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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

LISSA UVIZL,

Plaintiff,

v.

DONALD J. MYERS.

Defendant.

LEWIS MIRANDA,

Plaintiff,

v.

DONALD J. MYERS,

Defendant.

) Case No. BS 116340

) Case No. BS 116339

) **TRIAL BRIEF; NOTICE OF FILING**
) **VIDEO IN SUPPORT OF REQUEST**
) **FOR INJUNCTION**

21
22 Plaintiffs Lewis Miranda and Lissa Uvizl jointly file the attached DVD which
23 contains brief clips of some of the incidents of harassment and annoyance by defendant.
24 Plaintiffs also submit a brief statement of facts and law for the Court's consideration.

25 **STATEMENT OF FACTS**

26 Plaintiffs Lissa Uvizl and Lewis Miranda, are currently employed as religious
27 workers with the Church of Scientology administrative offices located at 6331 Hollywood
28 Boulevard, Los Angeles, California. Ms. Uvizl is the director of a museum on the first

1 floor of that address, and Mr. Miranda is the receptionist of the office building in which
2 the museum and other offices are housed.

3 Defendant is Donald J. Myers. Until approximately April 2008, neither plaintiff
4 had ever heard of Mr. Myers. At that time and continuing until the present, Myers has
5 been showing up at Plaintiffs' places of work and carried on a course of conduct with the
6 deliberate, knowing and willful intent to harass, annoy and alarm them. In carrying out
7 his harassing conduct, defendant is often half-dressed, with no shirt, wearing a mask on
8 his face and a camera to record events while engaging in these activities. He often wears
9 a "Pope" hat along with a gold Mardi gras mask.

10 Myers has stalked Ms. Uvizl repeatedly, intimidating her with his size and actions.
11 He has followed her on the street and sidewalk taunting her. He has surreptitiously filmed
12 her and put the films on the Internet. The museum at which Ms. Uvizl is the director, has
13 an entrance on Hollywood Blvd., with easy access to the sidewalk. Myers has repeatedly
14 come to the doors and windows of the museum, banged on the windows, put his face to
15 the window, screamed and yelled into her in the reception area of the museum. On
16 August 10, 2008, Myers followed her on the sidewalk, admitting he has "stalked" her,
17 made suggestive and lewd sexual comments to her, and called her a "whore." He told
18 her if she didn't like it then to stay off the public sidewalk, and asked how she liked the
19 idea of putting up with this for a billion years. Myers then took a close up video of Ms.
20 Uvizl's derriere as she was getting away from him and he posted the whole incident on
21 Youtube.com along with her name. Four days later, Myers was back at it, pointing into
22 the museum and taunting Ms. Uvizl. The attached DVD contains brief clips (less than 5
23 minutes combined) of the following videos regarding stalking and harassment of Ms.
24 Uvizl:

25 1. Clip dated July 22, 2008, entitled, "Lissa Uvizl Harassed" depicting Mr. Myers
26 taking video of Ms. Uvizl, posted on Youtube.com by Myers as "the Angry Gay Pope."

27 2. Clip dated July 22, 2008 of a security guard at the building of Mr. Myers
28 following Ms. Uvizl until the guard intervened.

1 3. Clip dated August 10, 2008 of Mr. Myers following Ms. Uvizi leaving the
2 museum, and harassing and taunting her on the sidewalk, taken by a security guard.

3 4. Clip dated August 10, 2008 of the same incident, posted by Mr. Myers himself
4 on Youtube.com, as "the Angry Gay Pope," called "anti shirtless lady."

5 5. Clip dated August 14, 2008, of Myers calling into the museum to Ms. Uvizi.

6 Mr. Miranda, sits at a reception desk at a second entrance to the Church's
7 Hollywood Guarantee Building and also right off the sidewalk on Hollywood Blvd.

8 Myers has repeatedly appeared in front of Mr. Miranda's desk and the foyer to the
9 building – scores of times continuously from April to August 14th when Myers was served
10 with the TRO – screaming in at him, hurling profanities, making statements that he
11 wanted to have sex with persons in the building, making demeaning statements about Mr.
12 Miranda's Hispanic ethnicity and other degrading and profane statements about Mr.
13 Miranda's religious beliefs. When Mr. Miranda has stepped outside, defendant has come
14 up close to his face and screamed at him, said he is never going away, that he was there to
15 disrupt Mr. Miranda and others. Yelling, he sprayed spittle in Mr. Miranda's face. With
16 an unusually loud voice, Myers yells loudly when he sees Mr. Miranda on the phone to
17 prevent him from talking. Included in the attached video is clip number 6, showing and
18 example of Mr. Myers yelling at Mr. Miranda outside his reception desk.

