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Los Angeles Superior Court

FEB 22 2010

John A. Clarke, Executive Officer/Clerk
By VICTOR SINO-CRUZ, Deputy

Kendrick L. Moxon, State Bar No. 128240
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Attorney for Plaintiff
Pro se

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

KENDRICK MOXON

Plaintiff,

vs.

GRAHAM BERRY,

Defendant.

Case No. BC429217

OPPOSITION TO VEXATIOUS
LITIGANT'S REQUEST TO FILE
NEW LITIGATION;

REQUEST FOR FINDING OF
CONTEMPT AGAINST GRAHAM
BERRY;

NOTICE OF FILING OF
IDENTIFICATION OF VEXATIOUS
LITIGANT PURSUANT TO C.C.P.
§391.7(C) AND AUTOMATIC STAY

Dept: 78
Date: N/A

INTRODUCTION

In 1999, Graham Berry, was found to have violated Rule 11, F.R.Civ.P., and 28 U.S.C. §1928, through the filing of a frivolous and bad faith action against attorney, plaintiff Kendrick Moxon, and was appropriated monetarily sanctioned. Thereafter, in light of this and other bad faith litigation Mr. Berry pursued and lost, he was found to be a "vexatious litigant" pursuant to C.C.P. §391, et seq. Mr. Berry never paid the

1 judgment of sanctions, and thus the instant pro forma action was filed to renew the
2 judgment, now in excess of \$48,000.

3 In response, and even though he was suspended by the Bar for 18 months for his
4 misconduct and vexatious litigation, Mr. Berry filed a cross-complaint in which he
5 seeks to vacate the final *federal* court judgment against him in this state proceeding; to
6 vacate 3 other judgments against him by 3 *other* state court judges – all of which were
7 final a decade ago – and to vacate the vexatious litigant finding which was also final a
8 decade ago. He does so with a six-inch filing of assertions of some vague “fraud” by
9 the parties and counsel in all these prior cases, and fraud and/or mistake by each of the
10 jurists who sanctioned him. All of the allegations made in the cross-complaint were
11 before these courts a decade ago, were rejected then, and are regurgitated now.

12 Worse, Mr. Berry’s cross-complaint was filed before he received leave from the
13 court to do so, in direct violation of C.C.P. §391.7(c) and the ruling finding him a
14 vexatious litigant. And, he has already issued massive discovery in the cross-
15 complaint, also before the action was approved to be filed. Such conduct is punishable
16 with summary contempt under §391.7(a).

17 The request for leave to file the new cross-complaint should accordingly be
18 denied, the cross-complaint dismissed, Mr. Berry held in contempt, an order of
19 appropriate sanctions issued, and the State Bar informed by the Court of these events.

20 STATEMENT OF FACTS

21 Attorney Graham Berry initiated considerable litigation against the churches of
22 Scientology in the 1990’s and hauled with him from courtroom to courtroom his own
23 personal bias of both Scientology and attorneys who have represented the religion, such
24 as plaintiff herein, Kendrick Moxon. In the suits filed by Mr. Berry, he was uniformly
25 admonished and sanctioned for harassing, unmeritorious, frivolous actions.

26 In 1998, Mr. Berry brought a civil TRO application in L.A.S.C., against
27 opposing counsel in an effort to avoid being deposed in a case he had filed against
28

1 several Scientologists. Mr. Berry was sanctioned \$2,800 by Judge William C. Beverly
2 and the TRO was denied and the action dismissed. (Ex. A, *Berry v. Rosen.*)¹ The
3 ruling is final.

4 In September 1998, Mr. Berry sued several churches of Scientology, plaintiff
5 herein, Kendrick Moxon, as well as President Clinton, Madeleine Albright, John
6 Travolta and many others, in a 312 page complaint alleging a vast international
7 conspiracy, (Ex.B, cover pages and signature pages of complaint in *Pattinson v.*
8 *Church Of Scientology International*, CV-98-3985), which U.S. District Judge
9 Christina Snyder, C.D.Cal., referred to as “a rambling tale of irrelevancy.” (Ex. C.) In
10 April 1999, Mr. Berry was sanctioned pursuant to rule 11, F.R.Civ.P., and 28 U.S.C.
11 §1927, the court finding, “... the claims alleged [by Mr. Berry] against Moxon were
12 asserted in bad faith”, (Ex. D), and issued sanctions against Mr. Berry in the amount of
13 \$28,484.72. (Ex. E.) Mr. Berry appealed, but failed to file an opening brief, and the
14 appeal was dismissed by the Ninth Circuit in 2001. (Ex. F.) The sanctions have never
15 been paid. This is the underlying judgment in the instant action, seeking to renew the
16 judgment for purposes of eventual collection.

