

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

FEB 16 2010

John A. Clarke, Executive Officer/Clerk
By *E. Robinson* 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. C

EXHIBIT G

GRAHAM E. BERRY
3384 McLaughlin Avenue
Los Angeles, CA 90066
Phone: (310) 745-3771
Fax: (310) 745-3772

grahameb@aol.com

November 2, 2001

By Hand.

Detective Stephen M. Kirby
Financial Crimes Division
Fraud Section
Los Angeles Police Department,
150 N. Los Angeles Street,
Los Angeles, CA 90012

Re: **Pending Criminal Complaint against Eugene M. Ingram, Kendrick L. Moxon, Elliot Abelson, Donald R. Wager and others**

Dear Detective Kirby:

I refer to my above complaint initiated on or about April 27, 2001.

As you have not been personally involved in these matters, this letter and the events herein may strike you, as they would any rational, law-abiding person, as the paranoid ravings of a person who should be writing mystery novels instead of the cool and rational explanation of an attorney with many years experience pleading sophisticated and complex cases. Nevertheless, I can assure you that this is not so. The facts outlined herein are demonstrable, if incredible, and I beg your forbearance as you work through all of this material, even as your ability to accept these events as having actually occurred may well stretch it to the limit! The experience of dealing with all of this complex and convoluted material is, I am certain, much like Alice's experience in Wonderland. [see <http://www.lermanet.com/exit/FINAL.htm> and <http://www.angelfire.com/scifi/Scientology/>]

You recently requested a historical summary of the intertwined events. Hopefully, this letter will assist your investigation and enable you to better understand, among other things, the Hurtado "privilege brief" that Edith Matthai, Esq., has provided and my July

28, 2001, draft chronology. There have also been recent developments in the demonstrable seven year R.I.C.O. conspiracy that has been laid out for the police department. In essence, the scientology lawyers' corruption of the California State Bar has completed this phase of their continuing litany of crime, fraud and deception perpetrated against me. Consequently, I have now lost my career, condominium, car and companionship through tax exempt domestic crime, fraud and psycho-terrorism. All that I have left is my compassion and commitment to those less able than I am.

As you requested, and to explain....

I was once a lawyer; now, I am a recovering lawyer and a cult victim. I have just received an actual nine month suspension of my California law license and a further 9 months of probation. I did so upon the persistent and largely baseless complaint of my constant litigation adversary, the scientology enterprise. The scientology cult wanted me found guilty of engaging in "moral turpitude" and also permanently disbarred from legal practice in California, for maintaining "unjust" actions against scientology in the form of the *Berry*, *Pattinson* and *Jeavons* cases described below. Instead, I have settled with the State Bar by not contesting charges of: failing to pay court sanctions in favor of scientology, that scientology has actively obstructed me from paying; one count of an obtuse conflict of interest allegedly owed a litigation adversary I had never represented; and to paying \$853 into the wrong bank account. I waived confidentiality in those proceedings and State Bar Court files believing, in the words of Justice Holmes, that, "... sunlight is the best disinfectant." I pleaded *nolo contendere* for the reasons set forth on the State Bar court record. Primarily, because certain "untouchable" and powerful lawyers, private investigators and others acting on behalf of the Church of Scientology have utterly corrupted all three branches of our government. Consequently, at federal, state and local levels, justice on a level playing field is no longer possible in matters involving the scientology enterprise. Indeed, in America, in matters involving scientology there is no longer "equal justice before the law." The California State Bar Court, the California State Bar Board of Governors and the California State Bar Association received a substantial volume of protest mail in my support from all around the world. A search of my name on the world wide web of the Internet will indicate why. The

alt.religion.scientology Internet newsgroup is one of the top five most read newsgroups with over 380,000 regular readers following and commenting upon these matters.

The scientology enterprise has a tawdry fifty-year long history. The Church of Scientology closely resembles the structure and operation of the Taliban, as well as Communist and Nazi movements. In that regard, Scientology's founder adopted the teaching of Nazi propaganda minister Joseph P. Goebbels. Like Goebbels, L. Ron Hubbard teaches his followers to tell such a big lie, so complex and so often, that it becomes perceived as the truth. Numerous European governments refuse to follow the United States government's current implicit, but fallacious position that scientology's "psycho terrorism", criminal conduct and civil rights abuses must be ignored and endured in the name of first amendment religious freedom. In part, the open disgust of various European governments at our continuing Clinton-era reversal and subsequent hypocrisy on this issue was reflected in their recent vote to replace the United States on the U.N. Human Rights Commission. In fact, over ten years ago, at a conference of the Ministers of the Interiors and Senators of the German Federal States, a resolution was passed entitled "Surveillance of the Scientology organization by the Office for the Protection of the Constitution [the German Secret Service and Police]". The resolution read as follows:

"The Scientology organization, at this time presents itself to the appropriate authorities of 'protection against threats' and Criminal Prosecution of the Department of the Interior as an organization which under the disguise of a religious group combines elements of business crimes and psycho-terror against its own members with economic activities in sectarian traits. The focal point of their activities appear to be in the areas of economic crimes. Therefore, the protective efforts on the state level should be continued."

Later, in September 1994, the German Federal Labor Minister said he regarded, "... the sect as a money laundering organization which, under the cover of religion, wants to spread its blinded ideology world-wide and stops at nothing to do so." In fact, Earthlink co-founder and scientologist Reed Slatkin is currently under a soft-pedaling SEC and FBI investigation in connection with, "... a huge international investment fraud, bilking what now appears to be as many as 850 creditors out of about \$600 million." The largest "ponzi" scheme in U.S. history.

[See: www.siliconvalley.com/docs/news/depth/slatk091001.htm]

[See <http://www.slatkinfraud.com>]

On October 21, 2001, the *Los Angeles Times* published its Sunday Report entitled "European Network had Paris in Mind."

" Today, the archaic sect-like movement to which the suspects in Europe belonged sees violence as a sacred duty...the profile of the Paris plotters also recalls a cult French and U.S. officials say, comparing the indoctrination techniques in Europe to the Western religious sects that prey on promising young people left vulnerable by frustrations, family problems, drugs...There's mind control here, someone preying on the psychological weaknesses of bright kids. There's a whole group of people pulling people into the network."

L. Ron Hubbard founded scientology. His "Manual on Brainwashing" is the best mind-control text in the business. In fact, the finances of scientology and violent terrorism appear to intersect in Albania where scientology's business arm (the World Institute of Scientology Enterprises ["WISE"]) tried to compromise the banking system with its "Project Albania". Scientology and violent global terrorism also intersect in Hamburg, Germany where scientology's largest European organization has long existed. Bin Laden and scientology also intersect in Toronto, Canada where Al Qaeda's main location for making all of the counterfeit documents they used was apparently a mere 100 yards from the Church of Scientology's main building or "Org.". Indeed, the scientology enterprise has been well known for sharing information with other terrorist organizations as well as the CIA. Scientology's Nigerian lobbyist in certain matters, Dr. Rilwanu Lukman, is the former secretary general of O.P.E.C. and its new President. Middle Eastern arms dealer Adnan Kasshoggi and his family are involved in business with scientology. Even the California State Government, and its electronic communications have now been compromised by scientology's business arm. [see

<http://www.newsreview.com/issues/sacto/2001-08-23/cover.asp> and <http://www.lermanet.com/reference/scingovernment> and <http://operatingthetan.com/>]

Recently, when the State of Hamburg's chief investigator of scientology, former parliamentarian Ursula Caberta, arrived in Clearwater, Florida, she was served with one of scientology lawyer, Kendrick Moxon's, contrived lawsuits. Indeed, the first media corporation targeted by Anthrax mail was allegedly working on a story relating to scientology's attempts to benefit, at ground zero, from the World Trade Center tragedy of

September 11, 2001. Twenty-three years ago, just several weeks before being gunned down by another religious cult in Jonestown, United States Congressman Leo J. Ryan wrote to a friend of mine:

“Thank you for your very detailed letter regarding Scientology. We haven’t yet found a way to attack these jackals who feed on children and young adults who are too emotionally weak to stand by themselves when they reach the age of consent.”

This now 79-year-old Hemet, CA grandmother is regularly harassed, and her neighborhood kept under blatant and intimidating surveillance, through both stationary and mobile car patrols, by roving groups of private investigators hired by scientology lawyers such as Moxon and Abelson. Amazingly, these little old ladies and old military veterans show more courage against such domestic “psycho-terrorism” than do most of our much younger police, prosecutors and politicians. Like three monkeys, their constant mantra, often paid for or corrupted by the scientology special interest groups, is, “see no evil, hear no evil, speak no evil.” Even the *Los Angeles Times* was shuddered in silence by the threat of litigation following the best newspaper investigation of scientology ever written. [see <http://www.lermanet.com/latimes/la90-0.html>]

The U.S. government has not always had its current, permissive attitude to tax - exempt scientology domestic “psycho-terrorism”, crime and fraud. In fact, under Presidents Nixon, Ford, Carter, Reagan and George H. Bush, the U.S. government strongly and successfully resisted scientology’s tax-free status because of the long history of such conduct as is referred to in this letter. However, in 1991, Moxon allegedly paid over one million dollars to a Maryland private investigator who then “investigated” I.R.S. Commissioner Goldberg. Subsequently, there was a sudden, 360-degree turn in IRS policy toward scientology and the 20-year scientology “War Against The IRS” was over.

