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10 **SUPERIOR COURT OF CALIFORNIA**
11 **COUNTY OF LOS ANGELES**
12 **CENTRAL DISTRICT**

13 **KENDRICK MOXON**

14 Plaintiff,

15 v.

16 **GRAHAM BERRY,**

17 Defendants.

18 **GRAHAM E. BERRY, an individual;**

19 Cross-Complainant,

20 v.

21 **KENDRICK L. MOXON, an individual;**

22 Cross-Defendant.
23

CONFORMED COPY
OF ORIGINAL FILED
Superior Court of California
County of Los Angeles
MAR 18 2010
John A. Clarke, Executive Officer/Clerk
By ROSENALE Deputy

Case No. BC 429217

Assigned to Hon. Rolf M. Treu, Dept. 58

**MOTION TO (1) COMPEL DEPOSITION
OF PLAINTIFF AND CROSS-
DEFENDANT KENDRICK L. MOXON,
(2) BAR THE ASSERTION OF THE
ATTORNEY CLIENT PRIVILEGE RE
THE UNDERLYING MATTERS;
DECLARATION OF GRAHAM E. BERRY
NOTICE AND EXHIBITS THERETO.**

[Filed concurrently with: (1) (proposed) order;
(2) Request for Judicial Notice and Exhibits.]

24 Date: MAY 6 April 9, 2010
Time: 8-30 A.M.
25 Dept: 58

Action filed: January 5, 2010

Trial Date: None

Unlimited jurisdiction in equity

Declaration of Graham E. Berry

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DECLARATION OF GRAHAM E. BERRY

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

1. I am an attorney duly admitted to practice before all of the courts of the State of California. I have personal knowledge of the matters set forth herein and, if called upon to do so, I believe that I could and would competently testify thereto.

2. I am the plaintiff *pro se* herein.

3. I have also filed a cross-complaint herein, acting through my counsel and attorney of record on that matter, Barry Van Sickle, Esq. who has also handled matters involving Scientology for many years. Our review of C.C.P. section 391.7 led us to conclude that a designated vexatious litigant, such as Mr. Moxon has had me declared, does not require pre-filing approval when appearing by and through counsel.

4. This declaration is submitted in connection with my "meet and confer" obligations as plaintiff *pro se* and in connection with the concurrently filed motion to compel Mr. Moxon's deposition and production of documents.

AUTHENTICATION OF EXHIBITS

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

- A. Notice of taking deposition of plaintiff and cross-defendant and production of documents thereat which was mail-served on February 14, 2010;
- B. Email from Kendrick Moxon and my reply thereto sent February 16, 2010;
- C. Email from Kendrick Moxon and my reply thereto sent February 18, 2010;
- D. Fax and email letter to Kendrick Moxon dated and sent March 16, 2010.
- E. Letter from Kendrick Moxon received March 17, 2010.

MEET AND CONFER

6. On February 14, 2010, *inter alia*, in my capacity as defendant *pro se* herein, Mr. Moxon was mail and email served with the notice of deposition and demand for production of documents, for February 25, 2010. See **Exhibit A** hereto.

7. On February 16, 2010, Mr. Moxon acknowledged service of the notice of deposition by email. See **Exhibit B** hereto.

8. On February 18, 2010, Mr. Moxon sent me an email stating he would "not be attending this noticed deposition ... Do not undertake the expense of a court reporter, as I will not be present." See **Exhibit C** hereto.

9. On March 16, 2010, I faxed and email Mr. Moxon the "meet and confer" letter attached hereto as **Exhibit D**.

10. At or about 5 p.m. on March 16, 2010, I telephoned Mr. Moxon's office and was connected to him. Mr. Moxon confirmed that he had received and read the Exhibit D "meet and confer" letter. The result of our "meet and confer" was that "we agreed to disagree," with Mr. Moxon's contentions being: (a) On February 18, 2010, he had informed the court that I was a vexatious litigant who had not received pre-filing approval and that the entire case was therefore "stayed," as set forth in his email to me of February 18, 2010; (b) That we should wait for the Court to rule upon his request for contempt and other sanctions against me. I informed him that I was going to proceed with the filing of a motion to compel his deposition.

ADDITIONAL MATTERS OF GENERAL RELEVANCE TO THE REQUESTS

11. The matters set forth herein have received extensive world wide Internet attention and media attention in *inter alia* Los Angeles, CA., Phoenix, AZ and New York, N.Y. *Inter alia*, between September and December 1999 the Los Angeles and Phoenix New Times newspapers

1 engaged in an extensive and intensive three month investigation of cross-defendant Moxon's
2 criminal conduct directed at the integrity of the legal system, frauds against the courts, and
3 abuses against me as alleged and set forth herein. In December 1999 the results were published in
4 the New Times Los Angeles and in the Phoenix New Times. A copy of that extensive
5 investigative report and cover story, "Double Crossed," is attached to the previously filed
6 (02/16/2010) Appendix No. III as Exhibit I.

