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Scientology International, Inc.; Building
Management Services, Inc.; Daniel Alan
Dunigan (erroneously sued and served as
David Alan Dunigan); Kenneth R. Seybold;
Matthew James Butler and Salvatore Meo

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF RIVERSIDE

FRANCOIS CHOQUETTE,

Plaintiff,

vs.

CHURCH OF SCIENTOLOGY
INTERNATIONAL, a California corporation;
BUILDING MANAGEMENT SERVICES, a
California corporation; DAVID ALAN
DUNIGAN, an individual; KENNETH R.
SEYBOLD, an individual; MATTHEW JAMES
BUTLER, an individual; SALVATORE MEO,
an individual; and DOES 1 through 20, inclusive

Defendants.

) Case No. RIC 538634

)
) Assigned for All Purposes to the
) Honorable Sharon J. Waters

) **DEFENDANTS' NOTICE OF MOTION**
) **AND MOTION TO STRIKE PORTIONS**
) **OF PLAINTIFF'S FIRST AMENDED**
) **COMPLAINT**

) (Served concurrently with Demurrer, Motion
) to Strike and Request for Judicial Notice)

) DATE:
) TIME: 8:30 a.m.
) DEPT.: 10

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on the _____ day of _____, 2010, at 8:30 a.m. or as soon thereafter as the matter may be heard in Department 10, Defendants Church of Scientology International, Inc.; Building Management Services, Inc.; Daniel Alan Dunigan (erroneously sued and served as David Alan Dunigan); Kenneth R. Seybold; Matthew James Butler and Salvatore Meo will and hereby do move this court for a Motion to Strike Portions of Plaintiff's First Amended Complaint. This motion is made pursuant to Code of Civil Procedure §§ 435 and 436 on the ground those cited provisions of the Complaint are irrelevant, false or improper matters inserted in the pleading. The legal argument for this motion is set forth in the accompanying memorandum of points and authorities which is filed concurrently herewith. The items to be stricken are as follows:

Paragraph 5 which reads: "Various courts of law also designated Captain David Miscavige's predecessor Commodore L. Ron Hubbard as the Managing Agent of the churches and corporations of Scientology which, *inter alia*, caused L. Ron Hubbard to go into hiding for the last seven years of his life. Plaintiff is informed and believed that staff and assets are moved among the various Scientology corporations as the circumstances may require and that "acceptable truths" and "lies" are told to deceive and defraud others including law enforcement agencies and officers, and the courts of law;"

Paragraph 6, which reads: "Although CSI and its managing agent David Miscavige widely claim to have a global membership exceeding ten million people that is a falsified figure involving creative and misleading statistics. Upon information and belief, there are only 30-50,000 currently active Scientology staff members and public members worldwide. Over the past 18 months both Scientology's worldwide membership and its global gross income have diminished by about half;"

Paragraph 10, which reads: "Upon information and belief, the funds to engage in the conduct alleged of the Defendants herein was/is provided by multiple sources including but not limited to the International Association of Scientologists (the "I.A.S."), the World Institute of Scientology Enterprises ("W.I.S.E."), Narconon, the Citizen's Commission for Human Rights

1 ("CCHR"), various Scientology celebrity members including but not limited to Tom Cruise, John
2 Travolta, James Packer of the Packer news and media group, Greta Van Susteran of Fox News,
3 and others;"

4 Paragraph 11, which reads: "At various times, in the doing of the things either alleged
5 herein or reasonably related to the events herein, Managing Agent David Miscavige has been
6 assisted by others, or has punished and/or violated the constitutional rights of many others,
7 including but not limited to Lawrence ("Larry") Brennan, Vicki Azneran, Richard Azneran,
8 Jesse Prince, Mark ("Marty") Rathbun, Michael Rinder, Stacy Brooks Young, Andre Tabayoyan,
9 Hana Whitfield, Gerry Whitfield, Ken Hoden, Lawrence Wollersheim, Gerry Armstrong, Marc
10 Headley and Jason Beghe;"

