

1 GRAHAM E. BERRY, Bar No.128503
2 Attorney at Law
3 3384 McLaughlin Avenue
4 Los Angeles, California 90066-2005
5 Telephone: (310) 745-3771
6 Facsimile: (310) 745-3771
7 Email: grahamberry@ca.rr.com

8 Defendant and Cross-Complainant *pro se*

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Superior Court of California
County of Los Angeles

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John A. Clarke, Executive Officer/Clerk
By *[Signature]* Deputy
GLORIETTA ROBINSON

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF LOS ANGELES
11 CENTRAL DISTRICT

12 **KENDRICK MOXON**

13 Plaintiff,

14 v.

15 **GRAHAM BERRY,**

16 Defendants.

17 **GRAHAM E. BERRY**, an individual;

18 Cross-Complainant,

19 v.

20 **KENDRICK L. MOXON**, an individual;

21 Cross-Defendant.

Case No. BC429217

**DEFENDANT AND CROSS-
COMPLAINANT'S APPENDIX NO. III
OF EXHIBITS AND REQUEST FOR
JUDICIAL NOTICE FILED AS PART OF
THE UNVERIFIED ANSWER AND
VERIFIED COMPULSARY CROSS-
COMPLAINT HEREIN.**

Action filed: January 5, 2010

[Filed concurrently with: (1) Judicial Council
of California Form MC-701 (C.C.P. §391.7;
(2) Appendix No. I of Exhibits [Exhibit A];
(4) Appendix No. II of Exhibits [Exhibits B-
D]; Unverified answer and verified cross-
complaint]

Ex. F(1)

EXHIBIT F (1)

February 9, 2010 version.

BERRY MASTER CHRONOLOGY (Partial)

FACTS AND SUPPORTING TESTIMONY

<u>December 1990:</u> Berry is retained as second chair in the successful defense of <i>[Scientology] v. Joseph A. Yanny</i>, Esq. and the successful opposition to Scientology's appeals in <i>[Scientology] v. Yanny I and Yanny II</i>. Berry also appears in Church of <i>[Scientology] v. Armstrong II</i>.	
<u>March 1993:</u> Berry is retained as lead defense counsel in the successful defense of <i>Church of Scientology International v. Fishman & Geertz</i> (USDC CDCA Case No. CB91-6426 HLH/Tx).	
<u>December 20, 1993:</u> U. S. District Court Judge Harry Hupp tells Bowles & Moxon to stop "investigating" Graham Berry after Bowles admits that Bowles & Moxon is "investigating" Berry and other partners of his at the Lewis, D'Amato, Brisbois & Bisgaard law firm. In 1987, in an interview in Scientology's 'Impact' magazine, Bowles states he "works full time ... with the [Scientology] United	<i>Church of Scientology v Fishman & Geertz</i> hearing transcript.

States Office of Special Affairs.” [a/k/a “OSA”]	
<u>January 1994:</u> Moxon files a complaint with the Los Angeles Police Department alleging that Berry has engaged in unlawful electronic eavesdropping. After an LAPD investigation the Moxon complaint is dismissed. Moxon files the allegation with U.S. District Court, which summarily rejects the allegation as baseless and frivolous.	
<u>February 15, 1994:</u> The State Bar of California contacts Berry regarding a Moxon State Bar complaint that Berry had been engaged in unlawful electronic surveillance. The State Bar investigates the matter and advised Berry that no action against him was warranted.	
<u>February 22, 1994:</u> On the eve of trial, CSI (through its counsel Bowles & Moxon, <i>et al</i>) voluntarily dismisses <i>CSI v. Fishman & Geertz</i> pursuant to F.R. Civ. P. Rule 41 (a) which deems defendants to be the prevailing parties. Defendants, through Berry et. al, file an F.R.Civ. P. Rule 11 motion supported by 41 declarations.	

<u>March 31, 1994:</u> Berry complains to Bowles & Moxon that it is ignoring Judge Hupp's instruction to stop investigating Berry. The "investigation" had included Berry being "tailed" by private investigators and other intrusive activity. Through at least the year 2002, Berry is still being tailed, and kept under surveillance, by private investigators and Church of Scientology employees.	Berry letter to Bowles, March 31, 1994.
<u>April 1, 1994 (approx.):</u> Church of Scientology International Office of Special Affairs ("CSI") retain counsel Bowles & Moxon and Investigator Eugene Ingram ('Ingram') to "investigate" Berry.	Timothy Bowles Declaration (May 6, 1998); Eugene Ingram Declaration (May 6, 1998).
<u>April 13, 1994:</u> Commencing this date, and for at least the next six years, Berry receives telephone calls and other communications from dozens of friends, clients, former clients, law partners, former law partners, family members and others (located in different States of the U.S.A. and various foreign countries, advising him that Ingram and numerous other Scientology/Bowles & Moxon investigators were contacting them and conducting a vicious smear campaign of defamation and harassment under the	Various declarations and other supporting documents

guise of an official investigation, for law enforcement and the California State Bar, into [baseless] allegations that Berry was involved in many forms of serious and major criminal activity.	
<u>April 21, 1994:</u> Scientology leader Michael Rinder and lawyers Elliot Abelson and Michael Hertzberg (New York) meet with Berry and advise him that they have Berry under investigation and surveillance because they were “aware” it upset Berry. They expressly request Berry to agree to the sealing of the <i>CSI v. Fishman & Geertz</i> files and arrange for various witnesses to recant their deposition and declaration testimony in the <i>Fishman & Geertz</i> case. Berry refuses. Abelson then advises Berry that “the Church’s investigation of [Berry would] be stepped up” and that they would “make Berry’s life miserable and hell.”	Theodore Monroe Declaration executed June 6, 1994; Berry Declarations.
<u>April 24, 1994:</u> Scientology “investigator” Russell Andrews interviews Peter Mills in Maryland, who concludes, “this investigation was a gross intrusion and invasion of Graham Berry’s privacy and was intended to harass him.”	Peter Mills Declaration executed May 10, 1994.

<u>April 28, 1994:</u> Abelson informs Berry that CSI had instructed Ingram to continue the Berry investigation in New Zealand, Australia, England, New York and California. Abelson also states that “in April...he had found nothing that...was particularly negative in those [Ingram, etc., investigation] reports”	Berry letter to Abelson, April 28, 1994; Abelson letter to Berry, May 24, 1994.
<u>May 2, 1994:</u> Abelson confirms that the Ingram investigation of Berry will continue.	Abelson letter to Berry, May 2, 1994.
<u>May 4, 1994:</u> The CSI/Moxon/Abelson/Ingram investigation “led to obtaining the May 5, 1994 Declaration of Mr.Cipriano.” (“the First Cipriano Declaration.”)	CSI corporate officer Lynn R. Farny Declaration (May 6, 1998, ¶4).
<u>May 4, 1994:</u> The First Cipriano Declaration was obtained in New York through criminal impersonation of a Los Angeles Police Department Detective and extortion. Ingram had gained access to Cipriano’s high security New York apartment building. Cipriano had known Berry for 6 months in New York, 1984-85. Ingram (accompanied by an unidentified woman) told Cipriano that Berry was doing illegal things in Los Angeles, as a Lewis, D’Amato, Brisbois & Bisgaard partner. Ingram said Berry	Robert Cipriano Declaration dated August 9, 1999, ¶14 (“Cipriano Decl. III, ¶ 14, Cipriano Depo.T. Vol. II, 64:16-65:4,66:21-76:21,89:2-106:1.

was also involved in seedy sexual encounters with underage gay males and that he had been involved in the activities of Andrew Crispo, a notorious/infamous New York alleged murderer.

