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6 SUPERIOR COURT OF CALIFORNIA
7 COUNTY OF RIVERSIDE
8 CENTRAL DISTRICT
9

10 **FRANCOIS G. CHOQUETTE, an**)
individual)
11)
Plaintiff,)
12 v.)
CHURCH OF SCIENTOLOGY)
INTERNATIONAL, a California)
corporation; BUILDING MANAGEMENT)
SERVICES, a California corporation;)
DANIEL ALAN DUNIGAN, an individual;)
KENNETH R. SEYBOLD, an individual;)
MATTHEW JAMES BUTLER, an)
individual; SALVATORE MEO, and)
individual; and DOES 1 through 20,)
inclusive,)
18 Defendants.)

Case No. RIC 538634
Assigned: Hon. Sharon J. Waters, Dept.10

**SECOND AMENDED
COMPLAINT FOR DAMAGES FOR:**

1. Assault & Battery
2. Assault & Battery, Excessive Force
3. False Arrest & Imprisonment
4. Malicious Prosecution
5. Violation of California Civil Code § 52.1
6. Violation of California Constitution Article 1, §§1, 2, 3, 4, 7 & 13

UNLIMITED CIVIL CASE

DEMAND FOR JURY TRIAL

Complaint filed: June 25, 2010
Trial Date: None
Motion Cut-off: None

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1 Plaintiff, **FRANCOIS G. CHOQUETTE**, on information and belief, makes the following
2 allegations to support his **First Amended Complaint** as of right:

3 **SECULAR ACTION**

4 **1.** This First Amended Complaint is not directed at any of Defendants' religious beliefs or
5 freedoms. It is only directed at Defendants' demonstrably secular policies, processes, practices
6 and conduct in connection with, at the very most, religiously motivated conduct which is subject
7 to regulation for the protection of society.

8 **PARTIES**

9
10 **2.** Plaintiff FRANCOIS G. CHOQUETTE (“Choquette” or “Plaintiff”) is an individual who
11 currently resides in the County of Riverside, California.

12 **3.** Defendant CHURCH OF SCIENTOLOGY INTERNATIONAL (“CSI”) is an entity
13 incorporated under the laws of the State of California as a religious corporation with its principal
14 place of business at 6331 Hollywood Boulevard, Los Angeles, CA. CSI also does business as
15 GOLDEN ERA PRODUCTIONS (“GOLDEN ERA”) at 19625 Highway 79, Gilman Hot Springs,
16 CA 92583. In doing the acts herein alleged, CSI’s employees, subcontractors, volunteers and
17 agents acted within the scope of their employment and agency with CSI. Defendant CSI engaged
18 in the acts alleged herein and/or condoned, permitted, authorized, and/or ratified the conduct of its
19 managing agent Sea Organization Captain David Miscavige, corporate affiliates, employees,
20 subcontractors, volunteers and agents alleged herein.

21
22 **4.** Defendant BUILDING MANAGEMENT SERVICES (“BMS”) is an entity incorporated
23 under the laws of the State of California as a religious corporation with its principal place of
24 business at 6331 Hollywood Boulevard, Los Angeles, CA. BMS also does business as BUILDING
25 MANAGEMENT SERVICES (GOLD) at 19625 Highway 79, Gilman Hot Springs, CA 92583.
26 BMS is one of the corporations of Scientology with its principal object being the ownership and
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1 management of various Scientology properties. In doing the acts herein alleged, its employees,
2 subcontractors, volunteers and agents acted within the scope of their employment and agency with
3 BMS and its affiliates. Defendant BMS engaged in the acts alleged herein and/or condoned,
4 permitted, authorized, and/or ratified the conduct of its managing agent Sea Organization Captain
5 David Miscavige, corporate affiliates, lessees, mortgagors, employees, subcontractors, volunteers
6 and agents alleged herein.
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8 **5.** (Redacted from first amended complaint.)

9 **6.** (Redacted from first amended complaint.)

10 **7.** There exists, and at all times relevant hereto, has existed, such a unity of control and
11 interest among the corporate Defendants, the Sea Organization and the Commodores Messenger
12 Organization, and all of the other corporations and churches of Scientology, including but not
13 limited to those churches and corporations of Scientology that are or have been the subject of
14 Internal Revenue Service § 501(c)(3) exemption letters, that any individuality and separateness
15 between each of them has ceased and each is the *alter ego* or agent of the others.
16

17 **8.** Plaintiff is informed and believes that other Scientology corporate entities also occupy or
18 have designated staff at the Golden Era property at Gilman Hot Springs. These allegedly separate
19 Scientology corporate entities include Church of Spiritual Technology, Religious Technology
20 Center, Building Management Services and Building Management Services (GOLD). Currently
21 Plaintiff lacks information as to whether any of these corporations or any of their assigned staff
22 participated in the acts, circumstances and occurrences alleged herein. When the true and precise
23 nature of their relationship and participation, if any, in the events and matters relating to this
24 Complaint becomes better known than at the present time, this Complaint will be amended to
25 reflect the same (by appropriate additions, deletions and/or dismissals) or it will be established at
26 the time of trial, according to proof.
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1 **9.** (Redacted from first amended complaint.)

2 **10.** (Redacted from first amended complaint.)

3 **11.** (Redacted from first amended complaint.)

4 **12.** Defendant DANIEL ALAN DUNIGAN (“Dunigan”) is a resident of Riverside County
5 California and/or was a security guard at Golden Era on October 26, 2008. At all relevant times,
6 Defendant Dunigan was under the direct supervision, employ, and control of Defendant CSI or
7 BMS. In doing the acts alleged herein, Defendant Dunigan was acting within the course and scope
8 of his employment and agency with Defendant CSI or BMS.
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10 **13.** Defendant KENNETH R. SEYBOLD (“Seybold”) is a resident of Riverside County
11 California and is an employee of CSI or BMS and is believed to be the “Estates Manager” and/or
12 the “Port Captain” for the Golden Era property. At all relevant times, Defendant Seybold was
13 under the direct supervision, employ, and control of Defendant CSI or BMS. In doing the acts
14 alleged herein, Defendant Seybold was acting within the course and scope of his employment and
15 agency with Defendant CSI.
16

17 **14.** Defendant MATTHEW JAMES BUTLER (“Butler”) is a resident of Riverside County
18 California and/or was a security guard at Golden Era on October 26, 2008. At all relevant times,
19 Defendant Butler was under the direct supervision, employ, and control of Defendant CSI or
20 BMS. In doing the acts alleged herein, Defendant Butler was acting within the course and scope of
21 his employment and agency with Defendant CSI or BMS.
22

