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3 Declaration of Diligence

4 I, Harry S. Berman, declare:

5 I am, and at all times mentioned herein was, an active member  
6 of the State Bar of California and not a party to the above-  
7 entitled cause. My business address is 6253 Hollywood Boulevard,  
8 Suite 822, Los Angeles, California 90028.

9 I called the California Secretary of State, Corporate Status  
10 Unit, in February and June, 1991, and was advised that the  
11 Scientology orders in the Los Angeles Division listed below  
12 (hereinafter referred to as "the defendant Scientology orders")  
13 have designated the following persons as their agents for service  
14 of process:

15 Church of Scientology Celebrity Center International -  
16 Kendrick Moxon;

17 Church of Scientology International - Kendrick L. Moxon;

18 Church of Scientology of California - Timothy Bowles;

19 Church of Scientology of Los Angeles - Jeanne Paulson;

20 and

21 Church of Scientology Western United States - Kendrick L.

22 Moxon.

23 The letterhead on Bowles & Moxon's stationary states that  
24 Timothy Bowles, Kendrick L. Moxon, and Laurie J. Bartilson are  
25 members of the firm and Jeanne M. Paulson and Marcello M. Di Mauro  
26 are of counsel to the firm (hereinafter collectively referred to as  
27 "Bowles & Moxon" and individually as "Bowles," "Moxon,"  
28 "Bartilson," "Paulson-Gavigan," and "*Di Mauro*"). *While not*

1 designated as an agent for service of process for any of the  
2 defendant Scientology orders, Di Mauro has appeared in proceedings  
3 in the Los Angeles Superior Court with respect to A. J. Young's  
4 claim for minimum wages.

5 I went to the law offices of Bowles & Moxon as listed on the  
6 firm's letterhead and pleadings filed with the court, 6255 Sunset  
7 Boulevard, Suite 2000, Los Angeles, California 90028 (hereinafter  
8 referred to as "the executive suite"), at 12:15 p.m. on October 30,  
9 1991. The receptionist advised me that this is an executive suite;  
10 that Bowles, Moxon, Paulson-Gavigan, and Di Mauro were not in; that  
11 she is not authorized to sign for the defendant Scientology orders;  
12 and that Bowles, Moxon, Paulson-Gavigan, and Di Mauro are rarely  
13 there, but that someone picks up their mail on a regular basis.

14 At 12:35 p.m. on October 30, 1991, I called the telephone  
15 number listed on Bowles & Moxon's letterhead, (213) 661-4030  
16 (hereinafter referred to as "Bowles & Moxon's telephone number"),  
17 was advised that Bowles, Moxon, Paulson-Gavigan, and Di Mauro were  
18 not available, and left a message to have Bowles, Moxon, and  
19 Paulson-Gavigan return my call because they were the agents for  
20 service of process for the defendant Scientology orders and I  
21 wanted to leave copies of summons and complaints with them.

22 At 3:30 p.m. on October 30, 1991, I called Bowles & Moxon's  
23 telephone number and was advised that Bowles was not available,  
24 Moxon was not in, and talked to Paulson-Gavigan, who advised me  
25 that she can't accept service this week, but maybe next week. When  
26 I asked her to set a date on which I could deliver a copy of the  
27 summons and complaint for the Church of Scientology of Los Angeles  
28 to her she refused to do so. Paulson-Gavigan also advised me at

1 this time that her present married name is "Gavigan."

2 At 4:00 p.m. on October 30, 1991, I went to the executive  
3 suite and was told that Bowles, Moxon and Paulson-Gavigan were not  
4 there.

5 At 9:15 a.m. on October 31, 1991, I called Bowles & Moxon's  
6 telephone number, spoke to a person who identified herself as  
7 "Diana Hancock," and was told that Bowles, Moxon, Paulson-Gavigan  
8 and Di Mauro were not available to accept service.

