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Los Angeles Superior Court

FEB 22 2012

John A. Clarke, Executive Officer/Clerk

~~PAUL SANCHEZ~~

KENDRICK MOXON

Case No. BC429217

**DEFENDANT AND CROSS-
COMPLAINANT'S APPENDIX NO. IV
OF EXHIBITS [K-Z] 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 Reply in Support of Request to file Compulsory Cross-Complaint by Judicial Council of California Form MC-701 (C.C.P. §391.7) and Exhibits A-J therewith.]

[Filed concurrently with Reply in Support of Request to file Compulsory Cross-Complaint by Judicial Council of California Form MC-701 (C.C.P. §391.7) and Exhibits A-J therewith.]

[Filed concurrently with Reply in Support of Request to file Compulsory Cross-Complaint by Judicial Council of California Form MC-701 (C.C.P. §391.7) and Exhibits A-J therewith.]

[Filed concurrently with Reply in Support of Request to file Compulsory Cross-Complaint by Judicial Council of California Form MC-701 (C.C.P. §391.7) and Exhibits A-J therewith.]

[Filed concurrently with Reply in Support of Request to file Compulsory Cross-Complaint by Judicial Council of California Form MC-701 (C.C.P. §391.7) and Exhibits A-J therewith.]

[Filed concurrently with Reply in Support of Request to file Compulsory Cross-Complaint by Judicial Council of California Form MC-701 (C.C.P. §391.7) and Exhibits A-J therewith.]

EXHIBIT W

AFFIDAVIT OF JESSE PRINCE

I, Jesse Prince declare as follows:

I am over 18 years of age and currently reside in the state of Minnesota, County of Hennepin. This declaration is of my own personal knowledge and if called upon to testify to the facts herein I could and would be competently able to testify thereto.

I am intimately familiar with the Scientology organization, movement and beliefs because I was in Scientology for 16 years (1976-92) and served in the highest ranks, including as the second in command of the Religious Technology Center (RTC). At that time, my position was "Deputy Inspector General, External" which meant being in charge of all activities outside the body of Scientology. This included being in charge of all litigation by or against any Scientology organization, intelligence (spying, covert operations) brought against perceived or imagined "enemies" (which ranged from critics to media to the courts), trademark registrations, and the licensing of trademarks to other Scientology organizations, which was how we tightly controlled all Scientology corporations while creating the false impression of "corporate integrity."

It is incumbent on this and every court, as well as the authorities, to realize the amount of deception, chicanery,

lying, manipulation and outright criminality that Scientology will employ to hide the truth about their criminal activities. They will spend any amount of money to do this. I know because I was part of it for years. I received orders to break the law. I issued orders to break the law. I got others to break the law, and then I helped to hide these criminal activities just as they are hiding them now.

In fact, this tactic is one of the most coercive used by the Scientology hierarchy: to involve members in criminal acts for which they are then liable, which then prevents the person from speaking out. Even if the member manages to leave or flee, they will be reluctant to speak to the courts or the authorities because they were part of criminal activities. Plus the organization is ready to use Mafia-like tactics to threaten an ex-member if the hierarchy is afraid of their testimony. If the ex-member does speak, the organization will claim no knowledge and blames the individual, calling them a criminal when that person was doing nothing more than following orders under duress.

Members of Scientology are induced to confess to acts that, if not outright criminal, are embarrassing or possibly destructive to the person's job, marriage or profession, for example, shoplifting, adultery, masturbation, or drug abuse.

The member is urged to write these down in their own handwriting, under the guise that it is a "religious confessional" for the member's good. The truth is that these "confessions" are kept to blackmail and extort the member should they dare to speak out. The member is also coerced to sign documents that are self-damaging while protecting the organization, solely in case the member dares to leave their control and speak the truth. I know because I watched this done to others, I did it to others and it was done to me.

That is why I respectfully urge this court to recognize Scientology's tactics and treat them for what they are: criminal deceit to defraud this court at any cost.

For the past five years since I fled Scientology, I have been silent because it was my intent to create a new life for myself, away from their obsessive control, and it required all the energy that I could muster to do that. About two weeks ago, I finally became curious as to what was happening within the Scientology world and I used the Internet to look up Scientology and was stunned to discover former friends who had also left and the conflicts being waged in the courts. I contacted one (Stacy Young) who had been a close friend for many years in the cult who told me what had been happening, with former members fighting to have the abuses and the criminality exposed.

Because I have intimate and personal knowledge of issues in this case, she put me in touch with attorney Dan Leipold and I traveled to his offices in Santa Ana, California. After speaking with him and others, I realized that this level of criminal fraud and deceit can no longer continue without opposition. I could no longer remain silent, regardless of their terrorism. I offered to tell the court how Scientology really operates with trademarks, copyrights and the courts. In fact, I am doing this at the risk of enduring the hate campaign this pseudo-religion will wage against me, as they have against others, including judges.

Let me begin with some basic information about my own Scientology history.

I first became involved with Scientology in September 1976, in San Francisco. In late 1976 I joined the elite Scientology paramilitary organization known as the Sea Organization, also known as the "Sea Org" or the acronym "SO." The Sea Organization is the actual nexus that controls the Scientology empire. Sea Organization personnel are authorized to take over and control Scientology organizations and to demote personnel, move bank accounts and run the corporation as if the SO personnel were employees or representatives of that corporation but they

are not. This is true if the organization was part of the "Church of Scientology" or one of the secular areas such as Bridge Publications. This is possible because the only personnel allowed into executive positions in these organization are those who are in full agreement that the Sea Organization is the commanding organization. This weeding out process guarantees there will be no executives who will resist or protect their corporate integrity. This is how the Sea Organization can operate with impunity, and continue to claim that it is merely a "fraternal organization." The Sea Organization is a "fraternal organization" the way the Cosa Nostra is.

Before I was recruited into the Religious Technology Center (RTC) in 1982, most of my experience was with Scientology technical material; the actual codified techniques used within the organization. This gave me considerable time to become familiar with the material, most of which was written by Scientology founder L. Ron Hubbard. It was that familiarity that prompted my promotion to a technical position at RTC.

Physically, I was transferred to and lived and worked at what is known as "Golden Era Studios," near Hemet, California. It is also known as "Gold" or simply "the base."

RTC's presence at Gold was fully known to all at the base, but was kept hidden from all others, to try to make it appear that Gold was merely a movie/tape production studio when really the movie/tape production is nothing but a front to mask, hide and protect the top of Scientology's actual power structure so they cannot be served with subpoenas.

(The security system is more befitting a top secret military installation, with its motion detectors, buried sensors, high-speed cameras, night cameras, guards on motorcycles, and barbed wire fences wired to detect anyone touching it etc.)

RTC was at that time the most senior, most powerful and most influential organization in all of Scientology. All at RTC were Sea Org members, as are all at the base. But because of RTC's position, we were the elite at the base.

In March 1983, I became the Deputy Inspector General, External, and a member of the Board of Directors for RTC, as Treasurer. (The only other board members were Warren McShane as Secretary and Vicki Aznaran as President, during this time.) At the time I was appointed a member of the Board of Directors of RTC I was forced to sign an undated letter of resignation. This is standard practice with all Scientology board members and is another means by which the

Scientology corporations are controlled while giving the appearance of corporate integrity.

In that capacity for the next few years, I traveled about the US and outside of the US on behalf of RTC. I traveled to Germany, Italy, Australia, the United Kingdom, Denmark, Mexico and Canada, with several trips to some of these countries. These trips were to put together an infrastructure that would then interface with RTC for the purpose of trademarks. I became familiar with the law with regard to each area, interviewed and approved law firms, and put the personnel in place that would report to RTC and be our on-the-ground representatives in dealing with the attorneys etc.

When Hubbard died in 1986, there was a power struggle in Scientology for the next 18 or so months that resulted in Hubbard's closest and most powerful aide (Pat Broeker) being removed. The power was taken over by David Miscavige who purged the organization of anyone who was friendly with Broeker. In mid-1987, I was removed from my position and put under armed guard at Happy Valley, a property the organization owns that is a few miles west of Gold and located deep in the Soboba Indian Reservation. I assume the undated resignation I provided on being appointed to the Board was then dated and used to make it appear that I had

resigned, when I had not. After a few months, it was decided that I would not escape and I was given various jobs at Gold but kept under watch. My pay was standard Sea Org pay, \$24 per week.