8 **12.** In a New York Village Voice March 11, 2008 cover story on Scientology, that
9 paper's editor wrote of his earlier work for the New Times LA and the Phoenix New Times and
10 stated:

11 "In another story, we put the lie to the church's claim that it no
12 longer practices "fair game"- L. Ron's famous edict that his
13 troops should engage in dirty tricks to bury its perceived enemies.
14 In "Double Crossed," we detailed one of the most hellacious
15 cases of fair game in recent years, the smearing of attorney
16 Graham Berry with the use of a coerced, false affidavit claiming
17 Berry was a pederast who went after boys as young as 12. When
18 the man who made that false affidavit, Robert Cipriano, was sued
19 by Berry in a defamation suit, the church, in order to keep him
from recanting his false claims, offered to represent him in the
law suit for free, donated thousands to Cipriano's nonprofit
projects, and even got him a house, a car, and a job at Earth link
(which had been founded by Scientologists)." Emphasis added.

20 Copy attached to the previously filed Appendix No. III (02/16/2010) as Exhibit J.

21 **13.** Upon information and belief, in or about April 2001 the then Chief of the Los
22 Angeles Police Department ("L.A.P.D.") requested an investigation of certain of these matters
23 after receiving numerous public complaints regarding what cross-defendant Moxon had done to
24 me during the various underlying matters now at issue herein.
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1 14. On November 2, 2001, I provided a detailed explanation of the underlying events
2 to the L.A.P.D. A copy of my explanation is attached to the earlier filed (02/16/2010) Appendix.
3 No. III as Exhibit G.

4 15. Again upon information and belief, the L.A.P.D. conducted a six month
5 investigation and recommended to the Los Angeles City Attorney and District Attorney that
6 certain persons, understood to include cross-defendant Moxon and his agent Eugene Ingram, be
7 prosecuted for the criminal conduct directed at the machinery and integrity of the legal system
8 and process itself, that had been done to me during the course of the underlying matters.

9 16. Upon information and belief, following the aforesaid L.A.P.D. investigation and
10 recommendation, certain attorneys intervened on behalf of the Church of Scientology, and one
11 of the counsel involved in the void vexatious litigant proceeding resigned his mega international
12 law firm senior partnership position to become an assistant Los Angeles city attorney just in time
13 to intervene in/influence the prosecutorial decision making process regarding Mr. Moxon and his
14 agents criminal conduct directed at the integrity and machinery of the legal system as set forth in
15 the matters herein, including but not limited to those set forth in the previously filed Exhibits A-
16 H [Appendices No. I-III filed 02-16-2010]. A senior deputy district attorney involved in the
17 process subsequently me that a decision had been made not to proceed with the recommended
18 prosecution "for political reasons." "One day I may be able to tell you why," I was also informed
19 by the same senior Deputy District Attorney.

20 **THE DEMAND FOR DOCUMENTS**

21 17. Pursuant to the requirements of Code Civ. Proc. §2025.450 (b) (1), I now set forth
22 "specific facts showing good cause justifying the production for inspection of the documents
23 described in the deposition notice:"
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DOCUMENTS TO BE PRODUCED

1. All DOCUMENTS reflecting communications YOU have had with any person, through any media or form, regarding defendant and cross-complainant.

GOOD CAUSE SHOWING: The record of criminal and fraudulent conduct, evidenced by the RFJN and Exhibits filed herewith, is so extensive, and references to other wrongful conduct and communications so extensive, that only a call for all documents in this category can satisfy the need for full discovery. The documents called for may lead to admissible evidence regarding defendant and cross-defendant's allegations of criminal conduct directed at the integrity and machinery of the legal system, "extrinsic fraud and/or mistake," and the other criminal, fraudulent and abusive conduct alleged herein.

COMPOMISE POSITION: Exclude all court filings (pleadings, declarations, exhibits, and transcripts).

2. All DOCUMENTS reflecting communications any of YOUR partners, employees, agents, clients, associates or others have had with any person or entity, including but not limited to any business entity, professional entity, government agency, law enforcement agency, prosecutorial agency, State Bar representative, judicial officer, media entity or media reporter, relating and/or referring to the defendant and cross-complainant.

GOOD CAUSE SHOWING: The record of criminal and fraudulent conduct, evidenced by the RFJN and Exhibits filed herewith, is so extensive, and references to other wrongful conduct and communications so extensive, that only a call for all documents in this category can satisfy the need for full discovery. The documents called for may lead to admissible evidence regarding defendant and cross-defendant's allegations of criminal conduct directed at the integrity and machinery of the legal system, "extrinsic fraud and/or mistake," and the other criminal, fraudulent and abusive conduct alleged herein.

COMPOMISE POSITION: Exclude all court filings (pleadings, declarations, exhibits, and transcripts).

