

1 CASE NUMBER: C332027
 2 CASE NAME: WOLLERSHEIM VS. CHURCH
 3 LOS ANGELES, CALIFORNIA MONDAY, MAY 6, 2002
 4 DEPARTMENT 24 HON. ROBERT L. HESS
 5 APPEARANCES: (AS HERETOFORE NOTED.)
 6 REPORTER: ELSIE G. DIWA, CSR NO. 11416
 7 TIME: A.M. SESSION
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 11 THE COURT: WOLLERSHEIM VS. CHURCH.
 12 MR. DRESCHER: GOOD MORNING, YOUR HONOR. WILLIAM
 13 DRESCHER ON BEHALF OF CHURCH OF SCIENTOLOGY
 14 INTERNATIONAL.
 15 MR. STEIN: GOOD MORNING, YOUR HONOR. CRAIG
 16 STEIN ON BEHALF OF PLAINTIFF.
 17 MR. ROSEN: SAMUEL D. ROSEN OF PAUL, HASTINGS FOR
 18 RTC.
 19 MS. SCHLOSSER: GOOD MORNING, YOUR HONOR.
 20 LETRA SCHLOSSER ON BEHALF OF MR. WOLLERSHEIM.
 21 THE COURT: THIS IS AN EX PARTE APPLICATION FOR
 22 AN EVIDENTIARY HEARING FOR TERMINATING SANCTIONS THAT
 23 YOU WANT TO HAVE HEARD PRIOR TO THE SCHEDULED HEARING,
 24 WHICH IS STARTING ON MAY 9. WHEN DO YOU PROPOSE TO
 25 HEAR THIS?
 26 MR. DRESCHER: WELL, YOUR HONOR, AS SOON AS
 27 POSSIBLE. THIS IS THE REASON. ON APRIL 29, LAST
 28 WEEK, STACY BROOKS YOUNG, ONE OF THE WITNESSES FOR

1 PLAINTIFFS, FILED AN AFFIDAVIT IN A COURT IN FLORIDA.
 2 IT'S ATTACHED AS EXHIBIT A.
 3 THE COURT: ON BEHALF OF WHOM?
 4 MR. DRESCHER: ON BEHALF OF HERSELF. SHE'S A
 5 WITNESS IN AN EVIDENTIARY HEARING SIMILAR TO THE ONE
 6 THAT WE ARE ASKING THIS COURT TO HOLD.
 7 THE COURT: JUST A MINUTE. WHEN YOU SAY "ON
 8 BEHALF OF HERSELF," IS THIS ESTATE OF MCPHERSON
 9 VS. CHURCH OF SCIENTOLOGY FLAG SERVICE ORGANIZATION?
 10 MR. DRESCHER: IT WAS FILED IN THAT CASE --
 11 THE COURT: IS THAT THE CASE?
 12 MR. DRESCHER: THAT'S THE CASE.
 13 THE COURT: OKAY. AND WHICH SIDE IS SHE ALIGNED
 14 WITH IN THAT CASE?
 15 MR. DRESCHER: YOUR HONOR, SHE'S RECAPTANG
 16 EARLIER PERJURY IN THE CASE.
 17 THE COURT: IN THAT CASE?
 18 MR. DRESCHER: IN THAT CASE, BUT IN HER AFFIDAVIT
 19 THAT'S ATTACHED AS EXHIBIT A THERE, SHE ALSO BRINGS
 20 INTO PLAY --
 21 THE COURT: THE SECOND AFFIDAVIT?
 22 MR. DRESCHER: THE SECOND AFFIDAVIT OF STACY
 23 BROOKS. AND SHE HAS IN THAT AFFIDAVIT AND IN
 24 TESTIMONY THAT SHE GAVE IN THE MCPHERSON PROCEEDING ON
 25 FRIDAY, MAY 3RD, STATED UNDER OATH THAT, IN THIS CASE,
 26 THE CASE BEFORE THIS COURT, THERE WAS DELIBERATELY
 27 EMPLOYED A STRATEGY TO MANUFACTURE EVIDENCE TO
 28 GENERATE PREJUDICE IN THE COURT BY MAKING ALLEGATIONS

1 THAT WERE TAILORED TO CREATE THAT EFFECT AND MISLEAD
 2 THE COURT INTO GRANTING THE RELIEF SOUGHT HERE THAT
 3 MS. BROOKS, AMONG OTHERS, RECEIVED MONEY TO CRAFT
 4 THOSE ALLEGATIONS AND PUT THEM INTO SWORN TESTIMONY
 5 WITH THE PLAN TO PRESENT TO THIS COURT NOT WITH
 6 EVIDENCE OF WHAT HAPPENED AND NOT EVIDENCE OF THE
 7 TRUTH, BUT EVIDENCE THAT WAS PLAUSIBLE ENOUGH WITH THE
 8 ALLEGATIONS TO CREATE PREJUDICE TO CONVINCCE THE COURT
 9 THAT THERE WAS A CASE FOR WOLLERSHEIM TO MAKE AND THAT
 10 THERE WAS EVIDENCE TO SUPPORT THE ALLEGATIONS BEING
 11 MADE.

12 IN FACT, IN HER TESTIMONY ON FRIDAY,
 13 MAY 3RD, MS. BROOKS WAS SO SPECIFIC ABOUT IT ON THE
 14 STAND BEFORE A JUDGE IN FLORIDA THAT SHE TESTIFIED
 15 THAT THE SOLE THEORY OF ALTER EGO LIABILITY THAT'S
 16 BEING ADVANCED HERE BY WOLLERSHEIM, THAT CONTROL AS
 17 HEAD OF THE SEA ORG IS CONTROL OF ALL OF SCIENTOLOGY,
 18 WAS DEvised BY HER IN CONJUNCTION WITH MR. LEIPOLD,
 19 COUNSEL FOR WOLLERSHEIM, AS A LEGAL MANEUVER.

20 SHE HAS TESTIFIED TO THAT AS RECENTLY AS
 21 FRIDAY. SHE'S DUE TO GO BACK ON THE STAND IN FLORIDA
 22 IN AN HOUR AND A HALF. WE WOULD HAVE BROUGHT THIS
 23 EVIDENCE SOONER, OBVIOUSLY, IF WE HAD IT SOONER, BUT
 24 MS. BROOKS ONLY BEGUN HER RECOUNTING LAST WEEK. SO WE
 25 BROUGHT TO YOU AT THE FIRST AVAILABLE MOMENT, SO MUCH
 26 SO THAT THE TESTIMONY ON FRIDAY IS THERE IN REALTIME
 27 RUSHES TO SHOW THE TESTIMONY THAT SHE GAVE.
 28 WE BELIEVE UNDER THESE CIRCUMSTANCES THE

1 COURT HAS AN OBLIGATION, JUST AS THE FLORIDA COURT
 2 DID, TO HOLD EVIDENTIARY HEARINGS TO DETERMINE AND
 3 RULE OUT THIS FRAUD --

4 THE COURT: I CAN'T BRING HER INTO THIS COURT.

5 MR. DRESCHER: I CAN'T PROMISE TO BRING HER HERE,
 6 BUT WE CAN'T EVEN TALK TO HER. SHE IS A WITNESS IN A
 7 PROCEEDING. SHE IS EXPECTED TO BE FINISHED WITH
 8 TESTIMONY TODAY. IN FACT, THE COURT IN FLORIDA HAS
 9 SAID THAT SHE, THE JUDGE, WILL FINISH THE EVIDENTIARY
 10 HEARING THAT'S ONGOING NOW TOMORROW, AND WE WILL MAKE
 11 EVERY BEST EFFORT TO BRING HER. SHE'S NOT A WITNESS.
 12 WE CAN'T COMPEL HER. BECAUSE SHE LIVES OUT OF STATE,
 13 SHE CAN'T BE COMPELLED BY THE COURT. WE'LL MAKE OUR
 14 BEST EFFORT.

15 BY THE WAY, SHE ALSO LIVES OUTSIDE FLORIDA.
 16 SHE COULD NOT BE COMPELLED TO APPEAR IN THE
 17 PROCEEDINGS SHE'S NOW APPEARING AT. SO OUR HOPE IS
 18 THAT WHEN THE ORDER IS LIFTED AND THERE'S THE ABILITY
 19 TO ASK HER TO COME HERE SHE'LL BE WILLING TO DO THIS
 20 RECOUNTATION OF HER EARLIER PERJURY HERE THAT SHE'S
 21 DONE THERE. WHAT WE'RE ASKING THE COURT TO DO IS
 22 SIMPLY HEAR IT OUT, PROTECT THE INTEGRITY OF THE
 23 SYSTEM.

24 THE COURT: WAIT A MINUTE. YOU WANT ME TO
 25 POSTPONE THIS HEARING, THE ONE THAT'S PREVIOUSLY
 26 SCHEDULED UNTIL SHE CAN, IF SHE WILL, COME HERE?

27 MR. DRESCHER: WHAT I'M SAYING, YOUR HONOR, IS I
 28 THINK THAT DESPITE EVERYONE'S --

1 THE COURT: IS THAT A YES OR NO?
 2 MR. DRESCHER: WHAT I'M ASKING, YOUR HONOR, IS
 3 THAT SINCE THE COURT PROCEEDING IN FLORIDA
 4 SPECIFICALLY ORDERED BY THE COURT TO BE FINISHED BY
 5 TOMORROW AND THAT AT SOME POINT BETWEEN HER TESTIMONY
 6 THIS AFTERNOON IN FLORIDA AND TOMORROW, THERE WILL BE
 7 NO ORDER THAT PREVENTS ANYONE FROM ASKING HER TO COME
 8 HERE. WE WILL DO SO AT THE EARLIEST MOMENT AND GET
 9 HER HERE AT THE FIRST MOMENT SHE CAN.
 10 BECAUSE SHE APPEARED VOLUNTARILY IN FLORIDA
 11 WITHOUT COMPELSION OF SUBPOENA, WE'RE VERY HOPEFUL
 12 SHE'LL DO THE SAME OUT HERE. WE RECOGNIZE THE COURT
 13 HAS CARVED OUT TIME FOR THE HEARING THIS WEEK ON THE
 14 ULTIMATE ISSUES. WHAT WE'RE SAYING IS, BECAUSE OF THE
 15 GRAVITY OF WHAT MS. YOUNG HAS BROUGHT TO THE ATTENTION
 16 NOW TO THIS COURT AS WELL AS THE TWO IN FLORIDA
 17 HOLDING EVIDENTIARY HEARINGS ON THIS ISSUE, THAT WHILE
 18 TIME IS CERTAINLY AN IMPORTANT ELEMENT, THE INTEGRITY
 19 OF THE JUSTICE SYSTEM IS PARAMOUNT.
 20 WE'RE ASKING THE COURT TO PUT THIS
 21 EVIDENTIARY HEARING UPFRONT TO HEAR THESE WITNESSES.
 22 AND ANOTHER WITNESS WE'LL TRY TO ACCOMMODATE THE COURT
 23 WITH WOULD BE MR. MINTON, AND THAT WE WILL MOVE WITH
 24 ALL DISPATCH AND TRY TO GET HIM HERE AS QUICKLY AS
 25 POSSIBLE AND PROCEED IMMEDIATELY WHEN WE DO. BUT THE
 26 ENTIRE INTEGRITY OF THIS PROCESS AND THE ENTIRE MATTER
 27 IN WHICH THIS CASE HAS BEEN CONDUCTED REQUIRES THE
 28 COURT TO --

1 THE COURT: I ASSUME SHE DID NOT DRAFT THIS ON
 2 HER OWN. IS SHE REPRESENTED BY COUNSEL IN THAT
 3 PROCEEDING?
 4 MR. ROSEN: YES, SHE IS.
 5 MR. DRESCHER: YES.
 6 MR. ROSEN: YOUR HONOR, IF YOU'D LIKE ME --
 7 THE COURT: WHO IS THAT COUNSEL?
 8 MR. ROSEN: HIS NAME IS MR. MCGOWAN. I WAS DOWN
 9 IN FLORIDA. SO LET ME JUST FILL IN BETWEEN THE BLANKS
 10 WHAT HAPPENED.
 11 FLORIDA CRIMINAL LAW HAS A PROVISION WHICH
 12 ALLOWS FOR COMPLETE DEFENSE TO PERJURY IF ONE RECANTS
 13 BEFORE AN ACCUSATION IS MADE. SHE FILED THIS
 14 EXTENSIVE AFFIDAVIT WITH THE COURT WITH THE BENEFIT OF
 15 HER COUNSEL, RECANTING HER PRIOR PERJURY IN THAT
 16 CASE. THAT IS A DEFENSE IN FLORIDA TO ALLAY A CHARGE
 17 OF PERJURY BY THE STATE.
 18 WHEN THE JUDGE SAW THIS AFFIDAVIT AND THAT
 19 THIS IS THE ACTION THE MCPHERSON CASE IS SCHEDULED FOR
 20 TRIAL -- WHEN THE JUDGE SAW THAT, SHE SAID I'M GOING
 21 TO HOLD A HEARING ON THIS FOR TERMINATING SANCTIONS,
 22 BECAUSE IF THIS AFFIDAVIT IS TRUE AND ALL THIS
 23 TESTIMONY HAS BEEN MANUFACTURED AND BOUGHT, I'M GOING
 24 TO CONSIDER TERMINATING SANCTIONS AGAINST THE
 25 PLAINTIFF.
 26 THE GREAT IRONY HERE IS THAT CO-COUNSEL FOR
 27 PLAINTIFF IN FLORIDA IS NONE OTHER THAN MR. LEIPOLD.
 28 THE KEY WITNESSES IN FLORIDA ARE MS. YOUNG, HER

2/15/50

1 EX-HUSBAND, VAUGHN YOUNG, AND MR. PRINCE, THE SAME
 2 WITNESSES HERE. AND THIS WOMAN HAS TOLD THE STORY ON
 3 THE WITNESS STAND ON FRIDAY ON A TERMINATING SANCTIONS
 4 MOTION, PRECISELY THE MOTIONS BEFORE YOU, THAT ALL OF
 5 THIS WAS MANUFACTURED. IT WAS ALL BOUGHT AND PAID
 6 FOR.

7 MR. LEIPOLD PAID THE WITNESSES WITH
 8 MR. MINTON'S MONEY. MR. MINTON GAVE MR. LEIPOLD
 9 \$500,000, LOANED TO HIM. AND BY THE WAY, MR. LEIPOLD
 10 IS A WITNESS IN THIS CASE, JUDGE. HE'S OF COUNSEL TO
 11 PLAINTIFF IN THE MCPHERSON CASE. HE TESTIFIED BY
 12 TELEPHONE ON FRIDAY AND ADMITTED THAT HE TOOK \$500,000
 13 FROM MR. MINTON AS A LOAN AND CONFIRMED IN A LETTER
 14 WHICH SAYS, "AND THANK YOU FOR THIS LOAN BECAUSE IT
 15 WILL HELP ME -- IT WILL ALLOW ME AND MY PARTNERS TO
 16 CONTINUE OUR ANTI-SCIENTOLOGY ACTIVITIES."

17 THAT'S EXHIBIT 8. IT'S AN INCREDIBLE
 18 LETTER, JUDGE. TAKE A LOOK AT MR. LEIPOLD'S LETTER.
 19 SO YOU HAVE THE SAME THING LOOMING IN TWO CASES. YOU
 20 HAVE THE SAME ATTORNEY IN TWO CASES. YOU HAVE THE
 21 SAME ATTORNEY AND YOU HAVE THE SAME WITNESSES IN TWO
 22 CASES. THE JUDGE IN FLORIDA SAID I WANT TO HEAR THIS
 23 FOR TERMINATING SANCTIONS BEFORE WE GO FORWARD WITH
 24 THIS TRIAL. BECAUSE IF WHAT YOU SAY IS TRUE, THIS IS
 25 ABSOLUTE FRAUD ON THE COURT, YEARS OF PERVASIVE
 26 PERJURY IN AFFIDAVITS AND DEPOSITIONS NOW BEING
 27 RECANTED. AND BY THE WAY, MS. BROOKS IS NOT THE ONLY
 28 ONE WHO RECANTED. MR. MINTON HAS RECANTED AS WELL.

