

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT  
IN AND FOR PINELLAS COUNTY, FLORIDA  
CIRCUIT CIVIL NO. 99-7430-CI-8

CHURCH OF SCIENTOLOGY FLAG  
SERVICE ORGANIZATION, INC.,  
Petitioner,

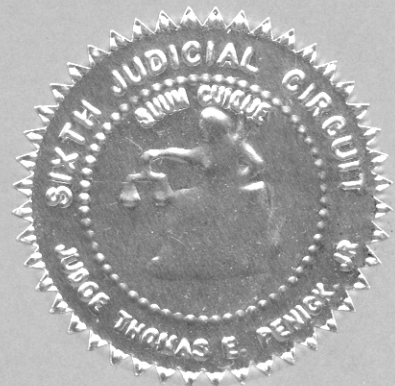
Vs.

LISA MCPHERSON TRUST. INC., a  
Florida for-profit corporation,  
JESSE PRINCE, GRADY WARD,  
ROBERT S. MINTON, JR., STACY  
BROOKS, JEFF JACOBSON, PATRICIA  
GREENWAY, PETER ALEXANDER  
MARK BUNKER, AND TROY BEZAZIAN,  
Respondents.

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**PERMANENT INJUNCTION**

**TRUE COPY**



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FLAG SERVICE ORGANIZATION, INC.,  
Petitioner,**

**vs.**

**LISA MCPHERSON TRUST, INC., a  
Florida for-profit corporation,  
JESSE PRINCE, GRADY WARD,  
ROBERT S. MINTON, JR., STACY  
BROOKS, JEFF JACOBSON,  
PATRICIA GREENWAY, PETER  
ALEXANDER, MARK BUNKER  
and TORY BEZAZIAN,  
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**PERMANENT INJUNCTION**

**THIS CAUSE** came before the Court upon the Petitioner's Verified Amended and Supplemental Complaint for Injunctive Relief.

On the 2<sup>nd</sup> of December, 1999, this Court entered its Amended Temporary Injunction (hereinafter referred to as "ATI #1") enjoining Richard W. Howd, Jr., Petitioner, and Robert S. Minton, Jr., Respondent. Subsequent to the entry of ATI #1, the time expired for the enforcement of the injunction and Petitioner moved for an order granting its motion to drop and add parties. On the 5<sup>th</sup> day of October 2000, this Court entered its order granting the removal of Richard W. Howd, Jr. as Petitioner and in his place, adding Church of Scientology Flag Service Organization, Inc., a Florida corporation (hereinafter sometimes referred to as "Church"), as the Plaintiff. Plaintiff also moved to add as Defendants, in addition to Robert S. Minton, Jr., Lisa

McPherson Trust, Inc., a Florida for-profit corporation, and Jesse Prince, Grady Ward, Stacy Brooks, Jeff Jacobson, Patricia Greenway, Peter Alexander, Mark Bunker and Tory Bezazian.

The aforesaid ATI #1 was entered because the Court found that the original parties were engaging in the dangerous and threatening practice of "in-your-face" picketing (referred to by the Court as "Picket Chicken"), shouting, yelling and other acts of violence which threatened the health and safety of the individuals and other persons utilizing the public ways.

Unfortunately, the hostilities between the parties did not abate and the Petitioners moved for the entry of another temporary injunction. The Court held three days of hearings in November 2000.

After viewing the videotapes entered into evidence and hearing the testimony of witnesses presented during the November 2000 hearings, it was blatantly evident that the parties could not peacefully coexist in close proximity to each other. The videos showed violent and dangerous practices threatening to the safety and well being of the parties and to members of the public at large. The videos also showed an instance, between the parties, of wrestling, grappling, groping and rolling on the public sidewalks. The Court determined that the parties would suffer irreparable harm unless a mutual injunction was again entered.

Therefore, on the 30<sup>th</sup> day of November 2000, the Court entered Temporary Injunction #2. On the 1st day of December 2000, the Court entered an Order Clarifying and Correcting Temporary Injunction #2.

Numerous show cause motions were filed by the parties affected by Temporary Injunction #2. Show cause orders were entered and the Court conducted two weeks of hearings pursuant to the Orders to Show Cause.

During these hearings, all parties to this Permanent Injunction appeared before the Court and were subject to the jurisdiction of the Court.

At the contempt hearings, the parties acknowledged the necessity for a permanent injunction. However, the parties have been unable to collectively agree to the terms of a permanent injunction. The parties and the Clearwater Police Department, through their respective attorneys, have made written recommendations to the Court of provisions for the Permanent Injunction.

