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ORIGINAL FILED
Superior Court of California
County of Los Angeles

FEB 16 2010

John A. Clarke, Executive Officer/Clerk

By *[Signature]* Deputy
GLORIETTA ROBINSON

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 COUNTY OF LOS ANGELES

11 CENTRAL DISTRICT

12 KENDRICK MOXON

13 Plaintiff,

14 v.

15 GRAHAM BERRY,

16 Defendants.

17 GRAHAM E. BERRY, an individual;

18 Cross-Complainant,

19 v.

20 KENDRICK L. MOXON, an individual;

21 Cross-Defendant.

Case No. BC429217

DEFENDANT AND CROSS-
COMPLAINANT'S APPENDIX NO. III
OF EXHIBITS AND REQUEST FOR
JUDICIAL NOTICE FILED AS PART OF
THE UNVERIFIED ANSWER AND
VERIFIED COMPULSARY CROSS-
COMPLAINT HEREIN.

Action filed: January 5, 2010

[Filed concurrently with: (1) Judicial Council
of California Form MC-701 (C.C.P. §391.7;
(2) Appendix No. I of Exhibits [Exhibit A];
(4) Appendix No. II of Exhibits [Exhibits B-
D] ; Unverified answer and verified cross-
complaint]

Ex. I & J

EXHIBIT I

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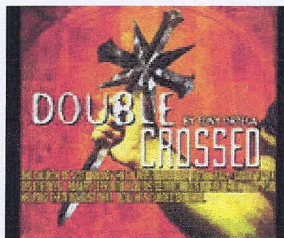
Double Crossed

The Church of Scientology has a reputation for ruthlessly going after its enemies. Robert Cipriano claims Scientologists rewarded him for helping them do just that. Now he's turned on them.

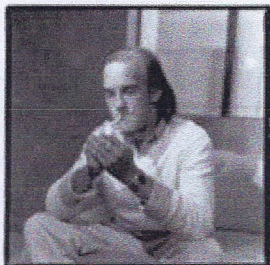
By Tony Ortega

published: December 23, 1999

Here's why you should be skeptical about what Graham Berry and Robert Cipriano say about the Church of Scientology: Berry's been after the church for years, and he makes no secret of his desire to litigate the 45-year-old organization to its knees. An eloquent, New Zealand-born attorney who lives in Santa Monica, Berry has enjoyed his role as one of the few attorneys who battles the controversial organization full-time. That has gained Berry some notoriety, particularly with a loosely knit online community of ex-Scientologists and free-speech advocates who keep a close watch on all that pertains to Dianetics and Scientology. Berry plays to that audience eagerly, posting his latest motions and pleadings on the Internet nearly as quickly as he files them in court. For years, he's been known for brash court strategies meant not only to take a bite out of the church but also to embarrass it publicly. To a client, he once said: "My agenda is to bite Scientology in the butt and to cause it as much grief as possible." He's also notorious for phone-book-thick court documents filled with tales of conspiracy that reach back to Scientology's 1954 founding by the late science-fiction writer L. Ron Hubbard. Last year, Berry filed a 312-page complaint on behalf of a former member of the church who claimed he'd been defrauded by everyone from Scientologist actor John Travolta to President Bill Clinton. In August, a judge declared Berry a vexatious litigant, a rare penalty handed out to attorneys who tie up courts with frivolous lawsuits.



Wild Don Lewis



Robert Cipriano

Also Read:
[Picket Fencing](#)

Scientology critic Jeff Jacobsen helped get the church in hot water over a Florida death. Now, church members have figured out where he lives.

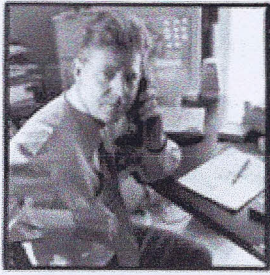
By Tony Ortega

Wild Don Lewis

Robert Cipriano, meanwhile, is an admitted liar who says that he willingly committed perjury last year by lying in a deposition taken under oath. A nervous, chameleonlike figure, Cipriano never seems to stay in one place or situation very long. He spent five years living as a gay man and now says he's straight. He was once a successful Park Avenue businessman, but then couldn't hold a job. He was willing to accept financial help for his perjured testimony but now claims to be doing the righteous thing by speaking out about it. His own court-filed declarations make him out to be something of a confused, pathetic loser who is usually either running from a bad situation or running toward someone who will give him a handout.

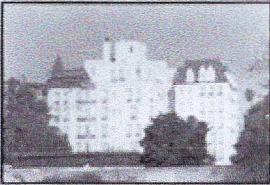
So it's not easy to believe such a man when he says he was at the center of an elaborate conspiracy by the Church of Scientology to destroy Graham Berry.



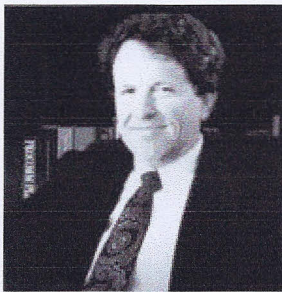


Graham Berry

Wild Don Lewis



The Hollywood Celebrity Centre, site of Graham Berry's 1993 Christmas gambit.



Attorney Kendrick Moxon

Jeff Jacobson



Private investigator Eugene Ingram

Cipriano says in court documents that five years ago he was duped by Scientology operatives into making false claims that Berry is a pedophile who bragged about having sex with boys as young as 12. Those claims ended up on the Internet, and Cipriano says that Scientology, which considers Berry a bitter enemy, contacted his colleagues, clients, and friends about them. Last year, Cipriano says, he was encouraged by Scientology attorneys to testify in a deposition about his false claims and, when he agreed, Scientology rewarded him handsomely.

Cipriano says that when he agreed to help Scientology destroy one of its enemies, the church leased him a house and a car, helped finance his nonprofit business, and paid off a debt that freed him from a felony probation sentence. Cipriano also says his Scientology attorney rewarded him with a job at Earthlink, the Internet provider started by Scientologists. Berry, meanwhile, says the church's harassment has severely hampered his ability to practice law.

But given their backgrounds, it's easy to dismiss Berry and Cipriano when they say Scientology -- which has earned a reputation for harassing enemies with covert operations -- is up to its old tricks.

However, it's *not* so easy to dismiss a pile of documents suggesting just that.

Court filings and hundreds of pages of financial records, receipts, letters, and e-mail printouts make a case that Cipriano was, indeed, part of an operation by Scientology attorney Kendrick Moxon and private investigator Eugene Ingram to harass Berry, and that Cipriano's cooperation was richly rewarded. Records show that Moxon did lease Cipriano a home and a car, bought him a computer, and incorporated his nonprofit business. Earthlink officials, meanwhile, acknowledge that they hired Cipriano after he was referred by Moxon. And Moxon did send \$20,000 to a New Jersey attorney to pay off Cipriano's felony debt. Moxon insists that he housed Cipriano to protect him from Berry, but he declined to reveal the source of the New Jersey payment or discuss why he sent it.

