

UNITED STATES FEDERAL DISTRICT COURT

MIDDLE DISTRICT OF FLORIDA

NANCY McLEAN and)
JOHN McLEAN. her son.)
)
Plaintiffs,)
)
vs .) CASE NO. 81-174-Civ. TK
)
THE CHURCH OF SCIENTOLOGY)
OF CALIFORNIA, MARY SUE HUBBARD.)
L. RON HUBBARD, JOSEPH PETER LISA)
a/k/a PETER JOSEPH LISA, MILTON)
WOLFE and MERRELL VANNIER.)
)
Defendants.)
_____)

AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL.

NANCY McLEAN and JOHN McLEAN sue Defendants, THE CHURCH OF SCIENTOLOGY OF CALIFORNIA, MARY SUE HUBBARD, L. RON HUBBARD, JOSEPH PETER LISA, MILTON WOLFE and MERRELL VANNIER and allege as follows;

GENERAL ALLEGATIONS

1. This is an action for damages in excess of Ten Thousand and no/100 (\$10,000.00) Dollars exclusive- of interest and coses.
2. The acts of the Defendants as hereinafter alleged, place each and every Defendant under the jurisdiction of the Courts in the State of Florida pursuant to Chapter 46, Florida Statutes, and in particular. Chapter 48.181 and 48.193, the Florida "long-ans statute."
3. Jurisdiction of this Court is conferred by Title 28, Section 13.32(a)(2) USC. This action is between citizens of a State and citizens or subjects of a foreign state as hereinafter pled.
4. THE CHURCH OF SCIENTOLOGY OF CALIFORNIA is a corporation incorporated under the laws of the State of California which is doing business in the State of Florida. THE CHURCH OF SCIENTOLOGY OF CALIFORNIA'S principal place of business is Clearwater, Florida which is the location of the "Flag Land Base."

which had an office in Clearwater, Florida from which activities as pled herein against NANCY McLEAN and JOHN McLEAN were carried out. MARY SUE HUBBARD was a resident of the State of Florida from December 1975 to several months of 1976 during which time the course of conduct as pled herein originated. MARY SUE HUBBARD has subsequently become a non-resident of the State of Florida and is now concealing her whereabouts through an elaborate system with the goal of avoiding service of legal process or summons. All co-Defendants with the exception of L. RON HUBBARD acted under the direction and control of MARY SUE HUBBARD and were agents of MARY SUE HUBBARD in carrying forth her commands as CSC of THE CHURCH OF SCIENTOLOGY OF CALIFORNIA. MARY SUE HUBBARD acted at her husband's direction and in her husband's stead as his agent and in said role was in charge of and directed the actions against Plaintiffs as pled herein which actions were carried out under her direction by crew/staff members of the Scientologists which include the co-Defendants named herein. The wrongful acts complained of herein commenced during the time period MARY SUE HUBBARD was a resident of Florida and continued through the activities of her agents after MARY SUE HUBBARD ceased being a resident of the State of Florida and commenced concealing her whereabouts. MARY SUE HUBBARD is believed to be a resident of this State of California, however, she conceals her whereabouts. All activities commenced by MARY SUE HUBBARD through her agents against Plaintiffs as pled herein were for the purpose of realizing a pecuniary benefit and/or causing consequences within the State of Florida.

7. JOSEPH PETER LISA a/k/a PETER JOSEPH LISA is a Guardian Official of THE CHURCH OF SCIENTOLOGY OF CALIFORNIA and was a Guardian Official at all times pertinent to this claim. JOSEPH PETER LISA was responsible in part for the supervision of acts carried out in Clearwater, Florida against NANCY McLEAN and JOHN McLEAN as pled herein. JOSEPH PETER LISA'S last known address is 6724 Hollywood Blvd., Apt. 208, Los Angeles, California. JOSEPH PETER LISA is believed to be a resident of the State of California.

1.9. MILTON WOLFE, is a Guardian Official of THE CHURCH OF SCIENTOLOGY OF CALIFORNIA and was a Guardian Official at all times pertinent to this claim. WOLFE was responsible in part for the supervision of acts carried out in Clearwater, Florida against NANCY McLEAN and JOHN McLEAN as pled herein. WOLFE is a resident of Pinellas County, Florida.

