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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

OCT 22 2009

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8 SUPERIOR COURT OF CALIFORNIA

9 COUNTY OF RIVERSIDE

10 CENTRAL DISTRICT

11 **FRANCOIS G. CHOQUETTE,**

12 Plaintiff,

13 v.

14 **CHURCH OF SCIENTOLOGY**
INTERNATIONAL, a California
corporation; BUILDING MANAGEMENT
SERVICES, a California corporation;
15 **DAVID ALAN DUNIGAN, an individual;**
16 **KENNETH R. SEYBOLD, an individual;**
17 **MATTHEW JAMES BUTLER, an**
individual; SALVATORE MEO, and
individual; and DOES 1 through 20,
18 **inclusive,**

19 Defendants.

Case No.

RIC 538634

COMPLAINT FOR DAMAGES FOR:

1. Assault & Battery
2. Assault & Battery, Excessive Force
3. False Arrest & Imprisonment
4. Negligent Hiring, Supervision and Retention
5. Negligence, Nuisance & Occupier's Liability
6. Intentional Infliction of Emotional Distress
7. Negligent Infliction of Emotional Distress
8. Abuse of Process
9. Malicious Prosecution
10. Violation of California Civil Code § 52.1
11. Violation of California Constitution Article 1, §§1, 2, 3, 4, 7 & 13

UNLIMITED CIVIL CASE

DEMAND FOR JURY TRIAL

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1 Plaintiff FRANCOIS G. CHOQUETTE, on information and belief, makes the following
2 allegations to support this Complaint:

3 **INTRODUCTORY STATEMENT**

4 1. This case is a by product of the Church of Scientology's second war against the Internet.

5 Scientology's first war against the Internet was waged between 1995 and 1998 when three district
6 court judges issued orders permitting the search of the homes of various anti-Scientologists and to
7 seize their computers, digital files and books. Two of those Federal District Court judges later
8 complained that the Church of Scientology had misled the court in its moving papers.

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10 Scientology's War against the Internet Part I was prompted by the court filing and subsequent
11 publication of Scientology's creation fable called OT III.

12 2. Scientology's War against the Internet Part II commenced in January 2008 when the
13 Andrew Morton biography of Tom Cruise was published concurrently with the Internet release of
14 a Scientology recruiting video featuring the Hollywood actor Tom Cruise. The Church of
15 Scientology International, through its Office of Special Affairs legal unit known as Moxon &
16 Kobrin, showered the Internet with letters alleging copyright abuse. In response an amorphous
17 Internet protest group calling itself Anonymous began investigating the extensive Internet,
18 government and judicial reports of serious Scientology human and civil rights abuses, serious
19 crime, major corruption and racketeering activity. Many concluded that another Jonestown, Waco
20 or Heavens Gate tragedy was potentially primed and ready to erupt in the Scientology enterprise's
21 international headquarters at Gilman Hot Springs, California where it masquerades under
22 delusions of secrecy as Golden Era Film Studios. The participants in Anonymous include police
23 officers, military intelligence specialists, lawyers and United States Senate and Congress staffers.
24 What these Anonymous participants learned about the Church of Scientology, in response to the
25 Scientology "cease and desist" letters, prompted global protests against the Church of
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1 Scientology's alleged abuse and crime. Those global protests have continued on a daily basis from
2 January 2008 until the present time and have spawned a number of related Internet message
3 boards such as www.whyweprotest.net. Related message boards include www.xenu.net and the Ex
4 Scientologist Message Board (<http://www.forum.exscn.net>).

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6 3. There are now more anti-Scientology crime and abuse protestors than there are current
7 scientologists, there are more former Scientologists than current Scientologists, and Scientology
8 has shrunk to a total active worldwide staff and public membership of only 30-50,000 people. The
9 Church of Scientology has reacted with brutal lawlessness in this War against the Internet Part II.
10 It has spent many millions of tax exempt dollars, used one of the world's largest law firms,
11 employed scores of private investigators, and used crime and corruption to identify, attack and
12 utterly destroy each and every person who has protested Scientology related crime and abuse
13 whether anonymously or otherwise, on the streets, or on the Internets. This outrageous
14 intimidation of hundreds of young people, and the violation of their first amendment rights to
15 anonymously associate and protest alleged Scientology crime and abuse, has included a large
16 number of false police reports, false arrests, false imprisonments and dismissed charges and/or
17 prosecutions. On numerous occasions Scientologists have engaged in unprovoked physical attacks
18 upon people merely expressing their First Amendment right to communicate a protest message
19 directly to the intended audience. As a matter of law, it is immaterial that an intended audience
20 may not wish to receive the communication or that the intended audience finds the communication
21 offensive. Otherwise a cult could easily isolate its coercively indoctrinated staff and members
22 from a message intended to wake them from their mental manipulation.

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25 4. In this case the Scientology Defendants lacked probable cause to make a citizen's arrest
26 of the Plaintiff. He was assaulted, battered, nearly killed and permanently injured. When three of
27 the Defendants dog-piled and violently kned the Plaintiff in the back and neck they used what is
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1 deadly force as a matter of law. The conduct of the Defendants resulted in a further three false
2 arrests and false imprisonments of the Plaintiff. He spent a total of three days in County jail and
3 had to spend many thousands of dollars in related medical expenses and defense costs. He has
4 suffered permanent physical injury and permanent employment damage. Accordingly, the Plaintiff
5 now seeks justice and recompense for the wrongs, injuries and damages that the Defendants have
6 caused him to suffer.
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8 SECULAR ACTION

9 5. This Complaint is not directed at any of Defendants' religious beliefs or freedoms. It is
10 only directed at Defendants' demonstrably secular policies, processes, practices and conduct in
11 connection with, at the very most, religiously motivated conduct which is subject to regulation for
12 the protection of society.
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14 PARTIES

15 6. Plaintiff FRANCOIS G. CHOQUETTE (“Choquette” or “Plaintiff”) is an individual who
16 currently resides in the County of Riverside, California.

17 7. Defendant CHURCH OF SCIENTOLOGY INTERNATIONAL (“CSI”) is an entity
18 incorporated under the laws of the State of California as a religious corporation with its principal
19 place of business at 6331 Hollywood Boulevard, Los Angeles, CA. CSI also does business as
20 GOLDEN ERA PRODUCTIONS (“GOLDEN ERA”) at 19625 Highway 79, Gilman Hot Springs,
21 CA 92583. In doing the acts herein alleged, CSI’s employees, subcontractors, volunteers and
22 agents acted within the scope of their employment and agency with CSI. Defendant CSI engaged
23 in the acts alleged herein and/or condoned, permitted, authorized, and/or ratified the conduct of its
24 managing agent Sea Organization Captain David Miscavige, corporate affiliates, employees,
25 subcontractors, volunteers and agents alleged herein. Although CSI is organized as a religious
26 corporation with the word “church” part of its name, it is a mere management entity that acts as a
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1 self-described “mother church” which, *inter alia*, directs and controls the activities of *alter egos*,
2 other Scientology corporations and individuals, and many false front groups including the World
3 Institute of Scientology Enterprises (“WISE”), the Cult Awareness Network (“CAN”), the
4 Citizen’s Commissions for Human Rights (“CCHR”), the Association for Better Living
5 (“ABLE”), Applied Scholastics, Narconon and Criminon. CSI is also the registered copyright
6 owner of either most or all of the written policies referred to herein as the policies and practices
7 for the “handling” [and “destruction”] of “Suppressive Persons” or “SPs.”

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9 **8.** Defendant BUILDING MANAGEMENT SERVICES (“BMS”) is an entity incorporated
10 under the laws of the State of California as a religious corporation with its principal place of
11 business at 6331 Hollywood Boulevard, Los Angeles, CA. BMS also does business as BUILDING
12 MANAGEMENT SERVICES (GOLD) at 19625 Highway 79, Gilman Hot Springs, CA 92583.
13 BMS is one of the corporations of Scientology with its principal object being the ownership and
14 management of various Scientology properties. In doing the acts herein alleged, its employees,
15 subcontractors, volunteers and agents acted within the scope of their employment and agency with
16 BMS and its affiliates. Defendant BMS engaged in the acts alleged herein and/or condoned,
17 permitted, authorized, and/or ratified the conduct of its managing agent Sea Organization Captain
18 David Miscavige, corporate affiliates, lessees, mortgagors, employees, subcontractors, volunteers
19 and agents alleged herein. Although BMS is organized as a religious corporation, it is a mere real
20 estate ownership and management entity that participates through its officers, directors, and
21 Scientology Sea Organization volunteers and/or employees, in the activities of *alter egos*, false
22 front groups and other Scientology corporations and individuals including those alleged of the
23 various other Defendants herein. Upon information and belief, one of the principal purposes of the
24 corporate existence of BMS is to own, manage and shield Church of Scientology real property
25 assets from attachment by potential judgment creditors such as the Plaintiff herein.
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1 **9.** Plaintiff is informed and believes that the Scientology corporate structure is a deliberately
2 deceptive façade and that in reality the entire Scientology organization is the *alter ego* of
3 the Scientology Sea Organization, the Commodore’s Messenger Organization, and their most
4 senior ranking officer and managing agent Captain DAVID MISCAVIGE. The Sea Organization
5 and the Commodore’s Messenger Organization are unincorporated associations that are the *alter*
6 *ego* controlling entities of the entire Scientology enterprise. Various courts of law also designated
7 Captain David Miscavige’s predecessor Commodore L. Ron Hubbard as the Managing Agent of
8 the churches and corporations of Scientology which, *inter alia*, caused L. Ron Hubbard to go into
9 hiding for the last seven years of his life. Plaintiff is informed and believed that staff and assets are
10 moved among the various Scientology corporations as the circumstances may require and that
11 “acceptable truths” and “lies” are told to deceive and defraud others including law enforcement
12 agencies and officers and the courts of law.

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15 **10.** Although CSI and its managing agent David Miscavige widely claim to have a global
16 membership exceeding ten million people that is a falsified figure involving creative and
17 misleading statistics. Upon information and belief, there are only 30-50,000 currently active
18 Scientology staff members and public members worldwide. Over the past 18 months both
19 Scientology’s worldwide membership and its global gross income have diminished by about half.

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21 **11.** There exists, and at all times relevant hereto, has existed, such a unity of control and
22 interest among the corporate Defendants, the Sea Organization and the Commodores Messenger
23 Organization, and all of the other corporations and churches of Scientology, including but not
24 limited to those churches and corporations of Scientology that are or have been the subject of
25 Internal Revenue Service § 501(c)(3) exemption letters, that any individuality and separateness
26 between each of them has ceased and each is the *alter ego* or agent of the others. Adherence to the
27 fiction of the separate existence of the Defendant corporations, the other churches and
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1 corporations of Scientology, and of the Sea Organization and the Commodore's Messenger
2 Organization, would permit an abuse of corporate privilege and would promote injustice in that,
3 *inter alia*, via the unified control exercised, *inter alia*, across corporate lines by the managing
4 agent (s), the Sea Organization, and the Commodore's Messengers' Organization, the assets of the
5 corporate Defendants, the other churches and corporations of Scientology, the Sea Organization
6 and the Commodore's Messenger Organization, can be transferred at will and thus concealed from
7 corporate debts, liabilities, government obligations and taxes and other obligations. Similarly,
8 officers, directors, employees, agents and lawyers are interchanged and transferred back and forth
9 between the various corporations and associations in response to circumstances, events and
10 strategies. Adherence to the fiction of the separate existence of the Defendant corporations, the
11 other churches and corporations of Scientology, the Sea Organization and the Commodore's
12 Messengers' Organization, would also be inequitable because the Managing Agent (s) and/or
13 subdivisions of the Scientology enterprise can transfer personnel and control of documents from
14 one entity to another, to engage in corporate restructurings, asset transfers, and asset
15 encumbrances, thus, *inter alia*, allowing the Defendants to avoid paying judgments, to avoid
16 legitimate litigation discovery and thereby to effect the continuing abuse of process, obstruction of
17 justice, and improper manipulation of the judicial system of which evidence abounds.

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20 **12.** Plaintiff is informed and believes that other Scientology corporate entities also occupy or
21 have designated staff at the Golden Era property at Gilman Hot Springs. These allegedly separate
22 Scientology corporate entities include Church of Spiritual Technology, Religious Technology
23 Center, Building Management Services and Building Management Services (GOLD). Currently
24 Plaintiff lacks information as to whether any of these corporations or any of their assigned staff
25 participated in the acts, circumstances and occurrences alleged herein. When the true and precise
26 nature of their relationship and participation, if any, in the events and matters relating to this
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1 Complaint becomes better known than at the present time, this Complaint will be amended to
2 reflect the same (by appropriate additions, deletions and/or dismissals) or it will be established at
3 the time of trial, according to proof.

4 **13.** Both CSI and BMS are among the many Scientology related and/or funded *alter egos* of:
5 (a) Scientology Managing Agent and Scientology Sea Organization Captain David Miscavige, (b)
6 Church of Spiritual Technology Managing Agent David Miscavige, (c) Religious Technology
7 Center Chairman of the Board David Miscavige, (d) Religious Technology Center, (e) Church of
8 Spiritual Technology, (f) the Scientology Sea Organization, and (g) the Commodore's Messenger
9 Organization.
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11 **14.** Upon information and belief, the funds to engage in the conduct alleged of the Defendants
12 herein was/is provided by multiple sources including but not limited to the International
13 Association of Scientologists (the "I.A.S."), the World Institute of Scientology Enterprises
14 ("W.I.S.E."), Narconon, the Citizen's Commission for Human Rights ("CCHR"), various
15 Scientology celebrity members including but not limited to Tom Cruise, John Travolta, James
16 Packer of the Packer news and media group, Greta Van Susteran of Fox News, and others.
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18 **15.** At various times, in the doing of the things either alleged herein or reasonably related to
19 the events herein, Managing Agent David Miscavige has been assisted by others, or has punished
20 and/or violated the constitutional rights of many others, including but not limited to Lawrence
21 ("Larry") Brennan, Vicki Azneran, Richard Azneran, Jesse Prince, Mark ("Marty") Rathbun,
22 Michael Rinder, Stacy Brooks Young, Andre Tabayoyan, Hana Whitfield, Gerry Whitfield, Ken
23 Hoden, Lawrence Wollersheim, Gerry Armstrong, Marc Headley and Jason Beghe.
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25 **16.** Defendant DAVID ALAN DUNIGAN ("Dunigan") is a resident of Riverside County
26 California and/or was a security guard at Golden Era on October 26, 2008. At all relevant times,
27 Defendant Dunigan was under the direct supervision, employ, and control of Defendant CSI or
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1 BMS. In doing the acts alleged herein, Defendant Dunigan was acting within the course and scope
2 of his employment and agency with Defendant CSI or BMS.

3 **17.** Defendant KENNETH R. SEYBOLD (“Seybold”) is a resident of Riverside County
4 California and is an employee of CSI or BMS and is believed to be the “Estates Manager” and/or
5 the “Port Captain” for the Golden Era property. At all relevant times, Defendant Seybold was
6 under the direct supervision, employ, and control of Defendant CSI or BMS. In doing the acts
7 alleged herein, Defendant Seybold was acting within the course and scope of his employment and
8 agency with Defendant CSI.

10 **18.** Defendant MATTHEW JAMES BUTLER (“Butler”) is a resident of Riverside County
11 California and/or was a security guard at Golden Era on October 26, 2008. At all relevant times,
12 Defendant Butler was under the direct supervision, employ, and control of Defendant CSI or
13 BMS. In doing the acts alleged herein, Defendant Butler was acting within the course and scope of
14 his employment and agency with Defendant CSI or BMS.

16 **19.** Defendant SALVATORE MEO (“Meo”) is a resident of Riverside County California
17 and/or was a security guard at Golden Era on October 26, 2008. At all relevant times, Defendant
18 Meo was under the direct supervision, employ, and control of Defendant CSI or BMS. In doing
19 the acts alleged herein, Defendant Meo was acting within the course and scope of his employment
20 and agency with Defendant CSI or BMS.

22 **20.** Upon information and belief, at all times relevant to the conduct and communications
23 herein each of the individual defendants was acting for, upon, and in furtherance of the business of
24 their employer (s) and/or Church of Scientology, CSI and BMS managing agent David Miscavige.
25 Plaintiff is ignorant of the true names and capacities of Defendants, Does 1 through 20, and
26 therefore sues said Defendants by fictitious names. Plaintiff will seek leave to amend this
27 complaint when the true names of said Defendants have been ascertained. Plaintiff is informed
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1 and believes and on that basis alleges that each of the fictitious Defendants was in some way
2 responsible for, participated in or contributed to the matters and things of which Plaintiff
3 complains herein and, in some fashion, has legal responsibility therefore.