Mine case comprised a unique, and undoubtedly some of the most blatantly outrageous, series of events to have ever been presented to the California State Bar. However, it chose to prosecute the victim and to ignore the conduct of the attorneys who perpetrated such an outrageous seven year criminal conspiracy. The Church of Scientology (“scientology”) was the actual complainant, through then Los Angeles County Criminal Courts Bar Association President, Donald R. Wager, Esq., (“Wager”) and State Bar “ethics specialist” Michael G. Gerner, Esq., (“Gerner”). The complaint was

initiated by Wager and Gerner after Wager and scientology in-house lawyer, Kendrick L. Moxon ("Moxon"), unlawfully solicited the replacement representation of my then client, Michael Hurtado ("Hurtado"), in a pending criminal matter. They then manufactured and maintained a perjured and verified lawsuit against me in both federal and state court: *Hurtado v. Berry*. Eventually, in which a retired Superior Court Judge would conclude and recommend that their communications were not subject to the attorney client privilege because L.A. County Criminal Courts Bar Association President Wager and a scientology retained gang of out-lawyers were engaged in the commission of a crime of fraud (Evidence Code § 956). Moxon and Wager did not wait for the trial judge's ruling. On February 6, 2001, Moxon immediately and voluntarily dismissed the *Hurtado v. Berry* state court case upon the eve of trial. Wager and Gerner had also spent eighteen months prevailing upon the California State Bar to file proceedings to disbar me! Consequently, Internet commentators now derisively refer to California State Bar as the "Scientology State Bar. Ironically, during the same period, Wager was named by the Los Angeles County Courts Criminal Bar Association as one of the Year 2000 Honorees For Significant Contributions To The Criminal Justice System.

Moxon had commenced his California legal career after a 264-page stipulation, and related documents, named him as an unindicted co-conspirator in the largest ever known criminal infiltration of the United States Federal Government. *United States v. Hubbard* (1979) 474 F. Supp. 64; *United States v. Kattar* (1st Cir. 1988) 840 F 2d 118, 125. Ironically, Moxon and I were admitted to the California State Bar on the very same day in 1987. I had previously been admitted to practice in New York, Australia and New Zealand and had worked for a New York law firm in London, England. Moxon had been previously admitted to practice in the State of Virginia, after his role in the Church of Scientology "Operation Snow White" infiltration and burglaries of the many U.S. government departments. They included the Department of the Treasury, the Internal Revenue Service and the Department of Justice. [see 1980 documents <http://www.lisatrust.net/legal.htm> and http://members.tripod.com/cic_ops/posts/court.txt]

In 1991, Moxon and I crossed swords for the very first time. Lewis, D'Amato, Brisbois & Bisgaard ("Lewis, D'Amato"), my mentor David B. Parker and I were retained to successfully defend Century City lawyer Joseph A. Yanny in two breaches of

fiduciary duty actions that his former client, scientology, had filed. Later, I became involved in one of eight lawsuits that scientology filed against former adherent Gerry Armstrong. In 1993, I led a winning team of Lewis, D'Amato lawyers in *Church of Scientology International v. Fishman and Geertz* ("Fishman-Geertz"). *Fishman-Geertz* was a defamation case in U.S. District Court. It involved *Time Magazine* allegations that scientology was involved in instructions to commit financial fraud, murder and suicide. [<http://home.online.no/~heldal/CoS/archive/time910605.html> or <http://www.xenu.net/archive/media/time910605.html>] Indeed, there was testimony that Moxon himself had been involved in instructions to murder opposing San Francisco counsel, Ford Greene, as well as the President of the Cult Awareness Network and her daughter in Chicago, IL. Steps in furtherance of this conspiracy were taken. There was also testimony that Moxon had been involved in the drowning of L.A. County Superior Court Judge Swearingen's dog, Duke, during the *Wollersheim v. Scientology* case. Subsequently, Moxon was involved in five scientology lawsuits against Wollersheim. *Church of Scientology v. Wollersheim* (1996) 42 Cal.App.4th 628, 648-649.

During the *Fishman-Geertz* case, the scientology trade secret "scriptures" were filed in court and later published on the Internet. Scientology voluntarily dismissed the *Fishman-Geertz* case on the eve of trial. Scientology openly blamed me for its retreat and defeat in the *Fishman-Geertz* case and the publication of its secret scriptures, which cost approximately \$400,000 for adherents to study in their entirety. During the *Fishman-Geertz* case, scientology retained Moxon and his investigator Eugene Ingram ("Ingram") to "investigate" me. U.S. District Court Judge Harry Hupp told them to desist. They did not.

Scientology's judicially recognized Fair Game Policies and Practices provide, among other things, that anyone impeding scientology can be, "... tricked, sued, or lied to or destroyed." Elsewhere secret scientology scripture states that, "... when we want someone 'haunted' we investigate." *Hart v. Cult Awareness Network* (1993) 13 Cal.App. 4th 777; *Church of Scientology v. Armstrong* (1991) 232 Cal.App.3d 1060, 1067; *Wollersheim v. Church of Scientology* (1989) 212 Cal.App.872, 888-891; *Allard v. Church of Scientology* (1976) 58 Cal.App.3d 439, 443n.1. Scientology, Moxon and Ingram have each testified that their "investigation" led to Ingram's traveling to New

York City and preparing a declaration for signature on May 5, 1994, by my former acquaintance Robert Cipriano ("Cipriano"). Cipriano has testified repeatedly that his signature on this document was extorted. This First Cipriano Declaration, under penalty of perjury, falsely stated that during one six month period in 1984, I had been involved in acts of pedophilia with 40-60 teenagers and was associated in the activities of one Andrew Crispo, who was involved in a grisly and sensational 1985 murder. Crispo's friend, Bernard Le Geros, was sentenced to life imprisonment for the murder. Ingram visited Le Geros in a New York prison and obtained another declaration falsely alleging that I was associated with Crispo as well as numerous other major, despicable criminal activities. Ingram also obtained three other declarations containing false and defamatory materials. Scientology published these in what they call "dead agent" packs which Moxon's investigators use for "Black Propaganda" purposes during what the scientology enterprise terms "noisy investigations."

Scientology OSA NW Order 15 defines "Black Propaganda" as, "... a covert communication of false data intended to injure, impede or destroy the life of another person...usually issued from a false or removed source from the actual instigator." Indeed, in PR Series 18 scientology staffers are directed to invent whatever they wish to allege. Significantly, as recently as October 9, 2001, the Moxon & Kobrin law office wrote to a Netherlands resident threatening to enforce scientology's copyrights in connection with the very terms "Dead Agenting" and "Targets Defense" activities used by Moxon & Kobrin in their "investigations" and "handling" of regular opposing counsel such as I. The contents of the "Targets Defense" document that the Moxon & Kobrin October 9, 2001, letter refers to include the "vital targets" of,

"T1 Depopularizing the enemy to a point of total obliteration; **T2** Taking over the control or allegiance of the heads or the proprietors of all news media; **T3** Taking over the control or allegiance of key political figures; **T4** Taking over the control or allegiance of those who monitor international finance and shifting them to a less precarious finance standard."

Another scientology written policy directs scientology lawyers to use the courts to harass and ruin people rather than to win.

"The purpose of the law suit is to harass and discourage rather than to win. The law can be used very easily to harass, and enough harassment

on somebody who is simply on the thin edge anyway...would generally be sufficient to cause his professional decease. If possible, of course, ruin utterly.”

[see <http://www.lermanet.com/cos/pattinson1.htm> paras 47-207]

Former LA Deputy District Attorney, and former Gambino mafia family attorney, Elliot Abelson [<http://www.operating thetan.com/Abelson/Abelson-porn.txt>], Moxon and his law partner, Helena Kobrin, engaged in correspondence with me, confirming the nature, scope and purpose of their “investigation” of me. Scientology front groups and shills published the First Cipriano Declaration, and other Moxon/Ingram procured perjury on the Internet where they still remain today. Ingram and other scientology/Moxon/Abelson retained “investigators” personally disseminated the highly defamatory material to my family, friends, acquaintances, law partners, clients, law firm’s clients, judges, politicians and public officials. False State Bar complaints were filed in New York and California. Ingram; Beverly Hills lawyer, Jeffrey Steinberger; and California State Assemblyman, Steven Baldwin, called a major media press conference demanding a LAPD investigation into the threat that I allegedly posed to the youth of Los Angeles. They also falsely alleged that I was associated with other prominent Los Angeles “pedophiles” because of my support for an annual fundraiser to benefit the education of gay and lesbian youth. A number of sitting judges and numerous respected attorneys were also present at this fundraiser. Ingram then complained to the LAPD and the L.A. Unified School District that 19 of these semi-formal fundraiser attendees were convicted sex offenders-based solely upon their having names similar to those in the state register of sex offenders. Ingram even warned the Los Angeles Unified School District to watch for me. Incredibly, Moxon unsuccessfully claimed in *Berry v. Cipriano* that some of this activity meant that C.C.P Section 425.16 and Civil Code 47 (b) applied to protect the conduct from civil liability because it was in furtherance of free speech and the right to petition for redress of grievances! Moxon’s defeat on this issue led Barbara Reeves, Esq., of the Los Angeles office of the national law firm of Paul, Hastings, Janofsky & Walker to disqualify Judge Hiroshige for being a “lame judge”, as explained below.

Commencing in 1994, in excess of ten false State Bar complaints, and at least three false criminal complaints were unsuccessfully filed against me by Moxon and other scientology stooges. Defamatory leaflets were distributed in a three-block radius of my

then home and the false allegations delivered to foreign governments with which I dealt professionally. Consequently, I experienced the pain of losing most of my friends and acquaintances, including judges and lawyers and other professionals and business people. Ingram visited and disturbed a number of law offices and businesses just to ensure that it was fully understood that associating with me might be prejudicial to employment, career and other relationships. Obviously, these terrorized people were only fair weather friends, but that is irrelevant in this context.

