



IN THE CIRCUIT COURT FOR THE SIXTH JUDICIAL CIRCUIT  
IN AND FOR PINELLAS COUNTY, STATE OF FLORIDA  
GENERAL CIVIL DIVISION

ESTATE OF LISA MCPHERSON, by  
and through the personal Representative,  
DELL LIEBREICH,

Plaintiff,

Case No. 00-5682-CI-11  
Division 11

vs.

CHURCH OF SCIENTOLOGY FLAG  
SERVICE ORGANIZATION, JANIS  
JOHNSON, ALAIN KARTUZINSKI and  
DAVID HOUGHTON, D.D.S.,

Defendants.

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**FINDINGS OF FACT AND ORDER CONCERNING DISCOVERY  
FROM LISA MCPHERSON TRUST, INC.**

This cause came on to be considered by the Court at hearings on December 14, 2000 and December 21, 2000, pursuant to the Motion of the Church of Scientology Flag Service Organization to compel compliance with prior Orders of the Court and the plaintiff's motion for protective order. The Court has also considered the plaintiff's Motion to Strike Witnesses, which included witnesses about whom discovery was requested from LMT, Inc. Having heard argument of counsel for the parties and for third party witnesses Lisa McPherson Trust, Inc., Stacy Brooks and Robert Minton and being otherwise fully advised in the premises, the Court finds as follows:

LMT, Inc. was incorporated as a for-profit company by plaintiff's counsel,

Kennan Dandar, in 1999. (See Ex. A to Motion to Compel Deposition of the Lisa McPherson Trust, Inc.; for Sanctions and for a Finding of Contempt, filed October 27, 2000.) According to Mr. Minton's public Internet posting in February, 2000, LMT is to receive "the vast majority" of the hoped-for proceeds of this case (*id.*, Ex. B), in exchange for Minton paying the fees and expenses of this litigation. According to Mr. Minton's deposition testimony, this arrangement was worked out by Mr. Dandar and plaintiff Dell Liebreich. (*Id.*, Ex. C.)

Mr. Minton, the sole shareholder and Chairman of the Board of LMT, Inc., provides all funding for the company. (*Id.*, Ex. D.) LMT, Inc. also employs plaintiff's identified expert witness Jesse Prince, and consulting expert, Stacy Brooks, who has provided several affidavits filed by plaintiff herein. LMT, Inc. also possesses a video library of statements of Ms. Brooks, Mr. Minton, Mr. Prince and other persons. (*Id.*, Ex. K.)

On March 26, 2000, LMT, Inc. was subpoenaed to produce records relating to payments to witnesses, and records and video tapes depicting various witnesses. Mr. Dandar brought a motion for protective order to quash the deposition which was heard on April 7, 2000 by Judge Moody, who ordered that the deposition of LMT's corporate representative go forward, including production of documents and videos of witnesses. (*Id.*, Ex. E, Transcript of Proceedings, April 7, 2000, pp. 147-149.)

On April 10, 2000, plaintiff again moved to quash the deposition of LMT, Inc., which was again denied by Judge Moody, who ordered LMT, Inc. to, "produce a representative of the trust who can testify about any payments made to witnesses, any interviews of witnesses in this case, any documents that they may have about witnesses in this case." (*Id.*, Ex. F, Transcript of Proceedings, April 10, 2000 at 23-24.)

On April 24, 2000, LMT, Inc. produced an employee who apparently was not

competent to address such issues, and a further motion to compel was filed by the Church, and heard by Judge Moody on May 15, 2000. Judge Moody granted the Church's motion, and ruled, "They're entitled to find out what witnesses in this case have been paid by the Lisa McPherson Trust, if any, and if so, how much they've been paid, what witnesses are on video, a video statement about any of the issues in this case or about the issues of Scientology, and they're entitled to see those videos." (*Id.*, Ex. I, Transcript of Proceedings, May 15, 2000, p. 41.)

A written order issued on May 15<sup>th</sup>, required LMT, Inc. to produce "a person most knowledgeable to testify to the matters addressed in the Court's Ruling in open Court on April 10, 2000, and to produce all financial records regarding the payment to any person identified at any time as a witness in this case; and shall produce unedited videos in the possession, custody or control of Lisa McPherson Trust, Inc., of statements of any person identified presently as a witness in this case. The records shall be produced within 3 days of this Order." (*Id.*, Ex. J, May 15, 2000 Order.)

No further records were produced in compliance with this Court's Order and a further motion to compel was filed by the Church. At the hearing on July 18<sup>th</sup>, Judge Moody signed another Order (filed on July 19, 2000) requiring compliance with the May 15, 2000 production no later than August 1, 2000. (*Id.*, Ex. P, July 18, 2000 Order.)

Receiving no productions, the Church subsequently brought a further motion for compliance with Judge Moody's Orders, which this Court granted by order dated November 20, 2000, again requiring written confirmation of LMT, Inc.'s compliance with the Orders of May 15, 2000 and July 19, 2000. A statement was subsequently filed by Robert Minton as LMT, Inc.'s representative, purporting to comply with the Orders addressed above. The statement of compliance, however, equivocated with the clear language of the Orders of May 15<sup>th</sup>, July 19<sup>th</sup> and November 20<sup>th</sup>—indeed, no further

documents or tapes were produced at all – because his clients believed that Ms. Brooks, Mr. Minton, Grady Ward and Jeff Jacobsen are not legitimate “witnesses” in this case, that it should not be required to provide financial information relating to Jesse Prince after the date of Judge Moody’s original ruling, and that plaintiff had subsequently filed a new motion for protective order.

While plaintiff has argued that a work product privilege attaches to the ordered productions from LMT, Inc., the Court finds that no such privilege is applicable. LMT, Inc. is not an attorney nor is it employed by counsel. Thus, whether or not Stacy Brooks or Jesse Prince is a “trial consultant,” their relationship with LMT, Inc., is not subject to any work product privilege and no work product assertion has been made as to payments to Ward or Jacobsen. LMT, Inc.’s payments to Ms. Brooks, Mr. Prince, Mr. Jacobsen and Mr. Ward and its collection of statements of these persons and Mr. Minton are therefore not privileged.

LMT, Inc. also argues that the information sought is irrelevant. The scope of relevance under Florida law is broad, as defined in Rule 1.280, Florida Rules of Civil Procedure:

Parties may obtain discovery regarding any matter, not privileged, that is relevant to the subject matter of the pending action, whether it relates to the claim or defense of the party seeking discovery or the claim or defense of any other party, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of any discoverable matter. It is not ground for objection that the information sought will be inadmissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.

This standard is more than met in light of the admissions by Mr. Minton that LMT

Inc. is to receive proceeds from this case, LMT's employment of plaintiff's consultants, LMT's employment of plaintiff's disputed expert, and LMT's maintenance of a video library of statements of plaintiff's witnesses Prince and Brooks, among others.

Moreover, as to Ms. Brooks, plaintiff has filed and utilized several of her affidavits and declarations in support of positions it has taken in motion practice in this action. Plaintiff argues that since Ms. Brooks is a trial consultant and will not be testifying at trial as a fact witness, that payments to her by Mr. Minton or LMT, Inc. are no longer relevant. The Court finds this position to be inconsistent with the record and the scope of discovery under Florida law. A party may not rely upon evidence to prevail upon a position, and then not disclose payments to the witness or other information which might refute the witness' testimony.

Payments to witnesses by a third party also raise legal issues addressed in *Golden Door Jewelry Creations Inc. v. Lloyds Underwriters*, 865 F.Supp. 1516 (1994) and *Rentclub v. Transamerica Rental Finance Corp.*, 811 F.Supp. 651 (1992), both of which apply Florida law. Potential evidence going to the abuse of process defense also warrants a finding of relevance of the discovery sought. Finally, payments to witnesses, whether they be fact witnesses or expert witnesses, and statements of witnesses regarding the general subject matter of their testimony, are clearly relevant discovery.