23 **15.** Defendant SALVATORE MEO (“Meo”) is a resident of Riverside County California
24 and/or was a security guard at Golden Era on October 26, 2008. At all relevant times, Defendant
25 Meo was under the direct supervision, employ, and control of Defendant CSI or BMS. In doing
26 the acts alleged herein, Defendant Meo was acting within the course and scope of his employment
27 and agency with Defendant CSI or BMS.
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1 **16.** Upon information and belief, at all times relevant to the conduct and communications
2 herein each of the individual defendants was acting for, upon, and in furtherance of the business of
3 their employer (s) and/or Church of Scientology, CSI and BMS managing agent David Miscavige.
4 Plaintiff is ignorant of the true names and capacities of Defendants, Does 1 through 20, and
5 therefore sues said Defendants by fictitious names. Plaintiff will seek leave to amend this
6 complaint when the true names of said Defendants have been ascertained. Plaintiff is informed
7 and believes and on that basis alleges that each of the fictitious Defendants was in some way
8 responsible for, participated in or contributed to the matters and things of which Plaintiff
9 complains herein and, in some fashion, has legal responsibility therefore.
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11 **17.** At all times herein mentioned, each of the Defendants and/or their predecessors, affiliates,
12 subsidiaries and related entities, and each of the Doe Defendants, was the agent, servant,
13 employee, fellow member, associated and/or joint venturer or conspirator of each of the other
14 Defendants, and of the various corporations and churches of Scientology, the Sea Organization
15 and the Commodore's Messengers' Organization, and was at all times acting within the purpose
16 and scope of said agency, employment or joint venture, and acting with the express and/or implied
17 knowledge or consent of the Defendants, and each of them.
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19 **18.** To the extent any one of more Defendants may continue to claim to be a peace officer
20 Plaintiff is informed and believes and thereon alleges that the acts of such Defendant (s) alleged in
21 this Complaint were done by such Defendant (s) under color of law and under pretense of the
22 constitution, statutes, ordinances, regulations, customs and usages of the United States, the State
23 of California, and the County of Riverside therein, and under the authority of their offices, and
24 during the course and scope of their service as peace officers for said State or County, and said
25 State or County is legally responsible for their conduct according to principals of vicarious
26 liability and respondeat superior. In such event, Plaintiff will seek leave to add appropriate federal
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1 civil rights claims herein pursuant to, *inter alia*, 42 U.S.C. §§1983, 1985 and 1988. At the time of
2 filing herein, Plaintiff lacks sufficient knowledge, information and belief to assert such a claim
3 relative to any conduct that may be beyond the limited immunity granted California peace officers
4 receiving persons delivered into their custody following a “citizen’s arrest” or “private person’s
5 arrest.”

6 COMMON ALLEGATIONS

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8 **19.** (Redacted from first amended complaint.)

9 **20.** (Redacted from first amended complaint.)

10 **21.** In or about February 2008 a loosely organized leaderless global collective or group of
11 human rights and Internet activists, numbering more than nine thousand, began protesting the
12 alleged copyright abuses, crimes, frauds, human rights abuses, and civil rights abuses committed
13 by the churches and corporations of Scientology and their representatives. The amorphous global
14 collective (in over 110 cities and more than 42 nations) called itself Anonymous and it engaged in
15 light hearted non-violent protests and other related first amendment protected activity against the
16 Scientology enterprise (s). Many of the Anonymous participants wore “V for Vendetta” masks
17 (also known as Guy Fawkes masks) to prevent Defendant CSI from retaliating against them with
18 its copyrighted secular policies and practices for the handling and destruction of Suppressive
19 Persons.
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22 **22.** In or about March 2008 the Plaintiff participated in his first monthly Anonymous global
23 picket with the Anonymous group protesting Scientology human and civil rights abuses thereby
24 becoming subject to CSI’s secular Suppressive Person policies and practices himself.
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26 **23.** (Redacted from first amended complaint.)

27 **24.** (Redacted from first amended complaint.)

28 **25.** (Redacted from first amended complaint.)

1 **26.** (Redacted from first amended complaint.)

2 **27.** (Redacted from first amended complaint.)

3 **28.** (Redacted from first amended complaint.)

4 **29.** (Redacted from first amended complaint.)

5 **30.** (Redacted from first amended complaint.)

6 **31.** (Redacted from first amended complaint.)

7 **32.** (Redacted from first amended complaint.)

8 **33.** The 500 acre Golden Era property at 19625 Highway 79, Gilman Hot Springs, CA is
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10 bisected by California State Highway 79. At the northern end of the property is approximately 1.3
11 acres of unfenced unused vacant land that includes a public right of way, dirt tracks, and an area
12 that has regularly been used for vehicle parking by protestors and the public generally (“the
13 unfenced roadside land”). Upon information and belief, before October 26, 2008 the unfenced
14 roadside land was not properly posted with the proper sized, positioned or number of “no
15 trespassing” signs as required by applicable California law (e.g. Penal Code §§552-556).
16 Subsequent to the events at issue herein the Golden Era “no trespassing” signs were changed and
17 relocated upon the unfenced roadside land on one or more occasions.
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19 **34.** (Redacted from first amended complaint.)

20 **35.** (Redacted from first amended complaint.)

21 **36.** (Redacted from first amended complaint.)

22 **37.** (Redacted from first amended complaint.)

23 **38.** Prior to October 26, 2008 the Plaintiff had become familiar with the positioning of the no
24 trespassing signs on the unfenced roadside land of the Golden Era property and he reasonably but
25 wrongly assumed that they were located at and along the property lines as required by applicable
26 California law. Unbeknownst to the Plaintiff, the sign (s) were not in accordance with the
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1 applicable law and thus was/were a public nuisance as specifically provided in Penal Code §§553
2 and 556.3.

3 **39.** On Internet message boards during the week preceding October 26, 2008, the Plaintiff and
4 other participants in the Southern California Anonymous group openly discussed their intention to
5 picket the CSI Golden Era property on Sunday October 26, 2008.

6 **40.** At approximately 11-30 A.M. on Sunday October 26, 2008 the Plaintiff and four other
7 Anonymous picketers arrived at the Golden Era property all traveling in the same vehicle, a rented
8 passenger van. In accordance with local custom and usage, they parked the vehicle on the south
9 east side of Highway 79 upon the unfenced roadside land which is part of the dedicated public
10 easement and commenced their picketing activity on the public easement along Highway 79 and
11 the Golden Era property. In addition, for their own safety, the picketers cell phoned the Riverside
12 County Sheriff's Department and advised them of their presence and the picket taking place.

13 **41.** Soon after the October 26, 2008, picket of the Golden Era property commenced a
14 deafening and disturbing discordant organ tri-note note was broadcast across the landscape by at
15 least seven huge outdoor concert speakers positioned on the inside edge of the Golden Era
16 property adjacent to Highway 79. The sound was measured as being at or exceeding 110-115
17 decibels which substantially exceeds the 75 decibels permissible noise level in Riverside County.
18 The ordinance violating noise continued throughout most of the picket (approximately 3.5 hours).

19 **42.** At the commencement of the picket on October 26, 2008, the Plaintiff remained hidden in
20 the vehicle the picketers had arrived in. On the basis of past experience, the Plaintiff expected CSI
21 security guards would drive up to the vehicle and engage in a thorough examination and possible
22 vehicular interference while the picketers were about 10 minutes walk away. In time a CSI
23 security guard arrived in a black pathfinder SUV and spent significant time examining the
24 picketer's parked vehicle while the Plaintiff remained hidden but observing and recording from
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1 inside. Eventually, the Plaintiff emerged from the vehicle. The Scientology security guard rushed
2 back to his vehicle and drove in reverse along the semi-circular dirt track beside Highway 79 and
3 the unfenced roadside land.