Moxon, Abelson and Ingram also "investigated" my then senior partners at Lewis, D'Amato. On January 5, 1995, Abelson visited Robert F. Lewis, Esq., and very quickly extorted him into agreeing that as a Lewis, D'Amato partner I would never handle another case involving scientology; AIG and Lewis D'Amato would withdraw from the remaining federal court *Fishman-Geertz* case matters that primarily involved continuing unsuccessful scientology efforts to have the Fishman-Geertz case files permanently sealed from public view; that a secret settlement agreement would be entered into transferring Dr. Geertz's files to Robert Lewis personally and then re-transferred to a public storage facility near the scientology/Moxon/Abelson offices. Only scientology representatives and Lewis would have access to the *Fishman-Geertz* files. Lewis, D'Amato would not oppose the sealing of the *Fishman-Geertz* court files. Previously, the Ninth Circuit Court of Appeals had twice upheld Judge Hupp's denial of scientology motions to seal the record. However, the *Fishman-Geertz* court files have been "temporarily sealed" ever since the scientology, Abelson, Lewis, D'Amato and AIG chicanery. Consequently, Steven Fishman and Dr. Geertz were forced to file their malicious prosecution case against scientology and Abelson without their attorney Ford Greene, Esq., having the benefit of the clients' files or court records. Having stolen the files, secreted the record, silenced me and concealed the true facts, Abelson was mistakenly named as a defendant. Later, Abelson sued Greene for malicious prosecution and forced a settlement in Abelson's favor. Dr. Geertz filed a California State Bar complaint regarding the secret settlement, theft and concealment of his attorney client files. The State Bar dismissed the complaint at "intake" because these opposing counsel did not owe a professional duty to Dr. Geertz. The opposing counsel were Quinn, Moxon, Drescher and Abelson. No action has been taken against Lewis or the other involved

attorneys directly and supposedly representing Dr. Geertz's interests. However, all of these attorney and religious crimes and frauds were rendered useless by the Internet where many of the sealed files were and are posted [see <http://www-2.cs.cmu.edu/~dst/Fishman/index.html> and <http://www.exposingscientology.cjb.net> (click on reposted classics and see #s 2,16-20 and 91)]

The *Fishman-Geertz* malicious prosecution case was defended by a battalion of scientology attorneys including Abelson, former L.A. County Bar President John ("Jack") Quinn (who was also involved in other aspects of this), Moxon and Gerald Feffer of Washington, D.C.'s Williams & Connally. L.A. Superior Court Judge Alexander Williams, III, (an acquaintance of Feffer) dismissed the case on summary judgment. In 1991, shortly before all this chicanery, Moxon and Feffer had persuaded the IRS to suddenly reverse its twenty-year denial of IRS § 501 (c) (3) status and finally grant scientology tax-free status in 1993. The U.S. Supreme Court had recently affirmed the IRS position. *Hernandez v. Commissioner* (1988) 490 U.S. 680. The surprise scientology visit to the commissioner personally, and the immediate and surprise IRS tax status change and billion dollar windfall to the church, was upon the express representation and condition that scientology did not and would not engage in such litigation and related conduct as I am now describing. The Federal Government and Church of Scientology Closing Agreement was supposed to remain secret and confidential for reasons of national security! [see <http://www.lisatrust.net/NYT-030997.htm> and <http://www.lisatrust.net/archives/forbes9-4-00.html> and <http://www.lisatrust.net/Media/sptimes-standup.htm> and <http://www.lisatrust.net/LAT-6D.htm> and <http://www.xenu.net/archive/IRS/index.html> and <http://www.lermanet.com/cos/taxanalysts/secretagreement.txt>]

At the same time, very senior scientology officials were visiting a number of former scientology senior officials who had sworn expert witness testimony that was filed in *Fishman-Geertz*. Three of these former scientology officials have testified that they were subjected to great pressure, intimidation and bribes of over \$200,000 to recant their testimony and to sign false declarations that I had suborned and created perjury for filing in *Fishman-Geertz*. The three former high level scientologists who had held management positions in the cult refused to join this blatant conspiracy being perpetrated by

scientology and its lawyers. Even Wager met with one of the former scientology senior executives, expressly in connection with me. Significantly, Abelson had some brief success of his own. A former scientology covert intelligence operative had given a grueling 17-day deposition in *Fishman-Geertz* while being guarded by off-duty LAPD officers. Abelson flew the former scientology operative from Florida to Los Angeles and, after two days of persuasion, video taped the witness and him reading and agreeing to a recant of the witnesses *Fishman-Geertz* deposition testimony. One month later, the witness reconsidered and testified as to what had just happened with Abelson.

Scientology then obtained federal court search and seizure orders and, accompanied by armed U.S. Marshals, raided the homes of a number of scientology critics. Their computers, records, books and papers were seized. Subsequently, several District Court judges opined that the scientology lawyers had misled them. *The Washington Post* was unsuccessfully sued for publishing part of the Fishman Declaration. Lewis refused *The Washington Post's* request for my active involvement in the litigation. Lewis also refused another defendant's request that I represent it even with the benefit of a one million-dollar insurance policy. The express reason was the *Fishman-Geertz* secret [no longer] settlement agreement between Lewis, his other client AIG and scientology.

I was professionally and personally outraged by all of these lawyers' felonies, torts and ethical violations and I refused to be cowed in this manner. I resigned from the Lewis, D'Amato partnership and became a partner at Musick, Peeler & Garrett, a firm for which I have the utmost, enduring professional respect and personal gratitude. I was able to accept defense retentions in a number of other cases filed by scientology in connection with the alleged unlawful dissemination of its religious "trade secrets", picketing and other expressions of free speech. Scientology responded with Samuel D. Rosen, Esq., of the New York office of Paul, Hastings, Janofsky & Walker ("Paul, Hastings"). In despicable circumstances of which he had no personal knowledge, Rosen obtained the first ever monetary sanctions order against me, in Denver, Colorado.

Moxon had also filed over 30 baseless and unsuccessful "cookie-cutter" lawsuits against the Cult Awareness Network ("CAN") in a successful effort to bankrupt CAN and take it over for scientology. It was the "Bowles & Moxon Plan 100." To complete the sinister program, Moxon had solicited the representation of a cult victim, Jason Scott, and

filed *Scott v. Ross* in the State of Washington. The trial judge excluded all references to scientology's involvement and Moxon obtained a \$4M judgment. Instead of compromising and settling the judgment for Scott, Moxon pursued his undisclosed client's, scientology's, agenda, refused any settlement, and drove CAN into bankruptcy. When Scott finally realized Moxon's multiple layers of undisclosed non-waivable conflicts of interest and Moxon's real loyalty and conflicting agenda, Scott fired Moxon and retained me. This provoked a storm of national media attention. Immediately, the Abelson, Moxon & Kobrin worldwide "investigation" of me became even more feverish. Ingram and their other "investigators" conducted even more "interviews" concerning me. Visits were made to Musick, Peeler & Garrett corporate clients, former Musick, Peeler attorneys and non-profit organization clients that were required to provide financial records to the Moxon and Abelson "investigators." Their "investigators" even spent days in the Musick, Peeler reception area, unsuccessfully insisting that they had packages and photographs of me, which had to be personally shown to and discussed with my senior partners. Understandably, and obviously reluctantly, Musick, Peeler & Garrett gave me a choice. Either leave scientology-related litigation or leave the firm (in which instance they would and did provide me with very generous assistance and support). I believed that at least a few lawyers had to remain available to provide representation against, what a number of European governments have labeled, scientology's "psycho-terrorism"; criminal fraud; human rights abuses; totalitarian agenda and litigation abuse. I had seen so many lawyers and law firms terrorized out of scientology related matters by despicable, illegal and unethical conduct perpetrated by highly paid major law firms. I had the specialist knowledge and experience to litigate against scientology. As importantly, I am a single and openly gay man. I did not have the vulnerabilities and terror pressure points of a spouse, significant other, children or their need for financial support. Scientology's Internet shills were goading me to sue if, in fact, the First Cipriano Declaration and related allegations were indeed false. Reluctantly, I chose to leave the Musick, Peeler law firm, continue to represent the victims of the scientology/Moxon & Kobrin/Abelson litigation abuse and terror investigation enterprise. I decided to sue because of what I had just learned regarding the First Cipriano Declaration. I formed my own solo practice and then merged with three young lawyers to form Berry, Lewis, Scali

& Stojkovic. I agreed to represent Palo Alto computer engineer Keith Henson in the statutory damages phase of a scientology "unpublished" copyright case. It was the first of ten lawsuits that scientology, Moxon & Kobrin, Abelson and/or Paul, Hastings, Janofsky & Walker filed, maintained or instigated against Mr. Henson. In referring to the earlier grant of summary judgment against the then *pro per* Henson, and the subsequent statutory damages of \$75,000, a *Wall Street Journal* editorial opined that Northern District Court judge Ronald M. Whyte had turned copyright law "upside down". Rosen, Moxon & Kobrin and Eric Lieberman of New York's Rabinowitz, Standard, Krinsky & Lieberman unsuccessfully sought sanctions of \$900,000 against me, claiming that my three week solo court appearance had required scientology's use of 28 opposing lawyers from a number of different national law firms at a cost of over \$2M.

Meanwhile, and while still a partner at the Musick, Peeler law firm, I had learned for the first time of the whereabouts of the elusive Robert Cipriano and the identity of certain anonymous distributors of the highly defamatory First Cipriano Declaration. They included scientologists Glenn Barton, Isadore Chait, Russell Shaw and Donna Casselman. They were all active in the unincorporated and elusive CAN Reform Group. Later, there would be testimony and documents, much of it corroborated, that the following then occurred.

Moxon & Kobrin, through Ingram, had a plant in the Musick, Peeler law firm (later I would learn of at least two other scientology plants in my office and home). Moxon and Ingram obtained a draft of my Cipriano complaint from their plant within Musick, Peeler. Moxon and Ingram located Cipriano before he moved in a final but unsuccessful attempt to avoid service. Ingram met with Cipriano in Santa Barbara County and had him travel to Los Angeles to meet with Moxon at the Moxon & Kobrin law office. They showed Cipriano the stolen draft *Berry v. Cipriano* defamation complaint and told him they would provide free representation if I filed. When I did file, Cipriano wanted to immediately settle with me on the written terms I proposed. However, late on a Saturday night, Moxon and Ingram intervened. Moxon and Ingram raced to the home of Cipriano and his then girlfriend, unsuccessfully offered her benefits, successfully solicited the legal representation of Cipriano, and later promised him up to \$750,000 in financial benefits if he co-operated to maintain the perjuries they had earlier extorted for

the First Cipriano Declaration. Ingram, Moxon and Abelson knew of my long-time statements that when I finally found and sued Cipriano they would also be defendants as well as being important material witnesses. However, Cipriano was the only "evidence" of truth/substantial truth that they had. Later, as Cipriano's lawyer, and without disclosure or waiver of the multiple and non-waivable conflicts of interest, Moxon would misrepresent to the *Berry v. Cipriano* court that the 40-60 alleged victims were "unlocatable" as they were "... all teenage hustlers who had all died of AIDS."