I should clarify why I (and others) tolerated such treatment for so long. The ability to tolerate such abusive conditions and treatment are one of the most basic requirements for promotion in the Sea Organization and RTC. We were selected and promoted because we vowed such loyalty and demonstrated it daily. Not unlike a military unit, it is the ability of the Sea Org member to take orders, carry out the assignment and to tolerate self-degrading conditions that ingratiates them to their seniors and to the system. That was why I was promoted so highly and why I then tolerated more. Looking back on it, I cannot believe that I actually tolerated such denigration and such abuse and actually deluded myself that it was for my good as well as the good of others.

In late 1991, my wife Monika became pregnant and although we were elated, she was ordered to abort the child. The reason for the abortion order is that Sea Org members were not allowed to have children. The order devastated both my wife and me. Our dedication as Sea Org members clashed violently with our intentions as parents and we went through

a personal nightmare with me opposing it, to no avail. She got the abortion and afterwards she was not the same. She was devastated at the impact of what she did and that was when she told me she wanted to leave. We fled, with the organization close behind us, trying to find us. They finally did and convinced us to return so we could "leave properly."

Once they had us again behind the barbwire and watched by security, my wife was threatened that if we did not sign certain papers, she would no longer be able to see her father and her sister, who were both in the Sea Organization.

This is another coercive power that the organization wields. Like a police state, it can order and enforce family members to alter their relations, and even get them to turn against each other. Monika and I knew that if the organization said she would be kept from her father and sister (by control over them), that she would not again be able to talk to them or see them, let alone visit. This is called "disconnection" in Scientology. We agreed to sign the papers and were able to leave.

On July 26, 1998, one of the cult's attorneys sent a long fax to Dan Leipold that is their first not-so-veiled threat to me, warning me to be silent. The attorney included

the document they prepared for me and that I signed under the conditions I just described. I am attaching his letter and the documents I was forced to sign under duress as my first evidence of what this criminal cult does to silence anyone speaking out. (Exhibit 1). It does not surprise me, as it is a standard tactic, to force a person to create or sign a self-damaging document to use when ready.

I have also been privy to the destruction and alteration of documents to protect the group. On or about April of 1983 I was present at a meeting, which took place in Los Angeles, California at a Scientology office called Author Services, Inc. (ASI). ASI presented itself as the "literary agency" for Hubbard but it was actually the top of the Scientology empire at that time. All of Scientology was being directed from ASI in 1982. ASI was where various Scientology corporations went to receive orders.

Present at the meeting was David Miscavige, then the chairman of the board of ASI, Vicki Aznaran then the Deputy Inspector General of Religious Technology Center, (RTC) and Lymon Spurlock, who was "Director of Client Affairs" for ASI. Mr. Miscavige expressed concern at this meeting that there might possibly be a raid on Scientology by the IRS. At that time, none of the churches of Scientology had received tax exempt status.

One principle reason why tax exempt status had not been granted was the IRS's position that Scientology founder L. Ron Hubbard (LRH) was actually the managing agent of Scientology in complete disregard of the corporate structure of Scientology. We knew this to be a fact but also knew that it violated IRS rules and thus had to be hidden.

There was concern that the IRS would obtain the hundreds of daily, weekly and monthly LRH orders written by Mr. Hubbard and distributed throughout Scientology. These orders were commonly referred to in Scientology as "advices" to avoid the appearance that LRH was actually running Scientology. In fact, LRH was running Scientology. The principle concern expressed at this meeting was that the LRH orders or "advices" would be used to name L. Ron Hubbard as the managing agent of Scientology.

Because of an already existing fear that an LRH "advice" might fall into the wrong hands, these orders from him were written in a way that we could deny it was from him. His name was not on them. He was never cited in the dispatch except in the third person. There was no signature and a salutation in reply was never more than "Dear Sir." The routing at the top referred to him merely as "*", an asterisk. However if a person (or an agency) got enough of these, there would be little doubt that we were in touch

with Hubbard (via ASI) and he was telling us and each corporation what to do to make him more money.

David Miscavige specifically stated that ASI was "already dealing with the problem", ridding ASI of any documents that would implicate L. Ron Hubbard as managing agent of Scientology. He stated that under his directive the LRH orders, or "advices", were being collected and transferred by truck to a Riverside County recycling plant where the documents were to be "pulped". This method of destruction was considered to be better than shredding. I was also given instructions that I was in charge of purging the remainder of the Scientology organization of LRH orders. This was to include Church of Scientology of California (CSC); Church of Scientology International (CSI); and RTC.

Several weeks after this first meeting I attended a second meeting at the ASI offices concerning the continuing destruction of Scientology corporate documentation. In attendance at the second meeting were David Miscavige, Lymon Spurlock, Vicki Aznaran, Norman Starkey and Marty Rathburn. At this meeting, David Miscavige for the first time stated that Scientology had been ordered by a court to produce various documents concerning a former Scientology member named Lawrence Wollersheim who had a lawsuit pending in Los

Angeles against the Church of Scientology of California.

The court had ordered Scientology to produce Mr.

Wollersheim's entire "preclear" (PC) file.

A "PC " file is one of several files kept on members. The PC file is the file that includes all written records of all "confessionals" done by the member. This means that it includes not only the most self-damaging material but it also reflects every problem the person might have had with the organization, including complaints. This PC file grows with the person's tenure in Scientology.

Mr. Wollersheim's PC file was several thousand pages in length and stood as high as a six-foot tall man. Initially . at this meeting it was decided that Mr. Wollersheim's PC file would be redacted and culled of any evidence or documentation which might assist Mr. Wollersheim in his lawsuit against CSC. There was also concern that the materials known as Clear, OT I, OT II, OT III and NED for OT's (NOTS) would be open to public inspection if Mr. Wollersheim's files were produced as ordered. Scientologists are taught that a person could catch pneumonia and die if that person is prematurely exposed to these "upper level" materials without first having taken many hours of preparatory auditing. Ultimately, approximately 50 pages were produced pursuant to the court

order. Mr. Wollersheim's PC file was culled based on a direct order from David Miscavige.

Later, I was informed that a second court order was issued to produce Mr. Wollersheim's entire file. Faced with the prospect of having to produce the entire file David Miscavige gave orders that the entire file simply be destroyed by being pulped.

Pursuant to Mr. Miscavige's orders I ordered Rick Aznaran to take Mr. Wollersheim's PC files to the recycling plant in Riverside to be pulped. Several hours after I gave the order to have Mr. Wollersheim's PC files destroyed, Mr. Aznaran returned and confirmed that the records had been pulped and even showed me a small bottle of pulped material, saying "Here's what's left."

The material that David Miscavige ordered destroyed and which Rick Aznaran had pulped was the same material that the court had ordered produced in Mr. Wollersheim's Los Angeles court case against CSC.

In early 1983 I attended a meeting at Scientology's ASI office in Los Angeles. In attendance at this meeting were David Miscavige, Lymon Spurlock, Vicki Aznaran, Patricia Brice and Edith Buchele. The meeting concerned Scientology copyrights. In particular, David Miscavige stated that Scientology was "in trouble" concerning the copyright status

of the many published materials of founder L Ron Hubbard. Concern was expressed that many of Mr. Hubbard's published materials had become 'public domain' because the materials had not been registered with the United States Copyright office for many years. David Miscavige stated that Scientology had failed to register copyrights for thousands of pages of Scientology material written by Mr. Hubbard. These records included the numerous policy letters and bulletins published by Mr. Hubbard. In particular, Mr. Hubbard published "Policy Letters" (always published in green ink on white paper and intended as administrative directives) LRH ED's (Executive Directives) which are used for various topics, (always issued as blue ink on white paper) and "Technical Bulletins" published with red ink on white paper covering technical aspect of Scientology such as Auditing techniques, Policy and Ethics.

At the same meeting in early 1983 David Miscavige specifically ordered Patricia Brice (who at the time was L. Ron Hubbard's personal secretary and an employee of ASI) to begin the process of mass copyright registration filings for all of L. Ron Hubbard's materials. This order was given despite the fact that Mr. Miscavige was already aware that many of the materials in question were already in the public domain. Thus, I know from personal knowledge that in mid

1983 Scientology began a massive program to register Mr. Hubbard's material with the United State's Copyright office.

Based on my many years of reading and studying Scientology directives including my time as a "Co-Audit Supervisor" and "Inspector General Cramming Officer" I became intimately familiar with the content, form, manner of distribution and publication of Scientology works and directives including the works of L. Ron Hubbard. As a Cramming Officer it was my job to insure that those who employ Scientology "tech" properly adhere to the official guidelines adopted by Scientology.