In court documents, Berry lays out the conspiracy against him: "Moxon and Ingram engaged in...criminal, tortious [sic] and unethical conduct, including but not limited to blackmail, bribery, witness tampering, subornation of perjury, and obstruction of justice...[They procured] employment for Cipriano at Earthlink...[Offered] Cipriano approximately \$750,000 in

exchange for his continued testimony consistent with the perjurious statements set forth in his May 5, 1994 Declaration....[Funded a nonprofit corporation] which led to Moxon using the nonprofit entity he incorporated to 'launder money' for the personal use by Cipriano....Moxon [also] solicited and suborned perjurious statements by Cipriano at his deposition...[Thereafter] Moxon engaged in other conduct that was intended to threaten and intimidate Cipriano and otherwise dissuade him from recanting his prior perjurious testimony and telling the truth about the activities of the Church of Scientology."

No court has endorsed Berry's version of events, and Moxon vehemently denies wrongdoing. He says he had no reason to disbelieve Cipriano's allegations that Berry was a pedophile and says that he has corroborating evidence to back up those allegations. He refused to turn over that evidence. Asked about Cipriano's court documents, Moxon attacked Berry and Cipriano. Berry is "psycho" and obsessed with Scientology, Moxon says, and Cipriano has admitted to lying under oath. Neither is credible, Moxon complains.

A convincing argument, maybe. But when Moxon was asked about the records, he balked, refusing to answer questions about why he sent \$20,000 on Cipriano's behalf or about where the money came from.

When a writer persisted in asking the questions, Moxon threatened to sue *New Times* if it printed a story about Cipriano's allegations.

It's three weeks before Christmas 1993, and the Church of Scientology, which believes Jesus Christ is a figment of the imagination, is putting on a gala concert in his name.

Some of Scientology's most notable celebrities are in attendance at the Hollywood Celebrity Centre party. John Travolta and his wife, Kelly Preston. Juliette Lewis. Isaac Hayes. And Charles Durning, who is not a Scientologist, is dressed as Santa Claus. Heavy security separates the VIPs from the large crowd of well-wishers milling about on the lawn of the old mansion on Franklin Street.

In the audience is a man, his wife, and four other people who appear to be their grown children. They joke with Durning about his Santa suit, and the venerable actor comes by later and checks on them during one of the intermissions. At the show's finale, the entire firmament of Scientology stars takes the stage for a bow. Then, as the crowd disperses, the man and his cohorts make their moves.

Slipping by security, the family suddenly whips out court summonses and begins chasing after celebrities. Travolta bolts, but the process server and his children manage to hand subpoenas to Preston (who screams), Lewis, Hayes, and Durning.

Scientology officials go ballistic over the caper and, later in court, angrily denounce the person behind it.

Graham Berry.

The subpoenas resulted from Berry's defense of a man who had been mentioned in a 1991 *Time* magazine story in which Scientology was called a "ruthless global scam." The church was suing the man, saying that it had been defamed. Berry argued to the court that he simply wanted to depose the church's celebrities to see if their opinions of Scientology had suffered because of the article. The judge asked Berry how much time he needed with each of the celebrities. An hour, Berry responded. The judge gave him two.

Scientology's attorneys responded by dropping the case.

Berry's brazen tactic had paid off. And it wasn't the first time. By late 1993, he was already one of Scientology's most bitter enemies.

Berry says it didn't surprise him that after the Christmas caper, Scientology stepped up its efforts to investigate his background.

Historically, the church has dealt with its enemies harshly. L. Ron Hubbard encouraged his followers to go after critics with "noisy" investigations, lawsuits, and intimidation. Although Hubbard died nearly 14 years ago, the millions of words he left behind in books, audiotaped lectures, and bureaucratic "policy letters" are still considered by church members to be unalterable Scientology scripture.

An example of such church doctrine, from a 1968 manual: "The purpose of the suit is to harass and discourage rather than to win. The law can be used very easily to harass...if possible, of course, ruin utterly."

In a 1967 internal church bulletin, Hubbard wrote that critics of Scientology *all* had criminal pasts to

hide. "Over and over we prove this. Politician A stands up on his hind legs in a Parliament and brays for a condemnation of Scientology. When we look him over we find crimes -- embezzled funds, moral lapses, a thirst for young boys -- sordid stuff. Wife B howls at her husband for attending a Scientology group. We look her up and find that she had a baby he didn't know about....If you oppose Scientology we promptly look up -- will find and expose -- your crimes."

Throughout its nearly half a century of existence, Scientology has been attacked by some former adherents who feed a curious press about the organization's odd beliefs, voracious appetite for parishioners' cash, and aggressive litigiousness. Hubbard responded to such critics by declaring defectors "suppressive persons."

In 1967, Hubbard issued his "fair game" policy, which announced that a suppressive person, or SP, "may be deprived of property or injured by any means, by any Scientologist....He may be tricked, sued or lied to, or destroyed."

Since then, former Scientologists, government officials, and journalists have claimed to have become targets of "fair game":

* Paulette Cooper, author of the *The Scandal of Scientology* (1971), became the target of Operation Freakout, an attempt by church operatives to either drive her insane or get her put in prison. The operatives managed to get Cooper indicted by framing her for making bomb threats against the church. She was only exonerated when documents detailing Operation Freakout were discovered by government agents.

* In Florida, Scientology made the town of Clearwater one of its two world headquarters (the other is Los Angeles). When Clearwater Mayor Gabe Cazares complained about the church in 1976, FBI documents show the church launched a campaign to spread rumors about his sex life.

* Scientology's most ambitious crusade was directed at its arch enemy: the Internal Revenue Service. From 1957 to 1992, the IRS denied the church tax-exempt status, saying that it was more a moneymaking operation than a religion. In 1977, FBI agents raided the Church of Scientology in both Los Angeles and Washington, D.C., and discovered damning evidence that, for several years, Scientology operatives in the church's secretive Guardian's Office had been breaking into the IRS and other federal offices in Washington and stealing government documents. To this day, Scientology's pilfering of records, which Hubbard designated Operation Snow White, is the single largest infiltration of the U.S. government in history.

Despite uncovering the scheme, the FBI couldn't immediately put its hands on Snow White's chief infiltrator, a Guardian's Office operative named Michael Meisner. Searching for Meisner, FBI agents demanded samples of his handwriting. But the Guardian's Office supplied the FBI with false handwriting samples to throw agents off Meisner's trail. According to a stipulation of evidence in the case signed by church officials, the person who supplied the false signature samples was GO employee Kendrick Moxon -- who today is the church attorney accused by Robert Cipriano of masterminding the plot to destroy Graham Berry.

Eventually, 11 Scientologists, including Guardian's Office director Mary Sue Hubbard (wife of the church founder) were sentenced to prison. "The crimes committed by these defendants is of a breadth and scope previously unheard," wrote U.S. Attorney Charles Ruff in a sentencing memorandum. "It is interesting to note that the Founder of their organization, unindicted co-conspirator L. Ron Hubbard, wrote...that 'truth is what is true for you,' and 'illegal' is that which is 'contrary to statistics or policy' and not pursuant to Scientology's 'approved program.' Thus, with the Founder-Commodore's blessings, they could wantonly commit crimes as long as it was in the interest of Scientology....The standards of human conduct embodied in such practices represent no less than the absolute perversion of any known ethical value system."

