

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, STATE OF FLORIDA
GENERAL CIVIL DIVISION

ESTATE OF LISA McPHERSON, by and
through the Personal Representative,
DELL LIEBREICH

Plaintiff,

vs.

Case No. 97-01235
Section "H"

CHURCH OF SCIENTOLOGY FLAG
SERVICE ORGANIZATION, INC.;
DAVID MISCAVIGE; JANIS JOHNSON.;
ALAIN KARTUZINSKI; and DAVID
HOUGHTON;

Defendants.

**FIFTH AMENDED COMPLAINT
INCLUDING PUNITIVE DAMAGES,
AND DEMAND FOR TRIAL BY JURY**

COMES NOW the Plaintiff, The ESTATE OF LISA McPHERSON, by and through
the Personal Representative, DELL LIEBREICH, through its undersigned attorney and
sues the Defendants, CHURCH OF SCIENTOLOGY FLAG SERVICE ORGANIZATION,
INC.; DAVID MISCAVIGE; JANIS JOHNSON; ALAIN KARTUZINSKI; DAVID HOUGHTON
and alleges:¹

¹Count I- Wrongful Death, p.12; Count II-Outrage, p.13; Count III-False
Imprisonment, p.15; Count IV- Battery, p. 16; Count V- Negligence, p. 17.

GENERAL ALLEGATIONS

A. Jurisdiction

1. This is a civil action for damages which exceed this court's threshold jurisdiction of \$15,000.00.

B. The Plaintiff

2. LISA McPHERSON, a single adult, was at all material times herein a resident of Clearwater, Pinellas County, Florida, and survived solely by her biological mother, FANNIE B. McPHERSON per Chapter 732 and Chapter 768 , Florida Statutes.

3. DELL LIEBREICH, maternal aunt of LISA McPHERSON, has been appointed the Personal Representative of the ESTATE OF LISA McPHERSON, through consent of the surviving heir, FANNIE B. McPHERSON, as evidenced by the Letters of Administration dated February 4, 1997, and attached hereto as Exhibit "A."

C. The Defendants

4. At all times material herein, the Defendants have an identity of interest and the corporate Defendant is known and operates as the CHURCH OF SCIENTOLOGY, which is part of an enterprise consisting of a multitude of corporations and unincorporated organizations operating as one unified enterprise, which includes the corporate Defendant: CHURCH OF SCIENTOLOGY FLAG SERVICE ORGANIZATION, INC.,(hereinafter referred to as FLAG or SCIENTOLOGY), which enterprise is collectively known as the "CHURCH OF SCIENTOLOGY" or "SCIENTOLOGY". The Enterprise of Scientology operates as a seamless structure ultra vires of the corporate lines of authority. The Enterprise of Scientology is designed to make the multitude of organizations of Scientology

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and DAVID HOUGHTON

**AMENDED MOTION FOR LEAVE
TO FILE FIFTH AMENDED
COMPLAINT AND TO ADD
PARTY DEFENDANT**

Defendants.

_____/

COMES NOW the Plaintiff, DELL LIEBREICH, as Personal Representative of the
ESTATE OF LISA McPHERSON, by and through her undersigned attorney, and hereby
moves for leave to file a Fifth Amended Complaint which is attached hereto and as grounds
therefore, the Plaintiff would state as follows:

1. The Amended Complaint seeks to add an indispensable party defendant, i.e.,
DAVID MISCAVIGE, who is head of the SEA ORGANIZATION, the fraternal order which
manages all of Scientology and who Plaintiff believes is the responsible party in this matter.
The basis of the Motion is contained in the previously filed first Affidavit of Jesse Prince
(filed as an exhibit to Motion for Leave to File Fifth Amended Complaint, service date of
9/7/99) and the composite of affidavits under service date of October 7, 1999.