I was requested by counsel for Mr. Wollersheim to review the exhibits to BPI's renewed motion for summary judgement. These were contained in more than 20 banker's boxes.

In reviewing these boxes of exhibits I selected out documents at random to inspect. The chart below explains the result of my examination of certain of the exhibits. In examining the plaintiff's exhibits I compared the alleged LRH originals submitted by the plaintiff's as exhibits to some early editions of Scientology compilations which contains the policy issues in question. I employed a "1st edition" of the Organization Executive Course, and a "First

printing of the Scientology Technical Bulletins for comparison to what BPI has claimed are the LRH originals.

I have attached hereto copies of various LRH materials that were published by Scientology in the early 1970's that prove conclusively that the copy right notices on BPI's purported "LRH originals" were not present then, but placed on the "originals" at a later date.

EXHIBIT A-00446

EXHIBIT A-00447

Exhibit	Date Issued	Copyright Registration	Title	
B-1287	1954	27 January 1975	The Church of Scientology Creed	FACTNet copy bears no resemblance to original
B-1289	1953, ca. end May	2 May 1956 (renewal 7 February 1983)	LRH PAB No. 2 A Summary of SOP 8A	Copyright notice 1953 Copyright res. for compilation published Dec. 1955
B-1292	1953 ca. end July	2 May 1956 (renewal 7 February 1983)	LRH PAB No. 6 No title	Copyright notice 1953 Copyright res. for compilation published Dec. 1955
B-1293	1953 ca. mid. August	2 May 1956 (renewal 7 February 1983)	LRH PAB No. 7 Six Steps to Better Beingness	Copyright notice 1953 Copyright res. for compilation published Dec. 1955
B-1290	1953 ca. mid June	2 May 1956 (renewal 7 February 1983)	LRH PAB No. 3 Certainty Processing	Copyright notice 1953 Copyright res. for compilation published Dec. 1955
B-4	2 June 1959	22 December 1987 (renewal 22 December 1987)	HCO PL Purchasing Liability of Staff Members	Copyright notice 1959 but original contains reference to CSI which did not exist until 1981
B-2	2 May 1957	24 December 1985 (renewal 24 December 1985)	HCO PL Dissemination	Original offered by BPI is substantially different from that published as an original in OEC Vol. II 1 st Ed. 1970 ; Copyright notice 1957, registration 1985
B-1291	Ca. mid-July	2 May 1956	LRH PAB No. 5	B-1291 BIP original

EXHIBIT A-00448

Exhibit	Date Issued	Copyright Registration	Title	
	1953	(renewal 7 February 1983)	About PABs	contains no copyright notice. However FACTNet copy and copy of document published in 1 st printing of Technical Bulletins Vol. I contain 1953 copyright notice. Copyright registration is 1955 as part of compilation
B-1288	20 July 1956	22 September 1983 (renewal 26 December 1984)	Article From LRH to HGC Staff "How to really split a valance..."	No Copyright notice in claimed original
B-371	16 December 1958	12 May 1983 (renewal 22 January 1986)	HCOB Extension Course Curriculum	BPI original contains notice 1958, however copy of document published by Scientology in 1976 in Technical Bulletins Vol. III 1 st printing contains no copyright notice
B-59	21 March 1965	28 January 1988 (renewal 9 September 1993)	HCO PL Staff Members Auditing Outside PCs	BPI original contains copyright notice 1958, however, copy of document published in 1970 OEC Vol. I 1 st Ed. contains no copyright notice.
B-249	28 April 1973	28 April 1988	HCO PL Good Service	BPI original shows on face it was 1 st published Dec. 23, 1968, not claimed date of April 28, 1973
B-157	2 September 1968	28 January 1988	HCOPL Chaplain	BPI original shows on face 1 st appeared as Sea Organization Flag Order
B-94	24 August 1965	28 January 1988 (renewal 3	HCO PL Cleanliness of Quarters and Staff Improve	BPI "original" contains 1965 copyright notice. However, "original" references CSI which did

Exhibit	Date Issued	Copyright Registration	Title	
		November 1993)	Our Image	not exist until 1981
B-248	27 December 1972	28 January 1988	HCO PL Speed of Service	BPI original shows on face published 1968, not claimed date of 1972
B-214	4 January 1971	2 May 1991	HCO PL Competence	BPI original contains no copyright notice
C-3	5 February 1958	27 January 1995	HCO PL No New Charters	BPI original contains no copyright notice
B-215	25 January 1971	28 January 1988	HCO PL Squirrel Admin	Claimed original contains 1971 copyright notice. However, also contains reference to CSI which did not exist until 1981
B-1	25 January 1957	24 December 1985 (24 December 1985)	HCO PL Concerning the Separateness of Dianetics and Scientology	BPI original shows on face not original but Issue II
B-369	25 November 1958	12 May 1983 (renewal 22 January 1986)	HCOB Step 6	BPI "original" contains a 1958 copyright notice. However, 1 st printing of Technical Bulletins in 197 Vol. III contains no copyright notice for this document

The above chart documents my observations in reviewing the documents that I selected at random to review. The important

points that I believe the Court should note with reference to these documents are as follows:

1. Exhibits B-1289; 1290; 1291; 1292 and 1293 contain a 1953 copyright notice. However, the copyright registrations submitted by BPI are for a compilation published in 1955.
2. Exhibits B4; B-94 and B-215 all contain copyright notices from the 50's, 60's and 70's that contain notations to CSI. CSI is the Church of Scientology International, which did not come into existence until 1981. Therefore, either BPI's "originals" are not originals as claimed, or the copyright notices were placed on these documents long after they were published. (Exhibits 2, 3 and 4 attached hereto).
3. Exhibits B-59; B-369; and B-371 contain copyright notices from 1958. However, when these originals are compared to first printings or first editions of compilations put out by Scientology in the 1970's, these copyright notices are not present, indicating that they were placed in the "originals" subsequent to the compilations being published. (Exhibits 5, 6 and 7 attached hereto).

4. Exhibit B-2 is substantially different from that published as an original in OEC Vol. II, 1st Ed. 1970. (Exhibit 8 attached hereto).
5. Exhibit B-1287. The FACTNet copy bears virtually no resemblance to the BPI original.
6. Exhibits B-1288; B-214; and C-3. The BPI originals contain no copyright notice.
7. Exhibit B-1 shows on its face it is not an original but "Issue II."
8. Exhibits B-248; B-249; and B-157 show on their face they were published elsewhere prior to the claimed original publication.

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Based on my knowledge gained as a staff member of Scientology, including my assignment as "Chief Cramming Officer" and based on my examination of the exhibits submitted by BPI in support of their renewed motion for summary judgment, it appears that numerous "originals" submitted by BPI are not originals at all and that copyright notices were placed on documents long after publication back-dating them to the date of publication.

Further declarant sayeth naught.

I declare, under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct. Executed this 27th day of July, 1998, at Santa Ana, California.

JESSE PRINCE

PROOF OF SERVICE

STATE OF CALIFORNIA)
)
COUNTY OF LOS ANGELES)

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 One Wilshire, Twenty First Floor, Los Angeles, California 90017.

On August 28, 1998, I served the within document described as:

- (1) **OPPOSITION OF PLAINTIFF TO DEFENDANTS' JOINT MOTION FOR AN ORDER REQUIRING PLAINTIFF TO PAY REFEREE'S FEES**
- (2) **DECLARATION OF GRAHAM E. BERRY IN OPPOSITION TO DEFENDANTS' JOINT MOTION FOR PAYMENT OF DISCOVERY REFEREE FEES; AND**
- (3) **SUPPLEMENTAL DECLARATION OF GRAHAM E. BERRY IN OPPOSITION TO DEFENDANTS' JOINT MOTION FOR PAYMENT OF DISCOVERY REFEREE FEES**

On the interested parties in this action by placing the above mentioned document in a sealed envelope addressed as follows:

Ms. Barbara A. Reeves
PAUL, HASTINGS, JANOFSKY & WALKER, LLP
Twenty-Third Floor
555 South Flower Street
Los Angeles, CA 90071-2371

☒ **BY PERSONAL DELIVERY**

I declare that I delivered the aforementioned documents to the addressees at the addresses listed above.

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

Executed this 28th day of August, 1998 at Los Angeles, California.

JOSE BELTRAN
Print Name

Jan Berry
Signature

EXHIBIT A-00454

PAGE NO. -0470

000260

EXHIBIT X

tampabay.com Know it now.

