

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE CENTRAL DISTRICT OF CALIFORNIA
3 RELIGIOUS TECHNOLOGY CENTER, A)
4 California Corporation, et al.,) CV 85-711 JMI (Bx)
5 Plaintiffs,)
6) CV 85-7197JMI (Bx)
7 VS.)
8)
9 ROBIN SCOTT, An Individual,)
10 et al.)
11 Defendants.)
12 _____)
13 RELIGIOUS TECHNOLOGY CENTER, A)
14 California Corporation, et al.,)
15 Plaintiffs,)
16 VS.)
17)
18 LARRY WOLLERSHEIM, An)
19 Individual, et al.,)
20 Defendants.)
21 _____)
22 AND RELATED COUNTER-CLAIMS)
23 _____)

ORAL DEPOSITION OF RICHARD N. AZNARAN
NOVEMBER 10, 1989

16 **ANSWERS AND DEPOSITION OF RICHARD N. AZNARAN,**
17 produced as a witness on behalf of the Defendants
18 and Counter-Claimants, taken in the above-styled
19 and -numbered cause on the 10th day of November,
20 A. D., 1989, before Lori A. Belvin, a Certified
21 Shorthand Reporter in and for the State of Texas,
22 in the conference room of CLARK, WEST, KELLER,
23 BUTLER & ELLIS, 4800 Renaissance Tower, City of
24 Dallas, County of Dallas, State of Texas, in
25 accordance with Federal Rules of Civil Procedure.

ORIGINAL

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BY: MS. KAREN E. McRAE

APPEARING FOR WITNESS,
RICHARD N. AZNARAN**ALSO PRESENT:** Aron C. Mason, Representative
of Church of Scientology
International
Lynn Farny, Representative
of Church of Scientology

I N D E X

Examination of Richard N. Aznaran

Cross by Mr. Heller (Cont.)

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E X H I B I T S

<u>Number</u>	<u>Marked</u>	<u>Identified</u>
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DEFENDANT'S

Exhibit 1 -- Deposition Subpoena

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P R O C E E D I N G S

(Time: 9:55 a.m.)

RICHARD N. AZNARAN,

having been first duly cautioned and sworn to testify the truth, the whole truth and nothing but the truth, testified on his oath as follows:

CROSS-EXAMINATION (CONT.)BY MR. HELLER:

Q. Mr. Aznaran, you were given some admonitions by Mr. Bright yesterday. I'll call them admonitions and instructions with regard to the deposition procedure, which we engaged in yesterday, and we're going to continue with today.

Do you recall basically what those were about?

A. No. Was I admonished and I didn't even remember?

Q. Well, the admonition went to making sure that you give truthful testimony and the most accurate testimony you possibly can.

A. Oh, of course.

Q. The instructions went to the nature of the deposition procedure and the logistics involved and how to respond. And I think they

1 were a little short, but I still recall you getting
2 some. Do you recall getting them?

3 A. I suppose. I mean is it anything new?
4 Is there a particular point being made?

5 Q. No. I want to make sure that you,
6 understand the procedure that we're engaging in
7 today, and that you don't have any questions with
8 regard to that procedure.

9 A. No. I don't think so.

10 Q. Let me reaffirm one instruction which I
11 gave you while Mr. Bright was examining you,
12 actually, two instructions, which I think will
13 make this deposition go a little faster today
14 perhaps.

15 First, again, you remember I talked to
16 you yesterday and let me reaffirm it today about
17 the difference between an estimate and a guess.
18 We don't want you to speculate or wildly speculate
19 on something predicated upon other events which
20 may have transpired or other experiences you have
21 when you're responding to a particular question.

22 A. Say that again.

23 Q. Okay. When I ask you a question,
24 particularly a question, and probably the best
25 example would be dealing with when something

1 occurred in the past.

2 A. Sure.

3 Q. I'm entitled and you must give me an
4 estimate if you have it. And the estimate might
5 be quite a broad one. For instance, you could
6 say, gee, it wasn't the first part of 1980. It
7 might be more specific. You could say, well, it
8 was on a certain day or it was on a certain month
9 or a certain year or even a season, and I'm
10 entitled to that.

11 On the other hand, you may have no idea
12 at all when this event took place. That would be
13 speculation. That would be a guess, and I don't
14 want you to do that. And please feel free to
15 respond to such a question, whether it's dates or
16 another event in the past by telling me I can't
17 answer because I'd be guessing if I did.

18 A. Okay.

19 Q. I don't want you to guess. And, of
20 course, the reason for that is for your protection
21 as well as mine because you don't want to make a
22 guess at something and then be somehow impeached
23 at a later time because it occurred.

24 A. Absolutely. Sure.

25 Q. Right. We've determined through

1 independent evidence that it occurred at either
2 point or that it was another time.

3 A. Sure.

4 Q. Secondly, if you would, I certainly want
5 you to and encourage you to explain any answer
6 that you give me and feel free. And if, in fact,
7 a question calls for a yes or no response, but you
8 feel that you cannot give such a response without
9 an explanation, give it to me. And I noted
10 yesterday that there were a couple of times that
11 both Mr. Bright and I asked you questions and you
12 said, well, I've got to explain it. I can't just
13 say yes or no. That's fine.

14 The other side of that coin, however, is
15 that you try to answer the specific question which
16 I ask as narrowly as you can. Again, I do not
17 want to inhibit any explanation you have that
18 might be in response to a question, if you feel
19 you have to do it, and please feel free, and tell
20 me, if you can, hey, I've got to explain that.
21 Okay?

22 A. Okay. Yes.

23 Q. All right. That was my impression from
24 taking your deposition and listening to your
25 deposition testimony yesterday that those two

1 things would be kind of important for you to keep
2 in mind today if they were not particularly
3 covered by either Mr. Bright or I.

4 A. Can I say one thing about the dating?

5 Q. Sure.

6 A. One thing, I guess, probably that we're
7 running into on that is that, okay, I was --
8 there's certain habit patterns I guess I did
9 develop as part of being with this particular
10 group for fifteen years or what have you.

11 One of these is simply that they
12 actually operate on a little different basis in
13 that they consider per Dianetics is actually to
14 date something. And one of which is to place it
15 in relationship to other things which were
16 occurring at that time. Okay.

17 Q. That's fine.

18 A. So when I respond that way, it's not
19 necessarily I'm trying to give you a bad time it's
20 just that's the way I've been trained into
21 thinking.

22 Q. That's absolutely fine and I'll try to
23 get you -- I'll try to key you in on when you do
24 that to a particular date. Again, that's my
25 preference and I think what I'm entitled to is

1 that you give me the date or a season or something
2 like that first. If you must key it in and
3 respond in that fashion to another event, fine.

4 A. Yeah. Because, see, to me that's a very
5 real way of dating something. I mean, for ,
6 example, you say when did you first, you know, get
7 your hair cut or whatever, I can tell you, well,
8 the first time it reached my ears or whatever.
9 That's kind of a stupid example, taut you get what
10 I'm saying.

11 Q. Sure.

12 A. It's like I can give you -- I can date
13 it that way. You know, when did this happen.
14 Well, that happened when Kennedy was shot because
15 that stands out in my mind. Maybe I don't
16 remember that's 1962, you know. The fact that
17 that's a date that can be shown, in other words,
18 that to me is like a legitimate way of dating
19 something. And, again, I'm not trying to give you
20 a bad time about it.

21 Q. Well, I didn't mean to imply that you
22 were. If that's the only way you can respond to a
23 question, you know, feel free to do so. You are
24 still under oath and you understand the pains and
25 penalties, criminal and civil, of perjury.

1 Accordingly, please respond to the question, my
2 question as best that you are able to your best
3 recollection.

4 A. Absolutely.

5 Q. As I think Mr. Bright said, you will be
6 able to change your testimony when we get the
7 booklet, but it could inure to your detriment if
8 you do that.

9 A. Sure.

10 Q. Have you consumed any alcoholic
11 beverages within the last twelve hours?

12 A. No.

13 Q. Are you under the influence of any
14 medication or drugs at this point in time?

15 A. No.

16 Q. Is there any other reason emotional,
17 physical, or anything else I may not have thought
18 of that would prevent you from cogently and
19 intelligently answering any questions which I
20 might ask you today?

21 A. There's absolutely no reason not to
22 begin this session.

23 Q. I believe when we left off, we were up
24 to about 1982 with regard to your post positions?

25 A. Yes.

1 Q. And you had testified generally that from
2 July 1982 you were appointed as safety officer?

3 A. That's correct.

4 Q. Please describe the functions of your
5 post as of July, 1982 as safety officer.

6 A. July? Is that what we're saying when I
7 became safety officer? I was in the RPF.

8 Q. All right. Give me one second, if you
9 will.

10 THE REPORTER: And if you'll give me one
11 second.

12 MR. HELLER: Let's go off the record
13 (Off-the-record discussion.)

14 MR. HELLER: Let's go back on the record
15 for a second.

16 Q. If, in fact, in recounting your
17 testimony that you've given yesterday, I should --
18 and every now and then I'll recount it to bring us
19 back up to speed so we don't waste time, I should
20 give a wrong date, correct me.

21 A. Okay.

22 Q. The other thing, by the way, as you
23 probably know we have made quite a record that we
24 believe it's improper that Ms. McRae be your
25 attorney in these proceedings, as well as your

1 wife's attorney, given the injunctive order in the
2 Yanny case. Regardless, she is here representing
3 you. She has stated such. I don't mean to waive
4 any objection or rights we have with future
5 motions with regard to representation. But, if you
6 have any questions you have of her, of course, you
7 know you can go off the record and we can leave
8 the room or she can leave and you can discuss.

9 A. Great. And all I want to say since you
10 did make that statement on the record, I'd also
11 like to say that I personally don't see anything
12 wrong with her assisting her family in legal
13 matters. She did it before you guys came along
14 and I'm sure she'll do it after.

15 Q. Okay. What day or what month in 1982
16 were you first appointed safety officer?

17 A. It would have been to the best of my
18 recollection September or October.

19 Q. Now, my question was: As of that point
20 when you were appointed safety officer, what
21 functions were you performing in that capacity?

22 A. My initial function was to -- let's
23 see. I'm trying to think of what they call these
24 people. They call these people when it was called
25 RTC Conditions Order Number 1, it was an ethics

1 order that named a bunch of people who were
2 considered bad guys. And it was my job to guard
3 these people, oversee their guarding, ensure that
4 they were following the orders they had been given
5 and just basically shepherd these people around
6 and so forth. There had just been a rather what
7 had been considered a serious flap in security
8 concerning those people.

9 Q. Can you identify those people for me?

10 A. Not all of them. I can tell you that
11 Mayo was there, David, Merrill Mayo was there.
12 What's Mayo's wife's name?

13 MR. BRIGHT: Julie Gillespie.

14 THE WITNESS: Julie Gillespie was there,
15 this girl who used to be the LRH COM
16 international. What was her name? She was
17 there. Oh, what's his name? The guy who is
18 executive director -- no, not executive director.
19 What was he? The guy who used to be staff captain
20 and I can't think of his name. Nelson, I think,
21 was involved in that in some kind of way.

22 Q. John Nelson?

23 A. Yes. Because he was still in when I got
24 out of the RPF. Anyway, some other people.

25 Q. There were others whose names you

1 don't

2 A. Don't recall at this point.

3 Q. If you should recollect them as we go on
4 or over a break or lunch, please feel free and, in
5 fact, I'd like you to come back and fill me, in.
6 Okay?

7 A. Sure.

8 Q. Was there a particular locale where you
9 acted as safety officer overseeing and
10 shepherding, I think, was the word you used these
11 people?

12 A. There was actually two locations, one of
13 them being Gilman Hot Springs, the other one being
14 an even more remote desert location that had
15 been -- it was referred to as Happy Valley. It
16 was actually -- it was actually the other side of
17 even the Soboba Indian reservation.

18 Q. Did you go back and forth between these
19 locations or were you at one and then stationed at
20 another one subsequently?

21 A. No. The location at Happy Valley was
22 where they were birthed, where they actually
23 lived. And the Gilman location, let's see, that's
24 where they had Mayo running around the pole, and
25 that's where -- let me think. I think that's

1 where most everybody was working or actually at
2 both. Because they actually worked at Happy
3 Valley there for awhile there, too. So, anyway,
4 yeah, back and forth.

5 Q. Do I understand that these individuals,
6 some of which you've identified that you were
7 overseeing would work during the day at Gilman and
8 then go to sleep at night in Happy Valley?

9 A. Some of the time. Some of the time
10 they'd work at Gilman. In the case of Mayo --
11 well, never mind. Yeah, they went back and
12 forth.

13 Q. Well, you started to say in the case of
14 Mayo. Did --

15 A. Well, I was trying -- I don't -- I
16 remember Merrill Mayo when she escaped. She
17 escaped from Happy Valley, but I didn't recall
18 where we had David Mayo sleeping, but I think it
19 was out at Happy Valley, as well.

20 Q. Now, did Merrill Mayo escape or leave
21 prior to the time that David Mayo did?

22 A. I don't recall one way or the other.

23 Q. Can you tell me the circumstances of
24 Merrill Mayo leaving?

25 MR. FAGELBAUM: Object. It exceeds the

1 scope 5T direct.

2 THE WITNESS: The part that really
3 stands out is her coming back with Bent Corydon to
4 try to get her gear. But I don't recall the exact
5 circumstances of her leaving.

6 Q. Tell me about her coming back with Bent
7 Corydon to get her gear. First of all, let's get
8 a date on this if we can. When did she come back
9 with Bent Corydon?

10 A. Boy, I don't know.

11 Q. Start off with a year if you're able to.

12 A. It would have been either late that year
13 or early the next year, I guess.

14 Q. 1982?

15 A. Yeah.

16 Q. Or early '83?

17 A. Yeah.

18 Q. Without giving me a month, can you tell
19 me how long prior to her coming back with Bent
20 Corydon she left?

21 A. I believe it was a matter of days.

22 Q. And did I understand you to say that you
23 do not know anything about the circumstances of
24 her leaving?

25 A. What I mean to tell you is that I don't

1 really recall at this point.

2 Q. So when you characterized her leaving as
3 an escape, what did you predicate that upon?

4 A. Well, at that particular point in time
5 these guys were being held pretty close. That
6 would have been generally the way she had gotten
7 out.

8 Q. But you had no facts to state that, in
9 fact, she escaped as opposed to just freely
10 walking out?

11 A. I was there. I mean the fact that this
12 is the first time I've thought about it in five
13 years makes it a little -- I don't want to give
14 you any speculation. I'm sure that -- you know,
15 as we go through this, I'm sure that more and more
16 of it will start coming to mind.

17 Q. And that's what I'm now keying in on.
18 As you sit here now, you don't know what the
19 circumstances of her leaving was, whether walking
20 out voluntarily, asking to leave, escaping? As
21 you sit here now, you don't know?

22 A. Well, I don't recall her leaving --
23 asking to leave and leaving. Let me put it that
24 way. The reason being there's a few things --
25 this is more than just a guess, which I think is

1 what you're trying to say I'm doing.

2 Q. No. I just want to -- and I'm not
3 asking you to even characterize. I just want to
4 verify what I think you've already testified to
5 that you don't know the circumstances of her
6 leaving. And I'm trying to limit it to that, not
7 based on circumstances surrounding what might lead
8 you to believe.

9 A. It's not leading me to believe. I mean
10 there's a couple of points here that I think that
11 are real solid here. Okay. Number one, the guys
12 who left, you know, who said, hey, man, I've had
13 enough of this shit, I'm hitting the road, for
14 example, Nelson; for example, David Mayo. They
15 left with their gear as opposed to disappearing
16 and then showing up later to try to pack up and
17 leave. Okay. I mean that's just one example of
18 what I'm trying to give you as a very real --

19 Q. Now, she did come back to get her gear
20 later?

21 A. Yes.

22 Q. She came back with Bent Corydon?

23 A. Yeah.

24 MR. BRIGHT: What's the relevance,
25 Counsel?

1 MR: HELLER: Again, getting at the KPF
2 and particularly this is precisely the time period
3 when David Mayo was in the RPF, which has been a
4 large subject of direct examination by both of you
5 of both Vicki Aznaran and Richard Aznaran, and I
6 suspect in other depositions that I haven't
7 attended, certainly in declarations that I've
8 read, at least one of which was by Mr. Mayo. I
9 don't know how it could be too much more relevant
10 than it is.

11 MR. BRIGHT: It would be great if it was
12 Mr. Mayo you're talking about, but since you're
13 talking about his ex-wife. I don't think we're
14 going to be allowed evidence what happened to
15 Merrill Mayo to show what happened to David Mayo
16 and I don't think you can do the reverse, which is
17 even more remote.

18 MR. HELLER: Well, we're not getting
19 into this too deeply. Suffice it to say, there
20 was a lot of testimony with regard to general
21 conditions at the RPF.

22 MR. BRIGHT: I don't recall any
23 testimony regarding Merrill Mayo or Bent Corydon
24 or even Happy Valley. No testimony at all on
25 direct on any of those subjects.

1 MR HELLER: Well, I'm not limited to--
2 what particularly happened to the individuals that
3 you picked that were there at the time. I can
4 pick others and I could pick even others at times
5 so long as they're not too remote.

6 MR. BRIGHT: The reason we picked
7 particular individuals we felt were parties to the
8 case.

9 MR. HELLER: Well, I respect your -- or
10 I should say you've made your objection for the
11 record, and I guess we've made the record as we
12 will.

13 Q. Getting back to when she came back, she
14 being Merrill Mayo with Bent Corydon. Were you
15 there at that time?

16 A. Yes.

17 Q. Could you please describe that to me?

18 A. Yeah.

19 MR. BRIGHT: I'm going to object on
20 relevance.

21 Q. Go ahead.

22 A. I was at Gilman, received a call from
23 one of the security guards assigned to guard those
24 guys at Happy Valley that Merrill and Bent had
25 shown up. I drove out there as quickly as I

1 could. Merrill Mayo was demanding that her
2 material possessions be surrendered to her.

3 Q. Was she with Bent Corydon at the time?

4 A. Yes. I would not allow them to come
5 onto the property. I kept them out at the front
6 gate and I left guards there to ensure that they
7 didn't get on the property. Myself and a couple
8 of other guards then went to the area where
9 Merrill had been living, and when she had been
10 sent to the RPF, she packed up what was hers and
11 she had it there in the area where she was
12 living.

13 We unpacked it all, went through it to
14 make sure that -- so that we could do what was
15 called a security check. Anybody routing out or
16 leaving has to have their personal belongings gone
17 through by security guards to make sure that
18 they're not being -- leaving with anything that
19 might be considered confidential or, you know,
20 otherwise damaging to the church.

21 MR. FAGELBAUM: I'm sorry. Did you say
22 a security check?

23 THE WITNESS: Yes.

24 MR. FAGELBAUM: Is that different than
25 sec check, as you said before?

1 THE WITNESS: Yes. Sec check is an
2 auditing process. I mean, yeah, it's not
3 referring to that. It's talking about actually
4 going through the physical belongings. So we went
5 through all those belongings taking out, you
6 know, any -- well, a lot of materials she had
7 on -- a lot of her personal belongings. Since she
8 was a tech person, she had a lot of personal
9 belongings such as course packs and reference
10 materials and anything to do with Scientology we
11 removed. There was even monetary things that were
12 taken out.

13 Q. I'm sorry. Monetary things?

14 A. Yes.

15 Q. Like for instance?

16 A. Silver, pure silver. The year before
17 they'd issued it was some kind of like a PR caper
18 they'd done. They'd had some coins minted from
19 Golden Era Studios and they were --

20 Q. Like promotional coins?

21 A. Well, you know, just like you have
22 silver ingots. And there was silver ingots with
23 Golden Era Studios, you know, stamped on them or
24 whatever. They were pure silver one ounce ingots
25 and those were removed. We then carried the gear

1 outto where they were waiting, gave TE fo them,
2 and told them to get out of there.

3 MR. BRIGHT: Continuing objection on
4 relevancy.

5 Q. And they left?

6 A. Yes.

7 Q. They drove in and out by car. And when
8 I say in and out, I understand you didn't let them
9 on the property. But they drove back by car?

10 A. Yes. They drove through the Indian
11 reservation.

12 Q. Did Merrill Mayo have a car when she was
13 at Happy Valley or at Gilman to your knowledge?

14 A. No.

15 MR. BRIGHT: Same objection.

16 MR. HELLER: By the way, I'm happy to
17 stipulate that you have a running objection if
18 you're comfortable with it to any of these
19 questions I ask about Merrill Mayo on relevance.

20 MR. BRIGHT: Fine. I agree to it. I
21 object to the whole line of questioning.

22 MR. HELLER: Understood.

23 Q. You were talking about the functions
24 that you performed which was overseeing and
25 shepherding these people at the two locations.

1 Anyother functions that you performed during this
2 period commencing with October, September, 1982?

3 A. Yes.

4 Q. As special officer?

5 A. No. Safety officer.

6 Q. Safety officer. I'm sorry. Anything
7 else?

8 A. Yes. What happened was David Miscavige
9 issued orders that no one was allowed to make any
10 outside phone calls from the base. Anybody who
11 considered that they had any type of emergency
12 where it was required that they use the payphone
13 was required to put in writing to me their reasons
14 for needing to make a phone call and giving me the
15 authority to let them make a phone call so that he
16 did not no longer be bothered by those requests.

17 He also issued orders that no personal
18 mail was to come to anybody on the base or leave
19 the base from anybody on the base going to the
20 outside world without first being screened by me.
21 This involved opening up the United States mail.
22 No staff were given any opportunity to, you know,
23 agree to this or anything. It was just done. But
24 that brings it up to right about probably
25 Thanksgiving.

1 Q: of 1982 V ;

2 A. Yes.

3 Q. Was there a phone on or in proximity
4 fairly close to that area you called Happy Valley?

5 A. Oh, not from -- there was one phone that
6 was kept there and, as I recall, the guards
7 unplugged it when they weren't using it to just
8 make doubly sure that nobody else ever had an
9 opportunity to use it.

10 Q. While you were doing this, did you ever
11 have a request from anyone there to make a phone
12 call?

13 A. From Happy Valley or maybe while they
14 were at Gilman?

15 Q. Well, let's talk about -- well, by
16 necessity, I have to combine them, I think,
17 because it's your testimony where you said that
18 they would go back and forth maybe even on a daily
19 basis, so let's combine them on both.

20 A. Yes. I do recall receiving requests,
21 but I cannot tell you who specifically requested
22 it right this second.

23 Q. Did you generally deny the requests, do
24 you recall, or were they generally permitted?

25 A. Oh, no. I had been instructed by

1 Miscavige fo just -- I mean it just wasn't done.

2 There had been an earlier flap where John Nelson
3 had been allowed to use the phone and that's why
4 this issue came up and why everybody was allowed
5 not to use the phone. John Nelson had used, the
6 phone to actually contact his wife and that was
7 seriously upsetting.

8 Q. Now, you did testify that you believed
9 and I take it you're certain that John Nelson was
10 one of those people you were overseeing?

11 A. Yeah, when I first got there, right.

12 Q. Now, did you carry any sort of weapons
13 when you were doing this?

14 A. Personally?

15 Q. Yes, sir.

16 A. While I was doing that? Yes. There was
17 a period of time where David Miscavige ordered me
18 to carry a gun, a concealed weapon while I was on
19 the property.

20 Q. Concealed?

21 A. Yes.

22 Q. Do you know why?

23 A. Yeah. It was all -- everything was
24 getting ready for LRH to come there and it was
25 like part of the plan to keep him protected. And

1 he just told me he wanted me to carry a gun. SO"
2 at the time I carried either a small caliber
3 Baretta or a .38 Colt.

4 Q. You described certain weapons that were
5 carried by security personnel at Gilman during
6 your examination, I guess, by Mr. Bright or
7 Mr. Fagelbaum earlier yesterday. Do you recall
8 that?

9 A. Certainly.

10 MR. BRIGHT: I'm going to object. It
11 misstates the testimony. Just to clarify, I
12 believe he testified where they were located and
13 that the security guards had access.

14 THE WITNESS: That's to the firearms,
15 not all the weapons, just the firearms.

16 MR. BRIGHT: I stand corrected.

17 Q. Was it at least one of the reasons why
18 that weaponry was carried or around because there
19 was an anticipation that L. Ron Hubbard would be
20 residing at Gilman and there was very tight
21 security measures in anticipation of him
22 ultimately residing at Gilman?