19 Defendant has admitted that his purpose in carrying on this course of conduct is to
20 annoy them, harass them, disrupt their activities, prevent them from working and to
21 intentionally cause them distress.

22 **THE ACTS OF DEFENDANT ARE NOT PROTECTED ACTIVITY**

23 Defendant is expected to assert that he is engaging in First Amendment protected
24 activity. But the harassment activity at issue is not so protected as the enactment of
25 §527.6 demonstrates. *Brekke v. Wills* (2005) 125 Cal.App.4th 1400 (*Brekke*). In *Brekke*,
26 a mother sought an injunction to enjoin her daughter's boyfriend from contacting her
27 daughter and members of her family after she found three "vile and vitriolic" letters from
28 the boyfriend to her daughter in which the boyfriend threatened the mother and her

1 husband. (*Id.* at p. 1403.) Defendant opposed, claiming his conduct was protected by the
2 “[f]reedom of speech, freedom of association, [and] right of privacy.” (*Id.* at p. 1404.)
3 The trial court issued the requested relief, and the boyfriend appealed. (*Ibid.*)

4 The Court of Appeals rejected defendant’s claim that the injunction violated his
5 rights of free speech. *Brekke*, 125 Cal.App.4th at 1409 finding that when speech such as
6 defamation or intentional infliction of emotion distress causes damage, civil sanctions
7 may be imposed because “[t]here is no threat to the free and robust debate of public
8 issues; there is no potential interference with a meaningful dialogue of ideas concerning
9 self-government; and there is no threat of liability causing a reaction of self-censorship by
10 the press....” *Id.*

11 California decisions comport with U.S. Supreme Court standards. It is well
12 established that “the right of free speech is not absolute at all times and under all
13 circumstances.” *Chaplinsky v. New Hampshire*, 315 U.S. 568, 571-572 (1942). “The
14 First Amendment permits ‘restrictions upon the content of speech in a few limited areas,
15 which are of such slight social value as a step to truth that any benefit that may be derived
16 from them is clearly outweighed by the social interest in order and morality.’” *Virginia v.*
17 *Black*, 538 U.S. 343, 358-59 (2003) There is no social value to Mr. Myers’ harassment.

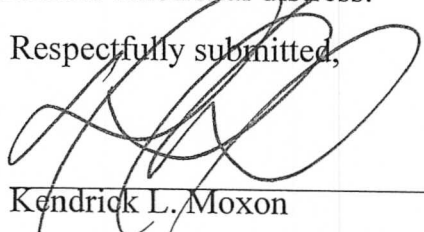
18 Plaintiffs want nothing to do with Mr. Myers. They want no dialogue with him,
19 they want no communication from him, they want no harassment from him.

20 CONCLUSION

21 The evidence demonstrates that defendant has engaged in a willful course of
22 conduct directed at plaintiffs which seriously alarms, annoys and harasses them, serves no
23 legitimate purpose and has caused Plaintiffs substantial emotional distress.

24 Dated: August 28, 2008

Respectfully submitted,


Kendrick L. Moxon

Attorneys for Plaintiffs
Lissa Uvizl and Lewis Miranda

1 PROOF Of SERVICE

2 I am employed in the County of Los Angeles, State of California. I am over the
3 age of eighteen (18) years and not a party to the within action.

4 On August 28, 2008, I served the foregoing document described as:

5 **TRIAL BRIEF; NOTICE OF FILING VIDEO IN SUPPORT OF REQUEST FOR
6 INJUNCTION**

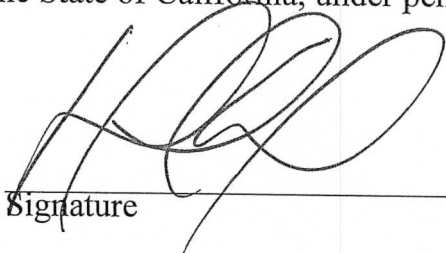
by hand delivery on counsel for defendant, at the following address:

7 Graham Berry
8 3384 McLaughlin Ave.
Los Angeles, CA 90066

9 Executed on August 28, 2008, at Los Angeles, California.

10 I declare in accordance with the laws of the State of California, under penalty of
11 perjury, that the foregoing is true and correct.

12
13
14 Signature

A handwritten signature in black ink, consisting of a stylized 'H' followed by a large, loopy 'B' and a trailing flourish, is written over a horizontal line.