

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

BENT CORYDON,)

PLAINTIFF,) CASE NO.

)

VS.) C 694401

)

CHURCH OF SCIENTOLOGY) VOLUME 1

) INTERNATIONAL, INC., ET AL.,) (PAGES 1-311)

DEFENDANTS.)

AND RELATED CROSS-ACTIONS.

DEPOSITION OF:

DAVID MISCAVIGE THURSDAY, JULY 19, 1990 10:05 A. M.

OUR FILE NO. 02266

REPORTED BY DAWSHA LAYLAND BAKER

C.S.R. NO. 5166

DEPOSITION OF DAVID MISCAVIGE, THE WITNESS, TAKEN ON BEHALF OF THE PLAINTIFF, AT 10:05 A. M., THURSDAY, JULY 19, 1990, AT 2049 CENTURY PARK EAST, LOS ANGELES, CALIFORNIA, BEFORE

DAWSHA LAYLAND BAKER, C.S.R. NO. 5166, PURSUANT TO NOTICE.

APPEARANCES OF COUNSEL

FOR PLAINTIFF & CROSS-DEFENDANT: LAW OFFICES OF TOBY L. PLEVIN BY: TOBY L. PLEVIN,

ATTORNEY AT LAW

10700 SANTA MONICA BOULEVARD SUITE 4300

LOS ANGELES, CALIFORNIA 90025

FOR DEFENDANTS & CROSS-COMPLAINANTS, RELIGIOUS TECHNOLOGY CENTER, SCIENTOLOGY MISSIONS INTERNATIONAL, CHURCH OF SCIENTOLOGY OF CALIFORNIA, CHURCH OF SCIENTOLOGY INTERNATIONAL, HEBER JENTZSCH AND TIMOTHY BOWLES:

WYMAN BAUTZER KUCHEL & SILBERT

BY: WILLIAM T. DRESCHER ESQ.

2049 CENTURY PARK EAST

15TH FLOOR

LOS ANGELES, CALIFORNIA 90067

FOR DEFENDANT DAVID MISCAVIGE:

LAW OFFICES OF MICHAEL LEE HERTZBERG

BY: MICHAEL LEE HERTZBERG, ESQ.

740 BROADWAY

FIFTH FLOOR

NEW YORK, NEW YORK 10003

-- AND --

RABINOWITZ, BOUDIN, STANDARD,

KRINSKY & LIEBERMAN

BY: ERIC M. LIEBERMAN, ESQ.

740 BROADWAY AT ASTOR PLACE

NEW YORK, NEW YORK 10003-9518

FOR DEFENDANTS AUTHORS SERVICES, INC., AND BRIDGE PUBLICATIONS: TURNER,
GERSTENFELD, WILK, TIGERMAN & HELLER

BY: LAWRENCE E. HELLER, ESQ.

8383 WILSHIRE BOULEVARD

SUITE 510

BEVERLY HILLS, CALIFORNIA 90211

ALSO PRESENT:

MARTY RATHMAN

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LOS ANGELES, CALIFORNIA; THURSDAY, JULY 19, 1990, 10:05 A. M.

DAVID MISCAVIGE, HAVING BEEN FIRST DULY SWORN, WAS EXAMINED AND TESTIFIED AS FOLLOWS: EXAMINATION BY MS. PLEVIN:

Q. PLEASE STATE YOUR FULL NAME FOR THE RECORD.

A. DAVID MISCAVIGE.

Q. AND MR. MISCAVIGE, HAVE YOU EVER BEEN DEPOSED BEFORE?

MR. DRESCHER: I CAN'T HEAR YOU.

BY MS. PLEVIN: Q. HAVE YOU EVER BEEN DEPOSED BEFORE?

A. NO, I HAVEN'T.

Q. I TRUST YOU'VE HAD SOME TIME TO CONFER WITH COUNSEL REGARDING DEPOSITION PROCEDURE?

A. I DON'T KNOW WHAT YOU MEAN BY "SOME TIME" OR "DEPOSITION PROCEDURE."

Q. WELL, HAVE YOU SPOKEN WITH MR. HERTZBERG ABOUT WHAT IS ABOUT TO TAKE PLACE TODAY?

MR. HERTZBERG: WE'RE NOT GOING TO GO INTO CONTENTS OF CONVERSATIONS. I THINK WE CAN SKIP THE PRELIMINARIES. I THINK MR. MISCAVIGE KNOWS ENOUGH ABOUT WHAT THE PROCEDURE IS SO WE CAN MOVE TO THE SUBSTANCE. MS. PLEVIN: I'D LIKE TO PUT THE ADMONITIONS ON THE RECORD.

MR. DRESCHER: IS THAT A TAPE RECORDER?

MS. PLEVIN: YES, IT IS.

MR. DRESCHER: IS THAT THE COURT REPORTER'S?

THE REPORTER: NO, SIR.

MR. DRESCHER: THAT'S A PRIVATE TAPE RECORDING BEING MADE?

MS. PLEVIN: THERE'S OTHER EQUIPMENT AVAILABLE.

MR. DRESCHER: IT WAS NOTICED FOR AUDIOTAPE AND THAT DOESN'T FIT THE STATUTORY REQUIREMENTS WITHOUT THE REQUISITE ANNOUNCEMENT AND REQUISITE IDENTIFICATIONS SO TO

THE EXTENT THAT'S AN AUDIOTAPE, AT THIS POINT IT'S STRICTLY INFORMAL. IS THAT THE PURPOSE FOR

IT?

MS. PLEVIN: YES. IT'S NOTICED PURSUANT TO STATUTE.

MR. DRESCHER: THE STATUTE REQUIRES CERTAIN FORMALITIES AND IT ALSO REQUIRES THAT IF IT'S TO BE USED FOR ANY PURPOSE, IT MUST BE DONE THROUGH AN INDEPENDENT NOTARY.

MS. PLEVIN: WELL, I'LL ASK THE COURT REPORTER TO TAKE CARE OF IT AND WE'LL GIVE HER PLENTY OF TIME TO DO IT AND WE'LL MAKE THE ANNOUNCEMENTS PURSUANT TO STATUTES ON THE RECORD AND ANY DIFFICULTIES THAT WE HAVE, WE'LL PROCEED WITH THE TAPE RECORDING IN THAT FASHION. LET THE RECORD REFLECT THAT THIS DEPOSITION IS BEING TAKEN PURSUANT TO NOTICE, THAT THE NOTICE INCLUDED A NOTICE OF INTENT TO USE AN AUDIOTAPE AND AN AUDIOTAPE IS PRESENT, AND THAT THE COURT REPORTER HAS BEEN REQUESTED TO HANDLE THE AUDIOTAPE PURSUANT TO STATUTE.