23 A. I don't believe so. Because I believe
24 those guns were purchased long before that whole
25 situation arose.

1 Q. Weren't there instances where people
2 would come by such as press and other eyes that
3 you were aware of and that you, in fact, helped
4 handled in some cases that were sort of in the
5 nature of what would be considered hassling, that
6 compound out there, third parties,
7 ex-scientologists, press.

8 A. Never anything --

9 MR. BRIGHT: Wait a minute. Can I have
10 that question read back, please? I want to object
11 to it.

12
13 (Question read.)

14 MR. HELLER: Why don't you let me reask
15 it for the record.

16 Q. Weren't there instances where people
17 came by Gilman, people who didn't belong there and
18 I suppose for want of a better term, hassled the
19 people who were at Gilman and those people
20 sometimes consisted of, I guess, third parties
21 that no one knew, sometimes ex-scientologists,
22 sometimes the press?

23 MR. BRIGHT: I have an objection.
24 Vague, compound, ambiguous, also no foundation as
25 to time and no foundation as to what you mean by

1 hassle.

2 Q. For timewise let's put it in this time
3 period that we're talking about. Go head.

4 A. It is true that people at times stopped
5 by and that the church definitely frowned on that,
6 but never at anytime did anybody stop by who posed
7 any particular threat of any kind, whatsoever, - and
8 never certainly armed with anything more than
9 possibly a camera.

10 And, although, we certainly viewed
11 anybody stopping by as intentionally hassling us,
12 I don't think that that really would fit the
13 definition in the outside world.

14 Q. However, there was emphasis and a
15 mentality of privacy which pervaded this compound,
16 we could agree on that, couldn't we?

17 A. I would probably term it paranoia, but
18 I'll use your words.

19 Q. And that was one of the jobs of the
20 guards to make sure that people did not get on the
21 premises beyond the gates, if they existed or the
22 walls if they existed?

23 A. No question about it.

24 Q. Then, by the way, just to set up the
25 logistics of Gilman I'm talking about now, did

1 they have actual guard stations..'

2 A. Yes.

3 Q. Did they have a fence around the
4 compound?

5 A. Y e s .

6 Q. How high was that fence?

7 A. Six foot, not counting the barbwire.

8 Q. How many guard stations were there? And
9 let me define guard stations as station along the
10 road that would be methods of ingress and egress.

11 A. You mean fixed places as opposed to
12 where there were roving patrols?

13 Q. Yes. Exactly.

14 A. There were one, two, three, four, five,
15 six.

16 Q. Now, there were roving patrols as you've
17 called them because there were hills and mountains
18 behind that area, weren't there? I don't know.
19 I'd call them hills, I guess.

20 A. No.

21 MR. BRIGHT: Objection. Ambiguous.

22 THE WITNESS: That's not true.

23 Q. Well let's start with this. There were
24 hills behind one area one side or the other?

25 A. Oh, sure, yeah.

1 Q. And there were open tieicts on the other
2 side of the road?

3 A. Yeah. But that's where the people
4 roved.

5 Q. Where did they rove?

6 A. They roved inside the compound.

7 Q. Right. Wasn't one of their functions to
8 make sure people didn't come in from the backside,
9 if you will, as opposed to from the road?

10 A. No more so than anybody else.

11 Q. Right. So they were looking at all
12 sides of the perimeter?

13 A. Yeah. Generally, they probably weren't
14 even in the view of the perimeter. We had a
15 whole -- extremely, I mean hundreds and hundreds
16 of thousands of dollars spent on high level
17 security equipment. They could tell if a rabbit
18 hopped by thirty feet away from that fence.

19 Q. And there were also hundreds and
20 thousands of dollars minimum spent on, I think,
21 the equipment that we were talking about which was
22 on the premises in both the movie studio and the
23 sound studio or studios?

24 MR. FAGELBAUM: Lack of foundation.

25 Q. Is that correct? Do you remember

1 testifying yesterday about -- in fact, you said it
2 was a multi, multi, multi-million sound studio?

3 MR. BRIGHT: Objection. Compound
4 question.

5 MR. FAGELBAUM: Misstates the record.

6 THE WITNESS: I was referring to the
7 building, Mr. Heller, and actually this was prior
8 to all that spending frenzy that went on. So I'm
9 not sure exactly how much. That was always the PR
10 story we were told to give the public and the
11 local police and so forth as the reason we had the
12 guards, but that wasn't the truth.

13 Q. Well, hold on. Let's concentrate just
14 on this. Was there, in fact, movie equipment on
15 the premises at any point while you were there?

16 A. Certainly.

17 Q. And at any point while you were there,
18 wasn't there rather extensive and expensive
19 equipment?

20 A. I have no way of knowing that.

21 Q. Was there, in fact, sound equipment?

22 A. Initially? At that time?

23 Q. Yeah. And let me not say sound
24 equipment. Recording equipment, I think, a
25 recording studio at any point during the time you

1 were there?

2 A. Yeah. But that's much later than the
3 period we're discussing.

4 Q. When was that?

5 A. When was it?

6 MR. BRIGHT: When was it?

7 Q. The point in time when they got the
8 expensive sound equipment?

9 A. I don't know. That was probably '84,
10 '85. I don't know that.

11 Q. Now you remember testifying yesterday
12 that they had a very expensive recording studio on
13 the --

14 A. Building, sure. They spent tons of
15 money building it.

16 Q. When was that?

17 A. '85, •85ish.

18 MR. FAGELBAUM: I thought the focus of
19 your questioning now is late '82. Isn't that
20 what you --

21 MR. HELLER: Yeah. But I want to try
22 to -- it's my deposition for one thing, but I want
23 to try to put it in time as to when these things
24 came about?

25 Q. I actually misunderstood you. I thought

1 we were talking yesterday that you were saying
2 that there was rather extensive equipment, whether
3 it grew or not during this period when you first
4 started there in the fall or winter of '82?

5 A. I can't -- I mean if we want to look it
6 up, I mean you've probably got the transcript,
7 But I thought I was referring to looking back on
8 it as I sit here. I thought I was referring to
9 the recording studio that we spent so much money
10 building.

11 Q. There was a film studio, also, wasn't
12 there?

13 A. Yes. We called it a gym because that
14 was the cover story we used with the outsiders.

15 Q. You didn't want outsiders to know you
16 were making films?

17 A. We weren't zoned or otherwise permitted
18 to be doing that type of stuff, so it was a way to
19 get around the law.

20 Q. At one point did you allow outsiders
21 while you were involved to know that films were
22 being made there?

23 A. Yes.

24 Q. We've now brought ourselves in time
25 chronologically, I think, up to Thanksgiving of

1 1982?

2 A. Maybe even December.

3 Q. Maybe December. Did your functions at
4 that point change?

5 A. Y e s .

6 Q. And what did you start doing then?

7 A. Well, there was a big flap where
8 security was considered inadequate. At that point
9 in time there was only maybe, I think, two
10 security guards and all the other positions were
11 held by regular staff who used to have to stand
12 just, you know, two to four hour -- I guess it was
13 four-hour watches.

14 Pat Broeker came on the property and was
15 extremely upset about the security, and so he and
16 DM called me in and ordered me to establish a
17 security force and like gave me forty-eight hours
18 to put together a team of twenty people and all
19 this sort of thing and see to their training.

20 Q. What was the actual problem that was
21 conveyed to you with regard to security
22 particularly?

23 A. Well, there was a couple of things. One
24 of which, as far as these guys I referred to as
25 RTC Conditions Order 1 and David Mayo and those

1 kind of things, the guards who were watching over
2 them and taking turns doing watches and so forth
3 had been talking to them and being swayed that
4 possibly they weren't such bad guys after all. So
5 they were all assigned conditions and gotten in
6 serious trouble.

7 The other thing was apparently -- I
8 don't have all the details. But it was suspected
9 that somebody might be up in the hills or
10 something, and Pat Broeker and DM drove up there
11 carrying uzis and just created a big flap because
12 the security guards at the time freaked out and
13 said, you know, hey -- you know, I thought that it
14 was nuts to be running around the hills with uzis,
15 and so they were considered as sort of weak
16 sisters, and just get rid of these assholes and
17 let's get us some real security.

18 MR. FAGELBAUM: When you referred to DM,
19 David Miscavige?

20 THE WITNESS: I'm sorry. Yes.

21 Q. Do you remember the names of any of
22 these guards?

23 A. Which ones?

24 Q. The ones that were overseeing the
25 individuals that were assigned RTC conditions

1 Order Number i. Let me finish that. YOU say
2 started sympathizing with those people. Do you
3 remember their names at all?

4 A. There's about three of them. I've got a
5 totally clear picture of them. I can't think of
6 what their damn names were. Oh, I remember one of
7 them. One of them was Matt Peach.

8 Q. Can you spell that?

9 A. I think it was spelled Peach, P-e-a-c-h,
10 but I'm not completely sure. And the other one
11 was a buddy of his, I'd say. I don't know if
12 they're buddies. But, anyway -- well, anyway, I
13 can't think of the other two. Matt Peach at the
14 time was the guy supposed to be in charge of
15 security, and he was like -- these guys, again,
16 remember how I referred to how there was no RPF
17 there. They were put -- we had to think up a
18 whole new name of what we did to these people.

19 But, anyway, they actually joined --
20 that's right. They actually got assigned with --
21 they got put in the same status as those other
22 guys in RTC Conditions Order Number 1. That's
23 right. I recall that now.

24 Q. Getting to the second point you were
25 referring to of going up in the hills with the

1 uzis, et cetera. Did you see that happen.

2 A. No. Pat Broeker and David Miscavige
3 briefed me about it.

4 Q. What did they tell you -- did they tell
5 you why they felt that there were people that were
6 up in the hills that were looking in or trying to
7 get in or something like that?

8 MR. FAGELBAUM: Misstates the record.

9 MR. HELLER: No. That's a question.

10 Q. Did they tell you that?

11 A. They didn't tell me that anybody was
12 trying to break in because that wasn't the truth.

13 Q. What did they say?

14 A. There was somebody up there up in those
15 hills.

16 Q. Did they say why they had some
17 indication?

18 A. That's not even on our property, I might
19 add.

20 Q. Right. Did they say why they had some
21 indication of that?

22 A. They had seen them.

23 Q. Were these people who were taking
24 pictures or had some sort of equipment or anything
25 like that?

1 K. No intonation.

2 Q. But they had seen some people -- had
3 they seen them more than once?

4 A. One person.

5 Q. Oneperson?

6 A. Yes.

7 Q. More than once?

8 A. No. To my understanding, it was just
9 the once.

10 Q. You testified a little earlier about
11 some extensive security equipment that surrounded
12 the perimeter of Gilman?

13 A. Yes.

14 Q. Did you buy that equipment?

15 A. No.

16 Q. As safety officer, were you consulted at
17 all on the purchase of that equipment?

18 A. No. I was in a position where I had to
19 fix -- they had purchased that along with the
20 guard dogs and so forth during the period I was in
21 the RPF. That equipment had to be actually
22 installed a total of three times before it
23 actually worked, and I was in the evolution of
24 that after I got out of the RPF.

25 Q. So you helped with the installation to

1 some extent?

2 A. You mean like physically digging the
3 ditch?

4 Q. No. But as supervising and -- well,
5 strike that.

6 A. Actually, the third time, yeah.

7 Q. I was going to say, did you have, given
8 your Marine -- you mentioned off the record you
9 were in the Marines. We didn't talk about that on
10 the record, but given your Marine experience for
11 four years or so and any other military
12 experience, do you have any expertise in security
13 equipment of this nature?

14 A. Of that particular nature like the fence
15 shakers, no. Other perimeter security, sure.

16 Q. Were there outside security personnel
17 brought in for installation or to repair the
18 security equipment?

19 A. The first time I believe they used an
20 outside company. The second time it was done
21 internally, and the third time it was done
22 internally.

23 Q. Now, a big part of this installation was
24 in anticipation of L. Ron Hubbard coming in that
25 there would be privacy with regard to him being

1 there?

2 A. Oh, yeah.

3 MR. FAGELBAUM: Lack of foundation.

4 MR. HELLER: No. That was a question.

5 THE WITNESS: There was a constant
6 fear. They wanted him to be able to come there
7 and, you know, be in a position where he would be
8 safe from service of process and that sort of
9 thing. We had to work out escape plans for him
10 and all that.

11 MR. BRIGHT: Objection. Move to
12 strike. No question posed or pending.

13 Q. I trust what you just said was in
14 response to that first question I asked?

15 MR. BRIGHT: Objection. Ambiguous.

16 Q. You can answer that.

17 A. (Witness nods head.)

18 Q. You shook your head yes. You have to
19 say yes.

20 A. I don't even remember the question now.

21 Q. I don't know if I cut you off before,
22 but do you remember the name of any of these other
23 guards that ultimately got assigned the RTC
24 Condition Order Number 1 besides the one you
25 identified, by the name of Matt Peach?

1 MR. FAGELBAUM: Asked and answered.

2 THE WITNESS: No.

3 Q. If you do and it comes to you, would you
4 let us know, please?

5 A. Sure.

6 Q. This was in commencement of your
7 explanation as to how your functions changed in
8 Thanksgiving, December, 1982.

9 A. Between --

10 MR. BRIGHT: Well, wait a minute.
11 What's the question.

12 MR. HELLER: I haven't asked one yet.
13 He just sort of --

14 Q. I assume you wanted to interject
15 something?

16 A. I wanted to clarify something what you
17 were stating there because I said actually brought
18 it up to December. There was some more, a couple
19 of changes there between Thanksgiving and
20 December.

21 MR. BRIGHT: Objection. Move to strike.
22 No question posed or pending.

23 MR. HELLER: I appreciate your
24 assistance.

25 Q. Let's go to Thanksgiving of 1982. Was

1 that when you started on a security detail, Jax I
2 may call it that, as you've previously described,
3 with regard to installation of this security
4 equipment?

5 MR. FAGELBAUM: Misstates the record.

6 MR. HELLER: Again, as you give that
7 objection, Mr. Fagelbaum, that's a question I've
8 asked because it seems to be a little bit unclear.

9 Q. And so the question is: Is that --

10 A. I couldn't tell you if that was the
11 exact period or not. It was in there somewhere.

12 Q. Did you say that your functions changed
13 between Thanksgiving of 1982 and December of 1982?

14 A. Yeah.

15 MR. BRIGHT: Objection. Move to
16 strike. Improper question.

17 Q. Give me an idea of how those functions
18 changed?

19 A. Well, if you remember, I covered
20 yesterday the information about the restricted
21 list and how we weren't allowed to let staff -- we
22 weren't supposed to let staff leave. That started
23 coming into play at least as a function of mine,
24 it was already in existence, but it was not a
25 function of mine. And it was my job to make sure

1 that none of these people escaped that were in
2 lower conditions and so forth.

3 Q. Was that one of your functions prior to
4 Thanksgiving of 1982?

5 A. I recall it being around that time that
6 I was given those orders.

7 Q. So prior to that you didn't have any
8 such order, correct?

9 A. Well, prior to that I was very busy
10 watching RTC Conditions Order Number 1 personnel.
11 It did exist with them prior or not, but just with
12 the whole base in general.

13 MR. BRIGHT: Well, I'm going to object
14 to the way you're conducting this examination.
15 There's a nice little conversation going on
16 between you and the witness and there's no
17 distinct questions and no distinct answers.
18 There's one continuous conversation, and we are
19 not allowed the opportunity to object or,
20 otherwise, control the examination.

21 MR. HELLER: Are you saying you're not
22 allowed the opportunity to object because it's
23 going back and forth so quickly?

24 MR. BRIGHT: Well, there's no distinct
25 question, and there's not a single distinct

1 answer. It's just a regular conversation. Just
2 like we're talking outside or off the record.

3 MR. HELLER: Well, what I was doing when
4 I was sitting aside and listening to both of you
5 because I thought that was happening as well. As
6 you noticed, I made a statement that I moved to
7 strike very often because I didn't have a chance
8 to interject an objection. And I do grant you
9 that -- and I don't want to by saying this,
10 Mr. Aznaran, I don't want you to inhibit from
11 doing so. So I want you to be comfortable in
12 answering. That Mr. Aznaran does answer right
13 after and sometimes during the time you ask a
14 question, but I don't want to say to him hold on,
15 stop, et cetera, because I want to get his answer
16 as best as he's able to give it.

17 MR. BRIGHT: I understand that. But
18 it's not limited to a question of timing. It's
19 during his answer you're starting to pose other
20 questions and then his answer's continuing and
21 you're starting to answer the earlier phrase, if
22 you want to call it, and it's just going to have
23 to be slowed down so we have an opportunity to
24 participate.

25 Q. Am I cutting you off at all?

1 TT. WōZ I'll just _____;

2 Q. And if --

3 A. No. I mean I'll answer it.

4 MR. HELLER: I'm sorry.

5 MR. FAGELBAUM: You're doing it right
6 now.

7 MR. HELLER: That's true.

8 Q. If you feel I'm cutting you off, please
9 let me know and I'll stop. When you stop,
10 sometimes I think you've finished your answer and
11 I start a question. Just hold up your hand or say
12 wait a minute or something like that. Okay?

13 A. Yes.

14 MR. HELLER: Thank you.

15 MR. BRIGHT: How's the court reporter
16 doing?

17 THE REPORTER: Fine.

18 MR. HELLER: Let's take five.

19 (Recess - Time: 10:58-11:02 a.m.).

20 Q. We're at, I think, December of 1982.
21 What were your functions at that point in time?

22 A. I had the added function at that point
23 of opening Christmas presents that were being --
24 arriving by mail going to staff and make sure that
25 nobody was being given anything which, you know,

1 might have some kind of undue influence on them or
2 sway them into any type of thought that, you know,
3 wasn't wanted.

4 Q. Were you still performing your security
5 function?

6 A. This is an additional function. I'm
7 sorry. I'm adding onto things we've already
8 established. I'm not taking away anything.

9 Q. When, to your knowledge, did David Mayo
10 leave the RPF?

11 A. You mean leave period?

12 Q. I guess. Are they contemporaneous
13 events when he left the RPF he left period?

14 A. Well, first of all --

15 MR. FAGELBAUM: Vague and ambiguous.

16 MR. BRIGHT: It also misstates the
17 previous testimony. Because, as I recall the
18 testimony, the RPF which is just being established
19 at that location and wasn't formally announced as
20 part of the RPF.

21 THE WITNESS: It wasn't an actual formal
22 RPF he was on.

23 Q. Let's go back. Let me reask the
24 question. When did David Mayo leave Scientology
25 period?

1 A. shit.

2 MR. FAGELBAUM: Lack of foundation. Are
3 you talking now about when he left the physical
4 premises that Rick Aznaran was assigned to or when
5 he was formally expelled from the Church of,
6 Scientology?

7 Q. You understand my question, right?

8 MR. FAGELBAUM: Well, I've got to
9 understand it, or otherwise I'll continue to make
10 the objection as vague and ambiguous.

11 Q. When did he walk out?

12 MR. FAGELBAUM: I'm not going to walk
13 out. I have a duty to do here.

14 MR. HELLER: No. That's a question.

15 Q. When did he walk out?

16 A. You guys lost me on that one.

17 Q. When did David Mayo walk out?

18 (Off-the-record discussion.)

19 Q. When did he leave the base?

20 A. I don't know. It was right in there
21 somewhere. I mean I think it was after that. I
22 could be wrong. It was right in there during that
23 period. I don't know. I mean after -- I believe
24 it was after, but I could be wrong.

25 Q. Would it be to the best of your

1 recollection during the calendar year of T9-8-27

2 A. No. I think to the best of my
3 recollection it would have been during the
4 calendar year of '83.

5 Q. Early '83?

6 A. But that's just to the best of my
7 recollection.

8 Q. To the best of your recollection, would
9 it be early '83?

10 A. I don't think I'm going to best
11 recollect any further than that. I mean he left
12 when he left.

13 Q. And that goes with the instruction that
14 I gave you earlier about guessing. Did you know
15 he was leaving prior to the time that he left?

16 A. Yes.

17 Q. And, again, we're talking about walking
18 out?

19 A. Yes.

20 Q. How did you know?

21 A. I think he made it pretty clear.

22 Q. Can you recall how he made it pretty
23 clear?

24 A. Well, I recall that during that period
25 we weren't allowing him to go -- he was wanted to

1 go Fo the dentist. HTs teeth were cotnerirtg him,
2 and he was wanting to -- we weren't letting him
3 go.

4 Q. Well, remember the question that I
5 asked. I don't want to get back into having a
6 conversation. How did he let you know --

7 A. Well, he -- okay. I think there was
8 some kind of problem with his teeth and this,
9 that, and the other, and he was like wanting to
10 leave.

11 Q. Do you recall the mode of transport, if
12 any, that he used to leave in?

13 A. He had a motorcycle and a car. I
14 believe it was a sports car of some kind.

15 Q. Did he take one of those or take one and
16 then come back for the other?

17 A. Well, I'm sure he didn't drive them
18 both, so I would say he probably took one and came
19 back for the other.

20 Q. As opposed to walking is what I meant?
21 So, as you recall, he took one and came back for
22 the other?

23 A. Yes. We had taken the batteries --

24 Q. Right. We got that far.

25 A. No. But I'm saying we gave them back.

1 MR. BRIGHT: Don't interrupt, Larry.

2 This is what we're talking about. Let him finish
3 his answer and then you start with the question.

4 MR. HELLER: Well, I had a problem,
5 Gary, because you started accusing us of haying a
6 conversation back and forth, so now what I'm going
7 to do --

8 MR. BRIGHT: And I'm accusing you of
9 that and that's the exact same thing again.
10 That's exactly what you're doing. He's in the
11 middle of an answer and you decide you want to
12 pose your question right in the middle of his
13 answer.

14 MR. HELLER: No. I just want to try to
15 limit at this stage so we don't have these
16 problems with his answer to my question.

17 MR. BRIGHT: But you can't do it by just
18 interrupting his answer whenever you feel like it.
19 You have to let the answer go on the record. And
20 then if you want to move to strike or whatever as
21 nonresponsive, you can do so or we can do so.
22 Well, let's go back to the last question and
23 finish the answer so that we have a complete
24 answer on the record and then you can go on to
25 your next question.

1 ET Let's go back to December or TT8T~.

2 Okay?

3 A. Uh-huh.

4 MR. BRIGHT: Well, then you're striking
5 your last question?

6 MR. HELLER: I'm not doing anything.
7 I'm just asking him questions as a deposition.

8 MR. BRIGHT: Well, then I'm stating for
9 the record you're abusing the process.

10 MR. HELLER: Okay.

11 Q. Let's go back to December of 1982.

12 A. Yeah.

13 Q. Did your functions change at that point?

14 A. Other than him to open up everybody's
15 Christmas presents going in and out?

16 Q. Yes, sir.

17 A. Well, I believe it was during that time
18 and continuing on into the following summer I
19 started -- I believe I told you I had to put
20 together a security force, and I was seeing to
21 their training, and all that sort of thing, so I
22 was heavily into that as well.

23 Q. Was that during 1983?

24 A. Late '82, '83, right in there.

25 Q. And was the security force the security

1 force 6TIE at Giiman <

2 A. Yes.

3 Q. You acquired a post, if I'm correct,
4 deputy executive international for security; is
5 that right?

6 A. I beg your pardon?

7 Q. Were you ever assigned a post called
8 deputy executive international for security at or
9 about mid-1982?

10 A. I've never even heard of such a post.

11 Q. So you've never had such a post?

12 A. Never.

13 Q. Did you supervise or engage in the
14 establishment of any security in 1983 other than
15 that at Giiman Hot Springs?

16 A. The next one I did was Los Angeles and I
17 don't recollect at this point whether it was '83
18 or '84.

19 Q. But it was one of those two years?

20 A. Yeah.

21 Q. Anything so far that we have missed with
22 regard to your functions in 1983?

23 A. Well, see, a lot of these things --

24 MR. BRIGHT: I'm going to object as
25 ambiguous.

1 Q. Let me restate the question. Have you-
2 now given me all of your functions as safety
3 officer, which was the post that you say you held
4 in 1983 or are there others?

5 MR. FAGELBAUM: Objection. I thought
6 you were going through his functions in 1982.

7 MR. HELLER: No. We have now gone into
8 I think 1983 and he's been a little bit vague as
9 to when he began supervising -- establishing a
10 security force. He said he believes it was '83,
11 '84, and he doesn't want to pin himself on which
12 year.

