

1 David M. Chodos, SBN 39555
SIMKE CHODOS
2 1880 Century Park East, Suite 1511
Los Angeles, California 90067-1615
3 Telephone: (310) 203-3888
Facsimile: (310) 203-3866
4

RECEIVED

SEP 06 2002

Ford Greene's
Hub Law Office

5 Attorneys for Plaintiff and Cross-Defendant
CHURCH OF SCIENTOLOGY OF CALIFORNIA
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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF LOS ANGELES

10 CHURCH OF SCIENTOLOGY
11 OF CALIFORNIA, a California
Corporation,

12 Plaintiff,

13 v.

14 GERALD ARMSTRONG, et al.,

15 Defendants.
16

CASE NO.: C 420153

PLAINTIFF'S NOTICE OF
MOTION AND MOTION FOR
RETURN OF EXHIBITS;
MEMORANDUM OF POINTS
AND AUTHORITIES IN
SUPPORT THEREOF;
DECLARATION OF NEIL LEVIN

[C.C.P. §§ 1952; 1952.2]

17
18 AND RELATED CROSS-ACTION
19

Date: 9/30/02
Time: 8:30 a.m.
Dept: One

20 TO DEFENDANT AND HIS COUNSEL OF RECORD:

21 PLEASE TAKE NOTICE that on September 30, 2002, at the hour
22 of 8:30 a.m. in Department 1 of the above entitled Court, plaintiff will and
23 does hereby move this Court for an order for return of exhibits pursuant to
24 C.C.P. §§ 1952 and 1952.2.
25

26 This motion is made upon the ground that there is a Court Order
27 for Return of Exhibits and Sealed Documents entered in this case on December
28 11, 1986, over seventeen years ago, which mandates the return of the subject

1 exhibits to plaintiff. Pursuant to C.C.P. §§ 1952 and 1952.2, that Order
2 constitutes good cause for return of the exhibits to plaintiff.

3 This motion is based upon this Notice of Motion, the Points and
4 Authorities set forth below, the attached Declaration of Neil Levin, the
5 complete files and records in this action, and such other and further evidence
6 that may properly come to the Court's attention at the hearing.

7 Dated: August 29, 2002.

8 Respectfully submitted,

9 SIMKE CHODOS

10
11 By: 

12 DAVID MANNING CHODOS —
13 Attorneys for Plaintiff and Cross-Defendant
14 CHURCH OF SCIENTOLOGY OF
15 CALIFORNIA
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1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I. INTRODUCTION/STATEMENT OF FACTS

3 This case, originally filed in 1982, was settled in December 1986.
4 As the court's file will reflect, between December 1986 and May 1992, several
5 ancillary matters have been litigated under this caption. There has been no
6 activity in this case since then. However, there remains one piece of
7 administrative housekeeping to address – namely, the return of six trial exhibits
8 which the Clerk of the Court has continued to maintain under seal following
9 the 1986 settlement.

10 By way of background, this case concerned the unauthorized
11 taking by Mr. Armstrong in 1980 of thousands of pages of documents from
12 archives maintained by CSC. On learning of the theft, CSC filed this action
13 and on August 24, 1982, the Honorable John L. Cole ordered that defendant
14 lodge with the Clerk all documents he had taken from the Church. (A
15 supplemental order was issued on September 4, 1982.) Armstrong complied
16 with these orders and deposited tens of thousands of pages of records with the
17 Clerk. Many of these documents were later identified as trial exhibits and have
18 subsequently been maintained by the Clerk, pursuant to a 1984 decision of the
19 trial judge, which ordered that a number of those exhibits be kept under seal.

20 As noted above, the parties settled the case in late 1986. In
21 conjunction with that settlement, on December 11, 1986, the trial judge, the
22 Honorable Paul G. Breckenridge, entered an Order for Return of Exhibits and
23 Sealed Documents, which directed the disposition of these records as follows:

24 All documents ... surrendered to the Court by
25 Armstrong and his attorneys pursuant to Judge Cole's
26 orders of August 24, 1982 and September 4, 1982 ...
27 shall be released from the Superior Court and returned
28 forthwith to the Church of Scientology of California or
its attorney of record.

(Declaration of Neil Levin ("Levin Decl."), Exhibit A attached thereto.)