WE WILL NOW IDENTIFY OUR PRESENCE HERE FOR THE RECORD. LET'S START WITH THE COURT REPORTER.

MR. HERTZBERG: I WANT TO BE CLEAR ON THE CUSTODY OF THE TAPE, WHAT IS YOUR INTENTION WITH RESPECT TO CUSTODY OF THE TAPE?

MS. PLEVIN: THE CUSTODY OF THE TAPE ORIGINALLY GOES TO THE COURT REPORTER AND COPIES CAN BE MADE IF YOU SO DESIRE.

MR. HERTZBERG: ALL RIGHT. SO JUST SO THE RECORD IS CLEAR, THE TAPE IS GOING TO REMAIN AT ALL TIME -- THE ORIGINAL IS GOING TO REMAIN AT ALL TIMES IN THE CUSTODY OF THE COURT REPORTER? MS. PLEVIN: THAT IS MY INTENT.

MR. HERTZBERG: FINE.

THE REPORTER: DAWSHA BAKER OF KERNS AND GRADILLAS.

MS. PLEVIN: TOBY L. PLEVIN, COUNSEL FOR PLAINTIFF. TO MY LEFT IS BENT CORYDON, PLAINTIFF. BENT, WOULD YOU SIMPLY IDENTIFY YOUR VOICE FOR THE RECORD.

MR. CORYDON: YES, BENT CORYDON.

MS. PLEVIN: BILL, WHY DON'T YOU START ON THAT END.

MR. DRESCHER: MY NAME IS WILLIAM DRESCHER OF WYMAN BAUTZER KUCHEL & SILBERT. I REPRESENT THE DEFENDANTS, RELIGIOUS TECHNOLOGY CENTER, CHURCH OF SCIENTOLOGY INTERNATIONAL, CHURCH OF SCIENTOLOGY OF CALIFORNIA, SCIENTOLOGY MISSIONS INTERNATIONAL, HEBER JENTZSCH AND TIMOTHY BOWLES, AS WELL AS THE CROSS-COMPLAINANTS IN THIS ACTION. SEATED IMMEDIATELY TO MY LEFT IS MARTY RATHMAN. HE IS THE CORPORATE REPRESENTATIVE OF MY CLIENT, RTC.

MR. HELLER: LAWRENCE HELLER, LAW FIRM OF TURNER, GERSTENFELD WILK, TIGERMAN & HELLER, REPRESENTING AUTHORS SERVICES INC., AND BRIDGE PUBLICATIONS. MR. LIEBERMAN: ERIC M. LIEBERMAN, THE FIRM OF RABINOWITZ, BOUDIN, STANDARD, KRINSKY & LIEBERMAN IN NEW YORK. I'M HERE AS CO-COUNSEL TO MR. MISCAVIGE. MR. HERTZBERG: MICHAEL LEE HERTZBERG, NEW YORK, NEW YORK, COUNSEL FOR DAVID MISCAVIGE.

THE WITNESS: DAVID MISCAVIGE, AN INDIVIDUAL.

BY MS. PLEVIN: Q. MR. MISCAVIGE, SINCE YOU HAVEN'T BEEN DEPOSED BEFORE, I WILL GO THROUGH SOME BASIC INFORMATION REGARDING THIS PROCEDURE AND MAKE SURE THAT YOU

UNDERSTAND IT FOR THE RECORD.

A. ALL RIGHT.

Q. AS YOU CAN SEE HERE, THERE IS A COURT REPORTER. SHE WILL BE TAKING DOWN QUESTIONS, ANSWERS AND ANYTHING THAT IS NOT TAKEN OFF THE RECORD EXPRESSLY. SHE WILL ALSO MARK THE TRANSCRIPTS -- I'M SORRY. SHE WILL ALSO MARK THE EXHIBITS, AND AT THE CONCLUSION OF THE DEPOSITION, SHE WILL PREPARE A TRANSCRIPT OF THE PROCEEDINGS HERE TODAY.

THAT TRANSCRIPT WILL BE FORWARDED TO YOU BY YOUR ATTORNEY FOR YOUR REVIEW. AT THAT TIME YOU CAN MAKE ANY CHANGES YOU THINK ARE NECESSARY TO YOUR TESTIMONY. HOWEVER, YOU HAVE BEEN PLACED UNDER OATH UNDER PENALTY OF PERJURY, AND, THEREFORE, CHANGES MADE IN YOUR TESTIMONY MIGHT BE COMMENTED ON AT SOME APPROPRIATE TIME. DO YOU UNDERSTAND THAT?

A. YES.

Q. YOU NEED TO SPEAK FOR THE RECORD, AS THE COURT REPORTER CANNOT TAKE DOWN SHAKES OF THE HEAD AND SO FORTH, AND THAT COULD BE DONE IF SHE ATTEMPTED TO TAKE THAT DOWN, IT COULD BE A MISCONSTRUAL OF WHAT YOU INTENDED. YOU UNDERSTAND THAT? A. YES.

Q. YOU UNDERSTAND THAT YOU'VE BEEN PLACED UNDER OATH UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA?

A. YES.

Q. AND THAT THAT OATH HAS THE SAME FORCE AND EFFECT AS IF WE WERE IN A COURT OF LAW; IS THAT RIGHT? YOU UNDERSTAND THAT?

A. I THINK SO, YES.

Q. OKAY. NOW, THE DEPOSITION WILL PROCEED SO LONG AS IS NECESSARY. THERE WILL BE BREAKS AS NECESSARY. IF YOU AT ANY TIME NEED A BREAK, PLEASE SAY SO. IF YOU NEED TO CONFER WITH COUNSEL, YOU MAY DO SO, AND IF YOU HAVE ANY QUESTIONS ABOUT THAT PROCEDURE, THAT YOU MAY WANT TO TALK TO COUNSEL ABOUT, PLEASE FEEL FREE TO DO SO NOW OR AT ANY TIME.

A. RIGHT NOW?

Q. YES.

A. NO.

Q. OKAY. DO YOU HAVE ANY REASON WHY YOU CANNOT PROCEED TODAY? A. NO.

Q. YOU CAN GIVE YOUR BEST TESTIMONY TODAY?

A. I'M HERE.

Q. YOU'RE NOT TAKING ANY MEDICATION OR UNDER ANY PHYSICAL PROBLEM THAT WOULD PREVENT YOU FROM FOCUSING IN AND HEARING CLEARLY? A. OF COURSE NOT.

MR. HERTZBERG: ARE YOU FINISHED WITH THE ADMONITIONS?

MS. PLEVIN: I THINK SO.