9 At 10:15 p.m. on October 31, 1991, I returned to the executive  
10 suite, talked to the receptionist, who identified herself as  
11 "Deanne Pennington," and was told that no one from Bowles & Moxon  
12 has been in the executive suite on October 30 or 31, 1991, and that  
13 Bowles & Moxon's telephone number does not ring through to her  
14 switchboard. It is to be noted that Bowles & Moxon's telephone  
15 number is listed in the most recent edition of the Pacific Bell  
16 Smart Yellow Pages as the telephone number for the Church of  
17 Scientology of California Office of Special Affairs US Legal  
18 Offices, 1301 North Catalina Street, Los Angeles, California 90027.  
19 Copies of the cover page and page 162 from the Smart Yellow Pages  
20 are attached hereto as Exhibit "A" and by reference incorporated  
21 herein and made a part hereof as fully as if they were set out at  
22 length.

23 The defendant Scientology orders occupy with other Scientology  
24 orders a facility known as "the big blue ship," which is a building  
25 complex located on one square block bordered by Sunset Boulevard on  
26 the North, North Berendo Street on the East, Fountain Avenue on the  
27 South, and North Catalina Street on the West. Bowles & Moxon have  
28 offices on the 4th floor of the complex nearest the entrance at

1 1413 North Berendo Street, and it is here Bowles & Moxon's  
2 telephone number is connected and Bowles, Moxon, and Paulson-  
3 Gavigan work on a daily basis.

4 At 12:00 noon on November 4, 1991, I called Bowles & Moxon's  
5 telephone number and was advised that no one from Bowles & Moxon  
6 was available to accept service and that the person to whom I was  
7 talking was not authorized to give out information over the  
8 telephone when I asked when I might expect my calls to be returned.

9 At 12:15 p.m. on November 4, 1991, I returned to the executive  
10 suite and was advised by Deanne Pennington that no one from Bowles  
11 & Moxon was in the office, and that she hardly ever sees them.

12 At 12:45 p.m. I went to 1413 North Berendo Street, 4th Floor,  
13 Los Angeles, California 90027, observed locked double doors marked  
14 "Bowles & Moxon," knocked, and was admitted by a person who  
15 appeared to be the receptionist. I observed from the office decor  
16 and law books that I was in a law office. I advised the person who  
17 admitted me that wanted to see Bowles, Moxon, and Paulson-Gavigan,  
18 and that I had copies of summons and complaints for Bowles, Moxon,  
19 and Paulson-Gavigan. The person who admitted me then grabbed my  
20 left arm in both her hands and started to pull me toward the door,  
21 saying, "You can't make service this way. I am not authorized to  
22 accept service." She also yelled to other persons in the area to  
23 "call the guys," which I assumed was a reference to guards  
24 stationed throughout the complex. While being pulled toward the  
25 door, I laid copies of the summons and complaints for the defendant  
26 Scientology orders on the floor, and then left the office.

27 At 2:15 p.m. on November 4, 1991, I returned to the executive  
28 suite and left copies of the summons and complaints for the

1 defendant Scientology orders with the receptionist, after informing  
2 her of the general nature of the papers. The receptionist advised  
3 me that she was not authorized to accept service and called her  
4 supervisor, who allowed me to leave copies in the mail slot for  
5 Bowles & Moxon, which is within arm reach of the receptionist's  
6 desk. I subsequently placed copies in the United States mail on  
7 November 4, 1991, at Los Angeles, California, first-class mail,  
8 postage prepaid, addressed as follows:

9 "Church of Scientology Celebrity Center International, a  
10 California nonprofit corporation, C/O Kendrick L. Moxon,  
11 Esq., Agent for service of process, Bowles & Moxon, 6255  
12 Sunset Boulevard, Suite 2000, Los Angeles, California  
13 90028;

14 "Church of Scientology International, a California  
15 nonprofit corporation, C/O Kendrick L. Moxon, Esq., Agent  
16 for service of process, Bowles & Moxon, 6255 Sunset  
17 Boulevard, Suite 2000, Los Angeles, California 90028;