Besides Hubbard himself, Kendrick Moxon and 21 others were named unindicted co-conspirators and were not charged. (Moxon tells *New Times* he didn't knowingly supply false handwriting samples and that the stipulation of evidence was something signed by church officials but written by FBI agents. He says the matter was thoroughly investigated by two bar associations -- in D.C. and in California -- before they admitted him as an attorney. Moxon is in good standing with the bar associations in both jurisdictions.)

After the Snow White debacle, church officials insisted that the Guardian's Office had contained "rogue elements" who broke into government offices without the knowledge or permission of the rest of the organization. The church has promised the IRS and said publicly that it has purged itself of the Snow White operatives. In 1993, the IRS granted tax-exempt status to the Church of Scientology after, among other things, it declared that it had changed its ways.

Scientologists point out that in 1968, Hubbard issued a policy canceling "fair game." Wrote Hubbard: "The practice of declaring people FAIR GAME will cease. FAIR GAME may not appear on any Ethics Order. *It causes bad public relations.*" However, the memo's next line seemed to indicate that while the term "fair game" would cease to be used, the *practice* of fair game would not: "The [policy letter] does not cancel any policy on the treatment or handling of an SP [Suppressive Person]."

Scientology officials have argued repeatedly that the 1968 policy forever ended the practice of fair game, but former high-ranking Scientologists say the 1968 policy letter was merely a PR tactic and that the policy has never gone away.

" 'Fair game' is still in effect. I don't care what they've said," says Frank Oliver, who was, until 1993, an operative in Scientology's Office of Special Affairs, the intelligence-gathering agency that replaced the Guardian's Office. Oliver and other former Scientologists tell *New Times* that OSA picked up where the GO left off, fair-gaming enemies on behalf of church leaders. Oliver describes his duties with OSA: "Spy on people. Gather intelligence. Write reports."

Oliver's last assignment before leaving Scientology was to help Kendrick Moxon and other officials establish a special unit to target the Cult Awareness Network (CAN). Oliver says the goal of the unit was to recruit plaintiffs to sue CAN, which Scientology wanted to put out of business. Moxon was intimately involved in the effort that finally did just that.

In Oliver's opinion, there's little doubt that his former colleagues have targeted Graham Berry.

Says Oliver: "I'm sure somebody gets their ass chewed on a daily basis in Scientology, asked what have you done to destroy Graham Berry today?"

Robert Cipriano contends he had no idea at first that the Church of Scientology was using him to destroy Berry. When he signed a declaration falsely accusing Berry of sexual acts with young boys, Cipriano says he thought he was helping out the Los Angeles Police Department.

During the early 1980s, Cipriano was the live-in lover of attorney Jerome Spiegelman, who had offices on East 53rd Avenue in New York over the gay nightclub Round. In the spring of 1984, Graham Berry took an adjacent office, forming a law partnership with Spiegelman. For 11 months, the three shared offices and spent time at the bar downstairs and at Studio 54, whose owners Berry represented.

In 1985, Cipriano and Spiegelman broke up, and Cipriano headed for Los Angeles. Spiegelman headed for prison after he was convicted of misappropriating more than \$400,000 in client judgments. And Berry left for Australia.

Several years later, Cipriano returned to New York, married, and became successful in real estate, brokering deals for foreign firms. At one time in the early 1990s, he says, his Cipriano Development

Group took up half a floor in a Park Avenue building and employed 35 highly paid executives. Then in 1993, CDG's fortunes took a downturn. Things had gone sour for a friend as well. Cipriano says the friend approached him, asking Cipriano to absorb his ailing Atlantic City renovation company into Cipriano Development. Cipriano agreed out of friendship, and within months was receiving calls from Atlantic City customers about debts the friend's company owed them. One of those creditors talked the Atlantic County, New Jersey, prosecutor's office into indicting Cipriano on theft charges.

Out of money in early 1994, Cipriano was forced to close his development firm. He had no cash to pay an attorney, so he ignored notices from Atlantic County to appear in court on the theft charges. One of those notices informed him that a bench warrant had been issued for his arrest.

His personal finances a mess, Cipriano somehow eked out a living in Manhattan while, just across the river in New Jersey, he was a wanted man.

Then, on May 4, 1994, Eugene Ingram showed up at his door. In a declaration he signed in August, Cipriano writes that when Ingram identified himself as a "Los Angeles police detective," he panicked, thinking Ingram was there to drag him away.

In fact, Ingram is a private investigator who has worked for the Church of Scientology since the early 1980s. A former LAPD officer, he was fired in 1981 amid accusations that he had informed drug dealers of upcoming busts and had operated a prostitution ring. He was acquitted on the charges in a criminal trial after losing his job. Working for Scientology, Ingram has been accused several times of misrepresenting himself or persuading people to sign untrue declarations:

* In his first high-profile case for Scientology, Ingram took out full-page ads in Eastern newspapers in 1982 looking for information in a bad-check case. Ingram then went to the press with accusations that Boston attorney Michael Flynn had concocted a scheme to steal millions from an L. Ron Hubbard bank account. (Flynn was litigating several cases against Scientology at the time.) Ingram's chief piece of evidence against Flynn was a declaration by a man named Ala Tamimi, who said that Flynn had tried to use his brother to pass a bad check on Hubbard's account. Former high-ranking Scientologist Stacey Brooks tells *New Times* that the ads and the Tamimi declaration were all part of a Scientology scam to ruin Flynn's reputation -- she knows because she wrote the ads. "Ingram manufactures whatever evidence he wants," she says. Ultimately, Tamimi admitted in yet another court declaration that he'd been paid by Ingram to write a declaration falsely accusing Flynn.

* In 1984, Ingram persuaded an LAPD officer to sign a letter authorizing him to surreptitiously videotape or wiretap a former Scientologist who had become a critic of the church. Chief Daryl Gates angrily denounced Ingram, writing in a public announcement: "The Los Angeles Police Department has not cooperated with Eugene Ingram. It will be a cold day in hell when we do."

* A Chicago teenager, Jonathan Nordquist, says he was convinced in 1991 to sign a misleading declaration by Ingram. Nordquist testified in a court case that Ingram paid him \$300 just for meeting him to discuss making the declaration. "[Ingram] said, 'Now this isn't paying you for the declaration.' He insisted it wasn't. It was just for my time. It is the highest paying job I ever had," Nordquist testified.

* In 1994, a warrant was issued for Ingram's arrest on charges of impersonating an officer after he flashed a badge at a Tampa, Florida, woman and told her he was a police detective seeking information about a local sheriff's possible involvement in a prostitution ring.

* In 1995, Ruby Ward, 74, says Ingram identified himself as "Jack Hoff," saying he was a former classmate of her son, Grady. She turned over some photographs of her son, who was an outspoken critic of Scientology being sued by the church. Scientology officials later admitted in court documents that Ingram had, in fact, persuaded Ruby to turn over the photographs.