1 **3. All DOCUMENTS relating and/or referring to the defendant and cross-complainant and**
2 **either maintained by YOU or YOUR agents or provided by YOU, YOUR private investigators,**
3 **agents, clients or any others acting on behalf of either YOU or YOUR clients to any person**
4 **including but not limited to any business entity, professional entity, government agency, law**
5 **enforcement agency, prosecutorial agency, State Bar, judicial officer, media entity or media**
6 **reporter.**

7 *GOOD CAUSE SHOWING: (1) It is known that at least four false criminal complaints were*
8 *made to the L.A.P.D., and to the L.A.S.D. (including complaints based on the fabricated*
9 *Cipriano, Apodaca and Hurtado allegations; (2) It is also known that communications were had*
10 *with the Los Angeles District Attorneys Office on the basis of the fabricated Cipriano and*
11 *Hurtado matters; (3) It is further known that communications were had with the California and*
12 *New York State Bars, the First Department of the New York Supreme Court, the Law Society of*
13 *New Zealand, and the Canterbury District Law Society, on the basis of the fabricated Cipriano*
14 *and Hurtado matters; (4) It is also known that Mr. Moxon's associates and clients provided*
15 *fabricated documents and Information Packages on me to many clients, law firms, professional*
16 *and private associates, judges, and media outlets; (5) The record of criminal and fraudulent*
17 *conduct, evidenced by the RFJN and Exhibits filed herewith, is so extensive, and references to*
18 *other wrongful conduct and communications so extensive, that only a call for all documents in*
19 *this category can satisfy the need for full discover: (6). The documents called for may lead to*
20 *admissible evidence regarding defendant and cross-defendant's allegations of criminal conduct*
21 *directed at the integrity and machinery of the legal system, "extrinsic fraud and/or mistake," and*
22 *the other criminal, fraudulent and abusive conduct alleged herein.*

24 *COMPOMISE POSITION: Exclude all court filings (pleadings, declarations, exhibits, and*
25 *transcripts).*

26 *//*
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1 4. All DOCUMENTS constituting the transcript of hearing on any matter or motion in
2 connection with the cases claimed by defendant and cross-complainant to be related to or
3 otherwise connected with the litigation in *Berry v. Cipriano/Barton/Miscavige/Moxon/Ingram ,et*
4 *al., Pattinson v. Church of Scientology, Reveillere v. Pattinson, In Re Michael Pattinson*
5 *Bankruptcy Proceedings, In Re Graham E. Berry Bankruptcy Proceedings, State Bar v. Berry,*
6 *Hurtado v. Berry and McPherson v. Church of Scientology (Ken Dandar Disqualification*
7 *hearing, Jeavons v. CSI, and in "the Hoden v. Henson cases."*

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10 GOOD CAUSE SHOWING: (1) *I could not afford to purchase all of the transcripts in the*
11 *underlying cases, especially toward the end of them, and in particular in the Pattinson cases,*
12 *and so this production request will enable any relevant additional evidence necessary to be*
13 *extracted and presented in summary judgment or at trial herein; (2) the Hoden v. Henson case*
14 *also involved allegations of Mr. Moxon or his associates interfering with court process and*
15 *documents in the Hoden v. Henson case, and scheduling his deposition in the Hurtado v. Berry*
16 *case, where he had no knowledge whatever, in an effort that he be arrested for not appearing at*
17 *his arraignment; (3)The record of criminal and fraudulent conduct, evidenced by the RFJN and*
18 *Exhibits filed herewith, is so extensive, and references to other wrongful conduct and*
19 *communications so extensive, that only a call for all documents in this category can satisfy the*
20 *need for full discovery; (4) The documents called for may lead to admissible evidence regarding*
21 *defendant and cross-defendant's allegations of criminal conduct directed at the integrity and*
22 *machinery of the legal system, "extrinsic fraud and/or mistake," and the other criminal,*
23 *fraudulent and abusive conduct alleged herein.*

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27 COMPOMISE POSITION: (1) Exclude all McPherson (Dandar disqualification) documents
28 except the transcripts of the testimony of Stacy Brooks Young and the late Robert Vaughn

1 Young; (2) Provide a list of transcripts related to each case and plaintiff will specify which he is
2 missing and which are to be produced for copying.

3
4 **5. All DOCUMENTS filed in any of the following matters containing any statement (s) that any**
5 **of the following matters are related or for any purposes should be considered as being similar:**

6 Berry v. Cipriano/Barton/Miscavige/Moxon/Ingram, et al., Pattinson v. Church of Scientology,
7 Reveillere v. Pattinson, In Re Michael Pattinson Bankruptcy Proceedings, In Re Graham E.
8 Berry Bankruptcy Proceedings, State Bar v. Berry, Hurtado v. Berry and McPherson v. Church
9 of Scientology (Ken Dandar Disqualification hearing, Jeavons v. CSI, and in "the Hoden v.
10 Henson cases."