MR. HERTZBERG: OKAY. I WANT TO ADDRESS SOMETHING THAT YOU SAID IN ONE OF THE ADMONITIONS. YOU SAID THIS DEPOSITION IS GOING TO CONTINUE AS LONG AS NEEDED. THAT

IS CERTAINLY NOT OUR POSITION OR OUR UNDERSTANDING. YOU NOTICED THIS DEPOSITION FOR TWO DAYS, TODAY AND TOMORROW. WE'RE HERE FOR THAT. IT WAS MY UNDERSTANDING IN CONVERSATIONS THAT WE HAD, THAT THE DEPOSITION WOULD BE A TWO-DAY DEPOSITION, AND THAT'S REFLECTED BY YOUR NOTICE, AND OUR POSITION, JUST SO THERE'S NO MISUNDERSTANDING, IS WE'RE WILLING TO PROCEED, AS THE DEPOSITION IS NOTICED, BUT WE'RE NOT HERE FOR SOME INDEFINITE EXERCISE.

MS. PLEVIN: SO NOTED. HOWEVER, DEPOSITIONS QUITE OFTEN TAKE LONGER THAN ANTICIPATED. YOU YOURSELF, I BELIEVE, NOTICED MR. CORYDON'S DEPOSITION WITH THE EXPRESS UNDERSTANDING THAT IT WAS GOING TO BE TWO DAYS, THAT ARE NOW FIVE DAYS, AND ARE FAR FROM BEING FINISHED, SO I THINK THAT HOPEFULLY WE DO NOT HAVE TO DEAL WITH THAT ISSUE. IF WE DO SO, WE SHALL DO SO AT A LATER TIME.

MR. HERTZBERG: LET ME RESPOND TO YOUR LAST REMARK. I NOTICED MR. CORYDON'S DEPOSITION DAY-TO-DAY UNTIL COMPLETED AND NEVER REPRESENTED AT ANY TIME THAT IT WOULD BE COMPLETED WITHIN A SPECIFIED TIME SO I DON'T WANT YOUR COMMENT, WHICH IS INACCURATE AND INCORRECT, TO PASS UNNOTICED.

BY MS. PLEVIN:

Q. MR. MISCAVIGE, DO YOU HAVE A HIGH SCHOOL EDUCATION?

A. I DON'T KNOW WHAT THAT QUESTION MEANS.

Q. DID YOU GRADUATE FROM HIGH SCHOOL?

A. NO, I DIDN'T.

Q. WHAT IS THE LAST GRADE OF PUBLIC EDUCATION THAT YOU HAD, MR. MISCAVIGE?

A. TENTH.

Q. AND WHERE WAS THAT?

A. PENNSYLVANIA.

Q. HAVE YOU TAKEN ANY GED COURSES?

A. NO.

Q. HAVE YOU TAKEN ANY CONTINUING EDUCATION COURSES OF ANY KIND?

A. OF COURSE.

MR. HERTZBERG: I'M NOT SURE THAT I UNDERSTAND THE PURPOSE OF PROBING INTO MR. MISCAVIGE'S EDUCATIONAL BACKGROUND. HE TOLD YOU WHEN HIS FORMAL EDUCATION IN THE SCHOOL SYSTEM CEASED, AND I'M NOT SURE WHY WE NEED TO INQUIRE INTO OTHER ASPECTS OF THAT AND CAN'T POSSIBLY IMAGINE IT RELATES TO THIS LAWSUIT.

BY MS. PLEVIN:

Q. HAVE YOU TAKEN ANY BUSINESS COURSES, MR. MISCAVIGE?

A. I WOULDN'T KNOW WHAT THAT MEANS.

Q. HAVE YOU TAKEN ANY COURSES IN COMMUNITY COLLEGES OR COLLEGES OR BUSINESS SCHOOLS REGARDING MANAGEMENT PRINCIPLES?

A. YOU MEAN PUBLIC SCHOOLS?

Q. IN ANY SCHOOL.

A. I'M NOT SURE I GET IT YET.

Q. WHAT IS IT THAT YOU DON'T UNDERSTAND, MR. MISCAVIGE?

A. WELL, I THINK I KNOW A LOT ABOUT BUSINESS, BUT I DON'T KNOW WHAT YOU'RE ASKING ME.

Q. DID YOU EVER ENROLL IN ANY COURSES IN ANY BUSINESS SCHOOLS?

A. NO.

Q. DID YOU EVER ENROLL --

A. NO.

Q. OKAY. YOU ARE A MEMBER OF THE CHURCH OF SCIENTOLOGY?

A. YES.

Q. I WOULD LIKE FOR YOU, PLEASE, TO IDENTIFY, IF YOU WOULD, YOUR CHRONOLOGY OF YOUR POSTS AND POSITIONS IN ANY STAFF POSITION OR ORGANIZATIONAL POSITION IN ANY SCIENTOLOGY ORGANIZATION, STARTING FROM THE EARLIEST FORWARD OR FROM NOW BACKWARDS, WHICHEVER WAY YOU FEEL IS MORE CONVENIENT.

A. I'M NOT SURE I GET IT. TENURE? I DON'T KNOW WHAT YOU MEAN.

Q. OKAY. YOU HAVE BEEN ON STAFF WITH SCIENTOLOGY ORGANIZATIONS FOR SOME TIME; IS THAT CORRECT? A. VARIOUS ONES, YES.

Q. OKAY. LET'S START WITH THE VERY FIRST STAFF POSITION YOU HELD AT ANY TIME.

A. OKAY.

Q. DO YOU RECALL WHAT THAT WAS?

A. AT ANY TIME?

Q. MM-HMM.

A. YES.

Q. WHAT WAS THAT POSITION?

A. AUDITOR.

Q. WHEN WERE YOU FIRST AN AUDITOR?

A. FIRST, 1972.

Q. AND WITH WHAT MISSION OR ORGANIZATION WERE YOU AN AUDITOR?

A. SAINT HILL, UNITED KINGDOM.

Q. AND FOR HOW LONG WERE YOU IN THAT POSITION?

A. I DIDN'T HAVE AN EXACT START AND FINISH. ON AND OFF --

MR. HERTZBERG: THAT'S --

BY MS. PLEVIN:

Q. HOW LONG WERE YOU AT SAINT HILL?

A. A YEAR THAT YEAR, BUT I WAS NOT AN AUDITOR THE WHOLE TIME.

Q. WHAT OTHER POSITIONS DID YOU HAVE?

A. PUBLIC SCIENTOLOGIST. EXCUSE ME, THERE WAS ONE OTHER POSITION. DTS, ACTING DTS.

Q. AND WOULD YOU STATE FOR THE RECORD, PLEASE, WHAT THAT MEANS?

A. DIRECTOR OF TECH SERVICES.

Q. NOW, PRIOR TO TAKING THE POSITION OF DIRECTOR OF TECH SERVICES, DID YOU DO ANY CHECK SHEETS OR COURSES OR TRAINING FOR THAT POSITION? A. NO.