17 Also in 1999, Mr. Berry was sanctioned by Judge David Minning, L.A.S.C., in
18 *Pattinson v. Miscavige*, BC707364, another action against a church of Scientology for
19 filing a frivolous lawsuit. (Ex. G.) The ruling is final.

20 Later in 1999, Mr. Berry was sanctioned by L.A.S.C. Judge David Doi in
21 *Jeavons v. Church of Scientology International*, BC207363, also for the filing of a
22 frivolous action. (Ex. H.) The ruling is final.

23 In the case of *Berry v. Barton*, BC186188, (also against a Scientologist), Justice
24 David Eagleson (Ret.), acting as a discovery referee, issued sanctions against Mr. Berry
25 for filing inflammatory assertions similar to those filed herein, noting, “I very seldom
26

27 ¹ All exhibits referenced herein are authenticated by the declaration of Kendrick
28 Moxon appended hereto.

1 give sanctions - very seldom - but this is outrageous, counsel. Outrageous.” (Ex. I.)
2 Judge Alexander Williams dismissed the action and found Mr. Berry to be a vexatious
3 litigant pursuant to C.C.P. §391(b)(1)(3) & (4), and ordered that he be required to
4 comply with the procedures set forth in §391.7. (Ex. J.) In issuing the ruling initially
5 from the bench, Judge Williams stated, “with all the due respect, sir, I have to sadly
6 state that if there is such a thing on God’s green earth as a vexatious litigant you, sir,
7 sadly, are it.” (Ex. K.) The ruling is final.

8 At this point, the California Bar stepped in and prosecuted Mr. Berry for his
9 long-term misconduct in litigation involving churches of Scientology. In seeking a
10 plea agreement, he swore, “I completely understand that my plea shall be considered
11 the same as an admission of culpability.” (Ex. L.) He was found culpable in the plea of
12 “Multiple/Pattern of Misconduct: and “multiple acts of wrongdoing.” (*Id.*, p. 2.) Mr.
13 Berry also stipulated that “At the time of the stipulated acts of professional misconduct
14 Respondent suffered extreme emotional difficulties.” (*Id.*, p. 3.) He also purportedly
15 “demonstrated remorse and recognition of his wrongdoing.” (*Id.*, p. 3.) The Bar
16 suspended him for 18 months in 2002, requiring that he obtain psychiatric treatment.
17 (*Id.*, p. 4.) The findings of fact reflected that he was receiving psychiatric treatment
18 and medication, was also enrolled in Alcoholics Anonymous, and had closed down his
19 law practice prior to the suspension. (*Id.*, p. 6, 13.)

20 Mr. Berry has unfortunately picked up where he left off when suspended and
21 continues to make baseless allegations – now asserting wildly that all of the cases in
22 which he was sanctioned were not caused by mental illness or alcohol or other
23 misconduct as previously asserted, but rather, were the result of “fraud,” by his victims,
24 that all the many jurists who sanctioned him were tricked, deluded or bought off. Thus,
25 the assertions giving rise to his cross-complaint are directly contrary to the reasons he
26 gave to the Bar when seeking leniency for stipulated misconduct.

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1 a motion within 15 days of the judgment – not 10-11 years later, and to file it before the
2 courts that issued the judgments. C.C.P. §663. Moreover, the exhibits he has submitted
3 as “evidence” he largely created or invented himself ten years ago, and already argued
4 the same assertions of “fraud” to several of the courts in which he was sanctioned –
5 including the *Pattinson* court. (Declaration of Kendrick Moxon.)