The truth rundown

By [Joe Childs](#) and [Thomas C. Tobin](#), Times Staff Writers

Published Sunday, June 21, 2009

Part ONE of THREE

The leader of the Church of Scientology strode into the room with a boom box and an announcement: Time for a game of musical chairs.

David Miscavige had kept more than 30 members of his church's executive staff cooped up for weeks in a small office building outside Los Angeles, not letting them leave except to grab a shower. They slept on the floor, their food carted in.

Their assignment was to develop strategic plans for the church. But the leader trashed their every idea and berated them as incompetents and enemies, of him and the church.

Prove your devotion, Miscavige told them, by winning at musical chairs. Everyone else — losers, all of you — will be banished to Scientology outposts around the world. If families are split up, too bad.

To the music of Queen's Bohemian Rhapsody they played through the night, parading around a conference room in their Navy-style uniforms, grown men and women wrestling over chairs.

The next evening, early in 2004, Miscavige gathered the group and out of nowhere slapped a manager named Tom De Vocht, threw him to the ground and delivered more blows. De Vocht took the beating and the humiliation in silence — the way other executives always took the leader's attacks.

This account comes from executives who for decades were key figures in Scientology's powerful inner circle. Marty Rathbun and Mike Rinder, the highest-ranking executives to leave the church, are speaking out for the first time.

Two other former executives who defected also agreed to interviews with the St. Petersburg Times: De Vocht, who for years oversaw the church's spiritual headquarters in Clearwater, and Amy Scobee, who helped create Scientology's celebrity network, which caters to the likes of John Travolta and Tom Cruise.

One by one, the four defectors walked away from the only life they knew. That Rathbun and Rinder are speaking out is a stunning reversal because they were among Miscavige's closest associates, Haldeman and Ehrlichman to his Nixon.

Now they provide an unprecedented look inside the upper reaches of the tightly controlled organization. They reveal:

- Physical violence permeated Scientology's international management team. Miscavige set the tone, routinely attacking his lieutenants. Rinder says the leader attacked him some 50 times.

Rathbun, Rinder and De Vocht admit that they, too, attacked their colleagues, to demonstrate loyalty to Miscavige and prove their mettle.

- Staffers are disciplined and controlled by a multilayered system of "ecclesiastical justice." It includes publicly confessing sins and crimes to a group of peers, being ordered to jump into a pool fully clothed, facing embarrassing "security checks" or, worse, being isolated as a "suppressive person."

At the pinnacle of the hierarchy, Miscavige commands such power that managers follow his orders, however bizarre, with lemming-like obedience.

- Church staffers covered up how they botched the care of Lisa McPherson, a Scientologist who died after they held her 17 days in isolation at Clearwater's Fort Harrison Hotel.

Rathbun, who Miscavige put in charge of dealing with the fallout from the case, admits that he ordered the destruction of incriminating evidence. He and others also reveal that Miscavige made an embarrassing miscalculation on McPherson's Scientology counseling.

- With Miscavige calling the shots and Rathbun among those at his side, the church muscled the IRS into granting Scientology tax-exempt status. Offering fresh perspective on one of the church's crowning moments, Rathbun details an extraordinary campaign of public pressure backed by thousands of lawsuits.

- To prop up revenues, Miscavige has turned to long-time parishioners, urging them to buy material that the church markets as must-have, improved sacred scripture.

Church officials deny the accusations. Miscavige never hit a single church staffer, not once, they said.

On May 13, the Times asked to interview Miscavige, in person or by phone, and renewed the request repeatedly the past five weeks. Church officials said Miscavige's schedule would not permit an interview before July.

At 5:50 p.m. Saturday, Miscavige e-mailed the Times to protest the newspaper's decision to publish instead of waiting until he was available. His letter said he would produce information "annihilating the credibility" of the defectors. Beloved by millions of Scientologists, church spokesmen say, Miscavige has guided the church through a quarter-century of growth.

The defectors are liars, they say, bitter apostates who have dug up tired allegations from the Internet and inflated the importance of the positions they held in Scientology's dedicated work force known as the Sea Org. They say it was the defectors who physically abused staff members, and when Miscavige found out, he put a stop to it and demoted them.

Now they say the defectors are trying to stage a coup, inventing allegations so they can topple Miscavige and seize control of the church.

The defectors deny it. They say they are speaking out because Miscavige must be exposed.

Rathbun says the leader's mistreatment of staff has driven away managers and paralyzed those who stay. "It's becoming chaos because ... there's no form of organization. Nobody's respected because he's constantly denigrating and beating on people."

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"I don't want people to continue to be hurt and tricked and lied to," Rinder said. "I was unsuccessful in changing anything through my own lack of courage when I was inside the church.

"But I believe these abuses need to end ... This rot being instigated from inside Scientology actually is more destructive to the Scientology movement than anything external to it."

BEATINGS: Random, whimsical

At 49, Miscavige is fit and tanned, his chiseled good looks accented by intense blue eyes. His frame is on the short side at 5 feet 5, but solid, with a matching, vise-like handshake.

The voice, resonant and strong, can transfix a crowd of thousands. Many call him "COB," because he is chairman of the board of the entity responsible for safeguarding Scientology, founded by L. Ron Hubbard in 1954.

"He is one of the most capable, intelligent individuals I've ever met," Rathbun said. "But L. Ron Hubbard says the intelligence scale doesn't necessarily line up with the sanity scale. Adolf Hitler was brilliant. Stalin was brilliant. They were geniuses. But they were also on a certain level stark, staring mad."

Rathbun, Rinder, Scobee and De Vocht say they participated in and witnessed madness, from musical chairs to repeated physical abuse.

What triggered Miscavige's outbursts? The victims usually had no clue.

"If it wasn't the answer he wanted to hear, he'd lose it," De Vocht said. "If it was contrary to how he thought, he'd lose it. If he found it to be smart aleck, or it was a better answer than he had, he would lose it."

Rathbun and Rinder list the executives they saw Miscavige attack:

Marc Yager: At least 20 times.

Guillaume Lesevre: At least 10 times.

Ray Mithoff: Rathbun said Miscavige "would regularly hit this guy open-handed upside the head real hard and jar him. Or grab him by the neck and throw him on the floor."

Norman Starkey: "Right in the parking lot, (Miscavige) just beat the living f--- out of him, got him on the ground and then started kicking him when he was down," Rathbun said.

He said he saw Rinder "get beat up at least a dozen times just in those last four years ... some of them were pretty gruesome."

Said Rinder: "Yager was like a punching bag. So was I."

He added: "The issue wasn't the physical pain of it. The issue was the humiliation and the domination. ... It's the fact that the domination you're getting — hit in the face, kicked — and you can't do anything about it. If you did try, you'd be attacking the COB.

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"It was random and whimsical. It could be the look on your face. Or not answering a question quickly. But it always was a punishment."

Scobee said Miscavige never laid a hand on her or any other woman, but she witnessed many attacks, including the time the leader choked Rinder until his face turned purple. Rinder confirmed that account.

De Vocht estimated that from 2003 to 2005, he saw Miscavige strike staffers as many as 100 times.

Rathbun, Rinder and De Vocht admit that they, in turn, hit others. In January 2004, Rathbun pummeled Rinder and had to be pried off by several church staffers.

"Yes, that incident happened," Rinder said. "It wasn't the only time that Marty or I was involved in some form of physical violence with people."

He recalled holding a church staffer against a wall by the collar and pressing into his throat.

Rathbun said he attacked many people, many times, including throwing Lesevre across a table, boxing Starkey's ears, and tackling Yager down a flight of stairs — all, he said, on Miscavige's orders. He said he threw another staffer against the hood of a cab at Los Angeles International Airport. As a crowd gathered to watch, he cocked his fist and told him to improve his attitude.

De Vocht said he "punched a couple of guys" during one of many sessions where managers confessed their wrongdoings to their peers, a gathering that got raucous and physical. Embarrassed about it now, he says he easily rationalized it then: "If I don't attack I'm going to be attacked. It's a survival instinct in a weird situation that no one should be in."

The four defectors each said the leader established a culture that encouraged physical violence.

"It had become the accepted way of doing things," Rinder said. "If COB did it, it was okay for everybody else to do it, too."

Rinder said Rathbun was Miscavige's enforcer. "If Dave didn't want to go do any dirty work himself, he sent Marty to do it for him."

Rathbun doesn't deny it. It's difficult to get the truth, he said, "unless you talk to somebody who's got some dirt on their hands. And I freely admit I got dirt on my hands, and I feel terrible about it. That's why I'm doing what I'm doing."