11 **COMPROMISE POSITION:** *Plaintiff and cross-complainant would waive this discovery*
12 *request in exchange for a binding stipulation from the plaintiff and cross-defendant in the*
13 *following or similar form: "Kendrick L. Moxon hereby stipulates and agrees that: (1) in the*
14 *Pattinson and Berry cases, and in the various cases related thereto, he and his co-counsel made*
15 *material representations that the Pattinson and Berry cases involved substantially similar facts*
16 *and issues; and (2) after the Berry v. Miscavige, et. al. case was filed he and/or his co-counsel*
17 *unsuccessfully removed the Berry v. Miscavige, et. al. case with an argument that it involved*
18 *substantially similar facts and issues to the Pattinson v. CSI, et. al. case; (3) the aforesaid*
19 *material representations were made with the intention they be relied upon by the relevant federal*
20 *and state courts; (4) the aforesaid material representations were known by Kendrick L. Moxon*
21 *to be false at the time they were made."*

22
23 **6. All DOCUMENTS, including all banking records, indicating the amount, date, purpose,**
24 **origin, source and/or beneficiary of the funds **YOU** used to make payments to or for the benefit**
25 **of any of the defendants, witnesses or potential witnesses in any of the following matters:**

26 Berry v. Cipriano/Barton/Miscavige/Moxon/Ingram, et al., Pattinson v. Church of Scientology,
27 Reveillere v. Pattinson, In Re Michael Pattinson Bankruptcy Proceedings, In Re Graham E.
28

1 *Berry Bankruptcy Proceedings, State Bar v. Berry, Hurtado v. Berry and McPherson v. Church*
2 *of Scientology (Ken Dandar Disqualification hearing, Jeavons v. CSI, and "the Hoden v. Henson*
3 *cases."*

4 GOOD CAUSE SHOWING: (1) *As set forth in paragraphs 11-12 above, the criminal conduct*
5 *and frauds upon multiple courts, by an officer of the court, in the underlying cases has received*
6 *considerable media attention. Appendix III, Ex. I-J. The question is asked there, and here, where*
7 *did all the money come from to pay for this mountain of crime and fraud upon the courts? (2) In*
8 *addition, and upon information and belief, as set forth in paragraphs 13-16 above, after a six*
9 *month investigation, the L.A.P.D. recommended that Mr. Moxon, Mr. Ingram and others be*
10 *criminally prosecuted for what was done in the underlying matters. See generally, Appendix III,*
11 *Ex. G (Letter to L. A. P. D.); (3) The Memorandum of Points and Authorities filed in connection*
12 *with the pending motion, and the supporting evidence, demonstrates that Mr. Moxon made*
13 *wrongful payments to Cipriano, Apodaca, Hurtado, Gary Soter, Esq., Lloyd Levinson, Esq., and*
14 *Donald Wager. It can be assumed that Mr. Moxon also paid for the other lawyer (s) he retained*
15 *to represent Michael Hurtado and that he also made payments to convicted murdered Bernard*
16 *Le Geros (who I have never met) at an upstate New York prison before and during the Berry*
17 *cases. Accordingly, good cause exists to believe that production of the documents demanded may*
18 *lead to the discovery of admissible and relevant evidence herein.*

20 **7. All DOCUMENTS**, including all banking records, indicating the amount, date, target,
21 purpose, origin, source and/or beneficiary of the funds **YOU** used to make payments to or for the
22 benefit of any private investigator to investigate or conduct any manner of surveillance of the
23 parties, witnesses or potential witnesses in any of the following matters: *Berry v.*
24 *Cipriano/Barton/Miscavige/Moxon/Ingram ,et al., Pattinson v. Church of Scientology, Reveillere*
25 *v. Pattinson, In Re Michael Pattinson Bankruptcy Proceedings, In Re Graham E. Berry*
26 *Bankruptcy Proceedings, State Bar v. Berry, Hurtado v. Berry and McPherson v. Church of*
27 *Scientology (Ken Dandar Disqualification hearing, Jeavons v. CSI, and in "the Hoden v. Henson*
28 *cases."*

1 GOOD CAUSE SHOWING: (1) Cipriano produced some documents fitting this description.
2 Appendix No. II, Exhibit C; (2) Mr. Moxon dismissed the *Hurtado v. Berry* case rather than
3 produce Mr. Ingram in discovery where the assertion of the attorney-client privilege was to be
4 barred on the ground of the crime-fraud exception (Evidence Code §956; (3) In addition, and
5 upon information and belief, as set forth in paragraphs 13-16 above, after a six month
6 investigation, the L.A.P.D. recommended that Mr. Moxon, Mr. Ingram and others be criminally
7 prosecuted for what was done in the underlying matters which Mr. Moxon has himself pulled
8 back into the courts through the filing of this proceeding. See generally, Appendix III, Ex. G
9 (Letter to L. A. P. D.); (4) The Memorandum of Points and Authorities filed in connection with
10 the pending motion, and the supporting evidence, demonstrates that Mr. Moxon made wrongful
11 payments to Cipriano, Apodaca, Hurtado, Gary Soter, Esq., Lloyd Levinson, Esq., and Donald
12 Wager. It can be assumed that Mr. Moxon also paid for the other lawyer (s) he retained to
13 represent Michael Hurtado and that he also made payments to convicted murdered Bernard Le
14 Geros (who I have never met) at an upstate New York prison before and during the Berry cases;
15 (5) Accordingly, good cause exists to believe that production of the documents demanded may
16 lead to the discovery of admissible and relevant evidence herein.