4 **43.** During the rest of the picket the Scientology security guard (s) repeatedly drove back to the
5 protestor's vehicle, got out of his own vehicle and physically examined the exterior and underside
6 of the picketer's van. On several times, one of the picketers proceeded back down Highway 79 to
7 see what the Scientology security guard was doing to the vehicle. Each time the picketer
8 approached the van the Scientology guard would cease inspecting/interfering with the picketer's
9 vehicle, return to his own vehicle and drive into a nearby cluster of trees on the unfenced roadside
10 land. At one point Defendant Butler approached the picketer's van with what appeared to be a tool
11 and departed with some acquired object. Finally, the Scientology security guard positioned, lit and
12 then returned to reposition a flaming roadside flare behind the gas tank of the protestor's vehicle
13 and provoked the subsequent events as complained herein.

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16 **44.** At about 11-50 A.M. on October 26, 2008, Riverside Deputy Sheriff George Foresburg
17 arrived at the picket and remained for the duration of most of the protest. During the course of the
18 picket and in violation of applicable United States Supreme Court case authority, he
19 unsuccessfully insisted that one or more of the protestors had to give him his identification
20 information if the picketer was to wear a mask and protest anonymously.

21
22 **45.** At about 12-55 P.M. on October 26, 2008, Deputy Foresburg and two other Sheriff's
23 deputies returned. They spend a considerable time closeted on the Golden Era property with
24 Scientology security guards and other staff. Thereafter Deputy Foresburg emerged and engaged
25 one or more of the picketers in conversation. Deputy Foresburg informed the picketer (s) that by
26 protesting outside the Golden Era guardhouse and main entrance they were engaged in illegal
27 residential picketing and that they should move their picket down the road and onto the unfenced
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1 roadside land where some of the events at issue (including the alleged assault, battery, false arrest
2 and false imprisonment) herein later occurred. Deputy Forseburg added that the picketing of the
3 main entrance to the Golden Era property may cause an accident and if it did the picketers would
4 be named as parties to the cause of the accident. This claim by the Deputy Sheriff was similar to
5 those made by Scientology representatives on other occasions. The Deputy Sheriff was visibly
6 annoyed at the picketer's refusal to move their protest down to the very same portion of unfenced
7 roadside land where he later took custodial delivery of the Plaintiff after the Plaintiff had been
8 subjected to a "citizen's arrest" by the Defendants for alleged trespassing and battery upon a peace
9 officer.
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11 **46.** During the October 26, 2008 protest against Scientology abuse and unlawful
12 imprisonments at the Golden Era property, there were Sheriff's deputies present the majority of
13 the time but they either refused or failed to respond to the pleas of the protestors regarding Church
14 of Scientology civil rights and noise violations being directed against them or the assault by
15 directed water sprinklers. The picketers had advised the deputies of their intended departure time
16 of about 3 P.M. Upon information and belief, a Sheriff's deputy so informed the Scientology
17 employees.
18

19 **47.** Upon information and belief, the Golden Era property has encroached upon public land
20 with, among other things, roadside vegetation that intentionally, maliciously and/or negligently
21 creates a public nuisance and/or restricts the public's ability to walk on the public easement
22 without being forced into the traffic stream of Highway 79. These obstructions upon the public
23 easement beside the Golden Era property and Highway 79 do not exist reasonably nearby on
24 Highway 79 other than outside the Golden Era property itself. This public easement also contains
25 Scientology installed, maintained and monitored sophisticated motion detectors, camera and
26 microphone equipment as well as a sprinkler system that sprays water onto the public easement
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1 and across Highway 79, often creating a very slippery and dangerous road surface. Upon
2 information and belief these encroachments upon the public highway easement have not been
3 authorized by duly issued permit (s) issued by the County of Riverside or the California
4 Department of Transportation (Caltrans).

5 **48.** (Redacted from first amended complaint.)

6 **49.** At about 2-15 P. M. on October 26, 2008, the Golden Era property roadside sprinkler
7 system was turned on. There were stationery cameras on tripods within the sprinkler spray area.
8 They belonged to the Anonymous picketers. The Golden Era property sprinklers caused the
9 picketers, or some of them who included the Plaintiff herein, to be assaulted by wet water spray
10 which forced them into the roadway and put them in potential physical danger. As with the
11 continuing excessive discordant organ tri-note dirge, the Riverside County Deputy Sheriff's
12 passively remained with the Scientology staffers and took no action to curb either the excessive
13 noise or the sprinkler assault upon the picketers who were acting lawfully at all pertinent times and
14 anxious for the active assistance and protection of the Riverside County Sheriff's Department.

15 **50.** At about 2-45 P.M. the Riverside County Deputy Sheriff's departed from the Golden Era
16 property. Very soon thereafter Defendant Butler returned to the picketer's van and lit an
17 incendiary road flare despite the county-wide ban of such devices because of the late summer high
18 fire danger; it was a "red flag" day. Initially, Defendant Butler pointed the flaming road flare
19 under the picketer's van and near its gas tank but later returned and re-positioned in the northern
20 direction. The Plaintiff observed this conduct and was alarmed by it and the potential for causing a
21 catastrophic explosion and/or fire in an area often ravaged by late summer wild fires and subject
22 that very day to a county-wide total ban of all fires and, *inter alia*, any roadside flares.

23 **51.** The Plaintiff went to his rented vehicle which was threatened by the illegal flaming
24 roadside flare while Defendant Butler retreated about thirty feet away next to some roadside
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1 vegetation. Meanwhile another vehicle, a grey Honda Accord, had arrived and was parked about a
2 quarter mile away. Believing the car may include additional picketers who were expected, the
3 Plaintiff walked towards the vehicle. However, as the Plaintiff walked towards the Honda Accord
4 it began slowly reversing down the Highway and then pulled a U turn and sped away to the south.
5

6 **52.** As the Plaintiff walked back to the picketer's van, the grey Honda Accord came back, right
7 behind him. The Plaintiff, now concerned for his safety, proceeded back to towards the picketer's
8 van using a small dirt road path, adjacent to Highway 79, as an apparent safe short cut. As he was
9 doing this the Plaintiff noticed Defendant Butler's black Nissan Pathfinder parked and he walked
10 over to enquire as to what he had been doing at the picketer's vehicle and why.