After reviewing the recommendations of counsel, the court file, the evidence, the written memoranda and the Court's notes, the Court enters this Permanent Injunction.

#### **FINDINGS OF FACT**

1. There have existed basic philosophical and ideological differences between the Plaintiff and Defendants for many years.

2. The Defendants have frequently picketed, protested, and demonstrated at the Plaintiff's facilities in Pinellas County, and Clearwater, in particular.

3. Both sides have and continue to expend vast numbers of hours videotaping and "spying" on each other. Such acts have heightened the tensions and frictions between the parties.

4. During these picketing events, physical confrontations have erupted between the parties. When violence breaks out, the Clearwater Police have had to expend many work hours and taxpayers' dollars to return peace and tranquility to the community. The frequency of the involvement of the Clearwater Police has constantly grown.

5. In order to ensure a safe and harmonious environment at the site of the Plaintiff's food service facility, the Clearwater Police Department has had to maintain a force of "on duty" and "off duty" officers three times a day, seven days a week. During the meal hours, the police

have to be present to prevent harassment of Church members as they exit and enter the facility and transportation vehicles.

6. The presence of the "off duty" police officers at the food services building has raised serious legal and ethical questions about their responsibilities and the source of the funds paying them. The Plaintiffs and the Clearwater Police Department have acknowledged that the Church pays monies to the Clearwater Police Department, a portion of which goes to pay the "off-duty" police persons.

7. Throughout the history of the conflicts and confrontations between the parties, all taxpayers of Clearwater, Pinellas County and the State of Florida have had to expend vast sums of money to compensate numerous governmental agencies of the legislative, executive, and judicial branches of government to administrate, enforce, maintain, prosecute, defend, and promulgate laws to nurture harmony and safety between these parties, and ultimately, the public as a whole. This financial hemorrhaging must be stopped. All branches of government need to move on and devote more time to other matters of public interest rather than to the antics of these parties.

8. The ability by the parties to peacefully coexist is a non sequitur.

#### LAW

The Constitution of the United States and the Constitution of the State of Florida provide for free speech; however, the right of free speech must be exercised so as not to jeopardize societal interest in safety, tranquility and peace.

Generally, a court of equity lacks jurisdiction to enjoin the commission of crimes but where patterns of harassment are detrimental to the public safety, injunctive relief may be

utilized. *Davis v. Florida East Coast R. R.*, 166 So. 2d 774 (Fla. 2d DCA 1964); *Travelers Insurance Company v. Conley*, 637 So. 2d 373 (Fla. 5<sup>th</sup> DCA 1994).

Injunctive relief should be no more burdensome to the Respondent than necessary to provide complete relief to the Petitioner. *Madsen v. Women's Health Center, Inc.*, 512 U. S. 753 (1994); *Califano v. Yamasaki*, 442 U. S. 682 (1979).

In drafting orders of injunctions, "precision of regulation" is demanded. *NAACP v. Button*, 371 U. S. 415 (1963).

Parties seeking injunctions assert a violation of their rights; the court hearing the action is charged with fashioning a remedy for a specific deprivation, not with the drafting of a statute addressed to the general public. *Madsen*.

An injunction, by its very nature, does not address the general public, but applies only to particular parties, regulating their activities, and perhaps their speech, because of their past actions in the context of a specific dispute. *Madsen*.

The court entering an injunction involving First Amendment rights must strive to enter a content-neutral injunction. In evaluating a content-neutral injunction, the governing standard which courts must apply is "whether the injunction's challenged provisions burden no more speech than necessary to serve a significant government interest".

In public debate, citizens must tolerate insulting, and even outrageous, speech in order to provide adequate breathing space to the freedoms protected by the First Amendment. *Boos v. Barry*, 485 U. S. 312 (1988).

In drafting an injunction, the court must take into consideration the state's strong interest in ensuring the public safety and order. The court must consider such things as promoting the

free flow of traffic on public streets and sidewalks, and the protection of property rights of all citizens. *Madsen*.

Injunctions in the State of Florida shall be binding on the parties to the action, their officers, agents, servants, employees and attorneys and on those persons in active concert or participation with them who receive actual notice of the injunction. Fla. R. Civ. P. 1.610; *Channell v. Applied Research, Inc.*, 472 So. 2d 1260 (Fla. 4<sup>th</sup> DCA 1985); *Dad's Properties, Inc. v. Lucas*, 545 So. 2d 926 (Fla. 2d DCA 1989); *Xavier J. Fernandez, P. A. v. Sun Bank of Tampa Bay*, 670 So. 2d 1106 (Fla. 2d DCA 1996).