WHEREFORE, the Plaintiff, DELL LIEBREICH, as Personal Representative of the ESTATE OF LISA McPHERSON, respectfully requests that the grant leave to file the attached Fifth Amended Complaint and add party Defendant, DAVID MISCAVIGE.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by hand-delivery this 8th day of December, 1999, to the attached service list.



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impregnable and immune from the collection of liability judgments. The Enterprise of Scientology, including FLAG, is controlled, managed and administered by the "SEA ORGANIZATION", hereinafter referred to as "Sea Org". "The Sea Org is not an organization in any usual sense of the term. The Sea organization is not incorporated, nor is it an unincorporated association, and it has no formal or informal ecclesiastical or other structure." Rather, the SEA ORG is a "fraternal order" where the Defendant, DAVID MISCAVIGE, is the self-appointed head with the title of "Captain", who totally controls, manages and administers or otherwise runs the various entities making up the Enterprise of Scientology, while disregarding the corporate structure that is portrayed on paper for public consumption. Per FLAG ORDER 228RA, October 9, 1967 and revised July 26, 1988: "The general income of the SEA ORG is obtained from a percentage of general income of Orgs and billings to orgs for mission services." In other words, all of the income generated by all of the entities comprising the Enterprise of Scientology is for the benefit of the SEA ORG and sent directly up the command lines to the SEA ORG after deducting general operating expenses.

5. Defendant, FLAG, is the instructor of "the tech", i.e., the programs and courses of Scientology as authored by its founder, L. Ron Hubbard.

6. Defendant, DAVID MISCAVIGE, as Captain of the SEA ORGANIZATION, "SEA ORG," micro-manages all of SCIENTOLOGY from the most senior executive offices down to the lowliest franchise or mission of SCIENTOLOGY. His power is setup by the infrastructure, i.e., the "command lines" of the SEA ORG. No officer or staff member of any SCIENTOLOGY corporation or entity is immune from his totalitarian authority. No issue

concerning staff or public members is exempt from his control. SEA ORG mandates any and all Scientology organizations to report directly to it any extreme deviations from "standard tech" such as when a PreClear, i.e., a Scientology member, is not getting the expected results or one who has had a "psychotic break", i.e., a "PTS Type III," (where PTS means "Potential Trouble Source" and Type III designates someone who Scientology determines is experiencing a "psychotic break"). The SEA ORG's sole purpose is to "get in ethics", i.e., sole and exclusive power to take control and discipline any person or entity of the Enterprise of Scientology that is not following the strict orders of the SEA ORG or the policy and programs of SCIENTOLOGY. The SEA ORG also completes a review of Pre-Clear folders, which is sent back via the Office of the Senior Case Supervisor International to ensure compliance to orders and correction as deemed necessary by the SEA ORG. The SEA ORG routinely and by mandate receives updated status reports on "Isolation" cases. These reports are sent up line to the SEA ORG by a Senior Case Supervisor such as Defendant, KARTUZINSKI. FLAG, through its management at the SEA ORG by DAVID MISCAVIGE, then decides on how to deal ultimately with those in Scientology's "Isolation".

7. The Defendants, ALAIN KARTUZINSKI, JANIS JOHNSON, and DAVID HOUGHTON are paid staff of SEA ORG at the SCIENTOLOGY facility, FLAG at the Ft. Harrison Hotel in Clearwater, Florida, and at all times herein, acting within and in furtherance of their employment or agency with FLAG, i.e., SCIENTOLOGY.

8. "Dianetics" and scientology are not predicated on faith but are completely based on "scientific" principles according to its author, L. Ron Hubbard.

9. SCIENTOLOGY was founded by L. Ron Hubbard, who published in 1950 a book called Dianetics: The Modern Science of Mental Health ("DMSMH"), which served as the basis for his philosophy, and which attempted to borrow basic ideas from Freud, Korzybski and theories of regression therapy.