13 Q. So I want to stay with '83, and ask
14 whether there's anything else that you did?

15 A. I'm sure there is, but nothing I
16 recollect right this second. I'm sure there's
17 quite a bit I did.

18 Q. Were you stationed continuously
19 throughout 1983 at Gilman Hot Springs?

20 A. That I don't recall either. There was
21 some point in there where I started, like I told
22 you, taking on responsibilities in Los Angeles.

23 Q. Let's go to that point which you
24 recollect.

25 A. Ah. (Indicating.)

1 <S~. That's time. Have you now remembered
2 something else that you did in 1983?

3 A. Yes.

4 Q. What is it?

5 A. I was made LRH gun IC and put in charge
6 of Hubbard's guns and the purchasing of guns and
7 ammunition and all that.

8 Q. For his personal use when he came as
9 anticipated to Gilman Hot Springs?

10 A. No. For his personal use at his remote
11 location.

12 Q. When was that about?

13 A. That would have been during '83.

14 Q. Now, I believe you testified you went to
15 Los Angeles in '83 or '.84, correct?

16 A. Uh-huh, yes.

17 Q. Did you change posts when you did that?

18 A. No. I simply expanded the functions of
19 the post that I already had.

20 Q. Expanded them to the Los Angeles area?

21 A. Yeah.

22 Q. The blue building area?

23 A. All of the Los Angeles Scientology
24 structures.

25 Q. And would you characterize yourself as

1 supervising security at the Los Angeles
2 Scientology structures?

3 A. Establishing security initially and then
4 supervising it. I, also, did security missions.
5 It was also during 198 -- is this okay? Can I
6 still answer?

7 Q. Well, if it's in response to the
8 question that I asked, yes. I'd like to keep you
9 responsive to the question and I'm going to try
10 not to cut you off. But when you asked is it
11 okay, and then you looked at Mr. Bright and
12 you're --

13 A. I was looking at my attorney.

14 Q. Okay. I'm sorry. If you're responding
15 to the question, yes.

16 A. Also, during '83 I touched on yesterday
17 doing security for events for the senior execs and
18 ASI and Scientology. Also, I'm not quite sure if
19 it was '83 or it may have been '84 when we were
20 required to provide sea organization security
21 guards for ASI at their building, whatever the
22 hell it was, Sunset. We're covering a whole year
23 here sort of --

24 Q. I understand. And what we're covering
25 here is as you best remember it the '83, '84

1 period, time periodJ"

2 A. Yeah.

3 Q. Can you tell me your best understanding
4 during the time period of 1983, '84 who the
5 officers of Author Services, Incorporated were?

6 A. The officers?

7 Q. Yes, sir.

8 A. You're talking about like separate from
9 Scientology titles and who had power?

10 Q. Yes.

11 A. I had no idea who their officers were.

12 Q. Can you tell me during the 1983, '84
13 period the names of the directors of Author
14 Services, Incorporated?

15 A. Again, I know who wielded the power. I
16 don't know what formal seats somebody may or may
17 not have had, other than David Miscavige, who I
18 already testified was chairman of the board.

19 Q. Same question with regard to Church of
20 Scientology International for 1983, '84. Do you
21 know the officers?

22 A. I do happen to know that one because
23 there was a big flap. Heber Jentzsch was
24 president, but he didn't know who any of the other
25 officers were.

1 §1 Do you know any other officers besides
2 Mr. Jentzsch as president?

3 A. No.

4 Q. Do you know any directors of Church of
5 Scientology International during 1983 or 1984?

6 A. No. And was that international that we
7 were just talking about?

8 MR. HELLER: I thought I said that.

9 MR. FARNY: Uh-huh.

10 Q. Yes.

11 A. Actually -- okay. I don't know, no.

12 Q. Do you know the names of any of the
13 officers of Church of Scientology of California
14 during 1983 and 1984?

15 A. No, Mr. Heller, and I feel obligated to
16 explain my answer simply so that I don't look like
17 an idiot. I mean those things didn't have
18 anything to do with real life.

19 Q. I think you've testified to a great
20 extent to that. I kind of just want to know if
21 you know that. The same question --

22 A. The other officers didn't even know who
23 the other officers were.

24 Q. Same question as to directors?

25 A. No.

1 <\$. And that's Church of Scientology
2 California, you understand?

3 A. You can say all of them.

4 Q. Well, I'm going to.

5 A. Okay.

6 MS. McRAE: Well, I don't think it's
7 necessary since he just answered that he doesn't
8 know any of them.

9 MR. HELLER: I only have two to go.

10 MS. McRAE: Well, you're burning up your
11 time, Mr. Heller, and I really hadn't seen any
12 real cross from the direct yet, maybe fifteen
13 minutes touched on Rory Wagner and the
14 investigation in the orient, and then he tried to
15 start talking about David Mayo's car, which was
16 directly in response to their direct, and you
17 interrupted his answer. So I mean I don't see
18 this post stuff for two hours is -- I don't see it
19 as very relevant here, and I see it as wasting a
20 bunch of time.

21 MR. BRIGHT: Well, Counsel, you're going
22 to have to keep closer track of time because we're
23 much closer to four hours on post stuff, but let's
24 go on with more.

25 MR. HELLER: It's the first time I've

1 taken a deposition where I've been told, gee, you
2 can't ask the questions you want to ask. I
3 suppose you live and learn, don't you?

4 Q. Church of Spirit Technology, do you know I
5 any of their officers for 1983, 1984?

6 A. The name I tried to remember yesterday
7 Dan Prabilsky, (phonetic), I remember when he was
8 chosen as running the place, but I don't recall
9 whether -- I mean other than his obvious title of
10 commanding officer, whether he was a director or
11 officer.

12 Q. And last one, Religious Technology
13 Center, do you know any of other directors or
14 officers by name?

15 A. No. But I also have to answer just to
16 cover the questions you've already asked that it
17 was during this period I know that Pat Broeker was
18 officers on several of these things and it was
19 during this period that David Miscavige talked him
20 into resigning those posts in order to prevent any
21 possible threat to himself and Hubbard.

22 Q. Do you know what particular offices
23 Mr. Broeker held within these or in which
24 particular corporation he held such an office?

25 A. I believe it was several, but I know

1 that it was -- he wielded a lot of the actual
2 corporate authority or power or whatever.

3 Q. And your answer for Religious Technology
4 Center for '83, '84 is you don't know any names of
5 any actual people or holding the capacity of
6 officers or directors?

7 A. I don't know. Vicki was an officer and
8 I think she was president. And Jesse was an
9 officer, and Warren McShane was an officer, but I
10 can't tell you a hundred percent for sure that
11 that was '83, '84. David Miscavige, as I recall,
12 was also a -- whatever you call it, a trustee, but
13 I don't recall if that was '83, '84.

14 Q. Of?

15 A. RTC.

16 Q. Do you know the reasons why Church of
17 Spiritual Technology was initially incorporated or
18 set up?

19 A. Sure.

20 Q. And why is that?

21 A. Well, it was two things. Number one, it
22 was to make sure there was somebody who could take
23 the trademarks and so forth away from RTC, and it
24 was also set up so that there was some long-term
25 kind of thing LRH had come up with a long time ago

1 about protecting aTT HTs worTcsT

2 Q. Like preserving them?

3 A. Yeah. Didn't want them to get lost, you
4 know.

5 Q. Right. Going through the certain
6 methods of making sure that they're kept so that
7 they don't degenerate over time, that type of
8 thing?

9 A. It was totally weird. I mean it was
10 like you had to have bomb shelters and all kinds
11 of weird shit.

12 Q. How were they going to, as you say, take
13 the trademarks from RTC, do you know the method by
14 which they were going to do that?

15 MR. BRIGHT: Would you read that back
16 again?

17 (Question read.)

18 MR. BRIGHT: What's with the they? What
19 does they refer to, Counsel?

20 MR. HELLER: CST, I. guess. I suppose.
21 That's what I think I said.

22 MR. BRIGHT: Well, if you have to guess,
23 how is everybody supposed to know what you're
24 referring to?

25 Q. How was CST going to take the trademarks

1 from RTCY ; ~

2 A. It was some kind of deal where they had
3 for a buck or something they could get them.

4 Q. And who told you that or how do you know
5 that?

6 A. Oh, it was common knowledge when it was
7 set up. Well, not common knowledge amongst
8 everybody, but amongst senior RTC execs.

9 Q. Did anyone particularly tell you?

10 A. I was there when Jesse and Vicki and
11 David Miscavige were discussing it.

12 MR. BRIGHT: Let's use full names.
13 We're talking Jesse Prince, Vicki Aznaran, and
14 David Miscavige, correct?

15 THE WITNESS: - That's correct.

16 Q. In 1984 were you posted to a title known
17 as deputy investigations security OSA Int.?

18 A. Never heard of such post.

19 (Off-the-record discussion.)

20 Q. Let me restate the question. Were you
21 assigned to a post called deputy inves secretary
22 OSA Int.?

23 A. When?

24 Q. 1984.

25 A. If that's short for deputy

1 investigations secretary OSA international, *IT*.

2 would have been somewhere around that time, yes.

3 Q. And earlier I asked you whether you had
4 been assigned to a post deputy establishment --

5 MR. FARNY: Uh-huh, executive.

6 Q. -- executive international? I asked
7 another title. So were you at any other earlier
8 time assigned to a post deputy establishment
9 executive international?

10 MR. BRIGHT: Can I have that question
11 again and in its entirety?

12 MR. HELLER: Well, it was slightly
13 different last time, the title that I gave, and he
14 said he'd never heard of it. So that's what I
15 reasked.

16 Q. Do you remember the question?

17 A. Yeah.

18 MR. BRIGHT: Well, I don't remember it.
19 Read back the question. She's searching for a
20 question on the record. The last question she
21 can't even find and this has been the form of the
22 whole deposition, narrative revisited.

23 MR. HELLER: I asked a very specific
24 question. Were you posted to --

25 MR. BRIGHT: It's so specific she can't

1 even find *iTT*~.

2 MR. HELLER: Read it. You've never seen
3 a court reporter look for a question before, huh?

4 MR. BRIGHT: Not for the last one. I've
5 never seen one not being able to find it. Let's
6 put it that way.

7 MR. HELLER: Go ahead. Read what you
8 have.

9 (Question read.)

10 MR. BRIGHT: Well, that's clear.

11 MR. HELLER: I'll reask.

12 Q. Were you ever assigned to a post deputy
13 establishment executive international?

14 MR. HELLER: Is that good enough for
15 you, Mr. Bright?

16 MR. BRIGHT: No objection.

17 THE WITNESS: That's pretty close.

18 Q. When was that?

19 A. That would have been between the time
20 when I was safety officer RTC and the time when I
21 was deputy investigations secretary OSA
22 international.

23 Q. 1984?

24 A. I think. Yeah.

25 Q. What were your functions as deputy

1 investigator (sic) secretary oSA int.i "

2 A. Deputy investigations secretary.

3 Q. Deputy investigations, exactly.

4 A. Initially, when the investigations
5 division, which is the intelligence arm of OSA --
6 or intelligence gathering arm of OSA
7 international, I was made deputy to Linda Hamill,
8 and this was late -- let's see, late '84, as I
9 recall. And one of my initial functions was
10 establishing an intelligence network based on
11 military intelligence type of operations to
12 investigate enemies of Scientology, as well as
13 continuing to oversee security.

14 Q. Was this in Los Angeles where you were
15 posted?

16 A. Yes.

17 Q. How long did you hold that post?

18 A. Right around six months or so, I guess.

19 Q. Can you give me a year?

20 A. '85.

21 Q. Did you also have a post in 1985 called
22 information collection officer?

23 A. I don't believe so. In fact, no.

24 Q. Have you ever heard of the post?

25 A. Sounds like a post they'd have, but I

1 ~~don't know right this second.~~

2 Q. If 1985 were you ever posted as special
3 security officer?

4 MS. McRAE: Mr. Heller, you know, you've
5 been asking about these posts all day yesterday
6 and today, and it would be one thing if you were
7 getting to a question or you're going to get
8 somewhere after you've established his posts. I
9 don't know if you're trying to establish his
10 qualifications to testify or what. If you'll just
11 tell me where you're going, but this man's got to
12 make a living.

13 I'm here to see that the discovery is
14 not abused, and it's not dragged out for days and
15 days and days like when they didn't have a
16 lawyer. And so I want you to have your
17 opportunity to cross-examine. We don't want to
18 come back and we don't want to sit through days
19 and days again.

20 MR. HELLER: Well, let me make two
21 statements that might make you feel better. One,
22 I'm trying to get his history. Two, I intend to
23 finish with him today. Okay. So I'm not going to
24 promise, but I fully intend to, and I think I'm
25 going to -- very strongly think I'm going to. So

1 I 'm not going to asjc mm to come Joacx, *It* that
2 makes you feel better.

3 And I told you this yesterday, by the
4 way off the record when we finished, I said
5 without making a promise, I intend to finish him
6 today.

7 MS. McRAE: Well, if you're not getting
8 anywhere with the questions, I don't even see
9 using up the rest of the day.

10 MR. HELLER: A) I'm getting his history
11 and (B) I would say that we spent probably the
12 first hour and a half yesterday going through his
13 different posts. And let's assume if you put
14 aside -- I examined him for about an hour and a
15 half, two hours yesterday and probably half of
16 that was with the orient. We've been here about
17 an hour and a half now. So I figured I've spent
18 about tops two hours on his posts, so I'm not too
19 much beyond in my cross-examination the amount of
20 time that was spent on his post yesterday. I'm
21 pretty close to being finished.

22 And, as I said, without an absolute
23 definite promise, I'm not going to ask him to come
24 back. And I know that's your concern and I know
25 he's his away from his employment, and I assume

1 that's your major concern and hoperully I can
2 assuage that.

3 MS. McRAE: I would have hoped that you
4 could have completed both my clients this week,
5 though, too. And I don't, you know, I don't see
6 wasting this time and it's not just Richard, but
7 it's Vicki, too.

8 MR. HELLER: Okay. Ms. McRae, I'm going
9 to really have, when you come down to it and maybe
10 if I go through the day today, I'm going to have a
11 drop more than a day with him. I don't think
12 that's unreasonable.

13 MR. BRIGHT: I think it's unreasonable.

14 MR. HELLER: It is?

15 MS. McRAE: It just depends on what
16 you're asking. I mean three weeks might not be
17 unreasonable, but two hours might be.

18 MR. FAGELBAUM: I think you've reached a
19 point where it is unreasonable. I think it is a
20 clear record that we've been engaged in for the
21 last several hours is a stall. Now get him onto
22 the substantive areas of the testimony, so that we
23 can having something here that we can all
24 utilize. But what you're doing here is wasting
25 everybody's time in a clearly designed effort to

1 stall the proceedings. Let's not waste our time
2 anymore. Why don't you get to the meat of what
3 you came here to develop on cross-examination?

4 MR. HELLER: Excuse me. You guys didn't
5 ask him about his post for about an hour and a
6 half yesterday? You guys haven't examined Vicki
7 Aznaran now for -- and for the record, Ms. McRae,
8 I've examined Mrs. Aznaran for, I'd say, less than
9 two hours. The other examination by these
10 gentlemen who represent the Defendants and
11 Cross-Claimants has been in my recollection four
12 and a half days. Okay.

13 Now I'm sitting here and I'm going
14 through a day with Mr. Aznaran and I'm giving you
15 what I think are strong assurances that I'm not
16 even going to ask him back, and I'm getting heat
17 for that.

18 MR. FAGELBAUM: Mr. Heller, we're
19 talking about Mr. Aznaran's deposition, the total
20 direct examination of which lasted just about four
21 hours. You've had cross-examination that almost
22 equals four hours, and you're talking about going
23 in addition to that. I think that's
24 unreasonable. You haven't even covered the
25 subjects of the direct. You spent all your time

1 on extraneous areas. Why don't we just stop the
2 record posturing and get on with the testimony and
3 get to the meat of the cross-examination.

4 MR. HELLER: Well, because I'm going to
5 make my record. Number one, I'm going through his
6 posts. I have every right and I've already
7 identified him in three or four posts that weren't
8 covered when you did his post history. And I want
9 to be complete on this. And, number two, as we
10 discussed, we talked for probably about forty-five
11 minutes or an hour about the orient yesterday.
12 Today we went through probably for a good half
13 hour plus besides his posts, the RPF and we went
14 through Mr. Aznaran's RPF experiences, which I
15 thought we were pretty much in agreement was
16 relevant to this lawsuit because you have
17 characterized the RPF through your testimony.

18 And it's patently unbelievable that you
19 think that me sitting here and examining a witness
20 for a day, who you have called, is too long a time
21 and doing it in my fashion. Okay. It is patently
22 unbelievable.

23 THE WITNESS: Just everybody. One
24 second. That's it. I'm going to say something.
25 I mean I'm sitting here getting discussed like I'm

1 a dead body or something. I'm just saying one
 2 thing. Number one, it's a well-known fact the
 3 church strategy per policy is to make it as
 4 difficult and as harassive as possible for anybody
 5 involved in Scientology litigation. Number two,
 6 the fact that you guys who don't know anything ask
 7 me about my posts to me makes sense. The fact
 8 that I've been interrogated about my post through
 9 God knows how many lawsuits and how many days by
 10 people who have documented and can tell you what
 11 time of fucking day I fucking got moved from one
 12 post to another post, and you to sit here and
 13 fucking spend two hours asking me. To me, that's
 14 two separate fucking things. You guys got
 15 documented evidence of every fucking thing I did
 16 for fifteen God damn years, so anyway, end of
 17 fucking scene.

18 MR. BRIGHT: Let's take a break.

19 MR. HELLER: One second until we do.
 20 You have to understand, Mr. Aznaran, I very well
 21 could be limiting and probably am to what I get in
 22 this case and this deposition, number one --

23 THE WITNESS: That's because your
 24 fucking clients don't give it to you. It ain't my
 25 God damn fault.

1 WW. BRIGHT: Karen, take a break.

2 MR. HELLER: No. I need it. That's in
3 evidentiary and number two --

4 MR. BRIGHT: Let's take a break.

5 MR. HELLER: No. Let's don't go off the
6 record.

7 MS. McRAE: Well, we're going to.

8 MR. BRIGHT: We're going to take a --

9 MR. HELLER: Okay. Let's go off the
10 record.

11 (Recess - Time: 11:25-11:32 a.m.)

12 Q. I don't know if you answered this
13 question and let me ask it again. Were you ever
14 assigned the post of special security officer?

15 A. I don't recall. What?

16 Q. Special security officer?

17 A. No.

18 Q. This would have been in mid-1985?

19 A. I don't recall. Wait a minute. Wait a
20 minute. When I went CMO gold that might have been
21 the title.

22 Q. That's where it would be?

23 A. Yeah.

24 Q. In 1985 -- and we're just going to move
25 like light speed ahead here. We're going to the

1 fall, winter of 1985. Were you sent on a mission
2 to observe international finance security?

3 A. Huh?

4 Q. Were you sent on a mission to observe
5 international finance security?

6 MR. BRIGHT: Objection. Ambiguous.

7 THE WITNESS: Yeah. It was something
8 like that, now that -- I hadn't thought about that
9 in years. It was some kind of mission there.
10 Yeah, I had to go do an Ops mission on the finance
11 office, yeah.

12 Q. Where was that located?

13 A. That was in the HQ there at Gilman, HQ
14 being the building the CMO was located in.

15 Q. How long were you on that mission?

16 A. Being an Ops mission, I'd say it was
17 probably just a few days.

18 Q. That's in Los Angeles, correct?

19 A. Negative. It was in Gilman. Although,
20 I think part of the mission was in LA. I forgot
21 about that.

22 Q. You testified on direct examination that
23 you attended certain meetings in various locations
24 including ASI, RTC, OSA, Gilman, and then
25 generally Los Angeles. Do you recall that?

1 Jf. Vean.

2 Q. I want to go through those meetings?

3 A. Sure.

4 Q. And let's start with Author Services,

5 Incorporated. First, what I want to try to,do is

6 break up the meetings. Can you recall the first

7 meeting that you attended at Author Services,

8 Incorporated, where the subject matter was either

9 the AAC, John Nelson or David Mayo?

10 A. I'm not sure I can recall the first one

11 as separate from other meetings, no. And, again,

12 from yesterday I wish you guys would tell me --

13 define meeting. I mean the fact that we talked

14 about that subject, is that a meeting or does it

15 have to be like -- you know.

16 Q. Your testimony was that there were

17 particular meetings, and I want to define meetings

18 for our purpose, and see if your testimony remains

19 the same as people getting together in a room or

20 over a meal and discussing particular topics which

21 has a definite start and a definite stop.

22 MR. BRIGHT: I'm going to object to all

23 your instructions of the witness, particularly

24 where your alleged question includes your

25 definition of what he testified to. That is

1 clearly improper and you've been an attorney long
2 enough to know that.

3 MR. HELLER: If that's what I said, then
4 you misunderstood my intent.

5 Q. For our purposes when I ask you about
6 meetings, I'm talking about where people get
7 together to discuss particular topics and there is
8 a beginning and an end to this get together. Can
9 you understand that generally?

10 MR. FAGELBAUM: It's vague and
11 ambiguous.

12 THE WITNESS: Okay. But a second ago
13 you included like over dinner.

14 Q. Yes. Getting together over a meal, in a
15 conference room.

16 A. Okay. So we're talking about a loose
17 definition here?

18 Q. Now, I want to talk about meetings where
19 the AAC, David Mayo, John Nelson or the AAC
20 personnel were discussed.

21 A. Okay.

22 Q. How many such meetings do you recall at
23 Author Services, Incorporated?

24 A. Using that loose definition, I'd say at
25 least six, eight, maybe ten.

1 (JT ATTd tnesse were aTI meetings that yTU"
2 attended?

3 A. Yes. Meaning I was present, yes.

4 Q. When was the first of such meetings?

5 A. I believe it would have probably been
6 •83.

7 Q. Can you identify with anymore
8 particularity when in 1983?

9 A. I would say probably the latter half.

10 Q. Can you tell me who was at that
11 particular meeting that you're talking about?

12 A. I told you I can't single out one
13 particular meeting as being the first.

14 Q. Well, you've identified this meeting, a
15 first meeting in the latter half -- can you --

16 A. I'm talking about the general period
17 meetings, the first meeting would have been in
18 that general period.

19 Q. During that general period, can you
20 recall who was at that first meeting?

21 MR. BRIGHT: I object. He just said he
22 cannot delineate a first meeting. He said the
23 meetings would have commenced in that period, but
24 he does not have a specific meeting in mind when
25 he answers the question.

1 Q\ Are you able to answer my question.

2 A. I think that that was what I covered
3 yesterday as being David Miscavige, Norman
4 Starkey, Lyman Spurlock, myself, Marty Rathbun,
5 Jesse Prince, possibly Vicki Aznaran, and not all
6 of those people would have attended those
7 meetings. But those are the people that would
8 have been present just as a general -- during
9 these discussions there at --

10 Q. It's your testimony that you can't say
11 that these people were particularly at the first
12 meeting?

13 A. I can't say the first meeting was these
14 four people. The second meeting was these three,
15 the fourth meeting was these five. I mean, no. I
16 can tell you those were the people who were
17 generally around the area present.

18 Q. Given this first or first few meetings
19 in the latter part of 1983, can you recall
20 specifically what was discussed?

21 A. Specifically or generally?

22 Q. As specific as you can get.

23 A. I can generally tell you that there was
24 a great deal of upset over Mayo and Nelson's
25 establishment of the AAC, Harvey Haber, and Dede,

1 I think those four being the ones targeted almost
2 of the upset, and the fact that their apparent
3 success, and what could be done to prevent their
4 continued success. And as usual David Miscavige
5 would be yelling and ranting and raving and
6 generally communicating things that I certainly
7 hoped he didn't mean.

8 Q. At that point in time the AAC was
9 already in existence?

10 A. If my time is correct. I mean I may be
11 wrong in the meetings, but the AAC was definitely
12 in existence at the time of the meetings.

13 Q. Can you recall, and I'm now
14 concentrating on this first meeting or these first
15 meetings in the latter half of 1983 at ASI, can
16 you recall what information about the AAC was
17 discussed?