9. MERRELL VANNIER is an attorney licensed to practice law in the State of Florida and did practice in Clearwater, Florida during all times pertinent to this Complaint. VANNIER is now a resident of the State of California. The conduct of VANNIER complained of herein arose while VANNIER was conducting himself in the practice of law in the State of Florida. VANNIER is now attempting to conceal his whereabouts and make himself unavailable for service of process or Simmons and is refusing to accept mail.

10. All acts complained of against THE CHURCH OF SCIENTOLOGY OF CALIFORNIA, L. RON HUBBARD, MARY SUE HUBBARD, JOSEPH PETER LISA and MILTON WOLFE were commenced in the State of Florida.

11. NANCY McLEAN is a resident of Ontario, Canada and is a citizen or subject of a foreign state to-wit: Ontario, Canada.

1.2. JOHN McLEAN is a resident of Ontario, Canada and is a citizen or subject of a foreign state to-wit: Ontario, Canada.

COUNT I - MALICIOUS PROSECUTION

NANCY McLEAN sues THE CHURCH OF SCIENTOLOGY OF CALIFORNIA, MARY SUE HUBBARD, L. RON HUBBARD, MILTON WOLFE and JOSEPH PETER LISA a/k/a PETER JOSEPH LISA and alleges as follows:

13. Plaintiff realleges and reavers Paragraphs 1 through 8, 10 and 11 above.

14. The Defendants classified NANCY McLEAN as an "OPS Cujtomer" in March 1976. This classification was made under the direction of L. RCN HUBBARP and MARY SUE HUBBARD. Commencing at that time operations to silence NANCY McLEAN were carried out by the Defendants which actions led to the filing by THE CHURCH OF SCIENTOLOGY OF CALIFORNIA an action in the U.S. District Court for the Middle District of Florida against NANCY McLEAN. The action was captioned Church of Scientology of California vs. John McLean and Nancy McLean, Case No. 76-827-CO.

15. The actions taken against NANCY McLEAN as alleged in Paragraph 14 above were taken with the goal of causing NANCY McLEAN great personal and financial hardship and included the incurrence of legal fees and expenses, public humiliation and to subject NANCY McLEAN to the "Fair Game Policy" of THE CHURCH OF SCIENTOLOGY OF CALIFORNIA which policy provides that a person labelled "fair game" may be deprived of property or injured by any means by any Scientologist without any discipline of the Scientologists and that the person may be tricked, sued or lied to or destroyed or words to that effect.

16. The litigation against NANCY McLEAN was for improper and illegal motives and was filed without probable cause for the commencement of the litigation. THE CHURCH OF SCIENTOLOGY OF CALIFORNIA operated under the "Fair Game Policy" or THE CHURCH OF SCIENTOLOGY OF CALIFORNIA and under the policies of L. RON HUBBARD which provide that the legal process should be used to harass and discourage litigants and that: "The purpose of the suit is to harass and discourage rather than to win." NANCY McLEAN was submitted to this policy because of her personal comments and observations DU' de in Pinellas County, Florida during 1976 following the entry of THE CHURCH OF SCIENTOLOGY into Clearwater in November and December 1975 under secret conditions using the front corporations/ organizations of Southern Land Development and Leasing Corporation and United Churches of Florida.

17. The litigation referred to in Paragraph 14 above was terminated by THE CHURCH OF SCIENTOLOGY OF CALIFORNIA by voluntary dismissal on February 2, 1981.

18. There was a total absence of probable cause or justified reason for the suit by THE CHURCH OF SCIENTOLOGY against NANCY McLEAN and the suit was undertaken with the presence of actual malice. The suit was brought to harass and discourage rather than to win and constituted a continuation of a program of harassment against NANCY McLEAN which had commenced on or before January 1976 which plan was not discovered until after November 1979 by NANCY McLEAN.

19. The efforts of THE CHURCH OF SCIENTOLOGY OF CALIFORNIA, as alleged above, were carried out by the Guardian Office. Defendants, JOSEPH PETER LISA and MILTON WOLFE were operating offices in Clearwater, Florida of the Guardian Office attached to the "Flag Land Base" and in such capacity carried forth the actions on behalf of THE CHURCH OF SCIENTOLOGY OF CALIFORNIA. Defendants LISA'S and WOLFE'S activities were under the control and knowledge and were within the scope of authority of MARY SUE HUBBARD, the Commodore Staff Guardian and L. RON HUBBARD, the founder, who oversaw and were fully knowledgeable of the actions as herein above pled.

