

1 Andrew H. Wilson
2 WILSON, RYAN & CAMPILONGO
3 235 Montgomery Street
4 Suite 450
5 San Francisco, California 94104
6 (415) 391-3900

7 Laurie J. Bartilson
8 BOWLES & MOXON
9 6255 Sunset Boulevard Suite 2
10 Hollywood, California 90227
11 (213) 953-3360

12 Attorneys for Plaintiff
13 CHURCH OF SCIENTOLOGY
14 INTERNATIONAL

FILED

NOV 16 1994
HOWARD HANSON
MARIN COUNTY CLERK
BY *[Signature]*

FILED
LOS ANGELES SUPERIOR COURT

JUL 26 1993
JAMES H. DEMPSEY, CLERK
BY INNA B. MATTHEWS, DEPUTY

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

157680

17 CHURCH OF SCIENTOLOGY)
18 INTERNATIONAL, a California not-)
19 for-profit religious corporation,)

20 Plaintiff,

21 vs.

22 GERALD ARMSTRONG; THE GERALD)
23 ARMSTRONG CORPORATION, a)
24 California for-profit corporation;)
25 DOES 2 through 25, inclusive,)
26 Defendants.)

27 AND RELATED CROSS-COMPLAINT

CASE NO. BC 052395
DECLARATION OF LAURIE J. BARTILSON IN SUPPORT OF SECOND APPLICATION FOR ORDER TO SHOW CAUSE WHY GERALD ARMSTRONG SHOULD NOT BE HELD IN CONTEMPT

DATE: July 26, 1993
TIME: 8:30 a.m.
DEPT: 86

DISCOVERY CUT-OFF: None
MOTION CUT-OFF: None
TRIAL DATE: Vacated

28 I, LAURIE J. BARTILSON, hereby declare:

1. I am a partner in the law firm of Bowles & Moxon and am an attorney admitted to practice in the State of California. My firm represents plaintiff Church of Scientology International ("Church") in the instant case. I am submitting this declaration in support of the Church's Second Ex Parte Application for Order

1 to Show Cause Why Gerald Armstrong Should Not Be Held in Contempt
2 ("Application"). I have personal knowledge of the matters
3 specified in this declaration and, if called upon to testify on
4 such matters, would and could do so competently.

5 2. In the Church's December 31, 1992 ex parte application
6 for order to show cause in this case and in my supporting
7 declaration to that application and accompanying exhibits, the
8 Church documented at least six earlier instances of Armstrong's
9 wilful violations of the May 28, 1992 preliminary injunction
10 order of this Court ("May 28 order"). As required, my December
11 31, 1992 declaration ("First Dec.") contained allegations of: (a)
12 the issuance of the May 28 order (First Dec., ¶ 2); (b) notice to
13 Armstrong of the May 28 order through notice to his attorneys on
14 June 5, 1992 in the manner authorized by the Court (First Dec., ¶
15 3); (c) Armstrong's knowledge of the May 28 order through his
16 statements that he was aware of but would never comply with such
17 order (First Dec., ¶¶ 4, 5, 9, 10 and 13); and (d) Armstrong's
18 ability to have complied with such order (through his actions of
19 assistance to anti-Church litigants, including his latest
20 instance specified in paragraph 5 below, Armstrong was just as
21 able to desist from such actions (First Dec., ¶¶ 4, 5, 9, 11, 12
22 and 13)). My December 31, 1992 declaration is attached as
23 Exhibit 1 hereto and its statements and allegations are
24 incorporated by reference into this declaration.

25 3. The May 28 order states, in part:

26 Defendant Gerald Armstrong ... and persons acting in
27 concert ... with him ... are restrained and enjoined
28 during the pendency of this suit pending further order
of this court from ... [v]oluntarily assisting any
person ... litigating a claim against the persons

1 referred to in sec. 1 of the "Mutual Release of All
2 Claims and Settlement Agreement" of December 1986.

3 Exhibit A to Application, May 28 order, p. 2, ¶ 6. The persons
4 and entities protected by the prohibition against voluntary
5 assistance include plaintiff Church and the Church of Scientology
6 of California. Exhibit B to Application, Mutual Release of All
7 Claims and Settlement Agreement, p. 1, ¶ 1.

8 4. Less than a month after the May 28 order was issued,
9 Armstrong asserted under oath in deposition that he would not
10 honor its terms.

11 I have absolutely no intention of honoring that
12 settlement agreement. I cannot. I cannot logically.
13 I cannot ethically. I cannot morally. I cannot
14 psychically. I cannot philosophically. I cannot
15 spiritually. I cannot in any way. And it is firmly my
16 intention not to honor it.

17 Q. No matter what the court says?

18 A. No court can order it. They're going to have to
19 kill me.

20 Exhibit C to Application, June 24, 1992 deposition of Gerald
21 Armstrong, p. 124. Armstrong also stated his intent to ignore
22 the May 28 order in a December 22, 1992 letter to plaintiff's
23 counsel. Exhibit D to Application.

24 5. Larry Wollersheim is a former Church member who has been
25 actively pursuing claims against the Church of Scientology of
26 California in litigation since 1980. On or about June 17, 1993,
27 I received a set of exhibits in support of Larry Wollersheim's
28 motion to strike in Church of Scientology of California v.
Wollersheim, Los Angeles County Superior Court No. 074815. I
represent the Church of Scientology of California in that case.
Designated as exhibit 6 in that set was a copy of a five-page

1 declaration of Gerald Armstrong, showing on the last page that
2 Armstrong had executed the document under oath on June 4, 1993.
3 That declaration contained an Armstrong diatribe against the
4 Churches of Scientology. Exhibit J to Application.

5 6. I allege that execution and delivery of the June 4, 1993
6 declaration by Armstrong to Wollersheim and/or Wollersheim's
7 counsel is a violation of the prohibition in the May 28 order
8 against voluntary assistance to Church adversaries in litigation
9 and is in deliberate contempt of this Court's authority.

10 7. On July 23, 1993, I gave notice of this application to
11 Armstrong's counsel, Ford Greene and Paul Morantz, by telefax
12 communication. A true and correct copy of my letter giving
13 notice is attached hereto as Exhibit 2, together with telefax
14 transmission confirmation sheets. I received a response to my
15 letter from defendant Armstrong, Exhibit 3, and responded to that
16 communication on July 23, 1993, Exhibit 4.

17 Neither Armstrong nor his counsel indicated whether or not
18 they intended to oppose this application.

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

21 Executed on this 24th day of July, 1993 at Los Angeles,
22 California.

23 
24 Laurie J. Bartilson
25
26
27