1 MS. SCHLOSSER: MR. MINTON IS NOT A WITNESS HERE.
 2 MR. ROSEN: THAT'S RIGHT. HE'S NOT A WITNESS
 3 HERE. HE'S RECANTED AS WELL, AND HE'S THE FINANCIER.
 4 HE'S THE ONE WHO LOANED MR. LEIPOLD \$500,000 TO PURSUE
 5 THE SCIENTOLOGY. HE'S TESTIFIED TO THAT. SO THAT'S,
 6 IF I CAN JUST GIVE YOUR HONOR THE BROAD PERSPECTIVE,
 7 BECAUSE AS I SAY I JUST CAME BACK FROM FLORIDA, AND
 8 THAT'S THE PROCEEDING THAT'S GOING ON NOW.

9 MR. DRESCHER: AND THAT'S WHY WE'RE HERE,
 10 YOUR HONOR, BECAUSE WE HAVE THE SAME CIRCUMSTANCE THAT
 11 PROMPTED THAT FLORIDA JUDGE TO DO WHAT WE'RE ASKING
 12 YOU TO DO, TO SAFEGUARD THE INTEGRITY OF THE PROCESS
 13 AND WEED THIS OUT BEFORE GETTING TO THE ULTIMATE
 14 ISSUE. AND WE WILL MOVE AS PROMPTLY AS WE POSSIBLY
 15 CAN TO ACCOMMODATE THE COURT'S CALENDAR, BUT THIS
 16 PROBLEM MUST BE ADDRESSED BEFORE THE GREATER ISSUES
 17 ARE.

18 MR. STEIN: YOUR HONOR, I'M USUALLY THE CALM ONE
 19 ON MY SIDE OF THE TABLE, BUT THIS IS AN OUTRAGE.
 20 MR. DRESCHER TALKS ABOUT INTEGRITY. I HAVE NEVER EVER
 21 ACCUSED AN ATTORNEY OF LYING ON THE RECORD. THIS
 22 MORNING I'M DOING IT.

23 THURSDAY MR. DRESCHER CALLED ME TO GIVE ME
 24 EX PARTE NOTICE OF THIS PROCEEDING ON FRIDAY. HE
 25 SAID, "I'M CALLING TO GIVE YOU EX PARTE NOTICE FOR
 26 FRIDAY MORNING."
 27 I SAID, "WHAT ARE YOU MOVING FOR, BILL?"
 28 HE SAID, "WE'RE MOVING FOR AN ORDER

1 SHORTENING TIME TO PRESENT A MOTION. "

2 I SAID, "BILL, WHAT MOTION ARE YOU

3 PRESENTING?"

4 HE SAID TO ME, "NOW YOU'RE ASKING THE TOUGH

5 QUESTIONS?" HE SAID, "WE HAVEN'T QUITE FIGURED OUT

6 HOW TO CRAFT IT, BUT WE'RE GOING TO BE PRESENTING A

7 MOTION TO HAVE A HEARING TO EXCLUDE TESTIMONY OF

8 WITNESSES WE CAN'T CROSS-EXAMINE. "

9 FINE. THURSDAY AFTERNOON HE CALLED ME AND

10 SAID, "WE'RE NOT GOING TO BE ABLE TO GET TO COURT ON

11 FRIDAY IN TIME BECAUSE WE HAVEN'T FINISHED THE

12 PAPERWORK. " FRIDAY MORNING HE CALLED ME AND LEFT A

13 MESSAGE ON MY VOICE MAIL AND SAID, "WE'RE GOING IN

14 MONDAY MORNING FOR THE SAME THING THAT I NOTICED YOU

15 FOR YESTERDAY. "

16 NOW WE GET A MOTION THAT IS TOTALLY

17 UNRELATED TO ANYTHING THAT MR. DRESCHER SAID TO ME ON

18 THE TELEPHONE. IT'S AN OUT AND OUT LIE. IT'S AN

19 ATTEMPT TO SANDBAG THIS COURT, ATTEMPT TO SANDBAG

20 COUNSEL. THE TESTIMONY THAT THEY'RE NOW USING WASN'T

21 EVEN FINISHED WHEN MR. DRESCHER GAVE ME EX PARTE

22 NOTICE ON THURSDAY. THE REASON THEY COULDN'T FINISH

23 THE PAPERS WAS BECAUSE THEY DIDN'T HAVE THE TESTIMONY

24 THAT THEY NEED.

25 NOW, OF COURSE, THEY MAINTAIN THAT ALL OF

26 THESE ENTITIES ARE SEPARATE AND APART FROM ONE

27 ANOTHER, BUT AT AN IMMINENT JUNCTURE AT THIS POINT WE

28 GET A TRANSCRIPT IN A CASE INVOLVING AN UNRELATED

1 SCIENTOLOGY ENTITY BEING PRESENTED TO THIS COURT.

2 THERE IS SO MUCH EVIDENCE IN THE RECORD WHERE THE

3 CHURCH OF SCIENTOLOGY OF CALIFORNIA PRESENTS EVIDENCE

4 IN OTHER CASES, AND OTHER CASES ARE PRESENTED IN THIS

5 CASE.

6 THIS IS A CONTRIVANCE. IT'S AN EFFORT TO

7 DERAIL THIS COURT. MS. YOUNG'S DECLARATION WAS

8 SUBMITTED IN 1997 BY US, YOUR HONOR, BEFORE MR. MINTON

9 EVER SHOWED UP ON THE SCENE. IT'S THE SAME

10 DECLARATION THAT WAS CONSIDERED BEFOREHAND. IT WAS

11 ONE YEAR BEFORE ANY LOAN WAS EVER MADE BY MR. MINTON

12 TO MR. WOLLERSHEIM.

13 . MR. LEIPOLD, MY CO-COUNSEL, LEFT HIS LAW

14 FIRM AND STARTED A NEW LAW FIRM. AND IN '92 THE CASE

15 REFERRED TO AS THE GOST CASE TALKS ABOUT THE CONTROL

16 OF THE SEA ORG. NOW IN 2002 WE GET A WHOLE NEW SET OF

17 FACTS.

18 I THINK THAT THIS IS JUST AN OUTRAGE. I WAS

19 GIVEN IMPROPER NOTICE, AND AT THE LAST MOMENT BEFORE

20 HAVING AN EVIDENTIARY HEARING THAT WE'VE BEEN WAITING

21 FOR THREE AND A HALF YEARS, THE COURT OF APPEAL

22 REVERSED IN FEBRUARY OF 1999, THEY POP UP WITH THIS

23 NONSENSE IN AN EFFORT TO DERAIL THE COURT. THERE IS

24 NO INTEGRITY HERE, YOUR HONOR. I HAVE BEEN LIED TO,

25 AND I'M NOT HAPPY ABOUT IT.

26 MR. DRESCHER: AND HE HAS NOT BEEN LIED TO,

27 YOUR HONOR. HE DIDN'T TELL YOU THE ENTIRE FOUR CALLS.

28 THE COURT: JUST A MINUTE. STOP.

1 MR. DRESCHER: WILL DO.
 2 THE COURT: WHAT DID YOU GIVE HIM NOTICE OF?
 3 MR. DRESCHER: ON WEDNESDAY I GAVE HIM NOTICE FOR
 4 THURSDAY. I TOLD HIM, AND HE HAS FRAGMENTS OF THE
 5 CONVERSATION CORRECT, THAT THERE WAS A MOTION IN PLAY
 6 CONCERNING EXCLUSION OF EVIDENCE THAT WE WERE PLANNING
 7 TO BRING AN ON EX PARTE BASIS ON A MOTION TO SHORTEN
 8 TIME.
 9 LATER THAT DAY I DID CALL HIM AND SAY IT'S
 10 NOT READY. HE DID ASK ME WHAT IT WAS CALLED, AND THE
 11 TRUTH IS I DIDN'T KNOW WHAT IT WAS CALLED AT THAT TIME
 12 BECAUSE I COULDN'T FIGURE OUT THE PROCEDURE VEHICLE I
 13 WANTED.
 14 THE FOLLOWING DAY I GAVE NOTICE FOR FRIDAY
 15 AND WITHDREW IT. AGAIN, I WAS STILL IN THE POSITION
 16 OF NOT KNOWING WHERE I WAS, BUT MORE THAN THAT, I WAS
 17 INFORMED THAT MS. YOUNG WAS GOING TO GO ON THE STAND.
 18 ON FRIDAY, I GOT A REPORT FROM SOMEONE WHO WAS IN THE
 19 COURTROOM LISTENING TO HER TESTIMONY DURING THE DAY
 20 AND SAID, "GOSH, BILL, LOOK WHAT'S HAPPENING. YOU'VE
 21 GOT THE AFFIDAVIT WHERE SHE IMPLICATES THESE PEOPLE IN
 22 THIS FLORIDA COURT, AND NOW ON THE STAND SHE'S GETTING
 23 MORE SPECIFIC."
 24 I SAID, "OKAY, I'M GOING TO CALL MR. STEIN."
 25 I DIDN'T TALK TO MR. STEIN ON FRIDAY. I TALKED TO HIS
 26 VOICE MAIL AT 9:24 IN THE MORNING, AND I INDICATED
 27 THAT I WANTED TO LET HIM KNOW, BECAUSE I KNEW WHAT
 28 HAPPENED WITH THE WEEKEND INTERVENING THAT WE WOULD BE

1 HERE AT 8:30 ON MONDAY MORNING.
 2 I DID TALK ABOUT EVIDENCE, AND I DID TALK
 3 ABOUT THE FACT THAT IT WAS VERY DIFFICULT TO
 4 CHARACTERIZE THE MOTION. I DIDN'T WANT TO GIVE HIM
 5 ANY MORE DETAILS THAN THAT, BECAUSE HE INDICATED THAT
 6 THAT WAS FINE WITH HIM, AND JUST TO MAKE SURE
 7 YESTERDAY, TO MAKE SURE THAT THERE WAS NO QUESTION
 8 THAT HE KNEW WHAT WAS COMING TODAY, IT WAS SOME
 9 DETAIL. I LEFT A VOICE MAIL MESSAGE TWICE ON HIS CELL
 10 PHONE, ONCE IN HIS OFFICE, AND ONCE AT HIS HOME AND
 11 NEVER RETURNED A CALL. NEVER GOT A RETURN CALL FROM
 12 HIM.
 13 HE IS HERE. HE KNEW FROM THE VOICE MAILS
 14 WITH PARTICULARITY. IN FACT, I GAVE HIM A HEADS UP
 15 THAT HE MIGHT WANT TO ASK MR. LEIPOLD TO TRY TO BE
 16 HERE TOO, SINCE IT FOCUSED ON HIM. I NEVER GOT A
 17 RETURN CALL AT ALL. HE'S HERE. MR. LEIPOLD TESTIFIED
 18 THE SAME DAY AS MS. YOUNG IN FLORIDA.
 19 I HAVE MADE IT VERY CLEAR IT GOES TO THE
 20 EVIDENCE, AND WHAT ELSE DOES THIS GO TO EXCEPT
 21 MANUFACTURED EVIDENCE? AND FOR HIM TO ACCUSE ME OF
 22 LYING BY GIVING THE COURT A PARTIAL REPORT, LEAVING
 23 OUT FOUR VOICE MESSAGES WHICH INCLUDED ALL THE DETAIL
 24 IS OUTRAGEOUS.
 25 THE COURT: DID YOU TELL HIM THAT YOU WERE GOING
 26 TO BRING AN EX PARTE APPLICATION FOR AN ORDER
 27 SHORTENING TIME FOR TERMINATING SANCTIONS, BASED ON
 28 THE PROCEEDINGS IN FLORIDA INVOLVING THIS WITNESS?

1 MR. DRESCHER: YES. TOLD HIM THAT ON THE VOICE
2 MAILS SUNDAY, A VERY LONG DETAILED VOICE MAIL IN WHICH
3 I INDICATED THAT IT WAS FOR TERMINATING SANCTIONS FOR
4 AN EVIDENTIARY HEARING THAT SPECIFICALLY ARISES FROM
5 THE SAME SORTS OF THINGS THAT MR. LEIPOLD IS AWARE OF
6 IN FLORIDA AND THAT, AS A HEADS UP, HE SHOULD TRY TO
7 MAKE SURE MR. LEIPOLD IS HERE.

8 I DID NOT GET A RETURN PHONE CALL FOR THE
9 MESSAGE I LEFT AT HIS HOME, OFFICE, OR EITHER OF THE
10 CELL PHONE MESSAGES I LEFT YESTERDAY. SO I UNDERSTAND
11 MR. STEIN CAN STAND HERE AND GIVE YOU FRAGMENTS OF
12 SOME CONVERSATIONS OVER THE LAST FIVE DAYS AS THIS WAS
13 COALESCING BEFORE THE COURT IN FLORIDA.

14 BUT FOR HIM TO STAND THERE AND SAY I LIED,
15 THAT'S A LIE. FOR HIM TO STAND THERE AND SAY HE
16 DIDN'T KNOW WHAT THE SUBJECT WAS, THAT'S A LIE. ALL
17 HE HAD TO DO WAS PLAY HIS VOICE MAIL. AND HE'S HERE,
18 AND HE WAS HERE ON TIME. AND HE COULD HAVE CALLED ME
19 BACK. AND HE DIDN'T.

20 AND I WILL TELL YOU, YOUR HONOR, ON THAT
21 BASIS, THAT'S NOTICE. BUT MORE THAN THAT, IT DOESN'T
22 CHANGE THE CHARACTER OF WHAT THE COURT'S NOW
23 CONFRONTED WITH IN LIGHT OF MS. YOUNG'S RECAPTATION
24 AND TESTIMONY AND THE DIRECT TESTIMONY THIS COURT NOW
25 HAS BEFORE IT THAT THIS PROCEDURE HAS BEEN TAINTED.
26 AND THAT'S WHAT WE'RE HERE, AND THAT'S THE COURT'S
27 MISSION, TO PRESERVE THE PROCESS AND THE INTEGRITY OF
28 THE SYSTEM, AND THAT'S WHAT WE'RE ASKING FOR.

1 THEY'LL GET THEIR CHANCE TO PRESENT THEIR
2 EVIDENCE THAT SAYS IT'S NOT SO, AND WE'LL GET OUR
3 CHANCE TO PRESENT THE EVIDENCE THAT IT IS. AND ALL
4 WE'RE ASKING FOR AT THIS TIME, RECOGNIZING THAT THE
5 EVIDENTIARY HEARING IS UPON US, IS THE OPPORTUNITY TO
6 PRESENT IN AN EVIDENTIARY CONTEXT FOR YOUR HONOR TO
7 SEE, JUST LIKE THE JUDGES IN FLORIDA, THAT WHAT
8 MS. YOUNG IS SAYING IS TRUE AND WHAT HAS INFECTED
9 THOSE CASES HAS INFECTED THIS CASE TO THE CORE, THE
10 CORE BEING THE ABSOLUTE THEORY OF LIABILITY WHICH
11 MS. YOUNG TESTIFIES AS SIMPLY A LEGAL MANEUVER.

12 MR. STEIN: YOUR HONOR, IF I MAY. YESTERDAY
13 AFTERNOON AT 3:30 MR. DRESCHER LEFT VOICE MAIL
14 MESSAGES TO ME. THE COURT RULES SAY 10:00 A.M. THE
15 COURT DAY BEFORE THE HEARING. THAT WOULD HAVE BEEN
16 10:00 A.M. FRIDAY.

17 NEVERTHELESS, YESTERDAY I WAS IN ORANGE
18 COUNTY WITH MY IN-LAWS. I DIDN'T RETURN HOME UNTIL
19 9:00 P.M. DIDN'T SEE VOICE MAIL MESSAGES UNTIL 7:30
20 THIS MORNING. I SAVED THOSE VOICE MAIL MESSAGES ON MY
21 CELL PHONE, AND THE COURT IS WELCOME TO HEAR THEM, BUT
22 THE NOTICE THAT WAS GIVEN TO ME BY MR. DRESCHER ON
23 THURSDAY AND FRIDAY WAS NOTICE FOR A MOTION TO EXCLUDE
24 WITNESS TESTIMONY, NOTHING FURTHER.