- a) **Ingram** told Cipriano that he knew there was a State of New Jersey arrest warrant for Cipriano and that he could be arrested very easily. Cipriano felt intimidated by an LAPD detective acting in this manner.
- b) **Ingram** told Cipriano he would return the next day with a declaration for Cipriano to sign.
- c) Later, when Cipriano was absent, **Ingram** returned, again obtained access to the high security building, and visited Cipriano's wife. This further intimidated Cipriano because **Ingram** knew embarrassing details about his pre-marital gay life in New York (1980-1986), which his wife did not.
- d) Cipriano believed that if he did not do as **Ingram** demanded then his wife would be informed of his pre-marital gay history and he would also be arrested and

Berry, with corroboration, has denied ever knowing Crispo or his convicted murderer employee Bernard Le Geros, recruited by Ingram and covertly represented by Moxon & Kobrin.

returned to the New Jersey authorities. e) No one had ever told Cipriano that Berry had had sex with an underage male and Cipriano had no personal knowledge of any. Cipriano never spoke to Ingram about the Anvil. It was Ingram himself who created those statements in the May 5, 1994 First Cipriano Declaration. f) Ingram prepared the First Cipriano Declaration. g) The First Cipriano Declaration was extorted, perjured and false. <i>Berry v. Cipriano</i> arose out of it. h) There was never any independent evidence to corroborate the First Cipriano Declaration. i) During <i>Berry v. Cipriano</i>, Cipriano had conversations with Moxon during which he told Moxon that most of the First Cipriano Declaration was an exaggeration by Ingram. Moxon's response was to go for 'corroborating witnesses'. It was also because of Cipriano's	Cipriano Depo.T.Vol.II, 50:25-51:8. Ingram Declaration ¶¶3, 4; Cipriano Decl. III, ¶ 18-20. Cipriano Decl. III, ¶¶14-20. Cipriano depo.T.Vol. II, 144:23: -154:3. Jonathan S. Canno and John Lauricella Declarations; <u>Moxon representations</u> to Judge Williams ("It was in the 1980's.They must have all [40-60] been gay hustlers who all died of AIDs. That is why we cannot find anyone other than Cipriano.") Cipriano Depo.T. Vol. II, 147:17-148:6.
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historical credibility problems, said Moxon .	
<u>May 6, 1994:</u> Berry puts Abelson, CSI and its other attorneys on notice of the illegal and unethical “investigation” against him.	Berry letter to Abelson, May 6, 1994.
<u>May 9, 1994:</u> Berry again advises and complains of the Ingram investigation and details its abuse.	Berry letter to Abelson, May 9, 1994.
<u>May 19, 1994:</u> Rinder/CSI meet in Texas with former scientology leader Vicki Azneran and former CSI/Hemet Base Chief of Security Richard Azneran. CSI pays est. \$250,000.00 to the Azneran’s to settle <i>Azneran v. Scientology</i> (filed 1998). At the same time they execute a Declaration accusing Berry of criminally altering pages in their declarations in the <i>Fishman/Geertz</i> case. Previously, Vicki Azneran was widely quoted as saying “scientology is a criminal organization day in and day out.” May 6, 1991, Time magazine.	Vicki Azneran Declaration and agreements, dated May 19, 1994.
<u>May 23, 1994:</u> Moxon writes extortion letter to Berry. The “investigation” will be expanded if Berry files a certain document with the court and/or does not stop defending cases involving CSI and its attorneys.	Moxon letter to Berry, May 23, 1994 ¶¶ 1, 4,6,8,10,11.

Moxon also threatens Berry with further State Bar and criminal complaints should Berry file any declarations detailing the Church of Scientology/Bowles & Moxon/Abelson/Ingram investigation of Berry.	
<u>May 23, 1994:</u> Scientology leader Kurt Weiland “demands” Berry stop people spreading lies about the church and not to file certain declarations with the courts.	Weiland letter to Berry, May 23, 1994.
<u>May 24, 1994:</u> Scientology leader Michael Rinder objects to Berry’s “evolving declaration” describing the CSI and scientology attorney harassment of Berry.	Rinder letter to Berry, May 24, 1994.
<u>May 24, 1994:</u> Abelson writes to Berry:” I can now state that I have received subsequent [to April 28, see above] information that would not please you.” [Referring to the First Cipriano Declaration].	Abelson letter to Berry, May 24, 1994, p.6 ¶3.
<u>June, 1994:</u> <u>Early June</u>, Scientology lawyers William T. Drescher, former Los Angeles county Bar President John J. (“Jack”) Quinn and Gerald Feffer, Esq. of the Washington DC law firm Williams & Connally meet with Berry’s then law partner Robert F. Lewis. They advise	

Lewis that: (1) that they would suspend the Church Scientology investigation of Berry for two weeks if Berry ceased being engaged in “offensive activities against the Church”; (2) they would be making a proposal in connection with “removing certain documents from the court file in the <i>Fishman & Geertz</i> case.	
<u>June, 1994:</u> <u>Late June, Drescher, Feffer</u> (from Washington, DC) and Scientology senior executive Michael Rinder (a deputy to Scientology “ecclesiastical” leader David Miscavige) again meet with Berry’s then senior law partner Robert F. Lewis and state that if Berry does not attend a scheduled meeting with certain scientologists and lawyers engaged in litigation with the Church of Scientology then they would not resume their investigation of Berry and they would not [baselessly] sue the Lewis, D’Amato law firm.	
<u>June 8, 1994:</u> The State of Florida issues an arrest warrant against Eugene Ingram for “falsely impersonating [police] officer”.	Copy of Warrant.
<u>July 8 - 16, 1994:</u> Robert Vaughn Young and Stacy Brooks Young meet, for 8 days, in Seattle, Wa. with Scientology leaders Michael Rinder	Declaration of Stacy Brooks Young executed December 14, 1994 ¶¶13, 15, 16,18,19,27 and 36.

and Michael Sutter who attempt to extort them with threats and offer them \$200,000 to commit perjury and allege that Berry had fabricated their expert witness declarations in the <i>CSI v. Fishman / Geertz</i> case.	Declaration of Robert Vaughn Young executed December 14, 1994 ¶¶4, 5,6,7,8 and 15). [Also see Stacy Brooks and Robert Vaughn Young's dueling testimony in McPherson v. Scientology (Dandar disqualification hearing)].
<u>June 20, 1994:</u> Drescher advises Berry's partner Robert F. Lewis that The Church of Scientology would not sue Berry for defamation in connection with the testimony on the <i>CSI v. Fishman & Geertz</i> court file if the Lewis, D'Amato law firm enters into an agreement never to represent any plaintiffs against any Church of Scientology organization. At Berry's insistence, Lewis refuses.	
<u>September 30, 1994:</u> State of Florida charges Ingram with "Falsely Personating an Officer." a 3rd.degree felony. The charge was not prosecuted within the mandatory three years and was dismissed on October 9, 1998 upon motion of CSI representatives.	Motion to Dismiss Information and Supporting Papers. [Not included due to volume].
<u>November 7, 1994:</u> Bowles writes to Garry Scarff, in Florida, and confirms an extortionate demand that he recant prior testimony	Bowles letter to Scarff, November 7, 1994.