Because of the manner in which the then known facts emerged, I filed three different defamation law suits at three different times, all of which were deemed related and consolidated for all purposes (collectively, "the *Berry* cases"). Scientology and Moxon assembled a formidable and very expensive army of national and international law firms to defend the consolidated *Berry* cases, alleging that the First Cipriano and related Declarations were defamatory and had caused me damage. The Scientology litigation juggernaut included: Paul, Hastings, Janofsky & Walker of Los Angeles and New York (Samuel D. Rosen, Barbara Reeves, Michael Turrill and Brad Pauley); Williams & Connelly of Washington, DC (Gerald Feffer); Zuckert, Scoutt & Rasenberger of Washington, DC (Monique Yingling); Wasserman, Comden & Casselman of Los Angeles (Gary Soter); Simke Chodos of Los Angeles (David Chodos and James Martin); William T. Drescher of Los Angeles; Elliot Abelson of Los Angeles and, of course, Moxon & Kobrin of Los Angeles. Rosen was then billing at \$490/hour giving, as he testified, "No discounts to anyone." The *Berry* cases were randomly assigned to LA Superior Court judge Hon. Ernest M. Hiroshige. He denied Cipriano's demurrer and C.C.P. § 425.16 "SLAPP" motion. On behalf of scientologist Barton, Rosen and Reeves of Paul, Hastings filed a C.C.P. § 170.6 peremptory challenge. The *Berry v. Cipriano/Barton* cases were reassigned and then reassigned again to Hon. Alexander Williams III. Later, Cipriano testified that at the time Moxon informed him that Judge Hiroshige was "a lame judge" and Judge Williams was a "friend of scientology." Judge Williams' most recent clerk had just been hired by the Paul, Hastings law firm and Judge Williams was socially acquainted with Ms. Reeves' Appellate Justice husband. Rosen persuaded Judge Williams that there was still discovery priority in California, and that I should be precluded from taking any depositions until mine was concluded. Eight months

and twelve deposition days later Moxon, Rosen and Reeves claimed my deposition in *Berry v. Cipriano, et al.*, was still incomplete. Judge Williams denied my C.C.P. § 460.5(c) preferential defamation trial setting request (amazingly “ ... because the law disfavors claims for defamation!!”).

In addition, Judge Williams ordered that I could not assert any privacy objections, I had to “just sit there and take it”, and that I had to concurrently, comprehensively and repeatedly respond to: over 2,000 form interrogatories; 289 special interrogatories; 121 Requests for Admission (each accompanied by 5 interrogatories, totaling an additional 605 interrogatories); 532 Requests for Authentication; 316 categories of document demands (responding documents to be carefully organized in accordance therewith). Judge Williams ordered this overwhelming discovery both during and after the twelve days of my uncompleted deposition. At the same time, Judge Williams refused me the opportunity to take any depositions of any defendant. However, he allowed Defendants to take the depositions of at least 12 other persons and noticed the depositions of over 30 others. Scientology and Lewis, D’Amato successfully obstructed the addition (Civ.Code § 1714.10) of Moxon and Abelson as defendants in the case by unsuccessfully removing *Berry v. Miscavige* to Federal Court (speciously arguing it was related to *Pattinson*). A former scientologist and Paul, Hastings employee even testified about Paul, Hastings paying \$300 for the back dating of certain court documents. Judge Williams was unmoved. During the travesty, Judge Williams commented that because he was a former federal criminal prosecutor the Paul, Hastings lawyers knew much more about the rules of civil procedure than he. One of the *Berry v. Cipriano* defendants, Mathilde Krim, Ph.D., entered into an early \$75,000 settlement.

In November 1998, Christian J. Scali, one of my then two law partners, volunteered assurances he would never allow the scientology lawyers’ blitzkrieg to drive him and my other partner, Stephen Lewis, out of the case and out of our fledgling law firm. In late November 1998, on the day of the expiration of the statute of limitations, Scali actually chose not to file a previously prepared summons and complaint against the LAPD. It arose from Moxon “investigator” Edwin Richardson, then LAPD scientology “chaplain”, who had physically jumped and battered scientology critic Keith Henson and falsely arrested him. Proper pre-filing notice had been given. I was furious when several

weeks later I enquired of Christian J. Scali, Esq., and learned that the *Henson v. LAPD and Barton* complaint had not been filed as I had instructed. Subsequently, Cipriano testified that at this time he observed Moxon directly communicating with Lewis and Scali regarding their subsequent announcement, made at the end of December 1998, that they were dissolving the firm and withdrawing from my legal representation with only four days' notice. The scientology lawyers had scheduled a blistering, daily schedule of depositions, discovery responses and motions for the following thirty days. I requested discovery extensions. Judge Williams acknowledged that ordinarily discovery extensions would be granted in these circumstances. However, he denied my requests because I was, "... no ordinary attorney." His faint flattery damned me. Now without my two counsel, I stood alone, and with responsibilities to other clients in other matters. As was intended, I was finally overwhelmed by such discovery deception and duplication. I was unable to respond to the many hundreds of form interrogatories to the satisfaction of either Moxon or Judge Williams. On behalf of *Berry v. Barton* defendant scientologist Chait, Moxon successfully moved for terminating and monetary sanctions as a discovery sanction in connection with these many hundreds of form interrogatories and related requests. Judge Williams invited every other defendant to immediately file similar motions. Barbara Reeves of Paul, Hastings then proceeded to try and schedule the deposition of Michael Hurtado whose involvement and perjury is explained below. Barbara Reeves represented that Hurtado would corroborate Cipriano's testimony. I knew that to be building perjury upon perjury, to bolster and buttress even more perjury. She was unmoved by Hurtado's own voicemail message denial of the allegations. Consequently, I had no practical alternative but to make a strategic withdrawal from Judge Williams' courtroom. I immediately and voluntarily dismissed all defendants without prejudice. At least that preserved my ability to return to court at another time and under changed circumstances. Six months later I would learn that Judge Williams' fiancée actually worked for defendant Church of Scientology International. Concurrently, CSI also employed Moxon & Kobrin as well as all of the other scientology lawyers.

Around the same time, the District Court remanded *Berry v. Miscavige* back to the consolidated *Berry* cases that I was voluntarily dismissing as explained above. Lewis, D'Amato entered into a \$25,000 settlement in *Berry v. Miscavige*. Obviously, continuing

to prosecute *Berry v. Miscavige* (and moving to add Moxon and Abelson as Civ.Code § 1714.10 defendants) was also not viable for me at that time. Consequently, over the course of several days in late February 1999, Barbara Reeves successfully prevailed upon me to also voluntarily dismiss the *Berry v. Miscavige, Church of Scientology International* case, without prejudice, as a pre-requisite to serious settlement discussions. I reluctantly agreed. No serious settlement discussions followed. However, Barbara Reeves obtained a \$28,000 prevailing party costs order on behalf of scientology defendant Barton which is still being used to "utterly destroy" me. As a leader of the unincorporated secretive scientology-front CAN Reform Group, Rev. Glenn Barton had participated in the publication and dissemination of the First Cipriano Declaration. Barton co-defendant, Shaw, executed a mutual general release. He agreed to testify at a future deposition. His counsel represented that scientologist Shaw's testimony would be that he merely maintained a certain Internet website as a transmission conduit for the other scientology defendants' website content, including the First Cipriano Declaration, which he did not control. Lieberman and Moxon immediately refiled their motion for Rule 11 sanctions in *Pattinson v. Miscavige* and Moxon promptly filed *Hurtado v. Berry* as explained below.

First, to return to the *Pattinson* cases. Pattinson was a former 25 year scientology adherent who had paid over \$500,000 in "fixed donations", in order to receive the most advanced of scientology's "scientifically proven" religious "processing". The Federal and subsequent State *Pattinson* pleadings were carefully crafted and drafted within the facts, causes of action and opinions of the controlling California Supreme Court authority. Four of the fraud claims were specifically pleaded within the facts and decisions of other scientology cases decided against the church in California and upheld upon appeal. Thus, there were strong grounds for the application of collateral estoppel type principles. However, Moxon, Kobrin and Paquette immediately obstructed, delayed and diverted the *Pattinson* case. They solicited and filed a retaliatory lawsuit, *Reveillere v. Pattinson*. Reveillere was a former friend of Pattinson's. Twelve years earlier, in Paris, France, Reveillere loaned Pattinson some money, which was partially repaid. They had been out of touch with each other for five years. Scientology senior staffer Reveillere claimed

that he had not known of Pattinson's whereabouts until Pattinson sued scientology. Revelliere, living and working for scientology in Copenhagen, Denmark, speciously claimed that after learning of Pattinson's whereabouts he then located Moxon, Kobrin and Paquette and retained them to immediately sue Pattinson. The retaliatory and obviously solicited *Revelliere v. Pattinson* lawsuit was an action on an unpaid note (to which there are few defenses). *Revelliere v. Pattinson* was filed in Orange County Superior Court, quickly proceeded through very abusive and collateral discovery and onto summary judgment. With the *Reveillere v. Pattinson* judgment in hand, Moxon proceeded to harass Pattinson regarding his ability to finance and obtain money for the litigation of the *Pattison v. Scientology*. In addition, Moxon & Kobrin unleashed their "chief investigator" Ingram to conduct the usual defamatory and "haunting" "investigation" of Pattinson pursuant to the scientology Fair Game Policies and Practices. [see <http://www.lermanet.com/cos/dedicated.htm>]