11 Paragraph 19, which reads: "In mid January 2008 a biography of Tom Cruise was
12 published by Andrew Morton. Almost simultaneously a Scientology recruiting video starring
13 Tom Cruise was uploaded to the worldwide web of the Internet. CSI, through its attorneys, then
14 used copyright claims to try and prevent continued distribution and viewing of the Scientology
15 recruiting film in which, among other things, Tom Cruise claims to "smash Suppressive Persons"
16 [critics of Scientology] such as the Plaintiff into "a mere footnote in history" and he encourages
17 other Scientologists to similarly engage in the same unlawful and/or anti-social conduct Upon
18 information and belief, Tom Cruise has also offered to personally "beat the living [bleep] out of
19 disobedient Scientologists." Upon further information and belief, Scientology leader Captain
20 David Miscavige has held out Tom Cruise's conduct and statements as an ideal example for
21 Scientologists such as the individual defendants herein. Plaintiff alleges that this is part of the
22 attitudes, gestalt, policies and procedures that legally, directly and proximately caused the
23 Plaintiff to suffer general and special damages, inter alia, as alleged herein;"

24 Paragraph 20 which reads: "CSI and its managing agent David Miscavige maintain a
25 policy and practice of "Command Intention." During the lifetime of L. Ron Hubbard "command
26 intention" referred to what Commodore Hubbard wanted to be done or what Scientology upper
27 management wanted to be done in accordance with the Scientology policy and practice letter
28 known as "Keeping Scientology Working No. 1" or "KSW 1." After managing agent David

1 Miscavige extorted and seized control of the Scientology enterprise from Hubbard's appointed
2 successors Pat and Annie Broeker, and after he terrorized and extorted certain of the Hubbard
3 family heirs and seized/stole portions of the Hubbard family inheritances, David Miscavige
4 altered or "squirreled" numerous Scientology policies contrary to its "Doctrine of Source and
Command Intention" took on the meaning of what David Miscavige or "DM" wanted done. In
6 accordance with DM's "Command Intention," various of the "Suppressive Person" policies and
7 practices are used against persons such as the Plaintiff herein, and were used against the Plaintiff
8 herein, by the Defendants acting jointly and/or severally. Within the Scientology/CSI/BMS
9 enterprise, "Command Intention" also mandates that any Scientology staff member is able to
10 "make it go right" and to do whatever is required for the good of the greatest number of
11 Scientologists. In other words, Defendants have copyrighted secular policies and practices
12 providing, in pertinent parts, that the Plaintiff had "no civil rights," that he could be "utterly
13 destroyed" by any means "by any Scientologist without any penalty to that Scientologist," and
14 that the ends justify the means whether lawful or unlawful. Upon information and belief, the
Defendants used these secular policies and practices in their conduct and handling of the Plaintiff
as alleged herein;"

16 Paragraph 23 which reads: "In or about February and/or March 2008 CSI inter alia
17 engaged in conduct against Anonymous in general, and later against the Plaintiff in particular, in
18 furtherance of the secular "Suppressive Persons" policies and practices previously copyrighted
19 by CSI. In accordance with express and mandatory provisions of these copyrighted secular
20 policies and practices, CSI's objective against the Plaintiff and his associates was to "intimidate,"
21 "harass," "silence" and "utterly destroy" those engaged in first amendment speech and
22 association that was either critical of the alleged crimes and abuses of the Church of Scientology
23 or CSI's objective of a Scientology ruled global totalitarian political state, medical, business and
24 social system compared by many to the vision of George Orwell's novel 1984. The related
25 objectives of CSI included identifying, exposing, persuading, harassing, intimidating, arresting,
26 prosecuting and psycho-terrorizing the Anonymous and other participants in the Anonymous
27 movement in general and the Plaintiff in particular from engaging in any other First Amendment
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1 protected activity against the Scientology churches, corporations, front groups and enterprises.
2 To those ends, CSI, BMS and their managing agent David Miscavige used Scientology
3 employees, Scientology members, Scientology volunteers, lawyers, private investigators,
4 governmental entities, law enforcement entities, false claims and false police reports. "Cease and
5 desist" protesting against Scientology letters were prepared by law firms both large and small
6 and they were delivered by Scientology volunteers, employees, private investigators and others
7 to identified Anonymous protestors including but not limited to the Plaintiff herein, their parents,
8 neighbors, colleges, and employers. CSI spent many millions of tax exempt dollars, across
9 county, state, federal and international borders in this effort to suppress and destroy the first
10 amendment rights of the Anonymous protestors in general and the Plaintiff in particular. To this
11 end, CSI arranged, inter alia, for scientology staffers, scientology volunteers, politicians, public
12 employees and/or peace officers to close public streets and sidewalks to picketers who included
13 the Plaintiff, to prevent picketers from accessing public accommodations and conveyances such
14 as restaurants and buses, to prevent the first amendment communications of the picketers from
15 being seen or heard by their intended audience, and to engage in false arrests, false
16 imprisonments and other unlawful conduct which intentionally or recklessly interfered with the
17 constitutional rights of the Plaintiff herein. Numerous picketers including the Plaintiff were also
18 subjected to physical assaults and violence perpetrated by Scientology "staffers" and "publics"
19 present at Scientology locations and elsewhere. Upon information and belief, in the doing of the
20 things alleged herein CSI, its managing agents, employees, volunteers and representatives also
21 engaged in undue and/or improper influence and corruption of public officials. In addition, CSI
22 used and directed private businesses and their employees as participants in the unconstitutional
23 and other unlawful conduct against the Plaintiff as alleged herein. Upon information and belief,
24 these businesses include but are not limited to a certain Subway Restaurant in Los Angeles, a
25 certain common carrier in Los Angeles, and the Westin Bonaventure Hotel in Los Angeles;"