[in <i>Fishman/Geertz</i>] or the Church and its counsel would file criminal and civil proceedings against Scarff.	
<u>November 9, 1994:</u> Scientology leader Weiland (another deputy to Scientology “ecclesiastical” leader David Miscavige) writes to the New York Daily News and states “whereas people have sent [CSI] information over the last year about Graham Berry’s illegal sexual activities, <u>the Church</u> has never released any such information or made any public comment about it.”	Weiland letter to New York Daily News, November 9, 1994, p.6, para.3. Note: This statement is contradicted by Moxon’s contrary subsequent representations to Judge Williams (see May 4, 1994 (h) and the Abelson April 28, 1994 letter above.
<u>November 17, 1994:</u> Scarff testifies that Bowles had been pressuring Scarff, in Florida, to totally recant his testimony in the <i>CSI v. Fishman/Geertz</i> case alleging defamation in connection with the May 6,1991 Time Magazine best selling cover story: “Scientology, Thriving Cult of Greed and Power [successfully defended by Berry]	Declaration of Garry Scarff executed November 17, 1994.
<u>November 25, 1994:</u> Church of Scientology International Secretary Rev. Lynn R. Farny files California State Bar complaint alleging Berry engaged in “attempted extortion” and the “creation of fraudulent declarations in <i>CSI v. Fishman &</i>	

<i>Geertz</i>. The State Bar writes to Berry on April 26, 1996. [See below]. The complaint is ultimately dismissed. The Farny letter also refers to unsuccessful attempts to have Garry Scarff recant his testimony. In 2002 Farny informed Berry that the [manufactured] First Cipriano declaration was his “brilliant idea.”	
<u>November 29, 1994:</u> Dr. Geertz, of Florida, advises Berry that Bowles & Moxon are using Ingram to “disrupt his relations with his neighbors, professionals in his field [and his employer] by defaming him by disseminating falsehoods.”	Dr. Geertz letter to Berry, November 29, 1994.
<u>November 29, 1994:</u> Berry complains to Bowles that Ingram’s publicly subsidized [tax free] “investigation” is causing Berry “irreparable and continuing damage”.	Berry letter to Bowles, November 29, 1994.
<u>November 30, 1994:</u> Berry details the on-going Ingram intimidation/ harassment/extortion to Helena Kobrin, Esq. of Bowles & Moxon.	Berry letter to Kobrin, November 30, 1994.
<u>December 1, 1994:</u> Kobrin states that the CSI/Bowles & Moxon/Ingram investigation of Berry is “lawful” and not “harassment of opposing counsel.” Kobrin later denied	Kobrin letter to Berry, December 1, 1994; Kobrin letter to Berry, January 20, 1997.

writing this letter.	
<u>December 6, 1994:</u> Berry flies from Los Angeles to Auckland, New Zealand for a six-week vacation with his family and friends in New Zealand and Australia. Robert F. Lewis is later advised that Scientology/Bowles & Moxon had an agent on the plane to observe Berry. Upon arrival in Auckland Berry discovers Scientology/Bowles & Moxon have hired investigators to keep him under surveillance <u>at all times</u>. Later Berry learns that the investigators are requested to place a listening device on Berry's parent's telephone. They refuse "because the New Zealand police are less tolerant of such activity than their U.S. counterparts." On December 28, 1994 Berry flies to Sydney, Australia. On December 30, 1994 Berry tricks the Scientology/Bowles & Moxon investigator that he has departed Australia en route to Germany and Spain via Bangkok, Thailand. Instead, and free of Scientology surveillance, Berry proceeds to the Queensland, Australia surf resort town of Byron Bay.	

<u>January 3, 1995:</u> CSI “published” the First Cipriano Declaration to the New Zealand Government. [Berry had business and personal relationships with at least one Govt. Minister]	Declaration of Kendrick Moxon, May 6, 1998 ¶2, Exh.A.
<u>January 5, 1995:</u> (1) At Byron Bay, Queensland, Australia, Berry receives a telephone call from Lewis, D’Amato associate attorney Michael L. Silk. Silk advises Berry that Robert F. Lewis needs to speak with Berry. Silk says that he has “never seen Lewis so panic-stricken, visibly shaken and white faced.” (2) Subsequently, Lewis telephones Berry. Lewis wants to know why Berry is in Bangkok, Thailand. Berry advises Lewis he is not. Lewis advises Berry that Abelson had just visited him for 45 minutes and advised him: (a) They (Scientology) had had an investigator on Berry’s plane flight from LA to NZ and following Berry in New Zealand; “Scientology was expressly intent on destroying [Berry]; that Berry was gay; that they had investigated and compiled dossiers on the private lives of Lewis and a number of other Lewis, D’Amato, Brisbois & Bisgaard partners; that Abelson and Scientology had certain	

other information about the Lewis, D'Amato firm; that Lewis, D'Amato was to withdraw from the file sealing issues in the <i>Fishman-Geertz</i> case (leaving client Geertz unrepresented) and that in the future the firm could only defend existing A.I.G. insurance group insureds in Church of Scientology litigation; that if Berry would not go along with Abelson's demands then Berry's partnership would be terminated.	
<u>January 15, 1995:</u> Scientology's New Zealand investigator advises Berry in a telephone call to Sydney that "Ingram had assured the Church of Scientology that he had something that would knock Berry out of contention as an attorney." As scheduled, Berry returns to Los Angeles the same day.	
<u>January 17, 1995:</u> Berry is told by another Lewis, D'Amato partner that Abelson and Drescher had insisted the secret settlement agreement, and transfer of client Geertz's files to Lewis personally and then opposing counsel and party, be completed before Berry returned to Los Angeles because "Berry would disrupt the deal and blow it apart."	

<u>January 18, 1995:</u> CSI (via Rinder, Abelson & Drescher), Robert F. Lewis, Esq., and the A.I.G. insurance company sign [secret] agreement to [steal] transfer the <i>Fishman/Geertz</i> legal files and declarations to Lewis personally and then to a public storage facility near the offices of Bowles & Moxon, Abelson, Drescher and the Church of Scientology Office of Special Affairs. Only Lewis and Scientology were to have access. The deal was not disclosed to client Geertz who (with Fishman) were retaining new counsel to file a malicious prosecution case against the Church of Scientology and certain of its lawyers including Abelson and Bowles & Moxon.	Settlement Agreement dated January 18, 1995; Berry Declaration, executed October 23, 1996.
<u>January 18,1995:</u> Robert Lewis, Esq. signs a letter that CSI/Rinder/Abelson demand be sent to England's Daily Mirror newspaper, then a Berry client, disavowing the Tabayoyan declaration and terminating the Berry relationship with the Daily Mirror newspaper.	Lewis letter to Daily Mirror, dated January 18,1995
<u>January 25, 1995:</u> Robert F. Lewis advises Berry that no in the Lewis, D'Amato law firm was to report these matters to either the State	