6 Thus, Mr. Berry’s underlying theory that he was the victim of “extrinsic fraud,”
7 consists of the same vexatious allegations known to him and argued vehemently 10
8 years ago, and which were rejected – and punctuated with sanctions addressed above.
9 Furthermore, the concept of extrinsic fraud could not possibly apply to even the
10 outrageous and worn allegations he now makes. Extrinsic fraud is where a party is
11 deprived of an ability to present his claim or defense to the court or fraudulently
12 prevented from participating in the proceeding. *In re Marriage of Stevenot* (1984) 154
13 Cal.App.3d 1051, 1068-69. That is hardly the case with Mr. Berry’s oft-repeated, stale
14 allegations and bizarre hearsay assertions, newspaper articles, and the papers attached
15 to his cross-complaint.

16 Moreover, the only litigation actually at issue is the judgment in the *Pattinson*
17 case which is sought to be renewed. If Mr. Berry seeks to challenge this federal
18 judgment, obviously he cannot do so in a state court proceeding. But his motion for
19 reconsideration of that judgment – raising most of the assertions he now makes, was
20 rejected by the District Court in 1999, and his appeal to the Ninth Circuit was
21 dismissed in 2001 for his failure even to file a brief. These rulings all post date the
22 inflammatory and unsupportable declarations and assertions from 1999 appended to his
23 cross-complaint. Yet, Mr. Berry makes no effort in his request for leave to file the
24 action as to what the statutes of limitations on his claims did not expire many years
25 ago.

26 In short, the Cross-complaint is frivolous on its face and more of the same
27 harassing and vexatious litigation conduct that caused Mr. Berry to be declared a
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1 vexatious litigant in the first place and caused him to be suspended from the practice of
2 law for 18 months.

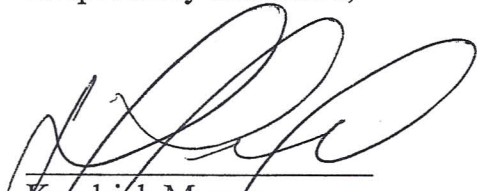
3 CONCLUSION

4 The cross-complaint is frivolous and harassing on its face, constituting attempts
5 to vacate 4 different final rulings from 4 different courts, all of which are more than 10
6 years old. Leave to file the cross-complaint should be disallowed, Mr. Berry should be
7 held in contempt for flagrant violation of C.C.P. § 391.7(a), and the California Bar
8 informed of this continuing misconduct.

9 In the event this Court would permit Mr. Berry to assert the cross-complaint and
10 require the plaintiff/cross-defendant to defend these allegations yet again, it should
11 condition the filing upon Mr. Berry posting a security bond pursuant to §391.7(b), in
12 the amount of the judgment at issue of \$48,000, plus reasonable fees and costs in
13 defending the action, in the amount of an additional \$100,000.

14 Dated: February 22, 2010

Respectfully submitted,

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18 Kendrick Moxon
19 Counsel pro se
20 MOXON & KOBRIN
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DECLARATION

1 Kendrick L. Moxon, State Bar No. 128240
2 MOXON & KOBRIN
3 kmoxon@earthlink.net
4 3055 Wilshire Boulevard, Suite 900
5 Los Angeles, California 90010
6 Telephone: (213) 487-4468
7 Facsimile: (213) 487-5385

8 Attorney for Plaintiff
9 Pro se

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

KENDRICK MOXON

Plaintiff,

vs.

GRAHAM BERRY,

Defendant.

Case No. BC429217

**DECLARATION OF KENDRICK
MOXON IN SUPPORT OF
OPPOSITION TO VEXATIOUS
LITIGANT'S REQUEST TO FILE
NEW LITIGATION**

Dept: 78

DECLARATION OF KENDRICK MOXON

I, Kendrick Moxon, hereby declare and state:

I make the following declaration of my own personal knowledge, and if called to testify thereto, could and would do so competently.

I was involved in substantial litigation with attorney Graham Berry in the 1990's, at which time I represented various churches of Scientology and individual Scientologists. In 1998, Mr. Berry brought a civil TRO application in L.A.S.C., against my co-counsel in one of these cases, (*Berry v. Rosen*) in an effort to avoid being

1 deposed in a case he had filed against several Scientologists. Mr. Berry was sanctioned
2 \$2,800 by Judge William C. Beverly, the TRO denied and the action was dismissed.
3 The ruling is final. (A true and correct copy of such ruling is appended hereto as
4 Exhibit A.)