17
18 **8. All DOCUMENTS**, including all banking records, indicating the amount, date, purpose,
19 origin, source and/or beneficiary of the funds **YOU** or **YOUR** agents used to make payments to
20 or for the benefit of any person connected with any judicial officer in the matters of *Berry v.*
21 *Cipriano/Barton/Miscavige/Moxon/Ingram, et al., Pattinson v. Church of Scientology, Reveillere*
22 *v. Pattinson, In Re Michael Pattinson Bankruptcy Proceedings, In Re Graham E. Berry*
23 *Bankruptcy Proceedings, State Bar v. Berry, Hurtado v. Berry and McPherson v. Church of*
24 *Scientology (Ken Dandar Disqualification hearing, Jeavons v. CSI, and in "the Hoden v. Henson*
25 *cases."*

26 GOOD CAUSE SHOWING: (1) See verified cross-complaint filed March 9, 2010 herein,
27 paragraphs 40, 82-8; (2) After the Berry cases had been dismissed, and Moxon filed the
28 vexatious litigant petition, Cipriano came forward with his confession and evidence and also

1 provided information about Judge Williams being "a friend of the church" through his fiancée
2 who is an employee of the church; (3) Judge Williams confirmed his fiancée was an employee of
3 the Church of Scientology International, a party in the proceedings, the employer of other
4 parties in the proceedings, the employer of Kendrick L. Moxon, and a client of Kendrick L.
5 Moxon; (4) Judge Williams temporarily sealed the court records during the disqualification
6 proceedings and refused to submit them to an independent jurist; (5) The fiancée (Doris Weitz)
7 is now Judge William's wife; (6) Judge William's Form 700s disclose that his "spouse is 50%
8 partner" in Paragon Language Services, a interpretation and translation company; (7) Paragon
9 Language Services appears to be a substantial corporation providing training and services in
10 over 90 different languages; (8) the Church of Scientology International is understood and
11 believed to have very substantial needs for translation services; (9) At the very least, the
12 employee relationship between the judge's fiancée and the parties and counsel adverse to me in
13 the underlying proceedings had the appearance of impropriety; (10) The employee relationship
14 between the Judge's fiancée and the parties and lawyers for the Church of Scientology provided
15 the opportunity for judge's wife and her company to be promised additional economic benefits,
16 or to be threatened with major economic losses; (11) The employee relationship between the
17 Judge's fiancée and the parties and lawyers for the Church of Scientology provided the
18 opportunity for other ex parte communications, "pillow-talk and influence;" (12) Commentary
19 on Internet sites following the history of these matters suggests that Judge William's first wife
20 may also have been employed as a translator by the Church of Scientology International; (13)
21 Judge William's stated: "It is inarticulable that part of my life will be supported by revenues ...
22 that in part derive from the church." **Appendix No. IV, Ex. V, p.230, FN.22;** (14) On another
23 occasion, he blurted out, "I am going through hell over this case ... Barbara Reeves (counsel for
24 Barton) is to get down here. I don't care that her husband sits on the Court of Appeals," or
25 similar words of record; (15) As set forth in paragraphs 11-12 above, the criminal conduct and
26 frauds upon multiple courts, by an officer of the court, in the underlying cases has received
27 considerable media attention. Appendix III, Ex. I-J. In addition, and upon information and
28

1 belief, as set forth in paragraphs 13-16 above, after a six month investigation, the L.A.P.D.
2 recommended that Mr. Moxon, Mr. Ingram and others be criminally prosecuted for what was
3 done in the underlying matters which Mr. Moxon has himself pulled back into the courts through
4 the filing of this proceeding. See generally, Appendix III, Ex. G (Letter to L. A. P. D.). The
5 Memorandum of Points and Authorities filed in connection with the pending motion, and the
6 supporting evidence, demonstrates that Mr. Moxon made wrongful payments to Cipriano,
7 Apodaca, Hurtado, Gary Soter, Esq., Lloyd Levinson, Esq., and Donald Wager. It can be
8 assumed that Mr. Moxon also paid for the other lawyer (s) he retained to represent Michael
9 Hurtado and that he also made payments to convicted murdered Bernard Le Geros (who I have
10 never met) at an upstate New York prison before and during the Berry cases. Accordingly, good
11 cause exists to believe that production of the documents demanded may lead to the discovery of
12 admissible and relevant evidence herein.

13
14 **9. All DOCUMENTS** recording or reflecting any communication with, or to be had with, any
15 judicial officer or person connected with any judicial officer (including but not limited to law
16 clerks, wives, fiancées and friends), or retired judicial officer, in the matters of Berry v.
17 Cipriano/Barton/Miscavige/Moxon/Ingram ,et al., Pattinson v. Church of Scientology, Reveillere
18 v. Pattinson, In Re Michael Pattinson Bankruptcy Proceedings, In Re Graham E. Berry
19 Bankruptcy Proceedings, State Bar v. Berry, Hurtado v. Berry and McPherson v. Church of
20 Scientology (Ken Dandar Disqualification hearing, Jeavons v. CSI, and in "the Hoden v. Henson
21 cases."