25 Paragraph 24, which reads: "Upon information and belief this conduct against
26 Suppressive Persons such as Anonymous in general and the Plaintiff in particular, inter alia, was
27 either ordered by and/or ratified by David Miscavige and carried out by various of his
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1 subordinate officers (including but not limited to Michael Rinder through mid 2007) within the
2 Scientology enterprise, all of who are always required to act in accordance with David
3 Miscavige's "command intention." Upon information and belief, since its establishment, CSI has
4 engaged in the pattern and practice of the same or similar conduct against many other of its self-
5 perceived "enemies" such as the Plaintiff herein and as alleged herein;"

6 Paragraph 25, which reads: "The Scientology secular and administrative policies and
7 practices, inter alia, for the handling of Suppressive Persons are part of the gestalt of the
8 Scientology enterprise, and are part of the res gestae herein, in that the Scientology secular
9 Suppressive Person policies and practices have been in effect and employed against the Plaintiff
10 throughout the events at issue herein;"

11 Paragraph 26, which reads: "Defendant CSI has represented that the secular Suppressive
12 Person policies and practices, of which Fair Game is a part, were cancelled over forty years ago.
13 Notwithstanding this transparent falsehood (or "acceptable truth" in Scientology parlance), these
14 policies and practices (most of which call for hate-filled conduct and communication) have been
15 recognized and discussed in a number of more recent California and other cases including but
16 not limited to: *Church of Scientology v. Armstrong*, 232 Cal.App.3d 1060, 1067 (1991);
17 *Wollersheim v. Church of Scientology*, 212 Cal.App.3d 872,888-89 (1989); *Allard v. Church of*
18 *Scientology*, 58 Cal.App.3d 439,443 n.1 (1976); *United States v. Kattar*, 840 F.2d 118, 125 (1 st
19 Cir. 1988); *Van Schaick v. Church of Scientology*, 535 F.Supp. 1125, 1131 n.4 (U.S.D.C. Mass.
20 1982); *Christofferson v. Church of Scientology*, 57 Ore.App.203 (1982). In addition, CSI and/or
21 its affiliates have continued to renew the copyright registrations of the written secular policies
22 relating to the handling of Suppressive Persons such as the Plaintiff herein. Similarly, CSI and its
23 affiliates have continued to issue written "Suppressive Person Declares" against former
24 Scientologists and others right up to the present time;"

25 Paragraph 27, which reads: "CSI's copyrighted secular policies and practices for handling
26 Suppressive Persons such as the Plaintiff herein expressly mandate hate-filled conduct in breach
27 of their human and civil rights. Conduct in furtherance of these copyrighted secular policies is
28 intended to "terrorize" those CSI classifies as Suppressive Persons and, among other things, to