Meanwhile, Rosen and Lieberman from New York appeared in the Central District *Pattinson* case along with Barbara Reeves, Moxon & Kobrin and other scientology counsel. Again, Rosen and Reeves successfully claimed discovery priority, engaged in a never-ending deposition of Pattinson, and obstructed any discovery by the plaintiff, Pattinson. For the next nine months they engaged in such incessant pleading battles that no answers were ever filed. However, Pattinson was required to participate in days of harrasive depositions. After voluntary dismissal of the *Berry* cases, and arguing that the dismissals were indicative of bad faith litigation by me, Moxon and Leiberman successfully filed a Rule 11 sanctions motion against me in *Pattinson v. Miscavige* ("Pattinson 1"). Significantly in the context of the State Bars allegation (which they claimed to be their strongest) that the entire *Pattinson* litigation against scientology was frivolous, baseless and "unjust", the Moxon Rule 11 and section 1927 order was expressly limited to only one defendant in *Pattinson I* [Moxon] and the allegations [contained in one single paragraph] asserted against him. In essence, that contrary to the church's express and material 1991-1993 [mis] representations to the I.R.S. as to its new and reformed character and conduct, scientology was still engaging in criminal activity, and it was doing so through stipulated; unindicted co-conspirator Moxon. Some of Moxon's judicially recognized and stipulated criminal activity is set forth above and in

cases such as *U.S. v. Hubbard*, (1979) 474 F.Supp.64, where Moxon was stipulated by scientology as an unindicted co-conspirator in the 264 page Department of Justice - Scientology Stipulation Of Evidence. See generally: *United States v. Kattar* (1st Cir.1988) 840 F2d 118,125,126; *U.S. v. Kember*, USDC Dist.Col. Criminal No. 78-401(2) & (3).
[http://members.tripod.com/cic_ops/posts/court.txt]

It is also clear and convincing, from the subsequent Cipriano confession and testimony summarized below, that at the very same time as Moxon was inside the Federal Court obtaining Rule 11 sanctions against me for an ["frivolous"] allegation that Moxon was involved in criminal conduct on behalf of the Church of Scientology, Moxon was outside the same federal courtroom concurrently engaged in major felony crime with Abelson, Ingram and Wager. In other words, at the very same time as swearing to the Federal Court in the *Pattinson I* case that he was not engaged in criminal conduct and successfully obtaining Rule 11 sanctions against me, Moxon was concurrently committing serious felony crimes against me, as plaintiff Pattinson's lawyer, together with Wager, Abelson, Ingram, Cipriano, Apodaca and Hurtado. In addition, Moxon obtained the Rule 11 and section 1927 \$28,000 costs order against me with an express finding that it was reasonable for him to incur the expense of retaining New York counsel Lieberman to defend him in Los Angeles against such a "frivolous" and "vexatious" allegation. Moxon then used this finding as principal factual support in obtaining Judge Williams' "vexatious litigant" order against me.

The month before Judge Snyder granted the Moxon Rule 11 motion, and after constant carping by the scientology attorneys, the *Pattinson I* case was voluntarily dismissed in Federal court and simultaneously refiled in State court without any federal question causes of action (RICO, etc.). Church of Spiritual Technology ("CST") was one of the *Pattinson II* case defendants. CST is a little known scientology corporation operating from a post office box. On the basis of my knowledge, experience, investigation and research into Church of Scientology matters, I honestly believed CST to be a necessary and proper party for both liability and judgment collection purposes, alter ego purposes, and for numerous matters relevant to the two *Pattinson* cases. I was one of the relative few who knew that CST was the very apex of the scientology corporate pyramid and that it was the ultimate owner of all of the most valuable scientology

property, the scientology intellectual property registrations. CST's ownership is vested in four very low profile individuals: Sherman D. Lenske, Esq., of Woodland Hills, CA; former IRS Assistant Commissioner Meade Emory, Esq., of Lane, Powell, Spears, Lubersky LLP of Seattle, WA; Leon C. Misterek, Esq., of Kirdland, WA; and scientology central reserves money man Lyman D. Spurlock. He is an accountant and the only scientologist among the four who it appears may be the actual owners of the Church of Scientology. Indeed, the scientology organizational hierarchy is examined in detail in *Church of Spiritual Technology v. United States* (1992) 26 Cl.Ct. 713,730-732, and the various Church of Scientology cases cited therein.

CST filed a spurious but successful C.C.P. § 425.16 "SLAPP" motion in the State Court *Pattinson II* case. CST had retained expensive Washington, D.C., tax counsel (Monique Yingling, Esq.) and several expensive New York counsel (Paul, Hastings' Samuel D. Rosen and veteran scientology attorney Lieberman) to appear with Kendrick L. Moxon, Esq., on the motion. The "SLAPP" motion relied heavily and expressly upon the August 20, 1999, vexatious litigant order of Judge Williams in the *Berry* consolidated cases and Judge Snyder's July 16, 1999, ruling in the Federal Court *Pattinson* case. Under C.C.P. § 425.16(c) a "... prevailing party... shall be entitled to recover his or her attorney's fees and costs." On November 16, 1999, attorneys' fees and costs were awarded against my client, Pattinson, and me in the amount of \$12,500.

One year earlier in late 1998, in the *Berry v. Cipriano* consolidated cases, Judge Williams had ordered me and my prior law firms to produce all malpractice policies extending back a number of years. Interestingly, I was the plaintiff. There were no cross-complaints to merit such an unusual order in those circumstances. On November 25, 1998, approximately day 12 of my deposition, and stripped of any "privacy objections", Moxon and Rosen questioned me about my prior sexual relationship with subsequent *pro bono* client, 24 year old Michael Hurtado. They demanded his address. At the time, I was Hurtado's counsel of record in an active pending criminal indictment in Santa Monica Court. Moxon, Abelson and Ingram started interviews of Hurtado's extended family based on information found in the Santa Monica court files. Less than one month later, in December 1998, Abelson told Wager about Hurtado, who had not met with any of the scientology attorneys or investigators at that time. Wager immediately opened his

Hurtado client file and began billing, **even though he had never met Hurtado**. Wager then spoke with Ingram about Hurtado at least three times. Wager understood Ingram was working for scientology because Ingram told him he was working for Moxon at the time. Moxon, acting as scientology's counsel, also contacted Wager regarding Hurtado. Indeed, Wager had at least six Hurtado related conversations with Moxon before he ever met Hurtado. In mid-January 1999, Ingram first appeared at the Hurtado's home, once again unannounced and uninvited. Ana and Vanessa Hurtado have testified that Ingram told them that I was a "child molester." Ingram said he was investigating me from New York and "... had been investigating me for a long, long time." Ingram suggested to the Hurtados that I had taken "advantage" of the clearly adult Michael.

When Ingram showed them the videotape of my November 25, 1998, deposition testimony regarding my sexual relationship with Michael Hurtado, Mrs. Hurtado did not want to see it, or look at it, and she refused to keep it, saying, "Forget it. Take it." The entire Hurtado family had long believed that homosexual conduct was inappropriate. Yet, Ingram showed them the First Cipriano declaration, multiple other documents, and even falsely told them that I liked to be defecated upon. Ingram wanted the Hurtados "... to see a lawyer because of this matter," and suggested that there was a possibility that there could be a civil suit against me. Within a very few days, Ingram took Ana, Miguel and Vanessa Hurtado and a Cuban writer friend of theirs to see then L.A. County Criminal Courts Bar Association President Wager at Wager's office. There they were also introduced to scientology in-house lawyer Moxon. Both Ana and Vanessa Hurtado thought the purpose of the meeting was to find a lawyer who would represent Michael in a sexual molestation lawsuit against me. Neither of them knew about the then pending drug paraphernalia charges against Michael on which I was then his counsel of record and which became the basis of a specious claim that I had engaged in legal malpractice. Surprisingly, no one in the Hurtado family discussed my relationship with Hurtado at any time before they attended the meeting with Wager and Moxon, and agreed to participate in the lawsuit being planned for filing against me. Instead, Vanessa, Ana and Miguel Hurtado, without Michael Hurtado's knowledge, met with Wager and Moxon and agreed that the unconsulted adult son, Michael, would file the *Hurtado v. Berry* lawsuit against me. After the meeting, the elder Mr. Hurtado told Michael that Wager would now be

replacing me and representing Michael in the criminal matter. Interestingly, at this time, Wager was about to be honored by the L.A. County Criminal Courts Bar Association for his, "... significant contributions to the criminal justice system."

The Hurtados went along with whatever the lawyers, Wager and Moxon, and investigator Ingram told them to do. The Hurtados even went so far as to allow Ingram to tap their phone to entrap me. I had similarly found Abelson and scientology on my telephone line on December 11, 1996. In fact, Michael Hurtado did not agree with Wager and Moxon to sue me because of what was allegedly done to him. Instead, he testified he had sued for money and because of the contents of the perjured First Cipriano Declaration, which Moxon showed him and discussed with him. Accordingly, Moxon was using perjury he had been instrumental in extorting to procure yet more perjury with which to intentionally obstruct justice in *Berry v. Cipriano, Barton, Miscavige* (and Ingram) [Moxon, Abelson] and later to file two frivolous lawsuits, a federal bankruptcy claim and numerous [fraudulent] insurance demands starting at \$750,000.

Wager did not meet with Michael Hurtado until January 22, 1999, after Wager had met with Abelson, Ingram, Moxon and the Hurtado family. Michael Hurtado has testified that he was told by Ingram that Moxon was "an attorney watching Berry for a long time because Berry is a bad person." Moxon had "been trying bury the guy [Berry]" for his wrongdoings [against the church?] for a long time. Wager and Hurtado did not sign a retainer agreement until January 27, 1999. Wager immediately filed a pack of perjury upon the Los Angeles (Santa Monica) County Courthouse files. Amazingly, Wager had the guile and chutzpah to represent to Presiding Judge Haber that, "... it is obvious from the declaration of Michael Hurtado and Donald R. Wager that the representation by Mr. Berry was unlawfully procured." Motion to Set Aside Defendant's Plea of No Contest and to Reinstate Plea of Not Guilty, etc., dated February 9, 1999, p.4: 1-3. *People v. Hurtado*, LAMC Case No. 8SM04976. At the same time, the Paul, Hastings law firm took the Hurtado statements and, through Barbara Reeves, tried to take my deposition in the still pending *Berry v. Cipriano/Barton/Miscavige* case for the obvious purpose of using Hurtado's perjury that he had personally witnessed me engage in acts of pedophilia with several teenagers simultaneously and that he was sexually a virgin with men before meeting me. I had provided rebuttal material to Barbara Reeves

but she was adamant that Hurtado was relevant, honest, credible and very convincing. However, before the Paul, Hastings firm could actually proceed with the Hurtado deposition, I was forced to dismiss the *Berry v. Cipriano* cases in the circumstances described above.