1 However, Judge Breckenridge also carved out an exception for six
2 specific trial exhibits (numbers 500-CCCCC, 500-KKKKK, 500-LLLLL, 500-
3 OOOOO, 500-PPPPP and 500-OOOOOO) which, at the time, were the
4 subject of ongoing federal litigation in *United States v. Zolin*. *Zolin* was brought
5 by the United States to enforce an IRS summons to the Superior Court which
6 sought, *inter alia*, these six trial exhibits ("the Zolin documents"). Accordingly,
7 Judge Breckenridge ordered, with respect to these documents, that:

8 In the event that the government is found to be entitled to
9 any of the listed exhibits upon the conclusion of the *Zolin*
10 litigation, the Clerk of this Court shall provide the
11 government with a copy of such exhibit or exhibits and then
12 immediately return all remaining copies of the
13 corresponding exhibits to the Church of Scientology of
14 California or its attorneys of record. (emphasis added)

15 (Levin Decl., Exhibit A.)

16 Pursuant to Judge Breckenridge's December 1986 Order, CSC
17 obtained the return of all the documents previously maintained by the Clerk,
18 with the exception of the Zolin documents.

19 In January 1991, the United States obtained an order from the
20 U.S. District Court in *Zolin*, permitting the Assistant U.S. Attorney to inspect
21 and copy exhibit 500-CCCCC. The U.S. Attorney's Office accordingly applied
22 to the Honorable Bruce Geernaert (Judge Breckenridge having retired by then),
23 who issued an Order allowing the AUSA to inspect and copy this exhibit. The
24 Order further specified that once the exhibit was copied,

25 "... the Clerk of this court shall restore Defendant's
26 Exhibit 500-CCCCC (Folder containing two cassette
27 tapes) to the previously ordered sealed status with the
28 remaining sealed exhibits in the custody of the Clerk
of this court." (Levin Decl., Exhibit B attached
thereto.)

The "previously ordered" status of the documents is clearly a reference to the December 1986 Order, which remains the operative ruling governing the disposition of these records.

The United States was granted access to the five other Zolin documents at a prior stage of the Zolin litigation, although it is not clear whether the AUSA ever actually obtained access to those documents and copied them. That is now a moot point, however, as the Zolin case was dismissed in 1993. (Levin Decl., Exhibit C attached thereto.)

For whatever reason, CSC's prior counsel did not attempt to obtain these exhibits pursuant to Judge Breckenridge's December 1986 Order – either in 1991, following the copying of Exhibit 500-CCCCC, or in 1993, following the dismissal of the *Zolin* case – despite the fact that Judge Breckenridge's Order clearly states that these documents should be released to CSC at that time. The recent filing of a motion by plaintiff with respect to Exhibit CCCCC in the case *Wollersheim v. Church of Scientology of California*, brought to plaintiff's attention that these documents had never been returned pursuant to Judge Breckenridge's Order¹. CSC now requests that this be done. (Levin. Decl. attached hereto.)

II. DISCUSSION

**GOOD CAUSE EXISTS FOR RETURN OF EXHIBITS
PURSUANT TO C.C.P. §§ 1952 AND 1952.2**

C.C.P. § 1952 provides that "[t]he clerk shall retain in his or her custody any exhibit . . . filed in the action or proceeding until the final determination thereof or the dismissal of the action or proceeding . . ." and that "the court may order the exhibit . . . returned to the respective party or parties

¹ All proceedings against movant Church of Scientology of California in said matter have been dismissed. (See Exhibit "D" to Levin Declaration.)

1 at any time . . . for good cause shown."

2 Likewise, C.C.P. § 1952.2 provides:

3 Notwithstanding any other provisions of law, upon a
4 judgment becoming final, at the expiration of the
5 appeal period, unless an appeal is pending, the court,
6 in its discretion, and on its own motion by a written
7 order signed by the judge, filed in the action, and an
8 entry thereof made in the register of actions, may
9 order the clerk to return all of the exhibits . . . filed in
10 the trial of a civil action or proceeding to the attorneys
11 for the parties introducing or filing the same.

12 First, as required under C.C.P. § 1952.2, there is an Order for
13 Return of Exhibit and Sealed Documents filed in this action on December 11,
14 1986 specifically ordering all documents at issue "released from the Superior
15 Court and returned to the [plaintiff] or its attorney of record." Second, as set
16 forth above, there is nothing remaining of this case, as it and any ancillary
17 matters were litigated, settled and/or concluded over ten years ago.
18 (Ordinarily, the Clerk has only to retain a sealed file for two years and after
19 that, destruction of them would be statutorily authorized. C.C.P. §
20 1952.3(b)). Accordingly, good cause exists under C.C.P. §§ 1952 and 1952.2
21 for an order for return of these exhibits to plaintiff.