Q. WHEN YOU COMMENCED THAT POSITION, DID YOU DO ANY TRAINING FOR THAT POSITION?

A. YES.

Q. AND WHAT WAS THAT TRAINING?

A. HAT TURNOVER.

Q. AND WOULD YOU EXPLAIN FOR THE RECORD WHAT A HAT TURNOVER IS?

A. THE HOLDER OF THAT POST BRIEFS YOU ON THAT POSITION. I WAS HOLDING IT TEMPORARILY WHILE SOMEBODY WAS ON VACATION.

Q. WERE THERE ANY OTHER PERIODS OF TIME DURING THAT FIRST YEAR THAT YOU WERE AT SAINT HILL, OTHER THAN AUDITOR AND DIRECTOR OF TECH SERVICES? A. NO.

Q. AFTER YOU LEFT SAINT HILL, DID YOU GO TO ANOTHER POST OR STAFF POSITION?

A. OF COURSE.

Q. WHERE DID YOU GO?

A. NUMEROUS PLACES.

Q. WHERE DID YOU FIRST GO?

A. FIRST PENNSYLVANIA.

Q. AND WHAT POSITION DID YOU TAKE IN PENNSYLVANIA WHEN YOU LEFT SAINT HILL IN APPROXIMATELY 1973?

A. SCHOOL CHILD.

Q. HOW OLD WERE YOU AT THE TIME?

A. 13 OR 14.

Q. WERE YOU ON LEAVE FROM SCHOOL DURING THE 1972 -- '73 YEAR WHILE YOU WERE AN AUDITOR AT SAINT HILL?

A. YES, I WAS. OH, WHILE I WAS AN AUDITOR. EXCUSE ME.

MR. HERTZBERG: I REALLY -- AS I INDICATED BEFORE, WE'VE COVERED THE EDUCATIONAL ASPECT OF THIS. NOW, I THINK THAT WE ARE DISCUSSING A POINT IN TIME WHICH PREDATES THE ALLEGATIONS IN THE COMPLAINT, AND I'M JUST WONDERING WHAT RELEVANCY MR. MISCAVIGE'S POSTS MAY HAVE TO THIS LAWSUIT.

MS. PLEVIN: LET THE RECORD REFLECT WHILE MR. HERTZBERG IS STATING HIS OBJECTION, THE WITNESS IS CONFERRING WITH OTHER COUNSEL THAT'S PRESENT.

WITH REGARD TO MR. HERTZBERG'S STATEMENT, I INTEND TO INQUIRE INTO MR. MISCAVIGE'S HISTORY IN ALL POSTS AND POSITIONS HE HAS HAD IN ANY ORGANIZATION OF SCIENTOLOGY, TO HAVE A FULL UNDERSTANDING OF HIS BACKGROUND, WHICH I'M CERTAINLY ENTITLED TO HAVE.

MR. HELLER: YOU'RE ENTITLED TO AN UNDERSTANDING OF HIS BACKGROUND, BUT WHEN YOU START GETTING INTO SUCH MINUTIAE, "WERE YOU ON LEAVE FROM JUNIOR HIGH SCHOOL AT THAT TIME," THAT GOES BEYOND THE BALANCE OF BACKGROUND PERMISSIBILITY, AND YOU HAVE A CERTAIN WAY TO GO, BUT BEYOND THAT, I THINK YOU'RE GETTING TOO PARTICULAR.

MS. PLEVIN: IF YOU MAKE SUCH MINOR POINT, UNNECESSARY OBJECTIONS AT THIS STAGE, I'M QUITE CONCERNED YOU'RE GOING TO EAT UP A GREAT DEAL OF TIME UNNECESSARILY. I SUGGEST THAT WE PROCEED WITH THE DEPOSITION AND IF SUCH THINGS GET OUT OF HAND, WE CAN DEAL WITH THEM AT THAT TIME. I'M SIMPLY ATTEMPTING TO CREATE A CHRONOLOGY HERE AND DO NOT INTEND TO GET INTO EXTENDED BYPLAY ON THE RECORD.

MR. HELLER: I HAVE A SECOND QUESTION, IN THAT CASE, WHICH I CONSIDER TO BE TOO PARTICULAR, I'LL SAY IT AGAIN.

MR. HERTZBERG: I'M JUST CONCERNED THAT WE'RE WASTING TIME --

MS. PLEVIN: MR. MISCAVIGE IS THE ONE WHO IDENTIFIED THAT HIS NEXT POST WAS A SCHOOL CHILD. THAT IS WHY I NEEDED TO ASK HIM ABOUT THAT. IF HE CONSIDERS THAT A POST, MR. HERTZBERG, I NEED TO ASK HIM ABOUT IT.

MR. HERTZBERG: LET ME FINISH MY STATEMENT WITHOUT BEING INTERRUPTED, PLEASE. MY CONCERN, AND THEN WE'LL MOVE ON, IS THAT WE NOT WASTE TIME WITH THINGS THAT REALLY DON'T HAVE TO DO WITH THE LAWSUIT. I'M INTERESTED IN ADDRESSING THE COMPLAINT AND I JUST DON'T SEE -- BUT LET'S PROCEED.

BY MS. PLEVIN:

Q. AFTER YOU LEFT SAINT HILL, MR. MISCAVIGE, WHAT WAS THE NEXT POST YOU HELD WITH ANY STAFF, AS A STAFF MEMBER, OR WITH ANY ORG? A. SUPERVISOR.

Q. AND YOU WERE SUPERVISOR OF WHAT?

A. ACADEMY COURSE.

Q. AT WHAT MISSION OR ORG?

A. PHILADELPHIA.

Q. PHILADELPHIA? WHAT IS THE COMPLETE NAME, PLEASE?

A. ORG.

Q. AND HOW LONG WERE YOU SUPERVISOR AT THE ACADEMY FOR PHILADELPHIA ORG?

MR. HERTZBERG: DON'T GUESS. IF YOU DON'T RECALL, DON'T GUESS.

THE WITNESS: I DON'T REMEMBER.