11 **53.** At all relevant times the Plaintiff had no intention to trespass upon the unfenced roadside
12 land and he reasonably believed, from past observation of the location of the no trespassing sign
13 (s), that he was still on the public easement. As of October 26, 2008 the Plaintiff had no record of
14 prior arrests or criminal convictions.
15

16 **54.** When Plaintiff arrived at the location of Defendant Butler he had less than five seconds to
17 make his enquiry before the Honda Accord screeched to a halt beside him and Defendant's
18 Dunigan and Seybold leapt out screaming "trespassing your under arrest." Contrary to the
19 provisions of law and custom, the Defendants had not given the Plaintiff any and/or adequate
20 notice that he was trespassing on a portion of the unfenced roadside land and they had not given
21 him any reasonable opportunity to exit the unmarked roadside land.
22

23 **55.** As one of the three Scientology security guards (Dunigan, Seybold and Butler) screamed
24 "trespassing your under arrest" they wrongfully, recklessly and negligently swarmed him, tackled
25 him to the ground, dog piled the Plaintiff, dangerously wedged and pressured their knees into the
26 Plaintiff's back and neck and thereby used unlawful deadly force while forcing his full face and
27 mouth into the dry desert dirt where he proceeded to receive bruising on his face, arms and legs
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1 and was made to suffer great pain, serious injury, the fear of suffocation and the fear of death. All
2 three of the Defendants were on top of him and held his hands behind his back while they punched
3 him many times causing him severe bruising, neck pains and permanent injuries. At the same
4 time, video taken at the incident clearly records what appears to be a single gun shot. During this
5 time the Plaintiff reflexively and unintentionally bit one of the hands that was holding his face
6 hard in the desert dirt and suffocating him. Defendant Meo then arrived on the scene and
7 participated in the conduct of the three other Golden Era employees. After several minutes of this
8 the other picketer's arrived and intervened to beg the four Golden Era security guards to get off
9 the Plaintiff and to stop beating and suffocating him because their conduct was killing the
10 Plaintiff. Eventually, Defendants did so but then tied his hands behind with tight plastic handcuffs
11 and detained him until the Deputy Sheriff's returned. They had withdrawn from the property just
12 before events commenced with the illegal flaming roadside flare, the grey Honda Accord, and the
13 Defendant's attack upon the Plaintiff. Photograph (s) of the Plaintiff during/ after this false arrest
14 are attached hereto as Exhibit A. The entire days events at issue herein were captured upon
15 numerous video-audio and still camera equipment.

18 **56.** During the aforesaid assault and battery by the Defendants upon the Plaintiff one of the
19 picketers attempted to intervene and was also physically assaulted by Defendant Dunigan. He
20 yelled at her that he was "making a citizen's arrest" as he held the Plaintiff face down in the dirt
21 while kneeling him in the neck and attempting to hogtie him. Later Defendant Dunigan informed
22 the Deputy Sheriff's that the female picketer had kicked him but he was declining to press charges
23 against her. The video showed the exact opposite; Defendant Dunigan was the one who had
24 attacked her. She suffered abrasions from being thrown to the ground, a deep bruise to one arm, a
25 split nail and a strained back muscle. Upon information and belief, the bruised and battered
26 woman was caused to fear subsequent arrest by the Riverside County Sheriff's Department.

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1 **57.** (Redacted from first amended complaint.)

2 **58.** (Redacted from first amended complaint.)

3 **59.** (Redacted from first amended complaint.)

4 **60.** After the Deputy Sheriff's returned Defendant Dunigan, "acting in the capacity of a
5 security guard for his employer," and apparently claiming to be a "peace officer," placed the
6 Plaintiff under a "private persons" arrest for misdemeanor trespassing and felony battery upon a
7 peace officer. Upon information and belief, either currently or in the past, Defendant Dunigan has
8 served as a volunteer peace officer for one of the local law enforcement agencies and has received
9 training in arrest and detention there-from.
10

11 **61.** Plaintiff continued to complain that he was in pain from the assault and battery upon him
12 and the tight handcuffs but his pleas were ignored by the Defendants who had arrested him and
13 later by the Sheriff's Deputies who refused and/or failed to view an audio-video of the attack in
14 order to conduct a proper investigation before receiving the Plaintiff into their custody. Had the
15 Sheriff's Deputies conducted a proper investigation, and properly exercised their statutory
16 discretion regarding a citizen's arrest, they would/should have concluded that, in the
17 circumstances (improper sign posting, no reasonable notice of trespass, and no reasonable
18 opportunity to leave) there had been no probable cause to arrest and imprison the Plaintiff
19 irrespective of whether or not the Defendant had strayed a little beyond an invisible line in the dirt
20 of the unfenced roadside land.
21

22 **62.** Eventually the Plaintiff, still handcuffed, was transported in a black and white sheriff's
23 cruiser to the Riverside County South West Justice Center in Murrieta which is at the other end of
24 Riverside County.
25

26 **63.** The Plaintiff was held in the County Jail at Murrieta for over twelve hours before being
27 released upon his own recognizance in the early morning hours of October 27, 2008.
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1 **64.** (Redacted from first amended complaint.)

2 **65.** (Redacted from first amended complaint.)

3 **66.** On October 26, 2008 Plaintiff did not fail to cease the alleged trespass and to exit the
4 relevant portion of the unfenced roadside land after receiving reasonable notice and opportunity to
5 do so. The Plaintiff did not resist arrest or obstruct justice. There were no exigent circumstances or
6 attempt to escape. The entire incident was captured upon numerous CSI surveillance cameras and
7 the identity, name and address of the Plaintiff was well known to Defendant CSI.

9 **67.** On January 5, 2009 the Plaintiff met with Investigator Kim Judge at the Riverside County
10 Sheriff's Department in San Jacinto. After an extended interview and a review of other evidence
11 the Sheriff's investigator submitted a report that Defendants Dunigan, Matthew Butler and
12 Kenneth Seybold be prosecuted. A copy of this report is attached hereto as Exhibit B.

13 **68.** The Plaintiff had intended the report to be a separate police complaint requiring separate
14 action. Instead, the Sheriff's Department treated the Plaintiff's complaint as a supplemental report.
15 Upon information and belief, by designating the report as a supplemental report and not as a new
16 complaint, the Plaintiff's allegations were ignored despite the unequivocal analysis, conclusion
17 and "exceptional" recommendation contained in the report.

19 **69.** (Redacted from first amended complaint.)

20 **70.** (Redacted from first amended complaint.)

21 **71.** (Redacted from first amended complaint.)

22 **72.** (Redacted from first amended complaint.)

23 **73.** (Redacted from first amended complaint.)

24 **74.** On December 3, 2008 the Plaintiff made his first appearance before the California Superior
25 Court in Murietta. On this occasion he did not enter a plea. The Court continued the hearing and
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1 released the Plaintiff upon his own recognizance. A “stay away” from the Golden Era property
2 order was stated, but not entered.

3 **75.** (Redacted from first amended complaint.)

4 **76.** (Redacted from first amended complaint.)

5 **77.** (Redacted from first amended complaint.)

6 **78.** (Redacted from first amended complaint.)

7 **79.** (Redacted from first amended complaint.)

8 **80.** (Redacted from first amended complaint.)

9 **81.** (Redacted from first amended complaint.)

10 **82.** (Redacted from first amended complaint.)

11 **83.** Upon information and belief, the actions of Defendants in connection with unmasking the
12 anti-Scientology crime and abuse protestors collectively known as Anonymous and the old Guard,
13 who included the Plaintiff herein, as alleged at the beginning of the Common Allegations herein,
14 and the subsequent wrongful conduct of the Defendants either jointly or severally, includes but is
15 not limited to: (a) the violation of the Plaintiff’s constitutional right to exercise his First
16 Amendment rights lawfully and anonymously, (b) the various false arrests and false
17 imprisonments of the Plaintiff between October 26, 2008 and October 2, 2009, (c) the abuses of
18 process and malicious prosecution that continued against the Plaintiff through October 19, 2009,
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20 **84.** Even if the Plaintiff had briefly entered over an invisible line in the desert dirt on October
21 26, 2008, and thereby committed a *de minimis* technical trespass which is denied, he did not
22 occupy the land or cause damage to it.