18 "Church of Scientology of California, a California  
19 nonprofit corporation, C/O Timothy Bowles, Esq., Agent  
20 for service of process, Bowles & Moxon, 6255 Sunset  
21 Boulevard, Suite 2000, Los Angeles, California 90028;

22 "Church of Scientology of Los Angeles, a California  
23 nonprofit corporation, C/O Jeanne M. Paulson, Esq., Agent  
24 for service of process, Bowles & Moxon, 6255 Sunset  
25 Boulevard, Suite 2000, Los Angeles, California 90028; and

26 "Church of Scientology Western United States, a  
27 California nonprofit corporation, C/O Kendrick L. Moxon,  
28 Esq., Agent for service of process, Bowles & Moxon, 6255

1 Sunset Boulevard, Suite 2000, Los Angeles, California  
2 90028."

3 On December 3, 1991, I received a telephone call from Di  
4 Mauro, who told me that he wanted to confirm that the last day to  
5 file responses was on December 16, 1991.

6 On December 14, 1991, I received certified copies of the  
7 Statements By Domestic Nonprofit Corporations files by the  
8 defendant Scientology orders with the California Secretary of  
9 State. Apparently on the most recent statements filed by the  
10 Church of Scientology of Los Angeles and the Church of Scientology  
11 Celebrity Center International on October 28, 1991, the agents for  
12 service of process for these defendant Scientology orders were  
13 changed as follows:

14 Church of Scientology Celebrity Center International -  
15 Jeanne Gavigan (from Kendrick Moxon); and  
16 Church of Scientology of Los Angeles - Tim Bowles (from  
17 Jeanne Paulson).

18 At 10:00 a.m. on December 16, 1991, I returned to the  
19 executive suite and was told by the receptionist that Bowles and  
20 Paulson-Gavigan were not there. At 11:15 a.m. I went to 1404 North  
21 Catalina Street, Los Angeles, California 90027, the address given  
22 by Paulson-Gavigan to the Secretary of State, and asked the guard  
23 for Jeanne Gavigan and advised the guard that I wanted to serve a  
24 summons and complaint. I was told that Paulson-Gavigan was not  
25 there, and that someone would be sent down to talk to me. After an  
26 approximate 10 minute wait a person who identified herself as "Cory  
27 Brennen" advised me that Paulson-Gavigan was not available, and  
28 that there was no one available to accept service for Paulson-

1 Gavigan. At 12:40 p.m. I returned to the executive suite and was  
2 told by the receptionist that Bowles and Paulson-Gavigan were not  
3 there. At 2:15 p.m. I returned to the executive suite and was told  
4 by the receptionist that Bowles and Paulson-Gavigan were not there.  
5 I left copies of the summons and complaints for the Church of  
6 Scientology Celebrity Center International and the Church of  
7 Scientology of Los Angeles with the receptionist after informing  
8 her of the general nature of the papers. I subsequently placed  
9 copies in the United States mail on December 16, 1991, at Los  
10 Angeles, California, first-class mail, postage prepaid, addressed  
11 as follows:

12 "Church of Scientology Celebrity Center International, a  
13 California nonprofit corporation, C/O Jeanne Gavigan,  
14 Esq., Agent for service of process, Bowles & Moxon, 6255  
15 Sunset Boulevard, Suite 2000, Los Angeles, California  
16 90028;

17 "Church of Scientology Celebrity Centre International, a  
18 California nonprofit corporation, C/O Jeanne Gavigan,  
19 Esq., Agent for service of process, 1404 North Catalina  
20 Street, Los Angeles, California 90027; and

21 "Church of Scientology of Los Angeles, a California  
22 nonprofit corporation, C/O Timothy Bowles, Esq., Agent  
23 for service of process, Bowles & Moxon, 6255 Sunset  
24 Boulevard, Suite 2000, Los Angeles, California 90028.

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