10. In Scientology all oral and written words of L. Ron Hubbard cannot be altered, or abandoned, or otherwise changed in any way, shape, or manner under any circumstance, for any reason, per HCOPL, "Integrity of Source", "Keeping Scientology Working," "Technical Degrades", and for example, HCO Policy Letter of 9 February 1979R, Issue II, Revised 23 August 1984.

11. The CHURCH OF SCIENTOLOGY has a multitude of different rules, regulations and programs which fall under one of three captions, "Ethics," "Admn" for administration, and "Techs" for techniques as authorized by L. Ron Hubbard.

12. SCIENTOLOGY has thousands of directives ("directives"). These "directives" lay out the rules, regulations and procedures that govern the conduct and activities of all SCIENTOLOGY organizations, its executives, staff members and various customers. All "directives" must be strictly followed and are not subject to any modification.

D. Material Facts Concerning LISA McPHERSON

13. LISA McPHERSON joined SCIENTOLOGY at the age of 18 when she was recruited to SCIENTOLOGY by her supervisor at a Dallas, Texas telephone company. Thereafter she became a SEA ORG member, i.e., the elite Scientology management organization, then quit and later became a public participant.

14. SCIENTOLOGY advocates that there is an "ethics technology," ("ethics tech"), a precise method of punishment to be done to individuals who are deemed to be "unethical," meaning that they are expressing any disagreement with Scientology. A primary part of this "ethics tech" is to have members confess to every Scientology defined crime or wrongdoing they have done, or believe they have done, or that Scientology says that they have done, throughout their entire lives. These are called "overts." Scientology members are required to write down their "overts" or made to confess them in an interrogation process known as a "security check" or "sec check." The Defendants have extensive experience with and a thorough knowledge of Hubbard's "Introduction to Scientology Ethics." On page 158 of this work, Hubbard admits that "Our discipline (ethics) is quite capable of driving a person around the bend, (defined as "insane, crazy"), because of what he or she is attacking." Therefore, all Defendants knew that people do become "PTS Type III", (i.e., crazy or psychotic), as defined in Scientology, during these "ethics handlings."

15. After being subjected to "ethics" for months and forced to write up "overts and withholds," after repeated auditing did not work for her, and after deciding to quit Scientology, LISA McPHERSON, on or before November 18, 1995, became what is known in Scientology "ethics tech" as PTS Type III. Per HCO POLICY LETTER of 7 MAY 1969, entitled "POLICIES ON SOURCES OF TROUBLE", there are also ten other categories of people who "have caused us [Scientology] considerable trouble." One category, c, is "persons who have ever threatened to sue or embarrass or attack or who have publicly attacked Scientology or been a party to an attack..." When Scientology

believes that a person might cause a legal or public relations problem, i.e., a "flap", SCIENTOLOGY considers such people to be potential sources of trouble and thus must deal with them in order to "eradicate" them as potential trouble sources.

16. The above designation of LISA McPHERSON as PTS Type-III by SCIENTOLOGY personnel was based on their perceptions and "diagnoses" of her behavior. The Scientology "handling" for a PTS Type III is called the "Introspection Rundown." This procedure is totally secular and requires a person to be put into "isolation" with "no treatment of a mental nature at all," but with more than ample administration of illegally prescribed and administered drugs. This treatment is **not** known to members of Scientology, such as LISA McPHERSON, but only to highly trained auditors of Class 4 or above, such as KARTUZINSKI per SEA ORG Executive Directive 918 INT dated May 17, 1977..

17. On or before November 18, 1995, SCIENTOLOGY staff, under the orders and direction of KARTUZINSKI, the Senior Case Supervisor at the Ft. Harrison Hotel, confined LISA McPHERSON at the Ft. Harrison Hotel against her will to subject her to Scientology's "isolation," a part of the "Introspection Rundown." As part of "Expanded Dianetics," the "Introspection Rundown" is a purely secular, pseudo-scientific psychological technique developed by L. Ron Hubbard for handling individuals in a psychotic state. While being subjected to the "Introspection Rundown," LISA McPHERSON was denied her freedom of movement, her freedom of choice over food and water, her freedom to sleep and her freedom to communicate with friends, family and professionals. Those staff of SCIENTOLOGY guarding her had strict orders from SCIENTOLOGY and KARTUZINSKI

not talk to her in any way at any time for any reason. Thus, she was held incommunicado and kept in strict isolation against her will, a prisoner of Scientology.