BY MS. PLEVIN:

Q. DO YOU RECALL THE APPROXIMATE YEARS?

A. YES.

Q. WHAT WERE THEY?

A. 1975, I THINK. I'M NOT -- 1975, I BELIEVE.

Q. APPROXIMATELY ONE YEAR YOU WERE SUPERVISOR OF THE ACADEMY COURSE?

A. APPROXIMATELY A FEW WEEKS.

Q. AND WHAT WAS THE NEXT POSITION YOU HAD WITH ANY ORG OR WHATEVER STAFF POSITION YOU HAD?

MR. HERTZBERG: I JUST WANT TO NOTE, FOR THE RECORD, SINCE MR. MISCAVIGE GAVE A 1975 DATE, THAT THE EARLIEST ALLEGATION OF ANYTHING IN THE COMPLAINT THAT I'M AWARE OF IS SOMETIME IN 1978. MS. PLEVIN: YOU CAN ANSWER THE QUESTION, MR. MISCAVIGE.

THE WITNESS: EPF.

BY MS. PLEVIN:

Q. AND WOULD YOU STATE FOR THE RECORD WHAT EPF IS?

A. ESTATES PROJECT FORCE.

Q. AND AT WHAT ORG WERE YOU ON THE ESTATES PROJECT FORCE?

A. CMO, CW.

Q. WOULD YOU STATE FOR THE RECORD WHAT CMO, CW IS?

A. COMMODORE'S MESSENGER ORGANIZATION, CLEARWATER.

Q. WERE YOU A MEMBER OF THE CMO AT THAT TIME WHEN YOU WERE ON THE ESTATES PROJECT FORCE?

MR. HERTZBERG: DON'T GUESS.

THE WITNESS: YES.

BY MS. PLEVIN:

Q. APPROXIMATELY WHEN DID YOU JOIN THE CMO?

A. 1976.

Q. WAS THIS YOUR FIRST CMO ASSIGNMENT?

A. YES.

Q. HOW LONG WERE YOU ON THE ESTATES PROJECT FORCE?

A. I CAN'T RECALL EXACTLY.

Q. MORE THAN A YEAR? MORE THAN A COUPLE OF YEARS?

A. NO.

Q. LESS THAN A YEAR?

A. YES.

Q. AND WHAT WAS YOUR NEXT POST OR STAFF POSITION?

A. PHOTO SHOOT ASSISTANT.

Q. TO WHOM?

A. THE PHOTO SHOOT TEAM.

Q. AND WHERE WAS THIS POSITION?

A. CLEARWATER.

Q. AND HOW LONG WERE YOU IN THAT POSITION?

A. ONE TO TWO MONTHS.

Q. AND DURING THE TIME YOU WERE IN ANY OF THE POSITIONS WE'VE DISCUSSED SO FAR, EXCEPT AS YOU'VE NOTICED THAT YOU MAY BE GOING BACK AND FORTH WITH DIRECTOR OF TECH SERVICES WHILE YOU WERE AT SAINT HILL, WAS THERE ANY OTHER TEMPORARY POSITION YOU HELD SIMULTANEOUSLY OR IN BETWEEN THESE OTHER POSITIONS?

A. I DON'T UNDERSTAND THE FIRST PART ABOUT DIRECTOR OF TECHNICAL SERVICES. I MISSED WHAT YOU SAID THERE.

Q. YOU SAID WHILE YOU WERE AT SAINT HILL, YOU WERE PRETTY MUCH AN AUDITOR, BUT THERE WAS A SHORT PERIOD OF TIME YOU WERE DIRECTOR OF TECHNICAL SERVICES? A. NO, I DIDN'T.

Q. YOU SAID YOU WERE ACTING DIRECTOR OF TECHNICAL SERVICES?

A. NO. THE STATEMENT YOU GAVE ME IS NOT ACCURATE OF WHAT I SAID.

Q. WHAT DID YOU SAY?

MR. HELLER: OBJECTION TO HAVING HIM TESTIFY. IT'S IN THE RECORD WHAT HE SAID.

MR. HERTZBERG: THE RECORD WILL SPEAK FOR ITSELF.

MS. PLEVIN: IT SURE IS.

Q. OKAY. WERE THERE ANY OTHER POSITIONS YOU HELD SIMULTANEOUSLY WITH THE POSITION OF PHOTO SHOOT ASSISTANT, OR WAS THAT A FULL-TIME POSITION?

A. YES.

Q. WHAT WAS THAT?

A. YES IS AN ANSWER TO "OTHER POSITION."

Q. OKAY. WHAT WAS THE OTHER POSITION?

A. EPF.

Q. SO THAT WAS GOING ALONG WITH YOUR BEING ON THE EPF, WHICH YOU MENTIONED A MINUTE AGO?

A. 50-50.

Q. OKAY.

A. BUT, THE ANSWER IS NO TO YOUR QUESTION AS STATED. AT A CERTAIN POINT IT WAS. THAT'S WHAT I MEAN.

Q. DID YOU HOLD ANY OTHER POSITIONS AT THE TIMES THAT YOU WERE HOLDING THE POSITION OF PHOTO SHOOT ASSISTANT AND A POSITION ON THE EPF?

A. NO.

Q. WERE YOU ALSO TAKING COURSES AT CLEARWATER AT THAT TIME?

MR. HERTZBERG: YOU KNOW, WE'RE NOW STILL TALKING ABOUT EVENTS THAT BY A NUMBER OF YEARS, PREDATE THE EARLIEST ALLEGATIONS IN THE COMPLAINT AND NOW YOU'RE NOT EVEN ASKING HIM ABOUT HIS -- WHAT JOBS OR FUNCTIONS MR. MISCAVIGE HAD. YOU'RE NOT TALKING ABOUT HIS RELIGIOUS PRACTICES.

MS. PLEVIN: ARE YOU GOING TO INSTRUCT HIM NOT TO ANSWER, MR. HERTZBERG?

MR. HERTZBERG: I WANT TO KNOW -- I WANT TO UNDERSTAND WHAT THE PURPOSE OF QUESTIONS LIKE THAT ARE, WHAT COURSES -- MS. PLEVIN: THERE ARE --

MR. HELLER: I'M GOING TO JOIN IN THE OBJECTION.

MR. HERTZBERG: I'D LIKE TO KNOW, BECAUSE THAT WILL DETERMINE WHAT INSTRUCTION I GIVE.

MR. DRESCHER: I'LL JOIN.

MS. PLEVIN: MR. MISCAVIGE HAS A NUMBER OF POSITIONS HAVING TO DO WITH -- OR TECHNICAL END OF THINGS, WHICH ARE PROMOTED AND STATED TO BE ECCLESIASTICAL POSITIONS AND PRESUMABLY HE HAS HAD TRAINING FOR THOSE POSITIONS. I INTEND TO INQUIRE ABOUT THAT. IF YOU INSTRUCT HIM NOT TO ANSWER, LET'S MOVE ON.

