

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

MARGERY WAKEFIELD,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 82-1313-Civ-T-10
)	
THE CHURCH OF SCIENTOLOGY)	
OF CALIFORNIA, etc.,)	
)	
Defendant.)	
<hr/>		

IN CAMERA

MOTION FOR ORDER TO SHOW CAUSE WHY
PLAINTIFF SHOULD NOT BE HELD IN CRIMINAL CONTEMPT

The Church of Scientology of California ("Church"), Defendant above and Movant herein, moves the Court for an Order requiring Plaintiff, Margery Wakefield, to Show Cause why she should not be held in criminal contempt for the violation of the terms of the preliminary and permanent injunction entered by this Court on May 16, 1989. The basis for this motion, as more particularly set forth herein and the attached exhibits and in the accompanying Memorandum of Law, is that Wakefield recently appeared on a television program which was broadcast on November 18, 1992, during which Wakefield made statements which she knew to violate this Court's permanent injunction. In support of this motion the Church alleges:

1. Margery Wakefield and the Church entered into a Settlement Agreement in the above-styled case which was approved by this Court and filed under seal with the Court on August 14, 1986.

2. Paragraph 5 of the Settlement Agreement provided that the parties promised and agreed for valuable consideration to comply with every term, condition and undertaking contained in the transcript of the in samara proceedings of July 11, 1986, a copy of which was attached to the Settlement Agreement as Exhibit 3. The parties further agreed that the Settlement Agreement would be enforceable by this Court.

3. The Church has fully complied with all the terms and conditions of the Settlement Agreement.

4. On July 2, 1987 the Church filed a Motion to Enforce Settlement Agreement and to Enjoin Plaintiff from violating the terms of the Settlement Agreement.

5. On May 16, 1989, the Court entered a Preliminary and Permanent Injunction against Margery Wakefield which provided in relevant part as follows:

That Margery Wakefield is restrained and enjoined from disclosing to other persons, not members of her immediate family, matters relating to: a) the substance of her complaint against the Church; b) the substance of her claim against the Church; c) alleged wrongs committed by the church; d) the contents of the documents which were returned to the Church pursuant to the settlement agreement or similar fact evidence.

6. On July 18, 1989 the Church filed motions to hold Wakefield in civil and/or criminal contempt for repeated violations of this Court's May 16 injunction, as a result of published interviews Wakefield granted to various newspapers and radio and television stations. This Court referred the matter to

Magistrate Paul Game, Jr. for a hearing which was held in October and November, 1989.

7. In a Report and Recommendation dated June 25, 1990, Magistrate Game concluded that Wakefield had engaged in a total of forty-four separate willful violations of this Court's injunction which would warrant findings of civil contempt. Additionally, Magistrate Game deferred to this Court's discretion whether a referral should be made to the United States Attorney's office for prosecution of Wakefield on criminal contempt charges. Magistrate Game's June 25, 1990 Report and Recommendation is pending before this Court.

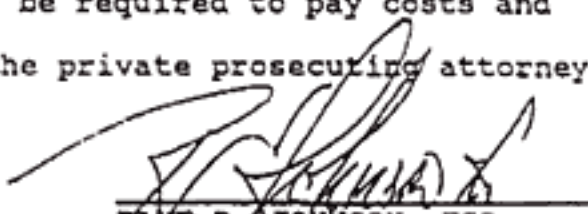
8. On November 18, 1992 a television program entitled "Au Nom De La Loi" (In the Name of the Law) was broadcast in Belgium by television station RTBF (the "RTBF Program"). The RTBF Program contained several segments in which Margery Wakefield, who was identified each time by name, spoke on camera in English with a French "voice-over" about her experiences in the Church of Scientology and her views of Scientology. The televised segments involving Wakefield were apparently filmed in the Clearwater, Florida area. In the course of the RTBF program Wakefield made statements which are willful and knowing violations of this Court's May 16, 1989 injunction. Some of the aforementioned statements made by Wakefield on the RTBF Program are identical in substance to statements previously determined by Magistrate Game in his June 25, 1990 Report to have been willful contempts of this Court's injunction by Wakefield in 1989. The

details of Wakefield's recent new violations are set out more fully in the Declaration of Michael Lee Hertzberg, Esq., attached hereto as Exhibit A and are evidenced by excerpts from a certified translation of the RTBF Program attached hereto as Exhibit B.

WHEREFORE, the Church respectfully moves as follows:

1. The Court appoint the United States Attorney or a private attorney to prosecute Wakefield's criminal contempt.
2. That the Court issue an Order requiring Plaintiff, Margery Wakefield, to appear before this Court and show cause why Wakefield should not be adjudged in criminal contempt of this Honorable Court and have sanctions imposed upon her as provided by law including but not limited to a fine of up to \$500.00 or imprisonment not exceeding six (6) months for each act of contempt.
3. That Wakefield be required to pay costs and attorneys' fees incurred by the private prosecuting attorney.

Dated: February 12, 1993



PAUL B JOHNSON, ESQ.
 JOHNSON & JOHNSON
 Fla. Bar No. 039966
 P.O. Box 3416
 Tampa, Florida 33601
 (813) 223-5321

MICHAEL LEE HERTZBERG
 740 Broadway, 5th Floor
 New York, New York 10003
 (212) 982-9870

Attorneys for Defendant-Movant
 THE CHURCH OF SCIENTOLOGY
 OF CALIFORNIA

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy hereof has been furnished to
MARGERY WAKEFIELD, P.O. Box 290402, Tampa, Florida 33687
by U.S. mail this 12 day of February, 1993.