Rathbun wasn't exempt from Miscavige's attacks. "He once grabbed me by the neck and banged my head against the wall."

Nobody fought back.

"The thing is, he's got this huge entourage," Scobee said. "He's the 'savior' of everything because he has to bail everybody out because we're all incompetent a——, which is what he repeatedly tells us."

"You don't have any money. You don't have job experience. You don't have anything. And he could put you on the streets and ruin you."

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Church spokesman Tommy Davis said the defectors are lying. Responding to Rinder's contention that Miscavige attacked him some 50 times, Davis said: "He's absolutely lying."

Yager, Starkey, Mithoff, and Lesevre all emphatically told the Times that Miscavige never attacked them.

Davis produced court affidavits in which Rathbun and Rinder, while still in Scientology's top ranks, praised the leader as a stellar person and vigorously denied rumors he had abused staff.

Davis pointed to a 1998 Times story in which Miscavige denied the same rumors. Rathbun backed him, saying that in 20 years working with Miscavige, he never saw the leader raise a hand to anyone.

"That's not his temperament," Rathbun said then. "He's got enough personal horsepower that he doesn't need to resort to things like that."

Says Rathbun now: "That was the biggest lie I ever told you."

Davis played video of a confrontation between Rinder and a BBC reporter in London in 2007, just before Rinder left the church. The reporter repeatedly asked about the Miscavige rumors, which Rinder heatedly denied as "rubbish."

Now Rinder says that he lied to protect the church, and that his loyalty to Miscavige was misplaced. He said he did then what Miscavige's staff is doing today: "Just deny it. Nope. Not true. Never happened."

The Church of Scientology describes itself as working for "a civilization without insanity, without criminals and without war, where the able can prosper and honest beings can have rights, and where man is free to rise to greater heights."

Scobee says Miscavige does not practice what Scientology preaches. He liberally labels church members as enemies, which forbids any contact with family and friends still in Scientology.

"You cannot call yourself a religious leader as you beat people, as you confine people, as you rip apart families," she said. "If I was trying to destroy Scientology, I would leave David Miscavige right where he is because he's doing a fantastic job of it."

Character assassination

That's what the defectors are doing to Miscavige, according to a team of two church lawyers and two spokesmen.

Rathbun, Rinder, De Vocht and Scobee: All of them failed at their jobs, broke Sea Org rules and were ethically suspect, the team said. Stack these four failures against a man of Miscavige's stature and it's clear who is credible and who is not.

"It's not a question of they have a version and we have a version. It's that this never happened," said Monique Yingling, a non-Scientologist lawyer who has represented the church for more than 20 years. "There is a story here, and it's not what you've been told."

As the lawyers and spokesmen defended Miscavige and sought to discredit his detractors, they produced materials from the four defectors' "ethics files" — confessions, contritions, laments that the church keeps to document their failures.

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The documents illuminate a world of church justice outsiders rarely see. This ethics system keeps Scientologists striving to stay productive. It relies on the notion that at any given time, every human activity can be reduced to a statistic and everything — a group, a person, someone's job or marriage — can be measured and placed in one of 12 "conditions."

The lower conditions include "Confusion," "Treason" and "Enemy." The highest condition is "Power," followed by "Power Change" and "Affluence."

Moving up the ethics ladder requires that the subject pen confessions or soul-searching memos called "formulas," which are said to better the individual as he or she examines what went wrong. These memos also can give the church a ready source of written material to use against members who would turn against Scientology.

More documents are generated when a person wants to leave, or "blow."

In 1959, Hubbard wrote a policy stating that a person leaves as a kind of noble gesture when he can't help himself from injuring the church. To justify leaving, Hubbard believed, the person thinks up bad things to say about the church.

Anyone who leaves has committed "overts" (harmful acts) against the church and is withholding them. The church is obligated to make such people come clean, Hubbard said, because withholding overts against Scientology can lead to suicide or death by disease. They must write down their transgressions to remain in good standing when they leave.

Yingling and Davis said the church doesn't relish using documents from ethics files. But after the four defectors spoke out against Miscavige, the lawyer and spokesman said they had no choice.

They produced documents showing Scobee violated Sea Org rules on "romantic involvement outside of marriage." Scobee said the church is exaggerating.

She acknowledged violating the rules by committing a sexual act in a supervisor's room, but noted the man involved was her future husband. Another document said she "started a relationship" with a man not her husband in 1988. Scobee said it was a non-Scientologist electrician who asked her to run away with him. She said she declined and reported it to a supervisor but was disciplined anyway.

A document from July 2003 cited poor performance and declared her unfit to work at the California base.

Scobee counters that the church kept her in positions of responsibility for more than 20 years. She was pictured in a 1996 church magazine as one of the "most proven" and "highly dedicated" senior executives in Scientology.

"The point is, it doesn't matter if I was God or if I was a sloppy janitor," Scobee said. "What I saw is what I saw."

De Vocht was in a condition of "Treason" when he authored a memo in 2004 saying he made a land deal in Clearwater that lost the church \$1 million. In a 2002 letter to Miscavige, he confessed to squandering \$10 million in church funds through waste and overspending on two projects.

Asked about those documents, De Vocht said the writings in the ethics formulas reflect the distorted culture created by Miscavige, not reality. "You say whatever you have to, to appear to be cooperative. It's not a voluntary action. It's a cover your a--, get with the program thing or you're going to get beat up."

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Praising Miscavige was part of the formula, De Vocht said. "He's our pope, our leader, and he can't do wrong. ... If you say, 'I'll do everything I can to get it right,' then you can be okay. You don't have an option other than to bow down and say, 'You're right and I'm wrong.'"

The church says that Rinder, Scientology's top spokesman for decades, is an inveterate liar. In its ethics files, the church says, Rinder admits that he lied 43 times over the years.

"It was a real problem, Mike's propensity to lie Obviously he had an issue with the truth," said Davis, Rinder's successor as spokesman.

After denying Miscavige hit him or anyone else, Rinder is lying now, Yingling said. "He left because he was demoted ... He is bitter now and he has in his bitterness latched on to the one allegation he so vehemently denied for so many years."

Added Davis: "One of the things he was known for saying was, 'Well, if I'm so bad, why keep asking me to do things?' You know the answer to that question?... The ultimate answer to that question is 'Mike, you know what, you're right. Why keep asking.' And we stopped asking. And then he left and nobody came for him."

Like the other defectors, Rinder says he's sure he wrote whatever is in the ethics files, but he says the admissions are meaningless, they were just whatever his superiors wanted to hear. "All of these things were written to try and get into good graces or curry favor."

Davis said Rinder has not been able to deal with his fall from spokesman for an international church to his current, workaday job.

"Mike left. I think we can all agree he is bitter," Davis said. "This is a guy who ran with the big dogs in the tall grass ... it's a very exciting life. And now he is selling cars, and it must be a hell of a shock."

The church released numerous pages of files it kept on Rathbun. Among them: a 1994 letter that said he had completed a Truth Rundown — one of many types of confessionals — and apologizing for leaving the church briefly the year before; three confessions for striking and verbally abusing staff dozens of times; and documents where he admits that he mishandled situations.

In a 2003 document, Rathbun writes a "public announcement" detailing two decades of flubs, including: making himself out to be more important than he was, making more work for Miscavige, mismanaging staff and messing up major assignments, including the church's long-running battle with the IRS.

Rathbun says he wrote what Miscavige wanted to hear.

The church made special note of an affidavit dated June 6, 2009 — after the Times asked the church about Rathbun — authored by a Sea Org member whose name the church blacked out. She criticized Rathbun for being violent and abusive and playing a role in her family's recent effort to wrest her out of Scientology.

Rathbun says yes, he tried to help the family, because the woman voiced strong doubts about returning to Scientology.

Like De Vocht's, many of Rathbun's confessions are marked by bountiful praise of Miscavige. He writes, for example, that the leader "single-handedly salvaged Scientology."

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Scientology's international management cadre lives and works on the church's 500-acre compound in the arid hills opposite Mount San Jacinto from Palm Springs.

Rathbun orchestrated a "reign of terror" there in 2002 and 2003, church representatives say, masquerading as an ethics officer while Miscavige was in Clearwater handling legal and other matters. They say the leader returned in late 2003, summarily demoted Rathbun and began to clean up his mess.

Rathbun says he was away from the base for almost all of 2002 and 2003, handling lawsuits and other sensitive matters at Miscavige's behest. When he returned to the base in late 2003, he said, it was Miscavige who had established a "reign of terror."