Ingram tells *New Times* that he did not identify himself as a police detective to Robert Cipriano when he visited his apartment in May 1994. Ingram insists that he handed Cipriano a business card that clearly identified him as a private investigator and says he couldn't have intimidated Cipriano about the New Jersey matter because he wasn't aware of it. He says he didn't learn that Cipriano was serving a probated sentence until years later when Cipriano mentioned the probation himself.

Cipriano says that the improbability of an LAPD detective showing up to drag him to face a criminal charge in New Jersey didn't really register with him. "There was a cop at my door, and I think, 'I'm going to New Jersey and I'm going to be arrested and I'm going straight to jail,' " he recalls in an interview. In his August court declaration, Cipriano claims that Ingram told him he was aware of the New Jersey matter and told Cipriano that he should be helpful. "It was a natural presumption for me to conclude that if I did not assist him in any [and] all manners that he would arrest me and take me to New Jersey before I could retain legal representation," Cipriano states.

Cipriano tells *New Times* that he was relieved when Ingram moved on from the subject of his legal troubles to Spiegelman and Berry. Cipriano assumed that Ingram was really interested in reports that Spiegelman's clients had never retrieved all their money. But then Ingram bored in on questions about Berry and his lifestyle.

"He started getting accusatory and sick. Homophobic. 'Did Berry like to suck cock? Did he take it up the ass?' " Cipriano recounts in his court declaration.

Cipriano says that he acknowledged to Ingram that Berry was gay and that he had had numerous young -- but not underage -- male partners in 1984.

From his declaration: "Without warning, the discussion turned domineering and combative when Mr. Ingram started to ask seriously deranged questions. For example: 'You saw Graham Berry with underage boys -- 12-year-olds, right?' 'Graham was a cocaine addict, right?' and 'Graham Berry was a really sick faggot, right?' He was not questioning me any further, yet demanding that *this* had happened and *that* had happened. I asked him to back off and slow down."

But Cipriano says Ingram continued, asking him whether he knew if Berry took boys to The Anvil, a Manhattan after-hours gay club. "I stated that 'I have never gone to a place like that; I would not know if he did or did not,' " Cipriano writes.

Cipriano says that when he said he didn't know the ages of Berry's partners, Ingram angrily "pushed the New Jersey buttons" again.

"Now I just wanted him out of my house. But he lightened up," Cipriano says. Ingram asked if he could write up a declaration and bring it by the next day. Cipriano says he acquiesced just to get Ingram to leave. Drained, Cipriano says he left the house for a drink. When he came back, he learned that Ingram had returned to talk to his wife. "As my wife had no part or knowledge of my lifestyle, friends, or business associates in the early 1980s, this caused me some serious anxiety."

The next day, Ingram showed up at Cipriano's New York office. He says the investigator had written a declaration for him to sign; it stated that Spiegelman and Berry used large amounts of cocaine and preferred sex with underage boys: "Mr. Berry was a classic example of a 'Chicken Hawk,' which in street vernacular is a term for an adult male who has sexual relations with boys under the age of 16....Mr. Berry told me that he would sodomize these boys and have them orally copulate his penis. Between May 1984 and February 1985 I personally observed at least 50 to 60 boys between the ages of 14 and 16 in the company of Mr. Berry at the law firm....I also observed a side of Mr. Berry which I felt was even 'seedier.' He used to frequent the Anvil Club in Greenwich Village in New York City. Homosexual males at the club would orally copulate and sodomized each other in open view of the other patrons. Inside the club they also practices [sic] sadistic and masochistic sex acts upon each other, including inserting their greased hand up the rectum of the other and placing their penis

through a hole in the wall, commonly called a 'glory hole,' where an anonymous male would orally copulate it. Mr. Berry once told me about taking a boy of 12 years of age to the Anvil Club for the purpose of introducing him to gay sex."

Cipriano says he balked at signing the document. "He took my basic statements and painted a different picture than I had presented the day before. I told him that this was not what I had said, and he instantaneously became furious and belligerent with me again, because I dared to challenge him on the ages of the males involved with Mr. Berry. He said, 'The next time you open your door at home it is not going to be me, but New Jersey. Now sign it.'"

Finally, Cipriano signed the declaration. He says Ingram told him the document would be filed with the LAPD and would probably never be used.

"We [Berry, Spiegelman, and Cipriano] did the drugs," Cipriano says today, "but the other statements were distortions. This is not what I said."

Jerome Spiegelman, who was also approached by Ingram, tells *New Times*: "There was very little in [Cipriano's 1994 declaration] that was true....It's nonsense. Absolute, total nonsense." Spiegelman acknowledges that young men did work for Berry, but he says they were not underage boys. "There were some guys working there who were in their early 20s....[Ingram] asked me if Graham took out people who were 14 to 15. I said, 'Don't be stupid.'"

Spiegelman says he never went to The Anvil and never knew Berry to go there. "Those were heavy-duty places. Graham wasn't into that kind of thing....Graham is not a pedophile. He likes young attractive guys, but that doesn't mean age 13, 14, 15. I have never seen him with anybody underage, and he's never spoken about underage boys," Spiegelman says. "If, today, Cipriano is saying he didn't see Graham with 14-year-olds, then he's telling the truth."

Cipriano says he regrets signing the false declaration five years ago but that it seemed the only way to get rid of Ingram. "I was afraid he was going to turn me in to authorities in New Jersey. I was also physically afraid of him. I really had no feelings one way or the other about Graham Berry."

As it turned out, Cipriano had little to fear when he eventually crossed the Hudson River and faced New Jersey authorities. He pleaded guilty to "Failure of Required Disposition" and was sentenced to probation. His probation would end when he paid off the \$24,500 debt to the creditors in the criminal case, which he was ordered to do at \$750 a month. A year later, he had brought the debt down to \$18,500 but again ran out of money. He moved back to the L.A. area and ceased making payments on the debt. He temporarily forgot about Ingram, Berry, and the declaration.

Then, one day in 1997, he purchased an America Online account and logged on to the World Wide Web for the first time. Succumbing to a common form of vanity, he entered his own name in a search engine.

What came up mortified him.

Imagine the Roman Catholic church withholding the contents of the Book of Genesis from 90 percent of its 900 million worldwide adherents. That's 810 million Catholics kept in the dark about "Let there be light," Adam and Eve, and the rest of the Christian origin saga. And imagine that the Catholic church called Genesis a "trade secret" that could only be revealed to Catholics who had spent years, and hundreds of thousands of dollars, obtaining the correct level of experience to be allowed to read their own religion's version of how the universe started and where people came from.

Now imagine the wrath this fictitious Catholic church would feel for an infidel who made that expensive and closely guarded Book of Genesis available so that just about anyone -- believer and

nonbeliever alike -- could look at it without paying a dime.

Comparable is the case of Scientology and Graham Berry.

In 1993, Berry was defending psychiatrist Uwe Geertz. Scientology was suing Geertz and his patient Steven Fishman for telling *Time* that Fishman had been committing crimes on the church's orders and had been told to kill Geertz and then commit "EOC" or "end of cycle," which Fishman said was church jargon for suicide. In its defamation lawsuit against Fishman, the church said that his claims were nonsense and described him as someone who had barely had any involvement in Scientology.