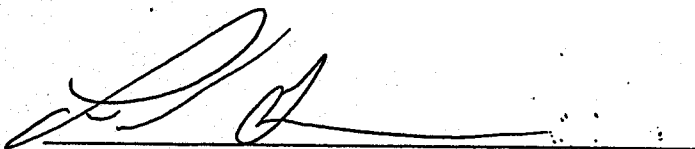
The Court finds that there is no justification for LMT, Inc.'s continued refusal to comply with the Court's Orders. It is therefore

ORDERED that LMT, Inc. is required to fully comply with the Court's Orders of May 15, 2000, July 19, 2000 and November 20, 2000. LMT, Inc. is also sanctioned in the reasonable amount of the Church's attorneys' fees in the filing of its Renewed Motion to Compel Lisa McPherson Trust, Inc. and for Contempt Against Robert Minton and LMT, Inc., And for Further Sanctions and for the time spent at the

hearing on such motion. Defendant is ordered to submit a proposed order and affidavit of counsel as to its reasonable fees.

This Order is stayed for 15 days to permit plaintiff and/or LMT, Inc. to seek appellate review.

Dated: January 10, 2001

A handwritten signature in black ink, appearing to read 'F. Quesada', is written over a horizontal line.

Hon. Frank Quesada

cc: All counsel of record





IN THE CIRCUIT COURT FOR THE SIXTH JUDICIAL CIRCUIT  
IN AND FOR PINELLAS COUNTY, FLORIDA  
CIVIL DIVISION

ESTATE OF LISA MCPHERSON, by  
and through the personal representative,  
DELL LIEBREICH,

Plaintiff,

vs.

CASE NO. 00-5682-CI-11

CHURCH OF SCIENTOLOGY FLAG  
SERVICE ORGANIZATION, JANIS  
JOHNSON, ALAIN KARTUZINSKI and  
DAVID HOUGHTON, D.D.S.,

Defendants.

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**ORDER ON FEES AND COSTS REGARDING  
DEPOSITION OF LISA MCPHERSON TRUST, INC.**

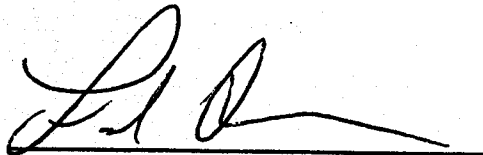
THIS CAUSE came before the Court on November 8, 2000 upon the Motion of Defendant Church of Scientology Flag Service Organization to Compel Deposition of the Lisa McPherson Trust, Inc., for Sanctions and for a Finding of Contempt. The Court reserved ruling on the sanctions to which Defendant was entitled in order to provide counsel to the Lisa McPherson Trust, Inc. ten days within which to contest the amount thereof.

After considering the papers filed, including the Response of Robert S. Minton Regarding Sanctions, and the Court having heard argument of counsel and being otherwise fully advised in the premises, it is hereby

ORDERED AND ADJUDGED that Defendant and its counsel, Moxon & Kobrin, are awarded \$337.50 reimbursement of Special Master fees, and \$6,605.00 in attorney fees.

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

8 day of December, 2000.

A handwritten signature in black ink, appearing to read 'F. Quesada', written over a horizontal line.

**FRANK QUESADA**  
**Circuit Judge**

Copies furnished to:

Counsel of record  
John Merrett, Counsel for Lisa McPherson Trust, Inc.



IN THE CIRCUIT COURT FOR THE SIXTH JUDICIAL CIRCUIT  
IN AND FOR PINELLAS COUNTY, STATE OF FLORIDA  
GENERAL CIVIL DIVISION

ESTATE OF LISA MCPHERSON, by  
and through the personal Representative,  
DELL LIEBREICH

Plaintiff,

Case No. 00-5682-CI-11  
Division 11

vs.

CHURCH OF SCIENTOLOGY FLAG  
SERVICE ORGANIZATION, JANIS  
JOHNSON, ALAIN KARTUZINSKI and  
DAVID HOUGHTON, D.D.S.,

Defendants.

*Neelam...*  
Kathleen F. DeBorja  
Clerk Circuit/COUNTY Court

01 FEB - 8 11 4:57

SEARCHED  
SERIALIZED  
INDEXED  
FILED

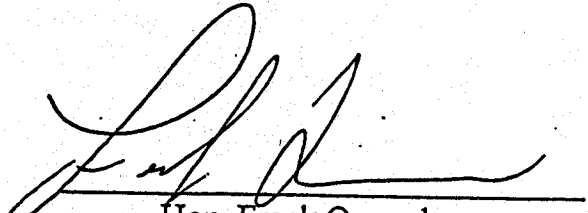
**SANCTIONS ORDER REGARDING DISCOVERY  
OF LISA MCPHERSON TRUST, INC.**

This cause came on to be considered by the Court at a hearing on December 7, 2000 and December 14, 2000, pursuant to the Motion of the Church of Scientology Flag Service Organization to compel compliance with prior Orders of the Court and the plaintiff's separate motion for protective order regarding the Lisa McPherson Trust, Inc. and its employees.

Pursuant to the Court's Findings of Fact and Order Concerning Discovery From Lisa McPherson Trust, Inc., entered on January 10, 2001, and the declaration of Church counsel Kendrick Moxon, concerning fees, Lisa McPherson Trust, Inc. is herewith sanctioned in the amount of \$900.00, representing defendant's reasonable fees in

preparing and arguing the matter.

*Feb 8*  
Dated: ~~January~~ \_\_, 2001



---

Hon. Frank Quesada

cc: Counsel of Record  
John Merrett, Counsel for Lisa McPherson Trust, Inc.



**MOXON & KOBRIN**

ATTORNEYS AT LAW  
1100 CLEVELAND STREET  
SUITE 900

CLEARWATER, FLORIDA 33755  
TELEPHONE: (727) 443-5620  
TELECOPIER: (727) 443-5640

OF COUNSEL

JEANNE M. GAVIGAN+

KENDRICK L. MOXON  
HELENA K. KOBRIN  
AVA PAQUETTE+

ADMITTED ONLY IN  
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DISTRICT OF COLUMBIA

ALSO ADMITTED IN  
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+ ADMITTED ONLY IN  
CALIFORNIA

3055 WILSHIRE BLVD.  
SUITE 900  
LOS ANGELES, CALIFORNIA 90010  
TELEPHONE (213) 487-4468  
TELECOPIER (213) 487-5385

July 30, 2001

VIA TELEFAX & U.S. MAIL

John Merrett  
2716 Herschel St.  
Jacksonville, FL 32205

*Re: Liebreich v. Church of Scientology Flag Service Organization*

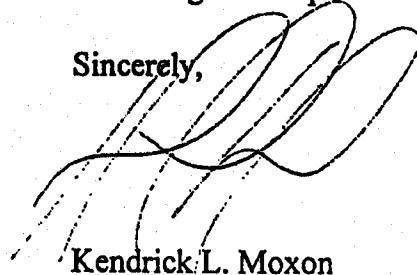
Dear Mr. Merrett:

By Letter dated July 16, 2001, I informed you that the Second DCA denied your petition for a writ or certiorari regarding discovery of Stacy Brooks, LMT, Inc. and Robert Minton, and granted my motion to lift the existing stay of discovery of these persons and entities.

I asked as a first matter, that you provide within one week the financial records, other documents and videos of LMT required by the prior court orders, which are now over a year overdue. Be sure when the financial information is disclosed, that it includes all payments to the present.

Absent compliance with the Court's Orders regarding the LMT document production by August 1, 2001, I will file a motion seeking contempt and further fees.