On April 5, 1999, Moxon & Kobrin filed a Los Angeles County Superior Court lawsuit, *Hurtado v. Berry*, asserting causes of action for legal malpractice and sexual battery and seeking damages in excess of my available insurance coverage. An hour after filing *Hurtado v. Berry*, Moxon himself personally served me inside U.S. District Court Judge Snyder's courtroom. He did so as I took to my feet to unsuccessfully argue against his Rule 11 and section 1927 sanctions motion in the *Pattinson I* case. Subsequently, Wager substituted into the *Hurtado v. Berry* case as one of the counsel of record. After Moxon & Kobrin filed the *Hurtado v. Berry* State Court case, Wager went to the West Hollywood Sheriffs with Abelson and Moxon's "chief investigator," Ingram. For a period of weeks, they unsuccessfully pressured the Sheriffs Department (and a Deputy District Attorney) to criminally prosecute me on the basis of the Hurtado perjury that they had suborned. Then they promptly, but unsuccessfully, made a one million dollar malpractice policy limits demand upon my insurance carrier. This was followed by successively lower demands culminating in a \$15,000 demand on November 28, 2000.

Although then L.A. County Courts Criminal Bar Association President Wager had never met or represented Anthony Apodaca, on April 13, 1999, he visited this transvestite drug addicted streetwalker, Anthony Apodaca, in jail and left between \$100 and \$300 for him. Moxon reimbursed Wager. Apodaca was not a witness to anything relating to the Hurtado drug paraphernalia case. In fact, on April 13, 1999, "... there was a real question in [Apodaca's] mind as to who Berry was." However, on April 22, 1999, Ingram, Moxon and Wager met with Apodaca and he was videotaped. Apodaca may also have been given money on April 22, 1999. Apodaca was now able to identify me as a man he had been with four to five years earlier. In the videotape, Apodaca said that while he was under age, he engaged in sadomasochistic activities with me. On April 26, 1999, Moxon noticed Apodaca's deposition in the *Hurtado v. Berry* State Court action. However, at his deposition on May 3, 2000, Hurtado was also cross-examined by my attorney Edith Matthai, current President of the Association of Southern California

Defense Counsel. On cross-examination, Apodaca testified he was high at the time of the videotaping, had no recollection of it and he could not even recognize me. Apodaca said he was pressured [by Moxon and Ingram] into giving his videotaped statement.

According to Apodaca, a lawyer [Wager] came to County Jail and gave him \$200. He was given the money, McDonald's food certificates and clothing to testify against me. He refused. According to Apodaca, "All this stuff about this plaintiff [Wager] trying to bribe me to testifying -- okay? -- I don't go for that."

At the same time Wager was visiting Apodaca, an investigation by the California State Bar was being commenced against me, arising out of then former Los Angeles County Criminal Courts Bar Association President Wager's and Hurtado's allegations and perjury to Judge Haber in the Santa Monica Court. Commencing with their jointly signed correspondence to the California State Bar dated July 12, 1999, Wager and Gerner wrote numerous other jointly signed letters urging immediate summary disbarment on the basis of the Hurtado perjury, and the Cipriano, Pattinson, and other charges the State Bar filed herein earlier this year. They even met with Supreme Court Justice Liu and urged my immediate discipline on the basis of the Hurtado, Cipriano and other allegations against me. At the very least, former Bar Association President Wager had direct personal knowledge that he was willfully making a very serious and false State Bar complaint using perjury he had participated in procuring. Moxon & Kobrin even prepared for deposition, and then deposed, my former partner and counsel J. Stephen Lewis in *Hurtado v. Berry*. J. Stephen Lewis (now a West Hollywood City Council Hearing Officer) testified to Ava Paquette, Esq., that it was legal malpractice to recommend that Hurtado plea to a drug diversion program instead of making a motion to suppress statements and evidence obtained by three arresting police officers. However, upon cross-examination by Edith Matthai, Esq., J. Stephen Lewis conceded that in similar circumstances he had made the same recommendations to a client named John. Ironically, John was later deposed in *Hurtado v. Berry*. John impeached part of Hurtado's verified complaint. Contrary to the claim that he was a virgin with regard to men, John testified that he and Hurtado, working as male prostitutes, had engaged in a gay three way. Then they had spent the night having sex themselves. Two employees of a well-known establishment specializing in male hustlers testified that Hurtado "worked" out of their

bar-restaurant. However, none of this evidence caused Wager, Byrnes, and/or Moxon & Kobrin to file an amended verified complaint in *Hurtado v. Berry*.

At the same time Wager, Moxon, Abelson and Ingram were witness tampering with Cipriano, Hurtado and Apodaca, Moxon was commencing proceedings that would effectively terminate my career as an attorney. In May 1999, then Los Angeles Police Commission Chairman Gerald Chaleff of Orrick, Herrington & Sutcliffe; Samuel D. Rosen and Michael Turrill of Paul, Hastings, Janofsky & Walker; Gary Soter of Wasserman, Comden & Casselman; and David Chodos of Simke Chodos filed a Petition to Find [me] a Vexatious Litigant upon the grounds of Judge Snyder's Rule 11 and section 1927 order in the *Pattinson I* case, and the dismissals of the *Berry v. Cipriano*, *Barton*, *Miscavige* (Ingram, Moxon, Abelson) cases. The scientology vexatious litigant petition was filed before Judge Williams in the previously dismissed *Berry v. Cipriano* case. [I would not discover the above matters regarding the Hurtado and Apodaca solicitations, perjuries and obstructions of justice for another 18 months!] However, after the Vexatious Litigant Petition was filed and opposed, but before the hearing on August 20, 1999, former Moxon client Cipriano contacted me. He confessed to the fabrication and defamation of the First Cipriano Declaration and a mountain of associated attorney felony crime, fraud and obstruction. Incriminating documents bearing Moxon's own signature and handwriting corroborated much of it. There were cancelled checks, original signatures, handwritten notes and even the computer hard drive. Since then they have been in a bank safe deposit vault.

[see http://wpxx02.toxi.uni-wuerzburg.de/~krasel/CoS/aff/aff_rc99.html and <http://www.angelfire.com/scifi/Scientology/> and <http://www.xenutv.com/legal/vex.htm> and <http://holysmoke.org/gb/gb.htm> and <http://www.lermanet.com/cos/grahamX.html> and <http://rickross.com/groups/scientology.html> (see ScienoSuits/CivilSuits by Scientology, click on "Double Crossed" by *New Times LA*) and <http://factnet.org/index.html> and <http://www.factnet.org/> (type graham berry into search site box)].

For the sake of clarity we must now briefly leave the vexatious litigant petition and fast-forward one year. Cipriano's deposition finally had been court ordered in *Hurtado v. Berry*. Moxon repeatedly attempted to stop the Cipriano deposition in *Hurtado* by threatening a protective order suspending the deposition on June 12, 2000,

and attempting to again suspend the deposition on August 7, 2000. Then Hurtado and his Moxon & Kobrin attorneys repeatedly attempted to stop the deposition of their former client and "seal" Cipriano's testimony. In his deposition, Cipriano recanted all of the damaging statements contained in the First Cipriano Declaration. Cipriano testified he wanted "the truth to come out".

Cipriano also testified that his former lawyer Moxon provided him (and his soon to be former girlfriend) with a variety of free legal services. Moxon paid Wasserman, Comden & Casselman to represent Cipriano in *Berry v. Cipriano* in exchange for his "cooperation" in litigation against me. Moxon and scientology's paying Cipriano for his continuing perjury in the amount of \$750,000 was "not a problem" according to Cipriano. Moxon provided Cipriano with an automobile in exchange for not saying anything about the perjury extorted in the First Cipriano Declaration. Moxon paid for Cipriano's condominium and leased a four-bedroom house for Cipriano in Palm Springs (to keep him far away from me). Moxon paid off a large judgment against Cipriano in New Jersey and paid Cipriano's legal fees for handling that matter. Moxon implied to Cipriano that scientologist John Travolta had provided the necessary money. Moxon also gave Cipriano an allowance for living expenses for his "cooperation" in *Berry v. Cipriano*. Moxon even purchased a computer for Cipriano. Moxon funded Cipriano's "non-profit" Day of the Child Corporation, and performed or paid for all the legal work, related fees and most of the other expenses of the business. In fact, Cipriano testified under his former counsel Moxon's withering cross-examination, "You were providing the funds to run a company so I would testify on your side." In December 1999, Moxon visited Cipriano and negotiated an \$800 payment to sign a settlement, a release and waiver from any potential malpractice, breach of fiduciary duty or other wrong, and a declaration, which Cipriano now contends is inaccurate and was signed in the shadow of even more intimidation. The following testimony was elicited from Cipriano, by his former lawyer Moxon on brutal cross-examination:

"Q: Did you make any representation to anyone when -- that you signed this declaration, it was inaccurate?

A: That it was inaccurate . . . let me ask a question. If it was accurate, then why was I being paid \$800.00?

Q: Would you answer my question?

A: It was understood. You don't pay people to write affidavits unless you're doing something. . . . I didn't have intent one way or the other. You presented two documents to me, a settlement agreement and an affidavit, offered me \$500 out of nowhere. I did not solicit it. That number settled at \$800. I signed in return for the \$800."

Again, under Moxon's withering and abusive cross-examination, Cipriano testified:

"Well, you kept providing money. And based on the fact that our whole relationship started with your agent, Mr. Ingram, threatening and intimidating me to give the false declaration in 1994. It was just a continuation of all that, Sir."

Under further cross-examination, Cipriano told Moxon:

"That is what you wanted to hear. That is what you coached me to do. That is what I was threatened and intimidated to do. And that's what I was paid to do."

Cipriano described the procedure Moxon used in preparing declarations in *Berry v. Cipriano*:

"Every declaration that you prepared for me to sign was what you wanted to hear, and what you wanted written, and what you wanted to file in court, and what you wanted for everything. . . . I signed what you prepared with the commencement of the threat and intimidation and the payments thereafter. Almost every time you gave me something to sign, you look at the same date or day after and there is a payment of some sort."