23 **85.** The wrongful conduct, acts and omissions of the Defendants against the Plaintiff were
24 commenced in front of his friends and associates, were maliciously and baselessly continued in the
25 public arena for nearly twelve months, were published worldwide, and will remain upon the
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1 Internet and World Wide Web in perpetuity. This has permanently damaged the Plaintiff's aero-
2 space employment prospects, particularly for secret government work, and consequently his
3 financial prospects.

4 **86.** At all times Plaintiff believed he was acting lawfully, violating no laws and he had no
5 intention to violate any laws.

6 **87.** Defendants assault (s) and battery (s) upon the Plaintiff was/were unjustified and without
7 provocation.

8 **88.** When the Plaintiff was swarmed and dog piled by the Defendants he was not free to leave.

9 **89.** When the Plaintiff was placed in handcuffs he was not free to leave.

10 **90.** The dog piling of the Plaintiff constituted excessive force as a matter of law and the
11 handcuffing of the Plaintiff was unlawful and unnecessary because there was no probable cause
12 and/or legal basis to either arrest or handcuff the Plaintiff.

13 **91.** The dog piling and handcuffing of the Plaintiff caused physical pain and injury to the
14 Plaintiff for which he sought medical treatment.

15 **92.** (Redacted from first amended complaint.)

16 **93.** While and when the Defendants swore out a "private persons" arrest form and delivered
17 the Plaintiff into the custody of the Riverside Sheriff's Department he was not free to leave.

18 **94.** When the Plaintiff was placed in a sheriff's vehicle he was not free to leave.

19 **95.** On the subsequent occasions upon which the Plaintiff was arrested, transported, detained
20 and/or imprisoned as alleged herein he was not free to leave.

21 **96.** (Redacted from first amended complaint.)

22 **97.** On October 26, 2008, or any material date thereafter, the Plaintiff did not intentionally
23 trespass (and any trespass is denied), threaten the Defendants of any Peace Officer, obstruct
24 justice, resist arrest, batter and/or assault any peace officer. The lack of probable cause and show
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1 of force by the Defendants caused, *inter alia*, an unreasonable seizure and unlawful imprisonment
2 of the Plaintiff in violation of his federal and state constitutional and civil rights.

3 **98.** On October 14, 2009 the Riverside District Attorney's Office advised the Plaintiff's
4 lawyer herein that, at the next court date, all criminal charges against the Plaintiff would be
5 dismissed pursuant to California Penal Code §1385. On October 19, 2009 the Riverside Superior
6 Court granted the motion of the District Attorney's office to dismiss all charges against the
7 Plaintiff.
8 Plaintiff.

9 **99.** Upon information and belief, in the course of the conduct and communications set forth
10 above and/or related thereto, Defendants or persons associated with them have made false
11 statements about the Plaintiff under oath, maliciously and with knowledge that such statements
12 were materially false. Among other things, the false statements were relied upon by deputy
13 sheriffs and prosecutors and further encouraged the arrest and continued prosecution of the
14 Plaintiff. Among other things, such false statement (s) caused the Plaintiff to be falsely arrested on
15 four occasions, charged with misdemeanor trespass, felony battery upon a peace officer, and
16 falsely imprisoned on three occasions for over three days in aggregate.
17

18 **100.** Defendant's false statements about the Plaintiff, and acts and/or omissions against the
19 Plaintiff, are alleged to have violated the Plaintiff's federal first amendment and fourth amendment
20 rights, and his comparable California constitutional rights, including Plaintiff's right to be free of
21 arrest without probable cause and to be free of unnecessary, unreasonable and excessive force.
22 Upon information and belief, and as commented upon in various United States and State of
23 California trial court and appellate court opinions, CSI's predecessor, CSI and certain of its
24 representatives have a demonstrable history of making such false statements to police officers,
25 prosecutors and judges.
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1 **101.** All of Defendant CSI's employees who were present at the scene of the Defendant's
2 citizen's arrest of the Plaintiff on October 26, 2008, and all those CSI employees who were
3 monitoring the Defendant's conduct through surveillance cameras/monitors, cell phones and other
4 communication devices, whether or not specifically directing the conduct of the individual
5 Defendants are also liable to the Plaintiff for their failure to intervene to prevent the preventable
6 harms and violations of the Plaintiff's rights and his injuries committed and caused in their
7 presence or audio/visual view and/or hearing.

9 **102.** (Redacted from first amended complaint.)

10 **103.** (Redacted from first amended complaint.)

11 **104.** (Redacted from first amended complaint.)

12 **105.** Plaintiff is informed and believes that Defendant CSI, acting through its executives and
13 employees, maintained, fostered, and condoned a policy, practice or custom of deliberate and/or
14 willful indifference to violations of public laws and related rights, which was a direct, proximate
15 and probable cause of the Plaintiff's damages alleged herein.

17 **106.** The Defendant's use of excessive force against the Plaintiff, as alleged herein, was
18 effected by the Defendants without authority of law and without any reasonable necessity to use
19 any force, much less the excessive force that they employed and the force employed was used
20 without legal justification, without Plaintiff's consent, with malice and with intent to inflict pain
21 and suffering which it did thereby also causing damage, injury, pain, suffering and the other
22 damages alleged herein.

24 **107.** Plaintiff is informed and believes that communications and conduct alleged herein that
25 may otherwise be subject to the Civil Code §47 litigation immunity were also part of a single
26 sequence of conduct, foreseeable consequences, events or *res gestae* in accordance with the
27 foregoing allegations. Upon information and belief, because at least some if not all of those
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1 communications were made in furtherance of a crime or fraud, none of them are subject to any
2 otherwise applicable privileges including but not limited to the attorney-client privilege.

3 **108.** Upon information and belief, the Plaintiff alleges that at all times material herein the
4 Defendants engaged in the conduct and/or communications alleged of them intentionally,
5 recklessly, negligently and with a willful disregard for the Plaintiff's rights under the law.

6
7 **109.** The Defendants conduct was performed knowingly, intentionally, willfully and
8 maliciously, and were a deliberate and callous attempt to inflict physical and financial injury and
9 damage upon the Plaintiff thus entitling him to an award of exemplary and punitive damages for
10 the sake of example and by way of punishing the Defendants. The conduct alleged of the
11 Defendants herein, including but not limited to the claims of false arrest and false imprisonment,
12 was unlawful and not privileged as claimed herein irrespective of whether or not the Plaintiff
13 would have been convicted of either misdemeanor trespass and/or felony battery upon a peace
14 officer as charged at the Defendant's request to the Riverside County Sheriff's Department, on
15 October 26, 2008, after Defendants had failed to provide the Plaintiff with proper and adequate
16 notice of the alleged trespass and opportunity to exit as required by applicable law.