20. NANCY McLEAN has suffered damages in out-of-pocket expenses related to the defense of her case, public humiliation, mental pain and suffering, and continues to suffer under the application of the "Fair Game Policy" continued with the filing of the litigation against her in a malicious manner by THE CHURCH OF SCIENTOLOGY OF CALIFORNIA under the control of the HUBBARDS.

WHEREFORE, NANCY McLEAN: sues THE CHURCH OF SCIENTOLOGY OF CALIFORNIA, MARY SUE HUBBARD, L. RON HUBBARD, JOSEPH PETER LISA and MILTON WOLFE for damages including punitive damages in excess of Ten Thousand and no/100 (\$10,000.00) Dollars exclusive of interest of costs and demands trial by jury.

COUNT II - ABUSE OF PROCESS

NANCY McLEAN *sic* THE CHURCH OF SCIENTOLOGY OF CALIFORNIA, MARY SUE HUBBARD, L. RON HUBBARD, JOSEPH PETER LISA a/k/a PETER JOSEPH LISA and MILTON WOLFE and alleges as follows.

21. Plaintiff realleges Paragraphs 13 through 20, inclusive of Count I.

22. Defendants conspired together to make an illegal, improper and perverted use of process in bringing the action referred to in Paragraph 14. The action was brought for the purpose of humiliating and bringing financial ruin to NANCY McLEAN. Such purpose was known to all Defendants and all Defendants sought to gain by the improper and perverted use of process.

23. NANCY McLEAN suffered damages as a result of the perverted and improper use of process as pled in Paragraph 20.

WHEREFORE, NANCY McLEAN sues THE CHURCH OF SCIENTOLOGY OF CALIFORNIA, MARY SUE HUBBARD, L. RON HUBBARD, MILTON WOLFE and JOSEPH PETER LISA for damages including punitive damages in excess of Ten Thousand and no/100 (\$10,000.00) Dollars exclusive of interest and costs and demands trial by jury.

COUNT III - INVASION OF PRIVACY

NANCY McLEAN sues THE CHURCH OF SCIENTOLOGY OF CALIFORNIA, MARY SUE HUBBARD, L. RON HUBBARD, JOSEPH PETER LISA a/k/a PETEK JOSEPH LISA, MILTON WOLFE and MERRELL VANNIER and alleges as follows:

24. Plaintiff realleges Paragraphs 1 through 11 and 14.

25. Plaintiff engaged the services of Robert K. Hayden, Esquire to defend her in the litigation brought by THE CHURCH OF SCIENTOLOGY OF CALIFORNIA against her as alleged in Paragraph 14 above.

26. During portions of December 1976 and portions of calendar year 1977 Defendant MERRELL VANNIER was counsel of record and represented Gabriel Cazares in the case captioned Gabriel Cazareg vs. Church of Scientology of California, et al., Case No. 76-1829-20,

Circuit Court of Pinellas County, Florida and Margaret Cazares in the case of Margaret Cazares vs. Church of Scientology of California, et al., Case No. 76-2518-7, filed in the Circuit Court of Pinellas County, Florida. In the representation of Gabriel Cazares and Margaret Cazares in their respective lawsuits, MERRELL VANNIER held himself out in the community as an attorney litigating against THE CHURCH OF SCIENTOLOGY OF CALIFORNIA. The position advanced in the community by MERRELL VANNIER was similar to the engagement of Robert K. Hayden as counsel for NANCY McLEAN as an attorney in litigation against THE CHURCH OF SCIENTOLOGY OF CALIFORNIA.

27. MERRELL VANNIER was a member of THE CHURCH OF SCIENTOLOGY OF CALIFORNIA during all times pertinent to this litigation. The membership of MERRELL VANNIER in THE CHURCH OF SCIENTOLOGY OF CALIFORNIA was unknown to NANCY McLEAN and to others in the general community until after November 1, 1979. The fact of MERRELL VANNIER'S membership in THE CHURCH OF SCIENTOLOGY OF CALIFORNIA was hidden and suppressed by both VANNIER and all other Defendants in this cause. The membership of MERRELL VANNIER was known to all Defendants in this cause at all times pertinent to this Complaint.