1 [mis]use the law to harass and “utterly destroy” them. These secular policies and practices target
2 Plaintiff and others for “utter destruction” because they are NOT of the Scientology religion and
3 are opposed to alleged CSI crime, abuse and plans for global totalitarian rule and genocide (of all
4 Suppressive Persons). Consequently the wrongful and criminal conduct directed by Defendants
5 at the Plaintiff including but not limited to assault, battery and false imprisonment also
6 constitutes a hate crime and/or a hate tort under applicable laws;”

7 Paragraph 32 which reads: “The Golden Era property is also the International
8 Headquarters of the Church of Scientology. Many former top Scientology executives have
9 compared the very high security compound to a Soviet or North Korean gulag. The Plaintiff and
10 his Anonymous companions were protesting, inter alia, alleged Scientology forced labor, forced
11 abortions, human trafficking, violence, unlawful imprisonment, human rights violations, civil
12 rights violations, labor code and O.S.H.A. violations at the very high security Golden Era film
studio property;”

13 Paragraph 34 which reads: “Upon information and belief, some or all of the unfenced
14 roadside land and/or the Golden Era property is being occupied by the Scientology enterprise in
15 fraudulent violation of F.E.M.A. flood plain restrictions and requirements. In addition, at least
16 one of the Scientology buildings at the Golden Era property colloquially called “the Hole”
17 confines over forty senior Scientology executives night and day, some held there for more than
18 five years, without doors with inside handles or escape bars;”

19 Paragraph 35 which reads: “For over thirty years CSI and its agents have engaged in
20 unlawful conduct to prevent Scientology employees from leaving the Golden Era property
21 without authorization or guarantee of return. Similarly, CSI and its agents have engaged in
22 unlawful conduct to keep non-Scientologists from even the perimeters of the Golden Era
23 property (and related properties such as “Happy Valley”) whether they are engaged in picketing,
24 hand gliding or photography. To this end the Golden Era property is surrounded by the
25 dangerous spiked fences, advanced electronic security devices and even, from time to time, a
26 staffer armed with a sniper’s rifle and located on the mountainside above the Golden Era
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1 property in a "fox hole" called "the Eagle's Nest" by Scientology staff members posted to the
2 Golden Era property;"

3 Paragraph 36 which reads: "Notwithstanding, a few Scientologists confined upon the
4 Golden Era property have managed to escape, sometimes with outside assistance. Upon
5 information and belief, this conduct whether intentional or reckless has even resulted in the death
6 of a young depress Scientologist(s) staffer such as Stacy Meyer Moxon or a young girl such as
7 Ashley Shaner who was driving home from bible study and fatally proceeding past the Golden
8 Era property in the early evening darkness;"

9 Paragraph 37, which reads: "When there is picketing or other anti-Scientology abuse
10 activity outside the Golden Era property all but a few security guards and senior executives are
11 ordered indoors and behind shutters. They are expressly forbidden and actively prevented from
12 hearing or seeing any of the picket or protest information directed to their attention and
13 consideration. They are not permitted 16 to receive any information that is in any way critical of
14 Scientology or contrary to what they have 17 been told by Scientology about events within their
15 own "reality";"

16 Paragraph 40, which reads: "The picketers carried signs which read, among other things:
17 "Stop the beatings," "Stop Scientology slave labor camps," "David Miscavige beats his staff,"
18 "Scientology is destructive and a rip-off" and "Scientology is worse than you think." Many
19 passing vehicles honked their horns in approval unaware that Scientology cameras positioned
20 beside Highway 79 were recording the registration plate number and driver's face of every
21 vehicle that drives past the Golden Era property;"

22 Paragraph 41, which reads: "Soon after the October 26, 2008, picket of the Golden Era
23 property commenced a deafening and disturbing discordant organ tri-note note was broadcast
24 across the landscape by at least seven huge outdoor concert speakers positioned on the inside
25 edge of the Golden Era property adjacent to Highway 79. The sound was measured as being at or
26 exceeding 110-115 decibels which substantially exceeds the 75 decibels permissible noise level
27 in Riverside County. The ordinance violating noise continued throughout most of the picket
28 (approximately 3.5 hours). Although a number of Riverside County Deputy Sheriffs were in

1 attendance during much of the picket they took no action to abate the excessive noise violation
2 even after being requested to do so. Upon information and belief, the deafening organ dirge (a
3 discordant tri-note) was intended to both prevent the Scientology employees on the Golden Era
4 property from hearing the picketer's first amendment protected communications and to interfere
5 with the minds of the picketers;"