18. During her forced "isolation" on November 18, 1995, LISA McPHERSON escaped from the Ft. Harrison Hotel, by driving her motor vehicle and lightly rear-ended a vehicle stopped in traffic. LISA McPHERSON and the medical professionals at the scene of the accident, EMS, confirmed that she sustained no injuries, no bruises, cuts or abrasions. However, when she observed EMS leaving the accident scene, she took off all her clothes to get their attention and requested help by stating to them: "I NEED HELP, I NEED TO TALK TO SOMEONE."

19. On that date EMS transported LISA McPHERSON by ambulance to the Morton Plant Hospital located in Clearwater, Florida, where she requested and received a medical and psychological evaluation.

20. Shortly after LISA McPHERSON arrived at Morton Plant Hospital, almost a dozen SCIENTOLOGY staff, who had been searching for her, discovered her location and proceeded to Morton Plant Hospital to retrieve her because she posed a greater public relations risk to SCIENTOLOGY by requesting unauthorized help from non-Scientology resources while being PTS Type III.

21. Many members of SCIENTOLOGY, including LISA McPHERSON'S auditor, KARTUZINSKI, her chiropractor, her employer, David Slaughter of AMC Publishing, and other high ranking members or officers of SCIENTOLOGY appeared at Morton Plant Hospital on November 18, 1995. There they surrounded her in her emergency room hospital bed to exert coercive persuasion on her to leave. Prior to their arrival, LISA

McPHERSON expressed no desire to leave the hospital. Yet, as part of their effort to continue to control her, they coerced LISA McPHERSON into reassuring the hospital medical staff that she wanted to leave with the Scientologists and return to FLAG headquarters for rest, despite her earlier escape.

22. Morton Plant Hospital physicians determined that LISA McPHERSON sustained no injuries, cuts, bruises, or abrasions from the motor vehicle accident. She was not diagnosed as being a threat to herself or others, but was diagnosed as needing psychological treatment. Because of her "behavioral dysfunction" the treating physician was reluctant to release her from the hospital. He was concerned with her irrational response to the question of why she removed her clothes and walked naked down a public street. Only after the entourage of SCIENTOLOGY officials, including KARTUZINSKI, assured the emergency room physician that the members of SCIENTOLOGY would watch her around the clock and give her a place to rest, did he reluctantly agree to permit her to leave the hospital. LISA McPHERSON was then placed in the exclusive care, custody and control of SCIENTOLOGY through KARTUZINSKI. When leaving the hospital, due to her diminished mental capacity, LISA McPHERSON had to be assisted to the vehicle operated by KARTUZINSKI, gently lowered into the front seat, and buckled in.

23. Immediately after leaving Morton Plant Hospital, KARTUZINSKI, acting in the course of his agency or employment with SCIENTOLOGY, returned LISA McPHERSON to the Ft. Harrison Hotel in Clearwater, Pinellas County, Florida. There SCIENTOLOGY staff, including Senior Case Supervisor and auditor, KARTUZINSKI, official Medical Officer, JOHNSON, and HOUGHTON, all trained in the methods of L. Ron Hubbard, and under the

strict authority, supervision, orders, and direction of KARTUZINSKI, imprisoned LISA McPHERSON in a guarded room to force upon her the secular series of techniques or bulletins of Scientology. During this time, those who guarded her around the clock were ordered to report in writing to KARTUZINSKI all their observations, actions taken, and illegally obtained medications given. All of which KARTUZINSKI simultaneously reported up the line to the SEA ORG and DAVID MISCAVIGE, the management of FLAG, for additional orders.