Sincerely,



Kendrick L. Moxon

**MOXON & KOBRIN**

ATTORNEYS AT LAW  
1100 CLEVELAND STREET  
SUITE 900  
CLEARWATER, FLORIDA 33755  
TELEPHONE: (727) 443-5620  
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TELEPHONE (213) 487-4468  
TELECOPIER (213) 487-5385

July 30, 2001

VIA TELEFAX & U.S. MAIL

John Merrett, Esq.  
11250 St. Augustine Road, Suite 15-393  
Jacksonville, FL 32257

Kennan Dandar  
Dandar & Dandar, P.A.  
5340 W. Kennedy Blvd., Suite 201  
Tampa, Florida 33602

*Re: Liebreich v. Church of Scientology Flag Service Organization*

Gentlemen:

As you know, I have been attempting for some great time to complete the depositions of Robert Minton and LMT, Inc. The Court of appeals has now rejected your writ and the outstanding orders requiring their depositions are long overdue. Co-counsel communicated with Judge Beach to learn his availability, and found he was unavailable until the last week of August, except for August 13-15. I wrote to each of you seeking convenient dates, and indicating that Mr. Dandar already indicated his availability for August 13<sup>th</sup> and 15<sup>th</sup> – two of the few days in the next several months he is apparently available. Co-counsel arranged for Judge Beach to be present at these times – also two of the few days of his availability. Mr. Merrett's office then asserted that Mr. Dandar had changed his mind regarding being available on those days, so Mr. Merrett offered dates far into the future, and ignored the dates offered.

This is an unfortunate pattern of whipsaw and delay which previously subjected the witnesses and their counsel to sanctions. Mr. Dandar's reasons indicate he actually *is available*, and we have accordingly rearranged the schedule of other depositions so



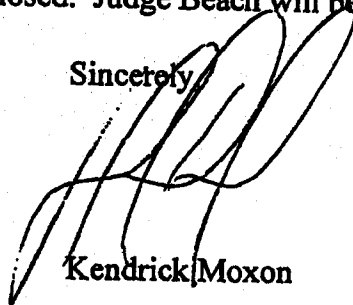
July 30, 2001  
Page 2

that he will be freed up at these times. As Mr. Minton is not employed and has not objected to the dates we offered long ago, we must assume he is available and require his presence at that time.

I am accordingly noticing the deposition of Mr. Minton for August 13<sup>th</sup> at 9:30, a.m. at Mr. Pope's office in Clearwater. The LMT deposition will begin at 1:00 p.m. on the 15<sup>th</sup> in light of the expert deposition of Dr. Ramirez scheduled for the morning of that day.

Notices of these depositions are enclosed. Judge Beach will be present.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kendrick Moxon', written over the word 'Sincerely,'.

Kendrick Moxon

cc: Counsel of record

**MOXON & KOBRIN**

ATTORNEYS AT LAW  
1100 CLEVELAND STREET  
SUITE 900

CLEARWATER, FLORIDA 33755  
TELEPHONE: (727) 443-5620  
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ADMITTED ONLY IN  
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CALIFORNIA

+ADMITTED ONLY IN  
CALIFORNIA

August 7, 2001

VIA TELEFAX & U.S. MAIL

John Merrett  
11250 Old St. Augustine Road  
Apt. 15-393  
Jacksonville, FL 32257-1147

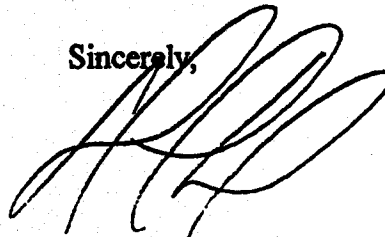
Re: *Liebreich v. Church of Scientology Flag Service Organization*

Dear Mr. Merrett:

On July 16 and July 30, I wrote to you asking for compliance from LMT, Inc. with the document production orders from last year. On August 1<sup>st</sup>, you wrote stating you would respond as soon as you were able to speak with your clients. Nevertheless, you have failed to make the required productions.

Absent production in the next two days, I will have no choice but to file a new motion for contempt and for coercive sanctions such as an escalating fine or incarceration of LMT's President until such time as the order is fully complied with. I urge you to simply comply with the Court's Orders and not risk these drastic remedies.

Sincerely,



Kendrick L. Moxon

Aug 07 01 01:15p

P.1

THE LISA MCPHERSON TRUST  
33 NORTH FORT HARRISON AVE.  
CLEARWATER, FL 33755  
TEL: 727-467-9335 FAX: 727-467-9345

FACSIMILE TRANSMITTAL SHEET

TO: Mr. Kendrick Moxon FROM: John Merrett.  
COMPANY: \_\_\_\_\_ DATE: 8-7-01  
FAX NUMBER: 727-443-5640 TOTAL NO. OF PAGES INCLUDING COVER: 2  
RE: \_\_\_\_\_

URGENT  FOR REVIEW  PLEASE COMMENT  PLEASE REPLY  PLEASE RECYCLE

NOTES/COMMENTS:

MEMO

To: Kendrick Moxon

From: John Merrett

August 7, 2001

Dear Mr. Moxon,

As you know, the McPherson death case has generated bales of paper. Please fax to the LMT the specific production lists in question, including those directed to Ms. Brooks and Mr. Minton. The fax number is 727-467-9345.

Thank you very much.

**MOXON & KOBRIN**

ATTORNEYS AT LAW  
1100 CLEVELAND STREET  
SUITE 900

CLEARWATER, FLORIDA 33755  
TELEPHONE: (727) 443-5620  
TELECOPIER: (727) 443-5640

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ADMITTED ONLY IN  
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ALSO ADMITTED IN  
CALIFORNIA

+ADMITTED ONLY IN  
CALIFORNIA

August 7, 2001

VIA TELEFAX & U.S. MAIL

John Merrett  
11250 Old St. Augustine Road  
Apt. 15-393  
Jacksonville, FL 32257-1147

Re: *Liebreich v. Church of Scientology Flag Service Organization*

Dear Mr. Merrett:

I am in receipt of your letter of today in which you profess not to know the scope of the various orders to LMT, Inc. to produce records. These several orders over the past year, in which you as well as your clients were sanctioned and you often litigated, can hardly not be known to you. Thus, your delay of production after 3 more weeks of procrastination is transparent.

As I indicated earlier, absent production in the next two days, I will have no choice but to file a new motion for contempt and for coercive sanctions. Again, I urge you to simply comply with the Court's Orders and stop the obstruction so we need not continue to bother the Court with motion practice.

However, to eliminate your apparent argument of claimed ignorance over which so many orders have already issued, I here provide further copies of the orders at issue. I am not including the various transcripts of hearings when you and LMT's former counsel, Kennan Dandar, were ordered by Judge Moody and Judge Quesada to comply with the orders and make the productions.

To assist you, as a summary, LMT, Inc. is to produce:

1. All financial records regarding payments to any of the witnesses in this case.

August 7, 2001

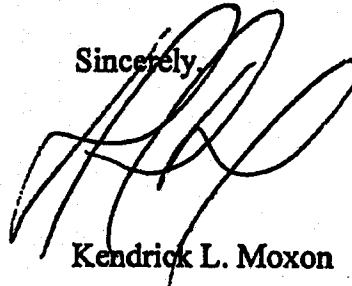
Page 2

This includes, *inter alia*, Prince, Summers, Brooks, Caberta, Jacobsen, Armstrong, Liebreich, Lorenzen, Vaughn Young, Alexander, Keller, Minton and Ward. Each of them have already testified as a witness in this case and are listed in the witness lists of the parties. "All financial records" means "all." "All" includes all canceled checks, bank statements reflecting payments, payroll sheets, payroll instructions to any payroll company, contracts regarding pay, reimbursements, payments on behalf of any of these persons, expenses paid for or on behalf of any of these persons, money invoiced or deposited for payments to any of these persons.

2. All audio and video tapes or CDs and other digital recordings out of LMT's computers depicting any of the witnesses in this case, including *inter alia*, Prince, Summers, Brooks, Jacobsen, Armstrong, Caberta, Keller, Liebreich, Lorenzen, Vaughn Young, Alexander, Minton and Ward.

3. All documents relating to statements by or regarding any of the witnesses in this case, including, *inter alia*, Prince, Summers, Lorenzen, Keller, Vaughn Young, Brooks, Jacobsen, Armstrong, Caberta, Liebreich, Alexander, Minton and Ward.

Sincerely,

A handwritten signature in black ink, appearing to be 'Kendrick L. Moxon', written over the typed name.