18 A. Only in a general sense. And the
19 discussion -- any of those discussions concerning
20 Mayo, Miscavige, David Miscavige, and Norman would
21 always make comments concerning that information
22 out of his PC folders that we discussed yesterday
23 concerning his manhood. And there would be
24 comments about all of them derogatory about them,
25 their people, their staff, the people who went

1 there, later times cases they were involved with
2 them.

3 I remember there was some kind of -- I
4 can't remember the significance of it, but it was
5 something about a picture of Mayo with a cat.
6 That was the subject of a lot of humor, I guess,
7 bouncing around information that had come to us
8 through trojan horse, personal things about Dede
9 Reisdorf, I think her name was, and these other
10 people, the intelligence that came out about
11 Nelson's planned trip to the orient, plans to send
12 people out there to disrupt their Sunday services
13 and their barbecues, derogatory remarks and
14 comments concerning Mayo's taped lectures,
15 tape-recorded lectures that he would give on the
16 Sunday services. That's all I can think of right
17 this second.

18 Q. Okay. Now, as you were giving me these
19 various things that were discussed, is it your
20 testimony that these were things that were
21 discussed at all of the meetings at various times
22 that took place at ASI?

23 A. Yes.

24 Q. As opposed to discussed at the meetings
25 which took place in late 1983?

1 A~. Wb~. I'm sorry. Let me clarify -char.

2 What I'm talking about is information just that I
3 got from attendance from all these different
4 meetings. If I may, I just want to -- let's see.
5 I was not like a player in the dealings with the
6 AAC, so these aren't things that stood out. I was
7 not myself given specific orders or doing things
8 or anything like that. This would just be
9 talking, you know, everybody talking about all
10 these different subjects. So it wasn't like a
11 formal what they call battle plan that I sat in
12 on.

13 Q. Are you saying that plans were not made
14 at these meetings with regard to things to do at
15 the AAC or to the AAC?

16 A. Oh, informally, yeah.

17 Q. But when you say informally, what do you
18 mean?

19 A. As opposed to, you know, sitting down
20 and writing a quote, unquote program or whatever.

21 Q. Are you able -- of the six to eight
22 meetings that you kind of recall at ASI, can you
23 tell me how many of them occurred in the latter
24 half of 1983?

25 MR. FAGELBAUM: Misstates the record as

1 the number or meetings . "_____

2 MR. HELLER: All right. Well, strike
3 that.

4 Q. How many meetings did you say you
5 recall?

6 A. I don't know. Whatever I said is what I
7 said. But, no, to answer your question.

8 Q. Did some of these meetings occur in
9 1984?

10 A. Probably.

11 Q. Did any of these meetings occur in 1985?

12 A. Could be.

13 Q. Did any of them occur in 1986?

14 A. No. I don't think so. No. I know so.

15 No.

16 Q. They did not?

17 A. No.

18 Q. Did any of them occur in the first half
19 of 1983?

20 MR. BRIGHT: You know, I'm going to
21 object. You've asked for the timing of this over
22 and over again. You must have twenty questions as
23 to when they occurred and obviously his
24 recollection was he could only vaguely place them
25 as the latter half of 1983 and into 1984 and into

1 1985, and as you've already estaJDiisnea. Now you
2 want to go back to 1983 and start all over again?

3 MR. HELLER: No, latter half. And now
4 I'm asking if any occurred in the early part of
5 1983.

6 MR. BRIGHT: You've already asked him
7 when did the first one occur and he can only
8 vaguely put it as the latter half of 1983. You've
9 already established his knowledge on the subject.
10 You've exhausted it and now you want to go back
11 all over it again and ask the same questions.
12 Asked and answered.

13 Q. Did any of them occur in the first half
14 of 1983?

15 A. There were discussions about Mayo in the
16 first half of '83. I don't recall the AAC in the
17 first half of '83, but, again, I could be wrong,
18 like I told you.

19 Q. Was there any particular time period
20 where more of these meetings occurred such as most
21 of them occurred in late '83 or during '84 or
22 something like that?

23 A. I remember that as far as the meetings
24 over at RTC in LA there was a period there
25 where --

1 Q. I'm sorry. And I don't mean to
2 interrupt, but we are concentrating on the
3 meetings at ASI?

4 A. Okay. I guess not.

5 Q. You can't localize a group of meetings
6 in any particular time period?

7 A. No. I'd be trying to guess.

8 Q. I understand your prior testimony that
9 you're not sure some people may have attended some
10 of the meetings and some people may have attended
11 others of the group people you have identified; is
12 that correct?

13 A. Sure.

14 Q. Can you by way of time period tell me
15 any individuals who may have attended meetings at
16 a certain time period but not at a certain other
17 time period?

18 A. No. Those people --

19 MR. BRIGHT: Wait. Wait. Let me have
20 that question back.

21 (Question read.)

22 MR. BRIGHT: Objection.
23 Unintelligible. Ambiguous.

24 Q. Do you understand it or do you want me
25 to rephrase it?

1 A. it'd probably be better "to rephrase.

2 Q. Were there certain people that attended
3 meetings during a certain time period but not at
4 another time period?

5 A. Not of the people --

6 MR. BRIGHT: Same objection.

7 THE WITNESS: Not of the people I
8 recall. There may have been other bit players, I
9 guess, may have been in and out of the meetings
10 and stuff.

11 Q. Now you've used the term that -- or
12 you've testified that you are not a player at
13 these meetings. Define what you mean by being a
14 player.

15 A. Being involved in either strategic or
16 tactical planning, execution, et cetera, of
17 operations against Mayo and the AAC.

18 Q. Were there particularly individuals of
19 the ones that you have identified that initiated
20 any plans concerning the AAC?

21 A. Yes.

22 Q. Which would those be?

23 A. David Miscavige who issued orders and
24 approved things that were being done against the
25 AAC, Norman Starkey, Lyman Spurlock, Marty

1 Rathbun, VICKI Aznaran, Jesse Prince, Greg
2 Rierson, Warren McShane, Mike Sutter, who is by
3 the way the Mike I referred to yesterday as over
4 OSA international and I couldn't remember his last
5 name. Those were all people who were involved and
6 that sort of thing.

7 Q. Now, you previously identified certain
8 people as being at these meetings and you've now
9 added a couple of people, Greg Rierson, Warren
10 McShane, and Mike Sutter. So I understand they
11 were at some of these meetings at ASI?

12 A. No. I'm sorry. I thought you were
13 talking about the meetings just in general.

14 Q. Again, bringing you back, I now want to
15 concentrate at this stage just at these ASI
16 meetings.

17 A. I don't recall Greg or Warren at the ASI
18 meetings, no, or Mike Sutter.

19 Q. So the players at the ASI meetings would
20 have been David Miscavige, Norman Starkey, Lyman
21 Spurlock, Vicki Aznaran, Jesse Prince?

22 A. Yes. And the ranking or however you
23 want to put it together, I mean the people over at
24 ASI -- the ASI staff would have been -- Jesse and
25 Vicki would have been more reporting to them as to

1 what was going on as opposed to the other way
2 around.

3 Q. Were Jesse and Vicki basically running
4 the operations?

5 A. Under those other people.

6 Q. Were there specific orders given at
7 these meetings to Jesse Prince or Vicki Aznaran
8 with regard to doing something at or to the AAC or
9 any other individuals associated with it?

10 A. I guess the answer kind of hinges on the
11 word specific. I mean like I told you about David
12 Miscavige ranting and raving about fuck those
13 people up and things like that. That's not
14 exactly specific.

15 Q. When I say specific, I mean I want you
16 to go and do a particular thing?

17 A. Not that I recall. It was more
18 expressing either pleasure or displeasure at
19 whatever they were being reported to about.

20 Q. Would you say that David Miscavige had a
21 generally pissed off attitude towards the AAC and
22 the personnel at these meetings?

23 MR. FAGELBAUM: Vague and ambiguous as
24 to the definition of pissed off.

25 THE WITNESS: I was going to clarify

1 that myself. ---

2 Q. Mad as hell and not taking it anymore?

3 A. More like psychotic probably.

4 Q. Did he express to you why he was angry
5 at the AAC and their personnel?

6 A. The fact that they were even there was
7 like a personal affront.

8 Q. Because they were using Scientology
9 Technology?

10 A. Because they were successful,
11 successfully using Scientology Technology and
12 competing basically for the business.

13 Q. Was it your belief at or about the time
14 at least at these initial meetings at Author
15 Services, Incorporated, that the AAC was utilizing
16 Scientology Technology or a derivative thereof
17 that had been stolen from Scientology?

18 MR. FAGELBAUM: Lack of foundation.

19 THE WITNESS: Say that again.

20 MR. HELLER: Could I have it read back,
21 please?

22 (Question read.)

23 MR. FAGELBAUM: Also compound.

24 MR. BRIGHT: I join.

25 THE WITNESS: The easiest way to answer

1 that is to give you an exact example that was
2 actually given during that period of time, which
3 was these trademarks and so forth. They would
4 discuss them and compare them to actually like the
5 Catholic Church and actually make comments that if
6 trademark laws had been in effect back then, none
7 of these other people would have been able to
8 splinter from the Catholic Church and start
9 Lutheran and Calvin or Calvinists. You know,
10 there wouldn't be a separate Christianity as
11 opposed to the original Catholic Church.

12 So it was more like just a successful
13 splintering and, you know, it was just viewed as
14 unfrontable, unacceptable.

15 Q. Let me bring you back to the actual
16 question which was asked: Was it your
17 understanding at that time that the services being
18 delivered by the AAC derived from materials which
19 had been stolen from Scientology?

20 A. You're talking about actually physical
21 materials, not just ideas, concepts and so forth?

22 Q. Physical materials.

23 A. I have no idea.

24 MR. BRIGHT: I'm going to object. You
25 have to define what services you're referring to.

1 You haven't even made an attempt £15 d'o TTT.

2 Q. Go ahead.

3 A. I think I said it, but whatever it is I
4 was going to say.

5 Q. You were talking about physical
6 materials.

7 MR. BRIGHT: Wait. Wait a minute.
8 What's the question now? Now that you've had this
9 little exchange, what's the question you want him
10 to answer?

11 MR. HELLER: I asked a question which
12 you objected to materials. Prior to your
13 objection, he said are you talking about physical
14 materials, and I said, yes, meaning when you say
15 physical materials, written materials, I take it
16 is what we're discussing. And if you want me to
17 reask the question in that vein, I'll be happy to,

18 THE WITNESS: No. I think I can answer
19 it.

20 MR. HELLER: I think so, too, but --

21 MR. BRIGHT: No. Wait a minute. I want
22 a question. Just a simple question with no
23 predicates and with no explanation of Counsel.

24 MR. HELLER: Well, why don't you
25 listen. If you'll listen, you'll hear it.

1 WET.-BRIGHT: I have been listening. f--
2 mean that's the problem.

3 MR. HELLER: I asked him a question. I
4 said: Was it your understanding that the services
5 which were being delivered by the AAC were derived
6 from materials stolen from Scientology. He said
7 do you mean physical materials. I said, yes.
8 You've got two objections in there. I don't think
9 you heard the question. I think it's a question.
10 He asked for a further explanation. I gave it to
11 him.

12 MR. BRIGHT: And then you want him to go
13 back three questions and start answering again and
14 that's what I'm objecting to.

15 MR. HELLER: I did not. We were at the
16 physical materials and he understands it. And
17 then I said to make everybody happy, I'll be happy
18 to reask it in that manner.

19 MR. BRIGHT: Fine.

20 Q. I think you understand the question
21 now. Let me reask. Was your understanding at the
22 time of these initial meetings at Author Services,
23 Incorporated, that services were being delivered
24 by the AAC that derived from physical materials,
25 meaning written materials, that had been stolen

1 from Scientology.'

2 MR. BRIGHT: Objections as previously
3 noted.

4 THE WITNESS: Okay. The answer to that
5 question is yes, but I have to say one other thing
6 because our thinking would not be the thinking of
7 a reasonable person. Our thought was that even
8 though they may go down and buy these books, in
9 other words, this is not stolen materials.

10 They can go down there and buy a
11 Dianetics book. The fact that they would then
12 even though the book itself encourages you to
13 deliver Dianetics auditing, the fact that they
14 would then deliver Dianetics auditing would be
15 viewed in the church as, yes, they stole that.
16 But I mean there's nothing stolen there. So I
17 mean they thought it, yeah, but really, no.

18 Q. Was it your understanding at the time of
19 these initial meetings at Author Services,
20 Incorporated, that the AAC was delivering upper
21 level or NOTs services predicated upon material
22 that had been stolen from Scientology?

23 MR. FAGELBAUM: Objection. Are you
24 saying his opinion?

25 MR. HELLER: Yes, sir. I said his

1 understanding.

2 MR. BRIGHT: That's one objection.

3 MR. HELLER: Well, what's objectionable
4 about that?

5 MR. BRIGHT: Let me get to it. You're
6 saying upper level or NOTs? It's got to be one or
7 the other.

8 MR. HELLER: Yes. Let's start with
9 upper level.

10 MR. BRIGHT: There's many upper level
11 services in addition to NOTs. So your question is
12 inherently compound.

13 Q. Let's start with NOTs?

14 A. Well, what was the question?

15 Q. Let me reask.. Was it your understanding
16 at the time of these initial meetings you've
17 testified about at Author Services, Incorporated,
18 that the AAC was delivering services predicated
19 upon material stolen from -- NOTs materials stolen
20 from Scientology?

21 A. (No response.)

22 MR. HELLER: Do you need it read back?

23 MR. FAGELBAUM: Lack of foundation.

24 THE WITNESS: No. I think I understand
25 it, but I don't think I'm in a position to able

1 to - I mean in a position to like say give an
2 opinion, a legal opinion, anyway, as to whether
3 those things were stolen or not stolen and who was
4 the rightful owner and who wasn't and all that.

5 MR. HELLER: Let me reread the question
6 and ask that.

7 THE WITNESS: Stolen being a word
8 meaning that I'm taking something that belongs to
9 you? I don't know who they really belonged to. I
10 don't know if that's even been established.

11 MR. HELLER: Let me reread the question
12 and listen to it carefully because I didn't ask
13 for any of that.

14 (Question read.)

15 THE WITNESS: . Okay. In my viewpoint at
16 that time, was I would have thought that that was
17 the case, yes.

18 MR. HELLER: Do you want to take a
19 lunch? It's about ten or a quarter after or
20 something.

21 MR. FAGELBAUM: Mr. Heller, you've now
22 in the course of your cross-examination exceeded
23 the entire length of time that both Mr. Bright and
24 myself had on direct exam. You've gone far
25 afield. You've asked a number of questions that

1 had absolutely nothing to do with direct. It's
2 apparent and the record's going to reflect it that
3 you're trying to stall this deposition. You're
4 trying to drag out this deposition, so that there
5 will be no opportunity to resume Vicki Aznaran's
6 deposition this afternoon.

7 The record should reflect that that's
8 our feeling, that you've been given the
9 opportunity right now to adjourn this deposition
10 because you've had plenty of time to conduct your
11 cross-examination and resume the deposition of
12 Vicki Aznaran this afternoon. She's available.
13 Counsel is available. All the attorneys and other
14 personnel in this room are available to continue
15 with Vicki Aznaran.

16 MR. BRIGHT: Specifically his cross of
17 Vicki Aznaran.

18 MR. FAGELBAUM: That's right. You're
19 going to have your opportunity to continue your
20 cross of Vicki Aznaran. We intend to use the
21 material that we derive from her testimony this
22 week in any of the pending motions that are now
23 before the Court. And at the time of those
24 motions, I don't want to hear from you that you
25 didn't have an opportunity to continue your

1 cross-examination of Vicki Aznaran like you CTT3
2 three months ago when you made your motion for a
3 protective order that before any other testimony
4 or before any motions are heard, we have to come
5 back here and complete her testimony.

6 We're here now. We're all ready,
7 willing, and able to complete her testimony or at
8 least continue it, and you've refused to do so.
9 You have another golden opportunity this
10 afternoon. Now it's your choice. We can either
11 do that or you can squander that opportunity by
12 continuing to drag out Mr. Aznaran's deposition,
13 which I believe at this point has become
14 harassive. It's your choice.

15 MR. HELLER: Did you notice,
16 Mr. Fagelbaum, Mr. Aznaran's deposition for
17 Thursday of this week? If you had noticed Vicki
18 Aznaran throughout the week, then I would have
19 been examining her at this point. And did you not
20 insist, Mr. Fagelbaum, that Mr. Aznaran's
21 deposition commenced today when we wanted to go
22 through with Vicki Aznaran's deposition the entire
23 week?

24 MR. FAGELBAUM: No, I didn't.

25 MR. HELLER: I believe you did.

1 MR. i'AGELBAUM: The record will reflect
2 that I had an agreement with Mr. Cooley that the
3 Vicki Aznaran deposition would be adjourned on
4 Wednesday so as to allow Mr. Aznaran's deposition
5 to go forward on Thursday. You've dragged it out
6 Thursday. You've dragged it out again this
7 morning, and it was only an accommodation to you
8 that we agreed to continue Mr. Aznaran's
9 deposition this morning. Now you've exceeded the
10 time of direct and you want to go still further.

11 MR. HELLER: Just for the record, and I
12 think Mr. Cooley can testify to this, Mr. Cooley
13 came in here on Monday and said that he wanted to
14 do Vicki Aznaran the whole week. He said I've got
15 to go to a court hearing Wednesday morning --

16 MR. BRIGHT: Now wait a minute. You
17 weren't even here.

18 MR. HELLER: I've got the record. I had
19 it printed up.

20 MS. McRAE: The thing is that all he
21 did -- all Cooley did on cross with Vicki was try
22 to get into extraneous cases and going backdoor on
23 the RICO case that was filed, and it was clearly
24 improper. And I don't care. Y'all have Vicki and
25 Rick here and they're here on a subpoena and

1 they're here to cooperate and you're entitled--bo-
2 your cross and you're entitled to your direct, but
3 you're not entitled to drag this thing out
4 strategically or otherwise.

5 And I don't see that you have used --
6 and Cooley sure didn't use a day with Vicki well
7 at all. He didn't even cover this case, and I
8 don't want either one of them to have to come
9 back.

10 MR. HELLER: From my perspective
11 Mr. Aznaran, as I've said a number of times, will
12 not come back and I heard an incredible amount of
13 complaining of the way I was conducting the
14 deposition prior to the break. And I think I
15 asked two questions then just to get through 1985
16 on Mr. Aznaran's post. And am I wrong? Do you
17 disagree that since that time I have been going
18 through these meetings, which I think are
19 extremely important? They are meetings about the
20 Counter-Defendants that affect the AAC and
21 otherwise and I've been pretty much relevant on
22 point?

23 MS. McRAE: Finally. But you asked the
24 same question over and over, and I want it to
25 where Vicki doesn't -- you know, y'all in the near

1 future do not have to come back here. KYTH I don't
2 see that you've used your time wisely in assuring
3 that. And I think it's an abuse of the witnesses
4 and the discovery process. Otherwise, you know, I
5 don't care what motions y'all have pending down
6 there. I'm representing them. I don't want their
7 business destroyed over this. I don't want them
8 harassed over this.

9 We know what the scientologists do.
10 They've sued me, too. And I'm not testifying, but
11 we're just not going to put up with it. If you've
12 got some more stuff you really want to ask Rick
13 and you want to limit it to a certain period of
14 time and start with Vicki again, so that I can be
15 assured that she will not have to be coming back
16 down here for cross or direct for at least the
17 near future.

18 MR. FAGELBAUM: What I would suggest,
19 Mr. Heller, since you've already gone over movies,
20 records, puppies, ex-wives, nonparties, and
21 commemorative coins, that after the lunch break we
22 stick to substance and maybe allow Mr. Aznaran to
23 testify for one additional hour so that you can
24 clean up his cross-examination and then for the
25 remainder of the day, let's take Vicki Aznaran's

1 deposition?

2 MR. HELLER: I'm not going to be
3 finished in one hour with Mr. Aznaran. I mean I
4 can tell you that right now. And what I can tell
5 you is I'll be finished before the end of the day,
6 and I'll probably be finished before 5 o'clock,
7 but it ain't going to be one hour. And if, in
8 fact, I'm inconveniencing anybody by doing that,
9 you have my apologies.

10 I would make two statements. Number
11 one, as I discussed with you, Ms. McRae, off the
12 record, granted I did go through the post periods
13 in some detail which I think I'm entitled to do.
14 But then I also kind of pointed out to you that I
15 was segueing off of that into the RPF, the guards,
16 the weapons, all of which was part of the direct
17 examination yesterday.

18 Secondly, there are various areas which
19 I haven't even touched yet and they will be
20 relevant areas, and they will.be areas that were
21 directly covered extensively, if I may say so, on
22 direct such as the computer stuff, Mr. Mayo's
23 running program, other meetings which transpired,
24 where these alleged acts against the AAC were
25 discussed and that's what I'm going to concentrate

1 on. If I sway or leave the path, Ms. MCKae,
2 please bring me back there and I will get him out
3 of here at the end of the day.

4 MS. McRAE: The point is you had all
5 this time to do that already.

6 MR. HELLER: I really think I have
7 talked about the RPF. I have talked about the
8 weaponry. I have talked about the perimeter
9 guards, et cetera.

10 MS. McRAE: Well, when you started on
11 the RPF, why didn't we finish it? When you
12 started on the running program, why didn't you
13 stay on the running program?

14 MR. HELLER: Well, come on now. I can
15 take a deposition and move around. That's my
16 technique. I'm not the first to come up with that
17 technique. Am I? Lunchtime. Go ahead and make
18 your statement, but let's go to lunch.

19 MR. FAGELBAUM: Mr. Heller, are you
20 prepared to come back here tomorrow for Vicki
21 Aznaran's deposition?

22 MR. HELLER: No. Tomorrow's Saturday.
23 I'm going home tonight.

24 MR. FAGELBAUM: Okay. Let's go to
25 lunch. (Recess - Time: 12:10-1:20 p.m.)

~CORRIGENDA~

The witness, RICHARD N. AZNARAN, states he wishes to make the following corrections or changes in his testimony as originally given:

PAGE LINE CORRECTION/CHANGE , REASON

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SIGNATURE OF WITNESS

STATE OF _____ .)

COUNTY OF _____)

SUBSCRIBED AND SWORN TO BEFORE ME by the
said witness on this the _____ day of _____ 1989.

Notary Public in and for
_____ County, _____

My commission expires: _____

1 STATE OF TEXAS _____ J _____ "

2 COUNTY OF DALLAS)

3 I, Lori A. Belvin, Certified Shorthand
4 Reporter, duly qualified in and for the State of
5 Texas, do hereby certify that, pursuant to the
6 agreement hereinbefore set forth, there came
7 before me, RICHARD N. AZNARAN, who was by me duly
8 sworn to testify the truth, the whole truth and
9 nothing but the truth of his knowledge concerning
10 the matter in controversy in this case; and that
11 he was thereupon carefully examined upon his oath
12 and his examination reduced to typewriting by me;
13 that the deposition is a true record of the
14 testimony given by the witness, same to be sworn
15 to and subscribed by said witness before any
16 Notary Public, pursuant to the Stipulation of the
17 parties.

18 I further certify that I am neither
19 attorney nor counsel for nor related to or
20 employed by any of the parties to the action in
21 which this deposition is taken, and further that I
22 am not a relative or employee of any attorney or
23 counsel employed by the parties hereto or
24 financially interested in the action.
25

1 In witness whereof, I have hereunto set
2 my hand and affixed my seal this the 18th day of
3 April, 1989.

4 
5

6 LORI A. BELVIN,
7 Certified Shorthand Reporter
8 in and for the State of Texas.
9 Certification No. 2572
10 Expires December 31, 1989
11 3616 Maple Avenue
12 Dallas, Texas 75219
13 Telephone (214) 748-3382

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

RELIGIOUS TECHNOLOGY CENTER, A)
California Corporation, et al.,) CV 85-711 JMI (Bx)
Plaintiffs,)

VS.) CV 85-7197JMI (Bx)

ROBIN SCOTT, An Individual,)
et al.)
Defendants.)

RELIGIOUS TECHNOLOGY CENTER, A)
California Corporation, et al.,)
Plaintiffs,)

VS.)

LARRY WOLLERSHEIM, An)
Individual, et al.,)
Defendants.)