24. As a result of her being involuntarily subjected to the tech of "isolation" or other regiments forced upon her, her physical condition quickly worsened until the lack of adequate nutrition, hydration, and proper medical care affected not only her physical condition but also her mental condition to the point where she was babbling incoherently before slipping into a coma. No medically licensed personnel were brought in to see her out of fear of bad publicity. The only qualification of those told to guard her was that they were simply available to do it. Some of the guards who saw LISA McPherson in Isolation could not tolerate watching her going crazy or looking at her morbid condition. They ran from the room, only to be forced to return by the guard at the door.

25. Scientology also teaches through Hubbard's writings that some they deem to be psychotic, i.e., PTS Type III, as they deemed LISA MCPHERSON to be, will never be saved and must therefore be permitted to die.

26. Acting on orders from DAVID MISCAVIGE of FLAG management, KARTUZINSKI, JOHNSON and HOUGHTON permitted LISA McPHERSON to remain weakened, malnourished, dehydrated, and in a coma for an extended period of time to

assure that she would become susceptible to their coercive influence, remain quiet and not cause any more bad public relations for SCIENTOLOGY.

27. The above actions of the Defendants were carried out by medically untrained and unlicensed staff of SCIENTOLOGY per SCIENTOLOGY'S own secular and self-proclaimed scientifically proven internal policies, procedures, and bulletins and within the course and scope of their duties as set by SCIENTOLOGY and enforced by the SEA ORG through DAVID MISCAVIGE.

28. LISA McPHERSON remained in the exclusive care, custody and control of SCIENTOLOGY from the moment she left the Morton Plant Hospital until she was taken dead to Columbia/HCA New Port Richey Hospital on December 5, 1995.

29. On December 5, 1995, after observing LISA McPHERSON deceased or comatose inside the Ft. Harrison Hotel or some other Scientology controlled location, on orders from SCIENTOLOGY through DAVID MISCAVIGE, JOHNSON did not take her body to the nearest hospital. Rather, JOHNSON drove LISA McPHERSON'S body to a hospital some 24 miles out of the way so that a fellow Scientologist, David Minkoff, M.D., could assist in concealing her true physical condition and cause of death.

30. During her "isolation" of 17 days LISA McPHERSON lost approximately 55 pounds.

31. The above actions of the Defendants were the result of persisting in their attempt to subdue the will of LISA McPHERSON because:

- a. she had expressed that SCIENTOLOGY was not working for her and she desired to leave SCIENTOLOGY;

- b. she had violated the strict rules of SCIENTOLOGY by seeking outside help even though Scientology does not prohibit members from obtaining medical care and treatment from non-scientology licensed healthcare providers;
- c. she displayed bizarre behavior in public while she announced she was a scientologist.

COUNT I - STATUTORY WRONGFUL DEATH

32. This is an action for damages for wrongful death pursuant to Florida Statutes, §768.16, et seq., known as "Florida Wrongful Death Act."

33. Plaintiff realleges and incorporates the allegations contained in ¶1 through ¶31 above.

34. The extremis medical condition of LISA McPHERSON was obvious to SCIENTOLOGY and all of the individual Defendants. Yet, the Defendants, in total and conscious disregard for the rights of LISA McPHERSON, willfully, intentionally, wantonly, and maliciously towards the last days of her life decided to let LISA McPHERSON die, (i.e., "end cycle" in SCIENTOLOGY terms), rather than save her life, even though her extremis physical condition was known to be entirely reversible and SCIENTOLOGY has no restrictions on seeking licensed professional medical care. This decision made by SCIENTOLOGY, through the SEA ORG by DAVID MISCAVIGE and carried out by KARTUZINSKI, JOHNSON, AND HOUGHTON was only due to their desire to protect SCIENTOLOGY from bad public relations.

35. As a result of the above actions by the Defendants, LISA McPHERSON died, and the ESTATE OF LISA McPHERSON has suffered statutory damages per Chapter 768, Florida Statutes, including loss of prospective net accumulations as well as medical and funeral expenses.