25 3:30 ON SUNDAY AFTERNOON ON A CELL PHONE
26 WHEN I WASN'T HOME TO GET THE MESSAGE, HE SAYS, "OH,
27 BY THE WAY, THE MOTION IS FOR TERMINATING SANCTIONS."
28 IT'S NONSENSE, YOUR HONOR. IT'S GAME PLAYING, IT'S

1 BRINKMANSHIP, AND IT SHOULDN'T BE PUT FORWARD OVER
 2 THIS COURT.
 3 MR. DRESCHER: IT'S COURTESY, YOUR HONOR, AND --
 4 THE COURT: JUST A MINUTE. IT'S SEEMS TO ME
 5 CLEAR THAT WHATEVER YOU MAY HAVE LEFT ON HIS CELL
 6 PHONE AT 3:30 IN THE AFTERNOON YESTERDAY IS LESS THAN
 7 THE TIME FOR NOTICE THAT'S REQUIRED. AND IT SEEMS
 8 CLEAR THAT WHAT HE WAS TOLD IN A TIMELY FASHION DID
 9 NOT ADEQUATELY APPRISE HIM OF THE BASIS OF THIS MOTION
 10 BECAUSE IT SOUNDS TO ME LIKE YOU DIDN'T EVEN KNOW WHAT
 11 IT WAS GOING TO BE.
 12 MR. DRESCHER: THAT'S PRECISELY RIGHT.
 13 THE COURT: THE COURT WAS ADVISED BY THE CLERK
 14 LAST WEEK THAT YOU WERE GOING TO COME IN WITH A MOTION
 15 TO EXCLUDE THE TESTIMONY OF WITNESSES WHO WERE NOT
 16 SUBJECT TO CROSS-EXAMINATION. AND IT SOUNDS TO ME
 17 LIKE THAT'S WHAT COUNSEL THOUGHT IT WAS UNTIL 7:30
 18 THIS MORNING.
 19 MR. DRESCHER: YOUR HONOR, IF I MAY.
 20 THE COURT: JUST A MINUTE. LET'S BE STRAIGHT UP
 21 AND DOWN ON THIS. ARE YOU ASKING -- YOU HAVE NO WAY
 22 OF GUARANTEEING -- YOU HAVE NO WAY OF COMPELLING THIS
 23 INDIVIDUAL TO COME IN HERE AND TESTIFY BY SUBPOENA NOR
 24 DOES THE OTHER SIDE. AND IT SOUNDS TO ME LIKE WHAT
 25 YOU'RE SAYING IS THAT UNLESS AND UNTIL THIS INDIVIDUAL
 26 COMES IN HERE AND TESTIFIES TO DO THIS RECAANTATION,
 27 THAT WE SHOULDN'T GO FORWARD WITH THE LONG SCHEDULED
 28 EVIDENTIARY HEARING. IS THAT, IN ESSENCE, WHAT YOU'RE

1 TELLING ME? I WANT A YES OR NO.
 2 MR. DRESCHER: I'M TELLING YOU, YOUR HONOR, THAT
 3 BEFORE WE HAVE THE EVIDENTIARY HEARING THE COURT
 4 SHOULD HAVE THIS EVIDENTIARY HEARING ON THESE CLAIMS.
 5 I'M TELLING YOU THAT --
 6 THE COURT: I'M SORRY. SO IS THAT A "YES" OR IS
 7 IT A "NO"?
 8 MR. DRESCHER: IT'S A YES, YOUR HONOR. I DO NOT
 9 KNOW HOW THE PROCESS OF A TRIAL CAN BE HELD WITHOUT
 10 EXAMINING THE EVIDENCE THAT'S HERE. YOU HAVE AT LEAST
 11 PROBABLE CAUSE IF THIS WERE A CRIMINAL PROCEEDING.
 12 YOU CERTAINLY HAVE PRIMA FACIE EVIDENCE.
 13 THE COURT: JUST A MINUTE. LET'S TAKE THIS A
 14 STEP AT A TIME. I'M TRYING TO UNDERSTAND WHAT YOU'RE
 15 ASKING FOR.
 16 MR. DRESCHER: I'M ASKING FOR A HEARING IN
 17 ADVANCE OF THE --
 18 THE COURT: SO WHAT YOU'RE ASKING FOR IS THAT THE
 19 EVIDENTIARY HEARING ON THE ISSUES NOT GO FORWARD UNTIL
 20 THIS OTHER MATTER IS CONTINUED.
 21 MR. DRESCHER: I'M ASKING THE COURT TO HEAR THIS
 22 EVIDENTIARY HEARING WE'RE ASKING FOR NOW IN ADVANCE OF
 23 THE EVIDENTIARY HEARING THAT'S SCHEDULED TO START
 24 THURSDAY, BECAUSE UNLESS THE COURT ADDRESSES THESE
 25 ISSUES BEFORE THAT HEARING --
 26 THE COURT: WHY NOT HEAR THAT AS PART OF IT?
 27 MR. DRESCHER: WHY NOT HEAR IT IN FRONT OF IT,
 28 YOUR HONOR?

1 THE COURT: WHY NOT HEAR IT AS PART OF IT?
 2 MR. DRESCHER: IF WE CAN HAVE IT FIRST AND START
 3 THURSDAY? I DON'T KNOW.
 4 THE COURT: OKAY.
 5 MR. DRESCHER: YOUR HONOR, IT'S BECAUSE OF THE
 6 ISSUES I SAY THAT. IT'S BECAUSE OF THE ISSUES RAISED
 7 THAT -- IT'S NOT A MATTER OF TRYING TO INCONVENIENCE
 8 ANYONE. THE INCONVENIENCE THAT WHAT MS. BROOKS HAS
 9 NOW TESTIFIED TO IS ON US, BUT IT'S REALLY ON THIS
 10 COURT.
 11 AND WHAT WE'RE SAYING IS IN THE ORDER OF
 12 ADMINISTRATION OF JUSTICE AND THE COURT'S AUTHORITY TO
 13 POLICE ITS PROCESSES IN FRONT OF IT THAT, WHEN A
 14 WITNESS COMES FORWARD AND SAYS, "I LIED, I
 15 PARTICIPATED IN A FRAUD ON THE COURT THAT INFECTS ALL
 16 THE EVIDENCE THAT'S PRESENTED BY ONE PARTY," I BELIEVE
 17 THAT THERE IS NO ARGUMENT TO COUNTER THE NOTION THAT
 18 THE COURT HAS AN OBLIGATION TO HEAR THAT AND DECIDE
 19 THAT BEFORE PROCEEDING TO WEIGH THAT EVIDENCE THAT'S
 20 BEEN CHALLENGED.
 21 AND I UNDERSTAND THE TIME IS A GREAT
 22 CONCERN, AND I UNDERSTAND THAT THURSDAY IS ONLY A
 23 COUPLE OF DAYS OFF. WHAT I'M SAYING IS THAT WITH
 24 MS. YOUNG AND MR. MINTON AND MR. LEIPOLD, ACCORDING TO
 25 WHAT WE'VE NOW SEEN AND WHAT'S BEEN TESTIFIED TO AS
 26 LATE AS FRIDAY AND WHAT WILL BE TESTIFIED, WHATEVER
 27 THAT IS, IN THE NEXT TWO HOURS DOWN IN FLORIDA THAT
 28 THIS COURT, BECAUSE ITS PROCESSES HAVE BEEN

1 CHALLENGED, OWES THE JUSTICE SYSTEM THE OBLIGATION TO
 2 HEAR THIS FIRST.
 3 THE COURT: JUST A MINUTE. I WANT YOU TO
 4 ARTICULATE FOR ME VERY CLEARLY WHY IT IS IMPERATIVE
 5 THAT THIS MATTER PROCEED FIRST AND SEPARATELY AS
 6 OPPOSED TO AS PART OF THE EVIDENTIARY HEARING. WHY
 7 ARE YOU ASSUMING THAT THE COURT IS INCAPABLE OF
 8 EVALUATING THIS EVIDENCE IF, INDEED, IT IS TRUE, IF
 9 INDEED, IT IS ADMISSIBLE AS PART OF THE OVERALL
 10 PROCEEDINGS? ESPECIALLY UNDER THE CIRCUMSTANCE WHERE
 11 THE COURT HAS NO ASSURANCE WHATSOEVER THAT YOU WOULD
 12 BE ABLE -- THAT THIS WITNESS COULD OR WOULD COME OR
 13 WHEN THEY MIGHT DO THAT, TO TESTIFY IN THIS COURT.
 14 IT SEEMS TO ME THAT, IF IT'S GOING TO
 15 PROCEED FORTHWITH, I DON'T SEE WHY IT CAN'T PROCEED AS
 16 PART OF THIS. AND IF IT IS NOT GOING TO PROCEED
 17 FORTHWITH, YOU'RE ASKING THE COURT, I THINK, TO
 18 INDEFINITELY POSTPONE THE EVIDENTIARY HEARING ON THE
 19 SPECULATION THAT YOUR HEARING MIGHT BE ABLE TO BE HELD
 20 AT SOME FUTURE UNCERTAIN TIME.
 21 MR. DRESCHER: I'M NOT ASKING THE COURT TO
 22 POSTPONE ANYTHING INDEFINITELY. WHAT I'M ASKING THE
 23 COURT TO DO IS TO CONFRONT, AS THE COURT SAYS, VERY
 24 SERIOUS ALLEGATIONS, VERY SERIOUS FACTUAL RENDERINGS
 25 IN TERMS OF RECAPITULATION OF A WITNESS WHO SAYS THAT THE
 26 PROCESSES OF THIS COURT HAVE BEEN DELIBERATELY TAINTED
 27 BY THIS SIDE OF THE TABLE.
 28 WHAT I'M SAYING IS THAT BEFORE THE COURT

1 GETS TO THE EVIDENCE WHICH THIS WITNESS WHO ATTESTS TO
 2 BEING THE ARCHITECT OF THE STRATEGY ALONG WITH
 3 COUNSEL, WHO ATTESTS TO BEING THE WITNESS WHO PUTS
 4 FORTH THE EVIDENCE THAT'S TAINTED SAYS, "I AM
 5 RECANTING, I AM AVOIDING GOING TO JAIL FOR PERJURY IN
 6 FLORIDA."

7 AND I DO NOT UNDERSTAND, YOUR HONOR, I DO
 8 NOT UNDERSTAND HOW THAT ISSUE CANNOT BE SEPARATED FROM
 9 THE EVALUATION OF THE VERY EVIDENCE THAT THE WITNESS
 10 NOW POINTS TO AS BEING TAINTED. AND THAT REGARDLESS
 11 OF THE COURT'S ABILITIES, AND REGARDLESS OF THE
 12 COURT'S EXPERIENCE, THAT STRATEGY THAT MS. YOUNG
 13 DEvised AND THAT HAS BEEN IMPLEMENTED IN THIS CASE
 14 SPECIFICALLY INCLUDES POISONING THE RECORD TO INFLAME
 15 TRIERS OF FACT AGAINST MY CLIENTS.

16 AND IF YOU SEPARATE OUT AND EXAMINE WHAT
 17 MS. YOUNG HAS SAID AND YOU TEST THE WITNESSES WHO HAVE
 18 THE FIRSTHAND KNOWLEDGE, MS. YOUNG, AS SOON AS SHE CAN
 19 GET HERE, YES, I'D LOVE TO GUARANTEE IT. MR. LEIPOLD
 20 CAN BE TESTED.

21 THE COURT WILL KNOW ONE WAY OR THE OTHER
 22 WHETHER TO PROCEED WITH EVIDENCE BECAUSE IT'S OKAY OR
 23 TO SHUT THIS DOWN BECAUSE IT'S NOT AND NOT BLEED THE
 24 TWO TOGETHER INTO SOME SORT OF AMORPHOUS MESS, TRYING
 25 TO SORT OUT SOMETHING THAT WOULD HAVE BEEN SORTED OUT
 26 IN THE NORMAL COURSE OF BUSINESS HAD MS. YOUNG
 27 RECANTED A MONTH AGO, THAT WOULD HAVE BEEN SORTED OUT
 28 IF SHE HAD RECANTED SIX MONTHS AGO, AND WOULD NEVER

1 HAVE HAPPENED IF SHE HADN'T GOTTEN INVOLVED WITH
 2 MR. LEIPOLD ON THIS SUBJECT IN THE FIRST PLACE.

3 I CAN'T CONTROL MS. YOUNG'S TIMING. WHAT I
 4 CAN TELL YOU IS THAT UNDER THESE CIRCUMSTANCES, WITH
 5 THAT SHOWING BEFORE YOU, IT IS INCUMBENT ON THE COURT
 6 FOR THE PRESERVATION OF THE INTEGRITY OF THE JUSTICE
 7 SYSTEM TO SORT IT OUT BEFORE IT LET'S EVIDENCE THAT'S
 8 NOW SAID TO BE TAINTED ONTO THE RECORD TO BE
 9 CONSIDERED, AND THAT'S WHY THEY NEED TO BE SEPARATED,
 10 AND THAT'S WHY THIS NEEDS TO GO FIRST.

11 MR. ROSEN: YOUR HONOR, IF I CAN ADD
 12 SOMETHING AND MAYBE I CAN HELP SORT THIS OUT A LITTLE
 13 BIT SINCE, AS I SAID, I WAS IN FLORIDA. MS. YOUNG IS
 14 BEING CROSS-EXAMINED. MS. YOUNG'S TESTIMONY, EVEN
 15 IF --

16 THE COURT: BY WHOM?

17 MR. ROSEN: BY COUNSEL FOR THE PLAINTIFF, THE
 18 MCPHERSON ESTATE OF WHICH MR. LEIPOLD IS CO-COUNSEL.
 19 I JUST WANT TO PRESENT THE FOLLOWING PROPOSITION TO
 20 YOUR HONOR. IF MS. YOUNG WERE TO SAY, "I'M NOT COMING
 21 TO LOS ANGELES," THAT TESTIMONY, NOT THE AFFIDAVIT,
 22 BUT THE TESTIMONY GIVEN IN COURT IS ADMISSIBLE HERE
 23 AGAINST MR. LEIPOLD WHO MS. YOUNG IDENTIFIES AS THE
 24 ARCHITECT OF THE SCHEME, BECAUSE MR. LEIPOLD IS
 25 CO-COUNSEL IN THE FLORIDA CASE?

26 THIS TESTIMONY OF MAY 3RD -- AND IT'S
 27 CONTINUING TODAY -- IS BEING GIVEN IN A PROCEEDING
 28 WHICH MR. LEIPOLD IS COUNSEL. NOW, I'M GOING TO GO

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1 THE NEXT STEP. I THINK THAT THAT TESTIMONY IS
 2 ADMISSIBLE AGAINST MR. LEIPOLD AS IT IS WITH THE
 3 CERTIFIED COPY OF THE TRANSCRIPT WHICH WE CAN
 4 CERTAINLY GET. THE FACT THAT IT'S AN OUT-OF-COURT
 5 DECLARANT IS NOT A GROUNDS BECAUSE MR. LEIPOLD
 6 CERTAINLY HAS THE ABILITY TO CROSS-EXAMINE.

7 THE COURT: MR. LEIPOLD IS NOT A PARTY.

8 MR. ROSEN: HE'S COUNSEL AND THE ALLEGATIONS ARE
 9 AGAINST HIM.

10 THE COURT: MR. LEIPOLD IS NOT A PARTY.

11 MR. ROSEN: THAT'S CORRECT, HE'S NOT A PARTY IN
 12 THE CASE, BUT HE IS THE SUBJECT OF THIS MOTION. IT'S
 13 NOT MR. WOLLERSHEIM WHO IS ALLEGED TO HAVE BEEN THE
 14 ARCHITECT OF THE FRAUD. IT'S MR. LEIPOLD. NOW, THE
 15 SECOND THING, YOUR HONOR, IS THIS.

