

## 1 SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 FOR THE COUNTY OF LOS ANGELES

3 DEPARTMENT NO. 56

HON. BRUCE R. GEERNAERT, JUDGE

4  
5 CHURCH OF SCIENTOLOGY OF )  
6 CALIFORNIA, )

7 PLAINTIFF, )

8 VS. )

CASE NO. C 420 153

9 GERALD ARMSTRONG, )

10 DEFENDANT. )  
11**RECEIVED****JAN 31 1992****HUB LAW OFFICES**12  
13 REPORTER'S TRANSCRIPT OF PROCEEDINGS

14 MONDAY, DECEMBER 23, 1991

15  
16 APPEARANCES:17  
18 (SEE APPEARANCE PAGE.)  
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24  
2526 **COPY**27 HERBERT CANNON, CSR NO. 1923  
28 OFFICIAL REPORTER

1 THEY CONSIDERED TO BE APPROPRIATE FOR THE COURT ORDER AND  
2 THEN I GO OVER THEM AND SAY IS THIS REALLY SOMETHING THAT  
3 IS THE BUSINESS OF THE COURT TO BE ORDERING AND ENFORCING  
4 WITH CONTEMPT OR NOT?

5 AND I MAKE SURE THAT IT IS THE KIND OF CLEAR  
6 AND CONCISE ORDER THAT CAN BE THE SUBJECT OF A CONTEMPT  
7 PROCEEDING. SO MY BELIEF IS JUDGE BRECKENRIDGE, BEING A VERY  
8 CAREFUL JUDGE, FOLLOWS ABOUT THE SAME PRACTICE AND IF HE HAD  
9 BEEN PRESENTED THAT WHOLE AGREEMENT AND IF HE HAD BEEN ASKED  
10 TO ORDER ITS PERFORMANCE, HE WOULD HAVE DUG HIS FEET IN  
11 BECAUSE THAT IS ONE OF THE -- I HAVE SEEN -- I CAN'T SAY --  
12 I'LL SAY ONE OF THE MOST AMBIGUOUS, ONE-SIDED AGREEMENTS I  
13 HAVE EVER READ. AND I WOULD NOT HAVE ORDERED THE ENFORCEMENT  
14 OF HARDLY ANY OF THE TERMS HAD I BEEN ASKED TO, EVEN ON THE  
15 THREAT THAT, OKAY, THE CASE IS NOT SETTLED.

16 I KNOW WE LIKE TO SETTLE CASES. BUT WE DON'T  
17 WANT TO SETTLE CASES AND, IN EFFECT, PROSTRATE THE COURT  
18 SYSTEM INTO MAKING AN ORDER WHICH IS NOT FAIR OR IN THE  
19 PUBLIC INTEREST.

20 SO BASICALLY, I HAVE TO CONCLUDE BASED ON THE  
21 RECORD THAT THERE WAS NO ORDER; SIMPLY, HE WASN'T PRESENTED  
22 THE ORDER. HE WAS NOT ASKED TO ORDER ITS PERFORMANCE. HE  
23 DIDN'T ORDER ITS PERFORMANCE.

24 THE FIRST TIME THAT WOULD BE DONE WOULD BE IN  
25 RESPONSE TO YOUR MOTION AT THIS TIME.

26 MR. HERTZBERG: JUDGE, LET ME RESPOND TO THAT.

27 FIRST OF ALL, I THINK YOUR HONOR KNOWS WE ARE  
28 NOT CLAIMING THAT JUDGE BRECKENRIDGE SO ORDERED THE TERMS

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REPORTER'S CERTIFICATE

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

SS

I, HERBERT CANNON, OFFICIAL REPORTER OF THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR THE COUNTY OF LOS ANGELES, DO HEREBY CERTIFY THAT THE FOREGOING PAGES, 1 THROUGH 77, COMPRISE A TRUE AND CORRECT TRANSCRIPT OF THE PROCEEDINGS HELD IN THE ABOVE-ENTITLED MATTER ON DECEMBER 23, 1991.

DATED THIS 6TH DAY OF JANUARY, 1992.



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