### CONCLUSION

Inasmuch as both the Petitioner and the Respondent have engaged in and continue to engage in the dangerous and threatening practice of seeing how close one another can get to each other while protesting, picketing, and demonstrating each other, have blocked or inhibited the free flow of foot traffic on the public sidewalks, have blocked the flow of traffic on the public roadways, have inhibited the egress and ingress of the parties from their respective buildings, and have physically touched or attacked each other, it is imperative that all parties must be mutually restrained.

#### **IT IS HEREBY ORDERED AND ADJUDGED that:**

1. A permanent injunction is entered against the defendants, Robert S. Minton, Jr., Lisa McPherson Trust, Inc., Jesse Prince, Grady Ward, Stacy Brooks, Jeff Jacobson, Patricia Greenway, Peter Alexander, Mark Bunker and Tory Bezazian, their members, officers, agents, servants, employees and those persons and entities in actual concert or participation with them who receive actual notice of this injunction, enjoining them from picketing, protesting, and/or demonstrating in the areas designated in BLUE (the "prohibited zones") (picketing, protesting,

and/or demonstrating is *ALLOWED* in areas designated in **ORANGE**) on the diagrams of certain properties owned and/or operated by the Church (*see* Composite Exhibit A-1 attached hereto and incorporated into this Order), and from engaging in any of the aforementioned activities within ten feet of any entrance or exit actually used frequently on a daily basis to all Church property listed on Exhibit B and not expressly included in the prohibited zones designated in Exhibit A-1.

2. The foregoing paragraph prohibits picketing, protesting and/or demonstrating in areas designated in **BLUE** (*see* Exhibit A-1) as well as in areas within ten feet of any entrance or exit actually used frequently on a daily basis to Church property that is not expressly included in the prohibited zones designated in **BLUE** (*see* Exhibit B). As to all other areas in Pinellas County, Florida, the named defendants, and their officers, agents, servants, employees and those persons and entities in actual concert or participation with them, are free to engage in lawful picketing, lawful protesting and lawful demonstrating. "Lawful" picketing means "not contrary to or forbidden by law", provided that at all times while picketing, all persons bound by this injunction shall comply with the anti-noise provisions of this injunction.

3. The defendants, Robert S. Minton, Jr., Lisa McPherson Trust, Inc., Jesse Prince, Grady Ward, Stacy Brooks, Jeff Jacobson, Patricia Greenway, Peter Alexander, Mark Bunker and Tory Bezazian, their officers, agents, servants, employees and those persons and entities in actual concert or participation with them who receive actual notice of this injunction are permanently enjoined: (1) from coming within ten (10) feet of any member of the Church; (2) from blocking the path of any member or any motor vehicle of the Church; and (3) from physically or by any other means inhibiting any Church member, any member of the general public, or any motor vehicle, from entering or leaving any Church properties that are listed in the schedule of properties that is Exhibit B to this order.



4. Notwithstanding the foregoing, it shall not be a violation of this permanent injunction for any person otherwise engaged in lawful conduct to move without interruption through a prohibited zone en route from one non-prohibited zone to another non-prohibited zone, so long as that person keeps any pickets or other signs held below the waist and upside down or otherwise covered or obscured or held horizontally in such a way that the writing on the pickets or other signs is not obviously displayed, and so long as the person complies with the prohibition on excessive noise making set forth in paragraph 5 below. This provision applies to all persons and entities who are subject to the terms of this injunction.

5. The defendants, Robert S. Minton, Jr., Lisa McPherson Trust, Inc., Jesse Prince, Grady Ward, Stacy Brooks, Jeff Jacobson, Patricia Greenway, Peter Alexander, Mark Bunker and Tory Bezazian, their officers, agents, servants, employees and those persons and entities in actual concert or participation with them who receive actual notice of this injunction, are permanently enjoined from making any loud and raucous noise such as, but not limited to yelling, shouting, whistling or singing (whether by natural or amplified voice), or by the employment of any mechanical device such as a horn, whistle, or other noisemaker that creates a loud and raucous noise that can be heard inside any of the Church properties that are listed in the schedule of properties that is Exhibit B to this order. A "loud and raucous noise" is any sound which because of its volume level, duration, and character, annoys, disturbs, injures or endangers the comfort, health, peace or safety of reasonable persons of ordinary sensibilities.