16 HAVING SAID THAT, I'M -- AS MR. DRESCHER
 17 SAID, I'M RELUCTANT TO SPEAK TO MS. BROOKS'S ATTORNEY
 18 EVEN UNTIL SHE IS RELEASED BY THE JUDGE IN FLORIDA. I
 19 EXPECT THAT THAT'S GOING TO HAPPEN TODAY IN THE SENSE
 20 OF HER CROSS-EXAMINATION. WILL I ASK HER COUNSEL TO
 21 ALLOW HER TO COME HERE TO TESTIFY? THE ANSWER IS OF
 22 COURSE I WILL. WILL I ASK HER COUNSEL TO ALLOW HER TO
 23 COME HERE QUICKLY SO THAT WE DO NOT DELAY YOUR HONOR'S
 24 SCHEDULE? OF COURSE WE WILL.

25 AND IT IS VERY CONCEIVABLE, YOUR HONOR, EVEN
 26 THOUGH I COULD STAND ON THIS TRANSCRIPT, IT IS VERY
 27 CONCEIVABLE THAT MS. BROOKS WILL BE HERE. IF SHE'S
 28 GOING TO COME, SHE WILL COME THIS WEEK. SHE'S BEING

1 RELEASED BY THE JUDGE IN FLORIDA AS SOON AS THE
 2 TESTIMONY IS OVER, WHICH WILL BE THIS AFTERNOON OR
 3 TOMORROW.

4 AS SOON AS SHE IS RELEASED, I'M GOING TO ASK
 5 HER COUNSEL TO HAVE HER HERE. THAT MEANS THAT UNDER
 6 THE BEST OF CIRCUMSTANCES, SHE COULD BE HERE BY
 7 THURSDAY AND TESTIFY, AND THE HEARING WE'RE TALKING
 8 ABOUT IS A VERY FINITE HEARING.

9 THIS HEARING, AS FAR AS I CAN SEE, INVOLVES
 10 TWO WITNESSES, MS. BROOKS AND MR. LEIPOLD, AND PERHAPS
 11 SOME TESTIMONY, SOME DEPOSITION TESTIMONY AND THE
 12 LIKE, AND SOME EXHIBITS. BUT WE'RE TALKING ABOUT A
 13 VERY SHORT HEARING, YOUR HONOR.

14 MR. LEIPOLD ALREADY HAS THE BENEFIT OF
 15 MS. BROOKS'S ALLEGATIONS AGAINST HIM THAT HE'S THE
 16 ARCHITECT. HE IS THE MASTER BUILDER, THE ONE WHO
 17 CREATED THE SCAM, THIS FRAUD ON THE COURT.

18 THE HEARING THAT WE'RE TALKING ABOUT IS VERY
 19 SIMPLE. CAN IT PROCEED IN ADVANCE OF THE HEARING ON
 20 THE MERITS? OF COURSE. I WILL UNDERTAKE AS FOLLOWS,
 21 YOUR HONOR. AFTER MS. BROOKS IS RELEASED BY THE JUDGE
 22 IN FLORIDA, I WILL TALK TO HER COUNSEL, MR. MCGOWAN,
 23 AND I WILL ASK HIM, IF HE SAYS -- NO MATTER WHAT HE
 24 SAYS WHETHER SHE WILL COME OR NOT COME, I WILL ADVISE
 25 YOUR HONOR IMMEDIATELY. WE'RE NOT ASKING FOR AN
 26 OPEN-ENDED ADJOURNMENT.

27 WE WILL BE ABLE TO TELL YOU, I PRESUME, BY
 28 TOMORROW NIGHT OR WEDNESDAY AT THE VERY LATEST WHETHER

1 SHE'S WILLING TO COME. THIS IS NOT AN OPEN-ENDED
 2 ADJOURNMENT. WE'RE NOT TRYING TO KNOCK THIS OFF YOUR
 3 CALENDAR FOR A MONTH OR TWO MONTHS.
 4 THE COURT: WHAT ARE YOU ASKING, THEN? IF SHE
 5 ISN'T HERE ON THURSDAY, THAT'S TOUGH?
 6 MR. ROSEN: NO. WHAT I'M SAYING IS I WILL
 7 CONTACT HER COUNSEL AS SOON AS SHE IS RELEASED FROM
 8 THE FLORIDA COURT TO TESTIFY. AND I WILL LET YOU KNOW
 9 IF SHE IS WILLING TO ATTEST TO COME HERE TO TESTIFY.
 10 IF SO, I HOPE SHE WOULD COME HERE ON THURSDAY. I
 11 WOULD HOPE THAT MR. MINTON WOULD COME HERE ON
 12 THURSDAY, TOO, TO TESTIFY.
 13 IF NOT, I WILL TELL YOUR HONOR, AND I'M
 14 GOING TO RELY ON THE CERTIFIED TRANSCRIPT OF HER
 15 TESTIMONY AS TO WHICH MR. LEIPOLD, SINCE HE'S THE
 16 TARGET OF THIS -- NOT MR. WOLLERSHEIM -- MR. LEIPOLD
 17 HAD THE ABILITY TO CROSS-EXAMINE. THAT'S --
 18 THE COURT: WHAT DO YOU MEAN MR. LEIPOLD HAS HAD
 19 THE OPPORTUNITY TO CROSS-EXAMINE?
 20 MR. ROSEN: HE'S OF COUNSEL TO THE PLAINTIFF IN
 21 THE CASE, JUDGE. HE IS AN ATTORNEY WHO APPEARED FOR
 22 THE ESTATE OF MS. MCPHERSON IN THIS VERY CASE IN WHICH
 23 THE TESTIMONY IS BEING GIVEN.
 24 THE COURT: I DON'T SEE HIM ON THE APPEARANCES ON
 25 THIS TRANSCRIPT THAT YOU PROVIDED ME.
 26 MR. ROSEN: NO. HE WASN'T PHYSICALLY IN THE
 27 COURT ON FRIDAY. HE WAS --
 28 THE COURT: WHO WAS HE SUPPOSEDLY AN ATTORNEY

1 FOR?
 2 MR. ROSEN: FOR THE PLAINTIFF. HE WAS OF COUNSEL
 3 TO THE PLAINTIFF, THE ESTATE OF LISA MCPHERSON.
 4 MR. DRESCHER: HIS APPEARANCE IN THE RECORD ON
 5 THAT HEARING THAT YOUR HONOR IS EXAMINING WAS AS A
 6 WITNESS. HE DID NOT APPEAR AS COUNSEL. HE APPEARED
 7 BY TELEPHONE.
 8 THE COURT: I DON'T EVEN SEE ON THE
 9 APPEARANCES --
 10 MR. ROSEN: HOW CAN HE MAKE AN APPEARANCE? HE
 11 WASN'T IN COURT.
 12 THE COURT: JUST -- TELL ME WHAT I WAS GOING TO
 13 ASK, SIR, YOU INTERRUPTED ME.
 14 MR. ROSEN: YOU DON'T SEE AN APPEARANCE ON THE
 15 TRANSCRIPT.
 16 THE COURT: OF WHOM?
 17 MR. ROSEN: OF MR. LEIPOLD.
 18 THE COURT: OF THE ESTATE.
 19 MR. ROSEN: OF THE ESTATE.
 20 THE COURT: THE PLAINTIFF HERE, IN THIS CASE, AS I
 21 UNDERSTAND IT, IS THE ESTATE OF LISA MCPHERSON BY DEL
 22 LIEBREICH.
 23 MR. ROSEN: MS. LIEBREICH IS THE COURT-APPOINTED
 24 PERSONAL REPRESENTATIVE OF THE ESTATE, YOUR HONOR,
 25 THE EQUIVALENT OF WHAT ONE MIGHT CALL AN
 26 ADMINISTRATRIX IN CALIFORNIA.
 27 MR. DRESCHER: PLAINTIFF WAS REPRESENTED BY
 28 MR. VANDAR AND MR. DUREAU, ACCORDING TO THE

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1 APPEARANCES.

2 THE COURT: I SEE THAT NOW.

3 MR. ROSEN: SORRY, YOUR HONOR, FOR INTERRUPTING,

4 BUT I THOUGHT I KNEW WHAT YOU WERE GETTING AT. I

5 GUESS I WAS WRONG.

6 THE COURT: OKAY.

7 MR. ROSEN: YOUR HONOR, JUST TO COMPLETE THE

8 PICTURE, THIS IS EXACTLY THE PROCEDURE THE FLORIDA

9 JUDGES USED TO INTERRUPT THE FINAL PRETRIAL

10 PROCEEDINGS FOR THIS HEARING TO DETERMINE WHETHER OR

11 NOT TO ISSUE TERMINATING SANCTIONS IF THIS TESTIMONY

12 IS CORRECT AND BELIEVED.

13 MR. ROSEN: YOUR HONOR, MAY I REMIND YOU OF ONE

14 OTHER THING.

15 THE COURT: JUST A MINUTE, PLEASE.

16 MR. ROSEN: SURE.

17 THE COURT: DO I UNDERSTAND THAT YOU WERE

18 TELLING THE COURT THAT MR. LEIPOLD PARTICIPATED BY

19 TELEPHONE?

20 MR. ROSEN: ON FRIDAY, YES, YOUR HONOR.

21 THE COURT: FRIDAY AFTERNOON?

22 MR. ROSEN: WAS IT THURSDAY OR FRIDAY?

23 MR. DRESCHER: I BELIEVE IT WAS FRIDAY MORNING,

24 BUT I'M NOT POSITIVE OF THAT.

25 MR. ROSEN: IT WAS LAST WEEK, YOUR HONOR,

26 THURSDAY OR FRIDAY. I WAS NOT IN THE COURTROOM.

27 THE COURT: WELL, THIS IS THE TESTIMONY OF THIS

28 WITNESS, AND I UNDERSTOOD YOU SAID THAT HE

1 PARTICIPATED SOMEHOW BY TELEPHONE.

2 MR. ROSEN: AS A WITNESS. HE TESTIFIED BEFORE

3 THE FLORIDA JUDGE.

4 MR. DRESCHER: HIS TESTIMONY IS NOT INCLUDED IN

5 THIS. MS. BROOKS'S IS. MR. LEIPOLD'S TESTIMONY AS A

6 WITNESS TELEPHONICALLY WAS TAKEN EITHER THURSDAY OR

7 FRIDAY MORNING.

8 MR. ROSEN: I'LL BE HAPPY TO GIVE YOU A

9 TRANSCRIPT OF HIS TESTIMONY, JUDGE.

10 THE COURT: OKAY. I HAD THE IMPRESSION THAT YOU

11 WERE TELLING ME THAT SOMEHOW HE HAD PARTICIPATED WHEN

12 THIS LADY TESTIFIED AND, THEREFORE, HE HAD THE

13 OPPORTUNITY FOR CROSS-EXAMINATION.

14 MR. ROSEN: NO, SIR. LET ME SAY IT THIS WAY.

15 HIS ENTIRE -- HIS PARTICIPATION LAST WEEK IN THE

16 PROCEEDING IN FLORIDA IS AS A WITNESS PARTICIPATING BY

17 TELEPHONE. THAT'S NO. 1.

18 THE COURT: BUT HE DID NOT HAVE THE OPPORTUNITY

19 TO --

20 MR. ROSEN: YES, HE DID, FOR ONE REASON. HE HAD

21 AN OPPORTUNITY TO CROSS-EXAMINE.

22 THE COURT: TELL ME EXACTLY WHAT I WAS GOING TO

23 ASK, SIR.

24 MR. ROSEN: HE DID NOT HAVE THE OPPORTUNITY TO

25 CROSS-EXAMINE MS. BROOKS. THE ANSWER IS YES HE DID.

26 THE COURT: THAT WAS THE QUESTION THAT I WAS

27 GOING TO ASK.

28 MR. ROSEN: AND THE ANSWER IS, YES, HE DID. AND

1 I'LL SAY IT AGAIN. I THINK I'VE SAID IT BEFORE, BUT
 2 LET ME MAKE IT CLEAR. MR. LEIPOLD APPEARED AS
 3 COUNSEL, AS ADDITIONAL COUNSEL, FOR THE PLAINTIFF IN
 4 THE CASE IN WHICH HIS TESTIMONY WAS TAKEN.
 5 THE COURT: BUT NOT IN THIS PROCEEDING.
 6 MR. ROSEN: THAT WAS MR. LEIPOLD'S CHOICE.
 7 THE COURT: WELL, I DON'T KNOW. I HAVE NOTHING
 8 BEFORE ME, SIR, IN THIS THAT SHOWS THAT HE IS OF
 9 COUNSEL OR WHAT THE NATURE OF HIS RELATIONSHIP OF THIS
 10 CASE WAS.
 11 MR. ROSEN: AND THAT WOULD BE CRITICAL IF WE WERE
 12 TO OPPER ONLY THE TESTIMONY WITHOUT THE WITNESS. I
 13 AGREE WITH YOU. I WOULD HAVE TO GIVE YOU SOME
 14 DOCUMENT WHICH SHOWS THAT HE APPEARED AS COUNSEL FOR
 15 THE PLAINTIFF IN THE CASE, BECAUSE IF HE DID --
 16 THE COURT: IT DEPENDS AT WHAT TIME AND FOR WHAT
 17 PURPOSE.
 18 MR. ROSEN: YOU CAN'T APPEAR FOR ANY GIVEN
 19 PURPOSE IN FLORIDA. YOU'RE IN OR YOU'RE OUT.
 20 THE COURT: I DON'T KNOW THAT, IF HE WAS
 21 APPEARING AS COUNSEL TO CROSS-EXAMINE A PARTICULAR
 22 EXPERT WITNESS.
 23 MR. ROSEN: YOU CAN'T DO THAT IN FLORIDA.
 24 THE COURT: I DON'T KNOW THAT. FOR EXAMPLE, IN
 25 THE O.J. SIMPSON TRIAL WE HAD THAT ATTORNEY FROM NEW
 26 YORK WHO'S THE DNA EXPERT WHO APPEARED BASICALLY TO
 27 QUESTION THAT.
 28 MR. ROSEN: JUDGE, I HEAR YOU.

1 THE COURT: I DON'T KNOW. YOU'RE MAKING SOME
 2 ASSERTIONS HERE. YOU'RE TELLING ME HE TESTIFIED AS A
 3 WITNESS. I DON'T KNOW WHAT HE TESTIFIED TO. I DON'T
 4 KNOW WHAT QUESTIONS HE WAS ASKED. I DON'T KNOW IF HE
 5 IS NOW COUNSEL IN THAT CASE OR WHEN HE WITHDREW, BUT
 6 WHAT YOU WERE TELLING ME WAS THAT -- I THOUGHT YOU
 7 WERE TELLING ME THAT THIS WAS ADMISSIBLE BECAUSE IT
 8 WAS AGAINST HIM, THIS WAS TESTIMONY AGAINST HIM AT
 9 WHICH HE HAD HAD THE OPPORTUNITY TO CROSS-EXAMINE THIS
 10 WITNESS, AND I DON'T SEE IT FROM THE TRANSCRIPT HERE.
 11 MR. ROSEN: JUDGE, LET ME MAKE MY POSITION CLEAR
 12 SO THERE'S NO MISUNDERSTANDING. THE ISSUE OF WHETHER
 13 HE APPEARED OR NOT ONLY COMES UP IF MS. BROOKS WILL
 14 NOT COME TO LOS ANGELES TO TESTIFY. IF SHE WILL NOT
 15 TESTIFY BEFORE YOU IN THIS COURTROOM, THEN THE ONLY
 16 EVIDENCE I HAVE IS THE TRANSCRIPT OF HER TESTIMONY IN
 17 FLORIDA.
 18 IN ORDER TO GET THAT TESTIMONY IN BEFORE
 19 YOU, I MUST GIVE YOU, A, A CERTIFIED COPY OF THE
 20 TRANSCRIPT AND, B, EVIDENCE THAT MR. LEIPOLD APPEARED
 21 FOR THE PLAINTIFF, NOT FOR ANY SPECIAL PURPOSE LIKE
 22 YOUR HONOR JUST DESCRIBED IN THE O.J. CASE, BUT A
 23 GENERAL APPEARANCE FOR THE PLAINTIFF IN THE CASE.
 24 THE COURT: AND THAT HE WAS AT THE PERTINENT
 25 TIMES --
 26 MR. ROSEN: AND HE HAS NOT WITHDRAWN IT.
 27 THE COURT: AND THAT HE WAS AT SOME PERTINENT
 28 TIME OR AT THE PERTINENT TIME, AND I THINK YOU'RE

1 TELLING ME HE'S STILL COUNSEL. I THOUGHT THAT WAS THE
2 SENSE OF WHAT YOU WERE TELLING ME.

3 MR. ROSEN: I'M NOT SURE IF HE WITHDREW OR NOT.
4 YOUR HONOR, I ADMIT, I HAVE THAT BURDEN. IF I'M
5 ASKING YOU TO TAKE THE TRANSCRIPT. I'M HOPING YOU
6 WILL NOT HAVE TO DO THAT, BECAUSE I'M HOPING
7 MS. BROOKS' COUNSEL WILL CONSENT TO HER COMING HERE IN
8 PERSON.