Bar of the District Attorney because of Abelson's threats to expose the private lives of certain of the Lewis, D'Amato law firm senior partners and he would do nothing to risk losing a \$12M pa client [AIG].	
<u>January 25, 1995:</u> Abelson and Scientology OSA Commanding Officer Michael Rinder visit Berry at Lewis, D'Amato to "confirm that [Berry} had agreed not to litigate against Scientology ever again." Berry insisted that he had not made any such agreement and would only be bound by the Lewis secret agreement only while he [Berry] remained at the Lewis, D'Amato law firm. Therefore, Lewis insisted Berry decline requested scientology- related representation of various prestigious companies such as Fox Television and the Washington Post.	
<u>February 2,1995:</u> Dr. Geertz's new attorney attempts to retrieve his 200 plus boxes of documents stolen by AIG, CSI and Lewis, D'Amato, Brisbois & Bisgaard.	Ford Greene, Esq. letter to Lewis, D'Amato, Brisbois & Bisgaard; Ford Greene fax and enclosures to Berry, dated February 26, 1997.
<u>February 13, 1995:</u> Abelson telephones Lewis and advises that their surveillance detected Ford Greene, Esq. of Marin County staying at	

Berry's residence the previous evening. Greene was defending Armstrong against the Church of Scientology and representing <i>Fishman & Geertz</i> in their malicious prosecution case against CSI, Abelson, Bowles & Moxon.	
<u>March 13, 1995:</u> New Zealand Deputy Opposition Leader (a friend of Berry) mails Berry the "highly defamatory" January 3, 1995 Moxon/ Farny/ CSI package containing the First Cipriano declaration.	Caygil letter to Berry, dated March 13, 1995.
<u>June 9, 1995:</u> Dr. Geertz continues to try and retrieve his files from Lewis, D'Amato. His new attorney faces a successful CSI Motion for Summary Judgment before Judge Alexander H. Williams, III in <i>Fishman & Geertz v. CSI</i> (malicious prosecution). The new attorney does not have access to the relevant Dr.Geertz files, which CSI/Lewis/AIG have seized and secreted near the Church's Intelligence Department (OSA) [Annual litigation and investigation budget exceeds \$40M].	Lewis letter to Daniel A. Liepold, Esq., June 9, 1995.
<u>July 6, 1995:</u> Lewis, D'Amato release the few remaining "stolen" Geertz files and <i>CSI v. Fishman/Geertz</i> declarations to Dr. Geertz's new attorney in <i>Fishman & Geertz v. CSI</i>.	Robert F. Lewis, Esq. letter to Metropolitan Art Storage, Inc. near CSI premises.

<u>July 11, 1995:</u> Dr. Geertz's files in custody of Robert F. Lewis and Scientology/Abelson/Drescher/Bowles & Moxon are transferred from storage under scientology (Helena Kobrin, Esq.) surveillance pursuant to "notice" from Lewis. CSI objects.	Helena K. Kobrin Decl., Esq. and enclosures, executed October 18, 1996. Lynn R. Farny Decl. executed October 18, 1996.
<u>July 20, 1995:</u> Abelson and CSI are "shocked" at Lewis releasing Dr. Geertz's files to Dr. Geertz's lawyers in <i>Fishman & Geertz v. CSI</i>.	Abelson letter to Lewis, July 20, 1996.
<u>August 1995:</u> Esquire magazine publishes article on CSI "investigation" of Berry.	Esquire magazine, August 1995.
<u>August 18, 1995:</u> (1) Abelson faxes Berry's partner Robert F. Lewis, August 18, 1995 Internet posting by Berry, seeking "information that can be of assistance in various law suits involving the cult." [It breaches the Secret Agreement restraining Berry from ever litigating against the Church again.] (2) Abelson telephones Lewis complaining, "Berry is on the loose again." Berry was in New York and had met with his former client Dr. Geertz.	Abelson fax to Robert F. Lewis, Esq. dated August 18, 1995.

<u>August 22, 1995:</u> Scientology officials, accompanied by armed U.S. Marshals, raid the offices of Fight against Coercive Tactics (Factnet.org) operated as a cult information archive by former scientologist Lawrence Wollersheim. Wollersheim telephones Berry and request he call Factnet's insurance carriers. Scientology intercepts the telephone call. Abelson telephones Lewis and alleges that Berry is breaching the [secret] settlement agreement between Lewis/ Lewis, D'Amato/D'Amato & Lynch and the A.I.G. group of companies. Lewis reminds Berry of Abelson's threats to expose the private lives of certain senior Lewis, D'Amato partners and insists Berry will not be defending FACTNet under its \$1M D&O insurance policy.	
<u>August 23, 1995:</u> Berry complains of the continuing CSI/Moxon/Abelson "defamation by innuendo" investigation.	Berry letter to Talon Executive Services Inc., dated August 23, 1995.
<u>September 1995:</u> BARTON/CAN Reform Group widely publishes "Perversion, Criminality and Lies" and the contents of the First Cipriano Declaration. The CAN Reform Group has no address or other	CAN Reform Group newsletter, September 1995.

identifying information. [In February 1998 Berry learns Church of Scientology Rev. Barton, and scientologist 'Izzy' Chait, <i>et al.</i> comprise the CAN Reform Group. Berry promptly files a defamation lawsuit against Barton and Chait.	
<u>October 2, 1995:</u> CSI and BARTON/CAN Reform Group continue <i>anon.</i> defamatory Internet posting campaign against Berry, by publishing [baseless] allegations that Dr. Geertz provided his [28 year old physician] son to Berry in exchange for legal services. All of these "highly defamatory" and permanently damaging Internet postings are on the World Wide Web of the Internet in perpetuity.	Theta.com internet posting transmitted 2 Oct 1995.
<u>January 5, 1996:</u> Berry requests CSI provide factual support for the "highly defamatory" contents of its January 2, 1995 letter to the New Zealand Government.	Berry letter to Farny, dated January 5, 1996.
<u>January 8, 1996:</u> Lewis berates Berry over third party Internet postings about Lewis' private life. Lewis informs Berry that "the Scientology lawyers [Abelson, <i>et al.</i>] had spent a full day laying out all of the evidence they had upon him" but that "he had himself well-covered" in the	

<i>Fishman-Geertz</i> matters.	
<u>February 1, 1996:</u> In <i>Church of Scientology v. Wollersheim</i>, 42 Cal.App. 4th 628, 49 Cal. Rptr. 2d 620 (2nd Dist. 1996), Cal. Court of Appeal upholds costs of over \$130,000 against Moxon et al., orders him to pay appellate costs (over \$300,000) and holds that Moxon et. al. had acted consistently “with a pattern of conduct...to frustrate or undermine Wollersheim’s petition activity” and had “engage[d] in course of oppressive litigation conduct designed to discourage the opponent’s right to utilize the courts to seek legal redress” and using the legal process “to bludgeon the opponent into submission” and which had “constitutional implications.” <i>Id.</i> 648-649.	
<u>February 29, 1996:</u> Berry puts CSI, <i>et al</i> on “notice” of its investigation defects, abuse and potential liability.	Berry letter to Farny, January 5, 1996.
<u>April 10, 1996:</u> California State Bar writes to Berry re November 28, 1994 CSI/Farny State Bar complaint (Case No. 94-0-18820). The State Bar investigation concludes with the dismissal of the CSI/Farny complaint.	

