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

ROBERT MINTON,
Petitioner,
v.

PETER ALEXANDER,
Respondent.
_____/

Case No.: 02-8684-CI-8

MOTIONS: FOR INDIRECT CIVIL CONTEMPT;
AND TO RECONSIDER REDACTION OF INFORMATION

COMES NOW Robert Minton ("Minton") by and through his undersigned counsel and moves this Honorable Court to find that Peter Alexander ("Alexander") is in indirect civil contempt of its Order entered on Friday December 6, 2002, *nunc pro tunc*; and also to reconsider its previous ruling to permit the redaction of certain information from the documents produced and to be produced in this action, and states:

MOTION FOR INDIRECT CIVIL CONTEMPT

1. For nearly eight months prior to the filing of this lawsuit, Robert Minton, a principal of Courage Productions. LLC ("the company") sought to enforce his statutory and contractual rights to view the company's books and records. It is undisputed that these records are the property of the company, and that as a matter of law neither principal has a superior legal or equitable claim to ownership of them. During these months, Alexander and his counsel have avoided producing

these records by claiming they were located out of state, and that Alexander was unavailable to compile them properly.

2. Eventually, Alexander informed Minton that he could personally look at the books and records of the company so long as Minton took no notes, and promised not to disclose to anyone what was contained in them.

3. Pursuant to his rights under the terms of the charter of Courage Productions, 608.4101 (Fla. Stat.), and ultimately the Rules of the arbitration association which the parties agree would resolve substantive disputes, is entitled to see the subject books and records at any reasonable time. After Alexander's refusal to allow this inspection, Minton sought and obtained equitable relief from this court.

4. Four judges of the Sixth Judicial Circuit have now reviewed Minton's petition. Each of them has believed that Minton has a right to review his own company's records. This court ordered Alexander to turn those records over to Minton by the morning of December 6, 2002.

5. On December 6, 2002, Alexander's counsel telephoned the undersigned to say that the records were forthcoming, but that a morning deadline for their production could not be met due to the time it took to make certain redactions and photocopies. In the spirit of cooperation which this Honorable Court mandated, the undersigned, as an accommodation to counsel and to Alexander, agreed that all the documents could be produced by the end of the day.

6. At approximately 3:30 that afternoon, the undersigned picked up what Alexander produced, namely redacted copies of what purported to be the complete books and records of Courage Productions at a Tampa, Florida, "Insty-Print" copying service.

7. A review of the records produced by Alexander reveals a startling lack of compliance with the order of this court. Almost no primary documents were produced, but instead secondary documents such as ledger sheets and journals were provided. Apart from these glaring omissions, other omissions include:

A) Most of the general ledger for the year 2000.

B) Invoices from vendors.

C) Cancelled Checks.

D) Bank Statements for each month of each year Courage has been in business.

E) The checkbook ledger.

F) Underlying documents used to allow Peter Alexander reimbursement of money.

G) Invoices or other documents justifying the payment of nearly one half million dollars to the Totally Fun Company, a separate corporation owned by Alexander.

H) Invoices and receipts for trips Alexander, and perhaps Patricia

Greenway, took to Cannes, France and Dubai at the company's expense.

I) Tax returns of any kind.

J) W-2, W-9, 1099, 941, FUTA and other similar tax forms used in the ordinary course of business.

K) Florida State Unemployment and Tangible tax forms.

L) Documents showing compliance with State and local occupational license requirements.

M) Insurance policies.

N) Telephone bills.

O) Rental agreements for the use of the localities where the film was shot.

P) Bank documents such as signature cards and other documents usually generated when accounts are opened.

Q) Spread sheets and other Accountant Work Product.

R) Documents showing the basis for a child support income deduction for Peter Alexander's child or children.

S) Engagement letters entered with any attorneys by Courage Productions.

8. In addition:

The analysis contains prima facie proof that Peter Alexander engaged in self-

dealing by paying an entity known as the "Totally Fun" Company almost a half million dollars.

More than fifty thousand dollars is classified as "petty cash," but it is unaccounted for.

There are unexplained checks for $5,000 or more which total an expenditure of nearly $350,000.

Officer salary averaging $1,600 a week also has separate entries for officer salary deductions, which equal the court ordered child support Alexander was supposedly paying, thus what was called "deductions," was really salary.

Courage funds were held in "sweep" accounts at AmSouth Bank in Tampa. On information and belief these accounts allow for the owners to "sweep" surplus funds which exceed a predetermined minimum and restore them the following morning. There are also no trial balances provided making it harder to find irregularities.

In numerous instances the documents produced allude to the existence of other records which were not produced. Perhaps the most shocking is the General ledger entry dated October 1, 2001, which states: "After extensive market research it has been determined by industry experts that there is no market value for the film 'The Profit.' devaluing the project to zero." For the purposes of contempt, it is self evident that there are no documents or expenditures which reflect how or

whether this "market research." was ever done.

9. This Honorable Court made it very plain that it would not tolerate any "game playing." by either party to this action. Peter Alexander however is not only playing games with Robert Minton, he is doing so with this Honorable Court, and he is by his acts and omissions telling the world that he will play this game by his rules and his rules only.

10. The court's mandate was clear and unambiguous. "All records" does not mean "some records" nor does it mean "summaries of records," and most certainly it does not mean "those records which Peter Alexander wishes to share."

11. Peter Alexander can no longer be trusted to turn over the books and records of Courage Productions to Robert Minton. Accordingly it is in the interest of justice that Peter Alexander be immediately incarcerated until such time as he discloses the whereabouts of any and all books and records of Courage Productions, and thereafter, a duly appointed individual or individuals, including any Deputy Sheriff of the State of Florida impound all said books and records wheresoever situate, all at the expense of Peter Alexander, and turn them over to Robert Minton or his designee.