4 **21.** At all times herein mentioned, each of the Defendants and/or their predecessors, affiliates,
5 subsidiaries and related entities, and each of the Doe Defendants, was the agent, servant,
6 employee, fellow member, associated and/or joint venturer or conspirator of each of the other
7 Defendants, and of the various corporations and churches of Scientology, the Sea Organization
8 and the Commodore's Messengers' Organization, and was at all times acting within the purpose
9 and scope of said agency, employment or joint venture, and acting with the express and/or implied
10 knowledge or consent of the Defendants, and each of them. The acts of each Defendant were
11 approved and/or ratified by each other Defendant, and the other corporations and churches of
12 Scientology, the Sea Organization and the Commodore's Messengers' Organization, and the
13 managing agent of the Scientology conglomerate, organization and enterprise and together,
14 constitute a single course of conduct throughout the events at issue herein.
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16 **22.** To the extent any one of more Defendants may continue to claim to be a peace officer
17 Plaintiff is informed and believes and thereon alleges that the acts of such Defendant (s) alleged in
18 this Complaint were done by such Defendant (s) under color of law and under pretense of the
19 constitution, statutes, ordinances, regulations, customs and usages of the United States, the State
20 of California, and the County of Riverside therein, and under the authority of their offices, and
21 during the course and scope of their service as peace officers for said State or County, and said
22 State or County is legally responsible for their conduct according to principals of vicarious
23 liability and respondeat superior. In such event, Plaintiff will seek leave to add appropriate federal
24 civil rights claims herein pursuant to, *inter alia*, 42 U.S.C. §§1983, 1985 and 1988. At the time of
25 filing herein, Plaintiff lacks sufficient knowledge, information and belief to assert such a claim
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1 relative to any conduct that may be beyond the limited immunity granted California peace officers
2 receiving persons delivered into their custody following a “citizen’s arrest” or “private person’s
3 arrest.”

4 COMMON ALLEGATIONS

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6 **23.** In mid January 2008 a biography of Tom Cruise was published by Andrew Morton.
7 Almost simultaneously a Scientology recruiting video starring Tom Cruise was uploaded to the
8 worldwide web of the Internet. CSI, through its attorneys, then used copyright claims to try and
9 prevent continued distribution and viewing of the Scientology recruiting film in which, among
10 other things, Tom Cruise claims to “smash Suppressive Persons” [critics of Scientology] such as
11 the Plaintiff into “a mere footnote in history” and he encourages other Scientologists to similarly
12 engage in the same unlawful and/or anti-social conduct.

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14 **24.** CSI and its managing agent David Miscavige maintain a policy and practice of “Command
15 Intention.” During the lifetime of L. Ron Hubbard “command intention” referred to what
16 Commodore Hubbard wanted to be done or what Scientology upper management wanted to be
17 done in accordance with the Scientology policy and practice letter known as “Keeping Scientology
18 Working No. 1” or “KSW 1.” After managing agent David Miscavige extorted and seized control
19 of the Scientology enterprise from Hubbard’s appointed successors Pat and Annie Broeker, and
20 after he terrorized and extorted certain of the Hubbard family heirs and seized/stole portions of the
21 Hubbard family inheritances, David Miscavige altered or “squirreled” numerous Scientology
22 policies contrary to its “Doctrine of Source” and “Command Intention” took on the meaning of
23 what David Miscavige or “DM” wanted done. In accordance with DM’s “Command Intention,”
24 various of the “Suppressive Person” policies and practices are used against persons such as the
25 Plaintiff herein, and were used against the Plaintiff herein, by the Defendants acting jointly and/or
26 severally. Within the Scientology/CSI/BMS enterprise, “Command Intention” also mandates that
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1 any Scientology staff member is able to “make it go right” and to do whatever is required for the
2 good of the greatest number of Scientologists. In other words, Defendants have copyrighted
3 secular policies and practices providing, in pertinent parts, that the Plaintiff had “no civil rights,”
4 that he could be “utterly destroyed” by any means “by any Scientologist without any penalty to
5 that Scientologist,” and that the ends justify the means whether lawful or unlawful. Upon
6 information and belief, the Defendants used these secular policies and practices in their conduct
7 and handling of the Plaintiff as alleged herein.

9 **25.** In or about February 2008 a loosely organized leaderless global collective or group of
10 human rights and Internet activists, numbering more than nine thousand, began protesting the
11 alleged copyright abuses, crimes, frauds, human rights abuses, and civil rights abuses committed
12 by the churches and corporations of Scientology and their representatives. The amorphous global
13 collective (in over 110 cities and more than 42 nations) called itself Anonymous and it engaged in
14 light hearted non-violent protests and other related first amendment protected activity against the
15 Scientology enterprise (s). Many of the Anonymous participants wore “V for Vendetta” masks
16 (also known as Guy Fawkes masks) to prevent Defendant CSI from retaliating against them with
17 its copyrighted secular policies and practices for the handling and destruction of Suppressive
18 Persons.
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20 **26.** In or about March 2008 the Plaintiff participated in his first monthly Anonymous global
21 picket with the Anonymous group protesting Scientology human and civil rights abuses thereby
22 becoming subject to CSI’s secular Suppressive Person policies and practices himself.
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24 **27.** In or about February and/or March 2008 CSI *inter alia* engaged in conduct against
25 Anonymous in general, and later against the Plaintiff in particular, in furtherance of the secular
26 “Suppressive Persons” policies and practices previously copyrighted by CSI. In accordance with
27 express and mandatory provisions of these copyrighted secular policies and practices, CSI’s
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1 objective against the Plaintiff and his associates was to “intimidate,” “harass,” “silence” and
2 “utterly destroy” those engaged in first amendment speech and association that was either critical
3 of the alleged crimes and abuses of the Church of Scientology or CSI’s objective of a Scientology
4 ruled global totalitarian political state, medical, business and social system compared by many to
5 the vision of George Orwell’s novel 1984. The related objectives of CSI included identifying,
6 exposing, persuading, harassing, intimidating, arresting, prosecuting and psycho-terrorizing the
7 Anonymous and other participants in the Anonymous movement in general and the Plaintiff in
8 particular from engaging in any other First Amendment protected activity against the Scientology
9 churches, corporations, front groups and enterprises. To those ends, CSI, BMS and their managing
10 agent David Miscavige used Scientology employees, Scientology members, Scientology
11 volunteers, lawyers, private investigators, governmental entities, law enforcement entities, false
12 claims and false police reports. “Cease and desist” protesting against Scientology letters were
13 prepared by law firms both large and small and they were delivered by Scientology volunteers,
14 employees, private investigators and others to identified Anonymous protestors including but not
15 limited to the Plaintiff herein, their parents, neighbors, colleges, and employers. CSI spent many
16 millions of tax exempt dollars, across county, state, federal and international borders in this effort
17 to suppress and destroy the first amendment rights of the Anonymous protestors in general and the
18 Plaintiff in particular. To this end, CSI arranged, *inter alia*, for scientology staffers, scientology
19 volunteers, politicians, public employees and/or peace officers to close public streets and
20 sidewalks to picketers who included the Plaintiff, to prevent picketers from accessing public
21 accommodations and conveyances such as restaurants and buses, to prevent the first amendment
22 communications of the picketers from being seen or heard by their intended audience, and to
23 engage in false arrests, false imprisonments and other unlawful conduct which intentionally or
24 recklessly interfered with the constitutional rights of the Plaintiff herein. Numerous picketers
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1 including the Plaintiff were also subjected to physical assaults and violence perpetrated by
2 Scientology “staffers” and “publics” present at Scientology locations and elsewhere. Upon
3 information and belief, in the doing of the things alleged herein CSI, its managing agents,
4 employees, volunteers and representatives also engaged in undue and/or improper influence and
5 corruption of public officials. In addition, CSI used and directed private businesses and their
6 employees as participants in the unconstitutional and other unlawful conduct against the Plaintiff
7 as alleged herein. Upon information and belief, these businesses include but are not limited to a
8 certain Subway Restaurant in Los Angeles, a certain common carrier in Los Angeles, and the
9 Westin Bonaventure Hotel in Los Angeles.

11 **28.** CSI’s related conduct against the Plaintiff, whether as an individual or whether due to his
12 attendance at first amendment protected activities with other Anonymous protestors, included
13 conduct intended to violate, and conduct that did violate, Plaintiff’s constitutional and civil rights,
14 and/or involved false law enforcement reports, perjury and other unlawful conduct intended to
15 interfere, and/or which did interfere with the Plaintiff’s rights and lawful activities and which
16 distressed and damaged the Plaintiff as alleged herein. Upon information and belief this conduct
17 against Anonymous in general and the Plaintiff in particular, *inter alia*, was either ordered by
18 and/or ratified by David Miscavige and carried out by various of his subordinate officers
19 (including but not limited to Michael Rinder through mid 2008) within the Scientology enterprise,
20 all of who are always required to act in accordance with David Miscavige’s “command intention.”
21 Upon information and belief, since its establishment, CSI has engaged in the pattern and practice
22 of the same or similar conduct against many other of its self-perceived “enemies” such as the
23 Plaintiff herein and as alleged herein.

26 **29.** The Scientology secular and administrative policies and practices, *inter alia*, for the
27 handling of Suppressive Persons are part of the *gestalt* of the Scientology enterprise, and are part
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1 of the *res gestae* herein, in that the Scientology secular Suppressive Person policies and practices
2 have been in effect and employed against the Plaintiff throughout the events at issue herein.

3 **30.** Defendant CSI has represented that the secular Suppressive Person policies and practices,
4 of which Fair Game is a part, were cancelled over forty years ago. Notwithstanding this
5 transparent falsehood (or “acceptable truth” in Scientology parlance), these policies and practices
6 (most of which call for hate-filled conduct and communication) have been recognized and
7 discussed in a number of more recent California and other cases including but not limited to:
8 Church of Scientology v. Armstrong, 232 Cal.App.3d 1060, 1067 (1991); Wollersheim v. Church
9 of Scientology, 212 Cal.App.3d 872, 888-89 (1989); Allard v. Church of Scientology, 58
10 Cal.App.3d 439, 443 n.1 (1976); United States v. Kattar, 840 F.2d 118, 125 (1st Cir. 1988); Van
11 Schaick v. Church of Scientology, 535 F.Supp. 1125, 1131 n.4 (U.S.D.C. Mass. 1982);
12 Christofferson v. Church of Scientology, 57 Ore.App.203 (1982). In addition, CSI and/or its
13 affiliates have continued to renew the copyright registrations of the written secular policies
14 relating to the handling of Suppressive Persons such as the Plaintiff herein. Similarly, CSI and its
15 affiliates have continued to issue written “Suppressive Person Declares” against former
16 Scientologists and others right up to the present time.

17 **31.** CSI’s copyrighted secular policies and practices for handling Suppressive Persons such as
18 the Plaintiff herein expressly mandate hate-filled conduct in breach of their human and civil rights.
19 Conduct in furtherance of these copyrighted secular policies is intended to “terrorize” those CSI
20 classifies as Suppressive Persons and, among other things, to [mis]use the law to harass and
21 “utterly destroy” them. These secular policies and practices target Plaintiff and others for “utter
22 destruction” because they are NOT of the Scientology religion and are opposed to alleged CSI
23 crime, abuse and plans for global totalitarian rule and genocide (of all Suppressive Persons).
24 Consequently the wrongful and criminal conduct directed by Defendants at the Plaintiff including
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1 but not limited to assault, battery and false imprisonment also constitutes a hate crime and/or a
2 hate tort under applicable laws.

3 **32.** Upon information and belief, on or about August 10, 2008, during the course of first
4 amendment protected activity in Los Angeles that some local Anonymous participants called
5 “Operation Barney and Friends,” Los Angeles Police Department Officers (“L.A.P.D.”) stopped
6 the Plaintiff and demanded his identification. Subsequently, an L.A.P.D. officer is believed to
7 have communicated the Plaintiff’s identity and address to a representative of CSI contrary to
8 Plaintiff’s express request to the L.A.P.D. Officer not to do so. Upon information and belief,
9 other L.A.P.D. and/or County of Riverside Sheriff’s officers, sometimes in the “off-duty”
10 employment of CSI or a related Scientology entity, also demanded the identification information
11 of other Anonymous participants and are also believed to have communicated that private
12 information to C.S.I. staff or agents.

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15 **33.** After CSI violated the constitutional right of the Plaintiff to engage in First Amendment
16 activity through masked anonymity, and used police and private investigators to obtain the
17 identification information of the previously anonymous picketer who is the Plaintiff herein, CSI
18 employed a private investigator (s), set up a sting operation in the form of fake media interview to
19 lure the Plaintiff into a public place in Westminster, California, unmasked where he could be
20 photographed and then followed (stalked) to his residence. After CSI agents had lured the Plaintiff
21 into a public place as alleged above they then followed him by car for over eleven hours before he
22 finally returned to his temporary Lake Elsinore residence in the early hours of the morning.

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24 **34.** Late at night on or about September 21, 2008, three persons associated with CSI and/or its
25 agents visited the Defendant’s residential property, trespassed on private land and distributed
26 defamatory “flyers” about him to his neighbors’ properties. The defamatory “flyers” stated, among
27 other things, that the Plaintiff associated with “Nazis, racists, that he brings chaos and laughs in
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1 the face of tragedy.” The defamatory flyers were distributed through conduct in compliance with
2 the “Dead Agenting,” “Third Partying,” “Noisy Investigation,” and “Fair Game” aspects of CSI’s
3 copyrighted secular “Suppressive Person” policies and practices. The next morning, at approx.
4 5.45 A.M. the same people (who included one Pauline Lombard) entered upon the Plaintiff’s
5 residential property to disrupt his sleep. The Lake Elsinore police were called to eject the
6 Scientology agents from the Plaintiff’s residential property and boundaries.
7

8 **35.** In September, 2008 and on approximately six subsequent occasions prior to October 26,
9 2008, the Plaintiff joined with other Anonymous protestors to picket the 500 acre Golden Era
10 Productions film studio property at 19625 Highway 79, Gilman Hot Springs, CA 92583 (“the
11 Golden Era property”). On each such occasion the Plaintiff and the other protestors had suffered
12 through threatening acts of intimidation and verbal harassment, extremely loud discordant pipe
13 organ tri-notes and directed water sprinkler attacks/assaults from Golden Era security guards.
14

15 **36.** The Golden Era property is also the International Headquarters of the Church of
16 Scientology. Many former top Scientology executives have compared the very high security
17 compound to a Soviet or North Korean gulag. The Plaintiff and his Anonymous companions were
18 protesting, *inter alia*, alleged Scientology forced labor, forced abortions, human trafficking,
19 violence, unlawful imprisonment, human rights violations, civil rights violations, labor code and
20 O.S.H.A. violations at the very high security Golden Era film studio property.
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22 **37.** The 500 acre Golden Era property at 19625 Highway 79, Gilman Hot Springs, CA is
23 bisected by California State Highway 79. At the northern end of the property is approximately 1.3
24 acres of unfenced unused vacant land that includes a public right of way, dirt tracks, and an area
25 that has regularly been used for vehicle parking by protestors and the public generally (“the
26 unfenced roadside land”). The same unfenced roadside land also serves as a sewerage leach field
27 for the Golden Era property. Upon information and belief, before October 26, 2008 the unfenced
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1 roadside land was not properly posted with the proper sized, positioned or number of “no
2 trespassing” signs as required by applicable California law (e.g. Penal Code §§552-556).

3 Subsequent to the events at issue herein the Golden Era “no trespassing” signs were changed and
4 relocated upon the unfenced roadside land on one or more occasions.

5 **38.** Upon information and belief, some or all of the unfenced roadside land and/or the Golden
6 Era property is being occupied by the Scientology enterprise in fraudulent violation of F.E.M.A.
7 flood plain restrictions and requirements. In addition, at least one of the Scientology buildings at
8 the Golden Era property colloquially called “the Hole” confines over forty senior Scientology
9 executives night and day, some held there for more than five years, without doors with inside
10 handles or escape bars.

11 **39.** For over thirty years CSI and its agents have engaged in unlawful conduct to prevent
12 Scientology employees from leaving the Golden Era property without authorization or guarantee
13 of return. Similarly, CSI and its agents have engaged in unlawful conduct to keep non-
14 Scientologists from even the perimeters of the Golden Era property (and related properties such as
15 “Happy Valley”) whether they are engaged in picketing, hand gliding or photography. To this end
16 the Golden Era property is surrounded by the dangerous spiked fences, advanced electronic
17 security devices and even, from time to time, a staffer armed with a sniper’s rifle and located on
18 the mountainside above the Golden Era property in a “fox hole” called “the Eagle’s Nest” by
19 Scientology staff members posted to the Golden Era property.

20 **40.** Notwithstanding, a few Scientologists confined upon the Golden Era property have
21 managed to escape, sometimes with outside assistance. Upon information and belief, this conduct
22 whether intentional or reckless has even resulted in the death of a young depress Scientologist (s)
23 staffer such as Stacy Meyer Moxon or a young girl such as Ashley Shaner who was driving home
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1 from bible study and fatally proceeding past the Golden Era property in the early evening
2 darkness.

