

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

**FIRST APPELLATE DISTRICT
DIVISION FOUR**

CHURCH OF SCIENTOLOGY
INTERNATIONAL, A California
nonprofit religious corporation,

Case No. A107100

Plaintiff/Appellant

v.

GERALD ARMSTRONG, and
individual; and DOES 1
THROUGH 50, inclusive.

Defendants/Respondent.

**APPELLANT'S REQUEST FOR DISMISSAL OF APPEAL
No. A107100 ONLY**

Kendrick L. Moxon, SBN 128240
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REQUEST FOR DISMISSAL OF APPEAL

Pursuant to California Rules of Court, Rule 20 (c) Plaintiff and Appellant, Church of Scientology International hereby requests this Court to enter an order dismissing the appeal with prejudice in Case No. A107100.

The appeal in Case No. A107100 concerns the trial court's ruling, imposing a \$500,000 cap on the damages awarded for defendant/appellee Armstrong's intentional breaches of contract. In light of Mr. Armstrong's flight from the United States and the unlikelihood that the \$500,000 awarded can be collected, appellant sees no point under the present circumstances, in expending its time and resources or the time and resources of the Court only to increase those damages.

This dismissal does not apply to Appeal Case No. A107095 and is not applicable to the consolidated case No. A107095, the issues of which are wholly separate and distinct from the issues in Case No. A107100 and which remains active and pending, and which is fully briefed.

Appeal No. A107100 should accordingly be dismissed.

Dated: September 2, 2005



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Attorneys of Plaintiff and Appellant
Church of Scientology International

PROOF OF SERVICE

I am employed in 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 September 2, 2005, I served the foregoing document described as:


**APPELLANT'S REQUEST FOR DISMISSAL OF APPEAL
No. A107100 ONLY**

by first class mail, postage prepaid, on interested parties in this action as follows:

Gerry Armstrong
#1-45950 Alexander Avenue
Chilliwack, B.C. V2P 1 L5
Canada

Executed on September 2, 2005 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.



Ava M. Paquette