Although Fishman represented himself in his defense, he and Berry discussed the best way for Fishman to prove that he had actually had extensive involvement in Scientology. What better way than to file copies of secret, high-level Scientology materials in the court file? Fishman's mere possession of them would suggest that he had spent years in the religion.

So in May 1993, Fishman quietly filed Scientology's secret origin story -- its Book of Genesis, as it were -- in a court declaration.

By that time, descriptions of Scientology's core beliefs had been leaking out in press reports for several years. But except for the small percentage of church adherents who had attained the level of OT III, few people had access to the actual materials.

Scientology is based partly on Hubbard's 1950 book *Dianetics*. The self-help tome was described at the time of its publication as a sort of poor-man's psychoanalysis and was promoted by Hubbard as an alternative to traditional mental-health care. Through a process vaguely similar to psychotherapy, which he called *auditing*, Hubbard claimed that the unhappy could improve their lives by erasing the effects of traumatic memories. Hubbard called these memories *engrams* and said they acted like scars on the mind; only after extensive auditing and the removal of all engrams, including those leftover from past lives, could a person achieve a new state of inner freedom. Hubbard said such an engram-free human being would be known as a *clear*.

New church members work toward becoming clears by attending increasingly expensive classes and auditing sessions. Critics estimate the total cost of the journey to be about \$200,000. Once a clear, a Scientologist is also known as an "operating thetan," or OT. (This means the person has the ability to communicate with his or her *thetan*, an entity somewhat analogous to a soul.) Members then continue their spiritual journey, moving to levels such as OT II and OT III and up to OT VIII, the highest current level attainable.

It's at OT III (a step that alone costs more than \$8,000 to attain, according to a recent church price list) that Scientologists are finally told the story of the origin of their religion. In OT III, Hubbard reveals that 75 million years ago, a galactic overlord named Xenu (sometimes called Xemu) wanted to take care of an overpopulation problem. So he had billions of people from 76 different planets paralyzed with an alcohol and glycol mixture, put them into spaceships, and transported them to Teegeeeack (now Earth). Xenu placed the paralyzed billions around volcanoes and then put hydrogen bombs into the craters to blow everyone up. The thetans of all those pulverized people were then trapped, and within them were implanted false memories. (Jesus was such an implanted memory.) They were then bundled together and ultimately placed inside unsuspecting human beings. Today, everyone unwittingly carries around plenty of these "body thetans," which generally make people miserable and hold them back from achieving their full potential. The higher OT materials contain auditing methods that are reputed to remove such damaging thetans.

According to church spokeswoman Karin Pouw, only about 10 percent of Scientologists have attained OT III. Because she's in the majority of members who haven't reached that level, she couldn't talk about OT III to *New Times*. Pouw became angry at questions about the church's theology: "So what if we believe Jesus is a figment of the imagination?"

A former Scientologist explains his reaction to reading the OT III story for the first time: "Everything is done on such a gradient in Scientology; they don't mention past lives in the beginning. The incremental indoctrination prepares you for the Xemu story."

Former scientologists say the church is careful to prevent newer church members from seeing the OT III materials -- revealing the Xenu story too early to believers, they maintain, would only encourage many parishioners to leave.

But thanks to Graham Berry and Steven Fishman, the tale was put in a Florida federal court file in May 1993.

"The church has always accused me of -- or credited me with -- the filing of the Fishman declaration. It represented the unplugging of the genie," Berry says. "I expected Scientology to rush in to court to prevent it. But nothing happened for six months. Then the church woke up, realized what had happened, and then sought unsuccessfully to have [the files] sealed."

Before long, copies of the OT materials were proliferating like body thetans all over the Internet. Scientology howled "copyright infringement" and began a long battle with computer users who had seen Berry and Fishman's court filing and disseminated the OT materials. Dozens of high-profile lawsuits resulted.

A few months after the filing of the Fishman declaration, Berry says he became aware that Eugene Ingram and other private investigators were stepping up interviews of his colleagues and former clients.

Ingram admits he was dispatched to find everyone who could provide information about the attorney. And in May 1994, he followed his leads to the Manhattan apartment of Robert Cipriano.

What Robert Cipriano learned when he entered his name into that search engine in 1997 was that he had become ordnance in the arsenal that Scientology was using in its war with Graham Berry.

The 1994 declaration he had reluctantly provided Eugene Ingram (the one that was supposed to be on file with the LAPD, probably never to be used) was cited practically every time his name came up and always in conjunction with statements about the Church of Scientology. Cipriano, who claims he had barely heard of Scientology at the time, says Ingram had never mentioned the church.

"Holy shit!" Cipriano says. "It implicated me living in the gay world, and it was all over the Internet."

Cipriano demanded to see Ingram right away. Cipriano says it was only at that meeting at the Warehouse Restaurant in Marina del Rey, three years after their first session in New York, that Ingram admitted he was a private investigator, not an LAPD detective, and that he worked for a law firm that wanted to know everything it could about Graham Berry. Cipriano says Ingram mentioned that he was aware of a new warrant that had been issued in New Jersey for Cipriano's arrest because he had stopped making payments on his debt.

"That shut me down again," Cipriano says.

At a subsequent meeting, Ingram told Cipriano that Berry might sue him for the 1994 declaration. "Ingram told me that he worked for the Church of Scientology and a law firm that represented the Church of Scientology. Mr. Ingram told me that Mr. Berry was representing numerous people who did not like the Church of Scientology."

Cipriano tells *New Times* that at one point he asked Ingram if he were a Scientologist. He says Ingram replied: "Never in a million years."

Ingram then introduced him to Kendrick Moxon, who met them in lobby of a Glendale office building. According to the August declaration, Moxon said that he would represent Cipriano at no cost if Berry decided to sue.

Moxon says he has no idea how Cipriano's 1994 declaration ended up on the Internet. He denies that Scientology put it there and suggests that Berry disseminated it himself to create a controversy.

Berry did file suit against Cipriano in March 1998. Eventually, after the two had corresponded by e-mail, Berry offered to settle the matter for \$1,000, writing that "this opening offer is so generous, it will not be repeated and may be withdrawn at any time -- especially when I ascertain your income, assets, and expectations." Berry says now he suspected Cipriano had been coerced into making the 1994 declaration and was merely trying to draw him out.

Cipriano sent back a short e-mail reply: "Why are you doing this? You know what the truth is, and you know what I said was accurate. I am not a person to push around anymore like I was in the early eighties."

Those words are proof, Kendrick Moxon insists, that Cipriano was always telling the truth about his claims of Berry's pedophilia.

But Cipriano counters that it's proof of just the opposite -- that he continued to tell lies about Graham Berry.

Cipriano says he was interested in settling things with Berry, so he wrote a letter to him and gave it to his attorney, Moxon, to forward. Berry and Cipriano say the letter never got beyond Moxon. Berry says he had no idea that Cipriano wanted to settle. Instead, the two sides prepared for war.