22 III. CONCLUSION

23 Seventeen years ago, the exhibits at issue here were ordered to be
24 returned to plaintiff or its attorney of record. The case and any ancillary
25 matters were long since completed. There is both good cause, and an entered
26 order, for the return of the exhibits to plaintiff and plaintiff respectfully

27 ///

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///

1 requests that its motion requesting that trial exhibits 500-CCCCC, 500-
2 KKKKK, 500-LLLLL, 500-OOOOO, 500-PPPPP and 500-OOOOOO be
3 returned, be granted.

4 Dated: August 29, 2002.

5 Respectfully submitted,

6 SIMKE CHODOS

7
8 By: 

9 DAVID MANNING CHODOS
10 Attorneys for Plaintiff and Cross-Defendant
11 CHURCH OF SCIENTOLOGY OF
12 CALIFORNIA
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Attorneys for Plaintiff and Cross-Defendant
5 CHURCH OF SCIENTOLOGY OF CALIFORNIA
6
7

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

10 CHURCH OF SCIENTOLOGY
11 OF CALIFORNIA, a California
Corporation,

12 Plaintiff,

13 v.

14 GERALD ARMSTRONG, et al.,

15 Defendants.
16

CASE NO.: C 420153

DECLARATION OF NEIL LEVIN

Date:
Time:
Dept: 1

17 AND RELATED CROSS-ACTION
18

19
20 I, Neil Levin, declare:

21 1. I am the President of Church of Scientology of California ("CSC"), the
22 plaintiff in this action, and a member of its Board of Directors. I was first employed by
23 CSC in late 1984, was appointed a member of CSC's Board of Directors in February
24 1988, and was named President of CSC in October 1993. As such, I have personal
25 knowledge of the facts set forth in this Declaration and I have extensively reviewed
26 CSC's records of this and other litigation involving CSC. As CSC's President, I have had
27 full access to these records and I am responsible for their maintenance. I submit this
28 declaration in support of CSC's motion for return of exhibits. If called as a witness, I

1 could and would competently testify to the facts set forth herein.

2 2. This case, originally filed in 1982, was settled in December 1986. (Exhibit
3 "A".) As this Court's file will reflect, between December 1986 and May 1992, several
4 ancillary matters have been litigated under this caption. As the file will also reflect, there
5 has been no activity in this case since then. However, there remains one piece of
6 administrative housekeeping to address – namely, the return of six trial exhibits which the
7 Clerk of the Court has continued to maintain under seal following the 1986 settlement.

8 3. By way of background, this case concerned the unauthorized taking by Mr.
9 Armstrong in 1980 of thousands of pages of documents from archives maintained by
10 CSC. On learning of the theft, CSC filed this action and on August 24, 1982, the
11 Honorable John L. Cole ordered that defendant lodge with the Clerk all documents he had
12 taken from the Church. (A supplemental order was issued on September 4, 1982.)
13 Armstrong complied with these orders and deposited tens of thousands of pages of
14 records with the Clerk. Many of these documents were later identified as trial exhibits
15 and have subsequently been maintained by the Clerk, pursuant to a 1984 decision of the
16 trial judge, which ordered that a number of those exhibits be kept under seal.

17 4. As noted above, the parties settled the case in late 1986. In conjunction with
18 that settlement, on December 11, 1986, the trial judge, the Honorable Paul G.
19 Breckenridge, entered an Order for Return of Exhibits and Sealed Documents, which
20 directed the disposition of these records as follows:

21 All documents ... surrendered to the Court by Armstrong and
22 his attorneys pursuant to Judge Cole's orders of August 24,
23 1982 and September 4, 1982 ... shall be released from the
24 Superior Court and returned forthwith to the Church of
25 Scientology of California or its attorney of record.

26 (A true and correct copy of that Order For Return of Exhibits And Sealed Documents is
27 attached hereto as Exhibit B.)

28 5. However, Judge Breckenridge also carved out an exception for six specific
trial exhibits (numbers 500-CCCCC, 500-KKKKK, 500-LLLLL, 500-OOOOO, 500-
PPPPP and 500-OOOOOO) which, at the time, were the subject of ongoing federal

1 litigation in *United States v. Zolin*. *Zolin* was brought by the United States to enforce an
2 IRS summons to the Superior Court which sought, *inter alia*, these six trial exhibits ("the
3 *Zolin* documents"). Accordingly, Judge Breckenridge ordered, with respect to these
4 documents, that:

5
6 In the event that the government is found to be entitled to any of the
7 listed exhibits upon the conclusion of the *Zolin* litigation, the Clerk
8 of this Court shall provide the government with a copy of such
exhibit or exhibits and then immediately return all remaining copies
of the corresponding exhibits to the Church of Scientology of
California or its attorneys of record.