Kendrick L. Moxon

KLM:jj

Enclosures



727-467-9835 OK per Stacy Beach

The Lisa McPherson Trust, Inc.  
33 N. Ft. Harrison  
Clearwater, Florida 33758

NationsBank No. 0010001

Payee ID: 10290 DATE: 12/31/99 AMOUNT: \*\*\*\*\$3941.04

Pay: \*\*\*THREE THOUSAND NINE HUNDRED FORTY-ONE DOLLARS AND 01 CENTS

PAY TO THE ORDER OF: Mark R. Bunker  
765 Bruce Avenue  
Clearwater Beach, FL 33767

*David C. [Signature]*

⑈000394104⑈

The Lisa McPherson Trust, Inc.  
33 N. Ft. Harrison  
Clearwater, Florida 33758

NationsBank No. 0010006

Payee ID: 10290 DATE: 01/14/00 AMOUNT: \*\*\*\*\$1841.50

Pay: \*\*\*ONE THOUSAND EIGHT HUNDRED FORTY-ONE DOLLARS AND 50 CENTS

PAY TO THE ORDER OF: Mark R. Bunker  
765 Bruce Avenue  
Clearwater Beach, FL 33767

*David C. [Signature]*

⑈0000184150⑈

The Lisa McPherson Trust, Inc.  
33 N. Ft. Harrison  
Clearwater, Florida 33758

NationsBank No. 0010011

Payee ID: 10290 DATE: 01/31/00 AMOUNT: \*\*\*\*\$1712.06

Pay: \*\*\*ONE THOUSAND SEVEN HUNDRED TWELVE DOLLARS AND 06 CENTS

PAY TO THE ORDER OF: Mark R. Bunker  
765 Bruce Avenue  
Clearwater Beach, FL 33767

*David C. [Signature]*

⑈0000171206⑈

The Lisa McPherson Trust, Inc.  
33 N. Ft. Harrison  
Clearwater, Florida 33758

NationsBank No. 0010016

Payee ID: 10290 DATE: 02/15/00 AMOUNT: \*\*\*\*\$3683.00

Pay: \*\*\*THREE THOUSAND SIX HUNDRED EIGHTY-THREE DOLLARS AND NO CENTS

PAY TO THE ORDER OF: Mark R. Bunker  
765 Bruce Avenue  
Clearwater Beach, FL 33767

*David C. [Signature]*

⑈0000368300⑈

DEFENDANT'S EXHIBIT  
7  
8-5-01





IN THE CIRCUIT COURT IN AND FOR  
PINELLAS COUNTY, FLORIDA

-----X  
RICHARD W. HOWD, JR., :  
 :  
 Petitioner, :  
 :  
 vs. :  
 :  
 ROBERT S. MINTON, JR., :  
 :  
 Respondent. :  
-----X

**COPY**

CASE NO. 99-7430-CI-08

BEFORE: The Honorable Thomas E. Penick  
Circuit Judge

PLACE: Pinellas County Courthouse  
St. Petersburg, Florida

DATE: June 28, 2000

TIME: 2:20 p.m. - 5:30 p.m.

REPORTED BY: Susan M. Valsecchi, RPR  
Registered Professional Reporter  
Official Court Reporter  
Sixth Judicial Circuit

-----  
HEARING  
-----

Pages 1 - 79 (Excluding Index.)

ROBERT A. DEMPSTER & ASSOCIATES  
OFFICIAL COURT REPORTERS  
P.O. BOX 35  
CLEARWATER, FLORIDA 34617-0035  
(727) 443-0992

1 THE COURT: Yes, you may.

2 MARK BUNKER, called as a witness, having been  
3 duly sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MR. MERRETT:

6 Q. Would you state your name, please.

7 A. Mark Bunker.

8 Q. Where are you employed, Mr. Bunker?

9 A. The Lisa McPherson Trust.

10 Q. And what is your title and position with the  
11 trust?

12 A. I'm the producer of LMT Media.

13 Q. And what is LMT Media?

14 A. It's the multimedia division of the Lisa McPherson  
15 Trust, produce videos for the web.

16 Q. And are you the person to whom I referred to that  
17 brought a video camera into the courtroom?

18 A. Yes.

19 Q. And is that video camera, for all practical  
20 purposes, silent?

21 A. Yes.

22 Q. What is your intended use of the videotape if you  
23 would tape today permitted by the Court?

24 A. To do a report about the hearing today.

25 Q. And how do you make your report?

1           A.    Shoot interviews with people, shoot footage, go  
2 back and edit that footage into a brief summary, much like  
3 a newscast, a little bit longer.

4           Q.    And how is that published?

5           A.    It's then put up on the internet for folks to  
6 watch.

7           Q.    And is that news report available to the public at  
8 large simply by accessing the web site where the video is  
9 stored?

10          A.    Yes.

11                   MR. MERRETT:  I don't have anything further,  
12 Your Honor.

13                   THE COURT:  Mr. Pope, you can inquire, sir.

14                                   CROSS-EXAMINATION

15 BY MR. POPE:

16           Q.    Mr. Bunker, if I leave this premises today and go  
17 back and type up a report and put it on the internet, am I  
18 a member of the press?

19           A.    I don't think that I have an answer for that.  I  
20 don't know.

21                   MR. POPE:  Thank you.  I don't have anymore  
22 questions.

23                   THE COURT:  Anything else?

24                   MR. MERRETT:  No, Your Honor.

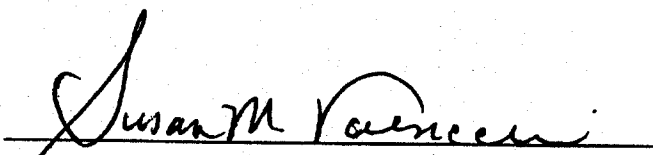
25                   THE COURT:  You may step down.  Have a seat

## 1 CERTIFICATE OF REPORTER

2  
3 STATE OF FLORIDA )

4 )

5 COUNTY OF PINELLAS )

6 I, Susan M. Valsecchi, Registered Professional  
7 Reporter, in and for the Sixth Judicial Circuit, State of  
8 Florida:9 DO HEREBY CERTIFY that I was authorized to and  
10 did stenographically report the foregoing proceedings and  
11 that the transcript is a true and complete record of my  
12 stenographic notes.13 DATED this 30th day of June, 2000, at  
14 Clearwater, Pinellas County, Florida.15  
16  
17 

18 Susan M. Valsecchi, RPR

19 Registered Professional Reporter  
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IN THE CIRCUIT COURT FOR PINELLAS COUNTY, FLORIDA

CASE NO. 00-5682-CI-11

DELL LIEBREICH, as Personal  
Representative of the ESTATE OF  
LISA McPHERSON,

Plaintiff,

vs.

CHURCH OF SCIENTOLOGY FLAG  
SERVICE ORGANIZATION, JANIS  
JOHNSON, ALAIN KARTUZINSKI  
and DAVID HOUGHTON, D.D.S.,

Defendants.

---

DEPOSITION OF: STACY BROOKS.  
DATE: August 15, 2001, 1:35 p.m.  
PLACE: JOHNSON, BLAKELY  
100 North Tampa Street  
Suite 1800  
Tampa, FL 33602.  
BEFORE: Hon. Robert E. Beach  
Senior Circuit Judge.  
REPORTED BY: Donna M. Kanabay RMR, CRR,  
Notary Public,  
State of Florida at large.

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APPEARANCES:

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MR. JOHN MERRETT  
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Attorney for Lisa McPherson Trust.

ALSO PRESENT:

Michael G. Garko, PhD,  
Ms. Lara Cartwright,  
Ms. Sara Heller



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(Formalities for videotape; not reported.)

STACY BROOKS,

the deponent herein, being first duly sworn, was examined and testified as follows:

THE COURT: Bob Beach, senior judge presiding.