9 I JUMPED AHEAD FORETELLING, IF YOU WILL, THE
10 ALTERNATIVE POSITION WE WILL TAKE IN THE EVENT SHE
11 SAYS, "I'M NOT COMING." IF SHE'S COMING, ALL OF THESE
12 QUESTIONS ARE MOOT. MR. LEIPOLD WILL HAVE A CHANCE TO
13 CROSS-EXAMINE HER ON THE WITNESS STAND. THESE ISSUES
14 ONLY COME UP WHEN MS. BROOKS'S COUNSEL SAYS, I'M NOT
15 LETTING HER COME TO LOS ANGELES. I'M ONLY GIVING YOU
16 ADVANCE WARNING THAT THIS WOULD BE OUR POSITION IN
17 THAT EVENT, ASSUMING THAT WE CAN DEMONSTRATE TO YOUR
18 HONOR'S SATISFACTION THAT MR. LEIPOLD APPEARED AS
19 COUNSEL FOR PLAINTIFF IN THE CASE.

20 MS. SCHLOSSER: EXCUSE ME, YOUR HONOR.

21 MR. ROSEN: AND WHAT I WILL DO IS THIS. AS I
22 SAID BEFORE, I DON'T WANT TO HOLD THIS UP. WHAT I
23 WILL DO IS I WILL CALL -- AS SOON AS MS. BROOKS IS
24 RELEASED, I WILL CALL MR. MCGOWAN, HER ATTORNEY AND
25 ASK HER, AND I'LL GET BACK TO YOUR HONOR AND OPPOSING
26 COUNSEL, BUT WE CAN HAVE A HEARING THIS WEEK ON WHAT
27 STRIKES ME AS A SIMPLE PROPOSITION, AND THAT IS, THIS
28 WITNESS'S TESTIMONY AND MR. LEIPOLD'S TESTIMONY. IS

1 IT TRUE OR ISN'T IT? DID HE PAY THE WITNESSES OR
2 NOT?

3 MS. SCHLOSSER: EXCUSE ME. PERHAPS I CAN BE OF
4 SOME SERVICE. MY NAME IS LETA SCHLOSSER, AND I WAS
5 CO-COUNSEL IN THE WOLLERSHEIM 1 TRIAL. THERE WAS SO
6 MANY ATTEMPTS TO DERAIL THAT TRIAL I CAN HARDLY DEAL
7 WITH THE FLOOD OF MEMORIES I HAVE ON THIS SUBJECT.

8 THEY MANAGED TO DRAG THE IMPENDING TRIAL ON
9 FROM JUNE OF 1985 TO FEBRUARY OF 1986, WITH ONE
10 ATTEMPT TO INVESTIGATE SOMEBODY HOLDING A HEARING
11 HAVING TO DO WITH THE L.A. TIMES, WITH THE BAILIFFS,
12 WITH THE COURT, DISQUALIFICATIONS OF THE COURT.

13 THEY NEVER WANTED TO GET TO THAT TRIAL.
14 THEN WHEN WE WERE JUST ON THE EVE OF TRIAL, WE HEAR A
15 LITTLE DISCOVERY MOTION AND, BOOM, WE'RE IN FEDERAL
16 COURT IN WOLLERSHEIM 2. THEY BROUGHT ANOTHER ACTION.
17 IF THE COURT ALLOWS A HEARING SEPARATE AND APART
18 BEFORE THIS -- EXCUSE ME. EVIDENTIARY HEARING BEFORE
19 THE REGULAR HEARING IS SET TO BEGIN, IT'S QUITE LIKELY
20 THEY'LL DRAG US OFF TO FEDERAL COURT UP ON A WRIT OF
21 APPEAL, SOMEPLACE ELSE.

22 THERE WAS SEVEN, PERHAPS EIGHT WRITS THAT
23 WERE BROUGHT PENDING THE TRIAL IN THE CASE AND DURING
24 THE EARLY STAGES OF THE TRIAL OF WOLLERSHEIM 1. THERE
25 IS NO END TO THE SHENANIGANS THAT THEY CAN DEVISE.
26 WHILE THE FACES ON THE OTHER SIDE OF THE TABLE PERHAPS
27 CHANGE, THE FACES IN THE AUDIENCE DO NOT. MR. MCSHANE
28 IS SITTING IN THE BACK FROM RTC. THANK YOU.

1 THE COURT: ALL RIGHT. WHAT I SEE AT THE MOMENT
2 IS PARAGRAPH 6 OF EXHIBIT A LOOKS LIKE, AT AN INITIAL
3 REVIEW, THE ONLY PORTION OF THIS DECLARATION WHICH
4 MENTIONS MR. LEIPOLD, AND IT READS:

5 "I ALSO WROTE AN AFFIDAVIT FOR ATTORNEY
6 DAN LEIPOLD, WHO WANTED TO USE THE SAME
7 STRATEGY OF PURSUING MR. MISCavige. HE
8 REQUESTED THAT I WRITE A DECLARATION TO
9 BACK UP HIS ASSERTION THAT SCIENTOLOGY
10 CORPORATIONS WERE ALTER EGOS OF EACH OTHER
11 SO HE CAN MAKE MR. MISCavige THE CENTRAL
12 FOCUS OF THIS LITIGATION. ALTHOUGH I DID
13 NOT HAVE ANY FIRSTHAND KNOWLEDGE OF THE
14 CORPORATE STRUCTURE OF SCIENTOLOGY WHICH
15 MR. LEIPOLD KNEW, I WROTE A DECLARATION
16 WHICH CREATED THE IMPRESSION THAT I WAS
17 AN EXPERT ON THE SUBJECT AND OFFERED
18 CONCLUSIONS TO SUPPORT THIS ALTER EGO
19 THEORY. "

20 NOW, IS THERE ANYTHING IN THIS AFFIDAVIT
21 OTHER THAN WHAT I HAVE JUST READ THAT MENTIONS
22 MR. LEIPOLD?

23 MR. ROSEN: I HAVE TO DEFER TO MR. DRESCHER ON
24 THIS. WHILE MR. DRESCHER IS LOOKING FOR IT, I WAS
25 GOING TO SAY --

26 THE COURT: THAT'S THE QUESTION. I DON'T WANT
27 ANYTHING ELSE EXCEPT AN ANSWER TO MY QUESTION AT THE
28 MOMENT, PLEASE.

1 MR. DRESCHER: YOU HAVE PARAGRAPH 6, AND YOU HAVE
2 PARAGRAPH 3, YOUR HONOR. IF I CAN INVITE YOUR
3 ATTENTION TO PARAGRAPH -- LET'S START RIGHT AWAY.

4 THE COURT: JUST A MINUTE. PARAGRAPH 2
5 (READING:)

6 "MY EX-HUSBAND, VAUGHN YOUNG, AND I LEFT
7 SCIENTOLOGY IN 1989. WE HAD NO CONTACT
8 WITH ANYONE CONCERNING SCIENTOLOGY UNTIL
9 SOMETIME IN EARLY 1993 WHEN WE WERE
10 CONTACTED BY TWO ATTORNEYS, DAN LEIPOLD
11 AND GRAHAM BARRY WHO HIRED US AS WITNESSES
12 IN THEIR RESPECTIVE LITIGATION AGAINST
13 SCIENTOLOGY. "

14 MR. DRESCHER: PARAGRAPH 3, "WE WERE PAID BY
15 THESE ATTORNEYS." THE ONLY ATTORNEYS REFERENCED IN
16 THE PRECEDING PARAGRAPH ARE MR. LEIPOLD AND MR. BARRY.

17 THE COURT: (READING:)
18 "TO PROVIDE TESTIMONY AND ADVISE ON
19 LITIGATION TACTICS. THIS WAS MY PRIMARY
20 SOURCE OF INCOME. FIRST AND FOREMOST, THE
21 ATTORNEYS WANTED TO KNOW WHAT THEY CAN DO
22 TO PUT PRESSURE ON SCIENTOLOGY, EITHER TO
23 GET A CASE DROPPED OR TO GET A LARGE
24 SETTLEMENT. THE OVERALL STRATEGY THAT I
25 DEVELOPED WAS TO TARGET DAVID MISCavige
26 BECAUSE HE WAS THE HEAD OF SCIENTOLOGY SO
27 HE COULD BE NAMED AS A DEFENDANT OR HAVE
28 THE LITIGATION FOCUSED ON HIM PERSONALLY

1 AS A WAY TO HARASS HIM. AS TO STRATEGY,
2 ALTHOUGH I HAD NO KNOWLEDGE OR EVIDENCE OF
3 ANY INVOLVEMENT OF MR. MISCavige IN THE
4 CASES, THIS PATTERN OF ANTI-SCIENTOLOGY
5 LITIGATION THAT I OFFER IS NOW IN USE IN
6 THIS WRONGFUL DEATH CASE AND HAS BEEN USED
7 IN A NUMBER OF OTHER CASES, SOME OF WHICH
8 ARE STILL ONGOING TODAY."

9 MR. DRESCHER: MOREOVER, YOUR HONOR, CONTINUING
10 IN PARAGRAPH 4, "WHILE I WAS HIRED BY THESE
11 ATTORNEYS" --

12 THE COURT: THAT DOESN'T REFER TO MR. LEIPOLD.
13 MR. DRESCHER: IT DOES, YOUR HONOR. PARAGRAPH 4
14 BEGINS, "WHEN I WAS HIRED BY THESE ATTORNEYS." AND
15 PARAGRAPH 2, "THE TWO ATTORNEYS WHO HIRED US AS
16 WITNESSES ARE DAN LEIPOLD AND GRAHAM BARRY."

17 AND THEN IN PARAGRAPH 4, MS. YOUNG GOES ON
18 TO STATE THAT SHE UNDERSTOOD HER JOB WAS TO COME UP
19 WITH THEORIES OF WHAT MIGHT HAVE HAPPENED IN ORDER TO
20 BACK UP WHAT THE ATTORNEY WAS TRYING TO ACCOMPLISH.
21 (READING:)

22 "I WROTE AFFIDAVITS AND DECLARATIONS BASED
23 ON THESE THEORIES IN WHICH I SPECULATED
24 ABOUT HOW THE ATTORNEYS' ASSERTIONS COULD
25 BE TRUE. I USED SUPPOSITION AND CAREFUL
26 WORDING TO MAKE ALLEGATIONS THAT WOULD FIT
27 THE PARTICULAR ASSERTION SO AS TO CREATE AN
28 IMPRESSION WITHOUT ACTUALLY LYING."

1 AND THEN PARAGRAPH 6 AS YOUR HONOR POINTED
2 OUT.
3 THE COURT: THIS DOESN'T MENTION WHEN THIS
4 AFFIDAVIT WAS SUPPOSEDLY PREPARED.

5 MR. ROSEN: WE KNOW THAT FROM THE RECORD.
6 THE COURT: THIS DOESN'T MENTION WHEN THIS
7 AFFIDAVIT, THE ONE REFERRED TO IN PARAGRAPH 6, WAS
8 PREPARED.

9 MR. DRESCHER: SHE ONLY SUBMITTED ONE IN THIS
10 CASE.

11 MR. ROSEN: IT IS ONLY ONE. IT'S 1997,
12 YOUR HONOR. IN FACT, MS. BROOKS'S NAME MAY BE
13 FAMILIAR. WHAT I WAS TRYING TO TELL YOU BEFORE IS
14 WHEN WE WERE BEFORE YOUR HONOR LAST, MR. LEIPOLD
15 INFORMED YOU, "MS. BROOKS HAS ASKED ME TO WITHDRAW HER
16 AFFIDAVIT, NOT TO SUBMIT IT. SHE'S NOT GOING TO STAND
17 BEHIND IT."

18 I'M NOT SAYING ANYTHING ELSE ABOUT THAT.
19 THOSE WERE MR. LEIPOLD'S WORDS. MS. BROOKS APPARENTLY
20 TOLD HIM THAT I'M NOT GOING TO SHOW UP IN LOS ANGELES
21 AGAIN AND GET ON THE STAND AND LIE FOR YOU.

22 THE COURT: THAT'S PURE SPECULATION.

23 MR. DRESCHER: IT'S EXHIBIT C, YOUR HONOR. IT'S
24 A COPY OF THE LETTER THAT MS. BROOKS WROTE TO
25 MR. LEIPOLD ON MAY 1.

26 MR. STEIN: WHICH MR. LEIPOLD FILED ON MAY 2,
27 YOUR HONOR.

28 MR. DRESCHER: THEREFORE, IT'S AUTHENTICATED.

1 THAT'S WHY THE COURT NEEDS TO HEAR THIS, YOUR HONOR.
 2 MR. LEIPOLD DID FILE THAT, BUT HE DIDN'T ASK THE
 3 TESTIMONY BE WITHDRAWN. HE FILED A NOTICE OF FILING
 4 OF FOUR DOCUMENTS, AND THAT'S ONE OF THEM. THAT'S WHY
 5 THE COURT NEEDS TO LOOK AT WHAT'S GONE ON HERE BEFORE
 6 IT CONCERNS ITSELF.

7 AND, UNFORTUNATELY, I UNDERSTAND THE BURDEN
 8 ON THE TIME OF THE COURT. I'M NOT TRYING TO DIMINISH
 9 THAT. ALL I'M SAYING IS THAT WHEN A WITNESS SAYS THIS
 10 AND DOCUMENTS THIS, THE COURT'S PARAMOUNT CONCERN HAS
 11 TO BE THE INTEGRITY OF ITS PROCESS, AND THAT'S WHY WE
 12 COME TO ASK YOU FOR THE EVIDENTIARY HEARING IN
 13 ADVANCE. THAT'S WHY WE'RE HERE. AND WE'VE ACTED AS
 14 DILIGENTLY AS WE POSSIBLY COULD UNDER THESE
 15 CIRCUMSTANCES.

16 THE COURT: WHAT I'M TRYING TO UNDERSTAND IS WHY
 17 THE INTEGRITY OF THE PROCESS CANNOT BE ADEQUATELY
 18 UPHELD BY HAVING THIS IN A SINGLE PROCEEDING. I
 19 MEAN -- YOU HAVE YET TO TELL ME ANY REASON THAT SEEMS
 20 TO ME TO BE PERSUASIVE.

21 MR. ROSEN: LET ME GIVE YOU ONE.

22 THE COURT: LET ME FINISH.

23 MR. ROSEN: I THOUGHT YOU WERE FINISHED.

24 THE COURT: YOU HAVE A VERY BAD HABIT OF
 25 INTERRUPTING THE COURT. OKAY.

26 I STILL DO NOT UNDERSTAND WHY THIS CANNOT BE
 27 DONE AS PART OF THE EVIDENTIARY HEARING PREVIOUSLY
 28 SCHEDULED. I DON'T UNDERSTAND WHY YOU THINK THE COURT

1 IS INCAPABLE OF EVALUATING THIS IN A SINGLE
 2 PROCEEDING.
 3 MR. DRESCHER: I BELIEVE THE COURT'S CAPABLE OF
 4 EVALUATING IT IN CONSECUTIVE PROCEEDINGS.