22 **GOOD CAUSE SHOWING:** (1) See verified cross-complaint filed March 9, 2010 herein,
23 paragraphs 40, 82-8; (2) After the Berry cases had been dismissed, and Moxon filed the
24 vexatious litigant petition, Cipriano came forward with his confession and evidence and also
25 provided information about Judge Williams being "a friend of the church" through his fiancée
26 who is an employee of the church; (3) Judge Williams confirmed his fiancée was an employee of
27 the Church of Scientology International, a party in the proceedings, the employer of other
28 parties in the proceedings, the employer of Kendrick L. Moxon, and a client of Kendrick L.

1 Moxon; (4) Judge Williams temporarily sealed the court records during the disqualification
2 proceedings and refused to submit them to an independent jurist; (5) The fiancée (Doris Weitz)
3 is now Judge William's wife; (6) Judge William's Form 700s disclose that his "spouse is 50%
4 partner" in Paragon Language Services, a interpretation and translation company; (7) Paragon
5 Language Services appears to be a substantial corporation providing training and services in
6 over 90 different languages; (8) the Church of Scientology International is understood and
7 believed to have very substantial needs for translation services; (9) At the very least, the
8 employee relationship between the judge's fiancée and the parties and counsel adverse to me in
9 the underlying proceedings had the appearance of impropriety; (10) The employee relationship
10 between the Judge's fiancée and the parties and lawyers for the Church of Scientology provided
11 the opportunity for judge's wife and her company to be promised additional economic benefits,
12 or to be threatened with major economic losses; (11) The employee relationship between the
13 Judge's fiancée and the parties and lawyers for the Church of Scientology provided the
14 opportunity for other ex parte communications, "pillow-talk and influence;" (12) Commentary
15 on Internet sites following the history of these matters suggests that Judge William's first wife
16 may also have been employed as a translator by the Church of Scientology International; (13)
17 Judge William's stated: "It is inarticulable that part of my life will be supported by revenues ...
18 that in part derive from the church." **Appendix No. IV, Ex. V, p.230, FN.22;** (14) On another
19 occasion, he blurted out, "I am going through hell over this case ... Barbara Reeves (counsel for
20 Barton) is to get down here. I don't care that her husband sits on the Court of Appeals," or
21 similar words of record; (15) (15) As set forth in paragraphs 11-12 above, the criminal conduct
22 and frauds upon multiple courts, by an officer of the court, in the underlying cases has received
23 considerable media attention. Appendix III, Ex. I-J. In addition, and upon information and
24 belief, as set forth in paragraphs 13-16 below, after a six month investigation, the L.A.P.D.
25 recommended that Mr. Moxon, Mr. Ingram and others be criminally prosecuted for what was
26 done in the underlying matters which Mr. Moxon has himself pulled back into the courts through
27 the filing of this proceeding. See generally, Appendix III, Ex. G (Letter to L. A. P. D.). The
28 Memorandum of Points and Authorities filed in connection with the pending motion, and the

1 supporting evidence, demonstrates that Mr. Moxon made wrongful payments to Cipriano,
2 Apodaca, Hurtado, Gary Soter, Esq., Lloyd Levinson, Esq., and Donald Wager. It can be
3 assumed that Mr. Moxon also paid for the other lawyer (s) he retained to represent Michael
4 Hurtado and that he also made payments to convicted murdered Bernard Le Geros (who I have
5 never met) at an upstate New York prison before and during the Berry cases. Accordingly, good
6 cause exists to believe that production of the documents demanded may lead to the discovery of
7 admissible and relevant evidence herein.

8 **10. All DOCUMENTS** recording or reflecting any communication with, or to be had with, any
9 employee of any bar associations anywhere concerning the defendant and cross-complainant
10 herein including but not limited to the California and New York State Bars, the New Zealand and
11 New South Wales Societies of Solicitors.

12 GOOD FAITH SHOWING: Upon information and belief, based upon communications received,
13 investigations commenced, responses requested, etc., Mr. Moxon and/or his associates have
14 communicated with each of the named entities and provided them with false and fabricated
15 information based upon the criminal and fraudulent conduct alleged in the First Amended
16 Answer and the Cross-Complaint herein.

17 **11. All DOCUMENTS** recording or reflecting any communication with, or to be had with, any
18 employee of any federal or state court anywhere concerning defendant and cross-complainant.

19 GOOD FAITH SHOWING: (1) the declaration of then Federal Judge James Ideman
20 demonstrates that in a case in which Mr. Moxon was counsel, there were improper contacts with
21 one of his former law clerks. Appendix IV, Ex. Y. If there were no such contacts during the
22 underlying matters then there should be no nervousness about a response which truly states that
23 "no responsive documents exist;" (2) Upon information and belief, based upon communications
24 received, investigations commenced, responses requested, etc., Mr. Moxon and/or his associates
25 have communicated with at least the Los Angeles Police Department, the Santa Monica Police
26 Department, the Los Angeles Sheriffs Departments, and even the Los Angeles Education
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1 Department (playgrounds) and provided fabricated information based upon the criminal and
2 fraudulent conduct alleged in the First Amended Answer and the Cross-Complaint herein.