<u>April 11, 1996:</u> <u>Unpublished</u> Federal 9th Circuit Court of Appeal decision in <i>RTC v. Wollersheim</i>, Case No. 94-55920 [USDC CDCA Case No. CV-85-7197] , where Moxon is one of the counsel, upholds \$2.9 million in attorney fees against Moxon's client and found that it had a "documented history of vexatious [litigation] behavior" and approved the lower court's finding of "bad faith," "massive over-litigation... to harass," "other highly questionable litigation tactics," etc. "Apparently viewing litigation as war, plaintiffs [Scientology through Moxon et al] by this tactic have had the effect of massively increasing the costs to the other parties and , for awhile, to the court...the scope of plaintiffs' efforts [through Moxon et al.] have to be seen to be believed...yet it is all puffery-motions without merit or substance." Pp.6-8.	
<u>July 19, 1996:</u> CAN Reform Group [Barton, Chait, et al.] publish further defamatory allegations, and the contents of the First Cipriano declaration, to the permanent World Wide Internet where it remains.	Internet posting transmittal, July 19, 1996.
<u>August 23, 1996:</u> Berry resigns as an equity partner of	

Lewis, D'Amato, Brisbois & Bisgaard and joins the Musick, Peeler & Garret law firm as an equity partner. Musick, Peeler & Garrett advised Berry that they would never be blackmailed by Scientology lawyers and that in a scientology related case they had discovered their entire word processing staff had gradually left and been replaced by scientologists.	
<u>August 27, 1996:</u> Church of Scientology counsel Eric Lieberman of New York and David Chodos of Los Angeles write separate letters to Musick, Peeler & Garrett's Managing Partner insisting that Berry not permitted to defend FACTNet in <i>Religious Technology Center [Scientology] v. FACTNet, Wollersheim & Penny</i> ("the FACTNet case"), USDC Col. Case No. 95-K-2143 pending in Denver, Colorado.	
<u>September 4, 1996:</u> Drescher writes to Musick, Peeler & Garrett demanding Berry not be permitted to defend the FACTNet case because of alleged conflicts of interest.	
<u>September 27, 1996:</u> (1) Chodos writes to two other Musick Peeler & Garrett implying that they have engaged in unethical conduct and	

insisting that Berry not be permitted to defend the FACTNet case; (2) Berry's appearance as lead defense counsel for FACTNet is filed in the Denver case. Three hours later Scientology files and serves opposition.	
<u>October 10, 1996:</u> Scientology litigation expert Lawrence D. Wollersheim opines and testifies that CSI is "attempting to eliminate...Graham Berry...consistent with Scientology' past practice and published policy of attempting, through any means, to deny their opponents access to the courts."	Affidavit of Lawrence D. Wollersheim executed October 10, 1996. insert
<u>October 23, 1996:</u> Wollersheim testifies "there are very few attorneys in the entire country that have the ability, knowledge and guts to litigate with scientology."	Affidavit of Lawrence Wollersheim dated October 23, 1996.
<u>October 29, 1996:</u> Dr. Geertz files California State Bar complaint against Jack Quinn, Abelson, Kobrin, and his attorneys Lewis, Gordon Calhoun and Jana Lubert, in connection with the theft, seizure and secretion of his files. Ridiculously, the State Bar summarily rejects the complaint at "intake" because Quinn,	Dr. Geertz letter to California State Bar, October 29, 1996. California State Bar letter to Dr.Geertz_____.

Abelson and Kobrin were not Geertz's attorneys.	
<u>December 11, 1996:</u> CSI is discovered "tapping" Berry's telephone. Abelson is on the "tapped" line.	Transcript of telephone conversation, December 11, 1996; Abelson letter to Berry, dated December 11, 1996; Berry letter to Abelson, dated December 13, 1996; Abelson letter to Berry, dated December 16, 1996; Berry letter to Abelson, dated December 17, 1996; Berry letter to Abelson, December 19, 1996; Berry letter to Moxon, December 26, 1996.
<u>December 13, 1996:</u> Moxon enters uninvited on Arizona private property and serves his former client Jason Scott and his mother F. R. BK.P. Rule 2000 subpoenas (without requisite court process) and a Guardianship Proceeding in Washington State to have Jason Scott declared mentally incompetent and a Moxon designee appointed Scott's guardian. Berry, acting <i>pro bono</i>, successfully quashes the Moxon subpoenas and successfully opposes the Moxon Guardianship proceeding.	
<u>January 1997:</u> Russell Shaw's ARS Bigots Home Page publishes the First Cipriano Declaration to the Internet. Shaw [a scientologist working with OSA operations ("Ops")]	Rogues Gallery of ARS Bigots.

is sued by Berry as part of <i>Berry v. Cipriano, Barton, Miscavige [Abelson, Moxon and Ingram]</i>. After assisting CSI, Moxon, etc., to overwhelm and force Berry's dismissal, Shaw's counsel settles with Berry for mutual releases and an agreement to testify at deposition. His attorney (David Chodos) tells Berry, Shaw would testify that his Internet site was maintained as a publishing vehicle for an undisclosed third party.	
<u>January 9, 1997:</u> Berry complains to Helena Kobrin (Moxon & Kobrin) about her continuing allegedly "lawful investigation" of opposing counsel.	Berry letter to Kobrin, January 9, 1997.
<u>January 14, 1997:</u> Berry puts Scientology Colorado counsel [in <i>Scientology v. FactNet</i>] on notice of Scientology harassment of opposing party and his employees in Boulder, Colorado.	Berry letter to Jeffrey A. Chase, Esq. dated January 14, 1997
<u>February 27, 1997:</u> Dr. Geertz executes declaration describing the theft of his files by CSI, Moxon & Kobrin, Lewis, D'Amato and AIG.	Declaration and enclosures of Dr. Geertz sworn February 27, 1997.
<u>April 3, 1997:</u> New counsel for Dr. Geertz advises Lewis D'Amato that they caused the filing of <i>Elliot Abelson v. Ford Greene</i>	Ford Greene letter to Mary Whitaker dated April 3, 1997.

by stealing Dr. Geertz's documents.	
<u>April 30, 1997:</u> Cipriano meets with Ingram after discovering the First Cipriano Declaration on the World Wide Web of the Internet. Ingram tells Cipriano that his conviction and probation in New Jersey is "completely over."	Cipriano Decl. III, ¶¶21-22.
<u>May 5, 1997:</u> Berry Booklet Part I published on the Internet by nobody @REPLAY.COM (Anonymous). It republished the contents of the First Cipriano Declaration.	Deja News Retrieved Document.
<u>May 11, 1997:</u> Ingram visits Cipriano, copies his personal photographs and takes information as to the identities of those in the photographs.	Cipriano Decl. III, ¶ 22.
<u>July 3-5, 1997:</u> Elliot Abelson, Esq., CSI, Michael Rinder and Ken Long fly former CSI/OSA covert operative Garry Scarff from Orlando, FL. to Los Angeles, CA. They intimidate, extort and suborn perjury from him, accusing Berry of falsifying evidence in the <i>CSI v. Fishman/ Geertz</i> case and recanting his testimony in that case. Scarff had testified that he was involved with a Seattle bank theft [for Bowles?], the	Declarations of Garry Scarff sworn July 4, 1997 and August 12, 1997; Videotape of Abelson suborning perjury taken July 4, 1997.