5 THE COURT: WHY IS THE COURT INCAPABLE OF
 6 EVALUATING IT IN A SINGLE PROCEEDING?

7 MR. DRESCHER: BECAUSE I SUBMIT YOUR HONOR'S
 8 OBLIGATION IS FIRST TO THE PROCESS. AND BEFORE
 9 THERE'S EVEN AN OPPORTUNITY FOR TESTIMONY AND EVIDENCE
 10 THAT IS SAID BY ONE OF ITS PARTICIPANTS TO BE TAINTED
 11 AND FALSE, FOR THAT EVER TO HAVE THE RIGHT TO BE
 12 CONSIDERED BY A COURT IN THIS JURISDICTION, THE COURT
 13 FIRST HAS THE OBLIGATION TO THE JUDICIAL SYSTEM AND
 14 THE INTEGRITY OF THE PROCESS TO EVEN ALLOW IT TO
 15 HAPPEN.

16 AND WHILE I HAVE NO DOUBT OF THE COURT'S
 17 ASSESSMENT ABILITIES, THE POINT IS THEY DON'T HAVE THE
 18 RIGHT TO POLLUTE THIS RECORD UNLESS THEY CAN ESTABLISH
 19 IT'S NOT POLLUTED, AND RIGHT NOW ONE OF THE ARCHITECTS
 20 AND ONE OF THE CARPENTERS OF THIS EDIFICE OF FRAUD IS
 21 SAYING, WAIT A MINUTE. IT'S ALL INVENTED. IT WAS
 22 INVENTED AS A STRATEGY TO POISON THE COURT SO THE
 23 COURT WILL LOOK BADLY UPON OUR ADVERSARY.

24 YOUR HONOR, WHAT I'M SAYING IS YOU NEED TO
 25 ASSESS THAT FIRST BEFORE YOU CAN EVER ALLOW ANY
 26 TAINTED EVIDENCE TO INFECT THE PROCESS. THAT'S WHY IT
 27 CAN'T BE DONE CONCURRENTLY. THAT'S WHY THE OBLIGATION
 28 TO THE INTEGRITY OF THE JUSTICE SYSTEM SAYS, DESPITE

1 THE TIME PRESSURE, YOU NEED TO DO IT FIRST. EITHER
 2 WE'RE RIGHT OR THEY'RE RIGHT. YOU'LL CONCLUDE THAT,
 3 AND THEN YOU'LL EITHER GO ON OR NOT.
 4 MR. ROSEN: I HAVE TWO ADDITIONAL REASONS IF I
 5 COULD ADD TO THAT.
 6 THE COURT: WE'RE SORT OF DOUBLE TEAMING HERE.
 7 MR. ROSEN: WE'RE NOT DOUBLE TEAMING. WE
 8 REPRESENT TWO DIFFERENT PARTIES.
 9 THE COURT: WHOSE MOTION IS THIS?
 10 MR. DRESCHER: IT'S MINE.
 11 MR. ROSEN: AND I JOINED IN IT. I HAVE TWO OTHER
 12 THINGS TO ADD TO YOUR QUESTION THAT MAY BE
 13 INTERESTING, JUDGE. NUMBER ONE, WE'VE GIVEN YOU TWO
 14 CASES IN OUR OBJECTION THAT -- AT LEAST ONE OF THEM.
 15 ONE IS RENT-A-CAR AND THE OTHER ONE IS LLOYDS
 16 UNDERWRITERS, THAT STAND FOR THE PROPOSITION THAT, IF
 17 COUNSEL HAS PAID A WITNESS TO PURCHASE TESTIMONY,
 18 COUNSEL SHOULD BE DISQUALIFIED.
 19 HOW CAN YOU HOLD A HEARING -- NOT HOLD A
 20 HEARING IN ADVANCE BASED ON THIS? IF MR. LEIPOLD HAS
 21 PAID THIS WITNESS AND HAS ENGAGED IN MISCONDUCT TO
 22 FALSIFY THESE AFFIDAVITS, YOU CANNOT ALLOW HIM TO
 23 PARTICIPATE IN THE MERITS HEARING. THAT'S THE FIRST
 24 REASON.
 25 THE COURT: WAIT A MINUTE. I SEEM TO RECALL
 26 SOMETIME AGO YOU HAD SUBMITTED MATERIAL AND ARGUMENT
 27 THAT SUGGESTED THAT THIS TESTIMONY WAS INADMISSIBLE
 28 BECAUSE THE WITNESSES HAVE BEEN PAID.

1 MR. ROSEN: IT'S IN OUR OBJECTIONS.
 2 THE COURT: SO THIS IS NOT SOMETHING THAT'S BRAND
 3 NEW.
 4 MR. ROSEN: NO. THIS IS FAR, FAR GREATER.
 5 THE COURT: NO. BUT WHAT YOU ARE NOW MAKING AS
 6 AN OBJECTION IS THAT SOMEHOW COUNSEL SHOULD BE
 7 DISQUALIFIED BECAUSE HE'S PAID THE WITNESS, AND YET,
 8 YOU HAVE PREVIOUSLY MADE THAT OBJECTION TO THE
 9 ADMISSIBILITY OF THE EVIDENCE, SUGGESTING THAT YOU
 10 KNEW ABOUT IT, AND NOW I THINK YOU'RE SAYING THAT I
 11 HAVE TO HAVE THE HEARING TO DETERMINE IF COUNSEL
 12 SHOULD BE DISQUALIFIED. IS THAT RIGHT?
 13 MR. ROSEN: NO, IT'S NOT RIGHT, JUDGE. YOU'VE
 14 MISSTATED MY POSITION.
 15 THE COURT: THEN I MISUNDERSTOOD IT BASED ON THE
 16 WAY YOU SAID IT.
 17 MR. ROSEN: I WILL SAY IT AGAIN AND PERHAPS I
 18 COULD SAY IT CLEARER. WE HAVE PREVIOUSLY SUBMITTED TO
 19 YOU IN THE FORM OF OUR OBJECTIONS TO TESTIMONY THE TWO
 20 CASES I REFERRED TO RESPECTING THE PURCHASED
 21 TESTIMONY.
 22 WHAT WE HAVE NOT SUBMITTED -- BY THE WAY, AT
 23 LEAST ONE OF THOSE CASES STANDS FOR THE PROPOSITION
 24 THAT THAT'S IMPROPER AND, THEREFORE, THE PENALTY MAY
 25 BE DISQUALIFICATION. THAT'S NOT WHAT I'M TALKING
 26 ABOUT NOW. I'M TALKING ABOUT A WITNESS WHO SAYS NOT
 27 ONLY DID HE PAY MR. LEIPOLD, PAY FOR THIS, HE'S THE
 28 ARCHITECT OF THIS. HE CREATED THIS.

1 IF YOU FIND HIS TESTIMONY TO BE TRUE, YOU
 2 WOULD FIND -- IF YOU BELIEVE MS. BROOKS, YOU WOULD
 3 FIND THAT MR. LEIPOLD SUBORN PERJURY, DIRECTED
 4 PERJURY, FILED AFFIDAVITS THAT HE KNEW WERE FALSE AND
 5 YOU WOULD DISQUALIFY HIM NOT MERELY FOR PAYING A
 6 WITNESS. HOW CAN YOU DO THAT IN THE SAME PROCEEDING
 7 WHERE THE MERITS ARE BEING JUDGED?
 8 AND THE SECOND REASON THAT I SUGGEST THAT
 9 THESE HEARINGS BE SEQUENTIAL, THERE DOESN'T HAVE TO BE
 10 A DELAY. BUT SEQUENTIAL IS VERY IMPORTANT FOR ANOTHER
 11 REASON. YOUR HONOR HAS MADE A HOST OF RULINGS, AND I
 12 THINK YOU HAVE FOUR OR FIVE MATTERS SITTING ON YOUR
 13 DESK RIGHT NOW.
 14 YOU KNOW THAT WE HAVE HAD -- WITH ALL DUE
 15 RESPECT, I FOR ONE HAVE HAD SOME SERIOUS DISAGREEMENTS
 16 WITH YOUR HONOR'S RULINGS, INCLUDING THE LATEST ONE
 17 ABOUT THE ALLOCATION OF TIME BETWEEN MR. DRESCHER AND
 18 MYSELF. THERE ARE MANY, MANY RULINGS THAT ARE GOING
 19 TO BE COMING UP IN THIS HEARING ON THE MERITS.
 20 THE COURT: I FULLY EXPECT YOU TO OBJECT TO EVERY
 21 SINGLE ONE.
 22 MR. ROSEN: NOW YOU INTERRUPTED ME, YOUR HONOR,
 23 BECAUSE I WANTED TO JUST FINISH BY SAYING THAT ALL OF
 24 THESE RULINGS ON THE MERITS ARE MOOT IF YOU BELIEVE
 25 THIS TESTIMONY WHEN PUT BEFORE YOU. IF YOU FIND THAT
 26 STACY BROOKS IS TELLING THE TRUTH AND MR. LEIPOLD IS
 27 THE ARCHITECT OF THIS, THAT HE SUBMITTED UNTRUE
 28 AFFIDAVITS OF STACY BROOKS, VAUGHN YOUNG, AND JESSE

1 PRINCE, IF YOU FIND THAT TO BE TRUE, YOU WOULD, I
 2 BELIEVE, ISSUE TERMINATING SANCTIONS. THE ISSUES ARE
 3 THAT THE MERITS AND THE RULINGS THAT HAVE BEEN
 4 CONTENTIOUS AND --
 5 THE COURT: JUST A MINUTE. NOW YOU HAVE ADDED
 6 SOME ADDITIONAL PEOPLE. YOU HAVE ADDED JESSE PRINCE.
 7 YOUR ISSUE AS WAS POSITED IN THIS RELATES ONLY TO
 8 STACY YOUNG. NOW YOU'RE TELLING ME, I THINK, THAT
 9 THERE IS SOMETHING ELSE WITH RESPECT TO JESSE PRINCE.
 10 MR. ROSEN: IT'S RIGHT IN THE PAPERS. I DIDN'T
 11 TELL YOU IT WAS LIMITED --
 12 MR. DRESCHER: FIRST PARAGRAPH ON PAGE 1 UNDER
 13 "INTRODUCTION." (READING:)
 14 "IN THE LAST FEW DAYS STARTLING NEW
 15 EVIDENCE HAS EMERGED FROM THE ADMITTED
 16 ARCHITECT OF A FRAUD ON THE COURT OF
 17 STACY BROOKS YOUNG, THAT SHE WAS PAID
 18 BY PLAINTIFF'S COUNSEL, DANIEL A. LEIPOLD,
 19 TO CONCOCT PLAINTIFF'S STRATEGY FOR THIS
 20 PROCEEDING AND THAT SHE AND ROBERT VAUGHN
 21 YOUNG, AND JESSE PRINCE WERE PAID TO
 22 IMPLEMENT THAT STRATEGY THROUGH FALSE
 23 AND CONTRIVED DECLARATIONS THAT WOLLERSHEIM
 24 OFFERS THROUGH THEIR TESTIMONY IN THE
 25 FORTHCOMING EVIDENTIARY PROCEEDING."
 26 AND IN EXHIBIT A, JUST AS ONE EXAMPLE,
 27 PARAGRAPH 2 OF MS. YOUNG'S AFFIDAVIT, SHE AND HER
 28 HUSBAND WERE HIRED BY MR. LEIPOLD.

1 THE COURT: DOES THIS SAY THAT HER HUSBAND
 2 TESTIFIED FALSELY OR SUBMITTED FALSE DECLARATIONS?
 3 MR. DRESCHER: I DON'T KNOW THAT THAT PARTICULAR
 4 ONE SAYS THAT. I BELIEVE IT DOES.
 5 THE COURT: DOES THIS PARTICULAR DECLARATION SAY
 6 THAT JESSE PRINCE TESTIFIED FALSELY?
 7 MR. DRESCHER: THAT HAS BEEN THE SUBJECT OF
 8 TESTIMONY, I BELIEVE, YOUR HONOR. I DO NOT HAVE
 9 THAT. BUT RIGHT NOW I DO HAVE WHAT SHE SAYS. I DO
 10 HAVE MR. YOUNG AND MR. PRINCE IMPLICATED BY
 11 MS. BROOKS. ANOTHER REASON WHY SHE SHOULD BE HERE.
 12 BUT EVEN PUT ALL THAT ASIDE, EVEN IF --
 13 MR. DRESCHER: EVEN IF YOU PUT THAT ASIDE AND
 14 PUT ASIDE THAT SHE TESTIFIED THAT PRINCE'S AFFIDAVIT
 15 WAS FALSE, PUT ALL THAT ASIDE --
 16 THE COURT: WHERE IS THAT? COUNSEL, YOU HAVE TO
 17 UNDERSTAND THAT YOU HAVE DUMPED ON ME MOMENTS BEFORE
 18 THIS HEARING BEGAN SUBSTANTIALLY IN EXCESS OF
 19 200 PAGES OF MATERIAL WHICH YOU HAVE OBVIOUSLY SPENT A
 20 CONSIDERABLE PERIOD OF TIME ASSEMBLING. AND NOW YOU
 21 ARE TELLING ME THAT SOMEWHERE IN THIS IS HER TESTIMONY
 22 THAT JESSE PRINCE SUBMITTED A FALSE AFFIDAVIT, UNLESS
 23 I MISUNDERSTOOD YOU.
 24 MR. DRESCHER: I AM TELLING YOU, YOUR HONOR, THAT
 25 SHE HAS -- I AM INFORMED SHE IMPLICATED HIM BY STATING
 26 IN TESTIMONY THAT HIS TESTIMONY OR HIS AFFIDAVIT WAS
 27 FALSE.
 28 YOUR HONOR, YOU'RE RIGHT. I SPENT A LOT OF

1 TIME ON THIS AND IT WAS ALL ON VERY SHORT NOTICE. AND
 2 I DIDN'T SET OUT TO DUMP ANYTHING ON YOUR HONOR. I
 3 SOUGHT TO BRING TO YOUR HONOR'S ATTENTION FRAUD ON THE
 4 COURT. AND I'M SORRY I'M NOT FAMILIAR WITH
 5 PAGE-BY-PAGE REFERENCES.
 6 BUT BASED ON WHAT YOU HAVE IN FRONT OF YOU,
 7 IN AN AFFIDAVIT SIGNED BY A WITNESS WHO SAYS THERE HAS
 8 BEEN A FRAUD ON THE COURT, IN TESTIMONY IN OPEN COURT
 9 IN FLORIDA IN WHICH SHE REPEATS IT AND IMPLICATES
 10 MR. PRINCE, AND IN AN AFFIDAVIT IN WHICH SHE
 11 IMPLICATES HER EX-HUSBAND AS WORKING TOGETHER WITH
 12 COUNSEL FOR PLAINTIFFS TO CREATE FALSE EVIDENCE TO
 13 POISON THE COURT AND GET A RESULT THEY'RE NOT ENTITLED
 14 TO, I BELIEVE THE COURT HAS AN OPPORTUNITY TO ACT.
 15 WHILE I DID NOT HAVE A WEEK AND A HALF TO
 16 PREPARE, I PUT THIS TOGETHER AS FAST AS I CAN. THAT
 17 EVIDENCE IS THERE, AND THE TRUTH OF THE MATTER IS, IN
 18 LIGHT OF THE TECHNICALITIES THAT MUST BE RAISED WITH
 19 RESPECT TO WHETHER I SHOULD HAVE TOTAL RECALL TO
 20 WHAT'S WHERE, YOUR HONOR IS CONFRONTED WITH HER.
 21 AS MR. ROSEN HAS POINTED OUT, IF YOU BELIEVE
 22 HER, THEN THIS CASE SHOULD BE OVER ON TERMINATING
 23 SANCTIONS. THAT'S WHAT WE POSED TO THE COURTS IN
 24 FLORIDA, AND THAT'S WHAT THEY'RE IN THE PROCESS OF
 25 CONSIDERING.
 26 IN THE CASE OF JUDGE SCHAPPER, THE CHIEF
 27 JUDGE OF THAT CIRCUIT, SHE'S DOING IT ON THE EVE OF
 28 TRIAL, INTERRUPTING THE PRE-TRIAL PROCEEDINGS TO DO