5 In September 1998, Mr. Berry sued me, several churches of Scientology, and
6 President Clinton, Madeleine Albright, John Travolta and many others, in a 312 page
7 complaint alleging a vast international conspiracy. (A true and correct copy of the
8 cover pages and signature page is appended hereto as Exhibit B, *Pattinson v. Church of*
9 *Scientology International*, U.S. District Court, C.D.Cal., CV-98-3985.) U.S. District
10 Judge Christina Snyder, characterized the complaint as “a rambling tale of
11 irrelevancy.” (A true and correct copy of such oral finding is appended hereto as
12 Exhibit C.) In April 1999, Mr. Berry was sanctioned pursuant to Rule 11, F.R.Civ.P.,
13 and 28 U.S.C. §1927, the court finding, “... the claims alleged [by Mr. Berry] against
14 Moxon were asserted in bad faith.” (A true and correct copy of such ruling is appended
15 hereto as Exhibit D.) The Court issued sanctions against Mr. Berry in the amount of
16 \$28,484.72. (A true and correct copy of such ruling is appended hereto as Exhibit E.)
17 Mr. Berry appealed, but failed to file an opening brief, and the appeal was dismissed by
18 the Ninth Circuit in 2001. (A true and correct copy of such ruling is appended hereto as
19 Exhibit F.) The sanctions have never been paid.

20 Also in 1999, Mr. Berry was sanctioned by Judge David Minning, L.A.S.C., in
21 *Pattinson v. Miscavige*, BC707364, for the filing of another frivolous lawsuit against
22 the ecclesiastical leader of the Scientology religion. (A true and correct copy of such
23 ruling is appended hereto as Exhibit G.) The ruling is final.

24 Later in 1999, Mr. Berry was sanctioned by L.A.S.C. Judge David Doi in
25 *Jeavons v. Church of Scientology International*, BC207363, also for the filing of a
26 frivolous action. (A true and correct copy of such ruling is appended hereto as Exhibit
27 H.) The ruling is final.

1 In the case of *Berry v. Barton*, BC186188, (also against a Scientologist), Justice
2 David Eagleson (Ret.), acting as a discovery referee, issued sanctions against Mr. Berry
3 for filing inflammatory assertions similar to those filed herein, noting, "I very seldom
4 give sanctions - very seldom - but this is outrageous, counsel. Outrageous." (A true
5 and correct copy of such ruling is appended hereto as Exhibit Ex. I.) Judge Alexander
6 Williams dismissed the action and found Mr. Berry to be a vexatious litigant pursuant
7 to C.C.P. §391(b)(1)(3) & (4), and ordered that he be required to comply with the
8 procedures set forth in §391.7. (A true and correct copy of such ruling is appended
9 hereto as Exhibit J.) Judge Williams in issuing the ruling initially from the bench,
10 stated, "with all the due respect, sir, I have to sadly state that if there is such a thing on
11 God's green earth as a vexatious litigant you, sir, sadly, are it." (A true and correct
12 copy of such ruling is appended hereto as Exhibit K.) The ruling is final.

13 At this point, the California Bar prosecuted Mr. Berry for, inter alia, his
14 misconduct in litigation involving churches of Scientology. In seeking a plea
15 agreement, he swore, "I completely understand that my plea shall be considered the
16 same as an admission of culpability." A true and correct copy of such stipulation is
17 appended hereto as Exhibit L.) He was found culpable in the plea of "Multiple/Pattern
18 of Misconduct" and "multiple acts of wrongdoing." (*Id.*, p. 2.) Mr. Berry stipulated, in
19 an effort to acquire leniency, that "At the time of the stipulated acts of professional
20 misconduct Respondent suffered extreme emotional difficulties." (*Id.*, p. 3.) He also
21 purportedly "demonstrated remorse and recognition of his wrongdoing." (*Id.*, p. 3.)
22 The Bar suspended him for 18 months in 2002, requiring that he obtain psychiatric
23 treatment. (*Id.*, p. 4.) The findings of fact reflected that he was receiving psychiatric
24 treatment and medication, was also enrolled in Alcoholics Anonymous, and had closed
25 down his law practice prior to the suspension. (*Id.*, p. 6, 13.)