MR. HERTZBERG: I WANT TO KNOW HOW THAT RELATES TO THE COMPLAINT. HOW -- WHAT COURSES AN INDIVIDUAL DEFENDANT IN THIS CASE TOOK IN YEARS -- OR AT ANY YEARS, REALLY, BUT IN THIS CASE, ANY YEARS THAT PREDATE THE COMPLAINT, WHERE IS THAT RELEVANT TO THIS LAWSUIT?

MS. PLEVIN: ARE YOU GOING TO INSTRUCT HIM NOT TO ANSWER?

MR. HERTZBERG: YOU'RE NOT GOING TO INDICATE?

MS. PLEVIN: NO.

MR. HERTZBERG: I'M INSTRUCTING HIM NOT TO ANSWER THE LAST QUESTION. BY MS. PLEVIN:

Q. ALL RIGHT. DID YOU TAKE ANY TRAINING WHILE YOU WERE AT CLEARWATER, IN THESE

POSITIONS, WHILE YOU WERE TRAINING AT CLEARWATER, DURING THE TIME YOU WERE IN THE EPF AND A PHOTO SHOOT ASSISTANT? MR. HERTZBERG: I HAVE THE SAME PROBLEM WITH THAT QUESTION. DO YOU WISH TO AMPLIFY ON HOW THAT IS RELEVANT TO MR. CORYDON'S CLAIMS?

MS. PLEVIN: NO, NOT AT THIS TIME.

MR. HERTZBERG: SAME INSTRUCTION.

MR. HELLER: I'LL JOIN IN THE OBJECTION AND ADD THAT THE WORD "TRAINING" IS VAGUE AND AMBIGUOUS.

MR. DRESCHER: I'LL JOIN WITH BOTH OBJECTIONS.

MS. PLEVIN: OKAY.

Q. DID YOU DO ANY LEVELS WHILE YOU WERE AT CLEARWATER DURING THE TIME WHILE YOU WERE ON THE EPF AND PHOTO SHOOT ASSISTANT?

MR. HERTZBERG: WHAT DO YOU MEAN BY "LEVELS," FIRST OF ALL?

MS. PLEVIN: OT-3, NOTS. I DON'T KNOW.

MR. HERTZBERG: YOU DON'T KNOW? SAME INSTRUCTION.

MS. PLEVIN: I'M ASKING HIM.

Q. ANYTHING ON THE --

MR. HERTZBERG: LET'S MOVE ON.

qq

BY MS. PLEVIN:

Q. DID YOU DO ANYTHING ON THE TRAINING GRADE CHART, MR. MISCAVIGE, WHILE YOU WERE AT CLEARWATER DURING THE PERIOD WHILE YOU WERE ON THE EPP AND PHOTO SHOOT ASSISTANT? MR. HERTZBERG: ALL RIGHT. WHAT DO YOU MEAN BY THE "CHART"? WHAT DO YOU MEAN BY THAT?

MAY THE RECORD REFLECT THAT COUNSEL IS BEING ADVISED BY HER CLIENT AT THIS POINT. WOULD YOU TELL ME WHAT YOU MEANT BY THAT, BY THAT QUESTION?

MS. PLEVIN: WELL, WHY DON'T WE ASK MR. MISCAVIGE WHAT THE GRADE CHART IS, PLEASE.

MR. HERTZBERG: NO. NOW, WHEN YOU -- ARE YOU WITHDRAWING THE LAST QUESTION?

MS. PLEVIN: NO.

MR. HERTZBERG: YOU'RE NOT WITHDRAWING IT? LET'S ADDRESS THE QUESTION THAT I OBJECTED TO.

MS. PLEVIN: THERE ARE A SERIES OF TRAINING GRADES ON THE GRADE CHART OF SCIENTOLOGY, FROM BOTTOM TO TOP. I'M ASKING MR. MISCAVIGE WHEN -- IF HE TOOK ANY OF THOSE COURSES DURING THE PERIOD OF TIME AND I INTEND TO ASK HIM WHEN HE TOOK ANY AND ALL OF THOSE COURSES ANY TIME.

MR. HERTZBERG: ARE YOU TALKING ABOUT HIS RELIGIOUS TRAINING COURSES?

MS. PLEVIN: ABSOLUTELY.

MR. HERTZBERG: I'M INSTRUCTING HIM NOT TO ANSWER UNLESS YOU CAN INDICATE TO ME HOW THAT IS RELEVANT TO THE ALLEGATIONS IN THE COMPLAINT AGAINST MR. MISCAVIGE BY BENT CORYDON. MR. DRESCHER: I'LL JOIN IN THAT SAME OBJECTION.

MS. PLEVIN: ALL RIGHT. AS I BELIEVE I STATED PREVIOUSLY, MR. MISCAVIGE'S POSITION ENCOMPASSES BOTH ECCLESIASTICAL AND CORPORATE MATTERS. IF HE HAS ECCLESIASTICAL TRAINING FOR THOSE POSITIONS AS THEY RELATE, AND MAY RELATE TO THE ORGANIZATIONAL STRUCTURE, I'M ENTITLED TO KNOW WHAT THEY ARE. IF YOU'RE REFUSING TO ANSWER, THAT'S FINE. I WILL GO ONTO ANOTHER QUESTION.

MR. DRESCHER: I WANT TO TAKE ISSUE WITH YOUR LAST REMARK.

MS. PLEVIN: WE'LL DO IT OFF THE RECORD --

MR. HERTZBERG: NO.

MR. DRESCHER: I'M ENTITLED TO REPRESENT MY CLIENTS, MISS PLEVIN.

MS. PLEVIN: EXCUSE ME. WHAT YOU'VE DONE NOW, GENTLEMEN, COLLECTIVELY, IS IN LESS THAN 20 MINUTES, DOMINATED WHAT MUST BE MORE THAN 60 PERCENT OF THE TEXT WITH YOUR OBJECTIONS. AS YOU KNOW, MR. DRESCHER, AND AS MR. HELLER KNOWS AND AS THE NEW YORK ATTORNEYS HERE MAY NOT KNOW, I CAN AND I WILL SEEK, AT THE VERY LEAST, YOUR CONTRIBUTION TO THE COST OF THIS DEPOSITION BASED ON UNNECESSARY, LONG ON-THE-RECORD OBJECTIONS, ESPECIALLY SINCE I'M GOING TO ASK SPECIFICALLY THAT WE GO OFF THE RECORD, AND FURTHERMORE, THAT THESE EXTENDED OBJECTIONS, OVER WHAT I CONSIDER TO BE ISSUES OF RELEVANCE AND NOT ISSUES OF -- AT THE BEST, ISSUES OF RELEVANCE WHICH ARE IMPROPER OBJECTIONS TO RAISE SO FREQUENTLY AND AGGRESSIVELY DURING THE DEPOSITION, THERE'S NO CALL FOR IT. THERE'S NO CALL FOR IT WHATSOEVER. WE COULD HAVE GONE THROUGH A GREAT DEAL MORE AT THIS POINT.