In his August declaration, Cipriano describes wavering in his resolve. At one point, he wanted to involve police in the dispute between the two sides. But Moxon and Ingram, he writes, "worked on" him, asking Cipriano what he wanted in return for staying the course.

Cipriano says Moxon then began a program to make Cipriano a more formidable court combatant. Out of work at the time, Cipriano still had the New Jersey felony debt hanging over him, and his girlfriend was skeptical about Scientology. Cipriano says Moxon knew Berry would try to take advantage of weaknesses in court.

First, Cipriano needed a steady job.

Cipriano says that Moxon arranged for him to work at Earthlink, the major Internet service provider started by Scientologist wunderkind Sky Dayton in 1994. In its early days, Earthlink's employees and the majority of its subscribers were Scientologists. But today the company serves more than a million customers, and Scientologists have less presence on its staff.

Cipriano says Moxon seemed to have unusual pull at the company. After Moxon's recommendation, Cipriano says Earthlink employee George Williams took him to the company's human resources department and told a woman there to hire him. Seemingly stunned, the woman said they had no jobs at the time in dial-up sales. "'Who the hell do you know in the company?' she asked me. I said something about Kendrick Moxon being my attorney, and she said, 'Oh, that explains it.' " Cipriano worked at Earthlink for little more than a month.

Earthlink's George Williams acknowledges that Cipriano was referred by Moxon. "Rick Moxon did refer him to our company, but that's not unusual," he says. Williams says he's shocked that Cipriano would suggest he was hired as a favor to Moxon. "That statement is false. I interviewed [Cipriano] myself. He had a very impressive list of accomplishments....Cipriano brought in five letters of recommendation, and he probably had the most impressive series of r'sum's that I've ever seen."

In June 1998, Cipriano says Moxon moved him into a Scientology boardinghouse to get him away from his meddling girlfriend. Moxon also began preparing him for a deposition that was scheduled for July. "Mr. Moxon told me to lie about the ages of Mr. Berry's intimate relationships....Mr. Moxon told me to get Mr. Berry 'pissed off' at the deposition. It appeared to me that this was a game for Mr. Moxon, and it was more about scaring Mr. Berry than about a real cause of action based on truthful facts," Cipriano states in his August declaration.

Moxon denies that he encouraged Cipriano to do anything other than tell the truth: "I believed Cipriano's [1994] declaration to be accurate when he came to me and told me he was being sued by Berry and affirmed the accuracy of the declaration; I believed him when he affirmed it under oath in his deposition; I believed him when he affirmed it in an e-mail to Berry; I continue to believe in its accuracy based on corroborating evidence I have received."

In a new declaration Cipriano signed in September 1999, he writes: "It was my understanding from Mr. Ingram and now Mr. Moxon that they wanted a fabricated story about Mr. Berry, and they were willing to do anything, including pay me, for it to get it. This was what they called fair game....As the months past [sic], I met with Mr. Moxon almost weekly and Mr. Ingram every couple months. Both of them repeated [sic] told me of their plans to destroy Mr. Berry."

Cipriano says Moxon and Ingram filled him in on the rest of their harassment campaign against Berry. In his September declaration, he reports that Ingram and Moxon told him that flyers calling Berry a child molester had been posted in his neighborhood; investigators had gone through Berry's trash looking for things "that might hurt him"; complaints about Berry had been sent to the California Bar Association; Berry was under 24-hour surveillance; operatives were posted at Berry's favorite restaurants and bars; physicians were solicited for information on Berry; friends, business associates, former clients, bank officials, and other attorneys were fed damning information about Berry to poison his relationships with them; and legal proceedings were filed to grind Berry "into the ground financially."

Meanwhile, Cipriano alleges that Moxon had a plan for improving his finances. Cipriano says Moxon gave him tours of an L. Ron Hubbard museum and took him by the Hollywood Celebrity Center. There, Cipriano says, Moxon offered him \$750,000. "I said I did not want to be paid for my testimony," Cipriano states in the August declaration. Moxon denies that he made the offer. Cipriano says he mentioned to Moxon that he'd long had a dream of putting on a 24-hour worldwide charity concert to benefit children's groups, which he called "Day of the Child."

"Moxon told me, in plain words, that he would syndicate the monies needed with some of the wealthy Scientologists and get it funded," Cipriano writes in his declaration. Besides incorporating his "Day of the Child" company for him, Cipriano writes that Moxon also helped him out with his debts. And he attaches a document to show that a man named Geoffrey Barton lent Cipriano \$2,500. Cipriano writes that Moxon arranged for the man to send the money so Cipriano could pay off obligations he owed his girlfriend. "Moxon stated that we needed to sign a promissory note so that it did not look like Scientology was paying me while I was a witness."

In July 1998, Cipriano sat for his deposition and reiterated what he had said in his 1994 declaration. Cipriano now claims in declarations filed in 1999 that he lied under oath, saying things about Berry that he knew were not true.

After the deposition, Cipriano moved to Palm Springs, where Moxon personally leased a condominium and a Saturn automobile for Cipriano's use. Cipriano turned over copies of the lease papers to *New Times*. Cipriano claims in his August declaration that Moxon also told him that a source of funds to pay off Cipriano's debt in New Jersey had been found.

The \$20,000 was sent to a New Jersey attorney who settled Cipriano's debt to end his probation. Moxon refuses to identify the source of the funds and points out that although Cipriano has fired him,

the information remains subject to attorney-client privilege.

After the settling of the debt, some of that money was left over, and Cipriano had the New Jersey attorney deposit it into his "Day of the Child" nonprofit business, which Moxon had gotten incorporated. Other money for the project was coming in from prominent Scientologists -- a canceled check shows that Los Angeles art dealer Isadore Chait contributed \$1,000. Chait did not return phone calls asking for comment.

When *New Times* asked Moxon about Cipriano's allegations, he responded by denigrating Graham Berry and sending over a packet of documents that described Berry's numerous court sanctions. Moxon said Cipriano's August declaration was actually Berry's doing and that given the chance, Cipriano wouldn't back up that declaration's allegations. "The [August] declaration is peppered with false statements. You will never get Cipriano to affirm the contents of the declaration under oath -- he knows it is full of lies," Moxon wrote in a letter to *New Times*. When he was told that *New Times* had already spoken to Cipriano, who had repeated verbally what he had written *and* had turned over voluminous records to back up his version of events, Moxon started questioning a *New Times* writer about his motives. Repeatedly asked to talk about whether he had leased Cipriano a car and a house and had paid off his felony debt, Moxon instead questioned whether *New Times* had paid anyone for information for this story. (It hasn't.)

Cipriano says Scientology's various lines of support began to end when, in February 1999, Berry dropped his lawsuit. "When that happened, Moxon dismissed *me*," Cipriano says. Moxon stopped paying his bills, and other Scientologists stopped helping him out with his nonprofit business.

Cipriano says he gradually realized that his Day of the Child was getting nowhere and that Scientology's interest in him was waning.

In July, he gave Graham Berry a call.

A month later, Cipriano signed a new declaration announcing that he'd been an unwitting pawn in a nefarious plot by Scientologists to target Berry.