1 IT. THAT'S WHAT I'M SAYING.
 2 THE COURT: LAST ADD.
 3 MR. STEIN: YOUR HONOR, A COUPLE OF THINGS, BUT
 4 FIRST OF ALL, ON DECEMBER 28, 1999, MR. DRESCHER AND
 5 MR. ROSEN FILED A DOCUMENT IN THIS COURT ENTITLED
 6 "OBJECTIONS TO EVIDENCE AND REQUEST TO STRIKE
 7 DECLARATION OF STACY YOUNG." FILE STAMPED COPY. BOLD
 8 ROMAN NUMERAL I. (READING:)
 9 "EVIDENCE GIVEN IN EXCHANGE FOR
 10 COMPENSATION IS INADMISSIBLE. STACY
 11 YOUNG WAS A SCIENTOLOGY STAFF MEMBER
 12 FROM 1979 TO 1989, WHOSE EMPLOYMENT WAS
 13 LIMITED TO MINISTERING RELIGIOUS SERVICES,
 14 WRITING MAGAZINE ARTICLES AND SERVING IN
 15 LOW TO MID-LEVEL PUBLIC RELATIONS POSITIONS.
 16 IN SWORN TESTIMONY IN AN EARLIER CASE SHE
 17 HAS ADMITTED TO NEVER HAVING HELD THE
 18 POSITION OF TRUSTEE, OFFICER OR DIRECTOR
 19 OF ANY SCIENTOLOGY-RELATED ENTITY. SHE,
 20 ALONG WITH HER FORMER HUSBAND, ROBERT VAUGHN
 21 YOUNG, LEFT THEIR STAFF POSITION IN 1989 AND
 22 PROMPTLY ENCOUNTERED SUBSTANTIAL FINANCIAL
 23 SETBACKS WITH CITATION TO DECLARATIONS.
 24 IN AN EFFORT TO OVERCOME THEIR
 25 FINANCIAL PLIGHT, THE YOUNGS OFFERED TO
 26 SELL THEIR STORY ABOUT SCIENTOLOGY TO A
 27 CHURCH LAWYER FOR \$50,000. THAT OFFER
 28 VIEWED AS AN EXTORTIONATE DEMAND WAS

1 REJECTED. THE YOUNGS WERE THEN HIRED AS,
 2 QUOTE, 'CONSULTANTS,' CLOSED QUOTE, BY TWO
 3 OF PLAINTIFF LARRY WOLLERSHEIM'S LAWYERS,
 4 DANIEL LEIPOLD AND GRAHAM BARRY, BOTH OF
 5 WHOM REPRESENTED OTHERS IN LEGAL DISPUTES
 6 INVOLVING SCIENTOLOGY.
 7 MS. YOUNG HAS TESTIFIED THAT SHE
 8 ABANDONED HER THEN EMPLOYMENT TO BECOME A
 9 PROFESSIONAL ANTI-SCIENTOLOGY WITNESS
 10 BECAUSE IT WAS MORE LUCRATIVE. MS. YOUNG
 11 HAS ALSO TESTIFIED THAT ATTORNEY BARRY PAID
 12 HER AND HER HUSBAND MORE THAN \$33,000 FOR
 13 THEIR DECLARATIONS IN CHURCH OF SCIENTOLOGY
 14 INTERNATIONAL VS. FISHMAN. SHORTLY
 15 THEREAFTER THE YOUNGS WERE HIRED BY
 16 ATTORNEY LEIPOLD AND WERE PAID \$100 PER
 17 HOUR FOR CONSULTING AND \$125 PER HOUR FOR
 18 DECLARATIONS AND DEPOSITION TESTIMONY IN
 19 EMERY WILSON CORP. VS. CULT AWARENESS
 20 NETWORK. SHE WAS ALSO HIRED AS A WITNESS
 21 IN DICKERSON VS. SALLY JESSE RAPPAPORT BY
 22 MR. LEIPOLD IN LITTON VERSUS CULT AWARENESS
 23 NETWORK AND KISSER VS. CHURCH OF SCIENTOLOGY
 24 INTERNATIONAL.
 25 THIS WAS 1999 THIS WAS FILED. WE ARE THREE
 26 YEARS LATER, AND IT'S THE SAME SAW. WHAT THEY WANT TO
 27 DO IS DERAIL THIS TRIAL. NOW WITH MR. DRESCHER WHO'S
 28 READY TO POP UP AND SAY, WELL, YOUR HONOR, WE DIDN'T

1 HAVE THE RECANTATION, BUT THEY'VE HAD THIS IN THIS
2 RECORD FOR MORE THAN THREE YEARS.

3 I WAS NOT GIVEN NOTICE OF WHAT THIS HEARING
4 WAS GOING TO BE ABOUT IN A TIMELY BASIS BUT, YET, THE
5 SAME STUFF WAS FILED THREE YEARS AGO WHEN JUDGE MCCOY
6 WAS PRESIDING OVER THIS MATTER. THIS IS JUST AN
7 EFFORT, A TRICK BRINKMANSHIP TO DERRAIL AND OVERWHELM.
8 THAT'S WHAT THEY DO, THAT'S HOW THEY DO IT, AND THEY
9 WILL TAKE EVERY ADVANTAGE, YOUR HONOR. IF YOU GIVE
10 THEM AN INCH THEY WILL TURN IT INTO A CIRCUS.

11 WE WON'T GO ON FOR A SHORT HEARING WITH
12 MS. BROOKS AND MR. LEIPOLD. THEY WILL TURN IT INTO A
13 PLENARY PROCEEDING, AND IF THE COURT MAKES ADVERSE
14 RULINGS, I CAN ALMOST PREDICT THAT THEY WILL SEEK
15 EMERGENCY STAYS FROM THE COURT OF APPEAL. IT'S WHAT
16 THEY DO AND HOW THEY DO IT.

17 I SUGGEST, YOUR HONOR, IF FOR NO OTHER
18 REASON THAT I WAS NOT GIVEN PROPER NOTICE OF THE
19 PURPOSE OF THIS HEARING, THAT THIS MATTER AND
20 APPLICATION SHOULD BE DENIED AND THAT WE MOVE FORWARD
21 WITH THE HEARING ON THE MERITS. AND IF AT SOME POINT
22 THIS MATTER COMES TO THE COURT IN A PROPER WAY, THEN
23 PERHAPS THEN THE COURT GIVE IT PROPER CONSIDERATION.
24 BUT NOW IS NOT THE TIME, AND NOW IS NOT THE PLACE.

25 MR. DRESCHER: YOUR HONOR, JUST FROM HAVING HEARD
26 WHAT YOU JUST HEARD, YOU CAN TELL THAT WHAT WAS ARGUED
27 IN 1999 DOES NOT INCLUDE THE PLAN TO MANIPULATE
28 EVIDENCE, THE PLAN TO SUBVERT JUSTICE, THE PLAN TO

1 CONCOCT THEORIES, THE PLAN TO COME UP WITH PLAUSIBLE
2 SCENARIOS THAT A WITNESS WILL SWEAR TO.

3 AND CERTAINLY MR. STEIN UNDERCUT HIS OWN
4 ARGUMENT ABOUT LACK OF NOTICE BY HAVING THAT HERE TO
5 READ. THE SIMPLE TRUTH OF THE MATTER IS THIS IS CLEAR
6 RECANTATION AND A STATEMENT UNDER OATH OF A WITNESS
7 WHO SAYS THE ENTIRE CASE, INCLUDING THE CENTRAL LEGAL
8 THEORY, WAS BROUGHT HERE TO SUBVERT JUSTICE AND COMMIT
9 FRAUD ON THE COURT. THAT'S DIFFERENT, AND WE'RE
10 ENTITLED TO THE EVIDENTIARY HEARING IN ADVANCE FOR THE
11 REASONS GIVEN. THANK YOU.

12 THE COURT: OKAY. IS IT THE DEFENSE POSITION, OR
13 RESPONDENT'S POSITION, THAT ISSUES WITH RESPECT TO
14 STACY YOUNG HAVE TO BE EXAMINED REGARDLESS WHETHER THE
15 TESTIMONY IS PROPER AT THE HEARING?

16 MR. DRESCHER: YES, BECAUSE HER EVIDENCE GOES FAR
17 BEYOND HER OWN TESTIMONY.

18 THE COURT: JUST A MINUTE.

19 MR. ROSEN: COULD YOU REPEAT THE QUESTION. I
20 DIDN'T GET THE QUESTION.

21 MR. DRESCHER: PERHAPS I MISUNDERSTOOD. I'LL
22 STEP BACK.

23 THE COURT: THE COURT'S QUESTION -- LET ME
24 REPHRASE IT. SUPPOSE IN RESPONSE TO HER REQUEST THAT
25 THE DECLARATION NOT BE TENDERED. PLAINTIFF DOESN'T
26 TENDER IT.

27 MR. ROSEN: HAS NO IMPACT FROM RTC'S POINT OF
28 VIEW ON THIS MOTION.

1 MR. DRESCHER: OR CSC.
 2 MR. ROSEN: THIS MOTION SAYS THAT THE ATTORNEY
 3 WHO'S NOT BEFORE YOU TODAY, ODDLY ENOUGH, MR. LEIPOLD,
 4 IS AN ARCHITECT OF --
 5 THE COURT: IT'S NOT ODDLY ENOUGH. THAT COMMENT
 6 WASN'T NECESSARY, SIR.
 7 MR. ROSEN: I'M SORRY, YOUR HONOR. THE ESSENCE
 8 OF THE REQUEST FOR TERMINATING SANCTIONS IS THAT THE
 9 FILING OF THIS COURT WITH AFFIDAVITS KNOWN TO BE
 10 FALSE, THE FACT THAT THE AFFIDAVIT IS WITHDRAWN, EVEN
 11 IF THEY WITHDREW ALL THREE, MS. BROOKS, HER
 12 EX-HUSBAND, AND MR. PRINCE --
 13 THAT DOESN'T CURE IT. YOU CAN'T SAY, "YOU
 14 CAUGHT ME, I'LL WITHDRAW THE AFFIDAVITS THAT ARE AT
 15 ISSUE." STILL GOES TO AN ISSUE OF TERMINATING
 16 SANCTIONS FOR MISCONDUCT.
 17 I'VE BEEN IN EXACTLY ONE CASE IN MY ENTIRE
 18 LIFE IN LOS ANGELES OF TERMINATING SANCTIONS FOR
 19 ATTORNEY MISCONDUCT, BUT I CANNOT IMAGINE THAT IF
 20 THERE IS SUCH A THING AS TERMINATING SANCTIONS THAT
 21 IT'S NOT IN THE CONTEXT OF THIS CONDUCT IF YOU BELIEVE
 22 MS. BROOKS' TESTIMONY.
 23 THIS ATTORNEY SAID, GO OUT AND WRITE
 24 SOMETHING THAT I CAN USE. SHE REPUDIATES THE FACT
 25 THAT DAVID MISCavige IS THE HEAD OF THE SEA ORG. YOU
 26 KNOW HOW PROMINENT THAT IS. IN EVERY SINGLE HEARING
 27 WE HEARD ABOUT MR. MISCavige IS HEAD OF THE SEA ORG.
 28 AND NOW SHE SAYS, "THEY TOLD ME TO WRITE THAT." THERE

1 IS NO SUCH THING AS THE SEA ORG.
 2 THE COURT: THAT DOESN'T SEEM TO BE QUITE WHAT
 3 SHE SAID.
 4 MR. ROSEN: SHE SAID THERE'S NO SUCH THING AS THE
 5 HEAD OF THE SEA ORG.
 6 MR. DRESCHER: AND, YOUR HONOR, JUST TO -- MAYBE
 7 MY FIRST ANSWER WAS CORRECT. SHE DISCUSSES AND
 8 TESTIFIES TO A STRATEGY TO CREATE FALSE, MISLEADING,
 9 FRAUDULENT. IT DOESN'T REMOVE THE TAINIT FROM THE
 10 ENTIRE PROCEEDINGS. SO IT DOES NOT CHANGE OUR
 11 RESPONSE OF WHY WE WOULD NEED A HEARING.
 12 THE COURT: OKAY. THE APPLICATION FOR AN EARLY
 13 HEARING ON STACY YOUNG ISSUES ARE DENIED. THE ISSUES
 14 RELATING TO THE VERACITY OF HER VARIOUS AFFIDAVITS OF
 15 TESTIMONY WILL BE EXAMINED WITHIN THE PREVIOUSLY
 16 SCHEDULED EVIDENTIARY HEARING, RATHER THAN AS A
 17 SEPARATE PROCEEDING IN ADVANCE OF THE EVIDENTIARY
 18 HEARING.
 19 THE EVIDENTIARY HEARING IS GOING FORWARD AS
 20 SCHEDULED. IF SHE IS ABLE TO COME AND TESTIFY, THAT'S
 21 FINE. IF SHE'S NOT ABLE TO TESTIFY, THEN WE WILL
 22 ADDRESS THE SITUATION AT THAT TIME. BY THAT TIME, I
 23 EXPECT THAT THERE WILL BE SOMETHING THAT HAS HAPPENED
 24 IN FLORIDA.
 25 MR. ROSEN: DO YOU WANT ME TO LET YOU KNOW?
 26 THE COURT: BE PREPARED TO ADDRESS THAT ON
 27 THURSDAY WHEN WE'RE BACK. AND BY THAT TIME, I ASSUME
 28 THAT WE WILL HAVE THE APPROPRIATE TRANSCRIPTS. ONE OF

1 THE PROBLEMS THAT I HAVE HERE IN TRYING TO GRANT YOUR
2 REQUEST IS THAT IT SEEMS TO ME THAT, AS COUNSEL POINTS
3 OUT, THERE REALLY WASN'T ADEQUATE NOTICE OF WHAT YOU
4 WERE GOING TO BE SEEKING TODAY. THAT'S A FACTOR, BUT
5 IT'S NOT THE DOMINANT FACTOR.

6 IF THE QUESTION IS THE VERACITY OF THE
7 VARIOUS AFFIDAVITS, NOT JUST MS. YOUNG, BUT ALSO
8 MR. PRINCE AND MR. YOUNG, THEN IT SEEMS TO ME THAT WE
9 OUGHT TO BE LOOKING AT THE WHOLE PACKAGE AND MAKE THE
10 EVALUATION ON THE BASIS OF THE ENTIRE PACKAGE. AND IF
11 THE COURT IS PERSUADED THAT THIS THING HAS BEEN
12 FABRICATED, THE CLAIMS HERE HAVE BEEN FABRICATED, THEN
13 IT WILL KNOW HOW TO ADDRESS THAT, AND IT WILL MAKE
14 SUCH ORDERS AS ARE APPROPRIATE.

15 BUT IT SEEMS TO ME THAT IT WOULD BE A
16 MISTAKE TO TRY AND PARSE THIS TOO FINELY THAT WE OUGHT
17 TO HAVE THE COMPLETE PICTURE BEFORE WE ACT. SO WE ARE
18 GOING TO PROCEED AHEAD WITH THE HEARING, AND IF STACY
19 YOUNG IS AVAILABLE, THAT'S TERRIFIC. WE'LL ADDRESS
20 THAT.

21 I DO NOT UNDERSTAND THAT THIS IS A MOTION TO
22 DISQUALIFY COUNSEL, AND I WILL TELL YOU AT THIS POINT
23 I AM NOT SURE THAT THAT MOTION WOULD BE ENTERTAINED.
24 I THINK THAT THAT KIND OF MOTION WOULD BE ONE THAT
25 WOULD HAVE A TENDENCY -- WOULD BE REGARDED AS ONE TO
26 DELAY THESE PROCEEDINGS.