AND RELATED COUNTER-CLAIMS)

ORAL DEPOSITION OF RICHARD N. AZNARAN
NOVEMBER 10, 1989

ANSWERS AND DEPOSITION OF RICHARD N. AZNARAN,
produced as a witness on behalf of the Defendants
and Counter-Claimants, taken in the above-styled
and -numbered cause on the 10th day of November,
A. D., 1989, before Lila Yvonne Hernandez, a
Certified Shorthand Reporter in and for the State
of Texas, at the offices of CLARK, WEST, KELLER,
BUTLER & ELLIS, 4800 Renaissance Tower, City' of
Dallas, County of Dallas, State of Texas, Texas
accordance with Federal Rules of civil Procedure.

ORIGINAL

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BY: MS. KAREN E. McRAE

APPEARING FOR WITNESS,
RICHARD N. AZNARAN

ALSO PRESENT: Aron C. Mason, Representative
of Church of Scientology
International
Lynn Farney, Representative
of Church of Scientology

I N D E X**Examination of Richard N. Aznaran PAGE**

Examination by Mr. Heller 349

P R O C E E D I N G S

(1:25 p.m.)

MR. HELLER: Short statement for the record, I have marshalled various letters which were written November 1st, two of them were written November 2nd and one of them November 3rd and the thrust of these letters -- they were between Mr. Fagelbaum and Mr. Cooley respecting the depositions which have transpired this week where Mr. Cooley's unequivocal objection to the commencement of Mr. Aznaran's deposition this week and his insistence that Mrs. Aznaran's deposition continue and be completed prior to commencing Mr. Aznaran's, deposition and I don't think I want to waste a lot of time reading from these various letters, perhaps the best thing to do is just to attach them as exhibits.

MR. BRIGHT: Well, we're going to object to you attaching any letters as exhibits to the transcript unless you lay an adequate foundation for the introductions of these exhibits.

MR. HELLER: Well, I tend to agree with you that it's really almost overkill to do so, suffice it to say the very first letter is

1 November 1st where there is an express objection
2 to the commencement of Mr. Aznaran's deposition;
3 the response is November 2nd by fax letter.

4 MR. FAGELBAUM: I'm sorry. Who are
5 these letters between?

6 MR. HELLER: The first letter,
7 November 1st, is to you from Mr. Cooley and your
8 response of November 2nd, the multi-page letter
9 faxed to Mr. Cooley, and I think it indicates, it
0 was thereafter mailed. It states on Page 2 that
1 you intend to proceed with Mr. Aznaran's
2 deposition, you think it's proper and you will not
3 be deterred. There's another November 2nd letter
4 written by Mr. Cooley to you, Mr. Fagelbaum, where
5 he states we have agreed only to the resumption of
6 the deposition of Vicki Aznaran and says he does
7 not want to go forward with Richard Aznaran until
8 we've completed Vicki Aznaran, and then you
9 responded to him by a letter dated November 3rd
0 where you say accordingly -- quoting: Accordingly
1 Defendants' continuation of their direct
2 examination of Mrs. Aznaran will commence on
3 November 6th and Mr. Aznaran on or about November
4 9, 1989.

5 So I just find it unusual and perhaps

1 somewhat ironic that you would now say that we're
2 not giving you an opportunity because of Mr.
3 Aznaran's deposition, which you subpoenaed a
4 notice, to go forward with the continuation and
5 the completion of Mrs. Aznaran's deposition. It
6 was our intention to do precisely that SOMETHING
7 the week and absolutely complete the deposition
8 this week of Mrs. Aznaran.

9 Furthermore, I have the record of the
0 agreement made on Monday, which would have been
1 the 6th of November, regarding Mr. Aznaran's
2 deposition, where Mr. Cooley in -- that he could
3 before he went to Los Angeles for a hearing on
4 Wednesday complete his section, which he did, of
5 Mrs. Aznaran's deposition, allowed Mr. Aznaran's
6 deposition to go on November 9th; at which point
7 that record will reflect that Mr. Cooley said, and
8 you thereafter agreed, quote: But we have an
9 arrangement with respect to this deposition going
0 until the close of business tomorrow, and whatever
1 the situation is at that time, we'll do Rick
2 Aznaran on Thursday and if further interrogation
3 of Vicki Aznaran can't be accomplished by the
4 close of business tomorrow, we'll just have to do
5 it another time, understanding that I am assured

1 at the moment anyway at least forty-five minutes
2 of questioning. Closed quote. And Mr. Fagelbaum
3 says, quote: That's right. Close quote.

4 So there was no agreement, as I think
5 was asserted yesterday, to continue Mrs. Aznaran's
6 deposition today. In fact it was basically just
7 the opposite.

8 Last, today is a legal holiday. We are
9 in Dallas, so we are nevertheless here taking, it
10 on a legal holiday, although the Federal Rules
11 provide that we don't have to be here and none of
12 us have to take this, it is Veteran's Day today,
13 schools are closed, and am I right, Federal Courts
14 are closed? I'm not sure. I think they are. So
15 I'm not sure what the dispute is. And as I've
16 said, I guess ad infinitum, and excuse me for
17 going on ad nauseam, I will finish with Mr.
18 Aznaran today, he will not have to come back, and
19 I'm only here taking Mr. Aznaran's because of your
20 insistence to go forward with it.

21 MR. FAGELBAUM: Well, I think the
22 only thing that I agree with is your statement
23 that you're not sure where the dispute is, because
24 so far the references that you've made are to
25 letters that were not written to you and which

1 were not responded by you, so I'm going to object
2 to any effort by you to make them exhibits to this
3 deposition.

4 Number two, as far as the record is
5 concerned, the record is what the record is.
6 Again, you were not here when the discussions were
7 had again with Mr. Cooley, I was and I know what
8 the agreement was.

9 At the time the understanding was clear
10 that we were going to interrupt the continued
11 cross-examination of Mrs. Aznaran for one day,
12 which was for Thursday, and we would then
13 continue, whether or not we finished with Mr.
14 Aznaran on Thursday with Mrs. Aznaran's deposition
15 on Friday.

16 Now, if you want to rewrite history,
17 that's been in your practice in the past and
18 you're doing it once again. The point is, the
19 complete global record of the events which have
20 transpired starting back as early as August is
21 clear and Judge Colts will see that this has been
22 one orchestrated effort to block the obtaining of
23 information and discovery from Mr. and Mrs.
24 Aznaran and whatever discovery has been taken
25 there has been further efforts to block its use.

1 This is a stall. It's clear, it's abusive and
2 it's harassive. And we may end up coming back to
3 Dallas one more time, but the next time it's going
4 to be with you paying the price of the tickets.

5 And I'm telling you on the record now
6 that we are going to seek substantial sanctions
7 for your conduct, because what you're trying to do
8 here is to prevent legitimate discovery from being
9 taken and you've done it through a variety of
10 devices, which continue up to this very moment.

11 Now, I'm finished with making speeches
12 on the record. Let's get the remainder of his
13 testimony and then I'm prepared to take Mrs.
14 Aznaran's deposition, whether you're available to
15 take it or not, you're welcome, the opportunity is
16 there.

17 MR. HELLER: I think there's one
18 more speech.

19 MS. McRAE: I've got one more
20 speech. And I'm going to say this, that the
21 arguing in these depositions has taken up a whole
22 lot of the time and I fail to see the need for it
23 except to play hardball litigation, which is you
24 all's litigation, but that has nothing to do with
25 my clients and you all playing hardball litigation

1 is not going to stop me getting a protective order
2 on behalf of the witnesses because they do not
3 have to put up with this.

4 MR. HELLER: Okay. I do just very
5 quickly, I have the full record for Mr. Fagelbaum
6 to look at if it states anything or I've misstated
7 anything and, Ms. McRae, also if you care to.
8 That is a full record of the stipulation made over
9 two days that I had printed up.

10 Q. (By Mr. Heller) Continuing, Mr. Aznaran,
11 you know you're still under oath and still subject
12 to following the instructions and admonitions
13 which- we discussed this morning; is that correct?

14 A. That is correct.

15 Q. Thank you. I want to make sure that we
16 understand that you have testified this morning
17 that there were six to eight or so, perhaps a
18 couple more meetings at Author Services,
19 Incorporated regarding the subject of the AAC and
20 its personnel, including Mr. Mayo and Mr. Nelson.

21 I want to make sure we have an agreement
22 on the definition of meeting and I am excluding
23 from that definition, and I hope you understood
24 that when you said there were six to eight or so
25 meetings, conversations that might have occurred

1 over lunch; although I said we could have a
2 meeting where there was a meal and it was over
3 lunch, I'm not talking about comments that may-
4 have occurred, et cetera, I'm talking about a
5 meeting that had a start and a finish where there
6 were people discussing various subjects, which
7 include the subjects that I've just gone through,
8 not casual comments or something that occurred in
9 the course of a conversation that covered many
0 different things over say a meal or something.
1 Did you understand that to be my definition?

2 MR. FAGELBAUM: I'm going to object
3 to the question and the statement, in that you
4 continually change the facts and the parameters of
5 what questions you asked previously and now are
6 asking the witness to rely on memory alone as to
7 what the parameters of the previous questions
8 were.- The record is what the record is.

9 If you want to change the facts and ask
10 a different question now, fine, do so, but I think
11 it's improper for you now to go back and try to
12 mix the pie again.

13 Q. Did you understand that that was what I
14 meant when I said meeting?

15 A. In actual fact to the total contrary, I

1 thought I made it clear, I asked you is it my
2 understanding then you want me to include the
3 conversations that took place at meals and so
4 forth and you said yes. So it's my -- I mean, I
5 thought that was the whole thing we sorted out
6 earlier when I asked you to specifically please
7 define what are we talking about, and it was my
8 understanding that that was what we were talking
9 about, just anytime we happened to sit around and
10 talk about it we had a meeting.

11 Q. Okay. My confusion and I don't intend
12 to reask my question based on your response, I
13 just wanted to get your understanding as you said
14 six, eight or so or more meetings that that's what
15 you understood and that's fine.

16 A. Okay.

17 Q. Okay. Now, you've generally told me
18 about these meetings and the subject matter which
19 was discussed and I'm just going to take you very
20 quickly -- and I think we've gotten the time
21 periods down on the meetings also, if I'm correct,
22 so I'm just going to take you very quickly through
23 what you can recall about each meeting by asking
24 you a couple of questions on each meeting.

25 A. Okay. But I feel like I've actually

1 answered that question to the best of my ability
2 already.

3 MR. FAGELBAUM: And I'm going to
4 object because he previously testified that he
5 cannot separate in his own mind where one meeting
6 began and where one meeting ended, so he can't
7 separate distinct separate meetings.

8 MR. HELLER: Okay.

9 Q. And what you have testified to is the
0 record, and I understand and respect that. Can
1 you tell me with precision which of the various
2 persons that you have identified at being at these
3 various meetings were at meeting one?

4 MR. FAGELBAUM: Objection. He
5 cannot testify with precision and he just
6 testified to that.

7 MR. HELLER: I just want to get
8 that on- the record.

9 A. But I thought I just put it on the
0 record. I mean I thought -- this is probably
1 three or four times I've put it on the record at
2 least. No.

3 Q. Okay. Same question with regard to
4 meeting two?

5 A. Same answer.

1 Q. Three?

2 A. Same answer.

3 Q. Four?

4 A. Et cetera.

5 Q. Right through meeting number six or
6 eight or however many there were?

7 A. That's right.

8 Q. You were kind enough to give me various
9 subject matters which were discussed in the
0 various meetings.

1 A. That's right.

2 Q. And you did it in a narrative, which I
3 appreciate.

4 A. Okay.

5 Q. Can you tell me of those various
6 subjects, you probably went through about a dozen
7 or so different subjects, which particular subject
8 or subjects were discussed in meeting number one?

9 A. No.

0 Q. By the way, as I ask these questions if
1 you're able to identify well, I can't tell you --
2 for instance, you could respond I can't tell you
3 all of it but I do remember for one particular
4 meeting that this at least was discussed, please
5 do so. I want to get your most particular

1 recollection and this is why I'm asking you this.
2 Okay?

3 A. Yes.

4 Q. Meeting number two, can you tell me
5 which subject or subjects that you previously
6 identified were discussed?

7 A. No.

8 Q. Number three?

9 A. No.

10 Q. Number four?

11 A. No.

12 Q. And the same you could say for five,
13 six, seven and eight and any others?

14 A. Right. Now -- never mind, go ahead.

15 Q. All right. Are you able to identify in
16 any manner, whether by which meeting or when it
17 took place, which of these were formal meetings
18 which took place in a conference room in Author
19 Services or in somebody's offices to discuss these
20 subjects that you testified about and which, by
21 either date, sequence or number -- well, by date
22 or sequence where these less formal meetings that
23 we talked about, which may have occurred over a
24 meal or as a casual comment?

25 MR. FAGELBAUM: The question is

1 vague, it's compound.

2 Q. Okay.

3 A. Okay. I'm going to answer the question
4 the best I can and I'm -- you tell me if you've
5 got it or not, because I feel like I keep saying
6 this over again.

7 First of all, I was not directly
8 involved with activities involving AAC and David
9 Mayo. Okay? There were times due to the fact
10 that I was involved in other things, that I would
11 happen to be in the room with these individuals
12 who I have so named.

13 During the course of time that I would
14 be in the room with these people these subjects
15 would come up for discussion and I would hear this
16 or that being asked and answered and questioned
17 and see people respond and so forth. These were
18 not formal meetings.

19 I thought I made myself clear on this
20 earlier, such as battle plans or, you know,
21 progress meeting or whatever, but were more
22 informal where these subjects would be brought up
23 amidst possibly ten other subjects or more.

24 An example might be, I might be over
25 David Miscavige's office, okay, talking about some

1 security matter, talking about the latest and
2 greatest assault rifle RH wanted or who knows
3 what, and during the course of that all this is
4 going on. Okay.

5 I was not directly involved with those
6 and so I'm trying to establish what the
7 relationship was. I was not at formal meetings,
8 where it was like okay, Vicki, what did you get
9 done this week. Good. You know, and a battle
10 plan and a -- it's -- whatever.

11 Q. And this testimony you've previously
12 given has related to meetings just as you've
13 described them now?

14 A. Yes.

15 Q. And there were some normal meetings, as
16 I understand it, of these six, eight or so that
17 you have mentioned where you were not there for
18 the entirety of the meeting but maybe just for
19 seconds?

20 MR. FAGELBAUM: Lack of foundation,
21 misstates the record.

22 MS. McRAE: He's never talked about
23 formal meetings in regard to the AAC, Mr. Heller.
24 He said -- by your own definition, and this is the
25 third time since lunch you've gone formal

1 meetings, and I don't ever remember him saying
2 anything about I was there some of the time or not
3 some of the time in any formal meeting.

4 MR. HELLER: Well, let me find out.

5 Q. I've lumped them all together. Were
6 there some that were actual formal meetings in a
7 conference room?

8 A. No.

9 Q. Okay. Thank you. My fault, I
10 misunderstood. Yesterday you testified that there
11 was an LRH guardian's order directing the culling
12 of PC files; do you recall that?

13 A. Yes.

14 Q. When did you first see that order?

15 A. Oh, gosh, that would have been in the
16 seventies, probably latter seventies, mid to --
17 about seventy-sixish.

18 Q. What did it look like?

19 A. It looked like a white piece of paper
20 with typing on it. I mean like a standard
21 guardian's order.

22 Q. Okay. In responding to that question
23 you were able to relate it to other types of
24 orders that you may know of, such as policy
25 letters or things like that?

1 A. Oh, sure.

2 Q. What category of those did it fall
3 under?

4 A. Guardian's order.

5 Q. Did it have L. Ron Hubbard's name typed
6 at the bottom of it?

7 A. When I originally saw it, I believe it
8 did. At a latter time I believe there was some
9 effort made to try to have Mary Sue take cred.it
10 for all those type of things as opposed to Hubbard
11 himself.

12 Q. Are you able to tell me how many or
13 approximately how many times you've seen this
14 order?

15 A. Time and time again, I mean quite
16 numerous.

17 Q. Can you tell me when you first saw the
18 order with Mary Sue Hubbard's name on the bottom
19 of it?

20 A. Actually I don't think it had Mary Sue
21 Hubbard's name on it ever, I think when I saw it
22 it didn't have anybody's name on it and then the
23 party line became that it was actually Mary Sue's.

24 MR. FAGELBAUM: We will object to
25 questions relating to the content of the- document

1 unless you produce it and make it available to the
2 witness.

3 MR. HELLER: Frankly it came up
4 yesterday and I've never seen it and no one else
5 knows anything about it and that's why I want to
6 find out what it is and where it is and everything
7 else.

8 A. I can tell you where you can find a
9 copy.

10 Q. Please.

11 A. When I left I had a pack made, of
12 guardian's orders left in a file cabinet in my
13 office, and when I had that pack made I had a
14 duplicate pack made for Ray Mithoff and I'm sure
15 he probably still has his pack, and it was all the
16 confidential guardian's orders concerning
17 intelligence matters and so forth.

18 Q. This office you're referring to, where
19 was that?

20 A. That was at RTC, it was last down at CMO
21 gold.

22 Q. Both locations in Los Angeles?

23 A. Gilman actually.

24 Q. Both locations?

25 A. (Nods head.) But anyway if you want to

1 see if they can find one for you, good luck.

2 MR. HELLER: Mr. Fagelbaum, if you
3 have one, I would be interested in getting a
4 document of it.

5 MR. FAGELBAUM: It's not my
6 client's document, it's yours. It's probably
7 responsive to some of our document requests
8 however.

9 MR. HELLER: You mean we've
10 responded by giving it to you?

11 MR. FAGELBAUM: By not giving it to
12 us.

13 MR. HELLER: I see.

14 A. -- the FBI has one. Us meaning your law
15 firm, sir.

16 Q. Do you recall if it's one or two pages,
17 this order?

18 A. No, not really.

19 Q. Can you recall any of the specific
20 language on the order?

21 MR. FAGELBAUM: I'm going to object
22 again. Produce the document.

23 MR. HELLER: And again, I don't
24 have it and we don't have it. Now, you'd like us
25 to have it, that's fine but we don't have it.

1 THE WITNESS: Will you state for
2 the record that it does not exist, never did exist
3 and that's what your clients told you?

4 MR. HELLER: I'll state for the
5 record to my knowledge it does not and never did
6 exist. Okay.

7 THE WITNESS: Is that what your
8 clients tell you?

9 MR. HELLER: Well, I can't give
10 communications between my client and I, but I'll
11 state for the record that to my knowledge it did
12 not exist and you can --

13 THE WITNESS: That's why they don't
14 tell their attorneys everything, so you can do --

15 MR. HELLER: It doesn't matter.

16 Q. Can you recall any specific language in
17 it?

18 A. Sure.

19 Q. And would you relate that to me, please?

20 A. I remember the word cull as in I
21 remember it talking about culling PC folders, that
22 was the term used, culling PC folders. The word
23 buttons was also used. One was to cull PC folders
24 to find buttons. It also talked about the fact
25 that these buttons could be then used against the

1 person.

2 (Material removed from text and
3 contained in a Sealed Excerpt in
4 compliance with the Protective Order.)

5 MR. FAGELBAUM: We're back on the
6 regular record now.

7 Q. What was Lyman Spurlock's functions as
8 best that you can recall in Scientology back in
9 1983 and 1984?

10 MR. FAGELBAUM: Lack of foundation,
11 calls for speculation.

12 A. As I recall, he was working on the
13 corporate sort-out -- what was termed the
14 corporate sort-out of the various Scientology
15 organizations.

16 Q. And what did that entail, the corporate
17 sort-out?

18 A. They were trying to create an image of
19 separation between the various churches and so
20 forth, so that damages would be compartmentalized
21 for lawsuits and so forth, and so that they could
22 take, for example, Church of Scientology of
23 California and strip it of all its property and
24 money and make it a party to the suits, give it
25 all the liabilities, such as make it responsible

1 for paying all the legal bills and so forth, and
2 create an image of this organization as not having
3 a whole lot of money; so that if they lost a suit,
4 such as with Wollersheim, they would be in a
5 position where they could limit their loss.

6 Q. At that time were there any outstanding
7 judgments against the Church of Scientology of
8 California to your knowledge?

9 MR. FAGELBAUM: Lack of foundation,
10 may call for a legal conclusion.

11 A. Ask me again.

12 Q. Sure.

13 A. Am I going to get a copy of that while
14 we're sitting here?

15 Q. Yes. I'm going to get through this area
16 first and then we can come back. I didn't want to
17 -- excuse me, I didn't want to waste time by
18 waiting to get the document.

19 A. Hey, that's cool.

20 Q. Okay. Let me reask the question.
21 During 1983 and 1984 were there any judgments that
22 you are aware of pending against the Church of
23 Scientology of California?

24 MR. FAGELBAUM: Same objection.

25 MR. HELLER: I'm sorry?

1 MR. FAGELBAUM: Same objection.

2 A. I don't recall at this time whether
3 there were during that period or not.

4 Q. Do you recall if there were any lawsuits
5 wherein the Church of Scientology of California
6 was named as a defendant in '83-'84?

7 MR. FAGELBAUM: Lack of
8 foundation.

9 A. Again, as I said, as far as the time,
10 the exact year and so forth I'm a little unclear
11 on that and I prefer not to guess.

12 Q. Okay. Were you personally involved in
13 the corporate sort-out in any manner whatsoever?

14 A. In any manner whatsoever?

15 Q. Yes.

16 A. Only in investigating Lorel Sullivan,
17 who had been involved in the earlier corporate
18 sort-out, which was doomed a serious plant by
19 Hubbard.

20 Q. What was your function in that regard in
21 investigating Lorel Sullivan?

22 A. I followed her, interviewed people who
23 may or may not know her, talked to her apartment
24 manager, talked to neighbors, staked out her house
25 for, you know, days at a -- or apartment for days

1 at a time.

2 Q. Was it --

3 A. Various things like that.

4 Q. Was there general displeasure with the
5 initial corporate sort-out that was performed or
6 engaged in by Lorel Sullivan?

7 A. Yes.

8 Q. Do you have any understanding of the
9 corporations which eventually were formed from the
10 corporate sort-out or evolved from the corporate
11 sort-out?

12 A. Say that again.

13 Q. Yes. Do you have any understanding of
14 the names of the corporations which eventually
15 evolved from the corporate sort-out in 1983-'84?

16 A. Sure. Well, '82, I mean all that whole
17 period I know the corporations as they ended up.
18 I can't tell you which one ended up when.

19 Q. Why don't you just give me the
20 corporations?

21 A. Well, I know about Religious Technology
22 Center, CST, CSI, CSC, Bridge Publications, ASI.
23 There was even actually a little later on Church
24 of Scientology, I think in San Diego and maybe
25 Sacramento that were used to front on a lot of

1 things because they were allowed some kind of tax
2 exempt status by the IRS.

3 Q. Did you know what corporate entity was
4 paying Mr. Spurlock when he was working on this
5 corporate sort-out in *82 to '84, I guess?

6 MR. FAGELBAUM: Lack of
7 foundation.

8 A. No.

9 Q. Do you know what corporation he was
10 formally working for while he was working on the
11 corporate sort-out during this time period?

12 A. He was supposed to be a member of Author
13 Services.

14 Q. To your knowledge did Lyman Spurlock
15 have any involvement in your mission to the
16 orient, which you testified about at some length I
17 think both yesterday and this morning?

18 MR. FAGELBAUM: Calls for
19 speculation.

20 A. I can say that only because I happen to
21 know that Marty Rathbun reported for both he,
22 David Miscavige and Norman Starkey and Marty
23 having knowledge of it that he would, I can assume
24 so.

25 Q. It would be strictly an assumption

1 however?

2 A. Yes.

3 Q. Do you have any facts that Mr. Spurlock
4 had any knowledge of your activities in the
5 orient?

6 A. I keep thinking I answered it. Then you
7 ask me a little different and I don't know if I
8 missed the first question or something, I thought
9 I just said no.

0 Q. Okay. I did ask it a little differently
1 and I asked it more all encompassing the same
2 thing.

3 A. All right.

4 Q. Now, I will admit that you got me a
5 little confused yesterday with regard to this
6 system dealing with the back-up computer tapes.

7 A. Okay.

8 Q. And I probably wasn't the only one in
9 the room.

0 A. Yes.

1 MR. FAGELBAUM: Calls for
2 speculation.

3 Q. Let me ask a couple of foundational
4 questions on it. There are various messages that
5 transpire on this system between users of the

1 system, correct?