28. Based upon his status as counsel for Gabriel Cazares and Margaret Cazares in their respective suits MERRELL VANNIER, acting as an agent and member of THE CHURCH OF SCIENTOLOGY OF CALIFORNIA, and in concert with all other Defendants in this cause sent a letter of inquiry to NANCY McLEAN'S attorney seeking to review the files of attorney Robert K. Hayden which included private correspondences and documents of NANCY McLEAN. A copy of Defendant VANNIER'S letter to Mr. Hayden is attached as Exhibit A to this Amended Complaint.

29. Based upon the representation of MERRELL VANNIER that he was an attorney acting in concert with other attorneys in the community "...to prevail in our legal battles against the

Scientologists..." NANCY McLEAN gave permission to her counsel, Robert K. Hayden, to disclose private information which was included as her attorney's work product to MERRELL VANNIER. A copy of the letter of approval is attached as Exhibit B to this Amended Complaint. The approval was expressly conditioned upon the information not being submitted to any Scientologist. Based upon the request and the approval of NANCY McLEAN the files of Robert K. Hayden were opened to MERRELL VANNIER for his review as a brother attorney litigating against THE CHURCH OF SCIENTOLOGY OF CALIFORNIA.

30. The request of CHURCH OF SCIENTOLOGY member MERRELL VANNIER to review the files of attorney Robert K. Hayden was wrongful and was made under false pretenses by MERRELL VANNIER and was done for the express purpose of allowing THE CHURCH OF SCIENTOLOGY OF CALIFORNIA to gain insight and complete review of the litigation files of opposing counsel. The invasion was a malicious misuse of his fraudulent petition in the community. Said misuse was accomplished on behalf of THE CHURCH OF SCIENTOLOGY OF CALIFORNIA to gain information of a privileged nature in the case referred to in Paragraph 14, above.

31. The activities alleged in Paragraph 28 through 30 were full known to all other Defendants who received the results of the deceitful and deceptive inquiry and despicable conduct. The activities were a continuation of a course of conduct which included following NANCY McLEAN about during travels to Florida and -return trips to her home in Canada. THE CHURCH OF SCIENTOLOGY OF CALIFORNIA, L. RON HUBBARD, MARY SUE HUBBARD, MILTON WOLFE and JOSEPH PETER LISA were knowingly a part of the plan to misuse VANNIER'S fraudulent position of trust as attorney for the Cazares' in the invasion of the attorney/client privilege and work product privilege of NANCY McLEAN'S defense.

32. The actions of THE CHURCH OF SCIENTOLOGY OF CALIFORNIA in having their sect member VANNIER invade the confidential

relationship of attorney/client resulted in the disclosure of confidential information concerning NANCY McLEAN. This information was divulged to THE CHURCH OF SCIENTOLOGY OF CALIFORNIA, L. RON HUBBARD, MARY SUE HUBBARD, MILTON WOLFE and JOSEPH PETER LISA and other agents/employees of THE CHURCH OF SCIENTOLOGY OF CALIFORNIA.

33. The actions of all Defendants were such that would violate the standard by which the right to privacy is measured by a person of reasonable sensibility. All actions were such that would be objectionable to a reasonable person in a similar situation to that of NANCY McLEAN at the time of the acts. The acts of all Defendants were of a malicious character and were carried out for the purposes of inflicting extreme financial and mental hardship upon NANCY McLEAN consistent with the "Fair Game Policy" of THE CHURCH OF SCIENTOLOGY OF CALIFORNIA. The Scientologists made NANCY McLEAN subject to their "Fair Game Policy" and instigated the invasion of the attorney/client privilege by MERRELL VANNIER as part of said policy.

34. NANCY McLEAN has suffered and continues to suffer the losses as alleged in Paragraph 20, above.

WHEREFORE, NANCY McLEAN demands Judgment against all Defendants, THE CHURCH OF SCIENTOLOGY OF CALIFORNIA, L. RON HUBBARD, MARY SUE HUBBARD, JOSEPH PETER LISA, MILTON WOLFE and MERRELL VAHNIER for damages Including punitive damages in excess of Ten Thousand and no/100 (\$10,000.00) Dollars exclusive of interest and costs and demands trial by jury.