3 **41.** When there is picketing or other anti-Scientology abuse activity outside the Golden Era
4 property all but a few security guards and senior executives are ordered indoors and behind
5 shutters. They are expressly forbidden and actively prevented from hearing or seeing any of the
6 picket or protest information directed to their attention and consideration. They are not permitted
7 to receive any information that is in any way critical of Scientology or contrary to what they have
8 been told by Scientology about events within their own “reality.”
9

10 **42.** Prior to October 26, 2008 the Plaintiff had become familiar with the positioning of the no
11 trespassing signs on the unfenced roadside land of the Golden Era property and he reasonably but
12 wrongly assumed that they were located at and along the property lines as required by applicable
13 California law. Unbeknownst to the Plaintiff, the sign (s) were not in accordance with the
14 applicable law and thus was/were a public nuisance as specifically provided in Penal Code §§553
15 and 556.3.
16

17 **43.** On Internet message boards during the week preceding October 26, 2008, the Plaintiff and
18 other participants in the Southern California Anonymous group openly discussed their intention to
19 picket the CSI Golden Era property on Sunday October 26, 2008. Upon information and belief,
20 CSI monitors and “troll” those same Internet Message Boards. Upon information and belief, CSI
21 and the other Defendants herein would have discussed and prepared plans to try and prevent the
22 Plaintiff and other protestors from conveying their written and verbal communications to mentally
23 manipulated and coercively indoctrinated Scientology staffers confined behind the high security
24 fences and electronic equipment at the Golden Era property. Upon information and belief these
25 plans to “handle” the Plaintiff and the other Anonymous protestors included actions set forth in
26 various of the Church of Scientology copyrighted secular policies and practices for handling
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1 Suppressive Persons such as the Plaintiff herein. These plans would also have involved written
2 Orders, Staff Announcements and statements at the “Musters” and roll calls held at various times
3 of the day and night during employment shifts or “watches” at the Golden Era property. In
4 addition, there were written policies for handling intruders upon the Golden Era property.

5 **44.** At approximately 11-30 PM on Sunday October 26, 2008 the Plaintiff and four other
6 Anonymous picketers arrived at the Golden Era property all traveling in the same vehicle, a rented
7 passenger van. In accordance with local custom and usage, they parked the vehicle on the south
8 east side of Highway 79 upon the unfenced roadside land which is part of the dedicated public
9 easement and commenced their picketing activity on the public easement along Highway 79 and
10 the Golden Era property. In addition, for their own safety, the picketers cell phoned the Riverside
11 County Sheriff’s Department and advised them of their presence and the picket taking place. The
12 picketers carried signs which read, among other things: “Stop the beatings,” “Stop Scientology
13 slave labor camps,” “David Miscavige beats his staff,” “Scientology is destructive and a rip-off”
14 and “Scientology is worse than you think.” Many passing vehicles honked their horns in approval
15 unaware that Scientology cameras positioned beside Highway 79 were recording the registration
16 plate number and driver’s face of every vehicle that drives past the Golden Era property.

17 **45.** Soon after the October 26, 2008, picket of the Golden Era property commenced a
18 deafening and disturbing discordant organ tri-note note was broadcast across the landscape by at
19 least seven huge outdoor concert speakers positioned on the inside edge of the Golden Era
20 property adjacent to Highway 79. The sound was measured as being at or exceeding 110-115
21 decibels which substantially exceeds the 75 decibels permissible noise level in Riverside County.
22 The ordinance violating noise continued throughout most of the picket (approximately 3.5 hours).
23 Although a number of Riverside County Deputy Sheriff’s were in attendance during much of the
24 picket they took no action to abate the excessive noise violation even after being requested to do
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1 so. Upon information and belief, the deafening organ dirge (a discordant tri-note) was intended to
2 both prevent the Scientology employees on the Golden Era property from hearing the picketer's
3 first amendment protected communications and to interfere with the minds of the picketers.

4 **46.** At the commencement of the picket on October 26, 2008, the Plaintiff remained hidden in
5 the vehicle the picketers had arrived in. On the basis of past experience, the Plaintiff expected CSI
6 security guards would drive up to the vehicle and engage in a thorough examination and possible
7 vehicular interference while the picketers were about 10 minutes walk away. In time a CSI
8 security guard arrived in a black pathfinder SUV and spent significant time examining the
9 picketer's parked vehicle while the Plaintiff remained hidden but observing and recording from
10 inside. Eventually, the Plaintiff emerged from the vehicle. The Scientology security guard rushed
11 back to his vehicle and drove in reverse along the semi-circular dirt track beside Highway 79 and
12 the unfenced roadside land.
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14 **47.** During the rest of the picket the Scientology security guard (s) repeatedly drove back to the
15 protestor's vehicle, got out of his own vehicle and physically examined the exterior and underside
16 of the picketer's van. On several times, one of the picketers proceeded back down Highway 79 to
17 see what the Scientology security guard was doing to the vehicle. Each time the picketer
18 approached the van the Scientology guard would cease inspecting/interfering with the picketer's
19 vehicle, return to his own vehicle and drive into a nearby cluster of trees on the unfenced roadside
20 land. At one point Defendant Butler approached the picketer's van with what appeared to be a tool
21 and departed with some acquired object. Finally, the Scientology security guard positioned, lit and
22 then returned to reposition a flaming roadside flare behind the gas tank of the protestor's vehicle
23 and provoked the subsequent events as complained herein.
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25 **48.** At about 11-50 A.M. on October 26, 2008, Riverside Deputy Sheriff George Foresburg
26 arrived at the picket and remained for the duration of most of the protest. During the course of the
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1 picket and in violation of applicable United States Supreme Court case authority, he
2 unsuccessfully insisted that one or more of the protestors had to give him his identification
3 information if the picketer was to wear a mask and protest anonymously.

4 **49.** At about 12-55 P.M. on October 26, 2008, Deputy Foresburg and two other Sheriff's
5 deputies returned. They spend a considerable time closeted on the Golden Era property with
6 Scientology security guards and other staff. Thereafter Deputy Foresburg emerged and engaged
7 one or more of the picketers in conversation. Deputy Foresburg informed the picketer (s) that by
8 protesting outside the Golden Era guardhouse and main entrance they were engaged in illegal
9 residential picketing and that they should move their picket down the road and onto the unfenced
10 roadside land where some of the events at issue (including the alleged assault, battery, false arrest
11 and false imprisonment) herein later occurred. Deputy Foresburg added that the picketing of the
12 main entrance to the Golden Era property may cause an accident and if it did the picketers would
13 be named as parties to the cause of the accident. This claim by the Deputy Sheriff was similar to
14 those made by Scientology representatives on other occasions. The Deputy Sheriff was visibly
15 annoyed at the picketer's refusal to move their protest down to the very same portion of unfenced
16 roadside land where he later took custodial delivery of the Plaintiff after the Plaintiff had been
17 subjected to a "citizen's arrest" by the Defendants for alleged trespassing and battery upon a peace
18 officer.
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21 **50.** During the October 26, 2008 protest against Scientology abuse and unlawful
22 imprisonments at the Golden Era property, there were Sheriff's deputies present the majority of
23 the time but they either refused or failed to respond to the pleas of the protestors regarding Church
24 of Scientology civil rights and noise violations being directed against them or the assault by
25 directed water sprinklers. Usually, as on most other occasions, the Riverside County Deputy
26 Sheriffs were huddled with the Scientology security guards and executives behind the Scientology
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1 security fences; sometimes in long conversation and other times apparently “joking and
2 degrading” at the those exercising their first amendment rights on the outside of the high security
3 barriers. The picketers had advised the deputies of their intended departure time of about 3 P.M.
4 Upon information and belief, a Sheriff’s deputy so informed the Scientology employees.
5

6 **51.** Upon information and belief, the Golden Era property has encroached upon public land
7 with, among other things, roadside vegetation that intentionally, maliciously and/or negligently
8 creates a public nuisance and/or restricts the public’s ability to walk on the public easement
9 without being forced into the traffic stream of Highway 79. These obstructions upon the public
10 easement beside the Golden Era property and Highway 79 do not exist reasonably nearby on
11 Highway 79 other than outside the Golden Era property itself. This public easement also contains
12 Scientology installed, maintained and monitored sophisticated motion detectors, camera and
13 microphone equipment as well as a sprinkler system that sprays water onto the public easement
14 and across Highway 79, often creating a very slippery and dangerous road surface. Upon
15 information and belief these encroachments upon the public highway easement have not been
16 authorized by duly issued permit (s) issued by the County of Riverside or the California
17 Department of Transportation (Caltrans).
18

19 **52.** Upon information and belief, CSI has used its self-created dangerous Highway 79
20 condition in support of its political lobbying and alliance with Riverside County Supervisor Jeff
21 Stone to have Highway 79 re-routed away from the Golden Era property which it currently bisects
22 (although CSI has two pedestrian tunnels underneath). Last month the San Jacinto City Council
23 held a public meeting on the issue and expressed its opposition. Plaintiff attended and spoke
24 thereat. Another Anonymous known as AGP participant also intended to attend and speak in
25 opposition. However, that same day CSI attorney Elliot Abelson advised that Anonymous
26 participant, through his counsel who was with the Plaintiff herein, that if the Anonymous protestor
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1 known as AGP attended the public meeting he would be arrested for a violating a [non-existent]
2 bail condition not to be in the presence of a Scientologist and there would be Scientologists at the
3 San Jacinto City Council public meeting. In the words of one of the Suppressive Person policies
4 allegedly at issue herein, AGP was “shuddered into silence” by the misrepresentation of CSI in-
5 house attorney Elliott Abelson.
6

7 **53.** At about 2-15 P. M. on October 26, 2008, the Golden Era property roadside sprinkler
8 system was turned on. There were stationery cameras on tripods within the sprinkler spray area.
9 They belonged to the Anonymous picketers. The Golden Era property sprinklers caused the
10 picketers, or some of them who included the Plaintiff herein, to be assaulted by wet water spray
11 which forced them into the roadway and put them in potential physical danger. Upon information
12 and belief, it was similar willful and reckless disregard that negligently caused the death of sixteen
13 year Ashley Shaner (and twenty year old Stacy Meyer Moxon). As with the continuing excessive
14 discordant organ tri-note dirge, the Riverside County Deputy Sheriff’s passively remained with the
15 Scientology staffers and took no action to curb either the excessive noise or the sprinkler assault
16 upon the picketers who were acting lawfully at all pertinent times and anxious for the active
17 assistance and protection of the Riverside County Sheriff’s Department. Upon information and
18 belief, CSI and BMS has repeatedly engaged in conduct calculated to cause the Riverside County
19 Sheriff’s Department to ignore the rights of persons such as the Plaintiff picketing the Golden Era
20 property, to interfere with those rights, and to violate those rights as was done to the Plaintiff on
21 October 26, 2008 and at least three occasions thereafter. To this end CSI and/or BMS have made
22 false claims and false police reports causing distress and damage to persons including the Plaintiff
23 herein.
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26 **54.** At about 2-45 P.M. the Riverside County Deputy Sheriff’s departed from the Golden Era
27 property. Very soon thereafter Defendant Butler returned to the picketer’s van and lit an
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1 incendiary road flare despite the county-wide ban of such devices because of the late summer high
2 fire danger; it was a “red flag” day. Initially, Defendant Butler pointed the flaming road flare
3 under the picketer’s van and near its gas tank but later returned and re-positioned in the northern
4 direction. The Plaintiff observed this conduct and was alarmed by it and the potential for causing a
5 catastrophic explosion and/or fire in an area often ravaged by late summer wild fires and subject
6 that very day to a county-wide total ban of all fires and, *inter alia*, any roadside flares.
7

8 **55.** The Plaintiff went to his rented vehicle which was threatened by the illegal flaming
9 roadside flare while Defendant Butler retreated about thirty feet away next to some roadside
10 vegetation. Meanwhile another vehicle, a grey Honda Accord, had arrived and was parked about a
11 quarter mile away. Believing the car may include additional picketers who were expected, the
12 Plaintiff walked towards the vehicle. However, as the Plaintiff walked towards the Honda Accord
13 it began slowly reversing down the Highway and then pulled a U turn and sped away to the south.
14

15 **56.** As the Plaintiff walked back to the picketer’s van, the grey Honda Accord came back, right
16 behind him. The Plaintiff, now concerned for his safety, proceeded back to towards the picketer’s
17 van using a small dirt road path, adjacent to Highway 79, as an apparent safe short cut. As he was
18 doing this the Plaintiff noticed Defendant Butler’s black Nissan Pathfinder parked and he walked
19 over to enquire as to what he had been doing at the picketer’s vehicle and why.
20

21 **57.** At all relevant times the Plaintiff had no intention to trespass upon the unfenced roadside
22 land and he reasonably believed, from past observation of the location of the no trespassing sign
23 (s), that he was still on the public easement. As of October 26, 2008 the Plaintiff had no record of
24 prior arrests or criminal convictions.

25 **58.** When Plaintiff arrived at the location of Defendant Butler he had less than five seconds to
26 make his enquiry before the Honda Accord screeched to a halt beside him and Defendant’s
27 Dunigan and Seybold leapt out screaming “trespassing your under arrest.” Contrary to the
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1 provisions of law and custom, the Defendants had not given the Plaintiff any and/or adequate
2 notice that he was trespassing on a portion of the unfenced roadside land and they had not given
3 him any reasonable opportunity to exit the unmarked roadside land.

4 **59.** As one of the three Scientology security guards (Dunigan, Seybold and Butler) screamed
5 “trespassing your under arrest” they wrongfully, recklessly and negligently swarmed him, tackled
6 him to the ground, dog piled the Plaintiff, dangerously wedged and pressured their knees into the
7 Plaintiff’s back and neck and thereby used unlawful deadly force while forcing his full face and
8 mouth into the dry desert dirt where he proceeded to receive bruising on his face, arms and legs
9 and was made to suffer great pain, serious injury, the fear of suffocation and the fear of death. All
10 three of the Defendants were on top of him and held his hands behind his back while they punched
11 him many times causing him severe bruising, neck pains and permanent injuries. At the same
12 time, video taken at the incident clearly records what appears to be a single gun shot. During this
13 time the Plaintiff reflexively and unintentionally bit one of the hands that was holding his face
14 hard in the desert dirt and suffocating him. Defendant Meo then arrived on the scene and
15 participated in the conduct of the three other Golden Era employees. After several minutes of this
16 the other picketer’s arrived and intervened to beg the four Golden Era security guards to get off
17 the Plaintiff and to stop beating and suffocating him because their conduct was killing the
18 Plaintiff. Eventually, Defendants did so but then tied his hands behind with tight plastic handcuffs
19 and detained him until the Deputy Sheriff’s returned. They had withdrawn from the property just
20 before events commenced with the illegal flaming roadside flare, the grey Honda Accord, and the
21 Defendant’s attack upon the Plaintiff. Photograph (s) of the Plaintiff during/ after this false arrest
22 are attached hereto as Exhibit A. The entire days events at issue herein were captured upon
23 numerous video-audio and still camera equipment.
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1 **60.** During the aforesaid assault and battery by the Defendants upon the Plaintiff one of the
2 picketers attempted to intervene and was also physically assaulted by Defendant Dunigan. He
3 yelled at her that he was “making a citizen’s arrest” as he held the Plaintiff face down in the dirt
4 while kneeling him in the neck and attempting to hogtie him. Later Defendant Dunigan informed
5 the Deputy Sheriff’s that the female picketer had kicked him but he was declining to press charges
6 against her. The video showed the exact opposite; Defendant Dunigan was the one who had
7 attacked her. She suffered abrasions from being thrown to the ground, a deep bruise to one arm, a
8 split nail and a strained back muscle. Upon information and belief, the bruised and battered
9 woman was caused to fear subsequent arrest by the Riverside County Sheriff’s Department.
10

11 **61.** Upon information and belief, Defendant Dunigan has a propensity for violence and he has
12 engaged in acts of violence against other persons including his wife, a member of the public who
13 drove up to the Golden Era property guardhouse, Scientology staffers attempting to escape from
14 the Golden Era property, and Scientology staffers who had escaped from the Golden Era property
15 and were proceeding along the public roadways. These people include former Scientologists Marc
16 Headley and Maureen Bolstead. Defendant Dunigan’s propensity for physical violence was well
17 known to his employer CSI which, upon information and belief, had paid over \$1.3 million to
18 quickly settle a civil lawsuit resulting from an unprovoked assault and battery by Defendant
19 Dunigan upon a member of the public sitting in his car outside the Golden Era property
20 guardhouse and main entrance.
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23 **62.** Upon information and belief, the willful and reckless disregard of the constitutional and
24 other rights of the general public around the Golden Era property include a hang glider pilot who
25 landed on the mountain above the Golden Era property and he was grabbed by Golden Era
26 property security guards and unlawfully imprisoned upon the Golden Era property for over a day
27 before being handed over to Riverside County Sheriffs. Other members of the public have been
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1 threatened with a citizen's arrest by Golden Era property security guards as they merely walk on
2 the public easement past the Golden Era property. Upon information and belief, others have been
3 subjected to false arrest and flawed prosecution.

4 **63.** After the Deputy Sheriff's returned Defendant Dunigan, "acting in the capacity of a
5 security guard for his employer," and apparently claiming to be a "peace officer," placed the
6 Plaintiff under a "private persons" arrest for misdemeanor trespassing and felony battery upon a
7 peace officer. Upon information and belief, either currently or in the past, Defendant Dunigan has
8 served as a volunteer peace officer for one of the local law enforcement agencies and has received
9 training in arrest and detention there-from.