2 A. Certainly, that was what was known as
3 the Merc message system.

4 Q. Okay. And these are messages that a
5 user would type and then send over to another
6 user, correct?

7 A. Yes. One or more, yes.

8 MR. FAGELBAUM: You said Merc?

9 THE WITNESS: M-e-r-c.

10 Q. When messages have gone back and forth,
11 is there a manner of electronically shredding the
12 messages by the user?

13 MR. FAGELBAUM: Lack of
14 foundation. Are you talking about his knowledge
15 on this particular system, on every message that
16 is sent, at what point in time?

17 Q. I think -- hopefully you understood, I'm
18 talking about -- well, let's back off for a
19 minute. Number one, I'm talking about your
20 knowledge, and in all of these I ask I very often
21 say to your knowledge and I mean that very very
22 literally, as you know because sometimes I bring
23 you back and say did you know that.

24 Number two, I'm talking about your
25 knowledge of this system as you understood it.

1 And you did testify yesterday that various
2 terminals were set up, and for your information
3 Mrs. Aznaran testified as well, and further
4 testified that some attorneys had some of these
5 terminals.

6 A. Sure.

7 Q. Now, back to my question. To your
8 knowledge when a message had been sent and
9 received, was it possible to electronically shred
10 that message?

11 A. No. Now, not by the person. The person
12 could shred it from his particular access, but
13 what you have to realize is that a week later,
14 let's say you wanted a copy of that message that
15 you shredded last week, you could contact the
16 INCOMM computer room and they could generally
17 produce it for you.

18 Q. You say generally produce it?

19 A. Yes.

20 Q. Could they always produce it?

21 A. I've never had any occasion arise where
22 they couldn't.

23 Q. How long did the INCOMM computer room
24 keep that message?

25 A. I don't know, they did daily backups,

1 they did weekly backups, absolute minimum would
2 have been a week.

3 MR. HELLER: Let's take a
4 one-minute break.

5 (Recess - Time 2:03-2:15 p.m.)

6 Q. Now, you mentioned the Merc system, and
7 would you describe what the Merc system is,
8 please?

9 A. I believe probably in present day terms
10 they refer to it -- compare it to electronic mail.

11 Q. And for anyone in this room who may not
12 be as computer literate as you are, does that mean
13 that it is messages sent by computer from one
14 terminal to another?

15 A. That's correct.

16 Q. To your knowledge is that the general
17 mode of communication on the system that you have
18 been testifying about when messages are sent from
19 one terminal to another, the Merc system?

20 A. Only when we're talking about computers,
21 yeah.

22 Q. Yes, that's what I'm talking -- we're
23 staying on computers.

24 A. Yeah, I believe that's what it was
25 called.

1 Q. Okay. You have used that and sent and
2 received messages?

3 A. Certainly.

4 Q. Have you ever opened a file on the
5 computer to save those messages that have been
6 sent and received?

7 A. Certainly.

8 Q. Have there been times when you have not
9 opened such a file to save those messages that
10 have been sent and received?

11 A. Certainly.

12 Q. When you open a file to save those
13 messages that have been sent and received, does
14 that mean that they are permanently logged on the
15 memory of the main frame?

16 MR. FAGELBAUM: Lack of
17 foundation.

18 A. I would have to say no, but only because
19 of your use of the word permanent.

20 Q. Does that mean that they are logged?

21 A. Sure. Well, they're put in the standard
22 storage banks of the computer, yes.

23 Q. And what we're dealing with here really
24 is a main frame system, aren't we?

25 A. Yes.

1 Q. Where this is one central computer bank,
2 if you will, consisting of X hundred or thousand
3 megabytes of memory processing?

4 A. Several of those in this case, but yes.

5 Q. Okay. Several of those at maybe
6 different locations and various terminals that are
7 connected by phone lines to them?

8 A. Yes.

9 Q. Pretty good --

10 MR. FAGELBAUM: Wait a second.

11 There's been no testimony to the number of main
12 frames, how they've been connected, how many
13 locations. You're just feeding him information in
14 your questions. Ask him a question to establish a
15 foundation whether he has any knowledge of any of
16 this, because none of it has come out on the
17 record, certainly none of it came out on direct.

18 MR. HELLER: It's not my job to lay
19 your foundation for you. I mean --

20 MR. FAGELBAUM: No, lay a
21 foundation for your questions. I mean you're just
22 having again a conversation with the witness
23 again.

24 Q. Is that your understanding of what a
25 main frame is?

1 MR. BRIGHT: What?

2 MR. FAGELBAUM: What's the
3 question?

4 Q. That there would be a central -- I
5 thought I said this, but maybe I'm someplace
6 else -- that there would be central computer banks
7 and there are terminals connected by phone lines
8 to that central computer bank or computer banks?

9 MR. BRIGHT: Objection, leading,
10 compound, no foundation.

11 Q. Go ahead.

12 A. Okay. We can sit -- I mean this is -- I
13 don't know, this is like totally ridiculous to
14 me. I mean if we're getting into like engineering
15 or what. I mean you ask me these questions and
16 then you've got -- you're not an engineer either,
17 see, so you ask these questions, you say phone
18 lines. Well, first of all, phone lines are not
19 what's used to connect the computer, so am I
20 supposed to say no, and then correct you about
21 what kind of line is used to connect the
22 computer? I mean I wish we could just get to the
23 point. I mean this isn't a test for some computer
24 course.

25 MR. BRIGHT: Also relevance.

1 Q. Describe how you understand the
2 Scientology computer system to work by way of
3 ability to communicate from one terminal to
4 another.

5 A. Okay. All right. Now, hopefully we can
6 do this once. Okay. There is a computer. Okay.
7 The computer -- this computer has what's called a
8 RAM, random access memory. Okay. This is a
9 volatile memory; in other words, if you unplug
10 that computer, that memory is gone. Okay.

11 That computer also has what's called a
12 hard disk or a hard drive, it's also called
13 sometimes a Winchester disk or a Winchester
14 drive. This disk or drive, information can be
15 saved to that. Okay. Now, in addition to that,
16 there is what's called a back-up system. And this
17 can vary from computer to computer; it can be in a
18 cassette, reel-to-reel, even a compact disk.
19 Okay. They used tapes, large computer tapes.

20 MR. BRIGHT: By they, you're
21 referring to Scientology?

22 THE WITNESS: Scientology.

23 A. So now when you sent a message, you have
24 a computer, two computers, two or more computers,
25 and each computer would have various terminals

1 connected to it. Now, what you're talking about
2 the phone line, where phone lines would be used is
3 let's say your computer in Los Angeles, there
4 would be a dedicated -- or a set of dedicated
5 phone lines connecting it to computers in Gilman
6 or to computers in your office, and that is via
7 modem.

8 Messages could be sent back and forth,
9 yes. Okay. When memory -- when things were-
10 stored, for example, when you say you put it in a
11 file, what that means is your little tiny space on
12 that Winchester hard drive, you just stuck it in
13 there to keep it. Now, subsequent just by mere
14 fact of that thing having been there, the backups
15 were recorded it as well.

16 Q. It's automatic backup?

17 A. Automatic.

18 Q. Now, if you did not make a file of those
19 messages, you did not stick it in there; is that
20 correct?

21 MR. BRIGHT: Same objection on
22 relevance.

23 MR. FAGELBAUM: Vague and
24 ambiguous.

25 A. You did not put it in your file, but it

1 still existed in a different file.

2 Q. Where would that file be?

3 A. That would just be -- I mean I can't
4 give it a name or tell you what they called it or
5 whatever, but it would be basically a file of
6 messages.

7 Q. In the computer itself?

8 A. Yes.

9 Q. Even if you didn't open the file?

10 A. You don't have to open the file, it's
11 already there. You're talking about your storage
12 area. The computer already had it stored before
13 you ever got it.

14 Q. Am I understanding of what your
15 testimony just was that when you open a file, you
16 take your tiny little space on the hard drive?

17 A. That's your file, that's right, your
18 file.

19 Q. But if you don't open a file, you don't
20 take that tiny little space; is that correct?

21 A. Your file.

22 Q. Do you get on the hard file with the
23 message at all?

24 A. Your file? Or is it already there
25 anyway? I mean you could take it and move it

1 around on that hard drive. This message, for
2 example, I might send it to ten people, he saves
3 it, he saves it, you don't save it, well it's on
4 there twice.

5 Q. Okay. Now, let's assume nobody saves it
6 in a file, the message that you send out to ten
7 people, including you, the sender, does it get on
8 the hard disk?

9 MR. FAGELBAUM: Calls for
10 speculation.

11 A. Whether it gets on the hard disk or the
12 back-up tape, I cannot a hundred percent tell you,
13 I know that it is saved.

14 MR. BRIGHT: We'll just have a
15 continuing objection on the entire line of
16 questioning, particularly hypothetical computer
17 technological inquiries of this witness.

18 Q. Well, I certainly --

19 A. Which I don't feel qualified to answer
20 anyway.

21 Q. All right. And I certainly don't mean
22 to be hypothetical, we are now talking about your,
23 understanding of the Scientology computer system.

24 MR. BRIGHT: Oh, no, wait a
25 minute. Wait a minute. The questions speak for

1 themselves.

2 MR. HELLER: Then I'll reask all my
3 questions.

4 MR. BRIGHT: No, you're not.

5 MR. HELLER: Excuse me. I ask my
6 initial questions --

7 MR. BRIGHT: There's no way you're
8 going to go through this again.

9 MR. HELLER: Excuse me. I asked
10 him to describe the Scientology computer system
11 precisely, and I'm under the impression that's
12 what he was describing. Am I correct?

13 THE WITNESS: Yes.

14 MR. BRIGHT: Well, your ability to
15 ask precise questions requires considerable work.

16 MR. HELLER: Really. But you don't
17 like the answers very much though, do you?

18 MR. BRIGHT: No. No, it's the
19 questions that I'm objecting to.

20 MR. HELLER: All right. Let's ask
21 again.

22 MR. BRIGHT: Believe me we'll take,
23 this line of questioning up with the Court.

24 MR. FAGELBAUM: Also I am
25 objecting, lack of foundation. You have made no

1 attempt to establish if this witness is qualified
2 to testify on the subject matter that you've
3 inquired about over the last several minutes.

4 MR. HELLER: Well, Mr. Fagelbaum,
5 would you stipulate that there's a lack of
6 foundation as to your inquiry concerning the
7 backup and the savings of computer data that you
8 took yesterday, I think you or Mr. Bright took
9 yesterday?

10 MR. FAGELBAUM: My questions will
11 stand on their face, as will yours, but I'm
12 objecting to yours.

13 Q. Now, just so we have it for the record,
14 Mr. Aznaran. The questions that I have been
15 asking you, have you understood them to apply to
16 the Scientology computer system?

17 MR. BRIGHT: Objection, because
18 you've laid no foundation as to your questions.
19 You have to do it question by question, and we're
20 not going to do this in conversational style any
21 longer.

22 Q. Please answer.

23 A. All I can say is -- okay, first of all,
24 I used the computers, I didn't design them, I
25 didn't work on them or anything else. I know that

1 you could send messages back and forth. I know
2 that once I shredded a message I could call up
3 INCOMM and say I need a copy of that message back
4 and they would get it for me. Okay.

5 Q. Do you know how long --

6 A. No, I already told you that.

7 Q. Let me finish the question so we have a
8 record. Do you know if there's any particular
9 time period, any particular time limitation on
10 when you are no longer able to call up and get
11 that message back after you shredded it?

12 A. No.

13 Q. Thank you. And do you know with respect
14 to the Scientology computer system whether a
15 message was saved if you fail or anyone who gets
16 that message fails to open a file on it?

17 A. I've told you my limited knowledge on
18 the subject.

19 Q. Can you answer the question
20 specifically?

21 MR. FAGELBAUM: He's already
22 indicated he's given you the breath of his
23 knowledge of this subject and he's not qualified
24 to answer the question. You keep on persisting
25 and repeating the question. Asked and answered.

1 MR. HELLER: I asked him do you
2 know. Would you please read back my last question
3 and then we shall move on.

4 (Court reporter read back.)

5 MR. BRIGHT: Same objections.

6 A. Okay. As I've said, you get a message.
7 Okay. You could file it, you could shred it, you
8 could do nothing with it. Okay. If you shredded
9 it, it was my experience that you could call
10 INCOMM and they could get you a copy of it back.
11 Now, one other thing, which I did not say and I
12 don't even know if you care, but they wouldn't do
13 that for just anybody.

14 Q. Okay. The specific question I asked
15 however is -- let me repeat it -- as a matter of
16 fact, let me rephrase it and try to make it as
17 clear as I possibly can.

18 A. Come on, Larry, give me a break. What
19 the fuck has this got to do with anything?

20 Q. It really is a very relevant issue.
21 Tell me whether you know or don't know, that's all
22 I want to know. And I recognize that you have
23 limitations --

24 MS. McRAE: If he can't answer it
25 with a yes or no, Larry -- he knows what he knows,

1 he told you what he knows. In all of his
2 experience he's always been able to call messages
3 back up and now, that answer stands on itself.

4 MR. HELLER: I'm looking for a yes
5 or no answer just like you.

6 MS. McRAE: If you can't give a yes
7 or a no, don't give a yes or a no.

8 A. What's the question?

9 Q. And if you can't, don't give it to me.
10 If a message is sent and it is shredded by the
11 person who sends it and all those who received it
12 and a file is not opened by the person who sends
13 it and all of those who receive it, does it end up
14 on the memory of the computer?

15 A. I don't know where it ends up.

16 MR. FAGELBAUM: Asked and answered.

17 MR. BRIGHT: I think you're going
18 through the looking glass now, Heller.

19 MR. HELLER: Mr. Heller to you.

20 Q. Okay. With regard to the armoured car
21 that you procured from Mr. Hubbard --

22 A. As opposed to the armoured truck?

23 Q. Was there an armoured truck?

24 A. Never mind, I'm sorry. Go ahead.

25 Q. You were being funny?

1 A. No, no, we talked about it yesterday,
2 but go ahead.

3 Q. Okay. Did you procure more than one
4 armoured vehicle from Mr. Hubbard?

5 A. Yes.

6 Q. How many?

7 A. Two.

8 Q. One was a car and one was a truck?

9 A. One was a van and one was a Peterbilt.

10 Q. Say the last part again?

11 A. Peterbilt, one word.

12 MS. McRAE: Off the record.

13 (Off-the-record discussion.)

14 Q. What is a Peterbilt?

15 A. It's a large tractor used normally to
16 haul heavy loads, such as eighteen-wheelers, to
17 pull eighteen-wheelers and so forth.

18 Q. When the van was purchased, was it
19 already an armoured van?

20 A. No.

21 Q. How much was spent on procuring the van
22 itself?

23 A. Oh, God, I don't recall, ten, twelve,
24 fourteen, fifteen thousand, sixteen thousand.

25 Q. How much in armouring it?

1 A. Sixty, eighty thousand. We also had
2 engine work done and other stuff done.

3 Q. I believe you testified that you had the
4 armouring of the vehicle done in Texas?

5 A. Yes.

6 Q. Did you have the engine worked on in
7 Texas as well?

8 A. No.

9 Q. Where was that done?

10 A. California.

11 Q. To your knowledge did Mr. Hubbard ever
12 even see this van?

13 A. Yes.

14 Q. When did he see it?

15 A. It's my understanding he's at least saw
16 photos of it.

17 Q. Okay. Do you know whether he ever saw
18 the van itself?

19 A. No, I don't.

20 Q. All right. You procured the van in
21 California?

22 A. Yes.

23 Q. The Peterbilt?

24 A. Yes.

25 Q. How much was spent exactly or

1 approximately to procure the Peterbilt?

2 A. Just before it was armour plated or
3 anything it was probably eighty, a hundred
4 thousand.

5 Q. And how much was spent to armour plate
6 it?

7 A. Sixty, eighty thousand.

8 Q. Any other work done on it?

9 A. Totally customized interior.

10 Q. Did you get it armour plated in Texas,
11 by the way, the Peterbilt?

12 A. The Peterbilt, the cab was armour plated
13 in Texas, and I brought back a load of armour
14 plated material so they could be completed in
15 California.

16 Q. To your knowledge did Mr. Hubbard ever
17 see this Peterbilt?

18 A. I know that he saw photos of it.

19 Q. And the Peterbilt itself?

20 A. Of the Peterbilt, yes.

21 Q. To your knowledge did he see the
22 Peterbilt itself?

23 A. Not to my knowledge.

24 Q. To your knowledge did he ever utilize
25 either of these vehicles?

1 A. I have no knowledge one way of the
2 other.

3 Q. Do you know what happened to these
4 vehicles, what they were utilized for after they
5 were completely outfitted and armoured?

6 A. They were put in storage and not used at
7 all.

8 Q. And as of the time that you left
9 Scientology, as far as you know they were still in
10 storage and never used?

11 A. Yes, as of the time I left.

12 Q. Were these two vehicles armour plated by
13 someone who was -- prior to the time they armour
14 plated them was a friend of yours?

15 A. No.

16 Q. You did not know the person or any
17 people in the company that did the armour plating
18 prior to the time it was done?

19 A. No.

20 Q. Was there any attempt made to sell
21 either of these two vehicles after all of the work
22 was done on them, to your knowledge?

23 A. After Hubbard died there was, a couple
24 of years after I guess.

25 Q. Were they in fact sold?

1 A. I know the blue van was.

2 Q. Do you know who it was sold to?

3 A. I know it was sold to some gentleman
4 south of the United States border for cash.

5 MR. BRIGHT: What's the relevance
6 of this, counsel?

7 MR. HELLER: In cross-examination
8 there was probably a twenty plus minutes on it the
9 first time around. I'll guarantee you this, I'm
10 not spending twenty plus minutes on it this time
11 around. What was the relevance when you examined
12 him on it?

13 MR. BRIGHT: I guarantee you the
14 only reference during our part of the examination
15 was in connection with his duties, what his
16 involvement was, and it was strictly limited to
17 that, we certainly didn't trace the make, the
18 disposition, where they were stored, how much all
19 of the items cost, none of which has anything to
20 do with this lawsuit.

21 MR. HELLER: You didn't trace how
22 much the items cost? Better look at the record.
23 You went specifically how much they cost, how much
24 was armoured plated, ta-ta-ta-ta-ta.

25 MR. FAGELBAUM: All right. Let's

1 have a little more ta-ta-ta-ta and go on.

2 MR. HELLER: If I ask a question,
3 you tell me we never covered this on cross, why
4 are you getting into this. And then when I ask a
5 question that's covered on cross of which I've
6 been maybe on for five to ten minutes, why are you
7 asking this question, what's the relevance of it.

8 MR. BRIGHT: The point was --

9 MR. FAGELBAUM: The point was-on
10 direct the question had to do with Scientology
11 monies being used to purchase items for L. Ron
12 Hubbard's personal use. If you want to follow up
13 on that, fine but the fact that -- you know, if
14 the thing was produced in California or
15 manufactured in Texas, so what?

16 MR. HELLER: That's exactly what I
17 did, I think. He said has he ever seen it, has he
18 ever used it. I thought I asked those questions,
19 but I might be wrong. But we're going to move
20 right off of that now onto something else. And I
21 want you all to know how I'm moving right along
22 here. Okay.

23 THE WITNESS: Just zipping right
24 along.

25 MR. HELLER: If I'm going too fast

1 for you, please let me know.

2 THE WITNESS: Okay.

3 Q. When one of your functions was to be in
4 charge of the security at Gilman did you purchase
5 any of -- did you purchase any security equipment
6 which was used at Gilman?

7 A. Yes.

8 Q. Do you recall what you purchased?

9 A. Certainly.

10 Q. Can you tell me, please?

11 A. I purchased radios, two-way
12 walkie-talkies, I purchased -- now, are you
13 talking about me going to the store or overseeing
14 or otherwise involved?

15 Q. No, both.

16 A. Walkie-talkies, Mace, side-handle police
17 batons, leather gear for guards, uniforms, shoes,
18 ties; insignia, security vehicles, red lights for
19 the topless security vehicles, replacement parts
20 for parameter security equipment, handcuffs,
21 bullets, handcuff keys.

22 Q. Don't those come with the handcuffs?

23 A. These were separate, they were made into
24 key chains. That's all I can think of offhand.

25 Q. Okay. Were all of these purchases used

1 out in Gilman?

2 A. Those particular ones were, yes, but I
3 also did it for LA.

4 Q. Purchased the same --

5 A. Florida.

6 Q. And generally you purchased the same
7 equipment?

8 A. (Nods head.)

9 Q. You have to answer verbally?

10 A. Yes.

11 Q. Was it your job to decide what equipment
12 should be purchased to use for security purposes
13 at Gilman Hot Springs? Let's stop at that.

14 A. Yes and no. I was given orders to have
15 them outfitted and then get them the leather and
16 all that kind of stuff, I wouldn't have to
17 actually, you know, figure out which leather to
18 buy, which type style of police batons to buy and
19 so forth.

20 Q. Putting aside the uniforms. Did you
21 have any discretion in purchasing the equipment
22 that you've just described you either purchased or
23 oversaw the purchase of?

24 A. Meaning like what brands or whatever?

25 Q. Well, as opposed to go out and get two

1 walkie-talkies, go out and get Mace, I'm not
2 concerned with brands but the things to get,
3 categories?

4 MR. BRIGHT: So what's the
5 question?

6 Q. The question is: Did you have
7 discretion in making those purchases?

8 A. No, not really.

9 Q. Who generally told you what you
10 purchases to make?

11 A. David Miscavige or Steve Marlow.

12 Q. Now, was that true --

13 A. Or Pat Broeker.

14 Q. They would actually tell you the general
15 categories of equipment that you were to go out
16 and purchase?

17 MR. FAGELBAUM: Asked and
18 answered.

19 A. Yes.

20 Q. Were there any purchases you made which
21 you initiated on your own without receiving orders
22 to purchase that particular piece or category of
23 equipment?

24 MR. FAGELBAUM: Limited to the
25 security equipment?

1 MR. HELLER: And limiting it now to
2 Gilman Hot Springs.

3 A. So what was the question?

4 Q. Were there any categories of security
5 equipment or pieces of security equipment which
6 you purchased upon your own initiative without
7 being ordered or asked to go out and purchase
8 them?

9 A. Not really.

10 Q. Were you responsible at Gilman Hot
11 Springs for designing the security?

12 A. I was responsible for making the
13 proposal, which was subsequently approved by my
14 seniors, yes.

15 Q. Were there others that you worked with
16 that you considered had expertise in setting up
17 parameter security at Gilman Hot Springs?

18 A. Rory Wagner.

19 Q. Did you work with Rory Wagner at Gilman
20 Hot Springs?

21 A. Yes.

22 Q. Did you initially hire Rory Wagner?

23 A. God, I thought I covered that real
24 thoroughly yesterday.

25 Q. Just refresh my recollection.

1 A. Just to refresh your recollection, he
2 was working for Gene Ingram, who had been hired by
3 other people who used Rory Wagner on cases for the
4 church. Later when Mr. Wagner obtained his own
5 investigative license, I hired him and used him.

6 Q. Okay. Let me just get my notes out on
7 that.

8 MS. McRAE: That was at the end of
9 the day, Mr. Heller, when you went into Mr. .
10 Aznaran's Texas Private Investigation License and
11 that sort of thing.

12 MR. HELLER: Okay. Thank you.

13 Q. Did you work with Rory Wagner or Wagner
14 Investigations subsequent to your return from the
15 orient?

16 A. No.

17 Q. To your knowledge did Rory Wagner or
18 Wagner Investigations work for Scientology after
19 you both returned from the orient?

20 A. No.

21 Q. I know you said you were in the orient
22 for about ten days; can you specifically identify
23 what that time period was?

24 A. Not any better than I already have.

25 Q. And what did you say? If you'd be kind

1 enough to remind me.

2 MR. FAGELBAUM: I don't think it's
3 fair to have to ask him to --

4 MR. HELLER: I'll look. Don't
5 answer. Don't answer.

6 MR. FAGELBAUM: That's what we're
7 supposed to do in the intervening period of time,
8 Mr. Heller, is to familiarize ourselves with our
9 notes so that we know these things, so we don't
10 have to wait here as you keep going back in your
11 notes looking for the spots that you already
12 quizzed him about yesterday. You're wasting a lot
13 of people's valuable time.

