

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION

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RELIGIOUS TECHNOLOGY CENTER : DOCKET NO. 6:00CV503
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VS. : TYLER, TEXAS
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DELL LIEBREICH : JANUARY 14, 2002
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10:25 A.M.

PRETRIAL HEARING
BEFORE THE HONORABLE JOHN HANNAH, JR.,
UNITED STATES DISTRICT JUDGE

APPEARANCES:

FOR THE PLAINTIFF: CHARLES A. GALL
JENKENS & GILCHRIST
1445 ROSS AVE. SUITE 3200
DALLAS, TEXAS 75202

JOHN F. WALKER, III
SAMMONS & PARKER
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TYLER, TEXAS 75702

SAMUEL D. ROSEN
PAUL, HASTINGS, JANOFSKY
399 PARK AVENUE 31ST FLOOR
NEW YORK, NEW YORK 10022

FOR THE DEFENDANT: THOMAS J. DANDAR
KENNAN G. DANDAR
5340 W. KENNEDY BLVD.
TAMPA, FLORIDA 33602

COURT REPORTER: RON MASON
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221 W. FERGUSON
TYLER, TEXAS 75702

1 THE COURT: Anything else we need to take up?

2 MR. WALKER: Not from the Plaintiff, Your Honor.

3 MR. KEN DANDAR: Judge, as to Thomas Dandar, I guess
4 you want to deal with it as we get into the trial, but if they
5 start -- if you permit them to go into these matters about his
6 affidavits and his charging \$400 an hour, and this -- I don't
7 want to get into an argument with Mr. Rosen or that what he
8 says is not correct, but Mr. Thomas Dandar is -- they're going
9 to force him to be a witness in this case. I want the right to
10 be able to call him if in fact that happens.

11 The last --

12 THE COURT: That occurred to me.

13 MR. KEN DANDAR: One more thing, and that is when we
14 filed our motion for summary judgment, we attached the
15 April 19th, 2000 hearing, and we -- I don't know if we
16 highlighted portions for you to draw your attention to, but in
17 that hearing Mr. Miscavige argued first the motion for summary
18 judgment and then they brought up insufficiency of service and
19 process. And the Court said I thought -- I didn't know that
20 was an issue. That's what we should hear first. And then they
21 argued insufficiency of service of process, and Judge Moody on
22 page 179, line five, of that hearing specifically held for the
23 second time that David Miscavige individually is not protected
24 by the confidential agreement. And then a few months later he
25 ruled on the sufficiency of service of process.

1 The reason I bring that up is I don't know if we
2 highlighted that. I want to make sure the Court is aware of
3 that. I believe that because of that hearing of April 19th,
4 all of this matter before the Court is precluded, especially
5 under Worker Feldman.

6 MR. ROSEN: Your Honor, this is an attempt to
7 relitigate liability. I mean, I just don't understand. I hope
8 Your Honor does.

9 THE COURT: Anything else we need to take up?

10 MR. TOM DANDAR: One more, Judge. On the retrial I
11 just want to make one thing clear. They want to call now a new
12 witness they never listed before and they're calling him as a
13 rebuttal expert, the attorney they used down in Clearwater,
14 their sister corporation used in Clearwater. We object to that
15 obviously, and I don't know what the Court's feeling on that
16 is.

17 THE COURT: I'll let you know when you object to it
18 at the time they attempt to offer it.

19 MR. TOM DANDAR: All right.

20 THE COURT: Anything else?

21 MR. WALKER: Nothing else, Your Honor.

22 MR. KEN DANDAR: That's all, Judge.

23 THE COURT: All right. Then I'll see y'all in the
24 morning.

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1 I certify that the foregoing is a correct transcript from
2 the record of proceedings in the above-entitled matter.

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Ron Mason

_____ Date

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