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11 **64.** Plaintiff continued to complain that he was in pain from the assault and battery upon him
12 and the tight handcuffs but his pleas were ignored by the Defendants who had arrested him and
13 later by the Sheriff's Deputies who refused and/or failed to view an audio-video of the attack in
14 order to conduct a proper investigation before receiving the Plaintiff into their custody. Had the
15 Sheriff's Deputies conducted a proper investigation, and properly exercised their statutory
16 discretion regarding a citizen's arrest, they would/should have concluded that, in the
17 circumstances (improper sign posting, no reasonable notice of trespass, and no reasonable
18 opportunity to leave) there had been no probable cause to arrest and imprison the Plaintiff
19 irrespective of whether or not the Defendant had strayed a little beyond an invisible line in the dirt
20 of the unfenced roadside land.

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22 **65.** Eventually the Plaintiff, still handcuffed, was transported in a black and white sheriff's
23 cruiser to the Riverside County South West Justice Center in Murrieta which is at the other end of
24 Riverside County. The Plaintiff was denied medical attention while in the custody of the Riverside
25 County Deputy Sheriff's at the scene, during transportation, and at the County Jail.

1 **66.** The Plaintiff was held in the County Jail at Murrieta for over twelve hours before being
2 released upon his own recognizance in the early morning hours of October 27, 2008.

3 **67.** Whether or subject to a privilege or immunity arising from the Defendant's "citizen's
4 arrest" of the Plaintiff, the pertinent actions of the Riverside County Sheriff's Deputies on October
5 26, 2008, and on the two subsequent occasions he was falsely arrested and imprisoned as alleged
6 herein, were taken while acting under color of state law and while so doing they wrongfully and
7 unlawfully deprived the Plaintiff of an interest (s) protected by the Constitution and/or laws of the
8 United States and the State of California.

9
10 **68.** On October 26, 2008 Plaintiff did not fail to cease the alleged trespass and to exit the
11 relevant portion of the unfenced roadside land after receiving reasonable notice and opportunity to
12 do so. The Plaintiff did not resist arrest or obstruct justice. There were no exigent circumstances or
13 attempt to escape. The entire incident was captured upon numerous CSI surveillance cameras and
14 the identity, name and address of the Plaintiff was well known to Defendant CSI. In fact, CSI
15 agents had visited Defendant's residence on multiple occasions and had harassed him there. The
16 lack of probable cause and show of force by the Defendants caused an unreasonable seizure and
17 confinement of the Plaintiff.
18

19 **69.** After the Plaintiff was released from Riverside County Jail he and some of the other
20 October 26, 2008 Anonymous picketers and witnesses to the assault and battery of the Plaintiff
21 made several visits to the Riverside County Sheriff's Department in San Jacinto and requested an
22 opportunity to file a police complaint against the individual Defendants herein for their violence
23 and other conduct against the Plaintiff as described above. On successive days the Riverside
24 Deputy Sheriff's refused to receive or co-operate in the filing of a police report against the CSI
25 security guards; the individual defendants herein. Eventually, after KESQ TV reporter Nathan
26 Baca had filmed and broadcast the Plaintiff trying to make a criminal complaint, the Riverside
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1 Sheriff's Department agreed to meet with the Plaintiff and to receive a criminal complaint against
2 the Scientology security guards.

3 **70.** On January 5, 2009 the Plaintiff met with Investigator Kim Judge at the Riverside County
4 Sheriff's Department in San Jacinto. After an extended interview and a review of other evidence
5 the Sheriff's investigator submitted a report that Defendants Dunigan, Matthew Butler and
6 Kenneth Seybold be prosecuted. A copy of this report is attached hereto as Exhibit B.
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8 **71.** The Plaintiff had intended the report to be a separate police complaint requiring separate
9 action. Instead, the Sheriff's Department treated the Plaintiff's complaint as a supplemental report.
10 Upon information and belief, by designating the report as a supplemental report and not as a new
11 complaint, the Plaintiff's allegations were ignored despite the unequivocal analysis, conclusion
12 and "exceptional" recommendation contained in the report. In addition, the Plaintiff's complaint
13 and supporting evidence were subsequently destroyed. A Riverside County District Attorney
14 Investigation Report dated August 6, 2009 confirms this. A copy of this report is attached hereto
15 as Exhibit C.
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17 **72.** On December 9, 2008 Riverside County Board of Supervisors President Jeff Stone
18 introduced Ordinance No. 884 to restrict "targeted residential picketing" in the County of
19 Riverside. Later, he introduced Ordinance No. 888 to pass Ordinance No. 884 with urgency
20 because of the alleged emergency circumstances created by the Anonymous pickets of the Golden
21 Era property. Supervisor Stone used a CSI created a highly defamatory and false "Anonymous
22 Pamphlet" which was given to Supervisor Stone who used it in support of Ordinance No. 884 and
23 888. CSI also provided Supervisor Stone with false and highly defamatory information about the
24 Plaintiff herein and Supervisor Stone also used that information in public debate upon Ordinance
25 No. 884 and 888. As originally proposed by Supervisor Stone, the impact of Ordinance No. 884
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1 would have been to restrict all pickets of the Golden Era property to an area no closer than
2 approximately one mile from the intended audience for the picketer's first amendment activity.

3 **73.** During debates at successive meetings of the Riverside Board of Supervisors the County
4 attorney, CSI's local land use and zoning attorney, and CSI public relations executive Catherine
5 Fraser all made statements that, in summary, were that a month or so earlier CSI's land use and
6 zoning attorney had provided the Riverside County Attorney with a draft of a proposed Ordinance
7 No. 884 and that they had subsequently worked on it together. Upon information and belief, after
8 the Plaintiff was arrested on October 26, 2008, CSI contacted Supervisor Stone and provided him
9 with the defamatory material described in the immediately preceding paragraph. Supervisor Stone
10 used the CSI produced materials to publicly and falsely accuse the Plaintiff, among others, of
11 being a "dangerous criminal" engaged in bomb threats, anthrax attacks, nuclear bombings and
12 other sick absurdities. These fabricated characterizations of the Plaintiff in particular and the
13 Anonymous anti-Scientology abuses in general were subsequently used by Supervisor Stone to
14 justify emergency passage of the Scientology proposed Ordinances.

15 **74.** The Plaintiff and others publicly opposed the proposed Ordinance No. 884 and 888 during
16 the public comment sessions of the Riverside County Board of Supervisors and he has, along with
17 others, continued to call the Riverside County Board of Supervisors attention to the human rights
18 abuses, civil rights abuses, human trafficking and unlawful imprisonments at the Golden Era
19 property; all without success. The Plaintiff has handled supporting documentation to Supervisor
20 Stone personally and to Sheriff Stanley Sniff. The Plaintiff has also attended political fundraisers
21 and observed Scientology retained lawyers and staffers also attending, presumably making
22 political contributions to Supervisor Stone and others.

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1 **75.** The Plaintiff, along with others, has also protested corruption in both Riverside and Los
2 Angeles Counties, particularly concerning relationships between the Scientology enterprise, local
3 government, county government, the civil and criminal courts, and their relevant representatives.

4 **76.** Upon information and belief, for decades CSI has engaged in a continuing course of
5 related similar conduct mandated by its copyrighted “Suppressive Persons” and other policies,
6 and that conduct of CSI (or its predecessor Church of Scientology of California) has been
7 employed in matters that are part of a course of conduct constituting, *inter alia*, public corruption
8 involving and/or including but not limited to the Plaintiff herein as alleged herein and for which he
9 seeks relief herein, Paulette Cooper, the Estate of L. Ron Hubbard, Julie Christofferson, Gerald
10 Armstrong, Michael Flynn, Esq., Lawrence Wollersheim, Charles B. O’Reilly, Esq., Robin Scott,
11 David Mayo, Joseph A. Yanny, Esq., Barry Van Sickle, Esq., Ford Greene, Esq., the Cult
12 Awareness Network, F.A.C.T. Net, Arnie Lerma, Keith Henson, Jesse Prince, Mark Bunker,
13 Robert Minton, Ursula Caberta, and that group of over nine thousand persons calling themselves
14 Anonymous and anonymously protesting Scientology crime and abuse around the globe.

15 **77.** On December 3, 2008 the Plaintiff made his first appearance before the California Superior
16 Court in Riverside. On this occasion he did not enter a plea. The Court continued the hearing and
17 released the Plaintiff upon his own recognizance. A “stay away” from the Golden Era property
18 order was entered.
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21 **78.** Later in December 2008 the Plaintiff participated in an Anonymous picket of CSI’s 6331
22 Hollywood Boulevard offices during the Hollywood Christmas parade. Two CSI agents arranged
23 for the L.A.P.D. to arrest the Plaintiff. After the Plaintiff was handcuffed and detained, an
24 L.A.P.D. on the spot investigation concluded that he had done nothing unlawful and the Plaintiff
25 was then released without charge or citation.
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1 79. On January 29, 2009, the Plaintiff made his second appearance in the Scientology driven
2 prosecution for misdemeanor trespass and felony battery upon a peace officer. CSI's in-house
3 attorney and national litigation coordinator Elliot Abelson, Esq., also attended in the company of
4 CSI public relations officer Catherine Fraser and Defendant Dunigan. Ms. Fraser and Defendant
5 Dunigan had also attended Plaintiff's first appearance on December 3, 2008. On that occasion, the
6 Plaintiff had taken a photograph of Defendant Dunigan and Catherine Fraser as they walked away
7 from the steps of the Murrieta courthouse. At the January 29, 2009 hearing Scientology attorney
8 Elliot Abelson informed the court that there had also been a stay-away from victims order in the
9 case (even though a number of people could recall no such thing and there was no such minute
10 order on record). CSI's attorney Elliott Abelson argued that by taking a photograph the Plaintiff
11 had violated the alleged oral stay away order and that his bail should be revoked. Even though
12 Catherine Fraser was not a victim, at CSI's request the Court revoked the Plaintiff's bail, he was
13 arrested, hand-cuffed and returned to the Riverside County Jail in Murrieta at about 9 A.M. on
14 January 29, 2009. Although the Plaintiff had his bail bond ready almost immediately and
15 ordinarily would have been released in about three hours he was held for another day and night in
16 custody before the Riverside Sheriff's Department would process the necessary paperwork and
17 release him. As a result of the [mis] representations of CSI's attorney Abelson, the false complaint
18 of Fraser and Dunigan, and the application of CSI's Suppressive Person policies and practices, the
19 Plaintiff now had a further arrest on his previously blemish free record. Subsequently, the Court
20 refused to order a copy of the audio recording of the December 3, 2008 hearing and bail
21 conditions be provided to the Plaintiff in connection with the alleged misrepresentations by CSI
22 attorney Elliot Abelson as to what the court had actually ordered in connection with the "stay
23 away from Gold Base" restriction and the alleged restriction that he was to have no contact with
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1 his October 26, 2008 “victims” as alleged by CSI attorney Elliott Abelson in successfully moving
2 the court to revoke the Plaintiff’s bail and return him to County jail for another day.

3 **80.** Following his second arrest and imprisonment on January 29, 2009 the Plaintiff continued
4 to picket other Church of Scientology locations and to speak at Riverside County Board of
5 Supervisor’s meetings on the subject of Riverside County corruption and CSI’s conduct at the
6 Golden Era property involving alleged forced labor, human trafficking, serious physical violence
7 and beatings by Managing Agent David Miscavige of certain employees, unlawful imprisonment,
8 voting deprivations, human rights abuses and other civil rights abuses.

9
10 **81.** On or about September 15, 2009, the Plaintiff handed Supervisor Stone a copy of some of
11 the evidence in the criminal case previously destroyed in the District Attorney’s Office. Plaintiff
12 requested Jeff Stone that it be reviewed by the Supervisor and then given to the Riverside County
13 Sheriff. Upon information and belief, Supervisor Stone has continued to work with representatives
14 of CSI to limit the picketing activity of the Plaintiff in particular and other protestors in general
15 against CSI crimes and abuses including those from the Anonymous group.

16
17 **82.** Subsequent to the passage of the Scientology sponsored Ordinance No. 884 the
18 Scientology employees have sometimes argued that it prevents any picketing outside the Golden
19 Era property and other times they have conducted clearly false citizen’s arrests involving arrests
20 and citations that have been subsequently dropped without further appearance or action being
21 necessary.

22
23 **83.** On October 2, 2009, at about 9-15 A.M. the Plaintiff arrived at the Riverside County
24 Southwest Justice Center in Murrieta with his attorney and another participant in the Anonymous
25 anti-Scientology crime and abuse movement. They were attending a hearing in another case. As
26 they were approaching the entrance to the courthouse they came across Riverside County
27 Supervisor Jeff Stone who had just been videotaped as part of business promotion video for
28

1 Fausto's Bail Bonds. According to public records, Fausto's Bail Bonds had recently given
2 Supervisor Jeff Stone an [illegal] political campaign contribution of \$3,900.00 which was in
3 apparent violation of California Code of Regulations, Title 10, section 2078 (which provides
4 in/with the disjunctive word "or"). Fausto Atilano, Jr. was also the Plaintiff's bail bondsman in the
5 then pending trespass and battery prosecution.

6
7 **84.** The Plaintiff and Supervisor Jeff Stone entered the courthouse at the same time. The
8 Plaintiff, referring to the paper he had recently given Supervisor Stone personally asked if the
9 Supervisor had read it and forwarded it to Riverside County District Attorney Rod Pacheo.
10 Although surrounded by Riverside County Deputy Sheriffs, Supervisor Stone signaled to Fausto
11 Atilano, Jr. who then demanded his client the Plaintiff step aside the courthouse. Plaintiff's bail
12 bondsman Fausto Atilano, Jr. then escorted the Plaintiff to his pseudo police squad car, donned a
13 bullet proof vest, asked his videographer to continue filming the promotional video commenced
14 with Supervisor Jeff Stone and then told the Plaintiff he was under arrest. When the Plaintiff asked
15 why he was being arrested his bail bondsman threatened to tazor the Plaintiff. Instead of delivering
16 the Plaintiff to the adjacent County Jail he drove the Plaintiff to the office of Fausto's Bail Bonds
17 where business records demonstrated that the Plaintiff was in full compliance with the terms of
18 bail. Notwithstanding, Fausto Atilano, Jr. then drove the Plaintiff back to the South West Justice
19 Center and delivered him to the Riverside County Jail, all in breach of Penal Code §§847 (a), 1299
20 and 1300. The Deputy Sheriff's expressly stated they did not know why the Plaintiff was there but
21 they were going to "book him" anyway. The Plaintiff was then held in jail for a further nine hours
22 before being released upon his own recognizance.

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25 **85.** At 1-30 P.M. on October 8, 2009 a Hearing re Bail Surrender was held in the criminal
26 proceeding Case SWM080760. A copy of the court minute order is attached hereto as Exhibit D.
27 Contrary to the minute order the Defendant was not in custody. Neither Defendant nor his counsel
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1 were served with or otherwise provided with: (a) any notice of the October 8, 2009 hearing, (b)
2 any copies of any documents filed in connection with the hearing of which there was at least one,
3 (c) any notice of the orders made at the October 8, 2009 hearing, (d) any disclosure that the
4 October 8, 2009 Hearing re Bail Surrender had occurred, even when a directly related motion was
5 heard by the same court the very next morning and argument was had regarding bail matters
6 involved in the undisclosed bail hearing the previous day. A copy of the court's October 9, 2009
7 minute order is attached hereto as Exhibit E, (e) any disclosure that the October 8, 2009 Hearing re
8 Bail Surrender had occurred, even when a directly related motion was heard by the same court on
9 October 19, 2009 and argument was had regarding bail matters involved in the undisclosed bail
10 October 8, 2009 hearing and the un-served papers filed therein. A copy of the court's October 19,
11 2009 minute order is attached hereto as Exhibit F.
12

13 **86.** Upon information and belief, the actions of Defendants in connection with unmasking the
14 anti-Scientology crime and abuse protestors collectively known as Anonymous and the old Guard,
15 who included the Plaintiff herein, as alleged at the beginning of the Common Allegations herein,
16 and the subsequent wrongful conduct of the Defendants either jointly or severally, includes but is
17 not limited to: (a) the violation of the Plaintiff's constitutional right to exercise his First
18 Amendment rights lawfully and anonymously, (b) the various false arrests and false
19 imprisonments of the Plaintiff between October 26, 2008 and October 2, 2009, (c) the abuses of
20 process and malicious prosecution that continued against the Plaintiff through October 19, 2009,
21 (d) CSI's violent terrorism and Patriot Act complaints, made through CSI's lead in-house attorney
22 Kendrick L. Moxon, Esq, and resulting double SWAT team take-downs (against an Golden Era
23 property Anonymous participant (s)) in Las Vegas on October 15/16, 2009 were all part of a single
24 transaction and series of events, or *res gestae*, all with foreseeable, natural and/or probable
25 consequences as alleged herein, and for which the Defendants are culpable and liable to the
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1 Plaintiff as alleged herein. In the doing of the things alleged herein the Defendants also acted
2 through Kendrick L. Moxon, Esq., and Elliot Abelson, Esq. who each misled both the District
3 Attorney's Office and the Court in connection, *inter alia*, with the charges filed against the
4 Plaintiff and the bail and other restrictions that were placed upon the Plaintiff who contends that,
5 in all of the circumstances herein, these communications were not subject to any applicable
6 privileges.
7

8 **87.** Even if the Plaintiff had briefly entered over an invisible line in the desert dirt on October
9 26, 2008, and thereby committed a *de minimis* technical trespass which is denied, he did not
10 occupy the land or cause damage to it.