Attorney

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

MARGERY WAKEFIELD,)	
)	Case No. 82-1313-Civ-T-10
Plaintiff,)	
)	<u>IN CAMERA</u>
vs.)	DECLARATION OF
)	<u>MICHAEL LEE HERTZBERG, ESQ.</u>
THE CHURCH OF SCIENTOLOGY)	
OF CALIFORNIA, etc.,)	
)	
Defendant.)	

MICHAEL LEE HERTZBERG hereby declares and states:

1. I am an attorney who has previously appeared before this Court on behalf of the defendant Church of Scientology of California ("the Church") in this matter. My co-counsel is Paul B. Johnson of the firm of Johnson and Johnson in Tampa. I submit this Declaration in support of the Church's Motion for Order to Show Cause Why Plaintiff Should Not Be Held In Criminal Contempt. I have personal knowledge of the facts set forth in this Declaration and could competently testify thereto if called as a witness.

2. On or about November 18, 1992 a television program entitled "Au Nom De La Loi" ("In the Name of the Law") was broadcast in Belgium by station RTBF (the "RTBF Program"). The narration and most of the interviews on the RTBF Program are conducted in French. Some of the interviews are in English with a voice over narration in French.

3. The RTBF Program includes several segments in which Margery Wakefield speaks on camera and is identified by name.

Counsel representing the Church herein viewed a videotaped copy of the RTBF Program and concluded that remarks were made by Wakefield during the Program which violated an injunction entered by this Court against Wakefield dated May 16, 1989.

4. Counsel hired a translator, Annette T. Gordon, to translate the RTBF Program from French to English and to prepare a transcript of her translation. Ms. Gordon, who has no relationship to the Church, has experience providing transcriptions from French to English for the United States Customs Service and has also translated from French to English in proceedings in the United States District Court for the Middle District of Florida. Attached as Exhibit B herein are eleven pages containing the portions of the transcript prepared by Ms. Gordon in which Margery Wakefield either speaks or is referred to, together with an affidavit from Ms. Gordon certifying the accuracy of her translation and reciting her professional qualifications. Should this Court desire, the Church will file the forty-one page translation of the entire RTBF Program as well as a copy of the videotape of the Program. The Church has not done so at this time to avoid burdening the Court with excess material.

5. Significant portions of the RTBF Program were filmed in or about Clearwater, Florida, and Clearwater appears to be the venue for the segments involving Wakefield.

6. Wakefield is introduced on the RTBF Program as a former Scientologist qualified to describe what the Church of Scientology is like based upon her personal experience.

7. The narrator of the RTBF Program reports that Wakefield has disclosed that she was transformed by the Church into a "zombie" by techniques of "brainwashing":

VOICE: For 12 years MARGERY was a convinced Scientologist. And, now she's revealed to us how the sect transformed her into a zombie, an obedient and docile robot. The method is simple and frightening at the same time. A daily drill exacerbated by the techniques of brainwashing.

8. During the RTBF Program Wakefield claimed that the Church's training routines are designed as hypnotic processes:

MARGERY:

* * *

T-R-O-, the first drill that we did is part of the first Scientology course, which is called "Communication Course." They tell you that this drill serves in helping you better your visual contacts, but, really, is designed to hypnotise. When I was in Scientology, this drill lasted 2 hours.

9. During the RTBF Program Wakefield stated that at the time she worked at the Church's Guardian Office she was aware of the planning of two murders:

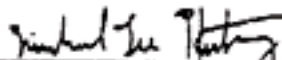
MARGERY:

* * *

Michael Meisner was one of the two people that we had planned to murder in 1979. I think it was. And, the day that I was told that, we had the meeting in the Guardian Office, Michael Meisner was handcuffed to a bed. The Guardian Office had him somewhere

in hiding. The plan was to take him, the next day, out to sea, out to the bay, tie weights on him and to throw him overboard. In Scientology, it's called "Deep Sixing." That was the plan.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on February 11, 1993 at New York, New York.



MICHAEL LEE HERTZBERG

AFFIDAVIT OF TRANSLATOR

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

I, the undersigned, ANNETTE T. GORDON, being first duly sworn, do certify that the attached transcript is a true and accurate translation from French into English of those portions of the ~~XXXXXXXX~~ video tape entitled "In the Name of the Law" in which MARGERY WAKEFIELD appears.

I received my Bachelor of Arts Degree from the University of Arkansas in English and in French as an Honors graduate in 1971 and received my Masters Degree from the University of Arkansas in 1974. While at the University of Arkansas, I taught French as a teaching assistant.

I am fluent in the English and French languages and have traveled extensively in France.

I have provided transcriptions from French to English for the U.S. Customs Service and I have translated from French to English in proceedings in the United States District Court for the Middle District of Florida.

Annette T. Gordon
ANNETTE T. GORDON

The foregoing instrument was acknowledged before me this 22nd day of January, 1993, by Annette T. Gordon, who has produced a Florida Drivers' License as identification and who did take an oath.

Valerie Aleksandar
Notary Signature



VALERIE ALEKSANDAR
Notary Public, State of Florida
My Comm. Expires Feb. 25, 1994
No. AA742010