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FILED

JUL 13 2001

JOHN P. MONTGOMERY,
Court Executive Officer
MARIN COUNTY SUPERIOR COURT
By: J. Mickiewicz, Deputy

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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 FOR THE COUNTY OF MARIN

12 CHURCH OF SCIENTOLOGY
13 INTERNATIONAL, a California
14 nonprofit religious corporation,

15 Plaintiff,

16 vs.

17 GERALD ARMSTRONG, et al.

18 Defendants.
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CASE NO. 152229

ORDER OF CONTEMPT

Date: January 17, 2001
Time: 9:30 a.m.
Dept: 6

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23 Contempt proceedings against Defendant GERALD ARMSTRONG

24 ("ARMSTRONG") came on regularly for hearing by the Court, the Honorable Vernon F.
25 Smith, Superior Court Judge, presiding, on January 17, 2001, pursuant to this Court's
26 ORDER TO SHOW CAUSE RE CONTEMPT issued on December 3, 2000. Petitioner
27 CHURCH OF SCIENTOLOGY INTERNATIONAL appeared by its counsel, Andrew H.
28 Wilson of Wilson Campilongo LLP. Defendant ARMSTRONG made no appearance;

1 however, acting on his own behalf, he did file a lengthy opposition and a sworn
2 declaration dated January 9, 2001.

3 Having considered the record and the papers submitted by the parties, and having
4 entertained the argument of counsel who appeared, and being fully informed, and GOOD
5 CAUSE APPEARING THEREFOR, the Court makes the following findings:

6 1. On October 17, 1995, this Court entered an Order of Permanent Injunction
7 against ARMSTRONG (the "Order") after granting motions for summary adjudication of
8 issues brought by Plaintiff. (Attached hereto as Exhibit A.) The Order was later
9 incorporated into a judgment entered against ARMSTRONG on May 2, 1996 (the
10 "Judgment", attached hereto as Exhibit B.). The Order prohibits ARMSTRONG from
11 voluntarily assisting any persons litigating claims adverse to the "Beneficiaries" named in
12 the valid and binding contract upon which Plaintiff's claims were based and prohibits
13 ARMSTRONG from creating or publishing "works" discussing any of those
14 Beneficiaries. One of the Beneficiaries is the petitioner CHURCH OF SCIENTOLOGY
15 INTERNATIONAL.

16 2. The Order was valid when entered and remains fully enforceable. ~~Although~~
17 ~~ARMSTRONG filed a Notice of Appeal from the underlying judgment, that Notice of~~
18 ~~Appeal is irrelevant to the proceedings.~~ ARMSTRONG's appeal was dismissed on yf-
19 December 23, 1997 ~~on the ground of the so-called "fugitive disentitlement doctrine,"~~
20 ~~based upon the fact that ARMSTRONG, having already been adjudged in contempt of the~~
21 ~~Order and the subject of a bench warrant, had fled the jurisdiction and relocated to~~
22 ~~Canada.~~ (A true and correct copy of the Court of Appeal's dismissal of Armstrong's
23 appeal is attached hereto as Exhibit C).

24 3. ARMSTRONG had notice and knowledge of the Order. ARMSTRONG's
25 counsel appeared at the hearing pertaining to the Order and received the Notice of Entry.
26 (Attached hereto as Exhibit D is a copy of the first 2 pages of the Reporter's Transcript of
27 the proceedings of October 6, 1995). ARMSTRONG also received a Notice of Ruling
28 dated October 18, 1995 which was served on his counsel. (A copy of the Notice of Ruling

1 is attached hereto as Exhibit E.) ARMSTRONG's actual knowledge of the Order is also
2 shown by the statements made concerning the Judgment in paragraphs 1-4 and 15 of his
3 January 9, 2001 declaration and his references to the Notice of Appeal of the Judgment.

4 4. ARMSTRONG had the ability to comply with the Order. The Order is
5 specific and unambiguous. It prohibits ARMSTRONG from voluntarily assisting any
6 person arbitrating or litigating adversely to the Beneficiaries and also prohibits
7 ARMSTRONG from facilitating in any manner or participating in the creation,
8 publication, broadcast, writing, electronic recording or reproduction of works discussing
9 those Beneficiaries. There has been no suggestion, and certainly no showing by
10 ARMSTRONG, that he is incapable of complying with the Order.

11 5. ARMSTRONG repeatedly, willfully and intentionally disobeyed the Order:

12 (a) On June 5, 1997, the Court found ARMSTRONG in contempt for
13 violations of the Order, sentencing him to 2 days in jail and a fine of \$1,000. (Attached
14 hereto as Exhibit F.) A bench warrant was subsequently issued for Armstrong's arrest.
15 (A copy of which is attached hereto as Exhibit G.)

16 (b) ARMSTRONG continued to violate the Order, and on February 20,
17 1998, he was again found in contempt. The Court sentenced him to an additional 26 days
18 in jail and a fine of \$2,600. (Attached hereto as Exhibit H.) On May 15, 1998, a second
19 bench warrant was issued. (Attached hereto as Exhibit I.) Armstrong has not served
20 either sentence and has left the State of California.

21 (c) Petitioner has shown that: (1) During the period of February 20, 1998 to
22 July 10, 2000, ARMSTRONG made a total of 131 postings on the Internet, each of which
23 violated one or more provisions of the Injunction; (2) ARMSTRONG traveled to
24 Clearwater, Florida and on December 5, 1999 spoke in direct violation of the Order
25 before a public gathering sponsored by an organization known as the Lisa McPherson
26 Trust; and (3) ARMSTRONG traveled to Tampa, Florida and on December 10, 1999
27 gave an interview on radio station WMNF-AM, during which he again violated the terms
28 of the Order.

1 (d) ARMSTRONG did not deny these violations. In his January 9, 2001
2 declaration under penalty of perjury, ARMSTRONG stated, "I have violated
3 Scientology's Injunction thousands of times since former Marin County Superior Court
4 Judge [Gary Thomas] signed it in October, 1995."

5 IT IS HEREBY ADJUDGED, ORDERED AND DECREED that Defendant
6 GERALD ARMSTRONG is guilty of Contempt of Court for his intentional and willful
7 failures to obey the Order as described above. As set forth above, the Order is valid and
8 enforceable; ARMSTRONG had notice and knowledge of the Order, had the ability to
9 comply with the Order and repeatedly and admittedly willfully disobeyed the Order. The
10 Court notes that there are two outstanding Bench Warrants which resulted from two
11 previous contempt convictions which also arose out of ARMSTRONG's violations of the
12 Order. The Court will not impose a specific punishment at this time. However, this
13 Court retains jurisdiction and at such time as ARMSTRONG is apprehended, he is to be
14 brought before this Court for the consideration of additional sanctions for the aforesaid
15 acts of contempt after hearing from both sides.

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17 JUL 12 2001

18 Dated: _____

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VERNON F. SMITH

JUDGE OF THE SUPERIOR COURT