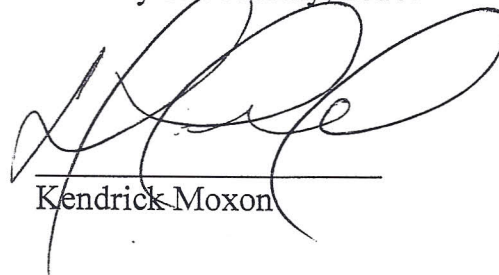
26 By the terms of Judge William's order and by §391.7, Mr. Berry was required to
27 first obtain leave of the presiding judge of this Court before filing any action. However
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1 he did not acquire leave prior to filing the cross-claim, but filed the cross-complaint
2 simultaneous with a request for leave to do so. And, he simultaneously issued a notice
3 of deposition and a lengthy document demand seeking essentially all records, filings,
4 transcripts and materials in those actions in which he was sanctioned. (A true and
5 correct copy of the document request is appended hereto as Exhibit M).

6 The purported evidence he has submitted he largely drafted himself ten years
7 ago, and already argued the allegations to several of the courts in which he was
8 sanctioned – including the *Pattinson* court.

9 I declare under the penalties of perjury of the state of California that the
10 foregoing is true and correct. Signed this 18th day of February, 2010.

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Kendrick Moxon

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 08/06/98

DEPT. 46

HONORABLE WILLIAM C. BEVERLY, JR.

JUDGE

E. A. FAJARDO

DEPUTY CLERK

HONORABLE
#11

C. VAUGHN/C.S.L.-CRT. ASST.

JUDGE PRO TEM

Deputy Sheriff

C. OLESON #3025

ELECTRONIC RECORDING MONITOR

Reporter

2:00 pm

BS051330

GRAHAM E BERRY
VS
SAMUEL D ROSEN

Plaintiff
Counsel

BERRY, LEWIS, SCALI &
STOJKOVIC

Defendant
Counsel

BY:J. STEPHEN LEWIS [X]
PAUL, HASTINGS, JANOFSKY
& WALKER
BY:BARBARA A. REEVES [X]

NATURE OF PROCEEDINGS:

DEFENDANT'S NOTICE OF MOTION AND MOTION FOR AWARD
OF ATTORNEY'S FEES AND SANCTIONS AGAINST GRAHAM E.
BERRY AND HIS COUNSEL OF RECORD CHRISTIAN J. SCALI IN
THE AMOUNT OF \$25,000.00;

Matter is called for hearing and argued.

The above stated motion for sanctions pursuant to
CCP Section 527(i) is denied.

The Defendant's request for pursuant to CCP Section
128.7 is granted. Sanctions in the sum of \$2,800.00
are awarded in favor of the Defendant and against
the Plaintiff. Said sanctions are payable forthwith.

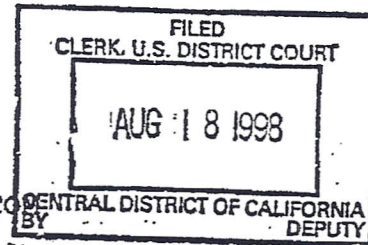
Counsel for the moving party is to give notice and
prepare the order.

1 GRAHAM E. BERRY (State Bar No. 128503)
J. STEPHEN LEWIS (State Bar No. 176080)
2 CHRISTIAN J. SCALI (State Bar No. 193785)
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Website Address: BLSSLaw.com