3 **12. All DOCUMENTS** recording or reflecting any communication with, or to be had with, any
4 of your co-counsel in the matters of *Berry v. Cipriano/Barton/Miscavige/Moxon/Ingram, et al.*,
5 *Berry v. Cipriano Code Civ. Proc. §391 proceeding*, *Pattinson v. Church of Scientology*,
6 *Reveillere v. Pattinson*, *In Re Michael Pattinson Bankruptcy proceedings*, *In Re Graham E.*
7 *Berry Bankruptcy proceedings*, *State Bar v. Berry*, *Hurtado v. Berry* and *McPherson v. Church*
8 *of Scientology (Ken Dandar Disqualification hearing, Jeavons v. CSI, and in "the Hoden v.*
9 *Henson cases."*

10 GOOD FAITH SHOWING: See the concurrently filed Memorandum of Points and Authorities,
11 pp. 9-22.

12 **13. All DOCUMENTS** recording or reflecting any communication with, or to be had with,
13 Robert Cipriano, Dr. Mathilde Krim, Bernard Le Geros and Wilbur J. Long.

14 GOOD FAITH SHOWING: (1) *The matters and evidence set forth in the concurrently filed*
15 *Memorandum of Points and Authorities; (2) Through his attorney, Wilbur J. Long informed me*
16 *that what had happened to him [with Ingram] had terrified him into silence (and Moxon had*
17 *forced the dismissal of the Berry cases by the time that conversation was had; (3) Bernard Le*
18 *Geros is a notorious convicted murderer in an upstate New York prison. I have never met him*
19 *but Moxon and Ingram wanted to connect me to him and a book about his horrible crime. I*
20 *named him as a defendant in the Cipriano case. Thereafter he submitted jail house typed*
21 *pleadings that looked and read as though they had been written by Mr. Moxon and his co-*
22 *counsel as part of the fabrications and criminal conduct directed at integrity of the legal process.*

23 **14. All DOCUMENTS** recording or reflecting any communication with, or to be had with, any
24 representative of a local, county, state, federal or foreign government concerning the defendant
25 and cross-complainant herein.

26 GOOD FAITH SHOWING: See the concurrently filed Memorandum of Points and Authorities,
27 pp. 9-22, and the good faith showings herein.
28

1 **15. All DOCUMENTS** describing, recording or reflecting **YOUR** weekly statistics or “stats” in
2 connection with any cycle of action or other activity in connection with the defendant and cross-
3 complainant herein and the specific activity that weekly statistic reflected and/or recorded.

4 **GOOD FAITH SHOWING:** As a CSI Office of Special Affairs attorney Mr. Moxon has a
5 weekly statistic, relating to cycles of action. E.g. number of motions filed for sanctions.
6 Depending on his statistics each week, Mr. Moxon is either punished or rewarded by OSA. The
7 discovery sought is intended to provide the basis of showing that Mr. Moxon had an economic
8 and personal motive to engage in the wrongful conduct described in the First Amended Answer
9 and the cross-complaint herein.

10 **16. All DOCUMENTS** describing, recording or reflecting any communication with any party,
11 witness or potential witness in the underlying proceedings.

12 **GOOD FAITH SHOWING:** *(1) Cipriano claimed that he was with Moxon in December 1998*
13 *when Moxon had telephone conversations with my then partners Lewis and Scali, encouraging*
14 *them to leave our partnership and benefit accordingly; (2) three later they dissolved the*
15 *partnership having only recently declaring that Moxon’s litigation blitzkrieg was not going to*
16 *drive them out of the case and our firm; (3) One year later, my former partner Stephen Lewis,*
17 *Esq. was deposed by Ava Paquette, Esq. of Mr. Moxon’s office who had met and prepared him*
18 *for deposition against me in the Hurtado v. Berry matter. He was demolished on cross-*
19 *examination by my then defense counsel Edith Matthai, Esq., (4) See generally, the*
20 *Memorandum of Points and Authorities filed concurrently herewith.*

21 **17. [CORRECTED]All DOCUMENTS**, billing statements, requests for payment or funds,
22 submitted within YOUR office or to any of YOUR clients in connection with any payments
23 made in connection with any expense incurred or payment made concerning the litigation in
24 *Berry v. Cipriano/Barton/Miscavige/Moxon/Ingram ,et al., Pattinson v. Church of Scientology,*
25 *Reveillere v. Pattinson, In Re Michael Pattinson Bankruptcy Proceedings, In Re Graham E.*
26 *Berry Bankruptcy Proceedings, State Bar v. Berry, Hurtado v. Berry and McPherson v. Church*
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1 of Scientology (Ken Dandar Disqualification hearing, Jeavons v. CSI, and in "the Hoden v.
2 Henson cases."

