rptr. 860]; *People v. Nugent*
17 (1971) 18 *Cal.App.3d* 911, 917 [96 Cal.Rptr. 209]; *Waller v.*
18 *Waller* (1970) 3 *Cal.App.3d* 456, 464 [83 Cal.Rptr. 533]; 3 Witkin,
19 *Cal. Evidence* (3d ed. 1986) § 2012, pp. 1971-1972.)”

20 *Haskell v. Carli* (1987) 195 *Cal.App. 3d* 124, 129. Emphasis added.

21 Plaintiffs herein have also failed to provide any form, proper or otherwise, of objection to the
22 Defendant’s evidence supporting his motion herein as required by C.R.C. Rule 3. 1354. In so
23 doing, Plaintiffs have effectively conceded Defendant’s evidence in support of the pending
24 motion. Summary judgment standards govern anti-SLAPP motions because the two types of
25 proceedings have similar standards. *Shoendorf v. U.D. Registry, Inc.* (2002) 97 *Cal.App. 4th* 227,
26 236 (quoting *Church of Scientology v. Wollersheim* (1996) 42 *Cal.App. 4th* 628, 654, 656,
27 overruled on another point in *Equilon Enterprises v. Consumer Cause, Inc.* (2002) 29 *Cal.App. 4th*
28 53, 68, fn.5.)”

1 Evidence Code §353 provides the admission of inadmissible evidence is harmless error
2 “unless ... [t]here appears of record an objection to or a motion to strike the evidence that was
3 timely made and so stated as to make clear the specific ground of the objection or motion [.]”
4 *Gallagher v. Connell*, (2004) 123 Cal. App. 4th 1260, 1268. Defendant has properly objected to the
5 statements under CRC Rule 3. 1354. *Gallagher v. Connell* (2004) 123 Cal.App. 4th 1260, 1266
6 (There is a deep rooted principle that evidential objections are waived if [as here they are] not
7 properly made). Plaintiffs request the court to draw inferences from their largely inadmissible
8 declaration. “An inference of fact must be based upon substantial evidence, not conjecture.”
9 *Fashion 21 v. Coalition for Humane Immigrant Rights of Los Angeles*, (2004) 117 Cal.App. 4th
10 1138, 1149. See also, *Gilbert v. Sykes* (2007) 147 Cal.App. 4th 13, 32 (the plaintiff’s evidentiary
11 showing [opposing the anti-SLAPP motion] was also deficient).”

13 Plaintiffs have clearly failed to make any proper evidentiary objections of record. Amazingly
14 they seek to excuse this intentional and fatal omission by claiming, “Unfortunately, Mr. Berry has
15 picked up where he left off when suspended and continues to make baseless allegations against
16 Scientology and counsel. The resulting Special Motion to Strike itself has so many false and
17 irrelevant statements that refuting them would take many pages, and they must therefore largely be
18 ignored in this Opposition.” Fn 4 omitted. Plaintiffs therefore concede they ignored the Rules of
19 Court and intentionally chose not to file proper and separate evidentiary objections rather than to
20 address, controvert, deny or explain the “public interest” evidence submitted with Defendant’s
21 motion. Plaintiffs cannot have it both ways. Consequently, all of Defendant’s evidence is properly
22 before the Court. Through Defendant’s declarations and exhibits herein, Defendant has presented
23 overwhelming evidence that his (and the other picketer’s) conduct is constitutionally protected and
24 that there is no probability that Plaintiffs will prevail. Motion, section II, C-D.
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1 **V. NOTHING CORROBORATES PLAINTIFF’S BARE ALLEGATIONS**