14 MR. HELLER: Would you do me a
15 favor from now on and -- in fact we can save a lot
16 of time -- make me a list of the things I'm
17 supposed to do while we take breaks so I don't
18 screw up like I've been doing throughout this --

19 MR. FAGELBAUM: I don't have that
20 much time.

21 MR. HELLER: Okay. Because I could
22 use that sort of direction from you if it's at all
23 possible, I would appreciate it. And anytime you
24 do catch me not doing what I'm supposed to do
25 during the breaks, please remind me also because

1 you're a big help to me when you do those sort of
2 things. I mean that very sincerely.

3 MS. McRAE: Maybe Lynn ought to
4 refresh you.

5 (Off-the-record discussion.)

6 Q. Were you in charge of the running
7 program the entire time that Mr. Mayo was involved
8 in it?

9 A. I was actually never in charge of the
10 running program that Mr. Mayo was involved in.

11 Q. I'm sorry. You were in charge of the
12 running program while Mr. Mayo was running; is
13 that correct?

14 A. I was never in charge of the running
15 program while Mr. Mayo was running.

16 Q. Were you ever in charge of the running
17 program?

18 A. The only time I was in charge of the
19 running program was while I was in the RPF in Los
20 Angeles.

21 Q. When was that again?

22 A. That was ninety-nine days from May
23 through whatever.

24 Q. Were you running program CS at anytime?

25 A. Only on the RPF.

1 Q. While you were on the RPF?

2 A. Yes.

3 Q. And that was that ninety-nine days we've
4 been talking about?

5 A. Those same wonderful days.

6 Q. Mr. Mayo was to your knowledge neither
7 on the running program nor in the RPF at that
8 time?

9 A. That's correct.

10 Q. However you were present when Mr. Mayo
11 was on the running program?

12 A. Yes.

13 Q. And this was in Gilman Hot Springs?

14 A. Yes.

15 Q. To your observation for how long a
16 period was Mr. Mayo on the running program?

17 A. A long time. And just to clarify what I
18 said a minute ago, actually I think Mr. Mayo may
19 possibly have started the running program before I
20 got back; it was right in there real close one way
21 or the other, I'm not real sure of the timing.

22 Q. Okay. And that's why I asked the
23 question while you were present. Now, when you
24 say a long time, can you be specific how long a
25 time Mr. Mayo was on the running program to your

1 knowledge?

2 A. Weeks and weeks.

3 Q. Over two months?

4 A. I don't know if I can answer that. I
5 know it was what appeared at the time to be an
6 extraordinary period.

7 Q. And you stated that he was losing weight
8 at this time?

9 A. Yes.

10 Q. Did you talk to him in any periods of
11 time while he was on the running program?

12 A. Yes.

13 Q. Did he ever complain to you about being
14 on the running program?

15 A. As I recall, most of his complaints
16 concerned his health and the fact that his teeth,
17 he felt like they were falling out and so forth.

18 Q. Can you differentiate between any of
19 these particular conversations you had with Mr.
20 Mayo while he was on the running program?

21 A. Not really. It was not what you would
22 consider fraternization.

23 Q. Can you tell me with any specificity
24 what he complained about concerning his health,
25 other than his teeth?

1 A. I think it was mostly his general
2 condition.

3 Q. What about his general condition did he
4 complain about?

5 A. It's a little bit difficult to
6 differentiate what I observed and particularly
7 exactly what he said. As I described it
8 yesterday, he was stooped over and looked like he
9 aged twenty years, was emaciated, trouble walking.

10 Q. I'm now asking questions particularly
11 about what he said.

12 A. I know. Like I said, I'm having a
13 little trouble differentiating -- looking back on
14 it it's a little hard to tell the difference
15 between what I saw and what he may or may not have
16 actually said about his general condition.

17 Q. Given that, can you tell me -- can you
18 recall any particular specific thing he said
19 concerning his general health condition?

20 A. Only his extreme concern about his
21 general health condition, deteriorating as it was.

22 Q. Is it my understanding that --

23 MR. BRIGHT: Objection. You know,
24 it's not like it's your first year, Counsel, I
25 mean you've been through this. How long have you

1 been a lawyer? Fifteen years? You know how to
2 ask a proper question, you're just doing this on
3 purpose.

4 MR. HELLER: Well, you haven't
5 quite let me finish. I was going to say if it was
6 my understanding that --

7 MR. BRIGHT: That right there is an
8 improper question right there.

9 MR. HELLER: You didn't let me
10 finish again.

11 MR. BRIGHT: You've only asked that
12 type of question probably on thirty occasions.

13 MR. HELLER: Well, I've only asked
14 it with regard to yesterday's testimony so I could
15 bring us with one question up to where we are, so
16 we could get going.

17 MR. BRIGHT: It's the form of the
18 question that's improper, it's not the content.

19 MR. HELLER: I'm going to try to
20 ask it another way.

21 A. Okay. This is a test.

22 Q. I'm going to try to do as well as I
23 can. To your knowledge, was Mr. Mayo at Happy
24 Valley after he was on the running program?

25 A. Am I to assume that this is opposed to

1 during? I'm not following the question.

2 Q. If it's during, tell me during. My
3 understanding from your testimony yesterday was
4 that Mr. Mayo was on the running program at
5 Gilman?

6 A. Yes.

7 Q. Is that correct?

8 A. Yes.

9 Q. Now, my question is: Did he then go to
10 Happy Valley?

11 A. Like at night? Yes.

12 Q. So he would do the running program at
13 Gilman and then he would go to Happy Valley in the
14 evening?

15 A. Yes.

16 Q. Was there a point when Mr. Mayo was in
17 the RPF at Happy Valley subsequent to him
18 terminating the running program or subsequent to
19 the termination of the running program?

20 A. As I've already told you on numerous
21 occasions, there was no RPF at that time.

22 Q. Was there a point where Mr. Mayo was at
23 Happy Valley after the running program -- after
24 his running program was terminated?

25 A. I don't recall that.

1 Q. Was there a point where Mr. Mayo was at
2 Happy Valley all day and all night for a period of
3 time and not at Gilman?

4 A. I don't recall.

5 Q. As you now recall, Mr. Mayo *s day was
6 split -- during the running program was split
7 between Happy Valley and Gilman?

8 MR. BRIGHT: Objection, there's
9 been no foundation laid for that.

10 A. Actually as I believe I stated
11 yesterday, I couldn't remember exactly whether
12 some of the time Mr. Mayo stayed at Gilman for the
13 night or whether he went to Happy Valley with the
14 rest of the group at night.

15 Q. Was there a period of time for over a
16 week when Mr. Mayo resided at Gilman without going
17 to Happy Valley at all?

18 A. I don't recall.

19 Q. Not limiting my question to when Mr.
20 Mayo was on the running program, did he complain
21 to you about conditions while he was at Gilman and
22 Happy Valley during that period of time?

23 A. Ask me that again.

24 MR. HELLER: Let's read it back.

25 (Court reporter read back.)

1 MR. FAGELBAUM: Lack of foundation.

2 MS. McRAE: I think he's already
3 asked and answered. He already testified that he
4 didn't know if there was ever a time that he was
5 at Happy Valley and not at Gilman, so I think he's
6 already answered the question.

7 MR. HELLER: No, I asked the
8 question while he was at Happy Valley and Gilman
9 but not limiting it to the running program. -I had
10 previously asked whether he complained about his
11 health while he was on the running program; now
12 I'm asking the question more generally, not
13 limiting it to the running program.

14 Q. During that period of time did Mr. Mayo
15 complain about the conditions --

16 A. I recall Mr. Mayo had continuing health
17 and dental problems the entire time.

18 MR. FAGELBAUM: Objection.

19 Q. And my question is did he voice any
20 complaints concerning those health conditions to
21 you?

22 A. Yes. And I thought I already told you
23 that.

24 Q. I asked you when he was on the running
25 program. Now, this goes through that whole period

1 of time, whether he was on the running program or
2 not.

3 A. All right.

4 Q. And the answer is yes?

5 MR. FAGELBAUM: Lack of foundation.

6 Q. The question is did he complain about
7 the conditions during that period of time to you?

8 A. He complained about his medical and
9 dental condition almost the entire time that-I was
10 in charge of Mr. Mayo.

11 Q. Thank you. Now, you just testified you
12 were in charge of Mr. Mayo. Was Mr. Mithoff in
13 charge of you while you were in charge of Mr.
14 Mayo?

15 A. Okay. Let me rephrase that, so that
16 there's no confusion. I was in charge of ensuring
17 that these people were where they were supposed to
18 be at any given moment, that they were doing what
19 they were supposed to be doing at any particular
20 given moment. I was supposed to ensure they
21 didn't escape. I was supposed to ensure that they
22 didn't fraternize with other members at Gilman.
23 Mr. Mithoff was the one overseeing Mr. Mayo's
24 spiritual progress.

25 Q. Okay. You gave some testimony yesterday

1 concerning the ship at Gilman Hot Springs,
2 remember?

3 A. Yes.

4 Q. Were there any parties which were held
5 among any members of the persons residing at
6 Gilman on that ship while you were there?

7 A. Can you say it again.

8 MR. HELLER: Read it back.

9 (Court reporter read back.)

10 MR. BRIGHT: Can you read that
11 again.

12 (Court reporter read back.)

13 MR. BRIGHT: This is relevant?

14 MR. HELLER: Yes.

15 MR. BRIGHT: I must not have gotten
16 an invitation.

17 A. Yes, there was a period of time when it
18 was allowed to be used for parties; Hubbard then
19 ordered that nobody was allowed to use it and
20 after that it was only used for very special
21 occasions, such as honoring Mr. Hubbard on his
22 birthday or possibly honoring the day that he
23 published Dianetics or possibly honoring the day
24 he founded the Sea Org or honoring some other
25 special happening of Mr. Hubbard's life.

1 Q. And were there parties when those events
2 took place?

3 A. Such as they were, yes.

4 Q. Was there a point where the batteries
5 were put back in Mr. Mayo *s two vehicles, his
6 motorcycle and his car?

7 A. Yes. And whether we did them or whether
8 we just handed them to him, I don't recall.

9 Q. Was this subsequent to the time that Mr.
10 Mayo told you that he was leaving Gilman Hot
11 Springs and Happy Valley?

12 A. It was when he had voiced a desire to
13 that; you know, he could not take it anymore and
14 wanted to leave, yes.

15 Q. How long after he voiced that desire
16 were either the batteries returned to him or put
17 back into his vehicles?

18 A. I don't recall.

19 Q. Do you recall if it was within a day?

20 A. Oh, I'm sure it wasn't within a day but
21 I'm sure it was probably within several days
22 before he was allowed to leave.

23 Q. To your knowledge was he in fact able to
24 remove both vehicles from the premises?

25 A. I do recall, I believe him leaving in

1 the car.

2 Q. To your knowledge did he come back for
3 the motorcycle?

4 A. Yes.

5 Q. Do you recall how long after he came
6 back for the motorcycle?

7 A. No.

8 Q. Did anyone prevent him from taking the
9 car at that time?

10 A. At the time that he finally was allowed
11 to leave nobody was preventing him; up until that
12 time we were preventing him.

13 Q. Did anyone attempt to prevent him from
14 taking the motorcycle when he came back to get it
15 later on?

16 A. There was a time when David Miscavige
17 instructed me to work on the brake systems of his
18 vehicles, I don't know whether that would be
19 included.

20 Q. We're now going to the point where he
21 left in his car and he came back to get his
22 motorcycle. Did anyone prevent him from taking
23 his motorcycle out at that time?

24 A. I don't know.

25 Q. You were not there?

1 A. I was there, but I can't say that maybe
2 he didn't come -- I mean I wasn't with him
3 twenty-four hours a day.

4 Q. Did you see anybody prevent him at that
5 time attempt to take his motorcycle?

6 A. No.

7 Q. Had you ever met Mr. Fagelbaum prior to
8 the commencement of your deposition this week?

9 A. Yes, I had.

10 Q. When was the first time you met him?

11 A. That would have been I guess around the
12 summer of '87 or so.

13 Q. Where was this?

14 A. Maybe a little later. Where was he when
15 I met him?

16 Q. Where were both of you, yeah.

17 A. We were in Dallas. Is that close
18 enough?

19 Q. You said the summer of '87?

20 A. Was it in '88? Oh, yeah, that would
21 have been '88. I'm sorry.

22 Q. Was anyone else with you?

23 A. My wife, Vicki, and my then attorney,
24 Barry VanSickle.

25 Q. When was the next time you met Mr.

1 Fagelbaum?

2 MR. FAGELBAUM: Lack of foundation?

3 A. I think it was yesterday -- I think it
4 was Monday. Wasn't that the first time I've seen
5 you since then? I think so.

6 Q. How long did you spend with him when you
7 met him in the summer of '88?

8 A. Just a few hours.

9 Q. What was the subject of your discussion
10 at that time?

11 A. Every subject?

12 Q. Yes.

13 A. Well, he asked us a few questions
14 about --

15 MR. FAGELBAUM: I'm going to object
16 to your testifying about the questions I asked
17 you. I have no objection to you testifying about
18 the topics of the subject, I think the questions
19 invade the attorney work product, and I would ask
20 your attorney if she would instruct you not to
21 relate the exact questions that I asked you.

22 MR. HELLER: Before you do that,
23 Ms. McRae, let me ask some foundational questions
24 to see if such privilege is astigmatic.

25 MS. McRAE: Okay.

1 Q. Have you considered Mr. Fagelbaum to be
2 your attorney?

3 MR. BRIGHT: He said work product.

4 MS. McRAE: He said work product,
5 not attorney/client privilege. I think the
6 foundation is did they discuss this lawsuit, if
7 you want to get to whether it really was work
8 product.

9 A. No.

10 Q. What was your purpose in meeting with
11 Mr. Fagelbaum on that day if you had a purpose?

12 A. Okay. I think I can save everybody a
13 lot of grief in all of this, I mean it's not like
14 there's a whole lot to hide about all of this.
15 Mr. Fagelbaum came, as I understood --

16 Q. Well, do you want to confer first?

17 A. No, not really. As I understood, it was
18 basically to give him a chance to meet us. We
19 went to dinner. We discussed whether Pi's were
20 following us around. Mr. Fagelbaum did not eat at
21 dinner. Mr. Fagelbaum was supposed to buy dinner
22 and didn't.

23 (Off-the-record discussion.)

24 A. (Answer continued.) As a matter of fact,
25 which I thought was kind of cheap.

1 MR. BRIGHT: We know who we're
2 dealing with now.

3 A. And then most of the time Mr. Fagelbaum
4 was chatting quietly with Mr. VanSickle.

5 Q. Did you overhear any of that
6 conversation?

7 A. No.

8 Q. How was the meeting arranged, if you
9 know?

10 A. Mr. VanSickle I believe arranged it or
11 Mr. Fagelbaum or Mr. VanSickle worked it out.

12 Q. Do you know any of the particulars of
13 how they worked it out?

14 MS. McRAE: I'm going to instruct
15 him to -- don't go any further into any
16 conversations with Barry VanSickle, between him,
17 Barry and Vicki and him and Barry, but if you
18 don't go any further than that, I think he already
19 answered it.

20 Q. Do you understand the parameters of
21 what --

22 A. Yes.

23 Q. Are you able to answer the question?

24 A. I did. I said no.

25 Q. Okay. Did you overhear any conversation

1 that transpired between your wife and Mr.
2 Fagelbaum?

3 A. Yes.

4 Q. And what was the subject matter of those
5 conversations?

6 A. I don't really recall specifics.

7 Q. Generally?

8 A. Generally it was regarding knowledge
9 that she may have had regarding circumstances that
10 occurred, things that happened while we were in
11 the church.

12 Q. Did you ever sign a written statement of
13 any form given to you by Mr. Fagelbaum?

14 A. Not that I recall.

15 Q. Did you ever sign a written statement of
16 any form that to your knowledge was prepared by
17 Mr. Fagelbaum?

18 A. Not that I recall.

19 THE WITNESS: Did I sign anything?

20 MS. McRAE: I don't know.

21 A. I don't know if I did or didn't, but
22 anyway, not that I recall.

23 Q. Fair enough. When was the first time
24 you met Mr. Bright?

25 A. Monday.

1 Q. Have you met and spoken with Mr. Bright
2 during this week other than during the business
3 day encompassed by the depositions that you --

4 A. You mean like clandestine meetings in
5 the evening?

6 Q. Not meaning clandestine, but out of --
7 let's say out of these offices?

8 A. Other than like in the bathroom?

9 Q. Yes.

10 A. No.

11 Q. Same question with regard to Mr.
12 Fagelbaum?

13 A. No.

14 Q. When you met with Mr. Fagelbaum did you
15 make any agreement concerning your testifying in
16 the case pursuant to which your deposition is
17 being taken?

18 A. I made it very clear that I would be
19 willing to speak the truth if I should be so
20 requested.

21 Q. Did Mr. Fagelbaum at that time ask you
22 to prepare any written statements or declarations?

23 A. Not that I recall.

24 Q. Or declarations?

25 A. Not that I recall. But if I did, I did,

1 I just don't recall. It seems like I've done a
2 lot of them.

3 Q. The question was whether he asked you
4 to?

5 A. Not that I recall.

6 Q. Did you have any discussions with Mr.
7 Fagelbaum during the meeting you had with him in
8 the summer of '88 concerning making Mr. Mayo
9 available to testify in your case which is pending
10 in the Federal Court of Los Angeles?

11 A. Not that I recall.

12 (Recess - Time: 3:11-3:20 p.m.)

13 Q. (By Mr. Heller) When you were sent to
14 the Flag Land Base or at the Flag Land Base to
15 upgrade and inspect security, was one of the
16 purposes in order to protect the unauthorized
17 dissemination or theft of upper level Scientology
18 materials?

19 A. Yes.

20 Q. What steps did you take in order to do
21 so?

22 A. I don't recall specifically. There is a
23 set of mission orders that exist that I'm sure
24 they probably still have a copy of that would lay
25 out each individual step and my compliance to it.

1 Q. Without the benefit of having that
2 document can you recall any of the things you did?

3 A. Oh, I remember a few things like making
4 sure that there was a good place for them to be
5 locked up and that sort of stuff and the fact that
6 they were locked up.

7 Q. So for those who had ordered you on this
8 particular job there was a concern with the
9 security of these upper level materials?

10 A. Yes.

11 MR. FAGELBAUM: Interpose an
12 objection, lack of foundation, calls for
13 speculation.

14 Q. And that concern had been stated to you
15 on occasion?

16 A. Yes.

17 Q. Yesterday you testified that you believe
18 -- that one of the reasons you believe David Mayo
19 offered the NOTs material was because his initials
20 existed on the bottom of some of those materials
21 as you saw them typed; is that right?

22 A. Yes.

23 Q. Describe for me where his initials
24 appeared on the bottom and in what form as
25 particularly as you can, please?

1 MR. FAGELBAUM: I'm going to object
2 to the witness having to describe and testify
3 about documents that he's not being shown.

4 MR. HELLER: Well, that is not NOTs
5 or anything else but in fact --

6 MR. BRIGHT: Let's show it to all
7 counsel.

8 Q. This is Exhibit No. 25, which has
9 already been marked as part of Mrs. Aznaran's
10 deposition and it has no other significance as a
11 matter of fact for the record than for precisely
12 the reason I believe Mr. Aznaran picked it up was
13 to point to something on it as an example.

14 MR. FAGELBAUM: I'm going to object
15 to him being shown anything other than the
16 documents that you're asking him to testify about.

17 MR. BRIGHT: Join in the objection.

18 MR. HELLER: For the record I
19 didn't show him, he picked it up and looked at it.

20 Q. But, Mr. Aznaran, if this does assist
21 you, Exhibit No. 25, as an example of where the
22 initials would be, please feel free to use it.
23 Let the record reflect that Mr. Aznaran in
24 referring to Exhibit No. 25, has referred to
25 initials on the bottom of that document/ left-hand

1 side in caps LRH: nc: rw. Is that what you're
2 referring to?

3 A. Okay. It's the exact same place I
4 described clearly yesterday, which is where the
5 typist's initials normally go on a typed document,
6 and it was always capital letters, then a colon,
7 then a small dm.

8 Q. D-m?

9 A. Yes.

10 Q. Thank you. I had previously asked you
11 while Mr. Mayo was at Happy Valley and Gilman on
12 the running program whether he complained about
13 his physical condition to you; did he have any
14 other complaints besides his physical condition to
15 you at that period of time or during that period
16 of time?

17 A. Not that I recall. As I stated, I was
18 not allowed to fraternize or get into a friendly
19 conversation with him.

20 Q. Okay. Did he appear to be upset to you,
21 as you were able to observe it?

22 A. Yes.

23 Q. Did he appear to be angry, as you were
24 able to observe it?

25 A. Yes, from time to time.

1 Q. Do you have any knowledge that Mr. Mayo
2 has acted as a government witness at anytime?

3 A. I don't know.

4 Q. We've discussed certain things with
5 regard to meetings at ASI and I want to go through
6 some of those summing-up questions with regard to
7 meetings -- locations of other meetings that you
8 testified to yesterday.

9 Can you tell me how many meetings there
10 were at RTC concerning the subject matter of the
11 AAC or any of its personnel?

12 MR. FAGELBAUM: I want a
13 clarification so we don't go into this again.
14 What is your definition of meetings this time, so
15 that he gets it straight the first time?

16 MR. HELLER: Okay.

17 Q. Let's define meetings --

18 A. I was going to ask.

19 Q. Let's define meetings as formal sit-down
20 conferences where in the course of those
21 conferences the AAC or its personnel came up,
22 among those in attendance. Okay?

23 A. Great.

24 Q. I'll try to make it really simple.

25 A. Great.

1 Q. How many?

2 A. None.

3 Q. At OSA how many meetings under the
4 definition which I have just given?

5 A. None.

6 Q. At Gilman how many meetings under the
7 definition which I have just given?

8 A. None.

9 Q. You also said there were meetings in or
10 at Los Angeles, that was the last category you
11 gave. How many meetings under the definition that
12 I gave you, other than those you testified to,
13 which were at ASI, were there?

14 A. None.

15 MR. FAGELBAUM: Wait a second. The
16 ones he testified to at ASI were under a different
17 definition.

18 MR. HELLER: You're right.

19 THE WITNESS: That's right.

20 MR. HELLER: You're right. I stand
21 corrected.

22 Q. Your answer is -- under the definition
23 which I have given you, however the answer is
24 none?

25 A. That's right.

1 Q. Now, remember the definition of meetings
2 which I previously gave you, which was somewhat
3 expanded, meaning that it also included casual
4 conversations?

5 A. Yeah.

6 Q. Okay. How many of those meetings were
7 there that you now recall at RTC?

8 A. Which RTC? Gilman or LA?

9 Q. LA?

10 A. Six or eight.

11 Q. Gilman?

12 A. Eight or ten.

13 Q. With regard to the RTC six or eight
14 meetings, informal meetings, as I've described it
15 at RTC and LA, can you identify with particularity
16 the personnel at each or any of those meetings?

17 A. Yes.

18 Q. Please do.

19 A. I think, if I understand your question I
20 can.

21 Q. Okay. Please do.

22 A. Jesse, Paul Shroer, Vicki --

23 MR. FAGELBAUM: Wait a minute.
24 Jesse Prince?

25 A. I'm sorry. Jesse Prince, Paul Shroer,

1 Vicki Aznaran, Greg Rierson, Warren McShane and
2 myself, and possibly Vicki Aznaran's communicator.

3 Q. Can you name that person?

4 A. No.

5 MR. FAGELBAUM: That wasn't the
6 other name that you mentioned before?

7 THE WITNESS: Which name was that?

8 MR. FAGELBAUM: Sutter.

9 THE WITNESS: No, no. That's OSA.

10 Q. Are you able to tell me which of these
11 individuals attended which of these particular
12 meetings?

13 A. No.

14 Q. Can you identify any of these particular
15 meetings by date?

16 A. No, other than just generally under the
17 period that we've already covered.

18 Q. Okay. And generally is it that period
19 that we covered, which I recall being the latter
20 half of '83 through '85?

21 A. Yes.

22 Q. Now, going to the RTC meetings under
23 this expanded definition in Gilman.

24 A. Yes.

25 Q. Who were the participants at any or all

1 of those meetings?

