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DONALD J. MYERS

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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 SUPPLEMENTAL**
) **WRITTEN OBJECTIONS TO EVIDENCE,**
) **MOTION TO STRIKE, AND PROPOSED**
) **ORDER IN SUPPORT OF DEFENDANT’S**
) **C.C.P. §425.16 SPECIAL MOTION TO**
) **STRIKE, ETC.**

) (C.C.P. §527.6 and 425.16)

LEWIS MIRANDA,

Plaintiff,

vs.

DONALD J. MYERS,

Respondent.

) **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 Reply
) in Support of Special Motion and Motion to
) Strike, etc.

1 **TO THE HONORABLE COURT AND TO PLAINTIFF’S ATTORNEY’S OF RECORD**

2 Defendant Donald J. Myers submits his Supplemental Written Objections to Evidence
3 pursuant to California Rules of Court Rule 3.1354, and motion to strike the evidence objected to.

4 **A. SUPPLEMENTAL OBJECTIONS TO EVIDENCE OF LISSA UVIZL**

5 **[Supplemental] Declaration of Lissa Uvizl executed October 12, 2008**

6 **OBJECTION NO. 1**

7 **Material Objected to:**

Grounds for Objection:

Uvizl 10/12/08 Declaration, ¶ 1, lines: 19-20. “I could and would testify competently thereto.”	Speculation requiring testing the witness (Evid. Code §701 (a) (2)), Duress, coercion, coercive indoctrination, champerty.
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8 **Court’s Ruling on Objection 1:**

Sustained: _____ **Overruled:** _____

9 **OBJECTION NO. 2**

10 **Material Objected to:**

Grounds for Objection:

Uvizl Declaration, ¶3, lines 3-4: “His demeanor was that of a crazy person, as he was partially dressed (his shirt was open), he was sweating profusely and he would not leave me alone.”	Incompetent and improper opinion of a non-expert (Evid. Code §§720, 800).
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11 **Court’s Ruling on Objection 2:**

Sustained: _____ **Overruled:** _____

12 **OBJECTION NO. 3**

13 **Material Objected to:**

Grounds for Objection:

Uvizl Declaration, ¶3, page 2, lines 3-4: “The Church’s security guard finally stepped in between me and this man and engaged him while I got out of there.”	Incompetent and improper opinion of a non-expert (Evid. Code §§720, 800). See Plaintiff’s Exhibits C & D final scenes.
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14 **Court’s Ruling on Objection 3:**

Sustained: _____ **Overruled:** _____

OBJECTION NO. 4

Material Objected to:

Grounds for Objection:

Uvizl Declaration, ¶4, lines 9-10: “He said at one time that he had been stalking me for two days ... plus his admission to me that he has been stalking me...”	Misquotes the witness. Incompetent and improper opinion [as to “stalking”] of a non-expert as to a matter calling for a legal conclusion (Evid. Code §§720, 800); Assumes a fact not in evidence, Best evidence rule (Plaintiff’s Exhibits C and D [DVDs] evidencing Defendant stated that <u>it was he who had been stalked for two days</u> by Church of Scientology operatives).
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Court’s Ruling on Objection 4:

Sustained: _____ **Overruled:** _____

OBJECTION NO. 5

Material Objected to:

Grounds for Objection:

Uvizl Declaration, ¶5, line 22: “Myers ... started harassing me.”	Incompetent and improper opinion [as to “harassing”] of a non-expert as to a matter calling for a legal conclusion (Evid. Code §§720, 800).
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Court’s Ruling on Objection 5:

Sustained: _____ **Overruled:** _____

OBJECTION NO. 6

Material Objected to:

Grounds for Objection:

Uvizl Declaration, ¶6, line2: “his actions are ... very harassing ...”	Incompetent and improper opinion [as to “harassing”] of a non-expert as to a matter calling for a legal conclusion (Evid. Code §§720, 800).
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Court’s Ruling on Objection 6:

Sustained: _____ **Overruled:** _____

OBJECTION NO. 7

Material Objected to:

Grounds for Objection:

Uvizl Declaration, ¶8, line15: “his actions are ... very harassing ...”	Incompetent and improper opinion [as to “harassing”] of a non-expert as to a matter calling for a legal conclusion (Evid. Code §§720, 800).
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Court’s Ruling on Objection 7:

Sustained: _____ **Overruled:** _____

OBJECTION NO. 8

Material Objected to:

Grounds for Objection:

Uvizl Declaration, ¶9, lines 18-24: “I had a close friend who was raped and she told me about similar suggestive comments before the man attacked her.”	Hearsay (Evid. Code §1200), Immaterial (Evid. Code §350)
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Court’s Ruling on Objection 8:

Sustained: _____ **Overruled:** _____

OBJECTION NO. 9

Material Objected to:

Grounds for Objection:

Uvizl Declaration, ¶9, line 20: “this large man is stalking me.”	Misquotes the witness. Incompetent and improper opinion [as to “stalking”] of a non-expert as to a matter calling for a legal conclusion (Evid. Code §§720, 800). Assumes a fact not in evidence, Best evidence rule (Plaintiff’s Exhibits C and D [DVDs] evidencing Defendant stated that <u>it was he who had been stalked for two days</u> by Church of Scientology operatives).
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Court’s Ruling on Objection 9:

Sustained: _____ **Overruled:** _____

OBJECTION NO. 10

Material Objected to:

Grounds for Objection:

Uvizl Declaration, ¶10, line 25: “He has caused me substantial emotional distress ...”	Incompetent and improper opinion [as to “substantial emotional distress”] of a non-expert as to a matter calling for a legal conclusion (Evid. Code §§720, 800). Best evidence rule (Plaintiff’s Exhibits C and D [DVDs] evidencing Plaintiff Uvizl communicating with Defendant. See Evidence Code §780 (a), (c), (d), (h) & (i).
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Court’s Ruling on Objection 10:

Sustained: _____ **Overruled:** _____

B. SUPPLEMENTAL OBJECTIONS TO EVIDENCE OF LEWIS MIRANDA

(Supplemental Declaration of Lewis Miranda executed October 12, 2008

OBJECTION NO. 11

Material Objected to:

Grounds for Objection:

Miranda 10/12/08 Declaration, ¶ 1, lines: 19-20. “I could and would testify competently thereto.”	Speculation requiring testing the witness (Evid. Code §701 (a) (2), Duress, coercion, coercive indoctrination, champerty.
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Court’s Ruling on Objection 11:

Sustained: _____ **Overruled:** _____

OBJECTION NO. 12

Material Objected to:

Grounds for Objection:

Miranda Declaration, ¶3, page 1, line 26-27: “... stalking and harassing me and the church workers that come and go out of the building ...”	Hearsay (Evid. Code §1200) (as to “the [other] Church members that come and go out of that building); Incompetent and improper opinion [as to “stalking and harassing”] of a non-expert as to a matter calling for a legal conclusion (Evid. Code §§720, 800); Best evidence rule; (1) the DVDs and photographs showing Miranda assaulting Defendant’s and his camera; (2) the Church’s continuous and extensive fixed and mobile security video and audio tape of everything that occurs in the
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1 Court's Ruling on Objection 153: Sustained: _____ Overruled: _____

2 **OBJECTION NO. 16**

3 Material Objected to: Grounds for Objection:

4 Miranda Declaration, ¶6, page 2, lines 20-21: 5 "his gestures suggest threats of violence ..."	Incompetent and improper opinion of a non-expert (Evid. Code §§720, 800).
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6 Court's Ruling on Objection 16: Sustained: _____ Overruled: _____

7 **OBJECTION NO. 17**

8 Material Objected to: Grounds for Objection:

9 Miranda Declaration, ¶5, page 2, lines 21-22: 10 "he is unpredictable and acts like he is on 11 drugs and for no reason hates me ..."	Incompetent and improper opinion of a non-expert (Evid. Code §§720, 800).
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12 Court's Ruling on Objection 17: Sustained: _____ Overruled: _____