17
18 **110.** As direct, proximate and/or foreseeable result of the threats, arrests and force applied
19 against him, Plaintiff has suffered serious and permanent physical and health related injuries and
20 complaints, distress, stress, humiliation, embarrassment and false statements made about him in
21 public for a such as courts, council hearing rooms, neighborhood fliers and on the Internet.

22
23 **111.** As a direct, proximate and/or foreseeable result of the threats and force applied against
24 him, Plaintiff has been caused suffer medical and related expenses in excess of five thousand
25 dollars and similar related expense will continue, perhaps for the rest of the Plaintiff's life.

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1 **112.** In violating the First Amendment, Fourth Amendment and other constitutional rights of
2 the Plaintiff, and in the doing of the other conduct alleged herein, the Defendants and its/their
3 agents have caused the Plaintiff damage to his reputation and his future prospects and earnings.

4 **113.** As a direct, proximate and/or foreseeable result of the threats and force applied against
5 him, Plaintiff has been caused considerable anguish, pain and suffering.

6 **114.** As a direct, proximate and/or foreseeable result of the false arrests, false imprisonments
7 and prosecution of the Defendant (through to the eve of trial), the Plaintiff has been caused to
8 incur defense related costs such as land survey fees.

9 **115.** As a result of Defendants conduct as alleged herein the Plaintiff continues to incur
10 medical expenses, related expenses and general damages in an amount (s) to be disclosed in
11 discovery and proven at trial.

12 **116.** The aforementioned acts of the individual Defendants, and any corporate Defendant not
13 incorporated as a religious corporation under the laws of the State of California, were willful,
14 wanton, despicable, malicious and oppressive and justify the awarding of exemplary and punitive
15 damages in an amount subject to proof at the time of trial of this matter.

16 **117.** Upon information and belief, Defendants CSI and/or BMS are incorporated as California
17 religious corporations and, as such, may only be sued for punitive damages after the making of a
18 successful special motion herein to add a claim for punitive damages. Accordingly, at an
19 appropriate time after the filing of this complaint the Plaintiff will make a special motion pursuant
20 to Code Civ. Proc. §425.14 to add a claim (s) for punitive damages against the corporate defendant
21 (s) herein.

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1 **FIRST CAUSE OF ACTION**

2 Assault & Battery

3 (Against all Defendants and Does 1-20 inclusive)

4 **118.** Plaintiff re-alleges and incorporates by reference, as though fully set forth herein, each
5 and every allegation set forth in paragraphs 1-117 above.

6 **119.** The individual Defendants, individually and in concert, while in the course and scope of
7 their employment or volunteer duties for CSI and/or BMS, intentionally and/or recklessly and/or
8 in willful disregard of Plaintiff's rights, committed acts which threatened and resulted in imminent
9 apprehension of and harmful or offensive contact with Plaintiff's person, to which Plaintiff did not
10 consent. Said imminent apprehension of and harmful or offensive contact caused physical and
11 pecuniary injury, damage, loss and/or harm to Plaintiffs as alleged herein.

12 **120.** The individual Defendants, individually and in concert, while in the course and scope of
13 their employment or volunteer duties for CSI and/or BMS, intentionally and/or recklessly and/or
14 in willful disregard of Plaintiff's rights, committed acts which involved offensive criminal,
15 tortuous and non-consensual contact with and upon his person. The aforesaid contact and conduct
16 upon Plaintiff's person included intentionally and/or willfully broadcasting an excessively loud
17 organ tri-note for many hours at a time in willful disregard for the Plaintiff's rights and health and
18 for the purpose, *inter alia*, interfering with the Plaintiff's First Amendment rights and their
19 communication and receipt.
20

21 **121.** (Redacted from first amended complaint.)

22 **122.** The acts described above constitute assault and battery, actionable under the laws of
23 California.
24

25 **123.** The assault and battery and of the Plaintiff was, at least in part, in furtherance of the
26 CSI's copyrighted "Suppressive Person" policies and practices as alleged herein.
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1 **129.** The individual Defendants, individually and in concert, while in the course and scope of
2 their employment or volunteer duties for CSI and/or BMS, intentionally and/or recklessly and/or
3 in willful disregard of Plaintiff's rights, committed acts which involved offensive criminal,
4 tortuous and non-consensual contact with and upon his person. The aforesaid contact and conduct
5 upon Plaintiff's person included swarming him, tackling him to the ground, dog piling him,
6 dangerously wedging and pressuring their knees into his neck and back while forcing his full face
7 and mouth into the dry desert dirt where the Plaintiff proceeded to suffer great pain, serious injury,
8 the fear of suffocation and death. To this end, at least three of the individual Defendants were dog
9 piled on top of the Defendant at one time, his legs flailing in the air, with the individual
10 Defendants holding his hands behind his back while they punched and kicked him many times
11 causing him severe bruising, neck pains and permanent injuries. At this same time, audio-video
12 film (s) recording the incident clearly records what appears to be a single gun shot.
13

14 **130.** (Redacted from first amended complaint.)
15

16 **131.** Defendants, and each of them, knew or should have known, that the Plaintiff had been
17 assaulted and battered. After learning of the individual Defendant's unlawful conduct, Defendants
18 CSI and/or BMS failed to discipline them and kept them in their employ, thereby authorizing and
19 ratifying their unlawful conduct.
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21 **132.** (Redacted from first amended complaint.)
22

23 **133.** The conduct of the Defendants, as described above, constitutes assault and battery,
24 actionable under the laws of California.

25 **134.** The conduct of the Defendants, as described above, and acting either under the authority
26 of their office (s) as a peace officer (s) and/or in the course and scope of their employment as
27 security guards and estates manager and/or as citizens, constituted excessive force.
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1 Plaintiff whether or not caused by them, CSI agents at the Hollywood Christmas parade, CSI's
2 attorneys Elliot Abelson and Kendrick Moxon.

3 **141.** On October 26, 2008, the Defendants arrested the Plaintiff at the Golden Era Property
4 without probable cause to believe that Defendant had committed criminal activity and/or arrested
5 the Plaintiff in disregard of mandatory applicable provisions of the Penal Code including giving
6 the Plaintiff notice of the alleged trespass and a reasonable opportunity to exit the unfenced
7 roadside property.
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9 **142.** (Redacted from first amended complaint.)

10 **143.** (Redacted from first amended complaint.)

11 **144.** (Redacted from first amended complaint.)

12 **145.** (Redacted from first amended complaint.)

13 **146.** (Redacted from first amended complaint.)

14 **147.** Upon information and belief, Defendant Church of Scientology International, acting
15 through certain of its employees and agents, was involved in some manner in the false arrest, false
16 imprisonment and bail matters that occurred on or about October 2 and October 8, 2009.
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18 **148.** As a result of the Defendants' conduct as alleged above, the Plaintiff was confined upon
19 multiple occasions without his consent, he was not free to leave, and the confinement was not
20 otherwise privileged.
21

22 **149.** The conduct of the Defendants was in violation of the Fourth Amendment to the United
23 States Constitution, Article 1, section 13 of the State of California Constitution, and the provisions
24 of other applicable Federal and State laws, being more particularly the Plaintiff's rights to be free
25 of arrest and imprisonment without probable cause and/or due process.
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1 **150.** The false arrest (s) of the Plaintiff was caused by the Defendants, without any legal
2 justification, without authority of the law and without any reasonable cause of belief that the
3 Plaintiff was in fact guilty of the charged crimes.