And for the benefit of the attorney for the witness who has not been before me, there are four reasons to object and instruct the witness not to answer the question: Work product, trade secret, self-incrimination, and confidential communication between the client and the lawyer. And those are the ones that I'll consider.

MR. MERRETT: There are other privileges which are likely to be implicated --

THE COURT: Well --

MR. MOXON: -- in a question.

THE COURT: Any kind of a privilege that might --

Go ahead.

MR. MOXON: For the record, we've been waiting since 1:00 for the deposition to begin, which is when it was scheduled.

MR. MERRETT: Okay. And since we're being twitsed (phonetic), for the record, this deposition is being held in Hillsborough County. The witness resides and

1:28:46 PM 1  
1:28:46 PM 2  
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1:38:18 PM 24  
38:21 PM 25

transacts all her business in Pinellas County. She is in this county, either 20 or 25 mile (sic) removed, on short notice, as a courtesy to counsel and the other parties involved.

Now we can proceed with the deposition.

MR. MOXON: That's right. This is a courtesy --

THE COURT: All right. You'll address all objections to me. There'll be no twitting. In other words, I don't want any sarcasm today passing between the attorneys. You're here to take a discovery deposition. You're to act professionally. If I feel you're not, then I'll take measures.

DIRECT EXAMINATION

BY MR. MOXON:

Q Ms. Brooks, you're here as the representative of Lisa McPherson Trust, Incorporated?

A Yes.

Q You were instructed on April 10th, 2000 by Judge Moody -- that is, LMT was instructed to produce tape recordings of various materials -- that is, any statements with respect to any witnesses, any person of a witness, anyone who is a witness in this case. And he said in particular, produce a representative of the trust who can testify about any payments made to witnesses, any interviews

1:47:07 PM 1 is response to the court order, but laid out in the  
1:47:13 PM 2 categories that I think you laid them out in the latest  
1:47:20 PM 3 subpoena.

1:47:21 PM 4 Q Okay.

1:47:22 PM 5 A So --

1:47:22 PM 6 Q Give them to me, if you would, please.

1:47:26 PM 7 A They're not labeled what they are, though, so I  
1:47:28 PM 8 might have to explain them to you.

1:47:36 PM 9 THE COURT: Well, I think it's best, for the  
1:47:39 PM 10 record, to describe each and every document which you have  
1:47:42 PM 11 brought in compliance with that particular provision of that  
1:47:46 PM 12 order, so it'll be clear.

1:47:47 PM 13 MR. DANDAR: Also I think it's a good idea to  
1:47:49 PM 14 mark each and every document.

1:47:51 PM 15 THE COURT: Right.

1:47:51 PM 16 THE DEPONENT: Yes, sir.

1:47:52 PM 17 MR. MOXON: Great. I think that's a good  
1:47:54 PM 18 idea.

1:48:00 PM 19 A Well --

1:48:00 PM 20 BY MR. MOXON:

1:48:00 PM 21 Q So first, "All financial records regarding the  
1:48:06 PM 22 payment to any person identified at any time as a witness in  
1:48:10 PM 23 this case."

1:48:11 PM 24 A Okay. Well, I mean, this whole thing is  
1:48:13 PM 25 responsive to that --

8:09:13 AM 1 Q Okay.

1:48:15 PM 2 A -- but --

1:48:16 PM 3 Q Why don't you identify that for the record and  
1:48:18 PM 4 we'll mark it as an exhibit.

1:48:19 PM 5 THE COURT: Each separate document. Identify  
1:48:21 PM 6 it for us --

1:48:22 PM 7 THE DEPONENT: Yes, sir.

1:48:22 PM 8 THE COURT: -- by date and description of the  
1:48:24 PM 9 document.

1:48:25 PM 10 THE DEPONENT: Okay. Well --

1:48:27 PM 11 MR. MERRETT: All you need to do is look at  
1:48:29 PM 12 what's in your hand and tell us what it is --

1:48:31 PM 13 THE DEPONENT: Okay.

1:48:31 PM 14 MR. MERRETT: -- and then go through the  
1:48:33 PM 15 stack that way.

1:48:36 PM 16 THE DEPONENT: These are paychecks to Jeff  
1:48:46 PM 17 Jacobsen.

1:48:47 PM 18 MR. MOXON: We'll mark that as Exhibit 2.  
1:48:50 PM 19 (Defendant's Exhibit Number 2 marked for identification.)

1:48:57 PM 20 THE DEPONENT: These are paychecks to Grady  
1:48:59 PM 21 Ward.

1:49:01 PM 22 MR. MOXON: Mark that as Exhibit 3.

1:49:03 PM 23 (Defendant's Exhibit Number 3 marked for identification.)

1:49:03 PM 24 THE DEPONENT: Paychecks to Teresa Summers.

1:49:11 PM 25 MR. MOXON: Mark that as Exhibit 4.

1:49:16 PM 1

(Defendant's Exhibit Number 4 marked for identification.)

1:49:20 PM 2

THE DEPONENT: Paychecks to Jesse Prince.

1:49:29 PM 3

MR. MOXON: Mark that as Exhibit 5.

1:49:31 PM 4

(Defendant's Exhibit Number 5 marked for identification.)

1:49:33 PM 5

THE DEPONENT: Paychecks to Stacy Brooks.

1:49:39 PM 6

MR. MOXON: Mark that as Exhibit 6.

1:49:40 PM 7

(Defendant's Exhibit Number 6 marked for identification.)

1:49:41 PM 8

THE DEPONENT: Paychecks to Mark Bunker.

1:49:43 PM 9

MR. MOXON: That'll be Exhibit 7.

1:49:48 PM 10

(Defendant's Exhibit Number 7 marked for identification.)

1:49:50 PM 11

THE DEPONENT: And these are checks that have

1:49:57 PM 12

been written to Jesse Prince or Stacy Brooks or Mark Bunker

50:06 PM 13

or Grady Ward or Jeff Jacobsen from the LMT.

1:50:13 PM 14

MR. MOXON: Which are not paychecks?

1:50:15 PM 15

THE DEPONENT: Right. Which are not

1:50:17 PM 16

paychecks.

1:50:18 PM 17

MR. MOXON: Mark that as Exhibit 8.

1:50:20 PM 18

(Defendant's Exhibit Number 8 marked for identification.)

1:50:24 PM 19

THE DEPONENT: These are payroll records.

1:50:35 PM 20

MR. MOXON: That will be marked as Exhibit 9.

1:50:37 PM 21

(Defendant's Exhibit Number 9 marked for identification.)

1:50:37 PM 22

THE DEPONENT: These are payments to Denis

1:50:44 PM 23

DeVlaming for Jesse Prince's criminal case.

1:50:54 PM 24

MR. MOXON: That'll be marked as Exhibit 10.

50:56 PM 25

(Defendant's Exhibit Number 10 marked for identification.)

1:50:56 PM 1 THE DEPONENT: And these are payments to Bob  
1:50:59 PM 2 Minton from the LMT.

1:51:00 PM 3 MR. MOXON: Be marked as Exhibit 11.

1:51:05 PM 4 (Defendant's Exhibit Number 11 marked for identification.)

1:51:29 PM 5 BY MR. MOXON:

1:51:29 PM 6 Q Now, is what you've just given me -- do you  
1:51:32 PM 7 represent this to be the full and complete compliance with  
1:51:35 PM 8 the court's order to produce all financial records regarding  
1:51:37 PM 9 the payment to any person identified at any time to (sic) a  
1:51:40 PM 10 witness in this case?

1:51:40 PM 11 A Yes.

1:51:41 PM 12 Q You represent there are no checks, no amounts of  
1:51:46 PM 13 money that were given to any other person who was ever  
1:51:51 PM 14 identified as a witness in this case?

1:51:52 PM 15 A That's correct.

1:51:53 PM 16 Q What you've marked as Exhibit 11 are two checks to  
1:52:07 PM 17 Robert Minton, one in the amount of \$200,000 and one in the  
1:52:10 PM 18 amount of \$150,000?

1:52:12 PM 19 A Yes.

1:52:13 PM 20 Q Is that a payroll to Mr. Minton?

