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KENNEDY, JIMENEZ & PANKRATZ
ATTORNEYS AT LAW

September 21, 2010

VIA --**RETURN RECEIPT REQUESTED**
& E.MAIL: software.engineer@yahoo.com

Francois Choquette
XXXXXXXXXXXXX
RIVERSIDE, CA XXXX

Re: Choquette vs. Scientology
Termination of representation–Substitution of Attorney

Dear Mr. Choquette:

When this firm took on the representation on your case it was strongly urged that you needed to stop all activities related to Scientology and to take a very low profile. We emphasized that your case needed to be reduced to a much simpler format, one that would be more acceptable to our conservative Riverside juries. We had hoped to present a case of a mature professional electrical engineer who was attacked while exercising his first amendment rights.

Based on my background and training in law enforcement and the facts of this case as known to me at that time, I agreed to become involved in the matter and to try the case to a jury if the need arose. At the present time, my understanding and analysis of the facts has changed to the extent that I am very doubtful that I can effectively take this case to the trial level and therefore I must respectfully decline further involvement in this matter and suggest that you seek other trial counsel for your case. A lot of thought has gone into this decision which is discussed below.

Since that initial consultation, I have become aware of several facts that in my opinion will have a very negative effect on your chances of success in a jury format.

1. Masks—you almost always wore a mask at your protest sites. It is highly doubtful that a conservative Riverside County juror would sympathize with one who hides behind a mask. As I recall, you told us that you wore the mask for fear of being stalked by private investigators or others employed by Scientology. In the mind of a juror, he or she may think “why did this 54 year old person subject himself to this risk in the first place”?
2. Continual protesting after assault—although you were advised by former counsel to continue as you had been doing, we believe this to be bad advise. It is equally highly doubtful that a conservative Riverside County juror would believe you were really seriously injured if you continued to expose yourself to potential future harm. This post assault behavior is not consistent with rational behavior,

but more like a zealot and this creates a definite problem with the posture and presentation of this case as we have outlined ;

3. Humor—you continue to argue that your whole goal was to make others laugh at Scientology. I find difficulty in understanding the logic of this goal and therefor I cannot see myself standing in front of a jury and asking then “do you see the humor of this behavior”? One must bear in mind that one simple question from the defense to the jury” do you see the humor in Mr. Choquette’s behavior? Well if you do, is it worth over \$30,000.00 in taxpayer’s dollars for you to take 5 or more days out of your lives and sit here in this courtroom and listen to plaintiff’s “holy mission” or whatever dragon he is trying to kill with his lance? Having been a defense attorney for over 15 years, this is just what I would ask a jury were I on the defense of this case. Therefor I submit that unfortunately for your concept, trials are matters of serious business and quite expensive for both sides, and once again, this will not be appreciated by our typical Riverside County juror.
4. Mooning—As part of your humor attempts you have been filmed, along with another colleague, as showing your bare buttocks to the headquarters of Scientology. This is diametrically opposed to the image of a mature professional electrical engineer. This is something that a younger person might be able to get away with, but not a man in his 50s. . After reviewing the situation, it is doubted that we will be able to keep this evidence out by a motion in limine as it is highly relevant to your type of conduct and is devastating to your chances of success at trial. Of equal or greater importance is the possibility that defense counsel will try to equate this behavior to obscene conduct which could well justify a private citizen to use reasonable force in removing such a person from his property. In any event, if a police officer observed this type of behavior you could wind up in cross bar hotel.
5. Showing up in Court—We asked you to keep a low profile and you end up showing up in Court. Although I was not present at this event, I was surprised when I was advised and also that you were with a young man who had been arrested for allegedly having a woman in the trunk of his car. I am also advised that this individual has had contact with law enforcement and the court system as a result of his behavior and that he is known to the Scientology legal team. As I understand it, you told Mr. Kennedy that this individual “came on his own”. Quite frankly, I find this very hard to believe that he just decided to show up at a court hearing not concerning him at all. What makes his behavior any different than that of the Scientology goons following people who demonstrate against Scientology?. I am also informed that you left with him in front of the Scientology attorneys and their representatives, documenting that you still associate with activists against Scientology. Your behavior and statements are alarming as both cause me great concern because if I cannot believe my own client without question then how can I represent the client’s interests to the fullest extent?

Seemingly incapable of following legal counsel advise:

All of the above leads us to the irreconcilable conclusion that you either refuse to follow our advise or are so ‘bone deep’ into this protest way of life that you are incapable of taking advise from legal counsel. You continually want our office to look at more and more material that you have collected—and continue to collect. Most of this is a complete distraction from the case strategy we laid out for this action. Yet in the face of advise that your case needs to be kept simple and direct to a few basic points, you continue to insist that we need to see this document and that document, etc. etc. Mr. Choquette, we are not vigilantes here, and we do not intend to crucify Scientology or

anyone else without a convincing reason to do so. In this case we can see no such reason or even competent evidence thereof.

You appear to have abandoned the pursuit of your occupation and made protests against the Church of Scientology your way of life. We at KJP do not feel that we can justify spending \$10,000.00 or more to finance what may appear in the eyes of a jury as a "witch hunt" and we have chosen not to do so and request you to sign the enclosed Substitution of Attorney. We wish you luck and good fortune in finding counsel that may be more suited to your theory relating to the presentation of your case.

SLP/sg

Respectfully yours

KENNEDY, JIMENEZ & PANKRATZ

enc:

Substitution of Attorney

By _____
STEVEN L. PANKRATZ, Esq.