9 6. Pursuant to Judge Breckenridge's December 1986 Order, CSC obtained the
10 return of all the documents previously maintained by the Clerk, with the exception of the
11 *Zolin* documents.

12 7. In January 1991, the United States obtained an order from the U.S. District
13 Court in *Zolin*, permitting the Assistant U.S. Attorney to inspect and copy exhibit 500-
14 CCCCC. The U.S. Attorney's Office accordingly applied to the Honorable Bruce
15 Geernaert (Judge Breckenridge having retired by then), who issued an Order allowing the
16 AUSA to inspect and copy this exhibit. The Order further specified that once the exhibit
17 was copied, "... the Clerk of this court shall restore Defendant's Exhibit 500-CCCCC
18 (Folder containing two cassette tapes) to the previously ordered sealed status with the
19 remaining sealed exhibits in the custody of the Clerk of this court." (A true and correct
20 copy of Order to Unseal and Produce Exhibit Pursuant to Order on Remand is attached
21 hereto as Exhibit C.) The "previously ordered" status of the documents is clearly a
22 reference to the December 1986 Order, which remains the operative ruling governing the
23 disposition of these records.

24 8. The United States was granted access to the five other *Zolin* documents at a
25 prior stage of the *Zolin* litigation, although it is not clear whether the AUSA ever actually
26 obtained access to those documents and copied them. That is now a moot point, however,
27 as the *Zolin* case was dismissed in 1993. (A true and correct copy of that Order is
28 attached hereto as Exhibit D.)

9. For whatever reason, the Court's file in this matter reflects that CSC's prior counsel apparently did not attempt to obtain these exhibits pursuant to Judge Breckenridge's December 1986 Order – either in 1991, following the copying of Exhibit 500-CCCCC, or in 1993, following the dismissal of the *Zolin* case – despite the fact that Judge Breckenridge's Order clearly states that these documents should be released to CSC at that time. The recent filing of a motion with respect to Exhibit CCCCC by the plaintiff in the case *Wollersheim v. Church of Scientology of California* brought to my attention that these documents had never been returned to CSC pursuant to Judge Breckenridge's Order.

10. The judgment rendered in the *Wollersheim* matter has since been satisfied. Movant Church of Scientology of California has been released as a party to said matter and the only proceedings remaining are between competing claimants to the funds on deposit with the court. (A copy of said Order is attached hereto as Exhibit E.)

I declare under penalty of perjury that the foregoing is true and correct. Executed this 30th day of August, 2002 at Los Angeles, California.

Neil Levin
NEIL LEVIN

1
2
3 SUPERIOR COURT OF THE STATE OF CALIFORNIA
4 FOR THE COUNTY OF LOS ANGELES

5 GERALD ARMSTRONG,) No. C 420 153
6) (Severed Action)
7 Cross-Complainant,)
8 v.) ORDER DISMISSING ACTION
9 CHURCH OF SCIENTOLOGY OF) WITH PREJUDICE
10 CALIFORNIA, a California)
11 Corporation,)
12 Cross-Defendant.)

ORIGINAL FILED
DEC 11 1986
COUNTY CLERK

13 Upon consideration of the parties' Stipulation for
14 Dismissal, the "Mutual release of All Claims and Settlement
15 Agreement" and the entire record herein, it is

16 ORDERED AND ADJUDGED:

- 17 1. That this action is dismissed with prejudice.
18 2. That an executed duplicate original of the
19 parties' "Mutual Release of All Claims and Settlement Agreement"
20 filed herein under seal shall be retained by the Clerk of this
21 Court under seal.

22 Dated: December 11, 1986
23

24 5 / PAUL G. BRECKENRIDGE, JR.
25 Hon. Paul G. Breckenridge
26
27
28

1 JOHN G. PETERSON
2 PETERSON AND BRYNAN
3 8530 Wilshire Boulevard, Suite 407
4 Beverly Hills, California 90211
5 (213) 659-9965

6 Attorneys for Plaintiff and Cross-Defendant
7 CHURCH OF SCIENTOLOGY OF CALIFORNIA

ORIGINAL FILED

DEC 11 1986

COUNTY CLERK

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 FOR THE COUNTY OF LOS ANGELES

10 CHURCH OF SCIENTOLOGY OF
11 CALIFORNIA, a California
12 Corporation,

13 Plaintiff,

14 v.