The church said Rathbun has inflated his importance in Scientology; they say that after 1993, he never had a title.

But in a 1998 Scientology magazine, Rathbun is featured as the main speaker at a major event at Ruth Eckerd Hall attended by 3,000 Scientologists. The magazine said he was "inspector general" of the entity charged with safeguarding Scientology. Also, the church provided the Times a court document from March 2000 that listed Rathbun as a "director" of the same entity.

If Rathbun's responsibility was as limited as the church says, the Times asked, how did he get people to submit to a reign of terror? Davis, the church spokesman, erupted.

"He's the one who's saying that Dave Miscavige beat these people," Davis screamed. "And he's saying that Dave Miscavige beat the exact same people that he beat. And that's what pisses me off. Because this guy's a f----- lunatic and I don't have to explain how or why he became one or how it was allowable.

"The fact is he's saying David Miscavige did what he did ... And now I'm getting a little angry. Am I angry at you? Not necessarily. But I'm g--- d--- pissed at Marty Rathbun. Because he knows that he was the reign of terror."

Landing in Clearwater

Fall 1975. An outfit calling itself the United Churches of Florida announced it would rent the Fort Harrison Hotel from the Southern Land Development Corp., a company with plans to buy the historic building.

No one — not even lawyers for the seller — could find out anything about Southern Land. Not even a phone number.

When the sale closed on Dec. 1, Southern paid \$2.3 million in cash for the landmark property, where for 50 years locals held weddings, New Year's bashes and civic events.

The newcomers promptly closed the hotel to the public. Uniformed guards armed with mace and billy clubs patrolled the entrance.

On Jan. 28, 1976, a public relations team from Los Angeles came to Clearwater and announced that the real buyer was the Church of Scientology of California.

The deception put a scare into the sleepy town with gorgeous beaches. Clearwater Mayor Gabe Cazares was incensed by the group's evasive and then heavy-handed tactics.

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"The Fort Harrison has been here for a half century and now, for the first time, it is actually a fort," he lamented. "It's frightening."

Locals grew anxious as they heard that Scientology was a cult with a belligerent streak. It had sued the State Department, the Justice Department, the IRS, the CIA, the LAPD — any agency that pried or denied its requests.

Why did Hubbard choose Clearwater? He had run the church for years from a ship, the Apollo, and wanted a "land base." He sent scouts on a mission: Find a big building, near a good airport, in a warm climate.

A property in Daytona Beach made the short list. So did the Fort Harrison.

It was to be Scientology's "flagship." Hubbard sent dispatches on how "Flag" should be run, everything from marketing plans to the staff's grooming and dress. It would be "huge, posh and self-supporting," Hubbard wrote, "a hotel of quality that puts the Waldorf Astoria to shame."

Hubbard trademarked a motto for the hotel: "The friendliest place in the whole world."

He would die a decade later, but already the next generation of church leaders was forming.

The Young Turks

Hubbard called it "fair game." Those who seek to damage the church, he said, "may be deprived of property or injured by any means by any Scientologist without any discipline of the Scientologist. May be tricked, sued or lied to or destroyed."

Mayor Cazares raised questions about the new group inhabiting the Fort Harrison, calling it a cult and trading lawsuits with the church. The Times and the Clearwater Sun investigated.

Scientologists followed Hubbard's playbook and went after enemies. They tried to frame Cazares in a fake hit-and-run accident. They intercepted Times' mail and falsely accused the paper's chairman, Nelson Poynter, of being a CIA agent.

By the spring of 1976, Hubbard — the "Commodore" — was realizing his vision for the Fort Harrison. Scientologists from around the world checked in for long stays. They spent thousands on counseling called "auditing," which seeks to rid the subconscious mind of negative experiences, leading to "higher states of spiritual awareness."

Mike Rinder, a 20-year-old Australian, ran the hotel telex, sending and receiving dispatches from Scientology outlets around the world.

David Miscavige, a 16-year-old from suburban Philadelphia, dropped out of 10th grade on his birthday that April and came to work at the Fort Harrison. He tended the grounds, served food and took pictures for promotional brochures.

In no time, the cocksure Miscavige was supervising adults. In 1977, after just 10 months in Clearwater, he was transferred to California, where he joined the Commodore's Messenger Organization, an esteemed group of about 20 who took on "missions" assigned by Hubbard.

Late in 1978, Miscavige was put in charge of the crew remodeling Hubbard's home on a Southern California ranch.

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Among the group was a 21-year-old former college basketball player who had joined the church a year earlier in Portland.

Thirty years later, Marty Rathbun says he can picture the first time he laid eyes on the teenage boss, strutting about, "barking out orders." No mistaking David Miscavige.

The early power plays

In the mid 1970s, the IRS hired a clerk-typist named Gerald Bennett Wolfe. What they didn't know was that he was a Scientology plant — code name "Silver."

He broke into an attorney's office at IRS headquarters in Washington and copied government documents for months, with help from the Guardian's Office, the church's secretive intelligence arm.

The IRS had revoked Scientology's tax exemption some 10 years earlier, saying it was a commercial enterprise. Scientology fought back, withholding tax payments, unleashing its lawyers and using Silver to infiltrate the agency.

But his undercover mission backfired. On July 8, 1977, the FBI raided Scientology headquarters in Washington and L.A., seizing burglary tools, surveillance equipment and 48,000 documents.

In October 1979, Hubbard's wife, Mary Sue, who directed the Guardian's Office, and 10 other Scientologists were convicted on charges of conspiring to steal government documents or obstruct justice. Her husband, named an unindicted co-conspirator, went into seclusion at his ranch near La Quinta, Calif.

By then, two of the young men from the remodeling detail were trusted aides to the self-exiled church founder. Rathbun delivered Hubbard's mail and messages; Miscavige was his "action chief."

In January 1981, Miscavige asked Rathbun to join him on a road trip to the Super Bowl. Driving eight-hour shifts from L.A. to New Orleans, they got to know each other along the way.

Later that year, Hubbard gave Miscavige a critical assignment: Resolve the crush of lawsuits and investigations that threatened the church. Miscavige chose Rathbun and three others to help handle the job.

Rathbun says he spent six months prioritizing cases and developing strategy.

"I put together units to handle cases, one in Clearwater, one in New York, one in Boston, one in Toronto," he said. "They would answer to me. I was sort of becoming in charge of the legal operation."

Miscavige, meanwhile, was disposing of internal rivals and building power. At age 21, he talked Hubbard's wife into resigning.

It didn't hurt to have Hubbard's approval. His son had filed a lawsuit claiming that the company overseeing Hubbard's assets, headed by Miscavige, was siphoning his fortune. Hubbard responded with a declaration stating that he had "unequivocal confidence in David Miscavige, who is a long-time devoted Scientologist, a trusted associate and a good friend to me."

Rinder, in turn, became a trusted associate to the emerging leader. Miscavige pulled his childhood acquaintance out of

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Clearwater to help dissolve the Guardian's Office, the arm of Scientology that had stolen the IRS files and committed other offenses.

He installed Rinder as head of the new international Office of Special Affairs. Part of Rinder's new job was to spread a revised narrative about Scientology: The church's new leaders were appalled to learn of the Guardian Office's dirty tricks. That was not, they said, what Scientology was all about.

Besting his rivals

On Jan. 27, 1986, thousands of Scientologists gathered at the Hollywood Palladium in Los Angeles, where a solemn Miscavige delivered the news: The founder had moved on to a new level of research that would be "done in an exterior state ... completely exterior of the body."

At 74, L. Ron Hubbard was dead.

Miscavige yielded the microphone to church attorney Earle Cooley, who did not mention Miscavige by name, but helped cement him as future leader. Cooley disclosed that Hubbard, who had died of a stroke, left the bulk of his estate to Scientology, giving final instructions that were "his ultimate expression of his confidence in the management of the church."

He left no explicit succession plan, leaving open the question of who would lead the church.

Months later, Miscavige, Rathbun and another executive took control of the Religious Technology Center, the RTC, which Hubbard created as the highest ecclesiastical body in the church. They dismissed the staff and pressured the head of the office to step down.

Miscavige became the RTC's chairman of the board, a title he still holds. Rathbun took the high-ranking post of inspector general for ethics.

The last rivals for control of Scientology were Pat and Annie Broeker, who had assisted Hubbard in his last years. The founder had elevated them to "loyal officer" status, a higher rank than Miscavige, a captain.