2 Plaintiffs have not “established that a probability that [they] will prevail upon [their] claim.”
3 C.C.P. § 425.16 (b) (1). In other words, they have not “offered evidence, if credited at trial,
4 demonstrating that [they are] likely to succeed” *Gallant v. City of Carson*, (2005) 128 Cal.App. 4th
5 705. “[I]n order to demonstrate a probability of success a plaintiff “must adduce competent,
6 admissible evidence.” *Fashion 21 v. Coalition for Humane Immigrant Rights of Los Angeles*, (2004)
7 117 Cal.App. 4th 1138, 1147 (citing *Roberts v. Los Angeles County Bar Assn.* (2003) 105 Cal.App.
8 4th 604, 614). See generally, *Gallagher v. Connell* (2004) 123 Cal.App. 4th 1260, 1266-1269. “Put
9 another way, the Plaintiffs ‘must demonstrate that the complaint is both legally sufficient and
10 supported by a sufficient *prima facie* showing of facts to sustain a favorable judgment if the evidence
11 submitted by the plaintiff is credited.’ ” *Navellier v. Sletten*, (2002) 29 Cal. 4th 82, 88-89. In *Golden*
12 *West Baseball co. v. Talley* (1991) 232 Cal.App. 3d 1294 the plaintiff opposed a summary judgment,
13 *inter alia*, by merely stating: “Talley’s self-serving declaration is a legal conclusion and is
14 insufficient to negate a triable issue of material facts as to his intent. Where [as here] the moving
15 party’s evidence on the issue of intent consists only of a self-serving declaration, summary judgment
16 should be denied.”

17 “Code of Civil Procedure section 437c, subdivision (e) provides
18 that a court has discretion to deny a motion for summary judgment
19 where the material fact is the individual’s state of mind and where
20 [as here] that fact is sought to be proved solely by the individual’s
21 declaration. ... the converse is also true.” *Id.* at p. 1306.

22 In the case at bar, the two Plaintiffs evidence primarily consists of their two declarations.
23 They do not corroborate each other. There are no supporting declarations, not even by the
24 Scientology security guard who was present and filming during the debate recorded in Plaintiff’s
25 Exhibits C-F. Indeed, it is self – evident from the DVDs filed that the harm Plaintiff Uvizl
26 complains of was insufficient to cause the uniformed and lightly armed Church of Scientology
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1 security guard to stop filming and provide security protection as the conclusory allegations herein
2 would suggest, in the absence of the contradictory video footage submitted as Plaintiff's Exhibits
3 C-F. There are also no supporting medical or psychiatric reports, evaluations and conclusions.
4 Instead, Plaintiff's make self-serving unsupported statements as to their state of mind and matters
5 requiring a legal conclusion to be drawn from the evidence by the trier of fact. Not only are
6 Plaintiff's self-serving conclusory characterizations inadmissible as evidence but Defendant has
7 properly objected to the statements under CRC Rule 3. 1354. *Gallagher v. Connell* (2004) 123
8 Cal.App. 4th 1260, 1266 (There is a deep rooted principle that evidential objections are waived if
9 [as here they are] not properly made). Plaintiffs request the court to draw inferences from their
10 largely inadmissible declaration. "An inference of fact must be based upon substantial evidence,
11 not conjecture." *Fashion 21 v. Coalition for Humane Immigrant Rights of Los Angeles* (2004) 117
12 Cal.App. 4th 1138, 1149. See also, *Gilbert v. Sykes* (2007) 147 Cal.App. 4th 13, 32 (the plaintiff's
13 evidentiary showing [opposing the anti-SLAPP motion] was also deficient)."

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16 Furthermore, Defendant's uncontroverted evidence establishes that both the Church of
17 Scientology and the Los Angeles Police Department have extensive live security visual and audio
18 monitoring of this particular area attracting frequent protests and pickets against alleged Church of
19 Scientology abuses and crimes. In addition, there are lightly armed Scientology Security Officers
20 and under cover Scientology agents constantly patrolling the public sidewalks outside the Church
21 of Scientology management building at 6331 Hollywood Boulevard. Consequently, the Plaintiff's
22 [unsupported] conclusory allegations herein would reasonably be expected to be corroborated by
23 additional contemporaneous video and audio footage. Surprisingly it is not leading to the inference
24 that Plaintiff's conclusory allegations are either fabricated or exaggerated. Evidence Code §412
25 provides "[I]f weaker and less satisfactory evidence [is offered when it was within the power of the
26 party to produce stronger evidence, the evidence offered should be viewed with distrust."
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1 **VI. PLAINTIFF UVIZL’S OWN EVIDENCE CORROBORATES DEFENDANT**

2 In addition to her own self serving declaration, Plaintiff Uvizl has also lodged two
3 utterly unauthenticated DVDs (Exhibits C-F). The first DVD (prior to Plaintiff’s editing) was
4 made by Defendant who posted it to the Internet via You Tube and the second was purportedly
5 made by one of the Church of Scientology’s own security guards who accompanied Plaintiff Uvizl
6 and Defendant Myers throughout their brief debate recorded on Plaintiff’s Exhibits C to F.