COUNT IV - MALICIOUS PROSECUTION

JOHN McLEAN sues THE CHURCH OF SCIENTOLOGY OF CALIFORNIA, MARY SUE HUBBARD, L. RON HUBBARD, MILTON WOLFE and JOSEPH PETER LISA a/k/a PETER JOSEPH LISA and alleges as follows:

35. Plaintiff realleges and reavers Paragraphs 1 through 8. 10 and 12, above.

36. During the month of October 1976, THE CHURCH OF SCIENTOLOGY OF CALIFORNIA, operating out of the "Flag Land Base" in the Fort Harrison Hotel, Clearwater, Florida caused to be filed

on its behalf an action in the U.S. District Court for the Middle District of Florida against JOHN McLEAN. The action was captioned Church of Scientology of California vs. John McLean and Nancy McLean, Case No. 76-827-CC. The action was filed by co-Defendants who were agents of L. RON HUBBARD and MARY SUE HUBBARD under a plan of activity engineered by L. RON HUBBARD and MARY SUE HUBBARD as founder and CSG of Scientology. The filing of the action continued a series of activities against JOHN McLEAN as a result of JOHN McLEAN being classified as "fair game" by the Scientologists. These actions commenced on or before January 1976, however, were not discovered or reasonably discoverable by JOHN McLEAN until November 1979.

37. The action filed against JOHN McLEAN as alleged in Paragraph ?? above was filed with the goal of causing JOHN McLEAN great personal and financial hardship in the incurrence of legal fees and expenses, public humiliation am. to subject JOHN McLEAN to the "Fair Game Policy" of THE CHURCH OF SCIENTOLOGY OF CALIFORNIA which policy provides that a person labelled "fair game" may be deprived of property or injured by any means by any Scientologist without any discipline of the Scientologists and that the person may be tricked, sued or lied to or destroyed, or words to that effect.

J8. The litigation against JOHN McLEAN was for improper and illegal motives and was filed without probable cause for the commencement of the litigation. THE CHURCH OF SCIENTOLOGY OF CALIFORNIA operated under the "Fair Game Policy" of THE CHURCH OF SCIENTOLOGY OF CALIFORNIA and under the policies of L. RON HUBBARD which provide that the legal process should be used to harass and discourage litigants and that "The purpose of the suit is to harass and discourage rather than to win." JOHN McLEAN was submitted to this policy because of his personal comments and observations made in Pinellas County, Florida during 1976 following the entry of THE CHURCH OF SCIENTOLOGY into Clearwater in November and December 1975 under secret conditions using the front corporations/organizations of Southern Land Development and Leasing Corporation and United Churches of Florida.

39. The litigation referred to in Paragraph 36 above was terminated by THE CHURCH OF SCIENTOLOGY OF CALIFORNIA by voluntary dismissal on February 2, 1981.

40. There was a total absence of probable cause or justified reason for the suit by THE CHURCH OF SCIENTOLOGY against JOHN McLEAN and the suit was undertaken with the presence of actual malice. The suit was brought to harass and discourage rather than to win.

41. The efforts of THE CHURCH OF SCIENTOLOGY OF CALIFORNIA, as alleged above, were carried out by the Guardian Office. Defendants, JOSEPH PETER LISA and MILTON WOLFE were operating officers in Clearwater, Florida of the Guardian Office attached to the "Flag Land Base" and in such capacity carried forth the actions on behalf of THE CHURCH OF SCIENTOLOGY OF CALIFORNIA. Defendants LISA'S and WOLFE'S activities were under the control and knowledge and were within the scope of authority of MARY SUE HUBBARD, the Commodore Staff Guardian and L. RON HUBBARD, the founder, who oversaw and were fully knowledgeable of the actions as herein above pled.

42. JOHN McLEAN has suffered damages in out-of-pocket expenses related to the defense of his case, public humiliation, mental pain and suffering, and continues to suffer under the application of the "Fair Game Policy" continued with the filing of the litigation against him in a malicious manner by THE CHURCH OF SCIENTOLOGY OF CALIFORNIA.