Cipriano's claims that he was paid by Moxon, and that he received multiple items and services of value from Moxon, are well documented. However, put simply, why else would Cipriano make false statements about me? Cipriano was paid for perjury. Cipriano also testified that Moxon and Ingram told him that they had located a person named Hurtado who purportedly, "... had exchanged sexual favors for legal services by Mr. Berry." Ingram told Cipriano that the information regarding Hurtado would be used to file a State Bar complaint against me and was to be included in leaflets to be left on cars around my neighborhood. In fact, a false State Bar complaint was filed against me. It originated as part of that false Hurtado State Bar Complaint pursued by Wager and

Gerner as lawyers for scientology. Leaflets have, in fact, been left in my neighborhood falsely identifying me as a child molester.

One year earlier, I had submitted Cipriano's similar Declaration testimony to Judge Williams, accompanied by fifty corroborating exhibits. The August 9, 1999, Cipriano Declaration detailed a pattern and practice of criminal conduct that includes, but is not limited to, harassment, coercion, bribery, intimidation, solicitation, witness tampering, subornation of perjury, perjury, mail fraud, wire fraud, stalking and other criminal violations in connection with the *Berry v. Cipriano* cases. Judge Williams, at my request, confirmed on the record that he had read the recanting Cipriano testimony describing all of the felonies and attaching the fifty corroborating documents. Judge Williams then ruled that it was all "irrelevant" to the Church of Scientology International Petition to Find [me] A Vexatious Litigant for having filed and maintained the consolidated *Berry v. Cipriano* cases and the *Pattinson I* case. Judge Williams even refused to allow Cipriano to address the court, despite Cipriano's having filed a written opposition to the Petition of his own former attorneys in the *Berry v. Cipriano* litigation. Moxon had, and still does, refuse to return Cipriano's files. Cipriano filed a motion requesting Judge Williams to order their immediate return. The Judge refused to do so. The State Bar has similarly and summarily whitewashed Moxon, at least to date.

Judge Williams also refused to hear and consider a joint motion by both Cipriano and me for a CCP§ 877.6 "good faith" settlement determination. We had signed and filed the motion papers. [see http://wpxx02.toxi.uni-wuerzburg.de/~krasel/CoS/aff/aff_rc99.html] Earlier, a hearing transcript alteration had emerged. Six months into the *Berry v. Cipriano* case, Judge Williams suddenly remembered that his fiancée worked as an independent contractor for a scientology related company (Bridge Publications), which was not one of the involved parties or entities. No objection was made. However, just before the vexatious litigant petition was heard and determined against me, Moxon filed a portion of an earlier hearing transcript. It contained a surprising statement that the scientology corporation for which Judge Williams' fiancée worked was not Bridge Publications, but the Church of Scientology International ("CSI"). CSI was the actual moving party on the pending vexatious litigant petition. CSI had retained Police Commission Chairman Chaleff and Orrick, Herrington & Sutcliffe to file

the vexatious litigant petition against me. CSI also regularly retained the other moving counsel Paul, Hastings, Janofsky & Walker; Wasserman, Comden & Casselman; and Simke Chodos. CSI was Moxon & Kobrin's actual employer and client. CSI had been one of the defendants in the *Berry v. Cipriano* consolidated cases. For a number of reasons, the grounds for disqualification had never been timely, properly or even accurately disclosed by Judge Williams, and therefore had never been waived. Even if they been fully disclosed and waived in the *Berry v. Cipriano* case, the vexatious litigant proceeding was a new action reviving the C.C.P. § 170.6 peremptory challenge to the judge.

Moreover, it was a non-waivable ground for disqualification. On August 19, 1999, and pursuant to CCP §§ 170.1 and 170.3, Cipriano and I filed our Verified Statements of Disqualification. The very next day, Judge Williams struck the Verified Statement pursuant to CCP § 170.4(b) but also concurrently filed his Verified Answer to the Statement of Disqualification pursuant to CCP § 170.3(c)(3). Judge Williams then granted CSI's pending vexatious litigant petition. In concluding the vexatious litigant proceeding, Judge Williams stated:

"I happen to be re-elected and I'm in my final term. I can retire in this term, but more importantly, as a judge I was brought up [sic] you could be run out of office doing the right thing, and you can stay in office doing the wrong thing. So I am, as god is my witness, I am like a federal court in a state court."

The Court of Appeals summarily rejected my Petition for Mandate in connection with Judge Williams' refusal to recuse himself and his refusal to follow the mandatory procedure upon the filing of a motion for disqualification. My subsequent appeal to the Second District Court of Appeals was similarly and summarily dismissed. At the time I was unable to proceed further. I did not even have the funds to pay for the photocopying of the writ of mandate I had previously and unsuccessfully filed.

Moxon, Kobrin & Paquette then proceeded against me in U.S. Bankruptcy Court. Moxon appeared there on behalf of himself, Church of Scientology International, Barton, Revelliere (who had no claim at all) and Chait. He filed the adversary proceedings *Moxon v. Berry*; *Barton v. Berry* and obtained a ruling that Judge Snyder's *Pattinson I* sanctions to Church of Scientology International and him were non-dischargeable despite the alleged fraud upon the courts. I moved to vacate the Moxon \$28,000 sanctions order

against me in *Pattinson I* under F. R. Civ. P. Rule 60(b) (1), (3) and (6). Very little attention was given to the Rule 60(b) (1) argument. The majority of the motion and all of the evidence was addressed to the “fraud upon the court” arguments in connection with Rule 60(b) (3) and (6). Surprisingly, Judge Snyder quoted language of Judge Williams’ vexatious litigant ruling. She denied my motion as being improper under Rule 60(b) (1). Judge Snyder totally ignored the majority of my motion and evidence under Rule 60(b) (3) and (6).

By now it was now late in the summer of 1999 and Wager had just been “honored” for his “... significant contributions to the criminal justice system”. Wager, Chaleff, Rosen, Chodos, Soter and Moxon had, with regard to me, effectively “caused successful demise.” I was devastated, destroyed, obviously having an emotional breakdown and under treatment for severe depression. However, the scientology litigation blitzkrieg continued. I had not been sufficiently “utterly destroyed” yet. I had ghost written a complaint for a *pro per* litigant in *Jeavons v. CSI*. In this case, scientology had retaliated against a helicopter media fly-over of its desert base, described as a “gulag” by former scientologists. CSI had made material misrepresentations to the FAA in support of a complaint seeking suspension of the helicopter pilot’s license. I was too busy in the *Berry* and *Pattinson* cases to represent Jeavons. But I ghost wrote his complaint, sheparded it through the filing process and had it served. I had indicated I might later enter an appearance in the case. Moxon filed a CCP§ 425.16 “SLAPP” motion. He successfully argued that the SLAPP statute and the Civ.Code § 47(b) litigation privilege protected CSI’s FAA complaint about Jeavons, no matter how false the evidence or how foul CSI’s motives might have been. Because I had drafted the complaint and might appear as counsel he argued that both Jeavons and I should be subject to the automatic cost shifting provision of the statute. The judge said it was a very difficult call, but agreed on balance.

Regrettably, my life had now fallen apart under the sustained scientology strafing of the legal system. My performance in other cases had become predictably abysmal. There was a motion to sanction me for a discovery default in a case with no connection whatsoever with scientology or any of its counsel (*Anders v. Northwestern Life*). Despite that, Moxon filed a motion in support of the sanctions motion. Moxon detailed and urged

reliance upon the orders issued by Judges Snyder, Williams and Minning. In another unrelated case (*Kaleel v. Nardi*), I did not have the personal resources to oppose a motion that I had a [nebulous] conflict of interest with opposing litigation parties who I had never represented. The underlying case (*Nardi v. Kaleel*) had been tried a year before. Once again, neither scientology nor any of its counsel had any conceivable connection with the Kaleel case. It was a six-week jury trial in LA Superior Court. Inexplicably, Moxon was often in the courtroom, positioned so I could see him smirking at me. There seemed never a moment when a scientology representative was not present in the courtroom and hallway. Very quickly, the scientology representatives befriended opposing counsel, Bradley Brook, Esq. Subsequently, the trial judge questioned the jury as to whether any jury tampering or other improper scientology contact was occurring. Even the trial judge expressed his surprise at the jury's decision, totally and illogically, against Kaleel. It is noteworthy that scientologist financier and Earthlink founder Reed Slatkin recently came under federal investigation for running a \$650 million "ponzi" scheme. The largest ever known "ponzi" and international investment fraud scheme in U.S. history. Also representing scientologist Slatkin is attorney Bradley Brook, who met Moxon during the Kaleel trial. Additionally and not likely coincidently, Bradley Brook has been sharing the same office suite as State Bar complainants Gerner and Wager.

[See: www.siliconvalley.com/docs/news/depth/slatk091001.htm]

[See <http://www.slatkinfraud.com>]

Overwhelmed by Moxon, Abelson, Wager, Rosen, Ingram and scientology attack from every point of the compass, and nearly immobilized by depression as well as emotionally devastated by the perceived failures and corruption of the legal system, I withdrew from active legal practice. However, Wager, Gerner, Moxon, Kobrin and Paquette did not withdraw from active "fair game" harassment of me. Moxon, Kobrin and Paquette pursued me relentlessly in bankruptcy court with frequent motions, regular deposition/examination and at an expense obviously exceeding their claims by many multiples despite its being a no asset bankruptcy. They even *pro hac viced* Paul, Hastings's New York office lawyer Rosen in the *Moxon v. Berry* adversary case in Los Angeles Bankruptcy Court. Concurrently, they actively prevented me from selling my real estate to pay them, as explained below. Meanwhile, Gerner and Wager were

regularly telephoning the California State Bar and regularly signing joint letters demanding that I be summarily suspended and disbarred in connection with their complaints that it was I who had committed wrongdoing in connection with Hurtado, Cipriano, Barton, Moxon, Pattinson and Kaleel. Wager cannot have missed the irony that at the same time as he was being honored for his "significant contributions to the criminal justice system" he was committing some of the most serious crimes and ethical breaches as part of a seven year long interstate and international conspiracy to corrupt justice and deny constitutional rights, civil rights and human rights to me, then a fellow Los Angeles lawyer. There clearly was a reason that Wager had co-signed each of the Gerner letters urging immediate California State Bar disciplinary action against me, at the behest of their joint client the Church of Scientology International.