But both Berry and Cipriano say Cipriano's defection hasn't sated the church's hunger to destroy its enemy.

Berry claims that Moxon and other church attorneys have only used his lawsuit against Cipriano -- now dropped -- as another way to fair game him even further.

During a deposition in November 1998, for example, a Scientology attorney learned that Berry had provided free legal work to a young gay man whom Berry had slept with. Two months later, Eugene Ingram was dispatched to tell the man, Michael Hurtado, what Berry had said under oath.

Berry admits that he once had a short relationship with Hurtado, and that when Hurtado was arrested for violating a domestic restraining order, Berry agreed to represent him free of charge.

Four months after Berry divulged their relationship publicly, Hurtado filed suit asking for \$9 million in damages, claiming that Berry forced him to have sex four times as compensation for the legal representation. In the suit, Hurtado alleges that he's not gay and that Berry forced him to have his first homosexual experience. Hurtado did not return phone calls from *New Times*.

Berry, in a counterclaim, asserts that Hurtado is a homosexual prostitute who doesn't want his Latino family to know that he's gay. Rather than admit to his relationship with Berry, Hurtado is suing to convince his family that he was raped, Berry claims. Also in the counterclaim, Berry indicates he has found a man willing to testify in court that Hurtado was known in the gay community as a prostitute. The man tells *New Times* he knows Hurtado is a hustler because the two of them were once hired to

perform in a threesome.

Currently, Hurtado's attorney is trying to convince a judge that Berry filed bankruptcy recently so that he could avoid paying Hurtado and has asked that Berry's insurance carrier pay \$700,000 even before the case has gone to trial.

Hurtado's attorney is Kendrick Moxon.

Moxon refused to answer *New Times'* questions about how he had become Hurtado's attorney.

Besides filing bankruptcy, Berry says he's been forced from several law firms since he became prominent in anti-Scientology litigation, and he claims that his own practice is now a shambles. He claims he's giving up litigating against the church. If the Church of Scientology has set out to destroy him, he says, it has succeeded.

But even his admirers say Berry's over-the-top strategies have been as much to blame for his downfall as Moxon and Scientology.

If at one time Berry's bold strategies scored him significant victories, his flair for the dramatic has worn thin with judges.

In August, L.A. Superior Court Judge Alexander H. Williams III declared Berry a vexatious litigant, a harsh and rare penalty meted out to attorneys who tie up courts with frivolous lawsuits.

Williams chided Berry for turning in needlessly voluminous filings and turning them in late.

Berry is appealing the ruling. He notes that Williams didn't reveal until well into Berry's 1998 lawsuit against Cipriano that Williams' fiancé works for the Church of Scientology as a translator and that his clerk worked for one of the law firms representing Scientology entities.

Berry also says it's outrageous that Moxon and other attorneys hired by Scientology -- such as L.A. Police Commission President Gerald Chaleff -- argued to Williams that Berry has clogged the court with conspiracy theories, when Moxon's own former client, Robert Cipriano, has come forward with evidence that the conspiracies really exist.

Judge Williams, bemoaning the "bizarre evolution of the relationship between Mr. Berry and Mr. Cipriano," decided Berry's point is irrelevant to the question of whether Berry has been a legal pain in the ass.

Even Cipriano has had second thoughts about Berry. Complaining that he's sick of being used by both sides, Cipriano says he's leaving the country to get away from Berry *and* the Church of Scientology's private investigators.

Other people who battle the church say it's a shame that Berry has been brought so low. But some wonder if Berry's legal and personal predicaments only take away from the significance of Robert Cipriano's stunning allegations, and they wonder if Cipriano's claims that the church is up to its old tricks will get the attention it deserves.

Says one attorney who litigates against the church: "The Cipriano declaration is a potentially fatal stab to the heart of Scientology. But, in the hands of Graham Berry, I wonder if it will be used as effectively as it could be."

EXHIBIT J



News

What to Get L. Ron Hubbard for His Birthday

How "Anonymous" has changed the game of exposing Scientology's ruthless global scam

by **Tony Ortega**

March 11th, 2008 12:11 AM

L. Ron Hubbard, the pulp fiction writer who gave the world *Battlefield Earth*, as well as a nuisance known as Scientology, would have turned 97 years old this Thursday, March 13.

Ron's been worm food for more than a score of years now, so it probably won't matter to him that the best birthday party being held in his name will take place a couple of days late. On Saturday, March 15, the surprisingly upstart, leaderless movement known as "Anonymous" will be holding its second worldwide anti-Scientology protests at Hubbard sites in more than a dozen countries.

The grassroots, Internet-based group seemed to materialize out of thin air just a few weeks ago, and it's difficult to tell whether the surprising success of its February 10 rallies—which were held from Oslo to Sydney—will spark even more rallies beyond this weekend. The February protests featured a lot of twentysomethings, for the most part, carrying anti-Scientology signs, and wearing masks to protect their anonymity (Guy Fawkes masks were popular) in places like New York, Boston, London, and Toronto. This time, they say, they're bringing cake and candles.

Anonymous has actually been around for a while, wreaking havoc like a bunch of drunken teenagers on numerous Internet locations since 2006. And at first, it approached Scientology the same way, like reckless hackers and pinheads. But thanks in part to the calm words of someone I used to write about when I covered Scientology in Los Angeles, Mark Bunker (now known as 'Wise Beard Man' to the protesters), Anonymous quickly grew up and started taking a more Gandhi-inspired approach to opposing Hubbard's weird cult.

This recent targeting of Scientology sprung up after several years of the worst press Hubbard's followers had ever endured. From the time Tom Cruise appeared to lose his mind leaping all over Oprah Winfrey's couch in 2005, to his knockout nine-minute video not meant for public consumption that appeared in January, Cruise and

Scientology have been reeling from one PR disaster to the next.

And now it seems as if everybody and his brother is writing about Scientology, ridiculing Hubbard, making fun of "Xenu" and "e-meters" and "going clear," and laughing at John Travolta and Kirstie Alley and Leah Rimini and Cruise.

A decade ago, I hardly would have believed it. Not that I'm complaining. I much prefer it this way. Back then, I was one of a small number of journalists who tried to communicate to the larger public what was alarming and nonsensical and simply inane about Scientology and its status as a "church." Other, braver, journalists had been doing the same for decades. There was Paulette Cooper, for example, who occasionally sent me encouraging e-mails when my stories came out, and who had suffered like no other (you can look it up). I'm not claiming that my colleagues and I did the kind of pioneering research that Paulette and others did in the 1970s and 1980s. But still, just ten years ago, it was a very different environment.

Even then, you didn't look into the secrets of the church without having at least some second thoughts about what it might mean to take on Hubbard's dim minions. But it felt worthwhile. When you got past the typical American reluctance to criticize or even discuss the particulars of another's religion, listeners at cocktail parties would be mesmerized to hear that only 10 percent of Scientology's adherents, for example, have been let in on the church's origin story. As I put it in a story back in the day:

Imagine the Roman Catholic church withholding the contents of the Book of Genesis from 90 percent of its 900 million worldwide adherents. That's 810 million Catholics kept in the dark about "Let there be light," Adam and Eve, and the rest of the Christian origin saga. And imagine that the Catholic church called Genesis a "trade secret" that could only be revealed to Catholics who had spent years, and hundreds of thousands of dollars, obtaining the correct level of experience to be allowed to read their own religion's version of how the universe started and where people came from.