1:52:16 PM 21 A No.

1:52:16 PM 22 Q What is it?

1:52:17 PM 23 A It's a loan repayment.

1:52:18 PM 24 Q Mr. Minton loaned \$350,000 to the corporation?

52:24 PM 25 A More than that.

1:52:27 PM 1 Q How much did Mr. Minton loan to the corporation?

1:52:29 PM 2 A That represents \$650,000.

1:52:33 PM 3 The -- the second piece of paper is a -- it's a  
1:52:35 PM 4 record -- it's a bank record of a transfer to him. So the  
1:52:46 PM 5 total is \$650,000.

1:52:48 PM 6 Q All right. Mr. Minton loaned \$650,000 to LMT?

1:52:53 PM 7 A Yes.

1:52:53 PM 8 Q Is Mr. Minton repaid that money out of funds that  
1:52:56 PM 9 he gave to the company?

1:52:58 PM 10 A No.

1:52:58 PM 11 Q What is the source of the funds for which  
1:53:00 PM 12 Mr. Minton was paid the \$600,000?

1:53:03 PM 13 A I don't believe I'm required to answer that within  
1:53:05 PM 14 the scope of the deposition. I'm required to answer  
1:53:08 PM 15 payments to witnesses, but I'm not required to tell you  
1:53:13 PM 16 where we got our money.

1:53:14 PM 17 Q What was the source of the funds from which this  
1:53:17 PM 18 money was given to Mr. Minton?

1:53:19 PM 19 A As I said, I don't believe I'm required to answer  
1:53:22 PM 20 that question. I don't believe it's part of the court order  
1:53:26 PM 21 covered in this deposition.

1:53:30 PM 22 MR. MOXON: Judge Beach, there's a  
1:53:31 PM 23 counterclaim in this -- in addition to all the -- the issues  
1:53:34 PM 24 with respect to payments to witnesses, there's also the  
1:53:36 PM 25 issue of -- in the counterclaim that Mr. Minton and --



1:53:42 PM 1 through the -- and the LMT itself are controlling this  
1:53:45 PM 2 litigation and making payments to witnesses. The issue of  
1:53:48 PM 3 who has invested in LMT, who the investors are in this case,  
1:53:53 PM 4 is a central issue to the counterclaim, a central issue to  
1:53:56 PM 5 all these matters that we've raised here. It's certainly  
1:54:00 PM 6 not privileged as to the persons that make investments in a  
1:54:03 PM 7 for-profit corporation.

1:54:04 PM 8 THE COURT: As I understand your question, it  
1:54:05 PM 9 was, what were the source of the funds to Mr. Minton?

1:54:08 PM 10 MR. MOXON: What were the source of the funds  
1:54:10 PM 11 from which this \$600,000 was paid to Mr. Minton.

1:54:15 PM 12 THE COURT: Okay. Want to be heard on it?

1:54:18 PM 13 MR. MERRETT: Neither Mr. Minton nor the LMT  
1:54:21 PM 14 has been named as a party in that --

1:54:25 PM 15 The purpose of this is investigation of the  
1:54:27 PM 16 activities of the LMT because the LMT is opposed generally  
1:54:30 PM 17 to what Scientology does. The information is privileged  
1:54:36 PM 18 under the NAACP case, under First Amendment and  
1:54:41 PM 19 associational privilege. This is a private business which  
1:54:46 PM 20 is not itself a witness or a party to the case. And what  
1:54:49 PM 21 they're seeking is financial disclosure of its sources of  
1:54:52 PM 22 income. They've already disclosed payments going out to  
1:54:56 PM 23 people who are alleged to be witnesses in the case, which is  
1:55:03 PM 24 potentially relevant.

1:55:04 PM 25 But sources of income of a nonparty corporation

1:55:07 PM 1 are -- are -- they're beyond the scope of what we're here  
1:55:11 PM 2 for, which is to comply with that court order regarding  
1:55:13 PM 3 payments to witnesses.

1:55:16 PM 4 THE COURT: Well, I think this:

1:55:17 PM 5 First of all, I'm not sure there is a privilege.  
1:55:18 PM 6 But secondly, even though you're not a party, once you  
1:55:22 PM 7 insert yourself into the activity of a lawsuit, such as you  
1:55:25 PM 8 have in this case, then I think they're entitled to know the  
1:55:29 PM 9 relevancy of all your activity in the case.

1:55:32 PM 10 MR. MERRETT: You know, I'm curious to know  
1:55:33 PM 11 where the conclusion that we've been inserted in the lawsuit  
1:55:36 PM 12 comes from.

1:55:37 PM 13 THE COURT: Well, if you're --

1:55:37 PM 14 MR. MERRETT: I mean, we've been subpoenaed  
1:55:38 PM 15 15 times --

1:55:39 PM 16 THE COURT: If you -- if you are financing  
1:55:40 PM 17 people who are witnesses in the case, then you're involved  
1:55:43 PM 18 in the case.

1:55:43 PM 19 MR. MERRETT: They are employees for other  
1:55:45 PM 20 purposes. And that's been disclosed. They work for the LMT  
1:55:49 PM 21 on a day-to-day basis. And that's been disclosed.

1:55:52 PM 22 THE COURT: In this case.

1:55:55 PM 23 MR. MERRETT: No.

1:55:55 PM 24 THE COURT: They're not involved in this case  
1:55:58 PM 25 whatsoever. They're not going to testify in this case.

1:55:59 PM 1

MR. MERRETT: They have been listed in this

1:56:01 PM 2

case simply so that Scientology -- with the exception, I

1:56:04 PM 3

think, of Jesse Prince, who is an expert witness and is the

1:56:06 PM 4

vice-president -- they've been listed solely for the purpose

1:56:09 PM 5

of probing their financial affairs. None of these people

1:56:11 PM 6

know anything about this girl's death; none of these people

1:56:13 PM 7

have any --

1:56:14 PM 8

THE COURT: If she --

1:56:14 PM 9

MR. MERRETT: -- control over the --

1:56:14 PM 10

THE COURT: -- had not died --

1:56:16 PM 11

MR. MERRETT: -- lawsuit.

1:56:16 PM 12

THE COURT: -- this trust would not be here,

1:56:17 PM 13

is that correct?

1:56:18 PM 14

THE DEPONENT: That's incorrect, sir.

1:56:19 PM 15

THE COURT: It was set up before she passed

1:56:21 PM 16

away?

1:56:21 PM 17

THE DEPONENT: No, sir. But the name -- the

1:56:22 PM 18

reason that it's named the Lisa McPherson Trust is because

1:56:26 PM 19

she has become an international symbol of the kinds of

1:56:30 PM 20

concerns that people have about Scientology. However, if

1:56:34 PM 21

she had not died, it would have been set up and would have

1:56:36 PM 22

been named something else.

1:56:38 PM 23

The Lisa McPherson Trust is not in fact related to

1:56:40 PM 24

this Lisa McPherson lawsuit in any way.

1:56:43 PM 25

THE COURT: There's no money from this trust

1:56:45 PM 1 going into this suit, directly or --

1:56:47 PM 2 THE DEPONENT: No, sir.

1:56:47 PM 3 THE COURT: -- indirectly.

1:56:48 PM 4 THE DEPONENT: No, sir. Not at all.

1:56:49 PM 5 MR. DANDAR: That's -- that's correct, sir.

1:56:49 PM 6 THE COURT: For the maintenance of any  
1:56:51 PM 7 witnesses.

1:56:51 PM 8 THE DEPONENT: No, sir.

1:56:52 PM 9 THE COURT: For the payment of any costs of  
1:56:53 PM 10 witnesses.

1:56:54 PM 11 THE DEPONENT: No, sir.

1:56:54 PM 12 THE COURT: For witness fees.

1:56:55 PM 13 THE DEPONENT: No.

1:56:56 PM 14 THE COURT: Or investigation.

1:56:57 PM 15 THE DEPONENT: No.

1:56:57 PM 16 THE COURT: Or videos.