WHEREFORE, the Plaintiff, ESTATE OF LISA McPHERSON, by and through DELL LIEBREICH, its Personal Representative, demands judgment against the Defendants, CHURCH OF SCIENTOLOGY FLAG SERVICE ORGANIZATION, INC.; DAVID MISCAVIGE; JANIS JOHNSON; ALAIN KARTUZINSKI; and DAVID HOUGHTON for compensatory damages, punitive damages, costs and other relief as the court may deem just in the premises and demands trial by jury.

**COUNT II - INTENTIONAL AND RECKLESS
INFLICTION OF EMOTIONAL DISTRESS (OUTRAGE)**

36. This is an action for damages pursuant to Florida Statute, §46.021.

37. Plaintiff realleges and incorporates the allegations contained in ¶1 through ¶31 above.

38. Defendants had a fiduciary duty to LISA McPHERSON and the duty of care to act in a reasonable and prudent manner to provide for all of her physical and psychological needs when they assumed the total care and custody of LISA McPHERSON upon taking her from the Morton Plant Hospital. Defendants knew prior to November 18, 1995, that she was susceptible to injuries through mental distress after months of observing LISA McPHERSON not responding to Scientology auditing and experiencing psychotic breaks. Regardless of this knowledge, the Defendants intentionally, wantonly,

maliciously, and in reckless and conscious disregard for the rights and health of LISA McPHERSON, with the recognition that "isolation" would likely cause illness or possibly death through mental distress, subjected LISA McPHERSON to Scientology "isolation" and other Scientology programs with knowledge that these programs and "isolation" would aggravate her mental condition and prohibited anyone to talk or interact with her inside the Ft. Harrison Hotel from November 18, 1995 to December 5, 1995.

39. LISA McPHERSON's psychotic condition worsened on Day Two of her forced "isolation." These Defendants, after assuming responsibility for her well being, intentionally, willfully, wantonly, maliciously, and in a reckless and conscious disregard of the rights of LISA McPHERSON, engaged in the following outrageous behavior towards her:

- a. refused to summon expert medical care or 911 or take her to the nearest hospital, while other Scientology guards were complaining bitterly about the obvious need to summon help and the refusal to do so, even though obtaining licensed professional medical care is not prohibited in Scientology;
- b. refused to provide necessary and proper food and water, even when her extremis medical condition was obvious;
- c. callously watched or had knowledge of LISA McPHERSON writhing in agony, pain, debilitating physical infirmities, and with eyes fixed and unable to move, walk, or otherwise care for herself without providing assistance;

d. while still alive, watched and failed to prevent:

1. cockroaches/insects feeding upon her;
2. her engaging in self-destructive behavior;
3. her routinely urinating and defecating on herself;
4. her drinking of her own urine;
5. her standing in a toilet;
6. her being in a coma for a minimum of 5-6 days;

e. after or near the time of her death, permitted cockroach/insects to feed upon her.

40. The above actions of paragraph 39 of the Defendants did not result in her death but are outrageous in that they are utterly intolerable in a civilized community.

41. As a result of the above outrageous conduct, LISA McPHERSON suffered extreme mental anguish, pain, and suffering.

WHEREFORE, the Plaintiff, ESTATE OF LISA McPHERSON, by and through DELL LIEBREICH, its Personal Representative, demands judgment against the Defendants, CHURCH OF SCIENTOLOGY FLAG SERVICE ORGANIZATION, INC.; DAVID MISCAVIGE; JANIS JOHNSON, ALAIN KARTUZINSKI; and DAVID HOUGHTON for compensatory and punitive damages, together with costs and other relief as the court may deem just and demands trial by jury.