6 Paragraph 48, which reads: "Upon information and belief, CSI has used its self-created
7 dangerous Highway 79 condition in support of its political lobbying and alliance with Riverside
8 County Supervisor Jeff Stone to have Highway 79 re-routed away from the Golden Era property
9 which it currently bisects (although CSI has two pedestrian tunnels underneath). Last month the
10 San Jacinto City Council held a public meeting on the issue and expressed its opposition.
11 Plaintiff attended and spoke thereat. Another Anonymous known as AGP participant also
12 intended to attend and speak in opposition. However, that same day CSI attorney Elliot Abelson
13 advised that Anonymous participant, through ms counsel who was with the Plaintiff herein, that
14 if the Anonymous protestor known as AGP attended the public meeting he would be arrested for
15 a violating a [non-existent] ball condition not to be in the presence of a Scientologist and there
16 would be Scientologists at the San Jacinto City Council public meeting. In the words of one of
17 the Suppressive Person policies allegedly at issue herein, AGP was "shuddered into silence" by
18 the misrepresentation of CSI in-house attorney Elliott Abelson;"

19 Paragraph 49 which reads: ... "Upon information and belief, it was similar willful and
20 reckless disregard that negligently caused the death of sixteen year Ashley Shaner (and twenty
21 year old Stacy Meyer Moxon). As with the continuing excessive discordant organ tri-note dirge,
22 the Riverside County Deputy Sheriff's passively remained with the Scientology staffers and took
23 no action to curb either the excessive noise or the sprinkler assault upon the picketers who were
24 acting lawfully at all pertinent times and anxious for the active assistance and protection of the
25 Riverside County Sheriff's Department;"

26 Paragraph 58, which reads: "Upon information and belief, the willful and reckless
27 disregard of the constitutional and other rights of the general public around the Golden Era
28 property include a hang glider pilot who landed on the mountain above the Golden Era property

1 and he was grabbed by Golden Era property security guards and unlawfully imprisoned upon the
2 Golden Era property for over a day before being handed over to Riverside County Sheriffs. Other
3 members of the public have been threatened with a citizen's arrest by Golden Era property
4 security guards as they merely walk on the public easement past the Golden Era property. Upon
5 information and belief, others both at the Golden Era property and in other places, have been
6 subjected to false arrests and flawed prosecutions by CSI and its employees and agents acting
7 pursuant to CSI's secular and administrative policies and practices, inter alia, for the handling of
8 Suppressive Persons;"

9 Paragraph 59, which reads: "Upon information and belief, the aforesaid CSI secular and
10 administrative policies and practices are also a pattern of practice of intentional and/or reckless
11 civil rights violations resulting in, inter alia, the false arrests and/or false citizen's arrest and/or
12 false confinement of others deemed to be Suppressive Persons by CSI including but not limited
13 to a German television crew attempting to film the Golden Era property and nearby "Happy
14 Valley," Bent Corydon, Mark Bunker (on two occasions), Douglas Owens, Anon Ace (St.
15 Louis), Anon 44 (Tennessee), Epic Nose Guy (London), Camera Anon (Las Vegas), Stu Wyatt
(England);"

16 Paragraph 66, which reads: "After the Plaintiff was released from Riverside County Jail
17 he and some of the other October 26, 2008 Anonymous picketers and witnesses to the assault
18 and battery of the Plaintiff made several visits to the Riverside County Sheriff's Department in
19 San Jacinto and requested an opportunity to file a police complaint against the individual
20 Defendants herein for their violence and other conduct against the Plaintiff as described above.
21 On successive days the Riverside Deputy Sheriffs refused to receive or co-operate in the filing of
22 a police report against the CSI security guards; the individual defendants herein. Eventually,
23 after KESQ TV reporter Nathan Baca had filmed and broadcast the Plaintiff trying to make a
24 criminal complaint, the Riverside Sheriff's Department agreed to meet with the Plaintiff and to
25 receive a criminal complaint against the Scientology security guards;"

26 Paragraph 67, which reads: "On January 5, 2009 the Plaintiff met with Investigator Kim
27 Judge at the Riverside County Sheriff's Department in San Jacinto. After an extended interview
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1 and a review of other evidence the Sheriff's investigator submitted a report that Defendants
2 Dunigan, Matthew Butler and Kenneth Seybold be prosecuted. A copy of this report is attached
3 hereto as Exhibit B;"