4 **151.** The various Defendants who knew of the false arrest (s) and allowed the illegal detention
5 of the Plaintiff to continue are liable to the Plaintiff as a result of their affirmative duty to
6 intervene.
7

8 **152.** Defendant's managing agent (s), supervisors, superiors and others (whether within or
9 outside the Scientology enterprise) who knew of the false arrest of the Plaintiff and continued to
10 allow and/or order the resulting unlawful prosecution and subsequent arrests and imprisonments of
11 the Plaintiff and/or who either directly participated in the violation of the Plaintiff's rights or who
12 after learning of the violation failed to immediately and/or promptly to remedy the wrong are
13 liable to the Plaintiff for the various violations of his Federal and State constitutional rights, and
14 his other applicable legal rights.
15

16 **153.** The false arrest (s) and confinement (s) of the Plaintiff was, at least in part, in furtherance
17 of the CSI's copyrighted "Suppressive Person" policies and practices as alleged herein.

18 **154.** As a direct, proximate and foreseeable result of the unlawful arrest (s), the Plaintiff was
19 has been subjected to illegal confinements, forced to attend court appearances, suffered harm,
20 mental anguish, embarrassment, humiliation, anxiety, and pecuniary loss. His reputation in the
21 community was impaired, he was prevented from attending his necessary affairs of business, and
22 he was otherwise injured and permanently damaged.
23

24 **155.** At the appropriate time, the Plaintiff will make a Code Civ. Procedure §425.14 motion to
25 add a claim for punitive damages herein against Defendants CSI and/or BMS.

26 **156.** The Defendants, Does 1 through 20, and each of them, committed the foregoing acts and
27 engaged in the foregoing conduct intentionally, despicably, maliciously, and oppressively to injure
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1 the Plaintiff and, *inter alia*, to subject him to the Suppressive Person policies and practices of the
2 corporate defendants and/or their alter egos and corporate affiliates, to otherwise cause him injury,
3 damage and/or hardship in willful, conscious or reckless disregard to the physical and safety of the
4 Plaintiff and his rights. The Plaintiff is therefore entitled to an award of punitive damages against
5 the individual Defendants, and Does 1-20, jointly and severally, for the sake of example and by
6 way of punishing the individual Defendants, Does 1-20, and each of them.
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9 **FOURTH CAUSE OF ACTION**

10 Malicious prosecution

11 (Against all Defendants and Does 1-20 inclusive)

12 **157.** Plaintiff re-alleges and incorporates by reference, as though fully set forth herein, each
13 and every allegation set forth in paragraphs 1-156 above.

14 **158.** On or about October 26, 2009, Defendant Dunigan acting without probable cause and
15 aided and abetted by each of the other Defendants made a false citizen's arrest of the Plaintiff and
16 caused the subsequent false arrests and false imprisonments and [malicious] prosecution of the
17 Plaintiff by also making a private persons arrest and delivering the Plaintiff into the custody of the
18 Riverside Sheriff's Department as alleged herein. The aforesaid conduct of the Defendants caused
19 a criminal proceeding to be brought and maintained against the Plaintiff until voluntarily
20 dismissed in Plaintiff's favor upon the eve of trial.

21 **159.** The Defendants sought out the police and prosecutorial authorities, falsely reported facts
22 to them falsely indicating that the Plaintiff had committed a crime. The Defendants were actively
23 instrumental in causing the prosecution of the Plaintiff and they were actively involved in causing
24 a continuation of the prosecution.
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26 **160.** The criminal proceeding ended in the Plaintiff's favor.
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1 **161.** No reasonable persons in any of the Defendant’s circumstances would have believed that
2 there were grounds for causing the Plaintiff to be arrested and/or prosecuted.

3 **162.** The Defendants acted primarily for a purpose other than to bring the Plaintiff to justice.

4 **163.** In initiating the false arrest, false imprisonment and baseless twelve month prosecution
5 of the Plaintiff on a misdemeanor charge of trespass and a felony charge of battery upon a peace
6 officer the Defendants were, *inter alia*, acting in furtherance of their copyrighted policies and
7 practices for the handling of Suppressive Persons and they thereby entertained an ulterior motive
8 in using the process and committed a wrongful act in a wrongful manner including the making of a
9 false private persons arrest, false police report, false and misleading statements to the Sheriff’s
10 Department, the District Attorney’s office and the Court, and permitting the false imprisonment
11 and false prosecution of the Plaintiff to be maintained until dismissed at the motion of the
12 Riverside District Attorney’s Office upon the eve of trial.

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15 **164.** The Plaintiff was harmed and damaged by the malicious prosecution of the Plaintiff by
16 the Defendants and each of them as alleged herein. This damage includes the Plaintiff out of
17 pocket costs, distress and injury to his reputation as a result of the groundless allegations made in
18 pleadings that are a matter of public record.

19 **165.** The Defendant’s wrongful conduct and malicious prosecution of the Plaintiff was/were a
20 substantial factor and, *inter alia*, the proximate cause in causing the harm and damage to the
21 Plaintiff as set forth herein.

22
23 **166.** The Defendant’s conduct, concealment and suppression, false and misleading
24 representations of fact to the Sheriff’s Department, the District Attorney’s Office and the court
25 were /was a substantial factor (s) and the proximate cause in causing the harm and damage to the
26 Plaintiff as alleged herein and constituted a punishable fraud upon the Riverside Superior Court.

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1 **173.** As alleged and set forth herein, the Defendants intentionally, recklessly and/or with
2 willful disregard for Plaintiff’s rights, interfered with or attempted to interfere with the rights of
3 Plaintiff, and those engaged in Anonymous protest with him, to be free from any violence threats,
4 intimidation, and/or coercion of rights by threatening, and committing violent, intimidating or
5 coercive acts in violation of Cal. Civ. Code § 52.1. In the course of such interference the
6 Defendants assaulted and battered the Plaintiff, threatened and intimidated him, and restrained his
7 freedom of movement through false police reports, false arrests, false imprisonments, abuses of
8 process and malicious prosecution.

10 **174.** The aforesaid unlawful conduct of the Defendants set forth herein was, at least in part, in
11 furtherance of the CSI’s copyrighted “Suppressive Person” policies and practices as alleged
12 herein.

13 **175.** Defendants CSI and/or BMS engaged in the acts alleged herein and/or condoned,
14 permitted, authorized, and/or ratified the conduct of its employees, subcontractors, and agents and
15 are vicariously liable for the wrongful conduct of its employees, subcontractors, and agents for this
16 cause of action.

18 **176.** In addition to all other relief sought herein, and pursuant to California Civil Code §52.1
19 (a) & (b) the Plaintiff requests that statutory damages in the amount of \$25,000 be assessed against
20 each of the corporate Defendants and each of the Defendants individually who/which are/is
21 determined at trial to have violated the aforesaid code provisions.

