

DECLARATION OF MICHAEL J. CALAGNA

I, Michael J. Calagna, declare as follows:

1. I am a licensed investigator and part owner of M.J.C. Investigative Services, California License No. P1 15231. If called upon to testify as a witness, I could and would testify competently as to the following facts from my own personal knowledge.

2. On November 2, 1993, I was retained by Lewis, D'Amato, Brisbois & Bisgaard, attorneys for defendant Uwe Geertz, in the case of CHURCH OF SCIENTOLOGY INTERNATIONAL, ETC. VS. STEVEN FISHMAN AND UWE GEERTZ. My assignment was to serve deposition subpoenas and expense checks upon the following persons referred to by the Church of Scientology as celebrities as well as officers, directors or managing agents of the Church of Scientology International: David Miscavige, Eugene Ingram, Mary Sue Hubbard, Tom Cruise, Nicole Kidman, Priscilla Presley, Kirstie Alley, Mimi Rogers, and Kelly Preston.

3. After receiving this assignment I made the following attempts of service upon the following individuals:

A. **David Miscavige:** On November 13, 1993, I drove to the only known residence for Mr. Miscavige, known as the Gilman Hot Springs Ranch in San Jacinto, California. I found this to be a fenced facility with no other access other than a guarded entrance. I formed the opinion that this facility was a secured location and Mr. Miscavige would be unaccessible for service.

On November 14, 1993, I drove to the Church of Scientology Office located at 4810 Sunset Boulevard, Los Angeles, California 90027, and determined Mr. Miscavige had secured offices and was unavailable for service.

1 I then drove to Author Services, Inc., located at 7051
2 Hollywood Boulevard and found this location closed.

3 From my investigation and from information that I developed, I
4 learned that Mr. Miscavige maintains high tech security for his
5 residence and office facilities. I thus formed the opinion Mr.
6 Miscavige can not be successfully served unless he appears in a
7 public place or voluntarily accepts service.

8 B. Eugene Ingram: On November 14, 1993, I drove to 845
9 Avenue 37 in the city of Los Angeles, and found no one at home. I
10 returned on November 25, 1993, and again found no one at home,
11 however, I was informed by a neighbor that Mr. Ingram had moved from
12 this location more than a year ago.

13 I developed the current residence address of 5854 Freeman
14 Avenue, La Crescenta, California 91214.

15 At the time of this report I have not completed subpoena
16 service of this individual.

17 C. Mary Sue Hubbard: On November 14, 1993, I drove to 2345
18 Chislehurst Drive, Los Angeles, California 90027, which is located
19 in the hills above Griffith Park. I observed the residence to be
20 completely fenced with a secured gate at the entrance. I was unable
21 to locate a door bell at the entrance and was unable to gain
22 entrance to the property.

23 On November 25, 1993, I returned to the residence and
24 approached the front gate. I yelled hello and an unknown male stuck
25 his head out of a second floor window and I asked him if Mary Sue
26 Hubbard was home. He directed me to the rear gate adjacent to the
27 garage. A short elderly female came to my location and I asked her
28 if she was Ms. Hubbard. She said she was the housekeeper. I

1 indicated I had papers for Ms. Hubbard from Lewis, D'Amato, Brisbois
2 and Bisgaard. The housekeeper entered the house and returned a
3 short time later saying Ms. Hubbard refused to accept anything from
4 me.

5 At this time I formed the opinion that service of Ms. Hubbard
6 can only be completed upon observing her leaving the residence and
7 appearing in public.

8 At the time of this declaration Ms. Hubbard has not been
9 served.

10 D. Tom Cruise and Nicole Kidman: On November 14, 1993, I
11 drove to 1525 Sorrento Drive, Pacific Palisades, California, where I
12 observed the residence to be completely fenced and hidden with a
13 large security gate and closed circuit cameras at the entrance. I
14 formed the opinion due to the nature of the secured location that
15 efforts at the residence would be in vain.

16 Sources indicate that both Ms. Kidman and Mr. Cruise were out
17 of town. At the time of this declaration neither has been served.

18 E. Kirstie Alley: On November 14, 1993, I went to 4875
19 Louise Avenue, Encino, California 91316, and observed this residence
20 to be enclosed by fencing and a rod iron security gate with a long
21 driveway making the residence not visible from the street.

22 I did not attempt service due to the secured nature of the
23 location, which would make service futile.

24 On December 4, 1993, Ms. Alley made a public appearance at the
25 Celebrity Centre located at 5930 Franklin Avenue, Hollywood,
26 California. Ms. Alley never appeared in an area open to the public
27 and was therefore not served.