WHEREFORE, JOHN McLEAN sues THE CHURCH OF SCIENTOLOGY OF CALIFORNIA, MARY SUE HUBBARD, L. RON HUBBARD, JOSEPH PETER LISA and MILTON WOLFE for damages including punitive damages in excess of Ten Thousand and no/100 (\$10,000.00) Dollars exclusive of interest and costs and demands trial by jury.

COUNT V - ABUSE OF PROCESS

JOHN McLEAN sues THE CHURCH OF SCIENTOLOGY OF CALIFORNIA, MARY SUE HUBBARD, L. RON HUBBARD, JOSEPH PETER LISA and MILTON WOLFE and alleges as follows:

A3. Plaintiff realleges Paragraphs 35 through 42, inclusive of Count IV.

44. Defendants conspired together to make an illegal, improper and perverted use of process in bringing the action referred to in Paragraph 36. The action was brought for the purpose of humiliating and bringing financial ruin to JOHN McLEAN. Such purpose was known to all Defendants and all Defendants sought to gain by the improper and perverted use of process.

45. JOHN McLEAN suffered damages as a result of the perverted and improper use of process, as pled in Paragraph 42, above.

WHEREFORE, JOHN McLEAN sues THE CHURCH OF SCIENTOLOGY OF CALIFORNIA, MARY SUE HUBBARD, L. RON HUBBARD. MILTON WOLFE and JOSEPH PETER LISA for damages including punitive damages in excess of Ten Thousand and no/100 (\$10,000.00) Dollars exclusive of interest and costs and demands trial by jury.

COUNT VI - INVASION OF PRIVACY

JOHN McLEAN sues THE CHURCH OF SCIENTOLOGY OF CALIFORNIA. MARY SUE HUBBARD, L. RON HUBBARD, JOSEPH PETER LISA a/k/a PETER JOSEPH LISA, MILTON WOLFE and MERRELL VANNIER and alleges as follows:

46. Plaintiff realleges Paragraphs 1 through 10, 12 and 36 above.

47. Plaintiff engaged the services of Robert K. Hayden, Esquire to defend him in the litigation brought by THE CHURCH OF SCIENTOLOGY OF CALIFORNIA against him as alleged in Paragraph 36 above.

48. During portions of December 1976 and portions of calendar year 1977 Defendant MERRELL VANNIER was counsel of record and represented Gabriel Cazarc in the case captioned Gabriel Cazares vs. Church of Scientology of California, et al.. Case No. 76-1829-20, Circuit Court of Pinellas County, Florida and Margaret Cazares in the case of Margaret Cazares v. Church of Scientology of California. et al.. Case No. 76-2518-7, filed in the Circuit Court of Pinellas County, Florida. In the representation of Gabriel Cazares and Margaret Cazares in their respective lawsuits MERRELL VANNIER held

himself out in the community as an attorney litigating against THE CHURCH OF SCIENTOLOGY OF CALIFORNIA. The position advanced in the community by MERRELL VANNIER was similar to the engagement of Robert K. Hayden as counsel for JOHN McLEAN as an attorney in litigation against THE CHURCH OF SCIENTOLOGY OF CALIFORNIA.

49. MERRELL VANNIER was a member of THE CHURCH OF SCIENTOLOGY OF CALIFORNIA during all times pertinent to this litigation. The membership of MERRELL VANNIER in THE CHURCH OF SCIENTOLOGY OF CALIFORNIA was unknown to JOHN McLEAN and to others in the general community until after November 1, 1979. The fact of MERRELL VANNIER'S membership in THE CHURCH OF SCIENTOLOGY OF CALIFORNIA was hidden and suppressed by both VANNIER and all other Defendants in this cause. The membership of MERRELL VANNIER was known to all Defendants in this cause at all times pertinent to this Complaint.

50. Based upon his status as counsel for Gabriel Cazares and Margaret Cazares in their respective suits MERRELL VANNIER, acting as an agent and member of THE CHURCH OF SCIENTOLOGY OF CALIFORNIA, and in concert with all other Defendants in this cause sent a letter of inquiry to JOHN McLEAN'S attorney seeking to review the files of attorney Robert K. Hayden which included private correspondences and documents of JOHN McLEAN. A copy of Defendant VANNIER'S letter to Mr. Hayden is attached as Exhibit A to this Amended Complaint.

