

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Date: July 29, 1994

Honorable	DIANE WAYNE	, Judge	I.R. MATTHEWS-DOTY	, Deputy Clerk
#2	NONE	, Deputy Sheriff	NONE	, E.R.M.

BC052395

(Parties and Counsel checked if present)

CHURCH OF SCIENTOLOGY INTERNATIONAL,
ETC., ET ALCounsel For
Plaintiff

vs

no appearances

GERALD ARMSTRONG, ET AL

Counsel For
Defendant

NATURE OF PROCEEDINGS:

RECEIVED

RULING ON MATTER TAKEN UNDER SUBMISSION JULY 28, 1994

AUG 03 1994**HUB LAW OFFICES**

The Court, on 7-28-94, having taken plaintiff's OSC re contempt under submission now rules as follows on the matter submitted:

OSC for Contempt: Deny

This court finds that there was a valid order issued on May 28, 1992 (hereinafter referred to as the "Order") pursuant to the opinion of the Court of Appeals, Second Appellate District, May 16, 1994. Pursuant to stipulation the defendant was properly served with the order and had the ability to comply with the order.

The request for contempt concerns three areas of activity alleged to have been engaged in by the Respondent; (1) the Aznaran, litigation, (2) the Wollersheim litigation; and (3) the Roberts litigation. This court finds that Moving Party had not demonstrated beyond a reasonable doubt that the Responding Party has violated the Order.

1. The Aznaran Litigation

Moving party argues that based on deposition testimony of Respondent (Ex. 14), he has violated the Order by assisting in a lawsuit against the Church of Scientology prosecuted by the Aznarans. In that testimony taken on October 8, 1992 Respondent indicates that he had conversations with the Aznarans regarding their case after the date of the Order.

However, no where is it suggested that any of those conversations were for the purposes of "assisting" in their claims. And, it appears that any such conversation could have been associated with his ministerial duties as a paralegal in the office of his employer. It should be noted that the Order specifically permits Respondent to engage in such employment and does not "wall" him off from all such litigation.

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NATURE OF PROCEEDINGS:

Laurie Bartilson, an attorney for Moving Party, also testified that in July 1992 she received a telephone call from Respondent in relation to a Change of Venue order in the Aznaran litigation. She testified that during that conversation Respondent indicated that he was assisting the Aznarans in the litigation. However, court documents conclusively demonstrate that the venue order was not granted until August 28, 1992 suggesting that her recollection of the conversation was flawed.

2. The Wollersheim Litigation

Moving party argues that the affidavit submitted in the Wollersheim litigation violated the Order. Ex. 19. Clearly it would be impermissible for Respondent to have participated in that litigation if Wollersheim had been the prosecuting party. However, in the litigation in which the affidavit was used, the Church of Scientology was the plaintiff and Wollersheim was the defendant. This did not violated the prohibition of assisting in a claim "against" the church.

3. The Roberts Litigation

As demonstrated by Ex. 11 and 12 Respondent participated in the Roberts litigation to the extent that he executed two proofs of service in that matter. Such conduct was ministerial in nature and does not violate the prohibition against assisting in litigation.

Moving party also suggests that the Order was violated by conversations Respondent had with Roberts regarding his case. Ex. 8 and the deposition of October 8, 1992. However, it appears that those conversations took place prior to the Order.

And finally, when read in its totality, the letter of December 22, 1992 (Ex.9) does not amount to activity which "assists" in litigation on behalf of Roberts.

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ETC., ET ALCounsel For
Plaintiff

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no appearances

GERALD ARMSTRONG, ET AL

Counsel For
Defendant**NATURE OF PROCEEDINGS:**

The OSC and the Citee, Gerald Armstrong, are discharged.

A copy of this minute order is sent to counsel appearing 7-28-94 via U.S. Mail addressed as follows:

MICHAEL L. HERTZBERG, ESQ.
740 BROADWAY
5TH FLOOR
NEW YORK CITY, N.Y.
10003ANDREW H. WILSON, ESQ.
235 MONTGOMERY STREET
STE. 450
SAN FRANCISCO, CALIF.
94104LAURIE J. BARTILSON, ESQ.
6255 SUNSET BLVD.
STE. 2000
HOLLYWOOD, CALIF.
90028FORD GREENE, ESQ.
711 SIR FRANCIS DRAKE BLVD.
SAN ANSELMO, CALIF.
94960