11 **88.** The wrongful conduct, acts and omissions of the Defendants against the Plaintiff were
12 commenced in front of his friends and associates, were maliciously and baselessly continued in the
13 public arena for nearly twelve months, were published worldwide, and will remain upon the
14 Internet and World Wide Web in perpetuity. This has permanently damaged the Plaintiff's aero-
15 space employment prospects, particularly for secret government work, and consequently his
16 financial prospects.
17

18 **89.** At all times Plaintiff believed he was acting lawfully, violating no laws and he had no
19 intention to violate any laws.
20

21 **90.** Defendants assault (s) and battery (s) upon the Plaintiff was/were unjustified and without
22 provocation.

23 **91.** When the Plaintiff was swarmed and dog piled by the Defendants he was not free to leave.

24 **92.** When the Plaintiff was placed in handcuffs he was not free to leave.

25 **93.** The dog piling of the Plaintiff constituted excessive force as a matter of law and the
26 handcuffing of the Plaintiff was unlawful and unnecessary because there was no probable cause
27 and/or legal basis to either arrest or handcuff the Plaintiff.
28

1 **94.** The dog piling and handcuffing of the Plaintiff caused physical pain and injury to the
2 Plaintiff for which he sought medical treatment.

3 **95.** The dog piling, handcuffing, false arrest and false imprisonment of the Plaintiff caused
4 physical pain and injury to the Plaintiff which caused him emotional pain, discomfort,
5 embarrassment and humiliation.

6 **96.** While and when the Defendants swore out a “private persons” arrest form and delivered
7 the Plaintiff into the custody of the Riverside Sheriff’s Department he was not free to leave.

8 **97.** When the Plaintiff was placed in a sheriff’s vehicle he was not free to leave.

9 **98.** On the subsequent occasions upon which the Plaintiff was arrested, transported, detained
10 and/or imprisoned as alleged herein he was not free to leave.

11 **99.** Defendant’s acts or omissions against the Plaintiff are alleged to have been engaged in
12 with evil motive and intent, and/or in callous, reckless, and wanton disregard to the rights of the
13 Plaintiff. Among other things, Defendant CSI’s copyrighted and mandatory Suppressive Person
14 policies and practices expressly declare that Suppressive Persons such as the Plaintiff have no civil
15 rights at all and may be “destroyed utterly” by any Scientologist without any penalty to that
16 Scientologist. In the case of the individual Defendants herein, through the Scientology secular
17 system (s), *inter alia*, of statistics, “upstats,” “downstats,” and “conditions,” they are rewarded or
18 punished according to the extent they are able to secure the arrest, imprisonment and prosecution
19 of the Plaintiff whether that was factually based or fraudulently obtained and pursued as is alleged
20 herein.

21 **100.** On October 26, 2008, or any material date thereafter, the Plaintiff did not intentionally
22 trespass (and any trespass is denied), threaten the Defendants of any Peace Officer, obstruct
23 justice, resist arrest, batter and/or assault any peace officer. The lack of probable cause and show
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1 of force by the Defendants caused, *inter alia*, an unreasonable seizure and unlawful imprisonment
2 of the Plaintiff in violation of his federal and state constitutional and civil rights.

3 **101.** On October 14, 2009 the Riverside District Attorney's Office advised the Plaintiff's
4 lawyer herein that, at the next court date, all criminal charges against the Plaintiff would be
5 dismissed pursuant to California Penal Code §1385. On October 19, 2009 the Riverside Superior
6 Court granted the motion of the District Attorney's office to dismiss all charges against the
7 Plaintiff. A copy of the Court's minute order dismissing the prosecution is attached hereto as
8 Exhibit F.
9

10 **102.** Upon information and belief, in the course of the conduct and communications set forth
11 above and/or related thereto, Defendants or persons associated with them have made false
12 statements about the Plaintiff under oath, maliciously and with knowledge that such statements
13 were materially false. Among other things, the false statements were relied upon by deputy
14 sheriffs and prosecutors and further encouraged the arrest and continued prosecution of the
15 Plaintiff. Among other things, such false statement (s) caused the Plaintiff to be falsely arrested on
16 four occasions, charged with misdemeanor trespass, felony battery upon a peace officer, and
17 falsely imprisoned on three occasions for over three days in aggregate.
18

19 **103.** Defendant's false statements about the Plaintiff, and acts and/or omissions against the
20 Plaintiff, are alleged to have violated the Plaintiff's federal first amendment and fourth amendment
21 rights, and his comparable California constitutional rights, including Plaintiff's right to be free of
22 arrest without probable cause and to be free of unnecessary, unreasonable and excessive force.
23 Upon information and belief, and as commented upon in various United States and State of
24 California trial court and appellate court opinions, CSI's predecessor, CSI and certain of its
25 representatives have a demonstrable history of making such false statements to police officers,
26 prosecutors and judges.
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1 **104.** All of Defendant CSI's employees who were present at the scene of the Defendant's
2 citizen's arrest of the Plaintiff on October 26, 2008, and all those CSI employees who were
3 monitoring the Defendant's conduct through surveillance cameras/monitors, cell phones and other
4 communication devices, whether or not specifically directing the conduct of the individual
5 Defendants are also liable to the Plaintiff for their failure to intervene to prevent the preventable
6 harms and violations of the Plaintiff's rights and his injuries committed and caused in their
7 presence or audio/visual view and/or hearing.
8

9 **105.** Plaintiff is informed and believes that Defendant CSI, *inter alia*, failed to properly train,
10 hire, retain, and supervise its employees who caused Plaintiff's damages and failed to properly
11 supervise the Plaintiff's arrest and therefore are responsible for Plaintiff's damages.
12

13 **106.** Plaintiff is informed and believes that the above-described "Suppressive Person" and
14 related customs, policies, practices and actions of Defendant CSI constituted, *inter alia*, willful
15 and deliberate indifference to the constitutional and statutory rights of persons such as the
16 Plaintiff. Plaintiff is further informed that the above-described "Suppressive Person" and related
17 customs, policies, practices and actions of Defendant CSI, and the actions and omissions of the
18 Defendants, were a direct, foreseeable and proximate cause of the Plaintiff's damages.
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20 **107.** Plaintiff is informed and believes that Defendant CSI, acting through its executives and
21 employees, maintained, fostered, and condoned a policy, practice or custom of deliberate and/or
22 willful indifference to violations of public laws and related rights, which was a direct, proximate
23 and probable cause of the Plaintiff's damages alleged herein. The Plaintiff is informed and
24 believes that Defendant CSI's policy, custom, and practice of deliberate indifference includes,
25 among other things: (a) arresting alleged criminal suspects without probable cause, (b) conspiring
26 with security guards and others to falsify police reports, factual allegations, legal submissions, and
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1 other matters, and (c) failing to properly supervise, hire, and train its employees regarding their
2 duty to arrest criminal suspects with probable cause.

3 **108.** Plaintiff is further informed and believes that the above-described customs, policies, or
4 practices of the Defendants constituted deliberate indifference to the constitutional and statutory
5 rights of persons, such as the Plaintiff. The Plaintiff is further informed and believes that this
6 custom, policy, or practice was a direct, proximate, probable and foreseeable cause of Plaintiff's
7 damages.
8

9 **109.** The Defendant's use of excessive force against the Plaintiff, as alleged herein, was
10 effected by the Defendants without authority of law and without any reasonable necessity to use
11 any force, much less the excessive force that they employed and the force employed was used
12 without legal justification, without Plaintiff's consent, with malice and with intent to inflict pain
13 and suffering which it did thereby also causing damage, injury, pain, suffering and the other
14 damages alleged herein.
15

16 **110.** Plaintiff is informed and believes that all of the conduct alleged herein was part of a
17 single sequence of foreseeable consequences, events or *res gestae* whether or not, as with the bail
18 and motion related events of October 2-9, 2009, any of the Defendants were directly involved in
19 any associated conduct or conspiracy. Plaintiff is further informed and believes that
20 communications and conduct alleged herein that may otherwise be subject to the Civil Code §47
21 litigation immunity were also part of a single sequence of conduct, foreseeable consequences,
22 events or *res gestae* in accordance with the foregoing allegations. Upon information and belief,
23 because at least some if not all of those communications were made in furtherance of a crime or
24 fraud, none of them are subject to any otherwise applicable privileges including but not limited to
25 the attorney-client privilege.
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1 **111.** Upon information and belief, the Plaintiff alleges that at all times material herein the
2 Defendants engaged in the conduct and/or communications alleged of them intentionally,
3 recklessly, negligently and with a willful disregard for the Plaintiff's rights under the law.

4 **112.** The Defendants conduct was performed knowingly, intentionally, willfully and
5 maliciously, and were a deliberate and callous attempt to inflict physical, mental, emotional and
6 financial injury and damage upon the Plaintiff thus entitling him to an award of exemplary and
7 punitive damages for the sake of example and by way of punishing the Defendants. The conduct
8 alleged of the Defendants herein, including but not limited to the claims of false arrest and false
9 imprisonment, was unlawful and not privileged as claimed herein irrespective of whether or not
10 the Plaintiff would have been convicted of either misdemeanor trespass and/or felony battery upon
11 a peace officer as charged at the Defendant's request to the Riverside County Sheriff's
12 Department, on October 26, 2008, after Defendants had failed to provide the Plaintiff with proper
13 and adequate notice of the alleged trespass and opportunity to exit as required by applicable law.
14 The Riverside District Attorney failed to follow the January 2009 recommendation of the
15 Riverside Sheriff's Department, made after a probable cause investigation, to charge certain of the
16 Defendants herein with criminal assault and battery upon the Plaintiff.

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18
19 **113.** As direct, proximate and/or foreseeable result of the threats, arrests and force applied
20 against him, Plaintiff has suffered serious and permanent physical and health related injuries and
21 complaints, emotional distress, stress, humiliation, embarrassment and false statements made
22 about him in public for a such as courts, council hearing rooms, neighborhood fliers and on the
23 Internet.

24
25 **114.** As a direct, proximate and/or foreseeable result of the threats and force applied against
26 him, Plaintiff has been caused suffer medical and related expenses in excess of five thousand
27 dollars and similar related expense will continue, perhaps for the rest of the Plaintiff's life.

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1 **115.** In violating the First Amendment, Fourth Amendment and other constitutional rights of
2 the Plaintiff, and in the doing of the other conduct alleged herein, the Defendants and its/their
3 agents have caused the Plaintiff damage to his reputation and his future prospects and earnings.

4 **116.** As a direct, proximate and/or foreseeable result of the threats and force applied against
5 him, Plaintiff has been caused considerable anguish, pain and suffering.

6 **117.** As a direct, proximate and/or foreseeable result of the false arrests, false imprisonments
7 and prosecution of the Defendant (through to the eve of trial), the Plaintiff has been caused to
8 incur defense related costs such as land survey fees.

9 **118.** As a result of Defendants conduct as alleged herein the Plaintiff continues to incur
10 medical expenses, related expenses and general damages in an amount (s) to be disclosed in
11 discovery and proven at trial.

12 **119.** The aforementioned acts of the individual Defendants, and any corporate Defendant not
13 incorporated as a religious corporation under the laws of the State of California, were willful,
14 wanton, despicable, malicious and oppressive and justify the awarding of exemplary and punitive
15 damages in an amount subject to proof at the time of trial of this matter.

16 **120.** Upon information and belief, Defendants CSI and/or BMS are incorporated as California
17 religious corporations and, as such, may only be sued for punitive damages after the making of a
18 successful special motion herein to add a claim for punitive damages. Accordingly, at an
19 appropriate time after the filing of this complaint the Plaintiff will make a special motion pursuant
20 to Code Civ. Proc. §425.14 to add a claim (s) for punitive damages against the corporate defendant
21 (s) herein.

1 **FIRST CAUSE OF ACTION**

2 Assault & Battery
3 (Against all Defendants)

4 **121.** Plaintiff re-alleges and incorporates by reference, as though fully set forth herein, each
5 and every allegation set forth in paragraphs 1-114 above.

6 **122.** The individual Defendants, individually and in concert, while in the course and scope of
7 their employment or volunteer duties for CSI and/or BMS, intentionally and/or recklessly and/or
8 in willful disregard of Plaintiff's rights, committed acts which threatened and resulted in imminent
9 apprehension of and harmful or offensive contact with Plaintiff's person, to which Plaintiff did not
10 consent. Said imminent apprehension of and harmful or offensive contact caused physical,
11 emotional and pecuniary injury, damage, loss and/or harm to Plaintiffs as alleged herein.

12 **123.** The individual Defendants, individually and in concert, while in the course and scope of
13 their employment or volunteer duties for CSI and/or BMS, intentionally and/or recklessly and/or
14 in willful disregard of Plaintiff's rights, committed acts which involved offensive criminal,
15 tortuous and non-consensual contact with and upon his person. The aforesaid contact and conduct
16 upon Plaintiff's person included intentionally and/or willfully broadcasting an excessively loud
17 organ tri-note for many hours at a time in willful disregard for the Plaintiff's rights and health and
18 for the purpose, *inter alia*, interfering with the Plaintiff's First Amendment rights and their
19 communication and receipt. The aforesaid contact and conduct upon Plaintiff's person also
20 included intentionally and/or willfully spraying him with water from pre-positioned water
21 sprinklers in willful disregard for the Plaintiff's rights and health, causing him to be soaked wet
22 and to have to step off the public easement and onto the busy Highway 79, and for the purpose,
23 *inter alia*, interfering with the Plaintiff's First Amendment rights and their communication and
24 receipt.
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1 **124.** Defendants, and each of them, knew or should have known, that the Plaintiff had been
2 assaulted and battered by said noise and water attacks. After learning of the individual
3 Defendant’s unlawful conduct, Defendants CSI and/or BMS failed to discipline them and kept
4 them in their employ, thereby authorizing and ratifying their unlawful conduct.

5 **125.** The acts described above constitute assault and battery, actionable under the laws of
6 California.
7

8 **126.** The assault and battery and of the Plaintiff was, at least in part, in furtherance of the
9 CSI’s copyrighted “Suppressive Person” policies and practices as alleged herein.

10 **127.** By the aforesaid acts and omissions of Defendants, and each of them, the Plaintiff has
11 been directly and legally caused to suffer general and special damages, *inter alia*, as alleged herein
12 in an amount to be proven at trial.

13 **128.** At the appropriate time, the Plaintiff will make a Code Civ. Procedure §425.14 motion to
14 add a claim for punitive damages herein against Defendants CSI and/or BMS.

15 **129.** The Defendants, Does 1 through 20, and each of them, committed the foregoing acts and
16 engaged in the foregoing conduct intentionally, despicably, maliciously, and oppressively to injure
17 the Plaintiff and, *inter alia*, to subject him to the Suppressive Person policies and practices of the
18 corporate defendants and/or their alter egos and corporate affiliates, to otherwise cause him injury,
19 damage and/or hardship in willful, conscious or reckless disregard to the physical and emotional
20 safety of the Plaintiff and his rights. The Plaintiff is therefore entitled to an award of punitive
21 damages against the individual Defendants, and Does 1-20, jointly and severally, for the sake of
22 example and by way of punishing the individual Defendants, Does 1-20, and each of them.
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SECOND CAUSE OF ACTION
Assault & Battery, Excessive Force
(Against all Defendants)

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3 **130.** Plaintiff realleges and incorporates by reference, as though fully set forth herein, each
4 and every allegation set forth in paragraphs 1-114 above.

5 **131.** The Defendants, individually and in concert, while in the course and scope of their
6 employment or volunteer duties for CSI and/or BMS, intentionally and/or recklessly and/or in
7 willful disregard of Plaintiff's rights, committed acts which threatened and resulted in imminent
8 apprehension of and harmful or offensive contact with Plaintiff's person, to which Plaintiff did not
9 consent. Said imminent apprehension of and harmful or offensive contact caused physical,
10 emotional and pecuniary injury, damage, loss and/or harm to Plaintiffs as alleged herein.

11 **132.** The individual Defendants, individually and in concert, while in the course and scope of
12 their employment or volunteer duties for CSI and/or BMS, intentionally and/or recklessly and/or
13 in willful disregard of Plaintiff's rights, committed acts which involved offensive criminal,
14 tortuous and non-consensual contact with and upon his person. The aforesaid contact and conduct
15 upon Plaintiff's person included swarming him, tackling him to the ground, dog piling him,
16 dangerously wedging and pressuring their knees into his neck and back while forcing his full face
17 and mouth into the dry desert dirt where the Plaintiff proceeded to suffer great pain, serious injury,
18 the fear of suffocation and death. To this end, at least three of the individual Defendants were dog
19 piled on top of the Defendant at one time, his legs flailing in the air, with the individual
20 Defendants holding his hands behind his back while they punched and kicked him many times
21 causing him severe bruising, neck pains and permanent injuries. At this same time, audio-video
22 film (s) recording the incident clearly records what appears to be a single gun shot.