4 Paragraph 69, which reads: "On December 9, 2008 Riverside County Board of
5 Supervisors Chairman Jeff Stone introduced Ordinance No. 884 to restrict "targeted residential
6 picketing" in the County of Riverside. Later, he introduced Ordinance No. 888 to pass Ordinance
7 No. 884 with urgency because of the alleged emergency circumstances created by the
8 Anonymous pickets of the Golden Era property. Supervisor Stone used a CSI created a highly
9 defamatory and false "Anonymous Pamphlet" which was given to Supervisor Stone who used it
10 in support of Ordinance No. 884 and 888. CSI also provided Supervisor Stone with false and
11 highly defamatory information about the Plaintiff herein and Supervisor Stone also used that
12 information in public debate upon Ordinance No. 884 and 888. As originally proposed by
13 Supervisor Stone, the impact of Ordinance No. 884 would have been to restrict all pickets of the
14 Golden Era property to an area no closer than approximately one mile from the intended
15 audience for the picketer's first amendment activity;"

16 Paragraph 70, which reads: "During debates at successive meetings of the Riverside
17 Board of Supervisors the County attorney, CSI's local land use and zoning attorney, and CSI
18 public relations executive Catherine Fraser all made statements that, in summary, were that a
19 month or so earlier CSI's land use and zoning attorney had provided the Riverside County
20 Attorney with a draft of a proposed Ordinance No. 884 and that they had subsequently worked
21 on it together. Upon information and belief, after the Plaintiff was arrested on October 26, 2008,
22 CSI contacted Supervisor Stone and provided him with the defamatory material described in the
23 immediately preceding paragraph. Supervisor Stone used the CSI produced materials to publicly
24 and falsely accuse the Plaintiff, among others, of being a "dangerous criminal" engaged in bomb
25 threats, anthrax attacks, nuclear bombings and other sick absurdities. These fabricated
26 characterizations of the Plaintiff in particular and the Anonymous anti-Scientology abuses in
27 general were subsequently used by Supervisor Stone to justify emergency passage of the
28 Scientology proposed Ordinances;"

1 Paragraph 71, which reads: "The Plaintiff and others publicly opposed the proposed
2 Ordinance No. 884 and 888 during the public comment sessions of the Riverside County Board
3 of Supervisors and he has, along with others, continued to call the Riverside County Board of
4 Supervisors attention to the human rights abuses, civil rights abuses, human trafficking and
5 unlawful imprisonments at the Golden Era property; all without success. The Plaintiff has
6 handled supporting documentation to Supervisor Stone personally and to Sheriff Stanley Sniff.
7 The Plaintiff has also attended political fundraisers and observed Scientology retained lawyers
8 and staffers also attending, presumably making political contributions to Supervisor Stone and
9 others;"

10 Paragraph 72, which reads: "The Plaintiff, along with others, has also protested
11 corruption in both Riverside and Los Angeles Counties, particularly concerning relationships
12 between the Scientology enterprise, local government, county government, the civil and criminal
13 courts, and their relevant representatives;"

14 Paragraph 73, which reads: "Upon information and belief, for decades CSI has engaged
15 in a continuing course of related similar conduct mandated by it's copyrighted "Suppressive
16 Persons" and other policies, and that conduct of CSI (or its predecessor Church of Scientology of
17 California) has been employed in matters that are part of a course of conduct constituting, inter
18 alia, public corruption involving and/or including but not limited to the Plaintiff herein as alleged
19 herein and for which he seeks relief herein, Paulette Cooper, the Estate of L. Ron Hubbard, Julie
20 Christofferson, Gerald Armstrong, Michael Flynn, Esq., Lawrence Wollersheim, Charles B.
21 O'Reilly, Esq., Robin Scott, David Mayo, Joseph A. Yanny, Esq., Barry Van Sickle, Esq., Ford
22 Greene, Esq., the Cult Awareness Network, F.A.C.T. Net, Arnie Lerma, Keith Henson, Jesse
23 Prince, Mark Bunker, Robert Minton, Ursula Caberta, and that group of over nine thousand
24 persons calling themselves Anonymous and anonymously protesting Scientology crime and
25 abuse around the globe;"