15 GERALD ARMSTRONG, et al.,

16 Defendants.

17 AND RELATED CROSS-ACTION.

Case No. C 420153

ORDER FOR RETURN OF
EXHIBITS AND SEALED
DOCUMENTS

18 The Court having read and considered a stipulation for
19 return of sealed materials and exhibits between the parties and
20 their counsel;

21 IT IS ORDERED:

22 1. All documents, originals and copies, and other items
23 surrendered to the Court by Armstrong and his attorneys pursuant
24 to Judge Cole's orders of August 24, 1982 and September 4, 1982
25 and all documents and other items taken by Armstrong from
26 either the Church of Scientology or Omar Garrison shall be
27 released from the Superior Court and returned forthwith to
28

1 the Church of Scientology of California or its attorney of
2 record.

3 2. All documents and items entered into evidence or
4 marked for identification in Church of Scientology of
5 California v. Gerald Armstrong, Case No. C 420 153 shall be
6 released from the Superior Court and returned forthwith to the
7 Church of Scientology of California or its attorney of record.

8 3. All documents or items marked for identification or
9 entered into evidence and lodged with the Court of Appeal shall
10 be released and returned to the Church of Scientology of
11 California or its attorney of record forthwith upon their
12 return to the Superior Court from the Court of Appeal.

13 4. Notwithstanding the foregoing, the following exhibits
14 shall be exempted from the terms of this order pending a final
15 appellate decision in the litigation entitled United States
16 v. Zolin, Ninth Circuit Court of Appeals Nos. 85-6065,
17 85-6105; 500-CCCCC; 500-XXXXX; 500-LLLLL; 500-00000;
18 500-PPPPP; and 500-000000. In the event that the Zolin
19 litigation terminates with a judicial determination that the
20 United States of America is not entitled to obtain any of these
21 listed exhibits, then any such exhibits shall be returned
22 forthwith by the Clerk of this Court to the Church of
23 Scientology of California or its attorneys of record. In the
24 event that the government is found to be entitled to any of the
25 listed exhibits upon the conclusion of the Zolin litigation,
26 the Clerk of this Court shall provide the government with a
27 copy of such exhibit or exhibits and then immediately return
28 all remaining copies of the corresponding exhibits to the

1 Church of Scientology of California or its attorneys of record.

2
3 DATED DEC 11 1988

PAUL G. BRECKENRIDGE, JUDGE
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FILED

SUPERIOR COURT OF THE STATE OF CALIFORNIA JAN 23 1991

FOR THE COUNTY OF LOS ANGELES

FRANK S. ZOLIN, County Clerk

7: 2 [Signature]
BY [Signature] [Signature]

CHURCH OF SCIENTOLOGY
OF CALIFORNIA, etc.,

Plaintiff,

vs.

GERALD ARMSTRONG, et al,

Defendants.

CASE NO. C420153

ORDER TO UNSEAL AND
PRODUCE EXHIBIT
PURSUANT TO ORDER
ON REMAND

The court having read and considered the Order on Remand, UNITED STATES OF AMERICA v. RAUL ACOSTA, ACTING COUNTY CLERK, LOS ANGELES COUNTY, et al [No. CV 85-0440-HLH (Tx)], filed January 17, 1991, to produce the original MCCS tapes under seal in the case of Gerald Armstrong v. Church of Scientology (sic), Case No. C420153 (Los Angeles Superior Court) to Assistant United States Attorney Edward M. Robbins, Jr., for inspection and copying followed by return to the Superior Court;

IT IS ORDERED:

1. The order of December 11, 1986, sealing the exhibits in Case No. C420153, is temporarily vacated and set aside for the limited purpose following the temporary withdrawal of Defendant's Exhibit 500-CCCCC (Folder containing two cassette tapes), and that thereafter the

1
2 remaining exhibits shall remain under seal as previously
3 ordered, in the custody of the Clerk of this court;

4 2. Defendant's Exhibit 500-CCCCC (Folder containing
5 two cassette tapes) shall be placed under seal and shall
6 remain under the control of the Clerk of this court;

7 3. The Clerk of this court shall produce Defendant's
8 Exhibit 500-CCCCC (Folder containing two cassette tapes),
9 under seal, for inspection and copying by Assistant United
10 States Attorney, Edward M. Robbins, Jr.;

11 4. Upon completion of the inspection and copying of
12 Defendant's Exhibit 500-CCCCC (Folder containing two
13 cassette tapes), under seal, by Assistant United States
14 Attorney, Edward M. Robbins, Jr., the Clerk of this court
15 shall restore Defendant's Exhibit 500-CCCCC (Folder
16 containing two cassette tapes) to the previously ordered
17 sealed status with the remaining sealed exhibits in the
18 custody of the Clerk of this court.