3 GOOD FAITH SHOWING: (1) As set forth in paragraphs ____ below, the criminal conduct and
4 frauds upon multiple courts, by an officer of the court, in the underlying cases has received
5 considerable media attention. Media also asks: where did Moxon get all the money to pay for
6 this massive crime and fraud upon the courts? Appendix III, Ex. ____; (2) In addition, and upon
7 information and belief, as set forth in paragraphs ____ below, after a six month investigation, the
8 L.A.P.D. recommended that Mr. Moxon, Mr. Ingram and others be criminally prosecuted for
9 what was done in the underlying matters. See generally, Appendix III, Ex. ____ (Letter to L. A.
10 P. D.); (3) The Memorandum of Points and Authorities filed in connection with the pending
11 motion, and the supporting evidence, demonstrates that Mr. Moxon made wrongful payments to
12 Cipriano, Apodaca, Hurtado, Gary Soter, Esq., Lloyd Levinson, Esq., and Donald Wager; (4) It
13 can be assumed that Mr. Moxon also paid for the other lawyer (s) he retained to represent
14 Michael Hurtado; and (5) that he also made payments to convicted murdered Bernard Le Geros
15 (who I have never met) at an upstate New York prison before and during the Berry cases.
16 Accordingly, good cause exists to believe that production of the documents demanded may lead
17 to the discovery of admissible and relevant evidence herein.

18 **18. All DOCUMENTS** describing, recording or reflecting any communication with J. Stephen
19 Lewis or Christian J. Scali after November 1, 1998.

20 GOOD FAITH SHOWING: (1) Cipriano claimed that he was with Moxon in December 1998
21 when Moxon had telephone conversations with my then partners Lewis and Scali, encouraging
22 them to leave our partnership and benefit accordingly; (2) three later they dissolved the
23 partnership having only recently declaring that Moxon's litigation blitzkrieg was not going to
24 drive them out of the case and our firm; (3) One year later, my former partner Stephen Lewis,
25 Esq. was deposed by Ava Paquette, Esq. of Mr. Moxon's office who had met and prepared him
26 for deposition against me in the Hurtado v. Berry matter. He was demolished on cross-
27 examination by my then defense counsel Edith Matthai, Esq.
28

1 **19. All DOCUMENTS** constituting the transcript of hearing on any matter or motion in
2 connection with the cases claimed by defendant and cross-complainant to be related to or
3 otherwise connected with the litigation in *Berry v. Cipriano/Barton/Miscavige/Moxon/Ingram , et*
4 *al., Pattinson v. Church of Scientology, Reveillere v. Pattinson, In Re Michael Pattinson*
5 *Bankruptcy Proceedings, In Re Graham E. Berry Bankruptcy Proceedings, State Bar v. Berry,*
6 *Hurtado v. Berry and McPherson v. Church of Scientology (Ken Dandar Disqualification*
7 *hearing, Jeavons v. CSI, and in “the Hoden v. Henson cases.”*

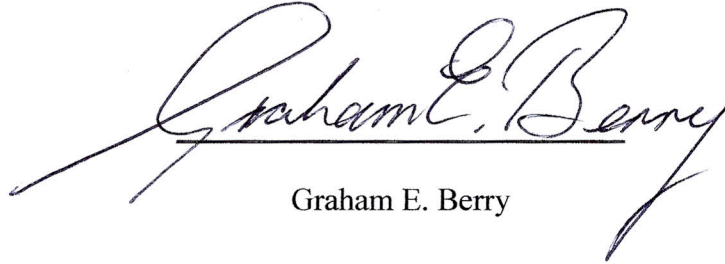
8 **GOOD FAITH SHOWING:** *I could not afford to purchase all of the transcripts in the underlying*
9 *cases, especially toward the end of them, and in particular in the Pattinson cases, and so this*
10 *production request will enable any relevant additional evidence necessary to be extracted and*
11 *presented in summary judgment or at trial herein; (2) the Hoden v. Henson case also involved*
12 *allegations of Mr. Moxon or his associates interfering with court process and documents in the*
13 *Hoden v. Henson case, and scheduling his deposition in the Hurtado v. Berry case, where he had*
14 *no knowledge whatever, in an effort that he be arrested for not appearing at his arraignment;*
15 *(3)The record of criminal and fraudulent conduct, evidenced by the RFJN and Exhibits filed*
16 *herewith, is so extensive, and references to other wrongful conduct and communications so*
17 *extensive, that only a call for all documents in this category can satisfy the need for full*
18 *discovery. The documents called for may lead to admissible evidence regarding defendant and*
19 *cross-defendant’s allegations of criminal conduct directed at the integrity and machinery of the*
20 *legal system, “extrinsic fraud and/or mistake,” and the other criminal, fraudulent and abusive*
21 *conduct alleged herein.*

22
23 **COMPOMISE POSITION:** *(1) Exclude all McPherson (Dandar disqualification) documents*
24 *except the transcripts of the testimony of Stacy Brooks Young and the late Robert Vaughn Young;*
25 *(2) Provide a list of transcripts related to each case and plaintiff will specify which he is missing*
26 *and which are to be produced for copying.*
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*

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

Executed this 16th day of March, 2010 at Los Angeles, California.


Graham E. Berry