The Broekers also had custody of Hubbard's last writings, the cherished upper levels of Scientology auditing that he wrote by hand while in seclusion. For a church that depends in large part on auditing fees, the papers were a gold mine not only spiritually, but financially. Miscavige wanted them.

Rathbun reveals what they did:

The day Pat Broeker and Miscavige flew cross-country to meet church lawyers in Washington, Rathbun positioned a team of about 20 men outside the Broekers' ranch in Barstow, Calif.

During a layover in Chicago, Miscavige called with the signal for Rathbun to phone the ranch caretaker. Rathbun told her that Miscavige and Broeker had called with a message: The FBI planned to raid the ranch in two hours. If they didn't get Hubbard's papers out, they might be lost forever.

The woman let Rathbun and his guys in.

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"It worked like a charm," he said.

Miscavige's rise was complete. At 26, he answered to no one in Scientology.

For Rathbun, the point of the story is that Miscavige maneuvered his way to the top, he was not the chosen one. But Scientologists believe he was anointed. "And when they believe that, they're willing to do almost anything."

It was a conversation days after getting their hands on Hubbard's last writings that Rathbun says showed him that Miscavige saw himself not as a political climber but as a chosen leader.

Miscavige seemed in awe of his new responsibilities, so Rathbun tried to buck him up. "I said my basketball coach in high school had these inspirational sayings. One, from Darrell Royal of the Texas Longhorns, stuck with me. He said, 'I don't worry about choosing a leader. He'll emerge.' "

"That's false data!" Miscavige shot back.

Said Rathbun: "He rejected that so fast. Boy, when I suggested he was anything other than anointed, he jumped down my throat."

Scientology vs. the IRS

By the late 1980s, the battle with the IRS had quieted from the wild days of break-ins and indictments. But Miscavige was no less intent on getting back the church's tax exemption, which he thought would legitimize Scientology.

The new strategy, according to Rathbun: Overwhelm the IRS. Force mistakes.

The church filed about 200 lawsuits against the IRS, seeking documents to prove IRS harassment and challenging the agency's refusal to grant tax exemptions to church entities.

Some 2,300 individual Scientologists also sued the agency, demanding tax deductions for their contributions.

"Before you knew it, these simple little cookie-cutter suits ... became full-blown legal cases," Rathbun said.

Washington-based attorney William C. Walsh, who is now helping the church rebut the defectors claims, shepherded many of those cases. "We wanted to get to the bottom of what we felt was discrimination," he said. "And we got a lot of documents, evidence that proved it."

"It's fair to say that when we started, there was a lot of distrust on both sides and suspicion," Walsh said. "We had to dispel that and prove who we were and what kind of people we were."

Yingling teamed with Walsh, Miscavige and Rathbun on the case. She said the IRS investigation of Miscavige resulted in a file thicker than the FBI's file on Dr. Martin Luther King. "I mean it was insane," she said.

The church ratcheted up the pressure with a relentless campaign against the IRS.

Armed with IRS records obtained under the Freedom of Information Act, Scientology's magazine, Freedom, featured stories on alleged IRS abuses: lavish retreats on the taxpayers' dime; setting quotas on audits of individual

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Scientists; targeting small businesses for audits while politically connected corporations were overlooked.

Scientists distributed the magazine on the front steps of the IRS building in Washington.

A group called the National Coalition of IRS Whistleblowers waged its own campaign. Unbeknownst to many, it was quietly created and financed by Scientology.

It was a grinding war, with Scientology willing to spend whatever it took to best the federal agency. "I didn't even think about money," Rathbun said. "We did whatever we needed to do."

They also knew the other side was hurting. A memo obtained by the church said the Scientology lawsuits had tapped the IRS's litigation budget before the year was up.

The church used other documents it got from the IRS against the agency.

In one, the Department of Justice scolded the IRS for taking indefensible positions in court cases against Scientology. The department said it feared being "sucked down" with the IRS and tarnished.

Another memo documented a conference of 20 IRS officials in the 1970s. They were trying to figure out how to respond to a judge's ruling that Scientology met the agency's definition of a religion. The IRS' solution? They talked about changing the definition.

Rathbun calls it the "Final Solution" conference, a meeting that demonstrated the IRS bias against Scientology. "We used that (memo) I don't know how many times on them," he said.

By 1991, Miscavige had grown impatient with the legal tussle. He was confident he could personally persuade the IRS to bend. That October, he and Rathbun walked into IRS headquarters in Washington and asked to meet with IRS Commissioner Fred Goldberg. They had no appointment.

Goldberg, who did not respond to interview requests for this story, did not see them that day, but he met with them a week later.

Rathbun says that contrary to rumor, no bribes were paid, no extortion used. It was round-the-clock preparation and persistence — plus thousands of lawsuits, hard-hitting magazine articles and full-page ads in USA Today criticizing the IRS.

"That was enough," Rathbun said. "You didn't need blackmail."

He and Miscavige prepped incessantly for their meeting. "I'm sitting there with three banker's boxes of documents. He (Miscavige) has this 20-page speech to deliver to these guys. And for every sentence, I've got two folders" of backup.

Miscavige presented the argument that Scientology is a bona fide religion — then offered an olive branch.

Rathbun recalls the gist of the leader's words to the IRS:

Look, we can just turn this off. This isn't the purpose of the church. We're just trying to defend ourselves. And this is the way we defend. We aggressively defend. If we can sit down and actually deal with the merits, get to what we feel we

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are actually entitled to, this all could be gone.

The two sides took a break.

Rathbun remembered: "Out in the hallway, Goldberg comes up to me because he sees I'm the right-hand guy. He goes: 'Does he mean it? We can really turn it off?' "

"And I said," turning his hand for effect, " 'Like a faucet.' "

The two sides started talks. Yingling said she warned church leaders to steel themselves, counseling that they answer every question, no matter how offensive.

Agents asked some doozies: about LSD initiation rituals, whether members were shot when they got out of line and about training terrorists in Mexico. "We answered everything," Yingling said, crediting Miscavige for insisting the church be open, honest and cooperative.

The back and forth lasted two years and resulted in this agreement: The church paid \$12.5 million. The IRS dropped its criminal investigations. All pending cases were dropped.

On Oct. 8, 1993, some 10,000 church members gathered in the Los Angeles Sports Arena to celebrate the leader's announcement: The IRS had restored the church's tax exemption, legitimizing Scientology as a church, not a for-profit operation.

"The war is over," Miscavige told the crowd. "This means everything."

Recharged on the Freewinds

The euphoria was short-lived. With the tax cases ended, court records became public. Newspapers wanted to know why Miscavige and his wife together made around \$100,000 while at the time most church staffers made but \$50 a week. Miscavige was furious, and got angrier still when Rathbun argued it would be an insignificant story.

Shortly after, Miscavige's wife, Michelle, came to Rathbun's office and, without a word, removed the gold captain's bars from his Sea Org uniform. Miscavige called him an SP, a suppressive person, and Rathbun was forced to confess his sins before his own staff.

Rathbun was done. "I thought to myself: You know what? That's it. What am I doing here?"

From the safe in his office at the California base he took three 1-ounce pieces of gold, worth about \$500 each, slipped on a bomber jacket, ate breakfast in the mess hall and drove east toward Pensacola, to visit a friend. Miscavige tracked him down and arranged to meet in New Orleans.

"He begged me to come back," Rathbun recalled, adding that Miscavige offered the carrot of a two-year stint aboard the Freewinds, a Scientology cruise ship where parishioners get the highest levels of counseling while sailing the Caribbean.

Rathbun said Miscavige told him:

You've worked hard, you deserved a reward. Go spend time on the ship. Get yourself right, get in touch with what made you love the church in the first place. Hone your skills, come back as the best auditor on the planet.

It was just what Rathbun needed to hear: "I couldn't have been more thankful."

He came aboard the Freewinds late in 1993. He worked odd jobs, devoured Hubbard's writings and spent eight to 10 hours a day receiving counseling and training to be an auditor.

After two years at sea, he reported to Clearwater, to Flag, where the church bases its best auditors and offers upper levels of training. But the quality of auditing had slipped. Rathbun's assignment was to help bring it back up.

Late in the summer of 1995, a woman exited an auditing room at the Fort Harrison Hotel, raised her arms above her head and shouted with delight — a breach of the all-quiet protocol on the auditing floor.

"Who's that?" Rathbun asked a supervisor.

"That's Lisa McPherson."

INDEX: The truth rundown, a special report on the Church of Scientology

The story on this page is part of a special report from the *St. Petersburg Times* and its Web site, tampabay.com. Here is an index to the report.