26 Paragraph 78, which reads: "On or about September 15, 2009, the Plaintiff handed
27 Supervisor Stone a copy of some of the evidence in the criminal case previously destroyed in the
28 District Attorney's Office. Plaintiff requested Jeff Stone that it be reviewed by the Supervisor and

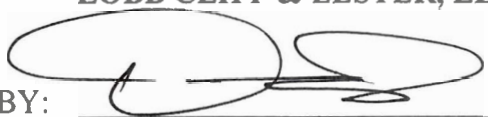
1 then given to the Riverside County Sheriff. Upon information and belief, Supervisor Stone has
2 continued to work with representatives of CSI to limit the picketing activity of the Plaintiff in
3 particular and other protestors in general against CSI crimes and abuses including those from the
4 Anonymous group;" and

5 Paragraph 79, which reads: "Subsequent to the passage of the Scientology sponsored
6 Ordinance No. 884 the Scientology employees have sometimes argued that it prevents any
7 picketing outside the Golden Era property and other times they have conducted clearly false
8 citizen's arrests involving arrests and citations that have been subsequently dropped without
9 further appearance or action being necessary."

10 This motion will be based on this notice of motion, and the accompanying Memorandum
11 of Points and Authorities and all the papers on file with this court in the instant action.

12 Dated: January 14, 2010

LOBB CLIFF & LESTER, LLP

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14 BY: 

Mark S. Lester
David Cantrell

&

MOXON & KOBRIN
Kendrick L. Moxon

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18 Attorneys for Defendants, CHURCH OF
19 SCIENTOLOGY INTERNATIONAL,
20 INC.; BUILDING MANAGEMENT
21 SERVICES, INC.; DANIEL ALAN
22 DUNIGAN (ERRONEOUSLY SUED
23 AND SERVED AS DAVID ALAN
24 DUNIGAN); KENNETH R. SEYBOLD;
25 MATTHEW JAMES BUTLER AND
26 SALVATORE MEO
27
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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I am employed in the County of Riverside, State of California. I am over the age of 18 and not a party to the within action; my business address is 1325 Spruce Street, Suite 300, Riverside, California 92507.

On January 14, 2010, I served the foregoing documents by placing a true copy thereof enclosed in a sealed envelope and addressed as stated below:

DOCUMENTS SERVED: DEFENDANTS' NOTICE OF MOTION AND MOTION TO STRIKE PORTIONS OF PLAINTIFF'S FIRST AMENDED COMPLAINT

SERVED UPON:	Law Offices of Graham E. Berry Graham E. Berry 3384 McLaughlin Avenue Los Angeles, CA 90066 Tel: (310) 745-3771 Fax: (310) 745-3771 Attorney for Plaintiff, Francois G. Choquette	MOXON & KOBRIN Kendrick L. Moxon 3055 Wilshire Blvd., Suite 900 Los Angeles, CA 90010 Telephone: (213) 487-4468 Facsimile: (213) 487-5385 Co-Counsel for Defendants
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X **(By Mail)** I declare that I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at Riverside, California in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

(By Facsimile) I served the above-described document on the interested parties in this action by sending a true copy thereof by facsimile transmission pursuant to *California Rules of Court*, Rule 2008, from facsimile machine number (909) 788-0766. The facsimile machine I used complied with *California Rules of Court*, Rule 2008, and no error was reported by the machine. Pursuant to Rule 2008(e)(3), I caused the machine to print a transmission record of the transmission.

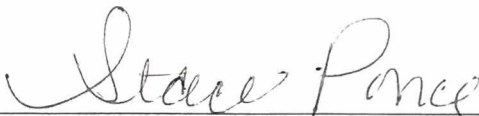
(By E-mail or Electronic Transmission) Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the documents to be sent to the persons at the e-mail addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

(By Overnight Mail) I am "readily familiar" with the firm's practice of collection and processing correspondence for overnight delivery of documents. Under that practice it would be delivered to an authorized agent or driver of Federal Express with the fees paid or provided for on the date of service and delivered the next day.

(By Personal Service) I caused such envelope to be hand delivered to the offices(s) of the addressee(s).

X **(State)** I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

(Federal) I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.


STACI PONCE