28 F. Kelly Preston: On November 14, 1993, I drove to 615 San

1 Loreno Street, Santa Monica, California. The front of the residence
2 was enclosed by a high fence and gate, with no access to the front
3 door.

4 On November 18, 1993, my partner, Vicki J. Calagna, returned to
5 the residence and found the gate open. Ms. Calagna went to the
6 front door and spoke with a male who answered. He said Ms. Preston
7 had moved several months ago.

8 I developed the current address for Ms. Preston as 12522
9 Moorpark Avenue, #109, Studio City, California 91604. I did not
10 check this location due to Ms. Preston's then-pending December 4,
11 1993, appearance at the Scientology Celebrity Centre.

12 On December 4, 1993, Ms. Preston was served with a deposition
13 subpoena and an expense check while appearing in public at the
14 Celebrity Centre located at 5930 Franklin Avenue, Hollywood,
15 California.

16 G. Priscilla Presley: On November 14, 1993, I drove to 1167
17 Summit Drive, Beverly Hills, California and observed the residence
18 to be enclosed and security gated. The front of the entrance was
19 equipped with an intercom and closed circuit cameras. I was unable
20 to view the residence and observed no activity at the location.

21 Due to the security present at the Presley residence it is my
22 opinion that any attempt to make service there would be futile.

23 H. Mimi Rogers: On November 14, 1993, I drove to 12324
24 Helena Drive, 24 Los Angeles, California 90049, and observed a two
25 story residence at the end of a cul de sac. This residence is also
26 secured by a large fence and security gate with an intercom. An
27 attempt to contact the residence was made by using the intercom to
28 no avail.

1 On November 18, 1993, my partner, Vicki Calagna, returned to
2 the residence and again rang the intercom. A male voice answered
3 and then came to the front gate. He said Ms. Rogers was out of the
4 country and not due to return for a couple of months. I have not
5 been able to verify this information, at this time Ms. Rogers has
6 not been served.

7 4. After conducting the above investigation, I formed the
8 opinion that due to the extensive security measures that are
9 maintained by these individuals, personal service of deposition
10 subpoenas at their respective residences is highly unlikely if not
11 impossible without committing an illegal trespass. From my personal
12 experience, influential individuals, such as actors and/or actresses
13 understandably maintain a high security life style to avoid
14 unnecessary contact with the general public which includes process
15 servers.

16 5. At this time I believe that any success in contacting
17 these individuals and serving them with subpoenas would have to be
18 achieved outside of their residences and in a public setting.
19 Additionally, several sources informed me that many of the above
20 celebrities appear at the Celebrity Centre, located at 5930 Franklin
21 Avenue, Hollywood, California.

22 6. As a result of the above information, on November 18,
23 1993, my partner, Vicki J. Calagna, drove to the Celebrity Centre
24 International, located at 5930 Franklin Avenue, Hollywood,
25 California, and entered the location. As she wandered around the
26 building, she entered a shop called the Book Store and was met by a
27 young man who identified himself as Demetrie. She expressed an
28 interest in the Church of Scientology and was taken into an office

1 on the other side of the building and introduced to a young man who
2 identified himself as Ken. Ken gave my partner literature on the
3 Church of Scientology and a calendar of events for the months of
4 November and December. The calendar advertised "Spend your Holidays
5 at Celebrity Centre International!" It also stated, "Bring family
6 and friends to the special shows, events and seminars happening
7 throughout November and December!" As she discussed the coming
8 events, my partner was told these events were open to the public and
9 that she and her family and/or friends would be welcome. Ken also
10 stated that some of the events were free of charge, while others
11 required purchasing tickets. Ms. Calagna inquired about the
12 December 4th, Christmas Benefit Show featuring John Travolta, Isaac
13 Hayes, Maxine Nightingale and Juliette Lewis, and was told that
14 tickets were on sale for \$50.00 a person, and that it would be a
15 good place to bring the family. He also said that she and her party
16 would probably be able to meet the celebrities as they usually
17 mingle with the audience following the performance.

18 7. I discussed the up-coming event on December 4, 1993, with
19 attorneys at Lewis, D'Amato, Brisbois & Bisgaard and was given
20 authorization to purchase a number of show tickets.

21 8. On November 26, 1993, my partner, Vicki Calagna, returned
22 to Celebrity Centre International and went to the lobby of the
23 building and inquired about purchasing tickets for the Christmas
24 Benefit Show. She was directed to a young man named Greg, who was
25 outside in the cafe area. My partner noted a table set up in the
26 cafe area that had literature and hand out material displayed. One
27 of the items displayed was a postcard size advertisement and the
28 Christmas Benefit Show, which said, in part, that the following

1 stars would be performing at the December 4, 1993 show:
2 John Travolta; Kelly Preston; Juliette Lewis; Isaac Hayes; Michael
3 Fairman; Kirstie Alley; Charles Durning; Christopher Smith; Maxine
4 Nightingale; and Jim Meskimen.