Main Web page: [Scientology: The truth rundown](#)

Video: Defectors [Marty Rathbun](#) and [Amy Scobee](#)

[Scientology responds](#)

[David Miscavige, Lisa McPherson](#)

Three-part series from the St. Petersburg Times

Part 1: [Scientology: The truth rundown](#)

[Scientology's response](#)

[David Miscavige's letter](#)

[David Miscavige bio and bios of defectors](#)

[Scientology: Origins, Tom Cruise and other celebrities, holdings, glossary](#)

Part 2: [Death in slow motion](#)

[Lisa McPherson case: events leading to her death](#)

Part 3: Scientology: Ecclesiastical justice

[Leaving the Church of Scientology: a huge step](#)

Previous St. Petersburg Times coverage of Scientology:

[From the Times archives, including the 1979 Pulitzer-winning coverage](#)

[More recent stories](#)

ABOUT THE STORY

Mark C. "Marty" Rathbun left the Church of Scientology staff in late 2004, ending a 27-year career that saw him rise to be among the organization's top leaders. For the past four years, he has lived a low-profile life in Texas. Some speculated he had died.

In February, Rathbun posted an Internet message announcing he was available to counsel other disaffected Scientologists.

"Having dug myself out of the dark pit where many who leave the church land," he wrote, "I began lending a hand to others similarly situated."

Contacted by the *St. Petersburg Times*, Rathbun agreed to tell the story of his years in Scientology and what led to his leaving. The *Times* interviewed him at his home in Texas, and he came to Clearwater to revisit some of the scenes he described.

Seeking to corroborate Rathbun's story, the newspaper contacted others who were in Scientology during the same period and have left the church: Mike Rinder, one of Rathbun's closest associates for two decades; Tom De Vocht, whom Rathbun named as key to his decision to leave; and later, Amy Scobee.

Rathbun and Rinder were well known to the reporters, who had interviewed them dozens of times, sometimes combatively, through years of controversy in Clearwater. They also hosted the reporters in Los Angeles in 1998, when Miscavige granted the only print media interview he has given.

Two reporters met Rinder in Denver, where he now lives, but he declined to be interviewed. About a month later, two Washington-based lawyers who work for the church showed up unannounced in Denver, informed Rinder that they had heard about the newspaper's visit and asked what he had revealed.

They reminded him that as one of the church's top legal officers, attorney-client privilege did not end when he left the church. They told him he could hurt the church by going public.

Weeks later, after the church provided the newspaper with a 2007 video of Rinder heatedly denying that Miscavige hit him and others, Rinder decided to talk to the *Times*.

De Vocht was interviewed in Winter Haven. Scobee was interviewed in Pinellas County, when she and her husband

came to visit relatives.

The reporters interviewed the four defectors multiple times, and met with church spokesmen and lawyers for 25 hours.

Joe Childs, Managing Editor/Tampa Bay, ran the *Times* Clearwater operation dating to 1993 and supervises the newspaper's Scientology coverage. He can be reached at childs@sptimes.com.

Thomas C. Tobin has covered the Church of Scientology off and on since 1996. He can be reached at tobin@sptimes.com.

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000277

EXHIBIT Y

93-70281

RECEIVED
CATHY A. CARTER
US COURT OF AP

JUN 21

FILED
CLERK
JUN 21 1993

1 ORIGINAL

DECLARATION OF HON. JAMES M. IDZKAN

2
3 I, James M. Idzkan, declare as follows:

4 1. Portions of this petition will become moot because
5 I have decided to recuse myself from this case. Plaintiff has
6 recently begun to harass my former law clerk who assisted me
7 on this case, even though she now lives in another city and
8 has other legal employment. This action, in combination with
9 other misconduct by counsel over the years has caused me to
10 reassess my state of mind with respect to the propriety of my
11 continuing to preside over the matter. I have concluded that
12 I should not. I have delayed the effective date of my
13 recusal, however, so that I could respond on behalf of my
14 court to the allegations in the petition.

15 2. I should say at the outset that this case should
16 soon be concluded in the District Court and thus available for
17 appellate review. I am confident that such a review will
18 reveal that the plaintiff's claims raised in this petition are
19 groundless. I would strongly recommend that any definitive
20 appellate action be deferred pending a thorough review on
21 appeal and that years of work not be wiped out by granting
22 petitioner's extraordinary writ.

23 3. The past 8 years have consisted mainly of a
24 prolonged, and ultimately unsuccessful, attempt to persuade or
compel the plaintiff to comply with lawful discovery. These
efforts have been fiercely resisted by plaintiffs. They have

1 utilized every device that we on the District Court have ever
2 heard of to avoid such compliance, and some that are new to
3 us.

4 4. This noncompliance has consisted of evasions,
5 misrepresentations, broken promises and lies, but ultimately
6 with refusal. As part of this scheme to not comply, the
7 plaintiffs have undertaken a massive campaign of filing every
8 conceivable motion (and some inconceivable) to disguise the
9 true issue in these pretrial proceedings. Apparently viewing
10 litigation as war, plaintiffs by this tactic have had the
11 effect of massively increasing the costs to the other parties,
12 and, for a while, to the Court. The appointment of the
13 Special Master 4 years ago has considerably relieved the
14 burden to this Court. The scope of plaintiff's efforts have
15 to be seen to be believed. (See, Exhibit "A", photo of clerk
16 with filings, and Exhibit "B", copy of clerk's docket with 81
17 pages and 1,737 filings.)

18 5. Yet, it is almost all puffery -- motions without
19 merit or substance. Notwithstanding this, I have carefully
20 monitored the Special Master's handling of these motions. I
21 saw no need to try to improve on the Special Master's writings
22 if I agreed with the reasons and the results. However, with
23 respect to the major ruling that I have made during these
proceedings, the dismissal of the plaintiff's claims, the
following occurred:

1 6. The Special Master, after years of efforts to compel
2 compliance with discovery, purported to order a dismissal of
3 plaintiff's claims. Although the action was probably long
4 overdue, the Special Master did not have the authority to make
5 such a dispositive order. In reviewing his order, as I did
6 with all of his actions, I saw what he had done and did not
7 approve it. I treated the Special Master's "order" as a
8 recommendation and gave notice to the parties that they could
9 have a hearing and invited briefs. Only after considering
10 fully the briefs of the parties did I give approval to the
11 dismissal. It is true that I adopted the language chosen by
12 the Special Master, but that was because I fully agreed with
13 his reasoning and saw no need to write further.

14 7. Plaintiffs are unhappy with Judge Kolts and as for
15 insisting that they comply fully with discovery or forfeit
16 their case. For this reason they wish to have our work set
17 aside and begin anew with another judge who may, they hope
18 permit them to litigate their claims without complying with
19 discovery, or, perhaps, to further punish the other parties
20 with more years of expensive litigation. This they should not
21 be permitted to do, especially by means of the limited review
22 possible on an extraordinary writ.

23 8. I respectfully recommend that the petitioner
claims that are not mooted by my withdrawal from the case be
denied without prejudice to review of same upon appeal.

1 I declare under penalty of perjury that the foregoing is
2 true and correct. Executed this 17th day of June, 1993 at Lo
3 Angeles, California.
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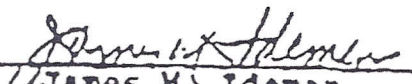

James M. Ideman
United States District Judge

EXHIBIT Z



"All that is Required for Evil to Prevail is for Good Men to Do Nothing" - Edmund Burke infolisatrust@yahoo.com

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Graham Berry and Robert Cipriano

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New at
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Media

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have a
video or
audio tape
that
belongs on
LMT
Media?

Send us an
e-mail

Berry & Cipriano

August 20, 1999

Robert Cipriano filed a false declaration about Graham in 1994 at the urging of Scientology. When later sued by Graham, Robert was then paid by Scientology to keep the lies coming.

In a shocking turn of events, Robert Cipriano turned to Graham's side and provided amazing documents which show a clear pattern of abuse of the legal system by Scientologist attorney Kendrick Moxon.

Although Graham provided ample evidence that the Scientologist attorneys were the ones breaking the law, it was Graham who was punished by Judge Alexander H. Williams...the same judge whom Kendrick Moxon said is "a friend of Scientology."



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a

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000282

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 22, 2010, I personally served on interested parties in said action the within:

**DEFENDANT AND CROSS-COMPLAINANT'S APPENDIX NO. IV
OF EXHIBITS [K-Z] 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 22, 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)