1:56:58 PM 17 THE DEPONENT: No. Not at all.

1:56:58 PM 18 THE COURT: Or statements.

1:57:00 PM 19 THE DEPONENT: No, sir.

1:57:00 PM 20 THE COURT: Nothing.

1:57:01 PM 21 THE DEPONENT: Nothing. Really and truly,  
1:57:02 PM 22 the Lisa McPherson Trust has nothing to do with the Lisa  
1:57:06 PM 23 McPherson --

1:57:06 PM 24 THE COURT: What is --

1:57:06 PM 25 THE DEPONENT: -- lawsuit.

1:57:07 PM 1

THE COURT: -- the purpose of the trust?

1:57:09 PM 2

THE DEPONENT: To expose the deceptive and

1:57:12 PM 3

abusive practices of Scientology and to help people who have

1:57:15 PM 4

been abused -- who have been victimized by it.

1:57:21 PM 5

THE COURT: And what is the purpose of naming

1:57:23 PM 6

it after Lisa McPherson?

1:57:24 PM 7

THE DEPONENT: As I said, Lisa McPherson

1:57:27 PM 8

became a symbol internationally of the kinds of concerns

1:57:31 PM 9

people have about Scientology's conduct. If Lisa McPherson

1:57:38 PM 10

hadn't died, the Lisa McPherson Trust would have another

1:57:42 PM 11

name, but it would continue to -- I mean, it would have

1:57:44 PM 12

existed regardless of what happened to Lisa McPherson.

1:57:50 PM 13

THE COURT: Okay. Either of you want to

1:57:51 PM 14

respond to that?

1:57:52 PM 15

MR. MOXON: Yes, your Honor.

1:57:53 PM 16

The -- Judge Quesada has addressed these issues at

1:57:58 PM 17

great length. I don't know if you saw the memorandum of

1:58:00 PM 18

opinions from Judge Quesada --

1:58:02 PM 19

THE COURT: I've read all the orders that

1:58:03 PM 20

were given to me.

1:58:05 PM 21

MR. MOXON: The three opinions on

1:58:06 PM 22

January 10th went through in some detail the history of our

1:58:10 PM 23

attempts to get this sort of information over the past year

1:58:12 PM 24

and a half, and the three -- actually, four orders from

1:58:14 PM 25

Judge Quesada, including substantial sanctions against Lisa

1:58:18 PM 1 McPherson Trust for failing to respond to the discovery and  
1:58:21 PM 2 provide these documents.

1:58:25 PM 3 Contrary to what the witness is telling you,  
1:58:27 PM 4 they're -- they're knee-deep in this case. And that's what  
1:58:30 PM 5 the counterclaim says; that's the pending counterclaim. And  
1:58:32 PM 6 that's what Judge Quesada found; that over a million dollars  
1:58:36 PM 7 has been put in by Mr. Minton. And a lot of the  
1:58:39 PM 8 witnesses -- in fact, the alleged expert witness, Jesse  
1:58:43 PM 9 Prince, was paid \$500 a month by Mr. Dandar for a long time  
1:58:46 PM 10 and then was shifted over to Lisa McPherson Trust, where he  
1:58:49 PM 11 continues to act as the alleged expert witness and expert  
1:58:53 PM 12 consultant in this case.

1:58:53 PM 13 Indeed Ms. Brooks is alleged to have been an  
1:58:57 PM 14 expert consultant in this case and was paid by Lisa  
1:59:00 PM 15 McPherson Trust for years.

1:59:00 PM 16 THE COURT: And --

1:59:00 PM 17 I'm sorry.

1:59:00 PM 18 MR. MOXON: At any rate, they're -- these are  
1:59:04 PM 19 set forth in great length in the memorandum opinion of Judge  
1:59:08 PM 20 Quesada, who's -- who's been through all this and sanctioned  
1:59:10 PM 21 all these -- these individuals and entity for -- for  
1:59:12 PM 22 refusing to provide this information.

1:59:14 PM 23 So I don't know if you had a chance to see the  
1:59:18 PM 24 counterclaim, but the counterclaim identifies both Minton  
1:59:20 PM 25 and Lisa McPherson Trust as -- as co-conspirators in the

1:59:24 PM 1 abuse of process here by way of intimidation of witnesses,  
1:59:27 PM 2 by way of paying witnesses. A lot of the witnesses that  
1:59:32 PM 3 have been identified by Mr. Dandar and used by Mr. Dandar,  
1:59:35 PM 4 including Ms. Brooks, here, who's filed three factual  
1:59:40 PM 5 affidavits in this case, are paid by the Lisa McPherson  
1:59:43 PM 6 Trust.

1:59:44 PM 7 Mr. Minton has admitted that in sworn testimony,  
1:59:47 PM 8 as have the parties in this case -- one party, the plaintiff  
1:59:52 PM 9 and her sister, who's one of the beneficiaries of the  
1:59:55 PM 10 estate -- that the Lisa McPherson Trust is going to get the  
1:59:58 PM 11 money from this case. They are the primary beneficiary.  
2:00:00 PM 12 They're supposed to get the -- and that's a finding of fact  
2:00:03 PM 13 by Judge Quesada.

2:00:05 PM 14 So to say they're not involved in this case is  
2:00:07 PM 15 just obviously not accurate.

2:00:11 PM 16 MR. DANDAR: May I respond?

2:00:11 PM 17 THE COURT: You may.

2:00:12 PM 18 MR. DANDAR: I don't think there was one  
2:00:13 PM 19 ounce of truth that came out of that statement you just  
2:00:16 PM 20 heard.

2:00:17 PM 21 Number one, Judge Quesada -- you have the orders  
2:00:20 PM 22 in front of you -- does not make any findings of fact  
2:00:23 PM 23 connecting the Lisa McPherson Trust to the plaintiff. There  
2:00:26 PM 24 is no agreement. All sworn testimony in this case is to the  
2:00:29 PM 25 contrary. All sworn testimony from the plaintiffs, the

2:00:33 PM 1 plaintiff representative, her sisters, who are -- who are  
2:00:35 PM 2 the ultimate beneficiaries of the estate of Lisa McPherson,  
2:00:39 PM 3 state there is no agreement between the estate, the  
2:00:43 PM 4 beneficiaries of the estate, with any third party. And  
2:00:47 PM 5 including Bob Minton and including the Lisa McPherson Trust.

2:00:51 PM 6 The only agreement that exists, signed -- not even  
2:00:55 PM 7 signed by me, but verbally assured by me, that whatever  
2:00:59 PM 8 money Mr. Minton loans to me for financing and defraying  
2:01:06 PM 9 costs in this case, if there's money obtained as a result of  
2:01:08 PM 10 this litigation, he will be paid back the loan without  
2:01:11 PM 11 interest. Period.

2:01:14 PM 12 The Lisa McPherson Trust is only involved in this  
01:17 PM 13 case because Scientology filed a counterclaim, not naming  
2:01:21 PM 14 them as a party but naming them -- and me, as a matter of  
2:01:26 PM 15 fact -- as co-conspirators as trying to pay, unethically,  
2:01:30 PM 16 fact witnesses in this case. There is not one ounce of  
2:01:32 PM 17 evidence of that.

2:01:34 PM 18 Stacy Brooks, by the way -- the only thing she did  
2:01:39 PM 19 in this case is obtained for me old affidavits that she  
2:01:42 PM 20 filed in other cases that she testified in on behalf of  
2:01:46 PM 21 victims of Scientology, and she -- I used those old  
2:01:50 PM 22 affidavits and filed those affidavits in this case. She was  
2:01:52 PM 23 never paid for those affidavits.

2:01:56 PM 24 Jesse Prince is my expert on Scientology matters.  
02:00 PM 25 After I paid him to educate me on Scientology, I then was



2:02:05 PM 1 finished with him on that portion of his involvement. He  
2:02:09 PM 2 went and started to work for the Lisa McPherson Trust, where  
2:02:13 PM 3 he works helping victims who either want to leave  
2:02:18 PM 4 Scientology or are being abused by Scientology. Has nothing  
2:02:21 PM 5 to do with this litigation.