theft of opposing counsels files and rolodex for Moxon, and a Moxon, Ingram conspiracy to murder opposing counsel Ford Greene and Cult Awareness Network President Cynthia Kisser and her daughter. Overt acts (witnessed by Kisser and anor.) had been taken in furtherance of the conspiracy to murder. Abelson instructs Scarff to fire his attorney Berry.	
<u>January 21-22, 1998:</u> Ingram telephones Cipriano. They meet in a Carpinteria Restaurant. Ingram jokes about the postings, photos and copies of arrest warrants against him on the Internet and claims none of it is true. Advises that Berry may sue Cipriano. Ingram insists that he meet with Cipriano the following day. Ingram discloses that he worked for the Church of Scientology and its lawyers. Ingram states their spy in Berry's office has obtained a copy of a libel and slander complaint to be filed against Cipriano. Ingram advises Cipriano to avoid service and insists that Cipriano meet with Moxon the next day.	Cipriano Decl. III, ¶ 23. Cipriano Depo.T.Vol. II, 122:10-126:14.
<u>January 23, 1998:</u> Cipriano meets Moxon and Ingram at Moxon's law office Brand Avenue, Glendale "false front" law office.	Cipriano Decl. III, ¶¶ 25 - 28. Cipriano Depo.T. Vol. II, 132:16 -139:3

Ingram misrepresents to Cipriano that Berry is taking children out of the Los Angeles Unified School District and introducing them to the gay lifestyle through millionaire or rich gay affluent males in Hollywood and the Beverly Hills area. He showed Cipriano a “Pride” flyer. Ingram shows Cipriano the draft <i>Berry v. Cipriano</i> lawsuit they have stolen from the Musick, Peeler & Garrett law offices. Moxon offers to represent Cipriano at no fee or cost because Cipriano had been helpful to Moxon. In fact, Moxon [a material witness and known probable defendant] does represent Cipriano for free.	
<u>February/March, 1998:</u> Berry resigns from the Musick, Peeler & Garrett law firm and flies to London for a one-week vacation with friends. He is under constant surveillance and videotaping [presumably by CSI/OSA]	
<u>March 9, 1998:</u> Cipriano is served in <i>Berry v. Cipriano</i>, LASC Case No. BC 184355.	Cipriano Decl. III, ¶ 29.
<u>March 15, 1998:</u> Ingram impersonates a police officer in Hollywood, California and makes a false bomb allegation.	Neal Hamel internet post made March 15, 1998.

<u>March 21, 1998:</u> Cipriano telephones Berry. Requests an immediate meeting at Van Nuys Police Station. Berry is at dinner and declines. Cipriano telephones Moxon and Ingram and also requests an immediate meeting at the Van Nuys Police Station. Cipriano had wanted to “crack heads” in front of law enforcement and settle the defamation and libel matter re the First Cipriano declaration [<i>Berry v. Cipriano, Barton</i>]. Ingram tells Cipriano “<u>not to go to the Police.</u>” Ingram and Moxon immediately visit Cipriano and then fiancée Christine Gregos at home. CSI OSA faxes the perjured Scarff declaration (July 4, 1997) and Moxon offers totally free legal representation to Cipriano in <i>Berry v. Cipriano</i>. Moxon offers Ms. Gregos whatever she wanted to cooperate. Ingram suggests taping any telephone calls from Berry. Moxon leaves message on Berry’s answering machine that he is now Cipriano’s attorney and Berry is to have no communication with either him or fiancée Christine Geros.	Cipriano Decl. III, ¶¶ 30 -33. Cipriano Depo.T.Vol. II, 51:16-52, 59:8-17, 61:7- 63:25. Another reason Berry did not respond to the Cipriano telephone call was to avoid any suggestion of discouraging Cipriano from going to the Police-which would have been ‘obstruction of justice.’
<u>March 23, 1998:</u> Moxon faxes Cipriano a California State Bar complaint against Berry for Cipriano to sign and send to the California State	Cipriano Decl. III, ¶ 34, Exh. 6, 7.

Bar. It was for the purpose of harassing Berry and causing him to dismiss the <i>Berry v. Cipriano</i> and related lawsuits. After a long investigation the State Bar dismissed the objectively false state bar complaint.	
<u>March 23, 1998:</u> Christine M. Gregos (Accurate Bookkeeping Company) fears Berry will win a judgment against their assets. Cipriano requests Moxon prepare <i>quit claim</i> documents transferring assets into her name only.	Cipriano Decl. III, ¶ 32, Exh.8.
<u>March 25, 1998:</u> Cipriano and Moxon meet Gary Soter at Wasserman, Comden & Casselman. Cipriano signs retainer agreements with both Moxon & Kobrin and the Wasserman, Comden & Casselman law firm. [David Casselman being related to Donna Casselman who, as part of the CAN Reform Group, published the First Cipriano Declaration.] Cipriano understood that Soter was retained because of his ‘SLAPP’ action expertise. Subsequently, they filed an unsuccessful ‘SLAPP’ motion to dismiss the <i>Berry v. Cipriano</i> lawsuit. The Moxon & Kobrin retainer agreement was	Cipriano Decl. III, ¶ 36, Exh. 9,10. Cipriano Depo.T.Vol. II, 138:4-145:17.

backdated to ensure that there was no gap in the attorney client privilege. Both retainer agreements expressly provide that Moxon & Kobrin were responsible for the entire cost of Cipriano's representation. Cipriano meets Soter only once. He next sees him at the vexatious litigant hearing. At no time was there any discussion as to Cipriano being represented by counsel other than Moxon & Kobrin given the connection with CSI. Cipriano saw one invoice for \$5,000.00 from Soter to Moxon.	
<u>March 26, 1998:</u> Moxon arranges for Earthlink Network, Inc., to employ Cipriano. Earthlink was founded by certain scientologists including now convicted \$650,000,000 'Ponzi scheme' operator Reed Slatkin [see generally, http://www.slatkinfraud.com and http://www.slatkin-investors.com].	Cipriano Decl. III, ¶¶ 37 - 40.
<u>March, 1998:</u> Late March, Berry is flown to Germany to meet with German Secret Service and other government representatives regarding Scientology terrorism, crime and frauds.	
<u>April 4, 1998: (approx)</u> Cipriano meets with Moxon and tours certain Scientology facilities in	Cipriano Decl. III, ¶ 42-43.