51. Based upon the representation of MERRELL VANNIER that he was an attorney acting in concert with other attorneys in the community "...to prevail in our legal battles against the Scientologists..." permission was given to JOHN McLEAN'S counsel, Robert K. Hayden, to disclose private information which included JOHN McLEAN'S attorney's work product to MERRELL VANNIER. The approval was given by letter on behalf of JOHN McLEAN by NANCY McLEAN, his mother, with the authority and consent of JOHN McLEAN. A copy of the letter of approval is attached as Exhibit B to this Amended Complaint. The approval was expressly

conditioned upon the information not being submitted to any Scientologist. Based on the request and the approval the files of Robert K. Hayden were opened to MERRELL VANNIER for his review as a brother attorney litigating against THE CHURCH OF SCIENTOLOGY OF CALIFORNIA.

52. The request of CHURCH OF SCIENTOLOGY member MERRELL VANNIER to review the files of attorney Robert K. Hayden was wrongful and was made under false pretenses by MERRELL VANNIER and was done for the express purpose of allowing THE CHURCH OF SCIENTOLOGY OF CALIFORNIA to gain insight and complete review of the litigation files of opposing counsel. The invasion was a malicious misuse of his fraudulent position in the community. Said misuse was accomplished on behalf of THE CHURCH OF SCIENTOLOGY OF CALIFORNIA to gain information of a privileged nature in the case referred to in Paragraph 36, above.

53. The activities alleged in Paragraph 50 through 52 were full known to all other Defendants who received the results of the deceitful and deceptive inquiry and despicable conduct. The activities were a continuation of a covise of conduct which included following JOHN McLEAN about during travels to Florida and return trips to his home in Canada. THE CHURCH OF SCIENTOLOGY OF CALIFORNIA, L. RON HUBBARD, MARY SUE HUBBARD, MILTON WOLFE and JOSEPH PETER LISA were knowingly a part of the plan to misuse VANNIER'S fraudulent position of trust as attorney for the Cazares' in the invasion of the attorney/client privilege and work product privilege of JOHN McLEAN'S defense.

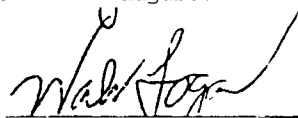
54. The actions of THE CHURCH OF SCIENTOLOGY OF CALIFORNIA in having their sect member VANNIER invade the confidential relationship of attorney/client resulted in the disclosure of confidential information concerning JOHN McLEAN. This information was divulged to THE CHURCH OF SCIENTOLOGY OF CALIFORNIA, L. RON HUBBARD, MARY SUE HUBBARD, MILTON WOLFE and JOSEPH PETER LISA and other agents/employees of THE CHURCH OF SCIENTOLOGY OF CALIFORNIA.

55. The actions of all Defendants were such that would violate the standard by which the right to privacy is measured by a person of reasonable sensibility. All actions were such that would be objectionable to a reasonable person in a similar situation to that of JOHN McLEAN at the time of the acts. The acts of all Defendants were of a malicious character and were carried out for the purposes of inflicting extreme financial and mental hardship upon JOHN McLEAN consistent with the "Fair Game Policy" of THE CHURCH OF SCIENTOLOGY OF CALIFORNIA. The Scientologists made JOHN McLEAN subject to their "Fair Game Policy" and instigated the invasion of the attorney/client privilege by MERRELL VANNIER as part of said policy.

56. JOHN McLEAN has suffered and continues to suffer the losses as alleged in Paragraph 42, above.

WHEREFORE, JOHN McLEAN demands Judgment against all Defendants, THE CHURCH OF SCIENTOLOGY OF CALIFORNIA, L. RON HUBBARD, MARY SUE HUBBARD, JOSEPH PETER LISA, MILTON WOLFE and MERRELL VANNIER for damages including punitive damages in excess of Ten Thousand and no/100 (\$10,000.00) Dollars exclusive of interest and costs and demands trial by Jury.

DATED this 12th day of ¹² ~~1~~ august. 1981.



Walt Logan Esquire
6641 Central Avenue
St. Petersburg, FL 33710
(813) 381-0000
and

TONY CUNNINGHAM, ESQUIRE
708 Jackson Street
Tampa, FL 33602
(813) 223-7421

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished by cu.il. to the following attorneys of record prior to the day of August, 1981.