WHEREFORE Minton prays this court find Peter Alexander in indirect civil contempt, and order him to be incarcerated for sixty days in the Pinellas County Jail, with a purge provision which would only become operative upon the delivery

of all Courage Productions Books and Records wheresoever situate to Robert Minton's designee, at a time and place agreeable to the court, and upon payment by Peter Alexander of all costs, including costs of impoundment, and attorneys fees for this action plus such other relief as this court deems appropriate and just.

MOTION TO SET ASIDE ORDER TO REDACT

12. Robert Minton reincorporates paragraphs one through eleven hereof and further states:

13. This Honorable Court has directed that certain names and the identities of certain vendors be redacted from the records already produced by Alexander.

14. There are four matters of record which could form the predicate for this extraordinary action.

The first is an ongoing claim that Minton would somehow squander what Alexander says is the significant commercial value of the film. This claim is belied by Courage Productions' own records. So far this year the "value" of this film was the subject of a Federal lawsuit filed by Alexander (see Exhibit A); an offer by Alexander to sell the film to Minton for millions of dollars (see Exhibit B); and a demand that Minton be restrained in the dissemination of the records (see Exhibit C). For some reason it suited Alexander to have the film valued at zero in October of 2001, and then magically have it worth millions about six months later. Because this argument is internally inconsistent, it is not

the basis for the decision of this court to redact.

The second argument for redaction is unsupported by any evidence. Here, Alexander makes several leaps of logic. His argument goes that Minton, has set out to destroy the possibility that this film will ever see the light of day because he is acting at the behest of the Church of Scientology. After obtaining the records without redactions, Alexander's counsel says, Minton will give them to "the Scientologists," who in turn will take retaliatory action against any and all persons and firms who did business with Courage Productions. Aside from the lack of evidence to support this position, there are aspects to this argument that are so hideous that their sanction would constitute fundamental error in First Amendment grounds.[1]

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[1] While there is no dispute that the judicial system of this country is probably the best on earth, there is a dark underbelly of bigotry and prejudice which permeates it that is by no means of ancient vintage. See: Huggins v. State of Florida, 176 So. 339 (Fla. "A" 1937)(Conviction of an African American was allowed to stand notwithstanding prosecutor's closing argument that "niggers" do not pay the expense of government) Sharp v. Bussey, 187 So 779 (Fla. 1939) (Allegation that a white man was seen dancing with a woman of color was declared defamatory as a matter of law); State ex. rel Hawkins, v. Board of Control, 60 So. 2d 162 (Florida Supreme Court unanimously held that the Fourteenth Amendment to the United States Constitution allowed the University of Florida Law School to exist for whites only); Harris v. Sunset Islands Property Owners, Inc. 116 So. 2d 622(Fla 1959) (Florida Supreme Court had to reverse a trial court which, in defiance of a U.S. Supreme Court decision, upheld a deed restriction keeping Jews out of a real estate development. Sadly, this blemish is not removed from the court system even today. The Chief Justice of the Alabama Supreme Court faces a contempt citation for his refusal to remove a tablet of the ten commandments from his court; A Connecticut Board of Aldermen opens its sessions with a prayer beseeching the citizens to elect "Christian men and women to office so that those who serve will be accountable...to the teachings of Jesus Christ." Source: Anti Defamation League Separation of Church and State: A First Amendment Primer, found at www.adl.org.

Whether or not one favors, opposes, or is indifferent to the beliefs and practices of the Church of Scientology is irrelevant. It is a recognized religion and this is the United States of America.

The argument advanced by Mr. Alexander through his lawyer, was entirely predicated on a stereotype of all members of the Church of Scientology: namely they are people intent upon exacting revenge on their perceived adversaries. Moreover, this reach of logic implies that everyone from Mr. Alexander down to some erstwhile pizza delivery company that did business with Courage Productions is in mortal danger of retribution from "The Scientologists." One can only imagine what sanctions a court might impose on a lawyer who insists on having a court appointed accountant who is Jewish because "they are good with money;" or a Mormon trustee, because "they are honest;" or a prohibition on Roman Catholic mediators because "their clergy molest children and then hide it."

Certainly this Honorable Court did not predicate the redaction of information on unsworn testimony or on religious stereotyping.

The third reason for redaction, could be the court's own judicial notice of an acrimonious case involving Minton, Alexander, and members of the Church of Scientology. While the parties and issues here are different, some of the players

on the periphery have been dragged in by the faulty arguments Alexander has advanced. The fact remains that Minton has the right to find out where his money went, and to do that he has to have unfettered access to the identities of those persons, firms and corporations among whom this money was disbursed. Thus far there have been no findings of fact or law which would permit Alexander to hide from his principal investor information about where his money went and to whom.

The fourth reason is that there are trade secrets to be protected. If this is so, then Alexander has failed to say what the nature of those trade secrets are, nor has he submitted any kind of log to the court or to the undersigned setting apart trade secrets from that information Minton needs to get an accounting.

For the foregoing reasons there is neither a legal nor a factual basis for the redaction of any information from these records. Accordingly the court should rescind its order and lift the veil of secrecy from the transactions Mr. Minton has the right to examine fully.

WHEREFORE Minton prays this court set aside the order to redact, award costs and attorney fees for this action and grant such other relief as this court deems appropriate and just.

Respectfully submitted.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent via

regular US mail and/or facsimile to **Luke Lirot, Esq.**, Luke Charles Lirot, P.A., 112 East Street, Suite B, Tampa, FL 33602 and **Anthony S. Battaglia, Esq**., Battaglia, Ross, Dicus & Wein, P.A., PO Box 41100, St Petersburg, FL 33743-1100 this 17 day of December 2002.

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