Hollywood. Cipriano and Moxon also meet with two others believed to be Isadore Chait and David Miscavige. Moxon offers Cipriano \$750,000.00 to co-operate with him in the defense of the <i>Berry v. Cipriano, Barton, Miscavige [Moxon, Abelson, Ingram]</i> case. They discussed wealthy scientologists providing [laundering] the money through a children's charity ('Day of the Child') that would be incorporated. Moxon would assist with funding.	Cipriano Depo. T. Vol. II, 185:20-188:19.
<u>April 30, 1998:</u> Moxon requests Cipriano to locate 'witnesses' in New York and <u>convince them to testify against Berry</u>. None were located.	Cipriano Decl. III, ¶ 44.
<u>May 6, 1998:</u> Berry files Verified First Amended Complaint, <i>Berry v. Cipriano, Krim, Le Geros, Cantwell & Long</i>, LASC Case No. BC 184355. Claims damages for defamation, invasion of privacy, intentional & negligent infliction of emotional distress, conspiracy re the publication of the Cipriano, Krim, Le Geros, Cantwell & Long declarations published by the CAN Reform Group. Case assigned to LASC Judge Hiroshige.	<u>t</u>

<u>May 6, 1998:</u> Berry files First Amended Complaint, <i>Berry v. Barton, CAN Reform Group, Nancy O'Meara, Robert Lippman, Isadore Chait, Donna Casselman and W. Russell Shaw</i>, LASC BC 186188. Claims damages for defamation, invasion of privacy, intentional & negligent infliction of emotional distress, conspiracy re the publication of the Cipriano, Krim, Le Geros, Cantwell & Long declarations published by the CAN Reform Group. Case also assigned to LASC Judge Hiroshige.	
<u>May 14, 1998:</u> Cipriano emails Moxon with details regarding their incorporation of the Icon Entertainment Group .It was to have its office at Moxon & Kobrin.	Cipriano Decl. III, ¶ 45, Ex.15.
<u>May 23, 1998:</u> Cipriano prepares, for Moxon, a SEC Private Placement Offering for Icon Entertainment Group and Day of the Child. It is to solicit funds [for Cipriano] from the Church of Scientology and Church of Scientology members and celebrities.	Cipriano Decl. III, ¶ 46, Ex.16.

<u>May 25, 1998:</u> Moxon arranges for scientistologist Geoffrey Barton to wire Cipriano \$2,500.00. <u>The transaction was intentionally structured to avoid the appearance that Moxon was paying for witness testimony.</u>	Cipriano Decl. III, ¶ 47, Ex.17.
<u>May 28 & 29,1998:</u> Moxon, and Paul Hastings's Rosen, Reeves and Turrill (with Cipriano present) take Days 1 & 2 of Berry's (13 day) deposition in <i>Berry v. Cipriano, Barton [& Miscavige]</i>. They introduce a fraudulently altered copy of a February 16, 1998 letter written by Berry. Moxon is representing Cipriano in <i>Berry v. Cipriano</i>, Chait in <i>Berry v. Barton</i> and the Paul Hastings New York and Los Angeles offices are representing Barton who earns \$50 per week working for the Church of Scientology International. Moxon misrepresents on the record that his "paralegal" Ed Parkin is not an employee of the Church of Scientology International Office of Special Affairs (which is not then a party to the litigation). [See also August 28, 1998 below].	Motion & exhibits....

<u>May 29, 1998:</u> Samuel D. Rosen of the New York office Intellectual Property Department of Paul, Hastings, Janofsky & Walker is granted <i>ex parte</i> leave to appear <i>pro hac vice</i> in <i>Berry v. Barton</i>.	
<u>June 1, 1998 (approx.) :</u> Moxon advises Cipriano that L.A.S.C. Judge Hiroshige is lame and that the <i>Berry v. Cipriano / Barton</i> case has been moved to Judge Williams, “a friend of the Church of Scientology.” [in fact <u>the Judge’s fiancée</u> works with CSI, as does Moxon, Kobrin, Abelson, Paquette, Barton, Ingram et.al]	Cipriano Decl. III, ¶ 48. [Declaration of Judge Williams [refusing to recuse himself].
<u>June 9, 1998:</u> LASC Judge Victor Chavez orders the <i>Berry v. Cipriano</i> and <i>Berry v. Barton</i> cases deemed “related” (LASC Local Rule 7.3(f) and assigned to LASC Judge Ernest Hiroshige “for all purposes.”	
<u>June 10, 1998:</u> LASC Judge Hiroshige hears oral argument on Moxon & Kobrin’s and Gary Soter/Wasserman, Comden & Casselman Demurrer and Motion to Strike the <i>Berry v. Cipriano</i> complaint pursuant to Cal. C.C.P.¶ 425.15 (the “SLAPP” action statute).	

<u>June 16, 1998:</u> Paul Hastings New York (Rosen) and LA offices (Reeves, Turrill & Pauley) file Cal. C.C.P. ¶170.6 peremptory challenge to disqualify Judge Hiroshige from hearing <i>Berry v. Barton</i> upon the [unspecified] ground of prejudice against Barton and/or his counsel .	
<u>June 17, 1998:</u> Moxon wants to disconnect Cipriano from Christine Geros and prevent him from “bolting to the Berry side of the [<i>Berry v. Cipriano/Barton</i>] lawsuit.” Moxon moves Cipriano into a Hollywood scientology boarding house owned by an employee of Ingram.	Cipriano Decl. III, ¶ 49.
<u>June 28-30, 1998:</u> Moxon coaches Cipriano to commit perjury at his deposition, taken by Barton, in <i>Berry v. Cipriano/Barton</i>. The deposition is to be at the Paul, Hastings, Janofsky & Walker law offices.	Cipriano Decl. III, ¶ 50.

June 30, 1998:

Moxon/Ingram arrange for Jeffrey Steinberger, Esq. and California State Assemblyman Baldwin to issue a press release calling for a Los Angeles Police Department investigation into two fund raisers, held in 1996, attended by **Berry**, various political figures and judges, to raise money for educational and social services for gay, lesbian and transgender youth. The press release falsely alleges the fund-raisers are a ruse for pedophiles to solicit sex with gay teenagers. The matter involved the LA Board of Education and caused baseless investigations of several dozen Los Angeles citizens (who became aware of Scientology's [baseless] allegations against **Berry** being the catalyst. Some even suggest that **Berry** should pay their legal expenses!

<u>July 1, 1998:</u> Samuel D. Rosen of Paul, Hastings, Janofsky & Walker coaches Cipriano to commit perjury at his deposition. Barbara Reeves, Esq., and Scientology leader Michael Rinder are present. Subsequently, Cipriano testifies they are engaged in “<u>hate based</u>” conduct against Berry.	Cipriano Decl. III, ¶ 51, 52.
<u>July 2, 1998:</u> Ingram meets with Cipriano before Day 2 of the Cipriano deposition in <i>Berry v. Cipriano/ Barton</i>. Ingram wanted Cipriano to deny that Ingram had shown Cipriano a LAPD Detective shield when he obtained the first Cipriano Declaration on May 4/5 1994.	Cipriano Decl. III, ¶ 53.

<u>July 2, 1998:</u> Immediately following the completion of Day 2 of the Cipriano deposition in <i>Berry v. Cipriano/Barton</i>, Moxon moves Cipriano to the “Church of Scientology Witness Protection Program” at Palm Springs, near CSI’s ‘Gold Base’ paramilitary heavily armed International HQ. Moxon promised Cipriano he would cover <u>all</u> of Cipriano’s expenses and fund the Day of the Child charity. Cipriano believed it was also a reward for his [perjured] deposition testimony in <i>Berry v. Cipriano / Barton</i>.	Cipriano Decl. III, ¶ 54.
<u>July 2, 1998:</u> Jeffrey Steinberger, Esq. and Assemblyman Baldwin hold a press conference attended by the Los Angeles Times, Channels 4 and 9 television crews and other media. Ingram’s involvement is an issue. Assemblyman Baldwin stated he was calling for an LAPD investigation regarding “a gathering of pedophiles...isn’t that the function Graham Berry attended, and he is self-admitted pedophile.” Steinberger	[False criminal complaints/misuse of Cal. Civ. Code § 47 (b) to create a defense in the <i>Berry v. Cipriano/Barton et. al</i> defamation litigation.]