23 **133.** When the Plaintiff's companions arrived upon the scene a minute or two later they
24 unsuccessfully begged the individual Defendants to get off the Plaintiff and to stop beating and
25

1 suffocating him. Defendant Dunigan responded by kicking one of them, a late middle aged woman
2 to the desert dirt and then kicking and injuring her while she was down. Later, Defendant Dunigan
3 falsely claimed to Riverside County Deputy Sheriffs that this much older woman was interfering
4 with his citizen's arrest and that it she who had struck him. She suffered abrasions from being
5 thrown to the ground, a deep bruise to one arm, a split nail and a sprained back muscle. Eventually
6 the individual Defendants got up off the Plaintiff but kept his hands tied behind him despite his
7 complaints that the plastic cuffs were too tight, that he was in significant pain and suffering and
8 that he needed medical attention. The Defendants then detained the Plaintiff against his will until
9 the Deputy Sheriff's who had departed a few minutes before then returned to the scene of
10 Defendant's attack upon the Plaintiff.
11

12 **134.** Defendants, and each of them, knew or should have known, that the Plaintiff had been
13 assaulted and battered. After learning of the individual Defendant's unlawful conduct, Defendants
14 CSI and/or BMS failed to discipline them and kept them in their employ, thereby authorizing and
15 ratifying their unlawful conduct.
16

17 **135.** The assault and battery and of the Plaintiff was, at least in part, in furtherance of the
18 CSI's copyrighted "Suppressive Person" policies and practices as alleged herein.
19

20 **136.** The conduct of the Defendants, as described above, constitutes assault and battery,
21 actionable under the laws of California.
22

23 **137.** The conduct of the Defendants, as described above, and acting either under the authority
24 of their office (s) as a peace officer (s) and/or in the course and scope of their employment as
25 security guards and estates manager and/or as citizens, constituted excessive force.
26

27 **138.** By the aforesaid acts and omissions of Defendants, and each of them, the Plaintiff has
28 been directly and legally caused to suffer general and special damages, *inter alia*, as alleged herein
in an amount to be proven at trial.

1 **143.** The Defendants jointly and/or severally caused the initial arrest (s) of the Plaintiff and
2 were thereby a direct, proximate, probable and foreseeable cause of the subsequent arrests of the
3 Plaintiff whether or not caused by them, CSI agents at the Hollywood Christmas parade, CSI's
4 attorneys Elliot Abelson and Kendrick Moxon, or Supervisor Jeff Stone and Fausto Atilano, Jr.
5 But for the Defendant's initial arrest (s) of the Plaintiff the subsequent arrests would not have
6 occurred.
7

8 **144.** The Defendants arrested the Plaintiff without probable cause to believe that Defendant
9 had committed criminal activity and/or arrested the Plaintiff in disregard of mandatory applicable
10 provisions of the Penal Code including giving the Plaintiff notice of the alleged trespass and a
11 reasonable opportunity to exit the unfenced roadside property.
12

13 **145.** As a result of the Defendants' conduct, the Plaintiff was confined without his consent, he
14 was not free to leave, and the confinement was not otherwise privileged.
15

16 **146.** The conduct of the Defendants was in violation of the Fourth Amendment to the United
17 States Constitution, Article 1, section 13 of the State of California Constitution, and the provisions
18 of other applicable Federal and State laws, being more particularly the Plaintiff's rights to be free
19 of arrest and imprisonment without probable cause and/or due process.
20

21 **147.** The false arrest of the Plaintiff was caused by the Defendants, without any legal
22 justification, without authority of the law and without any reasonable cause of belief that the
23 Plaintiff was in fact guilty of the charged crimes.
24

25 **148.** The various Defendants who knew of the false arrest and allowed the illegal detention of
26 the Plaintiff to continue are liable to the Plaintiff as a result of their affirmative duty to intervene.
27

28 **149.** Defendant's managing agent (s), supervisors, superiors and others (whether within or
outside the Scientology enterprise) who knew of the false arrest of the Plaintiff and continued to
allow and/or order the resulting unlawful prosecution and subsequent arrests and imprisonments of

1 the Plaintiff and/or who either directly participated in the violation of the Plaintiff's rights or who
2 after learning of the violation failed to immediately and/or promptly to remedy the wrong are
3 liable to the Plaintiff for the various violations of his Federal and State constitutional rights, and
4 his other applicable legal rights.

5 **150.** The false arrest and confinement of the Plaintiff was, at least in part, in furtherance of the
6 CSI's copyrighted "Suppressive Person" policies and practices as alleged herein.

7 **151.** As a direct, proximate and foreseeable result of the unlawful arrest (s), the Plaintiff was
8 has been subjected to illegal confinements, forced to attend court appearances, suffered emotional
9 harm, mental anguish, embarrassment, humiliation, anxiety, and pecuniary loss. His reputation in
10 the community was impaired, he was prevented from attending his necessary affairs of business,
11 and he was otherwise injured and permanently damaged.

12 **152.** At the appropriate time, the Plaintiff will make a Code Civ. Procedure §425.14 motion to
13 add a claim for punitive damages herein against Defendants CSI and/or BMS.

14 **153.** The Defendants, Does 1 through 20, and each of them, committed the foregoing acts and
15 engaged in the foregoing conduct intentionally, despicably, maliciously, and oppressively to injure
16 the Plaintiff and, *inter alia*, to subject him to the Suppressive Person policies and practices of the
17 corporate defendants and/or their alter egos and corporate affiliates, to otherwise cause him injury,
18 damage and/or hardship in willful, conscious or reckless disregard to the physical and emotional
19 safety of the Plaintiff and his rights. The Plaintiff is therefore entitled to an award of punitive
20 damages against the individual Defendants, and Does 1-20, jointly and severally, for the sake of
21 example and by way of punishing the individual Defendants, Does 1-20, and each of them.
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1 embarrassment, loss of esteem, disgrace, humiliation, loss of enjoyment of life, and has sustained
2 loss of earning and future earning capacity in an amount to be proven at trial.

3 **160.** Defendants CSI and/or BMS and their managing agent, officers and directors engaged in
4 the acts alleged herein and/or condoned, permitted, authorized, and/or ratified the conduct of its
5 employees, subcontractors, and agents.

6 **161.** The conduct of the Defendants as alleged herein was, at least in part, in furtherance of
7 the CSI's copyrighted "Suppressive Person" policies and practices as alleged herein.

8 **162.** At the appropriate time, the Plaintiff will make a Code Civ. Procedure §425.14 motion to
9 add a claim for punitive damages herein against Defendants CSI and/or BMS.

10 **163.** The Defendants, Does 1 through 20, and each of them, committed the foregoing acts and
11 engaged in the foregoing conduct intentionally, despicably, maliciously, and oppressively to injure
12 the Plaintiff and, *inter alia*, to subject him to the Suppressive Person policies and practices of the
13 corporate defendants and/or their *alter egos* and corporate affiliates, to otherwise cause him injury,
14 damage and/or hardship in willful, conscious or reckless disregard to the physical and emotional
15 safety of the Plaintiff and his rights. The Plaintiff is therefore entitled to an award of punitive
16 damages against the individual Defendants, and Does 1-20, jointly and severally, for the sake of
17 example and by way of punishing the individual Defendants, Does 1-20, and each of them.

18 **FIFTH CAUSE OF ACTION**

19 Negligence, Nuisance & Occupier/Premises Liability
20 (Against corporate defendants CSI and BMS only)

21 **164.** Plaintiff re-alleges and incorporates by reference, as though fully set forth herein, each
22 and every allegation set forth in paragraphs 1-114 above.

23 **165.** Upon information and belief, either CSI and/or BMS are the owners, lessees and/or
24 licensees of the Golden Era property and are in legal control of the unfenced road side land where
25 Defendants attacked the Plaintiff as alleged herein. In such capacity and, *inter alia*, pursuant to

1 Civil Code section 1714 (a), CSI and/or BMS owed a legal duty to the Plaintiff to exercise
2 ordinary care in the management of the premises to avoid exposing the Plaintiff and other
3 foreseeable entrants upon the unfenced roadside land to an unreasonable risk of harm.

4 **166.** The Plaintiff herein was a foreseeable intruder upon the unfenced roadside land and
5 Defendants CSI and/or BMS owed a legal duty of care to the Plaintiff to maintain the property in
6 such a manner as to avoid exposing the Plaintiff to an unreasonable risk of injury.

7
8 **167.** In attacking, arresting and detaining the Plaintiff upon the unfenced roadside land on
9 October 26, 2008, in violation of applicable law and duty as alleged herein, Defendants CSI and/or
10 BMS failed to conform to a standard of care to protect the Plaintiff, failed to meet this standard of
11 care, failed act reasonably or to maintain land in their possession and control in a reasonably safe
12 condition, and were the proximate or legal cause of resulting injury and/or damage to the Plaintiff.

13
14 **168.** In attacking, arresting and detaining the Plaintiff upon the unfenced roadside land on
15 October 26, 2008, in violation of applicable law as alleged herein, Defendants CSI and/or BMS
16 unreasonably created a sudden and unforeseen condition upon the unfenced roadside property and
17 premises creating and causing an unreasonable risk of serious injury and damage, and causing
18 actual injury and damage, to the Plaintiff as alleged above.

19
20 **169.** In failing to properly position any no trespassing sign on the unfenced roadside land
21 Defendants CSI and/or BMS created a public nuisance as defined by applicable law such as Penal
22 Code §556.3. In creating and maintaining a public nuisance on the unfenced roadside land CSI
23 and/or BMS acted unreasonably and breached their duty of care to the public including but not
24 limited to persons such as the Plaintiff who might foreseeably enter upon the unfenced roadside
25 land in misplaced reliance upon the improperly sized and located “no trespassing” sign (s).

26
27 **170.** Defendant’s negligence as alleged herein was a substantial factor in causing the
28 Plaintiff’s harm, injury and damage as alleged herein.

1 malicious and oppressive intent. Plaintiffs are entitled to general, special and compensatory
2 damages in amounts to be proven at trial.

3 **177.** Defendants CSI and/or BMS engaged in the acts alleged herein and/or condoned,
4 permitted, authorized, and/or ratified the conduct of its employees, subcontractors, and agents and
5 are vicariously liable for the wrongful conduct of its employees, subcontractors, and agents for this
6 cause of action.

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8 **178.** The conduct of the Defendants as alleged herein was, at least in part, in furtherance of
9 the CSI's copyrighted "Suppressive Person" policies and practices as alleged herein.

10 **179.** At the appropriate time, the Plaintiff will make a Code Civ. Procedure §425.14 motion to
11 add a claim for punitive damages herein against Defendants CSI and/or BMS.

12 **180.** The Defendants, Does 1 through 20, and each of them, committed the foregoing acts and
13 engaged in the foregoing conduct intentionally, despicably, maliciously, and oppressively to injure
14 the Plaintiff and, *inter alia*, to subject him to the Suppressive Person policies and practices of the
15 corporate defendants and/or their alter egos and corporate affiliates, to otherwise cause him injury,
16 damage and/or hardship in willful, conscious or reckless disregard to the physical and emotional
17 safety of the Plaintiff and his rights. The Plaintiff is therefore entitled to an award of punitive
18 damages against the individual Defendants, and Does 1-20, jointly and severally, for the sake of
19 example and by way of punishing the individual Defendants, Does 1-20, and each of them.
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22 **SEVENTH CAUSE OF ACTION**
23 Negligent Infliction of Emotional Distress
24 (Against all Defendants)

25 **181.** Plaintiff re-alleges and incorporates by reference, as though fully set forth herein, each
26 and every allegation set forth in paragraphs 1-114 above.

27 **182.** Upon information and belief, either CSI and/or BMS are the owners, lessees and/or
28 licensees of the Golden Era property and are in legal control of the unfenced road side land where

1 Defendants attacked the Plaintiff as alleged herein. In such capacity and pursuant to Civil Code
2 section 1714 (a), CSI and/or BMS owed a legal duty to the Plaintiff to exercise ordinary care in
3 the management of the premises to avoid exposing the Plaintiff and other foreseeable entrants
4 upon the unfenced roadside land to an unreasonable risk of harm.

5 **183.** The Plaintiff herein was a foreseeable intruder upon the unfenced roadside land and
6 Defendants CSI and/or BMS owed a legal duty of care to the Plaintiff to maintain the property in
7 such a manner as to avoid exposing the Plaintiff to an unreasonable risk of injury.

8 **184.** In attacking, arresting and detaining the Plaintiff upon the unfenced roadside land on
9 October 26, 2008, in violation of applicable law as alleged herein, Defendants CSI and/or BMS
10 failed to conform to a standard of care to protect the Plaintiff, failed to meet this standard of care,
11 failed act reasonably or to maintain land in their possession and control in a reasonably safe
12 condition, and were the proximate or legal cause of resulting injury and/or damage to the Plaintiff.
13

14 **185.** In attacking, arresting and detaining the Plaintiff upon the unfenced roadside land on
15 October 26, 2008, in violation of applicable law as alleged herein, Defendants CSI and/or BMS
16 unreasonably created a sudden and unforeseen condition upon the property and premises creating
17 and causing an unreasonable risk of serious injury and damage, and actual injury and damage, to
18 the Plaintiff as alleged above.

19 **186.** Defendants' above-described conduct was extreme, unreasonable and outrageous.
20 Defendants engaged in outrageous conduct towards the Plaintiff unreasonably or with reckless
21 disregard, in all of the circumstances, for the probability and foreseeable risk of causing, the
22 Plaintiff to suffer severe emotional distress as a result of the Defendants' conduct, and with
23 unreasonable disregard for the injurious result to the Plaintiff. As set forth herein, Defendants
24 falsely arrested and falsely imprisoned the Plaintiff, on multiple occasions, in public view, and
25 committed assault and battery, subjecting him to humiliation and embarrassment.
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1 persons arrest and delivering the Plaintiff into the custody of the Riverside Sheriff's Department
2 as alleged herein.

3 **193.** In initiating the false arrest, false imprisonment and baseless twelve month prosecution
4 of the Plaintiff on a misdemeanor charge of trespass and a felony charge of battery upon a peace
5 officer the Defendants were, *inter alia*, acting in furtherance of their copyrighted policies and
6 practices for the handling of Suppressive Persons and they thereby entertained an ulterior motive
7 in using the process and committed a wrongful act in a wrongful manner including the making of a
8 false private persons arrest, false police report, false and misleading statements to the Sheriff's
9 Department, the District Attorney's office and the Court, and permitting the false imprisonment
10 and false prosecution of the Plaintiff to be maintained until dismissed at the motion of the
11 Riverside District Attorney's Office upon the eve of trial.

12
13 **194.** The Plaintiff was harmed and damaged by the abuse (s) of process by the Defendants and
14 each of them.

15
16 **195.** The Defendant's abuse (s) of process was/were a substantial factor and, *inter alia*, the
17 proximate cause in causing the harm and damage to the Plaintiff as set forth herein.

18 **196.** The Defendant's abuse of process, concealment and suppression, false and misleading
19 representations of fact to the Sheriff's Department, the District Attorney's Office and the court
20 were /was a substantial factor (s) and the proximate cause in causing the harm and damage to the
21 Plaintiff as alleged herein and constituted a punishable fraud upon the Riverside Superior Court.

22
23 **197.** The Plaintiff cannot ascertain at this time the full nature, extent or amount of his harm
24 and damages suffered by virtue of the Defendant's abuse (s) of process. These monies would not
25 otherwise have been spent but for the failure of the Defendants to disclose the concealed and
26 suppressed facts.

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1 **198.** Even if Defendants had properly obtained the initial process against the Plaintiff they
2 subsequently misused it and engaged in the perversion of legal procedure by acts and omissions
3 which resulted in the issuance of process against the Plaintiff by the Riverside Superior Court.

4 **199.** The conduct of the Defendants as alleged herein was, at least in part, in furtherance of
5 the CSI's copyrighted "Suppressive Person" policies and practices as alleged herein.

6 **200.** At the appropriate time, the Plaintiff will make a Code Civ. Procedure §425.14 motion to
7 add a claim for punitive damages herein against Defendants CSI and/or BMS.

8 **201.** The Defendants, Does 1 through 20, and each of them, committed the foregoing acts and
9 engaged in the foregoing conduct intentionally, despicably, maliciously, and oppressively to injure
10 the Plaintiff and, *inter alia*, to subject him to the Suppressive Person policies and practices of the
11 corporate defendants and/or their alter egos and corporate affiliates, to otherwise cause him injury,
12 damage and/or hardship in willful, conscious or reckless disregard to the physical and emotional
13 safety of the Plaintiff and his rights. The Plaintiff is therefore entitled to an award of punitive
14 damages against the individual Defendants, and Does 1-20, jointly and severally, for the sake of
15 example and by way of punishing the individual Defendants, Does 1-20, and each of them.

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18 **NINTH CAUSE OF ACTION**
19 Malicious prosecution
20 (Against all Defendants)

21 **202.** Plaintiff re-alleges and incorporates by reference, as though fully set forth herein, each
22 and every allegation set forth in paragraphs 1-114 above.

23 **203.** On or about October 26, 2009, Defendant Dunigan acting without probable cause and
24 aided and abetted by each of the other Defendants made a false citizen's arrest of the Plaintiff and
25 caused the subsequent false arrests and false imprisonments and [malicious] prosecution of the
26 Plaintiff by also making a private persons arrest and delivering the Plaintiff into the custody of the
27 Riverside Sheriff's Department as alleged herein. The aforesaid conduct of the Defendants caused
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1 a criminal proceeding to be brought and maintained against the Plaintiff until voluntarily
2 dismissed in Plaintiff's favor upon the eve of trial.