8 Attorneys for Plaintiff
MICHAEL P. PATTINSON



9
10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA

12	MICHAEL PHILIP PATTINSON,	)	Case No. 98-3985CAS (SHx)
13	Plaintiff,	)	
14	vs.	)	FIRST AMENDED COMPLAINT FOR:
15	CHURCH OF SCIENTOLOGY INTERNA-	)	(1) RACKETEERING (18
16	TIONAL, a California Corporation;	)	U.S.C. § 1962(a))
17	RELIGIOUS TECHNOLOGY CENTER, a	)	(2) RACKETEERING (18
18	California Corporation; CHURCH OF	)	U.S.C. § 1962(b))
19	SCIENTOLOGY OF CALIFORNIA, a	)	(3) RACKETEERING (18
20	California Corporation; SEA	)	U.S.C. § 1962(b))
21	ORGANIZATION, a California-based	)	(4) RACKETEERING (18
22	entity of association; CAPTAIN	)	U.S.C. § 1962(D))
23	DAVID MISCAVIGE, an individual;	)	(5) CIVIL RIGHTS VIOLATIONS
24	AUTHOR SERVICES INCORPORATED, a	)	(42 U.S.C. § 1983)
25	California Corporation; CHURCH OF	)	(6) CIVIL RIGHTS VIOLATIONS
26	SPIRITUAL TECHNOLOGY, a California	)	(42 U.S.C. §§ 1985 and
27	Corporation; AUTHOR FAMILY TRUST, a	)	1988)
28	California entity; ESTATE OF L. RON	)	(7) CIVIL RIGHTS VIOLATIONS
	HUBBARD, a California entity;	)	(Cal.Civil Code §§
	RELIGIOUS RESEARCH FOUNDATION, a	)	52.1(a) and (b))
	Liberian corporation; THE	)	(8) FRAUD (Generally)
	COMMODORES MESSENGER ORGANIZATION,	)	(Misrepresentation and
	a California based entity or	)	Charitable Nature, etc.
	association; NORMAN STARKEY, an	)	(9) FRAUD (Receipt of
	individual; WORLD INSTITUTE OF	)	Money) (Breach of
	SCIENTOLOGY ENTERPRISES, a	)	Fiduciary Duty)
	California corporation; WORLD	)	(10) FRAUD
	INSTITUTE OF SCIENTOLOGY	)	(Misrepresentation of
	ENTERPRISES INTERNATIONAL, a	)	Confidentiality of
	California corporation; MAJESTIC	)	Auditing Files)
	CRUISE LINES, a Florida corpor-	)	(11) FRAUD
	ation; M.V. FREEWINDS, a foreign	)	(Misrepresentation of
	registered motor vessel;	)	Hubbard's Background,
		)	Achievements and