5 9. Tickets were purchased for the performance. Greg also
6 suggested that we arrive early for the performance and eat in the
7 hotel restaurant or in the outside cafe.

8 10. On November 30, 1993, I advised attorneys at Lewis,
9 D'Amato, Brisbois & Bisgaard that the above celebrities were
10 scheduled to appear at the Celebrity Center on December 4, 1993.

11 I was subsequently authorized and issued Deposition Subpoenas
12 and expense checks for the above listed celebrities as well as for
13 the following celebrities not on the show program: Mimi Rogers, Tom
14 Cruise, Nicole Kidman, Priscilla Presley, Lisa Marie Presley and
15 Karen Black.

16 11. I was also issued subpoenas for David and Michelle
17 Miscavige, Mary Sue Hubbard, Diana Hubbard, Diana Hubbard Horwarth,
18 Mark Yeager, Ray Mithoff, Marty Rathbun and Norman Starky, in the
19 event these individuals were also available for service.

20 On December 4, 1993, my partner, several associates and I went
21 to the Christmas Benefit Show. My intent was not to disrupt the
22 performance in any manner. I purposely chose individuals who would
23 not pursue service in an aggressive manner. Each of my associates
24 are over the age of eighteen and are not a party to this law suit.

25 12. Based on the information that the stars would mingle with
26 the audience following the performance, my instructions to my
27 associates were, if the celebrities did mingle with the audience at
28 the completion of the performance, and if they had the opportunity

1 to serve the subpoenas, they were to do so as politely and
2 courteously as possible. I also instructed everyone that due to
3 celebrities being present, no doubt there would be heavy security.
4 I further instructed that we would not enter any area that was not
5 open to the public or make any force attempt at service. If they
6 were successful in serving any of the celebrities and were
7 confronted by security, they were to cooperate and leave the
8 premises.

9 13. We arrived at the Celebrity Centre at approximately 6 P.M.
10 and went to the outside cafe. As soon as we entered the property we
11 observed both uniform and plainclothes security throughout the
12 property.

13 14. Prior to entering the Garden Pavilion we stood in line and
14 noted video surveillance cameras placed in the trees at various
15 locations.

16 15. We entered the Garden Pavilion and were seated in the
17 audience. We observed uniformed security around the entrances and
18 exist, as well as heavy plainclothes security. The show consisted
19 of three acts with two intermissions. During the two intermissions
20 the audience was permitted to walk around the Garden Pavilion, as
21 well as go to the hotel. Also during these intermissions,
22 refreshments were served to the audience on the east end of the
23 Pavilion.

24 16. During both intermissions, Juliette Lewis exited the
25 Pavilion and stood with some unknown individuals in the area where
26 the refreshments were being served. She appeared to be visiting
27 with friends and having a cigarette. She was easily accessible for
28 service during these intermissions, however, I chose not to do so at

1 that time, as per my original instructions, we were not going to
2 interrupt the performance in any manner.

3 17. We sat through the entire performance including the grand
4 finale when all the celebrities appeared on stage together. The
5 celebrities exited the stage and the crowd began to disperse. We
6 separated and I stood around the Pavilion area for approximately
7 fifteen minutes. A majority of the audience had already left the
8 Pavilion, but many were still in the area talking. During this
9 time, Juliette Lewis and Isaac Hayes were in the east side
10 refreshment area. Charles Durning was inside the Pavilion speaking
11 to several people. I delayed any attempts at service for several
12 more minutes in the event more celebrities appeared in the public
13 areas. I waited until Maxine Nightingale was observed starting to
14 leave for the hotel area, and Juliette Lewis was also walking away
15 from the Pavilion area towards the outside cafe. It was at this
16 time that I decided that we would attempt service on the celebrities
17 that were in the public areas.

18 18. At approximately 11:15 p.m., Juliette Lewis was served in
19 the parking lot adjacent to the cafe area. The process server,
20 Richard Christy, handed Ms. Lewis the subpoena and advised her that
21 it was a deposition subpoena with an expense check included. Mr.
22 Christy began walking away and it was at this time a female with Ms.
23 Lewis took the subpoena from Ms. Lewis and ran after Mr. Christy and
24 shoved the subpoena in his jacket pocket. Mr. Christy walked back
25 to Ms. Lewis and put the subpoena on the ground in front of her and
26 advised her that she had been served. He began walking away and was
27 approached by several security guards. He was then escorted to the
28 east end of the parking lot. He walked off the property to the

1 street and went northbound towards Franklin Avenue followed by two
2 individuals, possibly plainclothes security people.