23 **177.** In addition to the other relief requested herein, pursuant to California Civil Code §52.1
24 (h) the Plaintiff requests his reasonable attorney’s fees herein.

25 **178.** In addition to the other relief requested herein, pursuant to California Civil Code §52.1
26 (b), the Plaintiff herein requests injunctive and other appropriate equitable relief to protect the
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1 peaceable exercise of enjoyment of his rights secured under the constitutions and laws of the
2 United States of America and the State of California.

3 **179.** At the appropriate time, the Plaintiff will make a Code Civ. Procedure §425.14 motion to
4 add a claim for punitive damages herein against Defendants CSI and/or BMS.

5 **180.** The Defendants, Does 1 through 20, and each of them, committed the foregoing acts and
6 engaged in the foregoing conduct intentionally, despicably, maliciously, and oppressively to injure
7 the Plaintiff and, *inter alia*, to subject him to the Suppressive Person policies and practices of the
8 corporate defendants and/or their alter egos and corporate affiliates, to otherwise cause him injury,
9 damage and/or hardship in willful, conscious or reckless disregard to the physical and safety of the
10 Plaintiff and his rights. The Plaintiff is therefore entitled to an award of punitive damages against
11 the individual Defendants, and Does 1-20, jointly and severally, for the sake of example and by
12 way of punishing the individual Defendants, Does 1-20, and each of them.
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16 **SIXTH CAUSE OF ACTION**

17 Violation of California Constitution Article 1, §1, 2, 3, 4, 7 & 13
18 (Against all Defendants and Does 1-20 inclusive)

19 **181.** Plaintiff re-alleges and incorporates by reference, as though fully set forth herein, each
20 and every allegation set forth in paragraphs 1-180 above.

21 **182.** The California Constitution Article 1, §13 provides: “The right of the people to be secure
22 in their persons, houses, papers, and effects against unreasonable searches and seizures may not be
23 violated; and a warrant may not issue except upon probable cause, supported by oath or
24 affirmation, particularly describing the place to be searched and the persons and things to be
25 seized.”

26 **183.** The California Constitution Article 1, §24 provides: “Rights guaranteed by this
27 Constitution are not dependent upon those guaranteed by the United States Constitution.”
28

1 **184.** The Plaintiff is informed and believes and thereon alleges that the Defendants violated
2 the Plaintiff's right to be secure in his person against unreasonable seizures and caused the
3 Plaintiff to suffer damages through, *inter alia*, false arrest and false imprisonment as alleged
4 herein.

5 **185.** The Defendant's aforesaid conduct, and all of it, as directed at the Plaintiff among others
6 because he/they is/were not Scientologists and/or opposed to Scientology and/or a Suppressive
7 Person denied the Plaintiff his right to be free from hate based conduct and communications, hate
8 based violence, ordinary violence and/or and intimidation by threats of violence because of his
9 political affiliation and religious views, in violation of the Plaintiff's rights under the California
10 Constitution [and the Federal Constitution].

11 **186.** Defendants CSI and/or BMS engaged in the acts alleged herein and/or condoned,
12 permitted, authorized, and/or ratified the conduct of its employees, subcontractors, and agents and
13 are vicariously liable for the wrongful conduct of its employees, subcontractors, and agents for this
14 cause of action.

15 **187.** The above described conduct of the Defendants denied, or attempted to deny, the
16 Plaintiff his rights of privacy and anonymity, to freely and anonymously to speak, write and
17 publish his sentiments, to instruct his representatives, petition government for redress of
18 grievances, to assemble freely and anonymously, to due process of law and equal protection of the
19 laws, and to be free from unreasonable searches and seizures as provided for by the California
20 Constitution, Article 1, §§1, 2, 3, 7 and 13.

21 **188.** In addition to all other relief sought herein, and pursuant to California Civil Code §52.1
22 (a) & (b) the Plaintiff requests that statutory damages in the amount of \$25,000 be assessed against
23 each of the Defendants individually who/which are/is determined at trial to have violated the
24 aforesaid code provisions.

1 **189.** As a direct and proximate result of the above-described conduct and denials of state
2 constitutional rights, the Plaintiff has suffered and continues to suffer general and special
3 damages, great pain of mind and body, shock, distress, embarrassment, loss of self-esteem,
4 disgrace, humiliation and loss of earnings and earning capacity in an amount to be proven at trial.

5 **190.** The conduct alleged of the Defendants herein was, at least in part, in furtherance of the
6 CSI's copyrighted "Suppressive Person" policies and practices as alleged herein.
7

8 **191.** At the appropriate time, the Plaintiff will make a Code Civ. Procedure §425.14 motion to
9 add a claim for punitive damages herein against Defendants CSI and/or BMS.

10 **192.** The Defendants, Does 1 through 20, and each of them, committed the foregoing acts and
11 engaged in the foregoing conduct intentionally, despicably, maliciously, and oppressively to injure
12 the Plaintiff and, *inter alia*, to subject him to the Suppressive Person policies and practices of the
13 corporate defendants and/or their alter egos and corporate affiliates, to otherwise cause him injury,
14 damage and/or hardship in willful, conscious or reckless disregard to the physical and safety of the
15 Plaintiff and his rights. The Plaintiff is therefore entitled to an award of punitive damages against
16 the individual Defendants, and Does 1-20, jointly and severally, for the sake of example and by
17 way of punishing the individual Defendants, Does 1-20, and each of them.
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PRAYER FOR RELIEF

WHEREFORE, the Plaintiff seeks judgment as follows:

A. For general and compensatory damages, including loss of earnings and other economic or pecuniary damages, against all Defendants and each of them in an amount to be determined according to proof at trial;

B. At this time of initial filing, as against the individual Defendants, and Does 1 through 20 only sued in their individual capacities, for punitive and exemplary damages, according to proof at trial;

C. After a Code Civ. Proc. §425.14 motion permitting the addition of a claim for punitive damages against religious corporations CSI and/or BMS, an award of punitive and exemplary damages against all Defendants and each of them in an amount according to proof at trial;

D. For nominal damages as provided by law and/or according to proof at trial;

E. For statutory damages and penalties, *inter alia*, pursuant to Civil Code §§ 52 and 52.1;

F. For reasonable attorney’s fees, expenses and costs of suit, *inter alia*, pursuant to Civil Code §§52 and 52.1, Code Civ. Proc. §1021.5, and 42 U.S.C. §1988, and an additional lodestar because of CSI’s litigious nature and record and its copyrighted mandatory policies and practices involving the abuse and misuse of civil litigation that, *inter alia*, discourage potential opposing counsel from accepting retention in litigation involving CSI;

G. For pre-judgment interest, according to law and proof;

H. For such other and further relief as the Court deems just and proper.

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Dated: June 25, 2010

By:

FRANCOIS G. CHOQUETTE

DEMAND FOR JURY TRIAL

The Plaintiff hereby demands trial by jury on all appropriate issues and causes of action.

Dated: June 25, 2010

By:

FRANCOIS G. CHOQUETTE

