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Defendant *pro se*

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Attorney for cross-complainant

REC'D

MAR 18 2010

FILING WINDOW

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES
CENTRAL DISTRICT

KENDRICK MOXON

Plaintiff,

v.

GRAHAM BERRY,

Defendants.

Case No. BC 429217

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

[Proposed]

ORDER

GRAHAM E. BERRY, an individual;

Cross-Complainant,

v.

KENDRICK L. MOXON, an individual;

Cross-Defendant.

Filed concurrently with: (1) Motion to compel deposition of Plaintiff, etc., (2) Request for Judicial Notice & Exhibits thereto.

Date: ~~April 9~~ ^{MAY 6} 2010

Time: 8-30 A.M.

Dept: 58

Action filed: January 5, 2010

Trial Date: None

Unlimited jurisdiction in equity

1
2 **UPON READING DEFENDANT'S AND CROSS-COMPLAINANT'S MOTION TO**
3 **COMPEL DEPOSITION OF PLAINTIFF AND CROSS-DEFENDANT AND TO BAR THE**
4 **ASSERTION OF THE ATTORNEY-CLIENT PRIVILEGE IN THE UNDERLYING**

5 **CASES** herein, and upon considering the documents filed in support thereof, the opposing papers,
6 and the reply papers, the oral arguments of counsel, and upon the record herein, in all of the
7 circumstances herein, at both law and equity, the motion is granted and
8

9 **IT IS HERBY ORDERED THAT:**

- 10 1. Plaintiff and cross-defendant Kendrick L. Moxon shall appear for his deposition herein
11 upon a date mutually convenient to all parties and their counsel but no later than
12 Friday May 28, 2010; and
13
14 2. At the commencement of his deposition as ordered herein, plaintiff and cross-defendant
15 Kendrick L. Moxon shall produce the documents demanded of him in the notice of
16 deposition dated February 14, 2010 as modified by the "compromise" positions of set
17 forth in paragraph 17 of defendant Graham Berry's declaration dated March 17, 2010;
18
19 3. Plaintiff and cross-defendant Kendrick L. Moxon is barred, and all other witnesses are
20 barred, from asserting the attorney-client privilege as between Kendrick L. Moxon and
21 his clients, both of record and generally, in relevant underlying matters of *Pattinson v.*
22 *Church of Scientology International* and *Berry v. Cipriano, Barton, Miscavige, Rinder,*
23 *Abelson, Moxon, Ingram et. al.*, and their related cases, upon the ground of the
24 exception to the attorney-client privilege set forth in Evidence Code section 956. This
25 order shall not limit the assertion of the attorney-client privilege in connection with

26 //

27 //

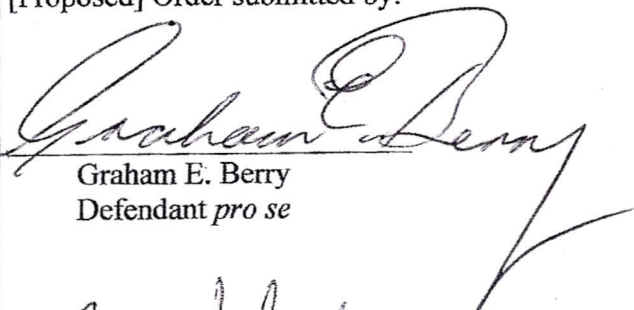
communications between Kendrick L. Moxon and any counsel that may hereafter
represent him in this particular proceeding.

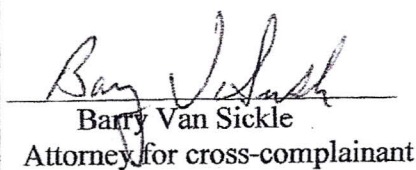
GOOD CAUSE APPEARING THEREFORE, IT IS SO ORDERED

Dated: April __, 2010.

Judge of the Superior Court

[Proposed] Order submitted by:


Graham E. Berry
Defendant *pro se*


Barry Van Sickle
Attorney for cross-complainant

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. My business address is 3384 McLaughlin Avenue, Los Angeles, CA 90066. I am an officer of the court herein.

[Proposed]

ORDER

On March 18, 2010, I personally served on interested parties in said action the within: 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 March 18, 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)