19
20 Dated: JAN 23 1991

21
22 
23 JUDGE
24
25
26
27
28

1 Samuel D. Rosen, *pro hac vice*
2 PAUL, HASTINGS, JANOPSKY & WALKER LLP
3 75 East 55th Street
New York, New York 10022-3205
Telephone: (212) 318-6000

4 Alan K. Steinbrecher, SBN 79201
5 PAUL, HASTINGS, JANOPSKY & WALKER LLP
6 555 South Flower Street, 23rd Floor
Los Angeles, California 90071-2371
Telephone: (213) 683-6000

7 Attorneys for Respondent
8 RELIGIOUS TECHNOLOGY CENTER

9 William T. Drescher, SBN 93737
10 DRESCHER & DRESCHER, P.C.
23679 Calabasas Road, PMB 338
Calabasas, California 91302-1502
Telephone: (818) 349-8100

11 Attorneys for Respondent
12 CHURCH OF SCIENTOLOGY INTERNATIONAL

FILED
LOS ANGELES SUPERIOR COURT
MAY 09 2002
JOHN A. CLARKE, CLERK
BY  DEPUTY

13
14 SUPERIOR COURT OF THE STATE OF CALIFORNIA
15 FOR THE COUNTY OF LOS ANGELES

16 LARRY WOLLERSHEIM,
17
18 Plaintiff,

19 vs.

20 CHURCH OF SCIENTOLOGY
21 OF CALIFORNIA,
22
23 Defendant.

Case No. C 332 027
Judge Robert L. Hess

~~PROPOSED~~ ORDER

Date: May 9, 2002
Time: 8:30 a.m.
Dept: 24

24
25 The *ex parte* application of defendant Church of Scientology of California ("CSC")
26 having been granted, which discharges CSC from any and all ^{existing} obligations with respect to
27 the judgment in *Wollersheim vs. Church of Scientology of California* (Case No. C 332 027),
28 said judgment having been deemed fully satisfied by CSC, the proceedings herein on

1 plaintiff's Motion to Amend the Judgment to Include Religious Technology Center and
2 Church of Scientology International as Additional Judgment Debtors ^{(the Motion) are} rendered
3 moot. Accordingly,

4 IT IS ORDERED that this Court's January 30, 2002 Order Concerning Further
5 Proceedings in this action is vacated, and ^{the Motion is off calendar as moot} that Religious Technology Center and Church
6 of Scientology International are hereby discharged and dismissed with prejudice from
7 ^{All witnesses to the previously scheduled hearing are released.} any further participation in this action.
8 ^{Respondent's Motion for Terminating Sanctions is also off calendar}
9 ^{as moot.}

9 Dated: May 9 2002

10 
11 Robert L. Hess
12 SUPERIOR COURT JUDGE

PROOF OF SERVICE

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

On May 9, 2002, I served the foregoing documents described as:

[PROPOSED ORDER]

on interested parties in this action as follows:

☒ (By Personal Service) I delivered such envelopes by hand to:

Craig J. Stein, Esq.
GELFAND & STEIN, LLP
11755 Wilshire Blvd., Suite 1230
Los Angeles, CA 90025-1518

David Chodos, Esq.
SIMKE CHODOS
1880 Century Park East, Suite 1511
Los Angeles, California 90067

Daniel A. Leipold, Esq.
LEIPOLD & SHIPE, LLP
960-A West Seventeenth Street
Santa Ana, CA 92706

on interested parties in this action as follows:

[X] by placing the document(s) listed above in a sealed envelope, with postage thereon fully prepaid, in the United States mail at Los Angeles, California addressed as set forth below.

Ford Greene, Esq.
HUB LAW OFFICES
711 Sir Francis Drake Boulevard
San Anselmo, California 94960-1550

Executed on May 9, 2002, at Los Angeles, California.