2:02:23 PM 6 So when they say payments to witnesses, the -- the  
2:02:28 PM 7 black letter of the law on that is if you're paying a  
2:02:30 PM 8 witness to testify in a case, you don't have the right to go  
2:02:33 PM 9 into someone's personal finances and -- and obtain the  
2:02:36 PM 10 information while they're working for a third, uninterested  
2:02:39 PM 11 party.

2:02:39 PM 12 There's no connection between the estate of Lisa  
2:02:43 PM 13 McPherson and the Lisa McPherson Trust except the name,  
2:02:47 PM 14 which is -- my client gave them permission to use her name  
2:02:51 PM 15 because her death is international knowledge -- and because  
2:02:58 PM 16 they do work that the mother of Lisa McPherson wanted  
2:03:03 PM 17 somebody to do. But there is absolutely no involvement, no  
2:03:07 PM 18 promises, no contract, no agreement, between the two  
2:03:11 PM 19 entities whatsoever. It's -- Scientology brought them into  
2:03:16 PM 20 this case.

2:03:16 PM 21 And when you first started out, you said, "Well,  
2:03:19 PM 22 you, Lisa McPherson Trust, brought yourself into this case."  
2:03:23 PM 23 That's not right. That's totally inconsistent. There is no  
2:03:25 PM 24 agreement.

2:03:26 PM 25 Teresa Summers, by the way, happens to be an

2:03:28 PM 1 employee of the Lisa McPherson Trust. I just found her all  
2:03:32 PM 2 by myself, took her -- had her deposition scheduled, and  
2:03:35 PM 3 about eight months after I took her deposition, she ended up  
2:03:39 PM 4 working for the Lisa McPherson Trust. That was the end of  
2:03:42 PM 5 her involvement with me, is taking her deposition. There's  
2:03:45 PM 6 no connection there.

2:03:47 PM 7 So the only one that -- that I will call to trial  
2:03:52 PM 8 on this matter, and the only one that should be  
2:03:55 PM 9 legitimately -- legitimately be subject to any financial  
2:03:57 PM 10 discovery is Jessie Prince, who remains my expert on the  
2:04:01 PM 11 practices of Scientology.

2:04:02 PM 12 So this -- this bizarre and brazen  
2:04:04 PM 13 misrepresentations -- and I -- we look at you as the  
2:04:08 PM 14 court-appointed senior circuit judge -- misrepresentations  
2:04:11 PM 15 to a senior court judge -- this has to stop.

2:04:14 PM 16 And Judge Quesada just said, "Well, let's have  
2:04:16 PM 17 some discovery." I -- I want counsel to point out to me  
2:04:19 PM 18 where he -- Judge Quesada said, "You can delve into the  
2:04:23 PM 19 personal finances of the Lisa McPherson Trust that have  
2:04:26 PM 20 nothing to do with the instant litigation."

2:04:29 PM 21 MR. MOXON: Okay. I'll show you --

2:04:30 PM 22 MR. DANDAR: That's not there.

2:04:31 PM 23 MR. MERRETT: If I could just real briefly  
2:04:33 PM 24 turn the heat down a little bit --

2:04:35 PM 25 MR. DANDAR: I'm sorry.

2:04:35 PM 1

MR. MERRETT: -- with regard --

2:04:35 PM 2

MR. DANDAR: I get real excited about this.

2:04:37 PM 3

MR. MERRETT: Without regard to all this,

2:04:38 PM 4

assuming it is correct that Judge Quesada heard all of this,

2:04:40 PM 5

his order is specific and it doesn't include funding to the

2:04:43 PM 6

LMT. It's funding to witnesses, not funding to this entity.

2:04:48 PM 7

After, -- after hearing all this and going through

2:04:50 PM 8

all these gyrations and making whatever findings of fact

2:04:53 PM 9

were made, he didn't order that the Lisa McPherson Trust

2:04:57 PM 10

disclose its own sources of funding but rather required that

2:05:02 PM 11

it disclose funding --

2:05:02 PM 12

THE COURT: Let me read --

2:05:02 PM 13

MR. MERRETT: -- to witnesses.

2:05:04 PM 14

THE COURT: -- read the order again.

2:05:05 PM 15

What's the date of that order?

2:05:06 PM 16

MR. MOXON: Your Honor, here -- here are

2:05:07 PM 17

three orders I've highlighted. And they're all dated

2:05:10 PM 18

January 10th, all of which refute precisely what Mr. Dandar

2:05:13 PM 19

was just telling you.

2:05:15 PM 20

Judge Quesada made specific findings.

2:05:19 PM 21

THE COURT: I'm going to take about a

2:05:21 PM 22

10-minute break, and I'm going down to another office, and

2:05:23 PM 23

I'm going to read these again.

2:05:24 PM 24

MR. MOXON: Okay.

2:05:25 PM 25

(A recess was taken.)

2:18:47 PM 1 THE COURT: I've read the three orders and  
2:18:50 PM 2 the counterclaim. And based on the three orders and the  
2:18:54 PM 3 counterclaim, I think that the inquiry is correct. I'm  
2:18:59 PM 4 going to overrule the objection and allow it to proceed.

2:19:05 PM 5 MR. MOXON: Could you read back the question?  
2:19:11 PM 6 I'll give it to you again.

2:19:14 PM 7 BY MR. MOXON:

2:19:14 PM 8 Q What was the source of the funds from which the  
2:19:16 PM 9 \$600,000 was given to Mr. Minton?

2:19:18 PM 10 A The LMT received \$300,000 from Operation Clambake,  
2:19:30 PM 11 and the rest of it came from an anonymous source who I don't  
2:19:33 PM 12 know who it was.

2:19:36 PM 13 THE COURT: I'm going to have to move my  
2:19:38 PM 14 chair up because I'm really having a hard time hearing.

2:19:43 PM 15 THE DEPONENT: Sorry, your Honor.

2:19:44 PM 16 THE COURT: That's all right. No problem.

2:19:48 PM 17 BY MR. MOXON:

2:19:49 PM 18 Q Was this \$300,000 you say came from an anonymous  
2:19:54 PM 19 source?

2:19:55 PM 20 A No. \$300,000 came from Operation Clambake.

2:19:58 PM 21 Q And how much came from an anonymous source?

2:20:00 PM 22 A The rest of it.

2:20:00 PM 23 Q So that's 350,000?

2:20:04 PM 24 A Yes.

2:20:04 PM 25 Q In what form did this \$350,000 come anonymously to

2:20:12 PM 1

LMT?

2:20:14 PM 2

A A wire transfer.

2:20:19 PM 3

Q Did you get any papers on the wire transfer?

2:20:22 PM 4

A No.

2:20:23 PM 5

Q Just suddenly appeared in your account one day?

2:20:29 PM 6

Is that right?

2:20:33 PM 7

A Well, yeah.

2:20:34 PM 8

I mean, what happened was Mr. Minton spoke to some

2:20:38 PM 9

people in Europe and arranged for some contributions.

2:20:45 PM 10

Q What people?

2:20:46 PM 11

A I don't know. I don't know.

2:20:51 PM 12

Q You're the chief financial officer of the company,

2:20:53 PM 13

correct?

2:20:54 PM 14

A Yes.

2:20:55 PM 15

Q It's a for-profit corporation?

2:20:58 PM 16

A In order to protect the sources of our funds, it

2:21:01 PM 17

is a for-profit corporation. But it certainly isn't making

2:21:05 PM 18

any profit. It's supported by donations only.

2:21:10 PM 19

Q You have no idea who the people were that

2:21:12 PM 20

Mr. Minton arranged to receive this money?

2:21:14 PM 21

A No, I don't.

2:21:15 PM 22

And that was part of the terms of the money being

2:21:18 PM 23

received, because they were very afraid of Scientology

2:21:21 PM 24

finding out who they are. They are familiar with

2:21:24 PM 25

Scientology's harassment policies and they didn't want to be