

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 FOR THE COUNTY OF LOS ANGELES

3 DEPARTMENT NO. 57 HON. PAUL G. BRECKENRIDGE, JR., JUDGE

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5 CHURCH OF SCIENTOLOGY OF CALIFORNIA, )

6 Plaintiff, )

7 vs. )

8 GERALD ARMSTRONG, )

9 Defendant. )

NO. C 420153

10 \_\_\_\_\_ )  
11 MARY SUE HUBBARD, )

12 Intervenor. )  
13 \_\_\_\_\_ )

14 REPORTER'S TRANSCRIPT OF PROCEEDINGS

15 August 2, 1984

16 APPEARANCES:

17 For the Plaintiff  
18 and Intervenor:

LITT & STORMER  
By: MICHAEL S. MAGNUSON  
3550 Wilshire Blvd., Suite 1200  
Los Angeles, California 90010

20 For Plaintiff Only:

PETERSON & BRYNAN  
By: JOHN G. PETERSON  
8530 Wilshire Blvd., Suite 407  
Beverly Hills, California 90211

23 For the Defendant:

CONTOS & BUNCH 700257  
By: JULIA DRAGOJEVIC  
5855 Topanga Canyon Blvd.  
Suite 400  
Woodland Hills, California 91367

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NANCY L. HARRIS, C.S.R.  
Official Reporter  
Certificate No. 644  
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1           Again, I can't say the action was brought in bad  
2 faith or for any kind of improper purpose as such. It is  
3 a mixed bag. Some of the things they did were wrong. Some  
4 of the things they did they had a right to do, and I cannot  
5 under those circumstances find that the defendant is entitled  
6 to attorneys' fees on that theory.

7           So, the nuts and bolts of this is that I have  
8 to deny this notion. I do it with a certain amount of  
9 reluctance because I feel that the defendant's counsel have  
10 served long and hard and put a lot of time in here and effort  
11 to be of assistance to their client. They have served their  
12 client well. There is no immediate reward for them in this  
13 case in the sense of even compensating them for their time.  
14 They have labored against tremendous odds, against tremendous  
15 financial resources. The financial resources on the other  
16 side are overwhelming, but I don't feel I can in any legal  
17 basis grant the motion.

18           There is one last thing I want to mention, and  
19 that has to do with the declaration of John G. Peterson on  
20 this opposition to motion for attorneys' fees.       700258

21           As Mr. Peterson has indicated, he has become  
22 emotionally involved in this case, and it is rather abundantly  
23 clear. So some of his comments which have been reported in  
24 the newspapers - he can make whatever comments he wants to  
25 about the case or the court or anybody else. It doesn't bother  
26 me, but when he puts in a declaration what really is just  
27 an argument as to why the motion should not be granted, it  
28 seems to me that it is totally unprofessional.



1 and I really couldn't care less. But I think it is unfortunate  
2 that the file has to be cluttered up with, I am going to say  
3 it right here, garbage of this type. I don't think this should  
4 be a part of the public record.

5 I am going to order that the documents which  
6 purport to be exhibit B through F be separated from this  
7 declaration, be enclosed in a sealed envelope, and be ordered  
8 sealed and not to be opened except upon further order of any  
9 court that wants to review this matter. Nothing to do with  
10 this lawsuit. Nothing to do with these motions, and I think  
11 it is offensive and I am quite surprised.

12 End of that.

13 MR. MAGNUSON: Your Honor, I have one other matter.  
14 I am sorry. I just want to clarify one point.

15 We do intend to file an opposition to the statement  
16 of decision, and I want to clarify our timing on this because  
17 the date in which the statement of decision or the request  
18 of defendant that the memorandum of decision be deemed the  
19 statement of decision is July 20, and I want to make sure  
20 that we have 15 days from the date that a statement of  
21 decision - 700260

22 THE COURT: Well, we haven't done anything and the court  
23 made an order that you would have the usual time.

24 MR. MAGNUSON: Because I want to be clear that the time  
25 runs from that date with five days for mailing.

26 THE COURT: That is right.

27 MR. MAGNUSON: And we would then have 20 days from July  
28 20 within which to file our opposition.

1 THE COURT: You will have not later than the morning,  
2 9 o'clock, on the 10th of August because I am going to be  
3 gone after that, and 60, have it in by then, and I will rule  
4 on it. Otherwise, it will just sit here for four weeks.

5 MR. MAGNUSON: That is fine, thank you.

6 MS. DRAGOJEVIC: Thank you, Your Honor.

7 (At 9:45 a.m., proceedings were adjourned.)  
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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 57 HON. PAUL G. BRECKENRIDCE, JR., JUDGE

CHURCH OF SCIENTOLOGY OF CALIFORNIA,

Plaintiff,

vs.

GERALD ARMSTRONG,

Defendant.

No. C 420153

REPORTER'S CERTIFICATE

MARY SUE HUBBARD,

Intervenor

STATE OF CALIFORNIA )
COUNT\* OF LOS ANGELES ) ss \*

I, NANCY L. HARRIS, CSR, Official Reporter of, the Superior Court of the State of California, for the County of Los Angeles, do hereby certify that the foregoing pages, 1 through 43 comprise a true and correct transcript of the proceedings held in the above-entitled matter on Thursday, August 2, 1984.

Dated this 9th day of August 1984.

NANCY L. HARRIS CSR No. 644
Official Reporter