13 **OBJECTION NO. 18**

14 Material Objected to: Grounds for Objection:

15 Miranda Declaration, ¶3, page 1, line 28-page 16 2, lines 1-2: "... and repeatedly berates me, 17 my religion and my Hispanic origins, baiting 18 me about whether I have a green card. He has 19 specifically told me that he is there to disrupt 20 my work and harass me." 21 22 23 24 25	Best evidence rule, the original and specific words allegedly used by Defendant; Incompetent and improper opinion [as to "harass"] of a non-expert as to a matter calling for a legal conclusion (Evid. Code §§720, 800). Best evidence rule; (1) the DVDs and photographs showing Miranda assaulting Defendant's and his camera; (2) the Church's continuous and extensive fixed and mobile security video and audio tape of everything that occurs in the subject area; (3) the Church's ever present uniformed and plain clothed security and undercover agents; (4) the L.A.P.D. video security camera records as publicly posted outside the Church.
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26 Court's Ruling on Objection 18: Sustained: _____ Overruled: _____

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OBJECTION NO. 19

Material Objected to:

Grounds for Objection:

Miranda Declaration, ¶4, page 2, lines 3-12.	Assumes facts not in evidence, Best evidence rule, the original and specific words allegedly used by Defendant; Incompetent and improper conclusory opinion [as to “obscenities”] of a non-expert as to a matter calling for a legal conclusion (Evid. Code §§720, 800); Best evidence rule; (1) the DVDs and photographs showing Miranda assaulting Defendant’s and his camera; (2) the Church’s continuous and extensive fixed and mobile security video and audio tape of everything that occurs in the subject area; (3) the Church’s ever present uniformed and plain clothed security and undercover agents; (4) the L.A.P.D. video security camera records as publicly posted outside the Church.
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Court’s Ruling on Objection 19:

Sustained: _____ **Overruled:** _____

OBJECTION NO. 20

Material Objected to:

Grounds for Objection:

Miranda Declaration, ¶5, page 2, lines 13-18.	Assumes facts not in evidence, Best evidence rule, the original and specific words allegedly used by Defendant; Incompetent and improper conclusory opinion [as to “harass”] of a non-expert as to a matter calling for a legal conclusion (Evid. Code §§720, 800); Best evidence rule; (1) the DVDs and photographs showing Miranda assaulting Defendant’s and his camera; (2) the Church’s continuous and extensive fixed and mobile security video and audio tape of everything that occurs in the subject area; (3) the Church’s ever present uniformed and plain clothed security and undercover agents; (4) the L.A.P.D. video security camera records as publicly posted outside the Church.
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Court’s Ruling on Objection 20:

Sustained: _____ **Overruled:** _____

OBJECTION NO. 21

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Material Objected to:

Grounds for Objection:

Miranda Declaration, ¶6, page 2, lines 19-25.	Assumes facts not in evidence, Best evidence rule, the original and specific words allegedly used by Defendant; Incompetent and improper conclusory opinion [as to “harassing”] of a non-expert as to a matter calling for a legal conclusion (Evid. Code §§720, 800); Best evidence rule; (1) the DVDs and photographs showing Miranda assaulting Defendant’s and his camera; (2) the Church’s continuous and extensive fixed and mobile security video and audio tape of everything that occurs in the subject area; (3) the Church’s ever present uniformed and plain clothed security and undercover agents; (4) the L.A.P.D. video security camera records as publicly posted outside the Church.
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Court’s Ruling on Objection 21:

Sustained: _____ **Overruled:** _____

C. OBJECTIONS TO PLAINTIFF’S EXHIBITS G TO O

OBJECTION NO. 22

Material Objected to:

Grounds for Objection:

Exhibit G [Anonymous on Fox 11 News] in its entirety.	Lacks foundation (Evid. Code §1401). Failure to properly authenticate (Evid. Code §1401). Immaterial (Evid. Code §350). No showing of relevance or any connection between this Defendant and the matters in the Exhibit (Evid. Code §350. More prejudicial than probative. (Evid. Code §352).
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Court’s Ruling on Objection 22:

Sustained: _____ **Overruled:** _____

OBJECTION NO. 23

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Material Objected to:

Grounds for Objection:

Exhibit H [Man, 20, arrested in Stadium Hoax] in its entirety.	Lacks foundation (Evid. Code §1401). Failure to properly authenticate (Evid. Code §1401). Immaterial (Evid. Code §350). No showing of relevance or any connection between this Defendant and the matters in the Exhibit (Evid. Code §350. More prejudicial than probative. (Evid. Code §352).
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Court’s Ruling on Objection 23:

Sustained: _____ **Overruled:** _____

OBJECTION NO. 24

Material Objected to:

Grounds for Objection:

Exhibit I [Response from Anonymous on Fox 11] in its entirety.	Lacks foundation (Evid. Code §1401). Failure to properly authenticate (Evid. Code §1401). Immaterial (Evid. Code §350). No showing of relevance or any connection between this Defendant and the matters in the Exhibit (Evid. Code §350. More prejudicial than probative. (Evid. Code §352).
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Court’s Ruling on Objection 24:

Sustained: _____ **Overruled:** _____

OBJECTION NO. 25

Material Objected to:

Grounds for Objection:

Exhibit J [Church of Scientology Mission of Los Feliz, Hillhurst Avenue, Los Angeles] in its entirety.	Lacks foundation (Evid. Code §1401). Failure to properly authenticate (Evid. Code §1401). Immaterial (Evid. Code §350). No showing of relevance or any connection between this Defendant and the matters in the Exhibit (Evid. Code §350. More prejudicial than probative. (Evid. Code §352).
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Court’s Ruling on Objection 25:

Sustained: _____ **Overruled:** _____

OBJECTION NO. 26

Material Objected to:

Grounds for Objection:

Exhibit K [Suspicious Envelopes sent to Scientology] in its entirety.	Lacks foundation (Evid. Code §1401). Failure to properly authenticate (Evid. Code §1401). Immaterial (Evid. Code §350). No showing of relevance or any connection between this Defendant and the matters in the Exhibit (Evid. Code §350. More prejudicial than probative. (Evid. Code §352).
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Court’s Ruling on Objection 26:

Sustained: _____ **Overruled:** _____

OBJECTION NO. 27

Material Objected to:

Grounds for Objection:

Exhibit L [“I know what you’r doing” (sic)] in its entirety.	Lacks foundation (Evid. Code §1401). Failure to properly authenticate (Evid. Code §1401). Immaterial (Evid. Code §350). No showing of relevance or any connection between this Defendant and the matters in the Exhibit (Evid. Code §350. More prejudicial than probative. (Evid. Code §352).
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Court’s Ruling on Objection 27:

Sustained: _____ **Overruled:** _____

OBJECTION NO. 28

Material Objected to:

Grounds for Objection:

Exhibit M [“Feb 2008 threat”] in its entirety.	Lacks foundation (Evid. Code §1401). Failure to properly authenticate (Evid. Code §1401). Immaterial (Evid. Code §350). No showing of relevance or any connection between this Defendant and the matters in the Exhibit (Evid. Code §350. More prejudicial than probative. (Evid. Code §352).
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Court’s Ruling on Objection 28:

Sustained: _____ **Overruled:** _____

OBJECTION NO. 29

Material Objected to:

Grounds for Objection:

Exhibit N [“Vandalism at the Church of	Lacks foundation (Evid. Code §1401). Failure
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1 2 3 4	Scientology Mission of San Jose, 2 February 2008] in its entirety.	to properly authenticate (Evid. Code §1401). Immaterial (Evid. Code §350). No showing of relevance or any connection between this Defendant and the matters in the Exhibit (Evid. Code §350. More prejudicial than probative. (Evid. Code §352).
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5 **Court’s Ruling on Objection 29:** **Sustained:** _____ **Overruled:** _____