MR. HERTZBERG: YOU SEE, WE'RE NOT GOING TO GO THROUGH THE -- THE POINT PRECISELY IS WE'RE NOT GOING TO GO THROUGH A HARASSIVE DEPOSITION WHICH DOES NOT RELATE TO THE CONTENTS OF MR. CORYDON'S COMPLAINT.

ONE THING THAT I'M MINDFUL OF, AND I MIGHT AS WELL MAKE THAT CLEAR TO YOU AT THE OUTSET, IS THAT MR. CORYDON HAS TESTIFIED UNDER OATH THAT HE IS WRITING OR INTENDS TO WRITE SHORTLY ANOTHER BOOK ABOUT THE CHURCH OF SCIENTOLOGY AND I HAVE HAD GRAVE QUESTIONS IN MY MIND ABOUT WHAT THE REAL PURPOSE OF THIS DEPOSITION IS, AND WHAT I'VE HEARD SO FAR THIS MORNING HAS VIRTUALLY NOTHING TO DO WITH THE COMPLAINT.

WE ARE HERE TO DEAL WITH THE COMPLAINT. AND WE ARE GOING TO OBJECT, OR I'M GOING TO OBJECT TO ANYTHING WHICH I CONSIDER TO BE TOTALLY REMOTE, AS THESE QUESTIONS ARE, WHICH FAR PREDATE ANY EVENTS IN THE COMPLAINT THAT WOULDN'T BE RELEVANT ANYWAY, AND FORTUNATELY THERE ARE JUDGES WHO WILL DECIDE WHETHER WE ARE --

MS. PLEVIN: OH, THERE CERTAINLY ARE.

MR. HERTZBERG: -- WHETHER WE ARE WITHIN OUR RIGHTS TO OBJECT.

MR. DRESCHER: AND I WILL FURTHER RESPOND BY SAYING I INTEND TO OBJECT, TOO, WHEN THE SUBJECT MATTER APPEARS SELF-EVIDENTLY FROM THE QUESTIONS, TO BE AN INTENT IMPROPERLY TO PROBE THIS WITNESS'S RELIGIOUS BELIEFS, HIS RELIGIOUS TRAINING OR ANY PART OF THE ECCLESIASTICAL OR RELIGIOUS BELIEFS --

MS. PLEVIN: MR. DRESCHER, YOUR CLIENTS HAVE OBJECTED TO DISCOVERY AND TO MANY

MATTERS IN THIS COMPLAINT ON THE GROUNDS THAT THE EFFORTS INVADE ECCLESIASTICAL MATTERS, AND THAT THE CORPORATE STRUCTURE IS INHERENTLY PART OF AN ECCLESIASTICAL STRUCTURE AND I

CAN'T GET AT ANY OF THAT STUFF BECAUSE OF THE 1ST AND 14TH AMENDMENTS, ALL OF WHICH I THINK IS GARBAGE.

MR. DRESCHER: IF THAT'S TRUE, THEN WE'LL JUST PROCEED, BECAUSE YOU'VE JUST ADMITTED YOU CAN'T GET AT IT.

MS. PLEVIN: WHICH YOU CLAIM I CAN'T GET AT, WHICH IS TOTALLY IN ERROR AS A MATTER OF LAW. HOWEVER, THE -- AS I'VE MADE QUITE CLEAR, FREQUENTLY ENOUGH, THE CONTROL AND THE BACKGROUND OF THE PEOPLE WHO ARE IN CONTROL OF THE SCIENTOLOGY ORGANIZATION IS EXTREMELY IMPORTANT, AND I INTEND TO INQUIRE INTO THEM.

MR. DRESCHER: IT'S EXTREMELY IMPORTANT FOR SOME AGENDA OTHER THAN THIS LAWSUIT. SO WE'LL CONTINUE TO ASSERT THE OBJECTIONS AS NECESSARY.

MS. PLEVIN: FOR THE APPROPRIATE -- THE COURT HAS ALREADY RULED THAT OUR INQUIRY INTO THE ALTER EGO THEORY IS TOTALLY APPROPRIATE.

MR. DRESCHER: HE HAS NOT.

MS. PLEVIN: I'M GOING TO SAY AGAIN THAT I WISH THAT THIS DISCUSSION WERE OFF THE RECORD. THIS IS PROLONGING. THIS IS INAPPROPRIATE. THIS IS COSTLY. I'M GOING TO GO ON WITH THE QUESTIONS. MR. HELLER: NEXT QUESTION.

BY MS. PLEVIN:

Q. YOU REFUSE TO ANSWER QUESTIONS; IS THAT RIGHT?

MR. HERTZBERG: DON'T ANSWER THAT QUESTION. HE'S RECEIVED THE INSTRUCTIONS. ASK YOUR NEXT QUESTION, PLEASE.

BY MS. PLEVIN:

Q. MR. MISCAVIGE --

MR. HERTZBERG: AND BY THE WAY, I'M INSTRUCTING HIM ON A QUESTION-BY-QUESTION BASIS, LET THE RECORD BE CLEAR. THERE WAS A QUESTION PENDING. ON THAT QUESTION, AS THE RECORD WILL REFLECT, I INSTRUCTED HIM NOT TO ANSWER. NOW ASK YOUR NEXT QUESTION, PLEASE. BY MS. PLEVIN:

Q. WHAT WAS THE NEXT POST YOU HELD WITHIN THE ORG, OR STAFF POSITION, AFTER YOU COMPLETED YOUR WORK AS A PHOTO SHOOT ASSISTANT AND AFTER YOU COMPLETED YOUR ESTATES PROJECTS FORCE POSITION AT CLEARWATER?

A. I CAN'T RECALL THE NEXT ONE.

Q. DO YOU REMEMBER WHERE IT WAS LOCATED?

A. YES.

Q. WHERE WAS IT LOCATED?

A. I WAS IN CLEARWATER.

Q. FOR HOW LONG WERE YOU IN CLEARWATER?

A. UNTIL 1977.

Q. AND WAS THERE SOME TIME WHILE YOU WERE STILL AT CLEARWATER, BETWEEN THE TIME YOU CONCLUDED YOUR POSITION AS PHOTO SHOOT ASSISTANT AND THE TIME YOU LEFT CLEARWATER, TO WHEREVER YOU WENT NEXT?

A. YES.

Q. BUT YOU DON'T RECALL WHAT POST YOU HELD AT THAT TIME?

MR. HERTZBERG: THAT WAS ASKED AND ANSWERED.