1	INTERNATIONAL ASSOCIATION OF	)	Character}
	SCIENTOLOGISTS, an English	)	(12) FRAUD
2	corporation; CHURCH OF SCIENTOLOGY,	)	(13) FRAUD (False
	FLAG SERVICE ORGANIZATION, a	)	Advertising, Deceptive
3	Florida corporation; FLAGSHIP	)	Trade Practices)
	SERVICE ORGANIZATION, a Florida	)	(14) CONSTRUCTIVE FRAUD
4	corporation; BUILDING MANAGEMENT	)	(15) BREACH OF FIDUCIARY
	SERVICES, a California corporation;	)	DUTY
5	CHURCH OF SCIENTOLOGY OF PARIS, a	)	(16) INVASION OF PRIVACY
	French corporation; CHURCH OF	)	(17) INTENTIONAL INFLICTION
6	SCIENTOLOGY CELEBRITY CENTER	)	OF EMOTIONAL DISTRESS
	INTERNATIONAL, a California corpor-	)	(18) NEGLIGENT INFLICTION OF
7	ation; CHURCH OF SCIENTOLOGY	)	EMOTIONAL DISTRESS
	CELEBRITY CENTER PARIS, a French	)	(19) ASSAULT
8	corporation; MARY SUE HUBBARD, an	)	(20) DEFAMATION
	individual; PAT BROEKER, an indi-	)	(21) BREACH OF CONTRACT
9	vidual; ANNE BROEKER, an indivi-	)	(22) FALSE IMPRISONMENT
	dual; LYMAN SPURLOCK, an indivi-	)	(23) BREACH OF COVENANT OF
10	dual; SHERMAN LENSKE, an indivi-	)	GOOD FAITH AND FAIR
	dual; MEADE EMERY, an individual;	)	DEALING
11	LEON MISTEREK, an individual; TERRI	)	(24) RELIEF AND
	GAMBOA, an individual; VICKI	)	CONSTRUCTIVE TRUST
12	AZNARAN, an individual; MARK	)	(25) INTERFERENCE WITH
	FISHER, an individual; MARK	)	BUSINESS RELATIONS AND
13	("MARTY") RATHBUN, an individual;	)	PROSPECTIVE ADVANTAGE
	MICHAEL RINDER, an individual; RAY	)	(26) RESTITUTION
14	MITHOFF, an individual; HEBER	)	(27) UNJUST ENRICHMENT,
	JENTZCH, an individual; JOHN	)	ACCOUNTING, EQUITABLE
15	TRAVOLTA, an individual; DANNY	)	TRACING, AND IMPOSITION
	KEOGH, an individual; MARY	)	OF CONSTRUCTIVE TRUST
16	VOEGEDING, an individual;	)	(28) DECLARATORY RELIEF
	JACQUELINE VAN DER LINDE, an indi-	)	(29) DECLARATORY AND
17	vidual; ALAIN FRANCK ROSENBERG, an	)	INJUNCTIVE RELIEF
	individual; SARIT ROSENBERG, an	)	(30) CONSPIRACY
18	individual; GUILLAUME LESEVRE, an	)	
	individual; JANE KEMBER, an indivi-	)	DEMAND FOR JURY TRIAL
19	dual; MARK YAEGER, an individual;	)	
	WENDELL REYNOLDS, an individual;	)	COMPLAINT FILED:
20	KENDRICK L. MOXON, an individual;	)	May 21, 1998
	and DOES 1 through 10, inclusive,	)	
21		)	FIRST AMENDED COMPLAINT
	Defendants,	)	FILED: August 18, 1998
22		)	
	And	)	
23		)	
	WILLIAM J. CLINTON, SAMUEL R.	)	
24	BERGER, MADELEINE K. ALBRIGHT,	)	
	ROBERT E. RUBIN, WILLIAM M. DALEY,	)	
25	CHARLENE BARSHEFSKY and MICHAEL P.	)	
	DOLAN, all individuals being sued	)	
26	in their representative capacities	)	
	solely in connection with the	)	
27		)	
		)	
28	declaratory and injunctive relief	)	

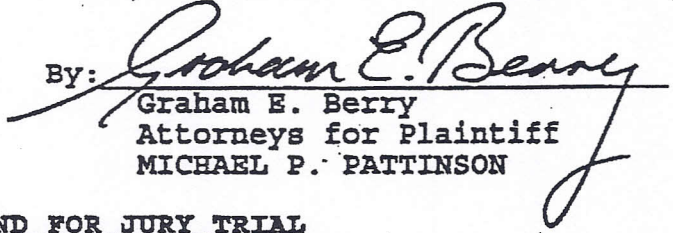
1 requested in the Twenty-Ninth cause)
2 of action herein,)
3 Relief Defendants.)
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1 And, on the Twenty-Eighth and Twenty-Ninth Causes of
2 Action, Plaintiff requests:

- 3 1. The requested Declarations as to the applicable
4 provisions of the Constitution of the United States, the
5 United States Tax Code, and other federal and state
6 statutes, rules and regulations that are being violated
7 by the Defendants and the Relief Defendants.
- 8 2. The requested Temporary and Permanent Injunctions
9 against the Defendants, and the Relief Defendants,
10 enjoining such constitutional and other violations, as
11 requested herein, and as are identified by the
12 Declarations and Injunctions requested in the Twenty-
13 Eighth and Twenty-Ninth Causes of Action above.
- 14 3. And, such other and further relief as is requested
15 herein, provided at law or may be just and proper.

16 Dated: August 18, 1998

BERRY, LEWIS, SCALI & STOJKOVIC

17 By: 
18
19

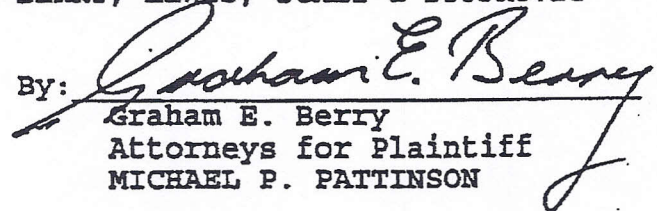
Graham E. Berry
Attorneys for Plaintiff
MICHAEL P. PATTINSON