COUNT III - FALSE IMPRISONMENT

42. This is an action for damages pursuant to Florida Statute, §46.021.

43. Plaintiff realleges and incorporates the allegations contained in ¶1 through ¶31 above.

44. Defendants willfully, wantonly, intentionally, maliciously, and in reckless and conscious disregard for her rights and safety imprisoned LISA McPHERSON against her will inside the Ft. Harrison Hotel from November 18, 1995 to December 5, 1995.

45. While imprisoned inside the Ft. Harrison Hotel, LISA McPHERSON demanded to be set free, banged on the walls and was at times physically restrained or physically detained against her will by Defendants.

46. As the result of the above actions of the Defendants, LISA McPHERSON suffered duress, extreme psychological damage, mental anguish, pain, and suffering.

WHEREFORE, the Plaintiff, ESTATE OF LISA McPHERSON, by and through DELL LIEBREICH, its Personal Representative, demands judgment against the Defendants, CHURCH OF SCIENTOLOGY FLAG SERVICE ORGANIZATION, INC.; DAVID MISCAVIGE; JANIS JOHNSON, ALAIN KARTUZINSKI; and DAVID HOUGHTON for compensatory damages and punitive damages, together with costs and other relief as the court deems just and demands trial by jury.

COUNT IV - BATTERY

47. Plaintiff realleges paragraphs 1 through 31 above.

48. During her confinement at the Ft. Harrison Hotel, LISA McPHERSON, these Defendants willfully, intentionally, wantonly, and maliciously in reckless and conscious disregard for the rights and safety of LISA McPHERSON, under the supervision of DAVID MISCAVIGE, subjected her to repeated battery upon her person without her consent. The battery consisted of repeated non-consensual physical contact, non-consensual restraint,

use of an irrigating syringe to force pseudo-medication concoctions down her throat, as well as repeated forced injections or other delivery of illegally obtained prescription medications and other substances.

49. As a result of the battery upon her person, LISA McPHERSON suffered mental anguish, pain and suffering.

WHEREFORE, Plaintiff, the ESTATE OF LISA MCPHERSON, by and through DELL LIEBREICH, as Personal Representative, and demands judgment against Defendants CHURCH OF SCIENTOLOGY FLAG SERVICE ORGANIZATION, INC.; DAVID MISCAVIGE; JANIS JOHNSON; ALAIN KARTUZINSKI; and DAVID HOUGHTON for compensatory damages and punitive damages, together with costs and other relief deemed just by the court and demands trial by jury.

COUNT V - NEGLIGENCE

50. This count is pled as an alternative to Count II. Plaintiff realleges and incorporates herein the allegations contained in ¶1 through ¶31 above.

51. At all times material herein, SCIENTOLOGY, as owner of the premises and the organization which housed LISA McPHERSON, had the duty to LISA McPHERSON to take reasonable action to give her first aid after SCIENTOLOGY knew she was ill or injured and to care for her by summoning appropriate emergency medical professionals or provide her appropriate medical care until SCIENTOLOGY knew she could be cared for by appropriate medical professionals.

52. SCIENTOLOGY breached its duty to LISA McPHERSON by taking no action to seek and provide her urgent medical care she obviously needed.

53. The above actions by SCIENTOLOGY were grossly negligent, and in reckless and conscious disregard for the safety, well being, and rights of LISA McPHERSON at a time when LISA McPHERSON was physically and mentally unable to care for herself and to protect herself from coercive efforts to keep her in Isolation against her will.

54. As a result, LISA McPHERSON suffered physical injuries, mental anguish, pain and suffering, which did not result in her death.

WHEREFORE, Plaintiff, ESTATE OF LISA MCPHERSON, by and through DELL LIEBREICH, its Personal Representative, demands judgment for compensatory and punitive damages against the Defendant, CHURCH OF SCIENTOLOGY FLAG SERVICE ORGANIZATION, INC. and DAVID MISCAVIGE together with costs and other relief deemed just by the court and demands trial by jury.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by hand-delivery this 21st day of December, 1999, to the attached service list.

/S/ KENNAN G. DANDAR

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