3 **204.** The Defendants sought out the police and prosecutorial authorities, falsely reported facts
4 to them falsely indicating that the Plaintiff had committed a crime. The Defendants were actively
5 instrumental in causing the prosecution of the Plaintiff and they were actively involved in causing
6 a continuation of the prosecution.
7

8 **205.** The criminal proceeding ended in the Plaintiff's favor.

9 **206.** No reasonable persons in any of the Defendant's circumstances would have believed that
10 there were grounds for causing the Plaintiff to be arrested and/or prosecuted.

11 **207.** The Defendants acted primarily for a purpose other than to bring the Plaintiff to justice.

12 **208.** In initiating the false arrest, false imprisonment and baseless twelve month prosecution
13 of the Plaintiff on a misdemeanor charge of trespass and a felony charge of battery upon a peace
14 officer the Defendants were, *inter alia*, acting in furtherance of their copyrighted policies and
15 practices for the handling of Suppressive Persons and they thereby entertained an ulterior motive
16 in using the process and committed a wrongful act in a wrongful manner including the making of a
17 false private persons arrest, false police report, false and misleading statements to the Sheriff's
18 Department, the District Attorney's office and the Court, and permitting the false imprisonment
19 and false prosecution of the Plaintiff to be maintained until dismissed at the motion of the
20 Riverside District Attorney's Office upon the eve of trial.
21

22 **209.** The Plaintiff was harmed and damaged by the malicious prosecution of the Plaintiff by
23 the Defendants and each of them as alleged herein. This damage includes the Plaintiff out of
24 pocket costs, emotional distress and injury to his reputation as a result of the groundless
25 allegations made in pleadings that are a matter of public record.
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1 **210.** The Defendant’s wrongful conduct and malicious prosecution of the Plaintiff was/were a
2 substantial factor and, *inter alia*, the proximate cause in causing the harm and damage to the
3 Plaintiff as set forth herein.

4 **211.** The Defendant’s conduct, concealment and suppression, false and misleading
5 representations of fact to the Sheriff’s Department, the District Attorney’s Office and the court
6 were /was a substantial factor (s) and the proximate cause in causing the harm and damage to the
7 Plaintiff as alleged herein and constituted a punishable fraud upon the Riverside Superior Court.
8

9 **212.** The Plaintiff cannot ascertain at this time the full nature, extent or amount of his harm
10 and damages suffered by virtue of the Defendant’s malicious prosecution of him. These monies
11 would not otherwise have been spent, or would not otherwise be required to be spent in the future,
12 but for the failure of the Defendants to disclose the concealed and suppressed facts.

13 **213.** Even if Defendants had properly obtained the initial process against the Plaintiff they
14 subsequently misused it and engaged in the perversion of legal procedure by acts and omissions
15 which resulted in the issuance and maintenance of process against the Plaintiff by the Riverside
16 Sheriff, District Attorney and Superior Court.
17

18 **214.** The conduct of the Defendants as alleged herein was, at least in part, in furtherance of
19 the CSI’s copyrighted “Suppressive Person” policies and practices as alleged herein.
20

21 **215.** At the appropriate time, the Plaintiff will make a Code Civ. Procedure §425.14 motion to
22 add a claim for punitive damages herein against Defendants CSI and/or BMS.

23 **216.** The Defendants, Does 1 through 20, and each of them, committed the foregoing acts and
24 engaged in the foregoing conduct intentionally, despicably, maliciously, and oppressively to injure
25 the Plaintiff and, *inter alia*, to subject him to the Suppressive Person policies and practices of the
26 corporate defendants and/or their alter egos and corporate affiliates, to otherwise cause him injury,
27 damage and/or hardship in willful, conscious or reckless disregard to the physical and emotional
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1 safety of the Plaintiff and his rights. The Plaintiff is therefore entitled to an award of punitive
2 damages against the individual Defendants, and Does 1-20, jointly and severally, for the sake of
3 example and by way of punishing the individual Defendants, Does 1-20, and each of them.

4 **TENTH CAUSE OF ACTION**

5 Violation of California Civil Code §52.1
6 (Against all Defendants)

7 **217.** Plaintiff re-alleges and incorporates by reference, as though fully set forth herein, each
8 and every allegation set forth in paragraphs 1-114 above.

9 **218.** As alleged and set forth herein, the Defendants intentionally, recklessly and/or with
10 willful disregard for Plaintiff's rights, interfered with or attempted to interfere with the rights of
11 Plaintiff, and those engaged in Anonymous protest with him, to be free from any violence threats,
12 intimidation, and/or coercion of rights by threatening, and committing violent, intimidating or
13 coercive acts in violation of Cal. Civ. Code § 52.1. In the course of such interference the
14 Defendants assaulted and battered the Plaintiff, threatened and intimidated him, and restrained his
15 freedom of movement through false police reports, false arrests, false imprisonments, abuses of
16 process and malicious prosecution.

17 **219.** The aforesaid unlawful conduct of the Defendants set forth herein was, at least in part, in
18 furtherance of the CSI's copyrighted "Suppressive Person" policies and practices as alleged
19 herein.
20

21 **220.** Defendants CSI and/or BMS engaged in the acts alleged herein and/or condoned,
22 permitted, authorized, and/or ratified the conduct of its employees, subcontractors, and agents and
23 are vicariously liable for the wrongful conduct of its employees, subcontractors, and agents for this
24 cause of action.
25

26 **221.** In addition to all other relief sought herein, and pursuant to California Civil Code §52.1
27 (a) & (b) the Plaintiff requests that statutory damages in the amount of \$25,000 be assessed against
28

1 each of the corporate Defendants and each of the Defendants individually who/which are/is
2 determined at trial to have violated the aforesaid code provisions.

3 **222.** In addition to the other relief requested herein, pursuant to California Civil Code §52.1
4 (h) the Plaintiff requests his reasonable attorney's fees herein.

5 **223.** In addition to the other relief requested herein, pursuant to California Civil Code §52.1
6 (b), the Plaintiff herein requests injunctive and other appropriate equitable relief to protect the
7 peaceable exercise of enjoyment of his rights secured under the constitutions and laws of the
8 United States of America and the State of California.

9 **224.** At the appropriate time, the Plaintiff will make a Code Civ. Procedure §425.14 motion to
10 add a claim for punitive damages herein against Defendants CSI and/or BMS.

11 **225.** The Defendants, Does 1 through 20, and each of them, committed the foregoing acts and
12 engaged in the foregoing conduct intentionally, despicably, maliciously, and oppressively to injure
13 the Plaintiff and, *inter alia*, to subject him to the Suppressive Person policies and practices of the
14 corporate defendants and/or their alter egos and corporate affiliates, to otherwise cause him injury,
15 damage and/or hardship in willful, conscious or reckless disregard to the physical and emotional
16 safety of the Plaintiff and his rights. The Plaintiff is therefore entitled to an award of punitive
17 damages against the individual Defendants, and Does 1-20, jointly and severally, for the sake of
18 example and by way of punishing the individual Defendants, Does 1-20, and each of them.

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21 **ELEVENTH CAUSE OF ACTION**
22 Violation of California Constitution Article 1, §1, 2, 3, 4, 7 & 13
23 (Against all Defendants)

24 **226.** Plaintiff re-alleges and incorporates by reference, as though fully set forth herein, each
25 and every allegation set forth in paragraphs 1-114 above.

26 **227.** The California Constitution Article 1, §13 provides: "The right of the people to be secure
27 in their persons, houses, papers, and effects against unreasonable searches and seizures may not be
28

1 violated; and a warrant may not issue except upon probable cause, supported by oath or
2 affirmation, particularly describing the place to be searched and the persons and things to be
3 seized.”

4 **228.** The California Constitution Article 1, §24 provides: “Rights guaranteed by this
5 Constitution are not dependent upon those guaranteed by the United States Constitution.”

6 **229.** The Plaintiff is informed and believes and thereon alleges that the Defendants violated
7 the Plaintiff’s right to be secure in his person against unreasonable seizures and caused the
8 Plaintiff to suffer damages through, *inter alia*, false arrest and false imprisonment as alleged
9 herein.

10 **230.** The Defendant’s aforesaid conduct, and all of it, as directed at the Plaintiff among others
11 because he/they is/were not Scientologists and/or opposed to Scientology and/or a Suppressive
12 Person denied the Plaintiff his right to be free from hate based conduct and communications, hate
13 based violence, ordinary violence and/or and intimidation by threats of violence because of his
14 political affiliation and religious views, in violation of the Plaintiff’s rights under the California
15 Constitution [and the Federal Constitution].

16 **231.** Defendants CSI and/or BMS engaged in the acts alleged herein and/or condoned,
17 permitted, authorized, and/or ratified the conduct of its employees, subcontractors, and agents and
18 are vicariously liable for the wrongful conduct of its employees, subcontractors, and agents for this
19 cause of action.

20 **232.** The above described conduct of the Defendants denied, or attempted to deny, the
21 Plaintiff his rights of privacy and anonymity, to freely and anonymously to speak, write and
22 publish his sentiments, to instruct his representatives, petition government for redress of
23 grievances, to assemble freely and anonymously, to due process of law and equal protection of the
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1 laws, and to be free from unreasonable searches and seizures as provided for by the California
2 Constitution, Article 1, §§1, 2, 3, 7 and 13.

3 **233.** In addition to all other relief sought herein, and pursuant to California Civil Code §52.1
4 (a) & (b) the Plaintiff requests that statutory damages in the amount of \$25,000 be assessed against
5 each of the Defendants individually who/which are/is determined at trial to have violated the
6 aforesaid code provisions.
7

8 **234.** As a direct and proximate result of the above-described conduct and denials of state
9 constitutional rights, the Plaintiff has suffered and continues to suffer general and special
10 damages, great pain of mind and body, shock, emotional distress, embarrassment, loss of self-
11 esteem, disgrace, humiliation and loss of earnings and earning capacity in an amount to be proven
12 at trial.
13

14 **235.** The conduct alleged of the Defendants herein was, at least in part, in furtherance of the
15 CSI's copyrighted "Suppressive Person" policies and practices as alleged herein.

16 **236.** At the appropriate time, the Plaintiff will make a Code Civ. Procedure §425.14 motion to
17 add a claim for punitive damages herein against Defendants CSI and/or BMS.

18 **237.** The Defendants, Does 1 through 20, and each of them, committed the foregoing acts and
19 engaged in the foregoing conduct intentionally, despicably, maliciously, and oppressively to injure
20 the Plaintiff and, *inter alia*, to subject him to the Suppressive Person policies and practices of the
21 corporate defendants and/or their alter egos and corporate affiliates, to otherwise cause him injury,
22 damage and/or hardship in willful, conscious or reckless disregard to the physical and emotional
23 safety of the Plaintiff and his rights. The Plaintiff is therefore entitled to an award of punitive
24 damages against the individual Defendants, and Does 1-20, jointly and severally, for the sake of
25 example and by way of punishing the individual Defendants, Does 1-20, and each of them.
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PRAYER FOR RELIEF

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WHEREFORE, the Plaintiff seeks judgment as follows.

A. For general and compensatory damages, including loss of earnings and other economic or pecuniary damages, against all Defendants and each of them in an amount to be determined according to proof at trial;

B. At this time of initial filing, as against the individual Defendants, and Does 1 through 20 only sued in their individual capacities, for punitive and exemplary damages, according to proof at trial;

C. After a Code Civ. Proc. §425.14 motion permitting the addition of a claim for punitive damages against religious corporations CSI and/or BMS, an award of punitive and exemplary damages against all Defendants and each of them in an amount according to proof at trial;

D. For nominal damages as provided by law and/or according to proof at trial;

E. For statutory damages and penalties, *inter alia*, pursuant to Civil Code §§ 52 and 52.1;

F. For reasonable attorney's fees, expenses and costs of suit, *inter alia*, pursuant to Civil Code §§52 and 52.1, Code Civ. Proc. §1021.5, and 42 U.S.C. §1988;

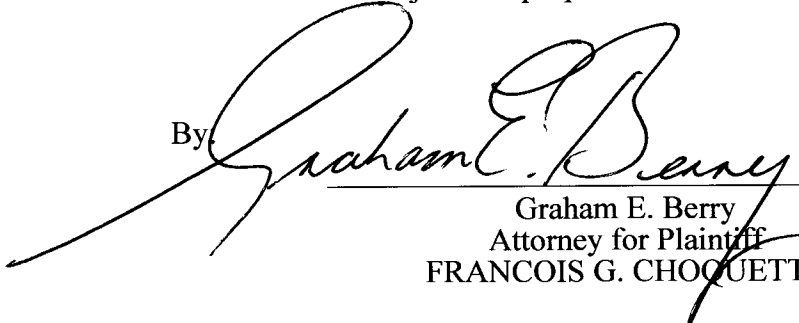
G. For pre-judgment interest, according to law and proof;

1 H. Pursuant to Civil Code §§52 and 52.1, *inter alia*, for preliminary and permanent
2 injunctions that, in both essence and effect, prohibit Church of Scientology Managing Agent
3 David Miscavige, Defendants, their affiliates, officers, directors and employees, CSI's Office of
4 Special Affairs and its representatives and agents, from engaging in any further activity to reveal
5 the identities and other information relating to the Plaintiff and others lawfully protesting, whether
6 or not anonymously, *inter alia* alleged Scientology crime and abuse, from conduct that intimidates
7 or interferes with First Amendment activity, and from again making any baseless declaration or
8 false complaint of unlawful assembly, conduct or speech as a pretext for dispersing and
9 suppressing legitimate First Amendment activities by the Plaintiff and any other participants in
10 Anonymous protests and pickets against crime and abuse alleged of the Scientology corporations,
11 churches, entities, individuals or groups; from engaging in further frivolous and false citizen's
12 arrests, and using plastic handcuffs in an improper or unsafe manner when arresting protestors;

15 I. For such other and further relief as the Court deems just and proper.

17 Dated: October 21, 2009

By:



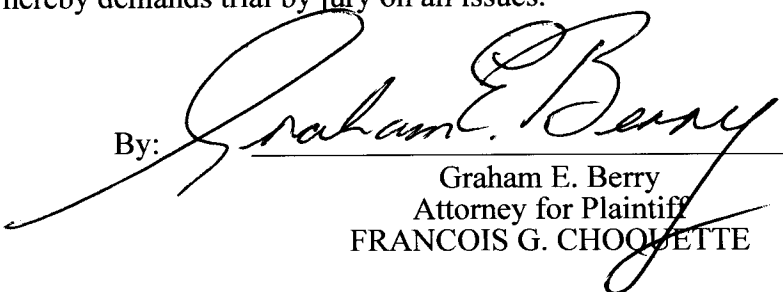
Graham E. Berry
Attorney for Plaintiff
FRANCOIS G. CHOQUETTE

DEMAND FOR JURY TRIAL

The Plaintiff hereby demands trial by jury on all issues.

26 Dated: October 21, 2009

By:

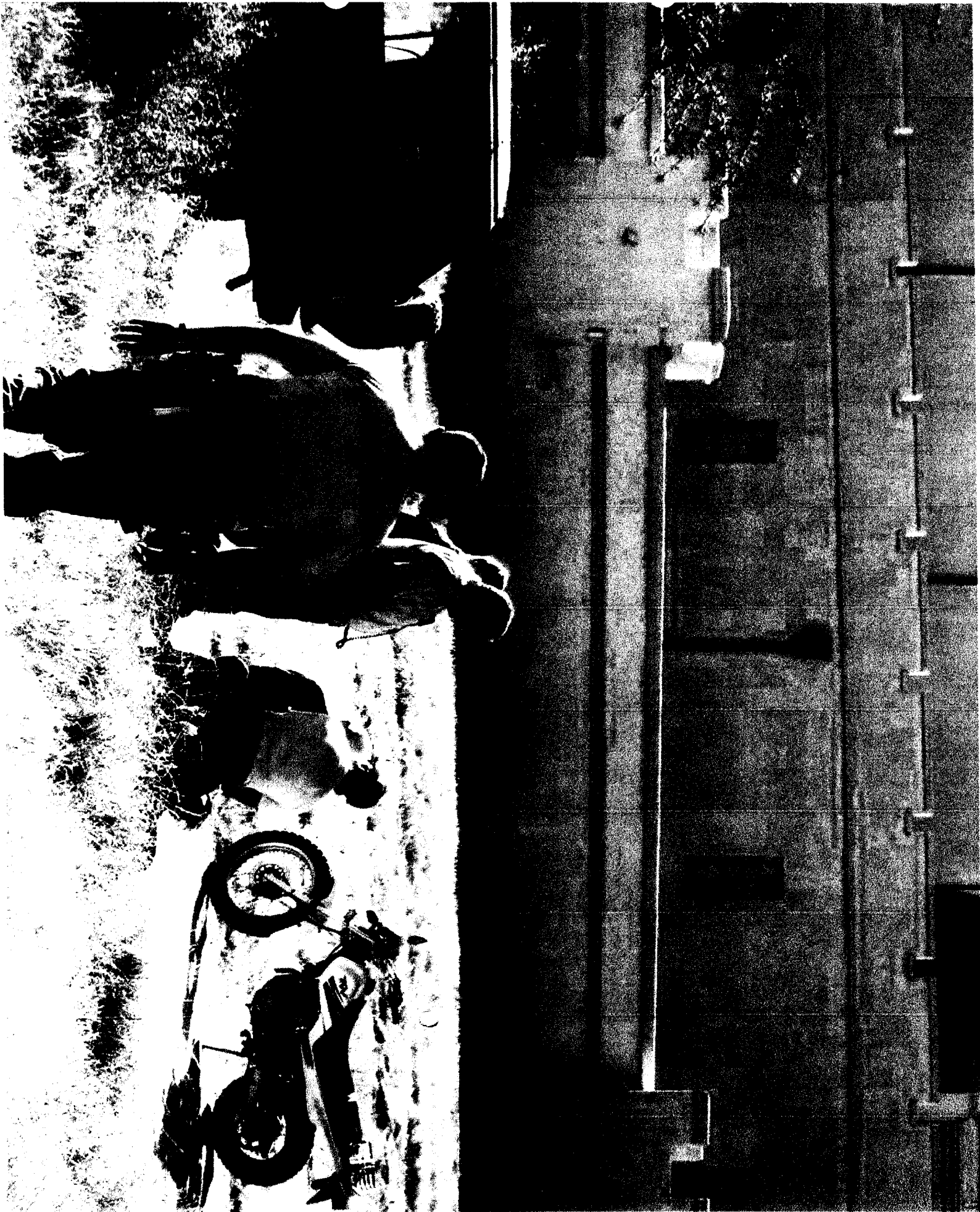


Graham E. Berry
Attorney for Plaintiff
FRANCOIS G. CHOQUETTE

EXHIBIT A







68C



GOLD BASE

A pleasant, welcoming community!