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and

TONY CUNNINGHAM, ESQUIRE
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(813) 228-7601

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has
been furnished, by mail 17th to the following attorneys of
record this 17th day of March 1982

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and

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(813) 223-7421

Attorneys for Plaintiffs/
Nancy McLean and John McLean

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA

NANCY- McLEAN and
JOHN McLEAN, her son,

Plaintiffs,

vs .

THE CHURCH OF SCIENTOLOGY
OF CALIFORNIA, et al.,

Defendants.

CASE NO. 81-174-Civ. TK

SECOND AMENDMENT TO AMENDED COMPLAINT

Plaintiffs, file this their Second Amendment to the Amended Complaint and add the following allegations to Count III on behalf of NANCY McLEAN:

33(a). The Defendant CHURCH OF SCIENTOLOGY further invaded the privacy of NANCY McLEAN by hiring a Washington, DC attorney, Benjamin Brown, Esquire to cause an investigation of NANCY McLEAN. Attorney Brown, acting as an attorney and agent of the Defendant CHURCH OF SCIENTOLOGY, at the direction and request of the Defendant Scientologists, hired a private investigator, Richard "Dick" Bast, to infiltrate the privacy of NANCY McLEAN under false pretenses.

33(b). Richard "Dick" Bast acting on behalf and as an agent for the Defendant CHURCH OF SCIENTOLOGY undertook to seek out and meet NANCY McLEAN and befriend NANCY McLEAN representing himself as a private investigator representing the wealthy parents of a "cult victim" who was investigating cults on behalf of the said wealthy parents whose identities were not Identified. Mr. Bast,

in his pretended position as an investigator of cults, sought out NANCY McLEAN to gather information on cults and more specifically Scientology. This contact took place on or about March through May 1980.

33(c). Unknown to NANCY McLEAN and without her permission Mr. Bast covertly recorded conversations with NANCY McLEAN on the subject of Scientology and other subjects by audio-visual and/or audio means from time to time on numerous occasions during March through May 1980. NANCY McLEAN did not learn of the taping or the true role of Mr. Bast until after the filing of this lawsuit in 1981. NANCY McLEAN did not approve the tapings and would not have approved the tapings of her conversations by an agent of Scientology.

33(d). NANCY McLEAN would not have conversed with Richard "Dick" Bast had Mr. Bast truthfully disclosed his position as an investigator working at the hire of the Defendant Scientology. The contact by the agent of Scientology, Richard "Dick" Bast, was made during the time the Church of Scientology of California v. John and Nancy McLean, Case No. 76-827-GC lawsuit was pending and was a violation of the right of privacy of NANCY McLEAN who would not have talked with a private investigator working at the hire of the Defendant Scientologists.

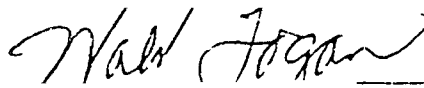
33(e). The invasion of NANCY McLEAN'S privacy as alleged was a malicious invasion of privacy during the time NANCY McLEAN was a Defendant in litigation being sued by the Scientologists. The invasion was done to harass NANCY McLEAN and to attempt to gain information for use in the then proceeding lawsuit by Scientology against NANCY McLEAN.

33(f). The Scientologists further invaded the privacy of NANCY McLEAN by placing a plant/spy in the offices of the Clearwater Sun newspaper. The plant/spy, operating under the assumed name of June Bryne, was in a position and did overhear and observe NANCY McLEAN and report to Scientology the results of her spy activity. Attached as Exhibit C hereto are copies of some of the spy's reports. NANCY McLEAN would not have allowed her conversations to be overhead or her actions observed in and about the offices of the Clearwater Sun by the spy had the true identity and relationship to Scientology of June Bryne been disclosed. The observations alleged took place in and about the offices of the Clearwater Sun newspaper in Clearwater, Florida during times when NANCY McLEAN could reasonably expect her conversations and activities to be private and not observed for reporting to the Guardian Office of Scientology.

33(g). The conduct pled in Paragraphs 25 through 33(e) was a continuation of a course of conduct subjecting NANCY McLEAN to the "Fair Game Policy" of Scientology as alleged in Paragraph 15 above.

DATED this 12 day of August, 1983

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