7 Prompted by Defendant’s motion, Plaintiffs have now set forth a transcript of most of the debate
8 between Plaintiff Uvizl and Defendant. The DVD evidence clearly demonstrates Plaintiff Uvizl’s
9 demeanor during that exchange. She was alternately laughing, smiling, responding to Defendant
10 and even saying “I’m not afraid, that’s for sure.” Opposition, p. 4:21. See generally, Motion, pp.
11 7:19-8:20, 9:9-20. Why would she be? She has stated under penalty of perjury there were no
12 threats of violence. Motion, p. 7:19-26. Furthermore, the conversation was about matters of
13 “public interest.” In addition to asking Plaintiff Uvizl about statements made in the Maxim
14 magazine [Myers Decl. Exhibit G] [Opposition, p. 4:22-28], Defendant brings up the issue of the
15 “billion year contract” all scientology staff members must sign [Opposition, p. 5:4-5], the
16 Scientology “stress test tables” [Opposition, p. 5: 16-17], Scientology’s “Upper Level OT 8” [and
17 “OT 3” (Scientology’s “Xenu” creation story) which is on the DVD but not in the edited
18 transcript], the “billion year contract,” the Scientology “Bridge” [the “Bridge to total freedom”],
19 and the L. Ron Hubbard “Technology.” Opposition, pp.5:16-6:1-2. Defendant even refers to James
20 Bond whose own fictional enemy SMERSH was labeled as one of the actual enemies of
21 Scientology by its founder L. Ron Hubbard. Opposition, p. 5:1-2. With reference to the “stress test
22 tables,” earlier this year the teenage daughter of a Swedish parliamentarian committed suicide
23 soon after participating in the Scientology stress test and being told of its results! Outrageously,
24 Plaintiff’s characterizations of the conversation [Opposition, p. 6:13-22] are not supported by the
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1 actual words of their own transcript [Opposition, p. 4: 11-6:5]. For example, Defendant stated that
2 the Church of Scientology had stalked him for two days and not that he had stalked Plaintiff Uvizl
3 for two days as Plaintiffs blatantly misrepresent. Opposition pp. 4:26-27, 6:10-22. The Plaintiffs
4 own DVDs contradict their written argument and declarations. Plaintiff's call it "terrifying
5 harassment" and yet the Plaintiff's own security guard and escort never intervenes, interjects or
6 even (contrary to allegation) steps between them. Instead, Plaintiff Uvizl's uniformed security
7 escort quietly and calmly filmed the mild exchange of ideas.

9 **VII. A MISCELLANY OF OTHER MATTERS WIEGH IN DEFENDANT'S FAVOR**

10 Plaintiffs claim a novel constitutional exception (Opposition, pp. 10:12-11:8). They cite to
11 the factually distinguishable *Brekke v. Mills*, (2005) 125 Cal.App. 4th 1400. They ignore almost all
12 of Defendant's authorities. Significantly, the Plaintiffs do not even attempt to connect most of
13 their unauthenticated exhibits to the Defendant herein. They cannot show that the contents of these
14 exhibits have resulted in any arrests. For example, Plaintiff's Exhibits G-Z.

15 Plaintiff's Exhibits Q to Z are "fruits of the poisonous tree," products of the continuing
16 racketeering violations set forth in Berry Decl. ¶282-355, Exhs. A-J. The continuing reliance on
17 underlying frauds committed upon other courts is also a fraud upon this court. Plaintiffs ignore the
18 evidence showing abuse of the court's T.R.O. herein by Plaintiff's attorney Moxon. Evidence
19 Code §413 [Failure to Explain or Deny Evidence] should lead this court to balance the equities
20 herein in favor of the Defendant.