6 **OBJECTION NO. 30**

7 **Material Objected to:** **Grounds for Objection:**

8 9 10 11 12 13	Exhibit O [“Interfaith Hate Crimes & Intolerance Conference, May 6, 2008] in its entirety.	Lacks foundation (Evid. Code §1401). Failure to properly authenticate (Evid. Code §1401). Immaterial (Evid. Code §350). No showing of relevance or any connection between this Defendant and the matters in the Exhibit (Evid. Code §350. More prejudicial than probative. (Evid. Code §352). No opportunity to cross-examine the maker of the statement (Evid. Code §773).
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14 **Court’s Ruling on Objection 30:** **Sustained:** _____ **Overruled:** _____

15 **D. OBJECTIONS TO PLAINTIFF’S EXHIBITS P TO Z**

16 **OBJECTION NO. 31**

17 **Material Objected to:** **Grounds for Objection:**

18 19 20 21 22 23	Exhibit P [“Berry v. Rosen”] in its entirety.	Lacks foundation (Evid. Code §1401). Failure to properly authenticate (Evid. Code §1401). Immaterial (Evid. Code §350). No showing of relevance or any connection between this Defendant and the matters in the Exhibit (Evid. Code §350. More prejudicial than probative. (Evid. Code §352). Filed on the advice of counsel and in good faith.
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24 **Court’s Ruling on Objection 31:** **Sustained:** _____ **Overruled:** _____

25 **OBJECTION NO. 32**

26 **Material Objected to:** **Grounds for Objection:**

27 28	Exhibit Q [“ <i>Pattinson v. Church of</i>	Lacks foundation (Evid. Code §1401). Failure
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OBJECTION NO. 35

Material Objected to:

Grounds for Objection:

Exhibit T [<i>“Pattinson v. Church of Scientology International”</i>] in its entirety.	Lacks foundation (Evid. Code §1401). Failure to properly authenticate (Evid. Code §1401). Immaterial (Evid. Code §350). No showing of relevance or any connection between this Defendant and the matters in the Exhibit (Evid. Code §350. More prejudicial than probative. (Evid. Code §352). Ruling obtained with the “fruits of the poisonous tree” and fraud upon the underlying court” and being further perpetrated herein.
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Court’s Ruling on Objection 35:

Sustained: _____ **Overruled:** _____

OBJECTION NO. 36

Material Objected to:

Grounds for Objection:

Exhibit U [<i>“Pattinson v. Miscavige”</i>] in its entirety.	Lacks foundation (Evid. Code §1401). Failure to properly authenticate (Evid. Code §1401). Immaterial (Evid. Code §350). No showing of relevance or any connection between this Defendant and the matters in the Exhibit (Evid. Code §350. More prejudicial than probative. (Evid. Code §352).Ruling obtained with the “fruits of the poisonous tree” and fraud upon the underlying court” and being further perpetrated herein.
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Court’s Ruling on Objection 36:

Sustained: _____ **Overruled:** _____

OBJECTION NO. 37

Material Objected to:

Grounds for Objection:

Exhibit V [<i>“Jeavons v. Church of Scientology International”</i>] in its entirety.	Lacks foundation (Evid. Code §1401). Failure to properly authenticate (Evid. Code §1401). Immaterial (Evid. Code §350). No showing of relevance or any connection between this Defendant and the matters in the Exhibit (Evid. Code §350. More prejudicial than probative. (Evid. Code §352).Ruling obtained
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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 SUPPLEMENTAL WRITTEN OBJECTIONS TO EVIDENCE, MOTION**
11 **TO STRIKE, AND PROPOSED ORDER IN SUPPORT OF DEFENDANT’S C.C.P. §425.16**
12 **SPECIAL MOTION TO STRIKE, ETC.**

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

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

19 Attorneys for Plaintiffs,
20 Lissa Uvizl and Lewis Miranda

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

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

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29 _____
30 (Type or print name) (Signature)
31 3384 McLaughlin Avenue, Los Angeles, CA 90066.