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

Signature

Samuel D. Kowen, pro hac vice
PAUL, HASTINGS, JANOFKY & WALKER LLP
75 East 56th Street
New York, New York 10022-3205
Telephone: (212) 318-6000

Alan K. Steinbrocher, SBN 79201
PAUL, HASTINGS, JANOFKY & WALKER LLP
555 South Flower Street, 23rd Floor
Los Angeles, California 90071-2371
Telephone: (213) 683-6000

Attorneys for Respondent
RELIGIOUS TECHNOLOGY CENTER

William T. Drescher, SBN 93737
DRESCHER & DRESCHER, P.C.
23679 Calabasas Road, 1st Floor
Calabasas, California 91302-1502
Telephone: (818) 319 8100

Attorneys for Respondent
CHURCH OF SCIENTOLOGY INTERNATIONAL

FILED
LOS ANGELES SUPERIOR COURT
MAY 09 2002
JOHN A. CLARK, CLERK
BY S DEPUTY

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

LARRY WOLLERSHEIM,

Plaintiff,

vs.

CHURCH OF SCIENTOLOGY
OF CALIFORNIA,

Defendants.

Case No. C 332 027
Judge Robert L. Hess

~~PROPOSED~~ ORDER

Date: May 9, 2002
Time: 8:00 a.m.
Dept: 24

The *ex parte* application of defendant Church of Scientology of California ("CSC")
having been granted, which discharges CSC from any and all ^{existing} obligations with respect to
the judgment in *Wollersheim vs. Church of Scientology of California* (Case No. C 332 027),
said judgment having been deemed fully satisfied by CSC, the proceedings herein on

1 plaintiff's Motion to Amend the Judgment to Include Religious Technology Center and
 2 Church of Scientology International as Additional Judgment Debtors ^{(the Motion) were} rendered
 3 moot. Accordingly,

4 IT IS ORDERED that this Court's January 30, 2002 Order Concerning Further
 5 Proceedings in this action is vacated, and that Religious Technology Center and Church
 6 of Scientology International are hereby discharged and dismissed with prejudice from
 7 any further participation in this action. ^{the Motion is off calendar, as well.}
 8 ^{all witnesses to the previously scheduled hearing are released.}
 9 ^{Magistrate Helen L. Tammington's Sanction is also off calendar}
 10 ^{as well.}

11 Dated: May 9, 2002

12 
 13 Robert L. Hess
 14 SUPERIOR COURT JUDGE

1 PROOF OF SERVICE

2 I am employed by 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 May 9, 2002, I served the foregoing documents described as:

5 [PROPOSED] ORDER]

6 on interested parties in this action as follows:

7 [X] (By Personal Service) I delivered such envelopes by hand to:

8 Craig J. Stein, Esq.
9 GELFAND & STEIN, LLP
11733 Wilshire Blvd., Suite 1230
Los Angeles, CA 90025-1518

David Chodos, Esq.
SIMKE CHODOS
1880 Century Park East, Suite 1011
Los Angeles, California 90067

10 Daniel A. Leopold, Esq.
11 LEOPOLD & SIMPE, LLP
960-A West Seventeenth Street
12 Santa Ana, CA 92706

13 on interested parties in this action as follows:

14 [X] by placing the document(s) listed above in a sealed envelope, with postage
15 thereon fully prepaid, in the United States mail at Los Angeles, California
addressed as set forth below.

16 Lord Greene, Esq.
17 RLB LAW OFFICES
711 Sir Francis Drake Boulevard
San Anselmo, California 94960-1550

18 Executed on May 9, 2002, at Los Angeles, California.

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

21
22
23 Signature
24
25
26
27
28

FILED

LOS ANGELES SUPERIOR COURT

MAY 09 2002

JOHN A. CLARKE, CLERK

BY James C. Clark DEPUTY

1 David Manning Chodos, SBN 39555
 2 SIMKE CHODOS
 3 1880 Century Park East, Suite 1511
 Los Angeles, California 90067-1615
 Telephone: (310) 203-3888

4 Attorneys for Defendant
 5 CHURCH OF SCIENTOLOGY OF CALIFORNIA

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

10 LARRY WOLLERSHEIM,
 11 Plaintiff,

12 vs.

13 CHURCH OF SCIENTOLOGY OF
 14 CALIFORNIA,
 15 Defendant.

Case No. C 332 027
 Judge Robert L. Hess

~~UNIMPOSED~~ ORDER

Date: May 9, 2002
 Time: 8:30 a.m.
 Dept: 24

16 An *ex parte* application was filed by defendant/cross complainant Church of
 17 Scientology of California ("CSC") in connection with its verified cross-complaint in
 18 interpleader. The Court, having considered the papers and the arguments of counsel, and
 19 being fully informed,

20 IT IS ORDERED that CSC's *ex parte* application is GRANTED.

21 IT IS FURTHER ORDERED THAT:

22 2 CSC has no further interest in the funds deposited with the Clerk of this
 23 Court, and CSC is relieved of any future obligations with regard to the funds so
 24 deposited or the adjudication of competing claims to said funds.