That's what, for me, separated Scientology from the rest, what put the lie to claims (sometimes from mushy-headed religion professors) that Hubbard's was a legitimate "church." What other "religion" wanted \$100,000 and several years of dedication before a member learned its most basic beliefs? And Scientology can't afford to be more forthcoming: Who would join if they knew they were going to spend that kind of money (and shun other family members and completely build their lives around Scientology) in order to rid their bodies of invisible space-alien parasites? No wonder such details aren't mentioned during the most basic Scientology come-on, the free "personality test" you get in the subway.

So yes, I'm looking forward to this Saturday's shindig for the commodore. Hubbard was an attention whore, so he might not really disapprove. And while I'm counting

heads at the local rally, I'll probably feel some nostalgia for an earlier time, when there were much fewer of us trying to get at the truth.

Back in 1999 I was working for a newspaper in Los Angeles that no longer exists. Scientology was a wonderful subject for an eager reporter: It was nefarious as hell, operating more like the mafia than a religion, and at the same time breathtakingly stupid: Besides its core beliefs about a galactic overlord and disembodied aliens inhabiting the human body, adherents are convinced that Ron's talking cure will lead them to become clairvoyants able to leave their bodies at will, which, as Cruise pointed out, makes them excellent first responders to auto accidents. And believe me, there's far weirder stuff that was committed to paper by a burnt-out, pill-popping pulp fiction writer with a messiah complex named Lafayette Ronald Hubbard, who had demanded that his followers sign billion-year contracts so that they'd continue to serve him lifetime after lifetime (Hubbard's own lifetime ended in 1986).

Wading into this stuff was too much fun. And at that time, my *New Times Los Angeles* colleague Ron Russell and I had little competition. Scientology was centered in Los Angeles (its other headquarters is in Florida), but after the *Los Angeles Times* had done a major, multi-part exposé in 1989, the paper had given up covering the cult almost completely. Other publications were aware that after *Time* magazine took its own shot in 1990, calling Scientology a "ruthless global scam," the church had filed a libel lawsuit asking for hundreds of millions of dollars, and nine years later the case was still unresolved (it was ultimately dismissed). With the *Time* suit still pending, most publications were wary of Scientology's litigious reputation. Other than Richard Leiby, a *Washington Post* reporter who was doing excellent work, Russell and I practically had the Scientology investigative field to ourselves for a few years.

Russell, for example, wrote a mind-blowing piece about how Scientology officials took advantage of a brain-damaged man, convincing the poor sucker to invest some of the millions he'd received for his injury in a non-existent ostrich-egg business. (I shit you not.)

My favorite experience was writing about a woman named Tory Christman (Tory Bezazian then), a 30-year Scientologist who had rather spectacularly defected from the church in the middle of a Usenet slugfest after secretly reaching out to one of the cult's biggest detractors, the operator of Xenu.net. That story, "Sympathy for the Devil," [lives on in cyberspace](#), even though the newspaper I wrote it for no longer does.

In another story, we put the lie to the church's claim that it no longer practices "fair game"—L. Ron's famous edict that his troops should engage in dirty tricks to bury its perceived enemies. In "Double Crossed," we detailed one of the most hellacious cases of fair game in recent years, the smearing of attorney Graham Berry with the use of a

coerced, false affidavit claiming that Berry was a pederast who went after boys as young as 12. When the man who made that false affidavit, Robert Cipriano, was sued by Berry in a defamation suit, the church, in order to keep him from recanting his false claims, offered to represent him in the lawsuit for free, donated thousands to Cipriano's nonprofit projects, and even got him a house, a car, and a job at Earthlink (which had been founded by Scientologists). You can see the story [here](#).

Berry's experience, as well as that of others (Google "Keith Henson," kids), made it plain that if you opposed Scientology, you had to be very careful not to give the church a way to claim victim status.

Which is exactly what Anonymous didn't do.

After the Cruise video, meant only for other delusional Scientologists and not the rest of the world, showed up in January on the Internet, the church went into attack mode, trying to shut down every copy. (Gawker's Nick Denton has done the world a service by keeping the video up and flipping Scientology the bird. See it [here](#).)

That in turn inspired Anonymous, which has a thing about Internet censorship. But the nameless group of geeks initially took a hacker's approach, hitting Scientology sites with various tactics to shut them down. For longtime critics like Mark Bunker, it was a nightmare. [So he took to YouTube](#) with a video of himself, explaining in a sort of open letter that Anonymous was ruining the work that he and others have been doing for decades. By pranking and vandalizing Scientology sites, Anonymous was only giving the church the ability to claim that it was being victimized. The moral high ground, in other words, had been lost.

Bunker's simple video—a bearded older guy sitting in front of his computer and talking into a web cam—seemed to have a major effect, resulting in the peaceful protests of February 10.

Will the Anonymous phenomenon continue to grow? And how, given its past, will Anonymous be able to police its own, so that some of its "members" don't revert to reckless antics? Scientology, no doubt, will continue to claim that it's a victim of religious bigots. It always has.

But at the least, it's good to see so many people a little more aware of what Hubbardism is all about, even if it means I'll have to come up with something else as cocktail party patter. Hell, everyone seems to know about Xenu by now.

PROOF OF SERVICE BY HAND

STATE OF CALIFORNIA

)
) ss.:
)

COUNTY OF LOS ANGELES
MOXON V. BERRY BC42917

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

On February __, 2010, I personally served on interested parties in said action the within:

DEFENDANT AND CROSS-COMPLAINANT'S APPENDIX NO. III OF EXHIBITS AND REQUEST FOR JUDICIAL NOTICE FILED AS PART OF THE UNVERIFIED ANSWER AND VERIFIED COMPULSARY CROSS-COMPLAINT HEREIN.

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

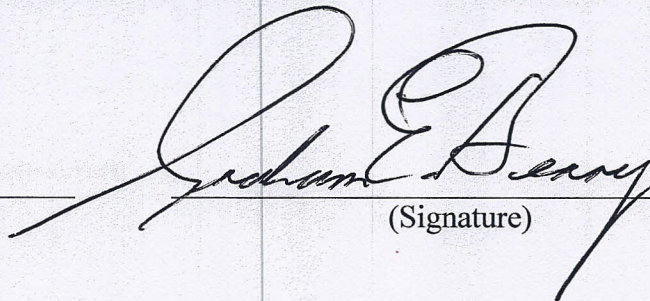
Kendrick L. Moxon, Esq,
Moxon & Kobrin
3055 Wilshire Boulevard, Suite 900
Los Angeles, CA 90010

Telephone: (213) 487-4468
Facsimile: (213) 487-5385
Email: kmoxon@earthlink.net

Executed on February __, 2010, 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)