and Baldwin claim that Ingram's involvement in prompting the press conference is irrelevant.	
<u>July 3, 1998:</u> Moxon tells Cipriano that there is no problem with \$520,000.00 for the first year cost of operating Day of the Child. Moxon does not communicate with Cipriano for several weeks. Cipriano's friend Snodgrass tells Moxon to immediately meet in Palm Springs or Cipriano will "disappear." Moxon handwrites an apology.	Cipriano Decl. III, ¶¶ 55 -58, Ex.19. Cipriano Depo.T.Vol. II, 158:18-160:13.
<u>July 6, 1998:</u> 1) LASC Judge Hiroshige issues Minute Order and Ruling finding in <i>Berry v. Cipriano</i> and <i>Berry v. Barton</i>, denying Cipriano's Cal. C.C.P. ¶ 425.16 Motion to Strike the Berry complaints as being in bad faith and holding that the [defamatory] Cipriano declaration of May 5, 1994 was not subject to California's litigation privilege (Cal. Civ. Code ¶47 (b)); 2) LASC Judge Hiroshige issues minute order and ruling denying Moxon & Kobrin's Demurrer to complaint in <i>Berry v. Cipriano</i>.	

<u>July 13, 1998:</u> Moxon & Kobrin Order to Show Cause Why Berry should not be held in contempt & sanctioned by the USDC Northern District Bankruptcy Court in <i>In Re H. Keith Henson</i>. Kobrin and two other scientology attorneys allege and argue misrepresentations by Berry. The federal judge denies the motion stating that Kobrin/they failed to enunciate a <u>single proper basis</u> for the misrepresentation allegations against Berry.	
<u>July 23, 1998:</u> LASC Judge Chavez orders the <i>Berry v. Cipriano</i> and <i>Berry v. Barton</i> cases deemed related and assigned to LASC Judge Alexander Williams III for all purposes.	
<u>July 26, 1998 (approx.):</u> Moxon instructs Cipriano to rent a Palm Springs apartment at Moxon's expense. (over 90 miles from Los Angeles and near the Scientology base at Gilman Hot Springs/Hemet)	Cipriano Decl. III, ¶ 59.
<u>July 27, 1998:</u> (1) Moxon personally completes rental application, signs 7-month lease [“Kendrick Moxon and occupant Robert Cipriano”], to rent Unit 236, 280 South Caballeros, Palm Springs, CA for	Cipriano Decl. III, ¶ 59, Exs.20, 21, 22.

\$500.00 per month. Moxon pays the initial \$1,074.00. Moxon also directly pays each month rent to the landlord. (2) RTC former “second in command” and head of all Church of Scientology litigation activities executes affidavit stating, <i>inter alia</i>, that the courts must realize “the amount of deception, chicanery, lying, manipulation and outright criminality that Scientology will employ to hide the truth about their criminal activities...I received orders to break the law, I issued orders to break the law. I got others to break the law, and then I helped to hide these criminal activities just as they are hiding them now.” The head of RTC is now David Miscavige.	
<u>July 28, 1998:</u> Most weeks, Moxon uses Western Union or Money Gram to send Cipriano expenses” of \$500.00 - \$1,000.00 for living expenses, groceries and Day of the Child. Checks would be payable to Cipriano and be deposited at the Wells Fargo bank opposite Moxon’s office.	Cipriano Decl. III, ¶ 59.
<u>August 3, 1998:</u> LASC Judge Alexander Williams III holds a Status Conference in the <i>Berry v. Cipriano</i>, <i>Berry v. Barton</i>, <i>Berry v. Miscavige</i>, <i>Ingram (Moxon & Abelson)</i>	

cases. The three cases are deemed “consolidated.”	
<u>August 6, 1998:</u> Moxon federal expresses a letter to Cipriano advising that New Jersey attorney Lloyd Levinson, Esq. had been retained to expunge Cipriano’s New Jersey felony conviction so that it could not be used in <i>Berry v. Cipriano/ Barton/ Miscavige [Moxon, Abelson and Ingram]</i>. Levinson is paid \$20,000.00. Moxon <u>implies</u> he obtained the money from actor John Travolta.	Cipriano Decl. III, ¶ 60, --, Ex. 23.
<u>August 28, 1998:</u> Berry declaration in opposition to Moxon & Kobrin’s motion to require him to pay half of the Special Master’s first fee of \$7,500.00 in <i>Berry v. Cipriano</i>. The Berry declaration states, <i>inter alia</i>, that: Cipriano co-defendant Dr. Mathilde Krim has been impeached by the attached affidavit of her fellow AMFAR board member J.S. Canno and Krim is concluding a (\$75,000) settlement with Berry; Cipriano co-defendant Long was denying the statements attributed to him by Ingram and published by the Barton co-defendants [but six months later Long would be too sick and too “terrified” of	

what might be done to him to sign an affidavit; and John Lauricella, in his attached affidavit, had denied the defamatory statements attributed to him by Ingram and published by the Barton co-defendants; and that the attached documentary evidence established that Moxon had misrepresented the employment of his purported paralegal Ed Parkin who was, in fact, a Church of Scientology executive.	
<u>September 1, 1998:</u> Moxon tells Cipriano that he will incorporate Day of the Child as a non-profit corporation and obtain IRS § 501 (c) (3) tax-free status. After that, Moxon's investors/donors are definite prospects. Cipriano believes this is return for his [perjured] testimony in <i>Berry v. Cipriano/Barton/Miscavige [Moxon, Abelson & Ingram]</i>. Moxon pays for the Nevada incorporation costs. The offices were at the Moxon leased condo in Palm Springs and also the Moxon "false front" 622 Sunset Blvd. office. Mail was received there. Negotiations (involving scientologist John Ryan) ceased when the aggregate of this and related misconduct forced Berry to dismiss <i>Berry v. Cipriano</i>. No documents were filed with the California	Cipriano Decl. III, ¶ 61, 63, Ex.25. Cipriano Depo.T.Vol. II, 188:22-198:7

Secretary of State. Eventually, Cipriano and Snodgrass pay for the §501 (c) status to be filed by the Palm Springs accounting firm Brabo, Carlson & Cahill.	
<u>September 3, 1998:</u> Non-profit Day of the Child World Concert, Inc. incorporated in Nevada. Cipriano is President, Leslie Lamborn is Secretary and Moxon is Treasurer. Each are Directors. Moxon uses the same Palm Springs address as Cipriano and Lamborn. Moxon signs the Bylaws on October 5, 1998 and Cipriano and Lamborn do so October 26, 1998.	Cipriano Decl. III, ¶ 22, Ex.25.
<u>September 3, 1998:</u> Moxon writes to Cipriano stating that he has paid Cipriano's [personal/business] telephone bill and paid a deposit for the Day of the Child telephone.	Cipriano Decl. III, ¶ 62, Ex.24.
<u>September 8, 1998:</u> Moxon revises a proposed merger agreement between Day of the Child and Children's Charities of America.	<u>Appendix Exhibit</u> Cipriano Decl. III, ¶ 63, Ex.25.
<u>September 10, 1998 (approx.):</u> The Star tabloid publishes a report of Berry filing the <i>CSI v. Pattinson</i> lawsuit naming John Travolta as a defendant. Moxon requests Cipriano to contact the Star and provide the First Cipriano declaration and other information	Cipriano Decl. III, ¶ 64.