21 **VIII. CONCLUSION**

22 For the foregoing reasons, Defendant's C.C.P. §425.16 (b) (1) motion should be granted.

23 Dated: October 16, 2008.

24 Respectfully submitted,

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26 _____
27 **Graham E. Berry,**
28 Attorney for Defendant Donald J. Myers

DECLARATION OF GRAHAM E. BERRY

I, **GRAHAM E. BERRY**, declare and state as follows:

9. I am an attorney at law duly licensed to practice before all the courts of the State of California. I have personal knowledge of the facts set forth herein, except those that are based upon information and belief, and if called as a witness, I could and would testify competently thereto.

1. This Supplemental Declaration is submitted in the consolidated cases of Lewis *Miranda v. Donald J. Myers* (L.A.S.C. Case no: BS116339) and *Lissa Uvizl v. Donald J. Myers* (L.A.S.C. BS116340).

2. On Monday October 13, 2008 at approx. 4 P.M. I answered my front door to a man who handed me an envelope addressed to me and from Kendrick L. Moxon, Esq. I was expecting the delivery. The envelope delivered to me contained two documents. Attached hereto as Exhibit A is a true and correct copy of the caption and signature pages of the Plaintiff’s Opposition Brief herein along with the proof of service. Attached hereto as Exhibit B is a true and correct copy of the caption page of Plaintiff’s Supporting Exhibits herein and Proof of hand service attached thereto. Both proofs of personal service by hand delivery were personally signed by plaintiff’s counsel herein Kendrick L. Moxon, Esq. under penalty of perjury. I know Kendrick L. Moxon and Kendrick L. Moxon, Esq. was not the man who hand delivered/personally served me the documents described in Exhibits A and B hereto. I also recognize the signatures on Exhibits A and B as all being that of Kendrick L. Moxon, the plaintiff’s counsel herein.

3. Attached hereto and marked as indicated are true and correct copies of the following documents:

A. Plaintiff’s caption pages and improper proof of service herein;

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- B.** October 13, 2008 media report: Peaceful Demonstrator Punched by Scientologist at Los Angeles Event. Scientology attorney Moxon is identified as present;
- C.** October 15, 2008 media report: Battling Scientology;
- D.** Internet report on Scientology picketing violence and another suspicious Scientology staffer death at L. Ron Hubbard Way.

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

Executed this 16th day of October 2008, at Los Angeles, California.

GRAHAM E. BERRY

1 **PROOF OF SERVICE BY HAND**

2
3 STATE OF CALIFORNIA)
4 COUNTY OF LOS ANGELES) ss.:

5 *Lissa Uvizl & Lewis Miranda v. Donald J. Myers, LASC Case No. BS 116339/116340*

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

9 On October 16, 2008, I personally served on interested parties in said action the within:

10 **DEFENDANT’S REPLY IN SUPPORT OF NOTICE OF SPECIAL MOTION AND
11 SPECIAL MOTION OF DONALD J. MYERS TO STRIKE PLAINTIFF’S COMPLAINT
12 PURSUANT TO CODE CIV. PROCEDURE §425.16; EVIDENTIARY OBJECTIONS;
13 REBUTTAL DECLARATIONS OF DONALD J. MYERS, GARRY SCARFF, GRAHAM
14 BERRY AND EXHIBITS THERETO.**

15 by placing a true copy thereof in sealed envelope(s) addressed as stated below and by delivering
16 the envelope (s) by hand to the offices of the addressee (s).

17 **Kendrick L. Moxon, Esq.**
18 **Moxon & Kobrin**
19 **3055 Wilshire Boulevard, Suite 900**
20 **Los Angeles, CA 90010**

21 Attorneys for Plaintiffs,
22 Lissa Uvizl and Lewis Miranda

23 Executed on October 16, 2008, at Los Angeles, California.

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

26 _____
27 Graham E. Berry (Type or print name) (Signature)
28 3384 McLaughlin Avenue, Los Angeles, CA 90066.