2 A. Same people.

3 Q. Can you identify the date of any of
4 those particular meetings?

5 A. No.

6 MS. McRAE: He's already answered
7 every bit of this about a hundred times.

8 MR. HELLER: At RTC?

9 MS. McRAE: At Gilman.

10 Q. Have we done that?

11 A. Well, anyway the answer to the question
12 is no.

13 Q. Can you identify particular participants
14 at any particular meeting that took place at RTC
15 and Gilman?

16 A. No.

17 Q. Can you identify for any of the RTC
18 meetings under the expanded definition in either
19 Gilman or Los Angeles any particular subject
20 matter that came up at that particular meeting?

21 A. I can remember Trojan horse being
22 discussed, Sammie, his wife. I can remember DeDe
23 being discussed. I can remember David Mayo and
24 John Nelson and Harvey Haber being discussed. I
25 can remember their finances being discussed and

1 trying to figure out where they got their money,
2 who gave it to them and so forth.

3 I can recall disruption -- planning
4 disruptions of their Sunday services and barbecues
5 being discussed. I can recall reports of how
6 those disruptions went being discussed.

7 I can recall how they were getting
8 public scientologists to do things against the AAC
9 and how the beauty of it all was that it would
10 never be able to be traced back to us.

11 I can recall discussion of --• I guess
12 sort of a lampoon version of their newsletter
13 being printed and how that was being done by
14 outside scientologists, even though it was being
15 financed by us.

16 I can recall discussions of Mr. Mayo's
17 buttons that had been culled from his folders. I
18 can remember trying to work out buttons for John
19 Nelson, but other than that, no.

20 Q. As to these various subject matters
21 which you brought up, can you recall which of them
22 were discussed at which meeting?

23 A. No.

24 Q. Can you recall who particularly
25 discussed each of these particular subject

1 matters?

2 A. Not other than in the general way in
3 which I've already described.

4 Q. All right. OSA where was that located?

5 A. -- OSA.

6 MR. BRIGHT: At what point in
7 time?

8 MR. HELLER: Well, again bad
9 question.

10 Q. You testified that there were meetings
11 with regard to these subject matters which took
12 place at OSA?

13 A. Yes.

14 Q. Where was OSA -- where were those
15 meetings located?

16 A. In commanding officer of the office of
17 special affairs international, Mr. Mike Sutter.

18 Q. In Los Angeles?

19 A. Yes.

20 Q. And how many such meetings were there,
21 as you now recall? And now we're under the
22 definition -- the expanded definition of informal
23 meetings, meaning over meals, casual
24 conversations.

25 A. Definition two. Half a dozen or so.

1 Q. Okay. And who were the participants at
2 these meetings?

3 A. Jesse Prince, Mike Sutter, Vicki
4 Aznaran. And just for the record, I thought of
5 another subject, topic or whatever that was
6 discussed earlier, in case you're interested.

7 Q. Are there any other participants to
8 these meetings at OSA?

9 A. No.

10 Q. Were there any additional topics
11 discussed at these meetings at OSA, additional to
12 the ones that you have already testified occurred
13 at the meetings at RTC?

14 A. Yes.

15 Q. What were they?

16 A. They were the hiring of Rory Wagner to
17 impersonate a news person doing a story in hopes
18 of entrapping Mr. Mayo into saying something that
19 could then be used against him in a mocked up
20 interview done before cameras and so forth.

21 Q. And who were the participants to that
22 discussion, that particular discussion, if you
23 recall?

24 A. Mike Sutter, Jesse Prince, and myself.
25 Actually I'm not -- I'm not a hundred percent sure

1 that Mike Sutter was the CO of OSA at that time,
2 it may have been the previous CO, I'm not sure.

3 Q. Did you say that Vicki Aznaran was a
4 participant in some of these OSA meetings?

5 A. Yes.

6 Q. Were there any subjects that you
7 previously described regarding RTC meetings that
8 were not the subject of any of these six to ten
9 meetings that transpired at OSA?

10 A. Oh, yes.

11 Q. Are you able to identify those?

12 A. Some of them.

13 Q. Please.

14 A. We did not discuss the plans within
15 AAC. We did not discuss confidential Ops being
16 run out of RTC, such as the disruption of their
17 barbecues, Sunday services, sending people and
18 posing as potential PCs, those sort of things.

19 Q. Any other subject matter that was
20 discussed at RTC as you previously identified but
21 not the OSA meetings that you haven't identified?

22 A. The newsletters.

23 Q. Anything else?

24 A. Not that I recall.

25 Q. Can you give me with particularity the

1 particular participants at any of these particular
2 meetings at OSA?

3 A. Specific meetings?

4 Q. Yes, sir.

5 A. Only that one I've already told you
6 about.

7 Q. All right. Turning to Los Angeles. You
8 said there were meetings in Los Angeles under the
9 expanded definition of meetings?

10 A. None other than I've already told you
11 about.

12 Q. Okay. So we can scratch that category,
13 you've covered everything?

14 A. We can scratch it.

15 Q. Okay. Can you give me a time period
16 when these meetings occurred, the OSA meetings?

17 A. Yes, they would have been between 9:00
18 in the morning and 8:00 in the evening.

19 Q. Okay. Can you give me a time period by
20 way of dates that they occurred?

21 A. Not any more than I already have.

22 Q. Well, I don't think I've gotten them for
23 the OSA meetings.

24 A. They were in the same approximate period
25 time.

1 Q. All these meetings we're talking about
2 were in this approximate time period, the latter
3 half of '83 through '85?

4 A. Yes.

5 Q. That was yes?

6 A. Yes.

7 MR. HELLER: Why don't we take a
8 two- or three-minute break, so I can check my
9 notes and I'm either close to being finished -or
10 maybe even there.

11 (Recess - Time: 3:40-3:44 p.m.)

12 Q. While Mr. Mayo was at the Gilman and
13 Happy Valley as you've described, did you ever
14 tell him quote: To get the idea of leaving out of
15 his head because you'll never leave this property
16 alive. Closed quote?

17 MR. BRIGHT: I'm going to object on
18 the lack of foundation.

19 MR. FAGELBAUM: Are you limiting
20 him to those exact words or words to that effect?

21 MR. HELLER: Right now those exact
22 words.

23 A. I may have or words to that effect.

24 Q. Okay. Can you recall where you were --
25 let's start with either Gilman or Happy Valley

1 where you made that statement or words to that
2 effect?

3 A. Well, first of all, before I totally
4 commit to having made that statement or words to
5 that effect, let me just say that it was words to
6 that effect that I was told by David Miscavige and
7 it does sound like what I probably would have
8 repeated.

9 Q. To your present recollection did you say
10 words to that effect?

11 A. I believe so.

12 Q. Can you recall where you were at the
13 time; Gilinan or Happy Valley?

14 A. I seem to recall Gilman, but I could be
15 wrong in -- I mean, I seem to recall Happy Valley,
16 but I could be wrong.

17 Q. Okay. Do you recall Mr. Mayo giving you
18 a response?

19 A. No.

20 Q. Do you recall anything else you said at
21 that same time that you made this statement or
22 words to that effect?

23 A. No.

24 Q. Since you've left Scientology have you
25 met with Mr. Mayo?

1 A. No.

2 Q. Have you spoken with Mr. Mayo by phone?

3 A. No.

4 Q. Have you communicated in any other
5 fashion such as writing?

6 A. No.

7 Q. By the way, same questions, which I
8 don't think I asked with regard to Mr. Fagelbaum.
9 Have you communicated with Mr. Fagelbaum by phone
10 prior to the commencement of your deposition?

11 A. No.

12 Q. In writing?

13 A. No.

14 Q. And that would include mail or faxes?

15 A. Smoke signals, jungle drums, mirrors.

16 Q. Sign language?

17 A. Sign language, clay demos.

18 Q. Same question with regard to Mr. Bright,
19 spoken with him prior to this week by phone?

20 A. No.

21 Q. Communicated in writing?

22 A. No.

23 Q. While you were in Scientology just prior
24 to the time that Mr. Mayo ended up doing his
25 running program at Gilman and being at Happy

1 Valley, were you friends with him?

2 A. Not really.

3 Q. Did you dislike him?

4 A. Yeah, probably a bit.

5 Q. Did you ever evidence to you verbally or
6 any other way that he disliked you prior to the
7 Happy Valley/Gilman period?

8 A. No, not really.

9 Q. When you were in the orient with Mr.
10 Wagner did you in fact ever plant any bugs or
11 listening devices in any location where Mr. Nelson
12 was or where you expected Mr. Nelson to be?

13 A. Yes.

14 Q. Where was that?

15 A. Where was the bug or Hong Kong or what?

16 Q. Let's identify it by country, city and
17 further location, if you possibly can.

18 A. Hong Kong.

19 Q. Yes.

20 A. Hotel room.

21 Q. Did he show up at that hotel room?

22 A. Yes, he was already checked into it.

23 Q. Did you do it personally?

24 A. We both did it.

25 Q. You and Mr. Wagner?

1 A. Yeah. I think I made him do most of it
2 though. We were together.

3 Q. Was it the understanding that it was
4 legal to do that, your understanding, in Hong
5 Kong?

6 A. It was my understanding that I sure
7 wasn't going to ask.

8 Q. You had no understanding either way?

9 A. No.

10 Q. Did Mr. Wagner have any understanding
11 that he exhibited to you?

12 A. No. Mr. Wagner was not a happy camper
13 at the time.

14 Q. Did you ever plant drugs on Mr. Mayo or
15 any of his possessions?

16 MR. BRIGHT: Wait a minute. Mr.
17 Mayo?

18 MR. HELLER: I'm sorry.

19 Q. Mr. Nelson or any of his possessions?

20 A. No.

21 Q. Do you recall in March of 1985 that you
22 were removed from your post through a COMM EV?

23 A. No.

24 Q. You don't recall that?

25 A. Not the way you're putting it.

1 Q. Do you recall being removed from your
2 post?

3 A. Yes.

4 Q. Do you recall why?

5 A. Yes.

6 Q. Could you please tell us?

7 A. Yes, I can. DM got mad at me because --

8 MR. FAGELBAUM: DM?

9 THE WITNESS: I'm sorry. David
10 Miscavige.

11 A. I was in the hospital having a
12 gallbladder operation and Hubbard called -- wrote
13 down and wanted two of his forty-five automatics
14 sent to him that I had had in the shop getting
15 repaired for him. I had sent one of my people out
16 to pick up the guns from the shop and bring them
17 by so I could check them and make sure they were
18 okay before they went up. Because they brought
19 them to me in LA to check, they ended up missing
20 the communication run to LRH, which was being made
21 by Mr. Broeker, Pat Broeker got very upset about
22 the whole thing.

23 David Miscavige subsequently came to
24 Jesse Prince at -- I believe that was a -- that
25 would have been a Sea Org day or one of their

1 celebrations and told him that if I wanted to stay-
2 in Los Angeles, then just put me in the states and
3 I could stay on in the states in Los Angeles.

4 Then I got out of the hospital, went
5 home and was recuperating, the deputy commanding
6 officer of OSA, who I was a member of at that
7 time, came over to me -- I believe her name was
8 Lori or some such, she was very apologetic and
9 said that I'd been ordered COMM EV and she was
10 really sorry about it, she didn't think it was
11 right but she had to do what she had to do.

12 I was subsequently received the
13 committee of evidence but since David Miscavige
14 had already ordered me off of post, the committee
15 of evidence, who's supposed to be a fact-finding
16 body felt obligated to go ahead and take me off of
17 post.

18 They took me off of post. I then went
19 into what was called the EPF, which was the
20 estates projects force. During that time I was
21 sent out on confidential missions by RTC to bug
22 other staff members' living quarters. Upon
23 completing of the EPF I was then put into CMO
24 gold.

25 David Miscavige subsequently called me

1 up and over to Author Services and wanted to know
2 why I just went off post instead of fighting it
3 and I said I didn't see much point in it. He
4 ordered that the committee of evidence findings be
5 canceled because he wasn't mad at me anymore.

6 Q. Did he recognize that he made a mistake
7 or --

8 A. Oh, I don't think he would ever go that
9 far. In fact quite the contrary, he blamed
10 everybody else for taking what he later said was a
11 comment to heart.

12 MR. HELLER: I don't think I have
13 any further questions. In fact I know I don't.

14 MR. BRIGHT: I have no further
15 questions on redirect.

16 MR. FAGELBAUM: Neither do I.
17 Let's go off the record for a second.

18 (Off-the-record discussion.)

19 MR. HELLER: We've stipulated as
20 follows: The original booklet transcript of this
21 deposition shall be sent to Ms. McRae, and by
22 doing so, again the statement that we waive no
23 objections we've previously made as her appearing
24 as Mr. Aznaran's attorney pursuant to Judge
25 Cardenas' order in the Yanny lawsuit.

1 However, Mr. Aznaran, you will then have
2 thirty days from that date to sign, to read,
3 correct and sign your deposition booklet.

4 Ms. McRae, within that thirty-day period
5 you will advise us of any changes, if there are
6 any, that are made to the deposition booklet by
7 correspondence with copies sent to the three
8 counsel in this room, Mr. Fagelbaum, Mr. Bright
9 and myself. If we do not hear from you within
10 that thirty-day period, it is stipulated that the
11 original and all copies of that deposition
12 transcript or transcripts may be utilized for any
13 and all purposes permitted by the Federal Rules of
14 Evidence. Mr. Aznaran, you may sign it under
15 penalty of perjury without the necessity of a
16 notary.

17 And lastly, Ms. McRae, we have agreed
18 that when Mr. Aznaran finishes with the review and
19 signing, if he does so, of the deposition booklet,
20 you will send it back to the court reporter, who
21 will send copies to all counsel appearing on this
22 deposition.

23 Furthermore, we have advised the
24 reporter and Mr. Fagelbaum has advised the
25 reporter that there will be a separate booklet

1 which will be sealed and confidential pursuant to
 2 a prior court order signed by Judge Pfaelzer and
 3 we will provide you with the order so that you
 4 have the necessary legend to put on the outside of
 5 that booklet. And first of all, I want to thank
 6 you, Mr. Aznaran, for coming here on this holiday.

7 MR. FAGELBAUM: Continuing on with
 8 this, I want to make sure that I get a copy of the
 9 deposition with exhibits, in addition to the
 10 original being sent to my office.

11 COURT REPORTER: Right.

12 MS. McRAE: I don't want a copy of
 13 the deposition.

14 MR. HELLER: So you'll just get the
 15 original and then send it back.

16 MS. McRAE: Right.

17 MR. FAGELBAUM: One last thing.
 18 Mr. Heller, you will represent on the record that
 19 the stipulation is joined in by the clients that
 20 Mr. Cooley represents, which are RTC, CSI and CSC
 21 as well?

22 MR. HELLER: So stipulated.

23 MR. BRIGHT: Now, before we go off
 24 the record I think there are some additional
 25 matters that we need to take up.

1 THE WITNESS: Before you change the
2 subject, because I know you're going to change the
3 subject just because you got into the little
4 political commentary there about my attorney and
5 being in violation of a court order, I would just
6 like to say that as I do not feel that I am
7 being -- I'm in a situation that by being in this
8 deposition where I'm in a position adverse to
9 Scientology, I'm certainly just another witness,
10 I'm not involved in either one of these cases and
11 I don't feel like we're in violation of any court
12 order; so I just thought I would throw in mine two
13 cents.

14 MR. BRIGHT: Mr. Heller, earlier
15 you referenced some correspondence concerning the
16 scheduling of this deposition and I think it's
17 clear from the correspondence the intent was for
18 counsel to return to Dallas now for the second
19 week on these two depositions and complete both
20 depositions. Am I correct in that?

21 MR. HELLER: Well, I will say
22 this: I think time permitting, everybody had the
23 desire to complete both depositions. I would only
24 add, if I may for a short modification, I know --
25 and Mr. Fagelbaum is absolutely correct/. I was not

1 a party to these letters that I referred to in
2 this record but it appeared from my reading of it
3 that it was the intent of Mr. Cooley to finish
4 Mrs. Aznaran's deposition, at least get one of
5 these things -- wanted the longer one finished
6 before we got into Mr. Aznaran. I know there were
7 other objections to the commencement of Mr.
8 Aznaran but that was one of them.

9 MR. BRIGHT: Now, then we've
10 succeeded in part in that goal, we have now
11 completed Richard Aznaran's deposition; all
12 parties agree to that, the record speaks for
13 itself.

14 We now must return to Vicki Aznaran's
15 deposition, which if you recall was originally
16 noticed for November 6, 1989 in Dallas as a
17 continued deposition. The notice provides the
18 testimony was to go day-to-day excluding Sundays
19 and holidays.

20 MR. HELLER: And we did appear
21 today on a holiday, I just want to note for the
22 record.

23 MR. BRIGHT: Yes, we did. And the
24 reason why we interrupted Vicki Aznaran's
25 deposition on the record pursuant to stipulation,

1 agreed to by all counsel, was to take Richard
2 Aznaran's deposition so we could complete that
3 deposition, which we did.

4 It's now Friday, tomorrow is Saturday
5 morning. We are hereby giving you notice that we
6 will be present tomorrow morning at 9:30 to
7 complete the deposition of Vicki Aznaran.
8 Tomorrow at 9:30 you will be afforded the
9 opportunity to complete your cross of that
10 witness.

11 MR. HELLER: Okay. Just in
12 response to that again, I'm now referring to the
13 record of November 7, 1989 where Mr. Cooley
14 recites the stipulation by counsel where he says,
15 quote: We'll do Rick Aznaran on Thursday, and if
16 further interrogation of Vicki Aznaran can't be
17 accomplished before the close of tomorrow -- and
18 that's November 8th -- we'll just have to do it
19 another time. Mr. Fagelbaum: That's right.
20 Close quote.

21 MR. BRIGHT: We are now advising
22 you the other time is now. You have made a motion
23 saying all the discovery in this case has to be
24 held while you complete your cross of Vicki
25 Aznaran. The witness' counsel has indicated to me

1 that the witness, Vicki Aznaran, will be here
2 tomorrow morning at 9:30 to complete her
3 cross-examination by yourself. Is that correct,
4 Ms. McRae?

5 MS. McRAE: That's correct.

6 MR. BRIGHT: We are telling you we
7 are going to be here tomorrow morning at 9:30
8 pursuant to that notice to complete her testimony.

9 MR. HELLER: Okay. I won't.

10 MR. BRIGHT: Are you telling me you
11 are adjourning that deposition to seek a
12 protective order?

13 MR. HELLER: No, we have a
14 protective order already. As a matter of fact I
15 was just looking at the order. Shall I reference
16 it and read it into the record?

17 MR. BRIGHT: Please cite whatever
18 authority you are relying upon, because we intend
19 to be here and this will definitely be the subject
20 of continuing litigation --

21 MR. FAGELBAUM: There is no
22 protective order in existence right now that
23 precludes the continuation of Vicki Aznaran's
24 deposition.

25 MR. HELLER: I don't know about

1 you, gentlemen, but I've been practicing law for
 2 fourteen years and whether I'm in town or out of
 3 town, unless there's a special stipulation, I
 4 practice from -- I take depositions from Monday to
 5 Friday, tomorrow is a Saturday and I think you'll
 6 all admit that the Federal Rules of Civil
 7 Procedure indicate that we didn't even have to be
 8 here today, it is a federal holiday, however we
 9 chose to in order to at least continue Mr.
 10 Aznaran's deposition. So I'm just telling you no,
 11 I won't be here tomorrow and I think we've pretty
 12 much hit our colloquy on that, haven't we?

13 MR. FAGELBAUM: No, Mr. Heller,
 14 because the point is this: Unless you represent
 15 to us now that you are adjourning the Vicki
 16 Aznaran deposition in order to go forward and seek
 17 a protective order, we are going to be present
 18 tomorrow and we are going to proceed with the
 19 deposition of Vicki Aznaran whether or not you're
 20 present.

21 MR. HELLER: Well, it's -- what
 22 time has anybody got? Someone help me out.

23 THE WITNESS: 4:05.

24 MR. HELLER: -- 4:05 Friday
 25 afternoon, it's going to be awfully hard for me to

1 go seek a protective order between today and
2 tomorrow, and if in fact you wanted to do
3 something like this, I think the idea probably
4 would have been to do it at the beginning of the
5 day, I've watched you pour over your books and
6 I've made my statement and I stand by that
7 statement.

8 MR. FAGELBAUM: We're giving you
9 notice that we'll be here. What we're saying is
10 if you represent that you will seek a protective
11 order, the deposition of Mrs. Aznaran will be
12 adjourned so that you can go ahead and seek one,
13 and obviously it cannot be sought tonight, but if
14 you represent that you will be seeking one, then
15 the deposition will be adjourned until such time
16 as you promptly can get one.

17 ME. HELLER: Excuse me. Let's go
18 off the record for a second.

19 (Off-the-record discussion.)

20 MR. HELLER: If I understand your
21 representation, you will be continuing with Mrs.
22 Aznaran's deposition unless I represent on the
23 record that I'm seeking a protective order; is
24 that correct?

25 MR. FAGELBAUM: That's correct.

1 MR. HELLER: In which case you will
2 not continue, pending the protective order,
3 correct?

4 MR. FAGELBAUM: That's right.

5 MR. HELLER: Okay. In view of the
6 fact that you have made the statement and in
7 further view of the fact that I think continuing
8 the deposition tomorrow on a Saturday,
9 particularly that we went today and that you -have
10 intentionally interposed Mr. Aznaran's deposition
11 in this, I believe that's improper; in further
12 view of the fact that we do not have Ms. Schlosser
13 here; who I understand, although I'm not certain,
14 it's ambiguous, has represented that she wants to
15 be at the continuation of Mrs. Aznaran's
16 deposition; in further view of the fact that Mr.
17 Cooley is not here for the continuation of Mrs.
18 Aznaran's deposition., I suppose I'm forced to seek
19 a protective order and will do so upon my return
20 to Los Angeles.

21 Just so there's no misinterpretation,
22 when I say upon my return to Los Angeles, what I
23 mean is with reason, if not immediate promptness,
24 but I don't mean Monday morning or even
25 necessarily Monday afternoon, just so that's

1 understood.

2 MR. FAGELBAUM: I understand. But
3 the last time you made that representation, three
4 months ago that you were promptly going to move
5 for a protective order, it never came.

6 MR. HELLER: And I let you ask all
7 those questions this time but, okay, in this case
8 I think I've defined it well enough.

9 (End of proceedings.)

10 C O R R I G E N D A

11 The witness, RICHARD N. AZNARAN, states he wishes
12 to make the following corrections or changes in
13 his testimony as originally given:

14 <u>PAGE</u>	<u>LINE</u>	<u>CORRECTION</u>	<u>REASON</u>
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(Signature of witness.)

STATE OF _____)
COUNTY OF _____)

SUBSCRIBED AND SWORN TO BEFORE ME by the
said witness on this the _____ day of
_____ i 1989 .

Notary Public in and for
_____ County, _____

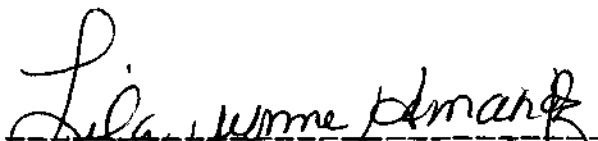
1 STATE OF TEXAS)

2 COUNTY OF DALLAS)

3 I, Lila Yvonne Hernandez, Certified
4 Shorthand Reporter, duly qualified in and for the
5 State of Texas, do hereby certify that, pursuant
6 to the agreement hereinbefore set forth, there
7 came before me, RICHARD N. AZNARAN, who was by me
8 duly sworn to testify the truth, the whole truth
9 and nothing but the truth of his knowledge
10 concerning the matter in controversy in this case;
11 and that he was thereupon carefully examined upon
12 her oath and his examination reduced to
13 typewriting by me; that the deposition is a true
14 record of the testimony given by the witness, same
15 to be sworn to and subscribed by said witness
16 pursuant to the Stipulation of the parties.

17 I further certify that I am neither
18 attorney nor counsel for nor related to or
19 employed by any of the parties to the action in
20 which this deposition is taken, and further that I
21 am not a relative or employee of any attorney or
22 counsel employed by the parties hereto or
23 financially interested in the action.
24
25

1 In witness whereof, I have hereunto set
2 my hand and affixed my seal this the 18th day
3 of _____ november _____, 1989.

4
5 

6 Lila Yvonne Hernandez,
7 Certified Shorthand Reporter
8 in and for the State of Texas.

9 Certification No. 3090
10 Expires December 31, 1990
11 3616 Maple Avenue
12 Dallas, Texas 75219
13 Telephone (214) 748-3382
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