EXHIBIT B

EVIDENCE:

1. Recording of interview with victim. (In evidence)
2. photos of victim's injuries (Attached)
3. DVD of incident (taken by witness) (In evidence)
4. Written statements by witnesses (Attached)

Summary:

On 1-5-09, I was assigned to complete a supplemental report to file # D08300041, a past 242 PC. On 1-13-09 @ 1300 hrs. I met with Francois Choquette and his lawyer, Graham Berry at the Hemet Station. Choquette requested to speak to me reference a past 242 PC, in which he was listed as a suspect; however, he felt he was the victim.

Choquette said he was legally protesting against the Church of Scientology. Choquette said on 10-26-08, he and several friends were picketing in front of the church when he was assaulted by three of their security guards for trespassing. Choquette said the guards said he was trespassing; however, he does not feel he was trespassing because the area where he was assaulted for trespassing was not posted until after he was assaulted.

Choquette said he is concerned because ever since he started protesting at the Church of Scientology, he has been followed. Choquette said on the above mentioned date he and several other protestors were walking on the side of Soboba Rd. protesting. Choquette said a Honda vehicle pulled up next to their parked vehicles and started tampering with them. Choquette said he started walking towards the Honda to tell the occupants to leave their vehicles alone; Choquette said the Honda immediately started backing up so Choquette could not see or speak to them. Choquette said he turned back around and started walking back towards the picketing area, at which time the Honda pulled right up behind him, scaring him, and causing him to jump off of the trail onto a dirt area. Choquette said as soon as he was forced off of the trail, the Honda and a small truck, occupied by three male adults, pulled up to him and started yelling at him that he was trespassing. Choquette said the area was not posted, and it was very close to the original trail that he was on. Choquette said he would not have been in the area if he was not forced off of the trail by the security guards.

Choquette said the three security guards; David Dunagin, Mathew Butler, and Kenneth Seybold, jumped out of their vehicles and tackled him to the ground. Choquette said all three of the guards were on top of him tying his hands and feet. Choquette said he told the guards several times that he could not breathe; however, they would not let up. Choquette said he kept yelling at the guards to get off of him, at which time Kevin Seybold shoved his face into the dirt. Choquette said at this time Danny Dunagin had his hand around his face; Choquette said he panicked because he could not breathe, so he bit Dunagin's hand in attempts to get loose. Choquette said he would not have bitten Dunagin if he was not in pain and panicked.

1
2 Choquette said when the Sheriff's Department arrived; the security guards requested that
3 Choquette be arrested for biting Dunagin. Choquette felt that he was not able to tell his
4 side of the story and the security guards did not give the deputies an accurate account of
5 the incident.

6
7 Choquette said he and several of his friends responded to the Hemet sheriff's station,
8 Hemet police station and CHP in attempts to tell his side of the story and request that
9 charges be filed on the security guards for assaulting him; Choquette said he was denied
10 the right to file charges at all of the above listed stations.

11
12 Choquette submitted typed statements from three witnesses to his assault, as well as a
13 video that shows his assault. (See attached evidence)

14
15 Due to Choquette's statements, and the video, this case will be forwarded to the District
16 Attorney's office for prosecution of David Dunagin, Mathew Butler and Kenneth
17 Seybold.

18
19 Case status: Exceptional

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EXHIBIT C



**OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF RIVERSIDE**


4075 MAIN STREET, FIRST FLOOR
RIVERSIDE, CALIFORNIA 92501
951/955-5400

Riverside County District Attorney
Investigation Report

Defendant:	FRANCOIS CHOQUETTE		
Report Made By:	DDA Rami Haddad	File #:	SWM080760
Statement of:	DDA RAMI HADDAD	Date of Report:	8/6/2009
Contact Info:	951-304-5427	Interview Type:	In person : Phone

Investigation Report

This is to formally inform you that the photos and the recording taken of the defendant at the Hemet Police station at the time of the supplemental report have been destroyed as of July 1, 2009. Once again, out of the items listed as evidence on the supplemental report, item #1 and item #2 have been destroyed as of 7-1-09.


Rami Haddad
Deputy District Attorney

000071

EXHIBIT D



Minutes

Home	Def. Status	Def. Info	Charges	Actions	Minutes	Probation
Case Report	Fine Info					

Case SWM080760 Defendant 1786995 CHOQUETTE, FRANCOIS GEORGES

Defendant 1 of 1

Action: Hearing re: Bail Surrender - 10/08/2009

Case SWM080760 Defendant 1786995 CHOQUETTE, FRANCOIS GEORGES

Action: Hearing re: Bail Surrender

Date:
10/08/2009

Time: 1:30 PM

Division: S104I

Hearing Status:
DISPOSED

HONORABLE JOHN W. VINEYARD PRESIDING.
 COUNSEL/PARTIES STIPULATE THE JUDGE PRO TEM/COMMISSIONER,
 AS INDICATED ABOVE, MAY HEAR THIS MATTER.
 COURTROOM ASSISTANT: DJG-D. GRAY
 PEOPLE REPRESENTED BY DEPUTY DISTRICT ATTORNEY: RAMI
 HADDAD (NOT PRESENT).
 SPECIAL APPEARANCE BY C RULE.
 DEFENDANT REPRESENTED BY PVT. GRAHAM E. BERRY(NOT PRESENT).

DEFENDANT IS NOT PRESENT.

PER DEPUTY IN TRANSPORTATION, DEFT NOT TRANSPORTED FOR
 INCUSTODY CALENDAR. REASON UNKNOWN.

COURT HAS READ AND CONSIDERED AFFIDAVIT OF UNDERTAKING OF BAIL.

COURT FINDS GOOD CAUSE EXISTS TO CONTINUE HEARING TO 10/09/09 @9:00

STIPULATED MOTION TO CONTINUE PURSUANT TO 1050 PC IS GRANTED. HEARING CONTINUED TO 10/09/2009 AT 9:00, DEPT. S104 PURSUANT TO 1050(D) PC, THE COURT FINDS GOOD CAUSE HAS BEEN SHOWN TO GRANT THE CONTINUANCE.

REASON FOR CONTINUANCE: CM-ON COURTS OWN MOTION
CURRENT BAIL BOND CONTINUED.

EXHIBIT E (1)



Minutes



Home	Def. Status	Def. Info	Charges	Actions	Minutes	Probation
Case Report	Fine Info					

Case SWM080760 Defendant 1786995 CHOQUETTE, FRANCOIS GEORGES

Defendant 1 of 1

Action: Hearing re: Bail Surrender - 10/09/2009

Case SWM080760 Defendant 1786995 CHOQUETTE, FRANCOIS GEORGES

Action: Hearing re: Bail Surrender

Date:
10/09/2009

Time: 9:00 AM

Division: S104

Hearing Status:
DISPOSED

HONORABLE JOHN W. VINEYARD PRESIDING.

COUNSEL/PARTIES STIPULATE THE JUDGE PRO TEM/COMMISSIONER, AS INDICATED ABOVE, MAY HEAR THIS MATTER.

COURTROOM ASSISTANT: VS-V. SALHANI

COURT REPORTER: SW-S. WALKER

PEOPLE REPRESENTED BY DEPUTY DISTRICT ATTORNEY: TORI NASIF (NOT PRESENT).

SPECIAL APPEARANCE BY DDA JERRY PFOHL.

DEFENDANT REPRESENTED BY PVT. GRAHAM E. BERRY.

DEFENDANT PRESENT.

AT 10:10, THE FOLLOWING PROCEEDINGS WERE HELD:

ORAL MOTION BY DEFENSE REGARDING REDUCE/EXONERATE BAIL IS

<http://public-access.riverside.courts.ca.gov/OpenAccess/CRIMI...> 10/21/2009

000074

CALLED FOR HEARING.

MOTION GRANTED

COURT FINDS GOOD CAUSE EXISTS TO EXONERATE BAIL
BOND/RELEASE DEFENDANT ON O.R.

CURRENT BAIL BOND EXONERATED.

COUNSEL STIPULATE: TO PROCEED WITH OTHER MATTERS ON CASE.

DEFENDANT ORDERED TO RETURN ON ANY AND ALL FUTURE HEARING
DATES.

DEFENDANT NO LONGER IN CUSTODY FOR THE REASON: COUNSEL TO
SUBMIT O.R./SEE ADDITIONAL HEARING 10/9.

SAVE MINUTE ORDER TO CASE.

SAVE MINUTE ORDER TO CASE.

EXHIBIT E (2)

Minutes

Home	Def. Status	Def. Info	Charges	Actions	Minutes	Probation
Case Report	Fine Info					

Case SWM080760 Defendant 1786995 CHOQUETTE, FRANCOIS GEORGES

Defendant 1 of 1

Action: Hearing on Motion Re: Reduce Bail/Req for Expungem - 10/09/2009

Case SWM080760 Defendant 1786995 CHOQUETTE, FRANCOIS GEORGES

Action: Hearing on Motion Re: Reduce Bail/Req for Expungement/suggest dismiss

Date:
10/09/2009

Time: 9:00 AM

Division:
S104

Hearing Status:
DISPOSED

HONORABLE JOHN W. VINEYARD PRESIDING.

COUNSEL/PARTIES STIPULATE THE JUDGE PRO TEM/COMMISSIONER, AS INDICATED ABOVE, MAY HEAR THIS MATTER.

COURTROOM ASSISTANT: VS-V. SALHANI

COURT REPORTER: SW-S. WALKER

PEOPLE REPRESENTED BY DEPUTY DISTRICT ATTORNEY: TORI NASIF (NOT PRESENT).

SPECIAL APPEARANCE BY DDA JERRY PFOHL.

DEFENDANT REPRESENTED BY PVT. GRAHAM E. BERRY.

DEFENDANT PRESENT.

AT 10:12, THE FOLLOWING PROCEEDINGS WERE HELD:

MOTION BY DEFENSE REGARDING EXPUNGEMENT/DISMISS CASE IS

<http://public-access.riverside.courts.ca.gov/OpenAccess/CRIMI...> 10/21/2009

000076

CALLED FOR HEARING.

COURT HAS READ AND CONSIDERED MOTION/MOVING PAPERS.

COPY OF PICTURES PROVIDED BY DEFENSE COUNSEL FURNISHED TO COURT

COURT DEEMS PICTURES AS RECEIVED ONLY AND

FURNISHES THEM BACK TO COUNSEL

COURT AND COUNSEL CONFER REGARDING: TENTATIVE RULING

DEFENSE ADDRESSES THE COURT

MOTION DENIED.

COUNSEL STIPULATE: TO PROCEED WITH TRIAL STATUS ON CASE.

AS TO DEFENDANTS CUSTODY STATUS:

COURT FINDS GOOD CAUSE EXISTS TO RELEASE DEFENDANT ON CONDITIONAL O.R.

ORAL MOTION BY PEOPLE REGARDING INCLUDE TERMS OF PREVIOUS ORDER IS CALLED FOR HEARING.

MOTION DENIED.

COURT AND COUNSEL CONFER REGARDING: STAY-AWAY ORDER FROM PROPERTY LINE OR BUILDING

COURT ORDERS STAY-AWAY ORDER IS 100 YARDS FROM

PROPERTY LINE OF HEMET ADDRESS

ORAL MOTION BY DEFENSE REGARDING ALLOW DEFENDANT TO TRAVEL NEAR LOCATION IS CALLED FOR HEARING.

COURT AND COUNSEL CONFER REGARDING: HIGHWAY 74 VERSUS SANDERSON AVENUE

PEOPLE SUBMIT TO THE COURT

MOTION GRANTED

CONDITIONAL O.R. ADDITIONAL TERM(S) DEFENDANT ALLOWED TO TRAVEL ON SANDERSON:

DEFENDANT MAY TRAVEL ON SANDERSON ON THURSDAYS

BETWEEN THE HOURS OF 5PM-12AM

HEARING ON 10/19/2009 AT 9:00 FOR TRC IN DEPT. S104 IS CONFIRMED.

DEFENDANT ORDERED TO RETURN ON ANY AND ALL FUTURE HEARING DATES.

COURT ORDERS COUNSEL TO PROVIDE OWN RECOGNIZANCE

FORM LISTING CONDITIONS FOR O.R. RELEASE

AT 14:40, THE FOLLOWING PROCEEDINGS WERE HELD:

COURT FINDS COUNSEL FAILED TO SUBMIT SIGNED O.R.

FORM PRIOR TO LEAVING COURTROOM

<http://public-access.riverside.courts.ca.gov/OpenAccess/CRIMI...> 10/21/2009

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COUNSEL CONTACTED VIA TELEPHONE

COURT FINDS GOOD CAUSE EXISTS TO ALLOW COUNSEL TO SUBMIT
SIGNED OR BY COURT DATE

DEFENDANT NO LONGER IN CUSTODY FOR THE REASON: AWAITING
SIGNED O.R. FORM FROM COUNSEL.

SAVE MINUTE ORDER TO CASE.

****MINUTE ORDER OF COURT PROCEEDING****

EXHIBIT F



Minutes



Home	Def. Status	Def. Info	Charges	Actions	Minutes	Probation
Case Report	Fine Info					

Case SWM080760 Defendant 1786995 CHOQUETTE, FRANCOIS GEORGES

Defendant 1 of 1

Action: Trial Readiness Conference - 10/19/2009

Case SWM080760 Defendant 1786995 CHOQUETTE, FRANCOIS GEORGES

Action: Trial Readiness Conference

Date: 10/19/2009

Time: 9:00 AM

Division: S104

Hearing Status: DISPOSED

HONORABLE JOHN W. VINEYARD PRESIDING.
 COUNSEL/PARTIES STIPULATE THE JUDGE PRO TEM/COMMISSIONER,
 AS INDICATED ABOVE, MAY HEAR THIS MATTER.
 COURTROOM ASSISTANT: NGB-N BALTAZAR
 PEOPLE REPRESENTED BY DEPUTY DISTRICT ATTORNEY: TORI NASIF
 (NOT PRESENT).
 SPECIAL APPEARANCE BY DDA J. PFOHL.
 DEFENDANT REPRESENTED BY PVT. GRAHAM E. BERRY.
 DEFENDANT PRESENT.
 ORAL MOTION BY DEFENSE REGARDING REFUND OF BAIL BOND
 PREMIUMS-1300 B IS CALLED FOR HEARING.
 MOTION DENIED.

MOTION IS DENIED WITHOUT PREJUDICE.

ORAL MOTION BY PEOPLE REGARDING DISMISS ENTIRE MATTER IS CALLED FOR HEARING.

MOTION GRANTED

COUNT(S) 01 02 DISMISSED IN THE INTEREST OF JUSTICE. (1385 PC)

DEFENDANT RELEASED.

HEARING ON 10/30/2009 AT 9:00 FOR JT IS VACATED.

CLOSE CASE.

SAVE MINUTE ORDER TO CASE.

Charges

[Home](#)
 [Def. Status](#)
 [Def. Info](#)
 [Charges](#)
 [Actions](#)
 [Minutes](#)
 [Probation](#)
[Case Report](#)
[Fine Info](#)

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Defendant 1 of 1

Case SWM080760 Defendant 1786995 CHOQUETTE, FRANCOIS GEORGES

Arrest Charges						
Count	Charge	Severity	Description	Violation Date	Plea	Status
1	PC 242	F	Battery/Peace Officer/Emerg Personnel	10/26/2008		
Filed Charges						
Count	Charge	Severity	Description	Violation Date	Plea	Status
1	PC 602 (M)	M	Trespassing on real property w/out consent	10/26/2008		DISMISSED
2	PC M242	M	Battery	10/26/2008		DISMISSED

EXHIBIT G

Tim gonna tase you!

000082





**"I'm-gonna go up to Mr.
Stone and get the..."
[unintelligible]**