6. The defendants, Robert S. Minton, Jr., Lisa McPherson Trust, Inc., Jesse Prince, Grady Ward, Stacy Brooks, Jeff Jacobson, Patricia Greenway, Peter Alexander, Mark Bunker and Tory Bezazian, their officers, agents, servants, employees and those persons and entities in actual concert or participation with them who receive actual notice of this injunction, are

permanently enjoined from entering upon any of the Church properties that are listed in the schedule of properties that is Exhibit B to this order.

7. The defendants, Robert S. Minton, Jr., Lisa McPherson Trust, Inc., Jesse Prince, Grady Ward, Stacy Brooks, Jeff Jacobson, Patricia Greenway, Peter Alexander, Mark Bunker and Tory Bezazian, their officers, agents, servants, employees and those persons and entities in actual concert or participation with them who receive actual notice of this injunction, are permanently enjoined from committing any acts of harassment or violence against any member of the Church, including, without limitation, any UNSOLICITED physical, verbal or written contact with any Church staff or parishioner. Videotaping from a distance of more than 10 feet shall not be considered harassment.

8. A permanent injunction is entered against the Church and its officers, agents, employees and those persons and entities in actual concert or participation with it who receive actual notice of this injunction enjoining them from picketing, protesting, and/or demonstrating in the areas designated in **BLUE** on the diagram of the Lisa McPherson Trust, Inc. property. (See Exhibit A-2 attached hereto and incorporated into this order.)

9. The foregoing paragraph prohibits picketing, protesting, and/or demonstrating in areas designated in **BLUE** as well as in areas within ten feet of any entrance or exit actually used frequently on a daily basis to the Lisa McPherson Trust, Inc. property that is not expressly included in the prohibited zones designated in **BLUE**. As to all other areas in Pinellas County, Florida, the named plaintiff, and its officers, agents, servants, employees and those persons and entities in actual concert or participation with it who receive actual notice of this permanent injunction, are free to engage in lawful picketing, lawful protesting and lawful demonstrating. "Lawful" picketing means "not contrary to or forbidden by law", provided that all times while

picketing, protesting, and/or demonstrating, all persons bound by this injunction shall comply with the anti-noise provisions of this injunction.

10. The Church and its officers, agents, servants, employees and those persons and entities in actual concert or participation with it who receive actual notice of this injunction are permanently enjoined: (1) from coming within ten (10) feet of any defendant; (2) from blocking the path of any defendant or any motor vehicle of any defendant; and (3) from physically or by any other means inhibiting any defendant, any member of the general public, or any motor vehicle from entering or leaving any properties owned and/or operated by defendants.

11. The Church and its officers, agents, servants, employees and those persons and entities in actual concert or participation with it who receive actual notice of this injunction are permanently enjoined from making any loud and raucous noise such as, but not limited to, yelling, shouting, whistling or singing (whether by natural or amplified voice), or by the employment of any mechanical device such as a horn, whistle or other noisemaker that creates a loud and raucous noise that can be heard inside the Lisa McPherson Trust, Inc. property. A "loud and raucous noise" is any sound which because of its volume level, duration, and character, annoys, disturbs, injures or endangers the comfort, health, peace or safety of reasonable persons of ordinary sensibilities.

12. The Church and its officers, agents, servants employees and those persons and entities in actual concert or participation with it who receive actual notice of this injunction are permanently enjoined from entering upon the Lisa McPherson Trust, Inc. property.

13. The Church and its officers, agents, servants employees and those persons and entities in actual concert or participation with it who receive actual notice of this injunction are permanently enjoined from committing any acts of harassment or violence against any of the

defendants, including, without limitation, any UNSOLICITED physical, verbal or written contact with any defendant. Videotaping from a distance of more than 10 feet shall not be considered harassment.

14. The provisions in paragraphs 3 and 10 of this permanent injunction prohibiting certain persons from approaching within ten (10) feet of each other shall not apply during the course of depositions and court hearings in any litigation involving any of the parties or their counsel herein.

**15. Before a party engages in any acts of picketing, protesting, and/or demonstrating in designated ORANGE areas within the City of Clearwater against the other party, the party intending to picket, protest, and/or demonstrate will contact the Clearwater Police Department at least one hour in advance of the demonstration/event and inform the Clearwater Police Department of their/its intentions.**

16. This permanent injunction shall remain in full force and effect unless and until modified by further order of this court.

17. Any violation hereof shall constitute contempt of court, punishable by fine and/or imprisonment.

18. No bond shall be required for the issuance of this Permanent Injunction since the injunction is issued solely to prevent the physical injury, harassment, or abuse of natural persons.