[Proposed] Order:

1 Term of court is granted *ex parte* application to filing by CSC
 2 of a cross-complaint in interpleader. CC P § 478.50.

1 3. The judgment herein is deemed fully and completely satisfied upon CSC's
2 deposit of those funds under the authority of § 386(f).

3 ~~3. An injunction is hereby issued forbidding any further proceedings in this case~~
4 ~~other than those in interpleader between and among the Cross-defendants;~~

5 4. Cross-defendants and each of them must hereby refrain from instituting or
6 prosecuting any other proceeding in any court in California affecting the rights and
7 obligations as between the parties to the interpleader until further order of this Court
8 pursuant to C.C.P. §386(f).

9
10 Dated: May 9, 2002


Robert L. Hess
SUPERIOR COURT JUDGE

PROOF OF SERVICE
[1013 CCP]

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

} ss.

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

On May 9, 2002, I served the foregoing documents described as:

EX PARTE APPLICATION BY CHURCH OF SCIENTOLOGY OF CALIFORNIA FOR ORDER DISMISSING ACTION AGAINST IT AND ENJOINING ANY FURTHER PROCEEDINGS; MEMORANDUM OF POINTS AND AUTHORITIES; DECLARATION OF DAVID MANNING CHODOS

[PROPOSED ORDER]

on interested parties in this action as follows:

☐ I am "readily familiar" with this firm's practice of collection and processing correspondence for mailing. It is deposited with U.S. postal service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☒ **BY PERSONAL SERVICE:** I caused such documents to be personally delivered to the parties interested at the addresses set forth next to the name of each

SEE ATTACHED MAILING LIST

☒ **BY FACSIMILE:** I caused such documents to be transmitted by facsimile to the parties interested, at the respective facsimile numbers set forth next to the name of each party listed below.

Ford Greene
Hub Law Offices
711 Sir Francis Drake Boulevard
San Anselmo, California 94960
Facsimile: (415) 456-5318

Executed May 9, 2002, at Los Angeles, California.

☒ (State) I DECLARE under penalty of perjury under the laws of the State of California that the above is true and correct.

☐ (Fed) I DECLARE that I am employed in the office of a member of the bar of this court at whose direction service was made.

PERSONAL SERVICE LIST

Craig J. Stein, Esq.
GELFAND & STEIN, LLP
11755 Wilshire Blvd., Suite 1230
Los Angeles, CA 90025-1518

Daniel A. Leipold, Esq.
LEIPOLD & SHIPE, LLP
960-A West Seventeenth Street
Santa Ana, CA 92706

Samuel D. Rosen, Esq.
PAUL, HASTINGS, JANOFFSKY &
WALKER
75 East 55th Street
New York, New York 10022-3205

Alan K. Steinbrecher, Esq.
PAUL, HASTINGS, JANOFFSKY
& WALKER
555 South Flower Street, 23rd Floor
Los Angeles, California 90071-2371

William T. Drescher, Esq.
DRESCHER & DRESCHER, P.C.
23679 Calabasas Road, PMB 338
Calabasas, California 91302-1502

PROOF OF SERVICE
[1013 CCP]

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 1880 Century Park East, Los Angeles, California 90067.

On September 4, 2002, I served the foregoing document described as:
PLAINTIFF'S NOTICE OF MOTION AND MOTION FOR RETURN OF EXHIBITS; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF; DECLARATION OF NEIL LEVIN on the interested parties in this action, as follows:

Ford Greene, Esq.
HUB LAW OFFICES
711 Sir Francis Drake Blvd.
San Anselmo, CA 94960-1949

☒ BY MAIL: I am "readily familiar" with this firm's practice of collection and processing correspondence for mailing. It is deposited with U.S. postal service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ BY PERSONAL SERVICE: I caused such documents to be personally delivered to the parties interested at the addresses set forth next to the name of each.

☐ BY FACSIMILE: I caused such document to be transmitted by facsimile to the parties interested, at the respective facsimile numbers set forth next to the name of each party listed below.

Executed September 4, 2002, at Los Angeles, California.

☒ (State) I DECLARE under penalty of perjury under the laws of the State of California that the above is true and correct.

☐ (Fed) I DECLARE that I am employed in the office of a member of the bar of this court at whose direction service was made.


GLENDA J. PHILLIPS