27 MR. LEIPOLD CAN GET UP HERE, AND WE'LL HEAR
28 FROM HIM, NO DOUBT, IN THE COURSE OF THESE

1 PROCEEDINGS, AS TO PRECISELY WHAT THE SITUATION IS,
2 AND ON THE BASIS OF EVERYTHING THAT IS PRESENTED TO
3 THE COURT, NOT A FRAGMENT OF IT, NOT AN ARTIFICIAL
4 COMPARTMENTALIZATION.

5 ON THE BASIS OF EVERYTHING THAT IS PRESENTED
6 TO THE COURT, THE COURT WILL ENDEAVOR TO DETERMINE
7 WHERE TRUTH LIES. AND THAT'S ALL WE CAN DO. I
8 BELIEVE THAT IF I AM PERSUADED -- LET ME REPHRASE
9 THIS.

10 THE BURDEN OF PROOF IN THIS CASE IS ON THE
11 PLAINTIFFS TO DEMONSTRATE INDIVIDUAL, SEPARATELY, THAT
12 EACH OF THESE RESPONDENT ORGANIZATIONS SHOULD BE
13 BROUGHT IN AS JUDGMENT DEBTORS, AND THEY MUST DO SO BY
14 ADMISSIBLE AND CREDIBLE EVIDENCE AND BY A
15 PREPONDERANCE OF THE ADMISSIBLE AND CREDIBLE
16 EVIDENCE.

17 AND IT SEEMS TO ME THAT THE FULL PICTURE OF
18 WHAT ALL OF THE EVIDENCE IS IS WHAT NEEDS TO BE LOOKED
19 AT. AND WE WILL DO THAT. AND WE HAVE STRUCTURED A
20 FORMAT TO DO THAT, AND WE'RE GOING TO ADHERE TO THE
21 FORMAT, UNLESS AND UNTIL THE COURT IS PERSUADED THAT
22 IT OUGHT TO BE CHANGED.

23 MR. ROSEN: YOUR HONOR, IF I MAY ASK A QUESTION
24 OR TWO. DO YOU WANT ME TO ADVISE THE COURT AS SOON AS
25 I HAVE ANY INFORMATION FROM MS. BROOKS'S ATTORNEY, OR
26 IS IT SUFFICIENT FOR YOU TO JUST LEARN ABOUT HER ON
27 THURSDAY MORNING?
28

THE COURT: IT SEEMS TO ME THAT IF YOU WISH TO

1 COMMUNICATE WITH THE CLERK AND LET ME KNOW WHETHER
 2 MS. YOUNG IS AGREEING TO VOLUNTARILY COME TO
 3 CALIFORNIA, THAT'S ONE THING, AND I TRUST YOU'LL
 4 COMMUNICATE THAT TO PLAINTIFF'S COUNSEL AS WELL.
 5 MR. ROSEN: SURE. THE SECOND QUESTION I HAD IS
 6 THIS. CAN WE STRUCTURE THE HEARING STARTING ON
 7 THURSDAY AS FOLLOWS. AS YOU INDICATED, IT WAS
 8 THE -- THE PLAINTIFF WOULD HAVE THE BURDEN ON THE
 9 MERITS OF THE ALTER EGO CLAIM, BUT WE WOULD HAVE THE
 10 BURDEN ON THIS MOTION FOR TERMINATING SANCTIONS.
 11 WHAT I WOULD CONTEMPLATE DOING IS AS
 12 FOLLOWS. WE WOULD START THE HEARING ON THURSDAY
 13 WITHOUT OFFERING MS. BROOKS'S TESTIMONY, EITHER IN
 14 PERSON OR, IF WE HAVE TO, THROUGH THE TRANSCRIPTS IN
 15 FLORIDA, AND THEN WE WOULD PUT MR. LEIPOLD ON THE
 16 STAND. AND THAT WOULD LIKELY -- I'M NOT GOING TO
 17 COMMIT NOW 100 PERCENT THAT WE'RE NOT GOING TO HAVE
 18 ANY OTHER WITNESSES, BUT IT LOOKS TO ME LIKE THAT'S IT
 19 ON THIS ISSUE OF TERMINATING SANCTIONS ON
 20 MR. LEIPOLD'S SUBORNING PERJURY.
 21 IF WE CAN GET THAT DONE, ORDINARILY WE WOULD
 22 THEN HAVE THE CHANCE TO DO THAT BECAUSE THE PLAINTIFF
 23 WOULD BE GOING FIRST ON THE MERITS, BUT I THINK THAT
 24 THIS IS A REASONABLE ACCOMMODATION IN THE SENSE OF THE
 25 ISSUE ABOUT THE PLAINTIFFS HAS ITS DAY IN COURT, IF
 26 HE'S ENTITLED TO IT, BUT YOUR HONOR HAS THE
 27 OPPORTUNITY TO AT LEAST HEAR, ANSWER THAT, WHETHER
 28 THE PLAINTIFF EVEN SHOULD HAVE A DAY IN COURT.

1 THE COURT: WELL, THIS PROCEEDING WILL BEGIN AT
 2 THE BEGINNING AND PROCEED THROUGH TO THE END AND THEN
 3 STOP. AND THE COURT'S CONTEMPLATION AT THIS TIME IS,
 4 REGARDLESS OF WHAT TESTIMONY IS SUBMITTED BY ANYBODY,
 5 THAT THE ENTIRE PROCEEDING WILL BE COMPLETED. WE ARE
 6 NOT GOING TO SHORTCUT THIS.
 7 WE ARE NOT GOING TO CURTAIL IT. WE'RE GOING
 8 TO TAKE THE ENTIRETY OF THE TESTIMONY AND THE
 9 EXAMINATION AND DO IT. SO SUBJECT ONLY TO SPECIFIC
 10 ISSUE OF THE AVAILABILITY OF PARTICULAR WITNESSES, IN
 11 THE ORDINARY COURSE OF EVENTS, PLAINTIFF WOULD BE
 12 REQUIRED TO GO FORWARD AND MAKE THEIR CASE. AT THE
 13 TIME WHEN PLAINTIFFS HAVE ATTEMPTED TO MAKE THEIR CASE
 14 AND THEY HAD NOT MADE IT, THAT'S IT. THEN WE HAVE THE
 15 OTHER SIDE.
 16 SO I WOULD ANTICIPATE, SUBJECT ONLY TO THE
 17 AVAILABILITY OF THE WITNESSES, THAT WE WOULD BEGIN
 18 WITH THE PLAINTIFF'S CASE, AND WE WOULD HEAR -- AND I
 19 PLAN TO HEAR THE ENTIRETY OF THE EVIDENCE.
 20 AND UNLESS -- I'M GOING TO ASSUME FOR
 21 WORKING PURPOSES THAT THEY ARE ABLE TO MAKE A
 22 THRESHOLD CASE. AND THEN WE WILL HEAR THE REST. BUT
 23 I WANT TO DO THE ENTIRETY OF THE EVIDENTIARY HEARING
 24 SO THAT THE RECORD IS COMPLETE.
 25 MR. ROSEN: YOUR HONOR, I WILL ASK YOU TO
 26 RECONSIDER THAT FOR THE FOLLOWING REASON. TERMINATING
 27 SANCTIONS, THE ESSENCE OF IT, IS THE PARTY OR THE
 28 ATTORNEY HAS ENGAGED IN SUCH MISCONDUCT THAT THEY DO

1 NOT HAVE A RIGHT TO A DAY IN COURT ON THE MERITS OF
2 THEIR CLAIM.

3 TO SAY THAT IT'S GOING TO BE PART AND PARCEL
4 OF THE MERITS HEARING IS TO DEFEAT THE PURPOSE OF
5 TERMINATING SANCTIONS MOTION AND, INDEED, THE
6 INTEGRITY OF THE COURT BY ALLOWING THEM TO PRESENT THE
7 EVIDENCE ON THE MERITS.

8 AND I'M WILLING TO WORK WITH YOU TO DO IT IN
9 A SEQUENTIAL WAY. I'LL GO FIRST, EVEN THOUGH I'M A
10 RESPONDENT, ON THURSDAY, AND I'LL PUT ON MS. BROOKS
11 AND MR. LEIPOLD. AND THEN YOUR HONOR CAN PAUSE AND
12 SAY, "OKAY, HERE'S WHAT I'VE HEARD. IS THIS
13 TERMINATING SANCTIONS TIME OR NOT?"

14 AND IF YOU SAY, "NOT, GO AHEAD AND CALL YOUR
15 NEXT WITNESS ON THE MERITS," I'M WILLING TO WORK WITH
16 YOUR HONOR TO DO THAT, BUT NOW YOU'RE SAYING THAT I
17 WON'T EVEN GET A CHANCE TO DO THAT.

18 THE COURT: SIR, YOU HAVE SUGGESTED, OR I THOUGHT
19 THERE WAS A SUGGESTION EARLIER THAT THE ERROR, IF ANY,
20 THE DEFAULT, IF ANY, THE DECEIT, IF ANY, IS NOT THAT
21 OF MR. WOLLERSHEIM BUT OF COUNSEL.

22 MR. ROSEN: YES.

23 THE COURT: BUT YOU ARE SUGGESTING AT THE
24 THRESHOLD THAT MR. WOLLERSHEIM OUGHT NOT TO HAVE HIS
25 DAY IN COURT. AND YOU WANT TO SAY BECAUSE MR. LEIPOLD
26 MAY HAVE DONE SOMETHING WRONG, MR. WOLLERSHEIM -- WE
27 SHOULD NOT HEAR THIS EVIDENCE.

28 MR. ROSEN: OF COURSE.

1 THE COURT: THE COURT IS PERFECTLY PREPARED TO
2 ISSUE WHATEVER ORDERS MAY BE APPROPRIATE, DIRECTED TO
3 PARTIES OR DIRECTED TO COUNSEL AS MAY BE SHOWN TO BE
4 NECESSARY BY THE EVIDENCE, BUT WE ARE NOT GOING
5 TO -- WE ARE GOING TO TAKE THE PROCEEDINGS AS A WHOLE,
6 AND I AM DISINCLINED, I AM STRONGLY DISINCLINED TO
7 BIFURCATE THIS.

8 THE COURT'S RULING WILL BE MADE ON THE BASIS
9 OF ALL THE EVIDENCE, AND WE'LL SEE WHAT ALL THE
10 EVIDENCE SHOWS. THAT'S THE WAY IT'S GOING TO BE.
11 PLAINTIFF TO GIVE NOTICE.

12 MR. DRESCHER: YOUR HONOR, QUICK HOUSEKEEPING.
13 WHILE WE CONSIDER WHETHER TO SEEK RELIEF IN THE FORM
14 OF A WRIT, I ASK THE COURT TO STAY THE PROCEEDINGS.

15 THE COURT: ABSOLUTELY NOT.

16 MR. DRESCHER: THANK YOU, YOUR HONOR.

17 THE COURT: N-O, NO.

18 MR. STEIN: ONE OTHER BRIEF HOUSEKEEPING ISSUE.
19 TOMORROW WE HAVE A HEARING HOPEFULLY ON A FINITE
20 ISSUE. BUT MY COLLEAGUE, MR. GREENE, WHO IS IN
21 NORTHERN CALIFORNIA, WISHES TO ARGUE THAT MOTION.

22 THE COURT: WHAT WAS THAT ONE?

23 MR. STEIN: TO COMPEL PRODUCTION OF DOCUMENTS
24 UNDER A 1987 NOTICE. AND MY COLLEAGUE, MR. GREENE,
25 WOULD LIKE TO ARGUE THAT MOTION. AND I UNDERSTAND
26 THAT THE COURT TAKES ADVANTAGE OF COURT CALL FOR THAT
27 KIND OF PURPOSE.

28 MR. ROSEN: I WASN'T HERE WHEN THE EX PARTE ON

1 THIS MOTION WAS ARGUED, BUT I UNDERSTAND THAT
 2 YOUR HONOR HAS RULED THAT MY CLIENT IS NOT A PARTY TO
 3 THIS MOTION, SO I DON'T HAVE ANY STANDING?
 4 THE COURT: I DON'T KNOW.
 5 MR. STEIN: IT WAS CSC, YOUR HONOR. MR. ROSEN
 6 REPRESENTS ANOTHER PARTY.
 7 THE COURT: CHURCH OF SCIENTOLOGY OF CALIFORNIA?
 8 MR. STEIN: CORRECT, YOUR HONOR.
 9 MR. ROSEN: YOUR HONOR, I WAS INFORMED THAT YOU
 10 SAID AT THE LAST EX PARTE HEARING ON THIS THAT RTC AND
 11 CSI ARE NOT PARTIES TO THIS MOTION. THIS IS A MOTION
 12 TO COMPEL DISCOVERY AGAINST CSC. IF THAT'S
 13 YOUR HONOR'S POSITION, I DON'T HAVE TO SHOW UP
 14 TOMORROW. SO I JUST WANT TO KNOW IF I CAN SLEEP LATE.
 15 THE COURT: YOU DO WHAT YOU WANT. YOU'RE WELCOME
 16 TO COME TO COURT IF YOU WISH, SIR.
 17 MR. ROSEN: DO I HAVE STANDING TO ARGUE AGAINST
 18 THIS MOTION?
 19 THE COURT: I DON'T KNOW. ARE YOUR CLIENTS'
 20 RIGHTS IMPLICATED?
 21 MR. ROSEN: THE MOTION, AS I UNDERSTAND IT, IS A
 22 DISCOVERY MOTION TO COMPEL CSC TO PRODUCE CERTAIN
 23 DOCUMENTS FOR THE PLAINTIFF TO USE AS EVIDENCE IN THIS
 24 CASE, IN WHICH I AM A PARTY.
 25 IT'S LIKE IF THEY SERVED A THIRD PARTY WITH
 26 A SUBPOENA AND A THIRD PARTY REFUSED TO COMPLY AND THE
 27 PLAINTIFF MADE A MOTION TO COMPEL COMPLIANCE, AS ANY
 28 OTHER PARTY TO THE CASE, OF COURSE I WOULD HAVE

1 STANDING. SO I DON'T KNOW, YOUR HONOR.
 2 THE COURT: SO IT'S A PROCEEDING DIRECTED TO A
 3 THIRD PARTY, IS THAT CORRECT?
 4 MR. STEIN: CSC, TO A PARTY.
 5 THE COURT: TO THE DEFENDANT.
 6 MR. STEIN: YES.
 7 THE COURT: YOU'RE WELCOME TO COME INTO THE
 8 COURTROOM, AND IF YOU HAVE STANDING, YOU'LL BE HEARD.
 9
 10 (END OF PROCEEDINGS.)
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1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 FOR THE COUNTY OF LOS ANGELES

3 HON. ROBERT L. HESS, JUDGE DEPT. 24

4 LAWRENCE DOMINICK WOLLERSHEIM,)

5 PLAINTIFF,)

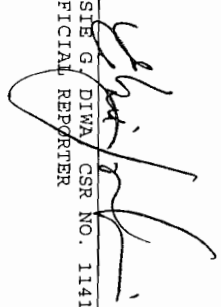
6 VS.) NO. C332027

7 CHURCH OF SCIENTOLOGY OF)

8 CALIFORNIA,)

9 DEFENDANT.)

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13 I, ELSIE G. DIWA, OFFICIAL REPORTER OF THE
14 SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR THE
15 COUNTY OF LOS ANGELES, DO HEREBY CERTIFY THAT
16 THE FOREGOING PAGES, 1 THROUGH 56, INCLUSIVE, COMPRISE
17 A FULL, TRUE AND CORRECT TRANSCRIPT OF THE PROCEEDINGS
18 HELD IN THE ABOVE-ENTITLED MATTER ON APRIL 16, 2002.
19 THIS TRANSCRIPT COMPLIES WITH 237(A) (2)
20 OF THE CODE OF CIVIL PROCEDURE.
21 DATED THIS 7TH DAY OF MAY, 2002.
22
23
24

25 
26 _____
27 ELSIE G. DIWA CSR NO. 11416
28 OFFICIAL REPORTER