19. This injunction is valid and enforceable in all counties of the State of Florida.

20. Any sworn law enforcement officer may assist in the execution or service of this injunction.

21. Any legal process or other paper required to be served upon any person concerning this permanent injunction shall be served by a duly certified independent process server chosen

from a list of such process servers MUTUALLY AGREED UPON by (1) counsel for the parties herein and (2) approved by the court. The list shall contain at least four individuals or agencies and all of them shall be available to serve process on behalf of all parties to this litigation. Any such process server shall be deemed to be an agent of the court and the interference by any person subject to the terms of this permanent injunction with the service of process or notice concerning the injunction or proceedings before the court, including without limitation, the purposeful obstruction of service, shall be punishable as a *per se* contempt of the court and a violation of this permanent injunction.

22. This Permanent Injunction shall become effective at 0000 hours on the 1<sup>st</sup> day of August 2001 and remain in full force and effect until further order of this Court. Temporary Injunction #2 and any amendments and orders applicable thereto shall terminate at 0000 hours on the 1<sup>st</sup> day of August 2001.

**DONE AND ORDERED** in Chambers at St. Petersburg, Pinellas County, Florida, this

27<sup>th</sup> day of July 2001 at ~~1400~~ <sup>1400</sup> hours.

*[Handwritten signature]*  
(red)

*[Handwritten signature]*  
CIRCUIT JUDGE

TRUE COPY  
Original Signed  
JUL 27 2001  
Thomas E. Penick, Jr.  
Circuit Judge

# **COMPOSITE EXHIBITS A-1 & A-2**

## **EXHIBIT A-1**

### **DIAGRAMS RE: CHURCH PROPERTIES**

1. Fort Harrison Hotel and New Pastoral Counseling Building
2. Merrill-Lynch Building and Burnside Property
3. Clearwater Building and Coachman Building
4. Westcoast Building and Annex Building
5. Sandcastle Buildings and Osceola Building
6. Mariner Building
7. Yachtsman Motel
8. Staff Accommodations (Tradewinds, Bayside, & Clipper)
9. Hacienda Gardens
10. Quality Inn

## **EXHIBIT A-2**

### **DIAGRAM RE: LISA McPHERSON TRUST, INC. PROPERTY**

### **NOTE**

Picketing, protesting, and/or demonstrating ALLOWED in areas designated in ORANGE.

# EXHIBIT A-1



# **EXHIBIT A-2**





# **EXHIBIT B**

**Real Property Owned And/Or Operated by  
the Church Of Scientology Flag Service  
Organization**

**REAL PROPERTY OWNED AND/OR OPERATED BY THE  
CHURCH OF SCIENTOLOGY FLAG SERVICE ORGANIZATION**

1. Fort Harrison Hotel, 210 South Ft. Harrison Avenue, Clearwater, FL;
2. New FLAG Building (under construction). Site of the former Graymoss Hotel in downtown Clearwater, Fl, Fort Harrison to the West, Pierce Street to the North, Garden Street to the East and Franklin Street to the South;
3. Sandcastle Building, 200 North Osceola Avenue, Clearwater, FL;
4. West Coast Building, 1118 North Ft. Harrison Avenue, Clearwater, FL;
5. Coachman Building, 500 Cleveland Street, Clearwater, FL
6. Clearwater Building, 503 Cleveland Street, Clearwater, FL:
7. Hacienda Gardens, 551 Saturn Avenue, Clearwater, FL;
8. Yachtsman, 1024 Cleveland Street, Clearwater, FL;
9. Quality Inn, 16432 U. S. Highway 19 North, Clearwater, FL;
10. Mariner Hotel, 711 Cleveland Street, Clearwater, FL;
11. Bayside Student Motels, 1840 North Ft. Harrison Avenue, Clearwater, FL;
12. Clipper Student Motel, 1850 North Ft. Harrison Avenue, Clearwater, F I.,
13. Tradewinds Student Motel, 1824 North Ft. Harrison Avenue, Clearwater, FL;
14. Osceola Inn block, 211 N. Osceola, Clearwater, FL;
15. Burnside Building, 309 Garden Street, Clearwater, FL;
16. Auxiliary Building, 109 North Ft. Harrison, Clearwater, FL;
17. Student College, 531 Franklin Street, Clearwater, FL;
18. Warehouse, 6995 Lakeview Road, Clearwater, FL;
19. Warehouse, 601 Grand Central Avenue, Clearwater, FL; and
20. Warehouse, 415 E. Street, Clearwater, FL