20 DEMAND FOR JURY TRIAL

21 Pursuant to the Federal Rules of Civil Procedure, Plaintiff
22 demands a trial by jury of these claims.

23 Dated: August 18, 1998

24 BERRY, LEWIS, SCALI & STOJKOVIC

25 By: 
26
27

Graham E. Berry
Attorneys for Plaintiff
MICHAEL P. PATTINSON

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA

3 - - - -
4 BEFORE THE HONORABLE CHRISTINA A. SNYDER
5 UNITED STATES DISTRICT JUDGE
6

7 MICHAEL PHILIP PATTINSON,)
8 PLAINTIFF,) CASE NO.
9 VS.) CV98-3985-CAS(SHX)
10 CHURCH OF SCIENTOLOGY)
11 INTERNATIONAL, A CALIFORNIA) MOTION FOR
12 CORPORATION, RELIGIOUS TECHNOLOGY) RULE 11
13 CENTER, A CALIFORNIA CORPORATION,) SANCTIONS
14 DEFENDANTS.)
15)

16
17 REPORTER'S TRANSCRIPT OF PROCEEDINGS

18 LOS ANGELES, CALIFORNIA

19 MONDAY, SEPTEMBER 28, 1998
20
21
22

23 IRENE NAKAMURA, CSR
24 OFFICIAL REPORTER PRO TEM
25 429-U.S. COURTHOUSE
312 NORTH SPRING STREET
LOS ANGELES, CA 90012
(213) 894-6052

1 SITTING HERE LISTENING TO THIS AND READING A 100-PAGE
2 PLEADING."

3 SO, WITH ALL DUE RESPECT, YOUR HONOR, I THINK
4 THAT, EVEN IF MR. BERRY SEES THE ERROR OF HIS WAYS
5 ENTIRELY, IF HE COMES IN WITH A TEN-PAGE PLEADING,
6 THAT IT SERVES MR. PATTINSON'S CLAIMS AND NOT
7 MR. BERRY'S CLAIMS, IF YOU WILL, THE DAMAGE HAS BEEN
8 DONE, AND HE WILL PAY FOR IT.

9 THANK YOU, YOUR HONOR.

10 THE COURT: THANK YOU. THE COURT IS INCLINED
11 TO ADOPT WHAT -- ITS TENTATIVE RULING, DENYING THE
12 REQUEST FOR SANCTIONS WITHOUT PREJUDICE, ORDERING THE
13 PLAINTIFF TO FILE AN AMENDED COMPLAINT WITHIN 30
14 DAYS.

15 BUT LET ME SAY THIS TO YOU, MR. MOXON -- NOT
16 TO MR. MOXON, BUT TO MR. BERRY, I REALLY EXPECT A
17 COMPLAINT THAT IS -- HAS A PURPOSE TO IT THAT IS NOT
18 ENGAGED IN SOMETHING THAT GOES OUT ON THE INTERNET,
19 WHICH IS A RAMBLING TALE OF IRRELEVANCY.

20 AND YOU'RE REALLY GOING TO HAVE TO SHOW ME
21 WHY YOU THINK THERE IS STATE ACTION. BECAUSE I'M
22 HIGHLY DUBIOUS TO THAT THEORY. I'M HIGHLY DUBIOUS TO
23 THE LEGAL CLAIMS.

24 SO IF THERE IS A PROBLEM THAT YOU WISH TO
25 REJECT BECAUSE OF YOUR PRIOR RELATIONSHIP WITH

1 SCIENTOLOGY, PLEASE DO THAT. AND LET'S LEAVE ALL THE
2 OTHER THINGS OUT.

3 AND IF WE GET A COMPLAINT BACK THAT IS LIKE
4 THIS COMPLAINT, I REALLY AM GOING TO LISTEN TO
5 SANCTIONS, AND CONSIDER THE EFFORTS THESE DEFENDANTS
6 HAVE PUT INTO THE MATTER UP UNTIL NOW AND IN OTHER
7 COURTS IN ASSESSING THE SANCTION AWARD.

8 THANK YOU.

9 (WHEREUPON PROCEEDINGS ADJOURNED AT 4:43 P.M.)

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