After an eighteen-month investigation, the State Bar dismissed the Hurtado portion of the joint Wager and Gerner complaint against me. The very same month, Wager testified in *Hurtado v. Berry*, before a retired superior court judge, that he had unlawfully solicited the representation of Hurtado (away from me) and had engaged in witness tampering in connection with both Hurtado and Apodaca. Consequently, Retired L.A. Superior Court Judge Stephen Lachs, acting as discovery referee in *Hurtado v. Berry*, ruled that there was no attorney client privilege protection as to any of the communications between current L.A. County Criminal Bar Association President Wager, Hurtado, Moxon, Kobrin, Paquette, Abelson, Byrnes and CSI. Cipriano had already waived his attorney-client privilege. Judge Lachs ruled that, pursuant to Evidence Code § 956, the services of the lawyers (including Wager) had been sought or obtained to enable the commission of a crime or fraud. Further insurance proceeds settlement demands by Byrnes, Moxon and Abelson (and obviously based upon the felonies and perjury they had engaged in with Hurtado) were rejected by my insurance carrier and my counsel, Edith Matthai, Esq., current President of the Association of Southern California Defense Counsel. Moxon and Thomas S. Byrnes, Esq. (another Hurtado lawyer) filed a voluntary dismissal of the verified complaint in *Hurtado v. Berry* in State Court. However, Wager (despite his confession under oath) and Gerner continued to jointly pressure the State Bar to discipline me. Within thirty days, the State Bar obliged then former L.A. County Criminal Courts Bar Association President Wager. It initiated the

current proceedings, dropping only the Hurtado portion from the demands of the voluminous joint Wager and Gerner correspondence. Amazingly, Moxon, Kobrin and Paquette maintained the perjured *Hurtado v. Berry* upon the federal court record. Six months later, the federal court ordered Moxon, Kobrin and Paquette to file a motion to dismiss there too. At my request it was ordered "with prejudice" on July 10, 2001. Applicable Federal Rule of Procedure 41(a) expressly deems the scientology dismissal of Hurtado "an adjudication upon the merits" in my favor.

Wager and Gerner's two years of constant joint pressure, commencing with the obviously baseless *Hurtado v. Berry* complaint, premised upon Wager's own unlawful solicitation and subornation of perjury, at the same time as he was President of L.A. County Criminal Court's Bar Association, was the genesis of the stipulated California State Bar settlement. Incredibly, the California State Bar refuses, at least to date, to take any action against Abelson, Wager, Moxon, or any of the other attorneys who participated in the litany of serious criminal and unethical conduct described above. This year alone, on three different occasions to three different people, State Bar representatives (including the Chief Trial Counsel's own Special Assistant) have written stating there is insufficient evidence of any wrongdoing by the Moxon & Kobrin attorneys. On the contrary, the evidence is clear and convincing. There is the deposition testimony of at least ten different witnesses; many corroborating each other. There is the declaration testimony of another half dozen witnesses; again, some of it corroborated by other witnesses. And there are over sixty different documents, many in Moxon's handwriting or bearing his signature. In addition, the contents of the First Cipriano Declaration are still being distributed and published around the world. Similarly, it is clear that for seven years scientology has been engaged in a concerted effort to prosecute me in the civil and criminal courts.

Significantly, despite my alleged blatantly illegal conduct on both coasts, Abelson, Moxon, Kobrin and Paquette, and Moxon's investigator, Eugene Ingram, have come up with only three witnesses to my falsely alleged pedophilia: (1) Robert Cipriano, who has testified he was paid by Moxon to give false testimony (2) Anthony Apodaca who testified he too was paid and pressured [by Wager] to give false testimony; and (3) Michael Hurtado who was solicited by Wager and signed a verified complaint claiming

\$8 million in damages, and who has received substantial and valuable legal and investigative services in his several criminal cases in connection with his prosecution of the *Hurtado v. Berry* state court action he dismissed on February 6, 2001, upon the eve of trial.

Hurtado has not fared well since allowing Ingram, Moxon and Wager to solicit his representation away from me. Ingram, Abelson and the Moxon & Kobrin law firm had kept Hurtado under close supervision during the *Hurtado v. Berry* case. Despite that, Hurtado was arrested and then arrested again and again. Hurtado is now serving five years in County Jail for what might have been a murder. Hurtado (whose mother testified that he had brought a transvestite home to dinner insisting that the transvestite was actually a woman) began dating a young woman with a transvestite roommate. She quickly broke up with Hurtado. He retaliated. While the young lady was at work, Hurtado gained unlawful entry to her apartment. He took a large knife and bottle of liquor into her bedroom closet and awaited her return. Eventually the ex-girlfriend did return. She opened her closet door and there was Hurtado passed out with an empty bottle of booze and a butcher's knife. She called the L.A.P.D. who responded, dragged the drunken and stupefied Hurtado out of the closet and off to L.A. County jail where he claimed to be gay, but failed what he testified is the L.A. County Jail "gay test." He entered the general prison population where he remains. His attorneys Moxon, Kobrin, Paquette, Wager and Byrnes, and co-counsel Abelson, Drescher, Rosen, Chaleff, Soter, etc., remain in practice with the California State Bar's express seal of approval.

In fact, Moxon, Kobrin, Paquette, Abelson and Wager were brazenly undeterred by Hurtado's continuing criminal activity. Moxon & Kobrin "chief investigator" Ingram was dispatched to the scene of the latest Hurtado crime. Ingram did some "research" on the victim, Hurtado's former girl friend. She had an old and resolved "stolen check" conviction. When she refused Ingram's request to withdraw her complaint against Hurtado, Ingram threatened her with disclosure of the stolen check conviction to her employer. Hurtado's victim refused to be extorted by Ingram. He made good on his threat. The victim was fired from her job. The prosecuting Deputy District Attorney and her investigator were enraged. Nevertheless, nothing was done about Ingram's witness tampering.

In 1981, then L.A.P.D. Sergeant Eugene M. Ingram resigned from the police force because of an alleged medical disability. He claimed to have received a sniper's bullet wound to the back of his shoulder while driving his car to the Police Academy. Earlier the same day, he learned that he was being investigated, and would be prosecuted, on 11 charges of serious misconduct involving organized prostitution activities, supplying guns and selling confidential information to narcotics dealers (as to impending arrests and the like). The prosecution was dropped. Then Deputy District Attorney, Gil Garcetti, had headed the L.A.P.D. Special Investigations Division probe. He dismissed it for "insufficient evidence." Elliot Abelson, Esq., and Donald Wager, Esq., were also Deputy District attorneys at the time. Elliot Abelson, Esq., then became counsel to the Gambino Mafia family before becoming in-house counsel to the Church of Scientology sharing the same offices as Moxon & Kobrin. Ingram became Kendrick Moxon's "chief investigator" for the Church of Scientology and its other lawyers.

Subsequently, in 1985, Ingram prepared a letter for an L.A.P.D. officer to sign. It invalidly authorized Ingram to engage in electronic eavesdropping of former scientologist Gerry Armstrong. On April 23, 1985, then L.A.P.D. Police Chief, Daryl F. Gates issued a press statement, "The Los Angeles Police Department has not co-operated with Eugene Ingram. It will be a cold day in hell when we do...Internal Affairs Division is now investigating the entire incident." Nothing further happened. In August 1999, I submitted the August 9, 1999, Cipriano Declaration and its fifty damning exhibits to the personal office of then Los Angeles District Attorney, Gil Garcetti. An acquaintance of mine, one of the District Attorney's chief assistants, informed me that the "District Attorney will not do anything for political reasons... One day I may be able to tell you why."

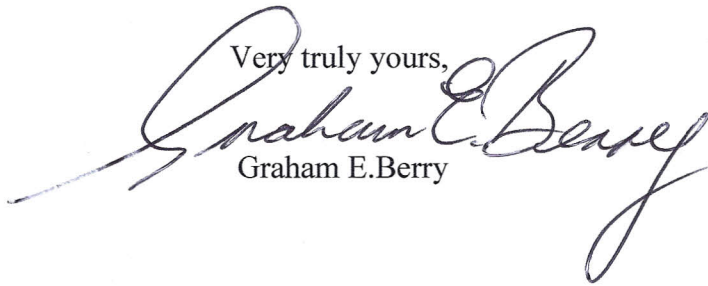
Like Ingram, Moxon & Kobrin, Abelson has also spent years "investigating" me. By way of example, on September 13, 2000, Abelson wrote to an attorney friend of mine in New Zealand:

"I am writing to you in connection with an investigation I am conducting into Graham E. Berry. The purpose of my investigation is to uncover unethical or illegal conduct committed by Mr. Berry. I understand you may be of help in my investigation. Specifically, I would appreciate any information you can provide concerning Mr. Berry's motives for embarking upon a course of action which would

seem, to any objective observer, to be contrary to his own best interests, and a blatant attack on an international religion.”

Abelson sent a copy of his letter and enclosures to many other people, numerous Bar Associations and my 75 year old parents for whom the publication of the First Cipriano Declaration and the subsequent saga have been a terrifying event. Indeed, consistent with the objectives of the scientology Fair Game Policies and Practices, I have now been “utterly destroyed.” Tellingly, in successfully urging Judge Snyder not to consider my Rule 60 (b) (3) and (6) motion, Lieberman wrote: “Like Lazarus, Berry has risen from the dead.” Even more tellingly, Moxon, Wager, Abelson and the rest of the scientology lawyers engaged in this saga, have never denied (under oath or otherwise) an iota of the misconduct described above. In fact, they continue with the same manner of activity against others who the scientology enterprise considers to be an “enemy”. [see <http://www.lisatrust.net/legal/bunker/about.html> and <http://operatingthetan.com/> and <http://www.lisatrust.net/legal/Prince/about.html>]

Very truly yours,



Graham E. Berry