3 19. At approximately the same time, process server, Angela
4 Jakum observed Maxine Nightingale west of the Garden Pavilion as she
5 was standing on the walkway between the hotel and Garden Pavilion
6 with other unknown individuals. Ms. Jakum approached Ms.
7 Nightingale and said, "Ms. Nightingale." Ms. Nightingale turned
8 towards her and said, "what." Ms. Jakum handed Ms. Nightingale the
9 deposition subpoena along with the expense check and informed Ms.
10 Nightingale it was a deposition subpoena with an expense check and
11 thanked her, then walked away.

12 20. During this time, process server, Kim Christy and I,
13 observed actor Charles Durning in the audience area of the Garden
14 Pavilion. He was talking to some people when Ms. Christy approached
15 him and handed him the subpoena along with the expense check. He
16 was quite pleasant and readily accepted the subpoena.

17 21. At approximately 11:25 p.m., process server, Darlene
18 Folliott observed actress Kelly Preston come from back stage and
19 enter the area where the audience had been seated in the Garden
20 Pavilion. She approached Ms. Preston and handed her the subpoena
21 and advised her she was being served with a deposition subpoena
22 along with an expense check. Ms. Preston returned to the staging
23 area and could be heard telling the other actors/actresses not to go
24 outside as someone was serving subpoenas.

25 22. A few minutes later, process server, Darlene Folliott
26 approached Mr. Isaac Hayes as he was standing in the area of the
27 refreshments. She advised him she was serving him with a deposition
28 subpoena and that there was an expense check included. He asked her

1 what it was all about and she responded she didn't know. He then
2 asked her if it was in town or out of town. She said she believed
3 it was in town, to which he responded, "good." He also was quite
4 pleasant and readily accepted the subpoena. (Attached hereto are
5 true and correct copies of the subpoenas I and my associates
6 served.)

7 23. At this time Ms. Folliott and Ms. Jakum were approached by
8 four security officers. As they were being detained, Ms. Christy
9 approached them and asked what was wrong. They were questioned by
10 security and subsequently escorted off the property and taken to our
11 vehicle.

12 24. My wife and I returned to our vehicle and observed four
13 security personnel standing next to our vehicle along with our three
14 female associates. I approached my vehicle and unlocked the car and
15 told my associates to enter the vehicle. My wife overheard one of
16 these security officers speaking into his walkie-talkie. He said,
17 "no they don't have any plates and I can't see the VIN number." I
18 left the Celebrity Centre and drove northbound towards Franklin,
19 then westbound on Franklin making a left turn on the street at the
20 front of the hotel entrance. During this time we observed several
21 security personnel with walkie-talkies running down the street in an
22 attempt to keep sight of our vehicle. When we reached the front
23 entrance of the hotel, we observed Mr. Christy walking northbound
24 with two possible security guards on either side of him. I stopped
25 my vehicle and told Mr. Christy to get in the car. The security
26 guards stopped and Mr. Christy entered our car.

27 25. We drove from the location and noted a vehicle following
28 us. I made numerous turns on various streets to determine if I was

1 actually being followed. This vehicle continued making the same
2 turns and I determined that the vehicle was indeed following me. I
3 eventually was able to elude him in traffic.

4 26. On December 8, 1993, I was informed by Gordon Calhoun,
5 Esq., that counsel for the Church of Scientology claimed that I
6 and/or my associates created a disturbance and served Santa Claus
7 with a subpoena. The only contact I or my associates had with the
8 person dressed as Santa Claus was at the beginning of the
9 performance. Upon entering the Garden Pavilion seating area,
10 everyone was asked to stop and be photographed with Santa. I
11 stopped and shook his hand and proceeded to be seated. To my
12 knowledge no one in our group was photographed with Santa. Later,
13 during one of the intermissions Santa walked past me and placed his
14 hand on my left shoulder and laughed. He continued past me and did
15 this to other people as he walked by them. I noted he was not
16 wearing his beard at this time. I did not see this individual at
17 the end of the performance and he was not served by anyone in our
18 group, and I am positive he was not a member of the cast.

19 I declare under penalty of perjury under the laws of the State
20 of California that the foregoing is true and correct.

21 Executed this 13 day of December, 1993, at Los Angeles,
22 California.

23 
24 MICHAEL J. CALAGNA