(CONFERENCE BETWEEN COUNSEL AND WITNESS.)

THE WITNESS: I DON'T REMEMBER WHAT THE VERY NEXT ONE WAS. THAT'S WHAT I STATED.

BY MS. PLEVIN:

Q. OKAY. IF YOU DON'T REMEMBER WHAT THE IMMEDIATE NEXT ONE WAS, WHAT WAS THE NEXT ONE AFTER THAT, TO THE BEST OF YOUR RECOLLECTION?

A. I DON'T RECALL IT THAT WAY.

Q. WAS IT -- I'M SORRY?

A. YOU'RE ASKING ME AN EXACT, THIS ONE, THAT ONE. I DON'T -- THE EXACT, I CAN'T ANSWER THE NEXT ONE IF I DON'T REMEMBER WHAT THE PREVIOUS ONE WAS.

MR. HERTZBERG: I THINK THE DIFFICULTY, MISS PLEVIN, WAS WHEN WE'RE TALKING ABOUT EVENTS SO REMOTE IN TIME, MR. MISCAVIGE IS INDICATING HE CANNOT REMEMBER THEM IN THE CHRONOLOGICAL SEQUENCE THAT YOU APPARENTLY ARE SEEKING.

BY MS. PLEVIN:

Q. HOW DO YOU REMEMBER THE NEXT CHANGE IN YOUR STATUS WITHIN SCIENTOLOGY ORGANIZATIONS?

MR. HELLER: OBJECTION. THAT QUESTION IS UNINTELLIGIBLE, "HOW DO YOU REMEMBER IT."

MS. PLEVIN: HE SAID IT'S NOT THE WAY HE RECALLS IT, SO I'M ASKING HIM: WHAT IS THE WAY YOU DO RECALL IT?

MR. HERTZBERG: WHY DON'T YOU ASK HIM THE NEXT POST THAT HE REMEMBERS. I THINK THAT'S PROBABLY THE EASIEST.

MS. PLEVIN: YOU CAN ANSWER MY QUESTION.

MR. HELLER: IF YOU'RE ABLE.

MR. HERTZBERG: SHE WANTS TO KNOW HOW YOUR MIND WORKS TO REMEMBER --

THE WITNESS: I REMEMBER IN MY MIND. I CAN TELL YOU NUMEROUS. THAT'S MY ANSWER TO YOU.

BY MS. PLEVIN:

Q. YOU CAN TELL ME NUMEROUS WHAT?

A. POSTS.

Q. YOU JUST DON'T REMEMBER WHICH ONE WAS THE NEXT ONE?

A. PRECISELY.

Q. WHICH IS THE NEXT ONE THAT STANDS OUT IN YOUR MIND?

A. NUMEROUS. NONE OF THEM STAND OUT IN MY MIND.

Q. YOU CAN'T PUT THEM INTO ANY ORDER?

MR. HERTZBERG: THAT'S WHAT HE SAID.

BY MS. PLEVIN:

Q. ALL RIGHT. THEN LET'S TAKE EACH OF THEM. LET'S TAKE EACH POST YOU'VE HELD.

A. OKAY. LET'S SEE. ASSISTANT ECFH, PROGRAM CMO --

Q. LET'S TAKE THEM ONE -- ALL RIGHT.

A. STEWARD EPF, FMO 1672, 73, TELEX OP.

Q. THESE ARE ALL THE POSITIONS THAT YOU RECALL THAT YOU EVER HELD IN ANY SCIENTOLOGY ORG OR POST?

MR. HERTZBERG: WELL, WAIT A MINUTE.

MS. PLEVIN: OKAY. THAT'S WHAT I'M CLARIFYING. YOU --

MR. HERTZBERG: LET ME UNDERSTAND THIS QUESTION. YOU'RE SAYING THIS IS THE ONLY -- THOSE ARE THE ONLY POSTS HE CAN EVER RECALL EVER HOLDING IN THE CHURCH THAT HE HASN'T MENTIONED SO FAR. IS THAT THE QUESTION?

MS. PLEVIN: HE LISTED THESE ORGANIZATIONS, MR. HERTZBERG, IN RESPONSE TO A QUESTION OF "WELL, WHAT NEXT STANDS OUT IN YOUR MIND. YOU TELL THEM TO ME THE WAY YOU WANT TO TELL THEM TO ME." AND THEN HE STOPPED. I DIDN'T ASK HIM TO STOP AT CLEARWATER OR WHATEVER. WHERE --

Q. YOU LISTED THESE ORGANIZATIONS TOGETHER, MR. MISCAVIGE. HOW -A. THEY'RE NOT ORGANIZATIONS.

Q. OR, I'M SORRY. YOU LISTED THESE POSITIONS IN A UNIT.

A. MM-HMM.

Q. NOW, WHY ARE THEY PART OF A SINGLE UNIT?

MR. HERTZBERG: WHAT DO YOU MEAN BY "UNIT"?

MS. PLEVIN: IN RESPONSE TO A SPECIFIC QUESTION.

MR. HELLER: ASSUMES FACTS THAT ARE NOT IN EVIDENCE. I DIDN'T HEAR ANYTHING IN THE PRECEDING QUESTION THAT HE WAS TO LIST ANYTHING TOGETHER. YOU ASKED HIM TO LIST CERTAIN POSTS AND HE DID SO AND THEY'VE INDICATED IT WASN'T ANY UNIT. MR.

HERTZBERG: LET'S --

MS. PLEVIN: MR. --

MR. HERTZBERG: I THINK HE CAN CLARIFY THINGS.

MS. PLEVIN: WELL, THANK YOU. THAT'S WHAT I WAS ASKING HIM TO DO.

MR. HERTZBERG: THE QUESTIONS ARE VERY CONFUSING.

BY MS. PLEVIN:

Q. WOULD YOU PLEASE CLARIFY WHY YOU LISTED THESE -- WHAT'S THE COMMON DENOMINATOR?

A. THEY'RE IN CLEARWATER.

Q. AND THESE WERE ALL POSITIONS YOU HELD BEFORE YOU LEFT CLEARWATER SOMETIME IN 1977, TO THE BEST OF YOUR RECOLLECTION?

A. YES.

Q. OKAY. FOR THE RECORD, SO THAT IT IS CLEAR, WOULD YOU PLEASE STATE THE FULL MEANING OF ASSISTANT ECFC?

A. I DIDN'T SAY THAT. I SAID ASSISTANT ECFH.

Q. I'M SORRY. FH. WHAT IS THAT?

A. ASSISTANT IN EXTERNAL COM, FORT HARRISON. THAT'S THE NAME OF A HOTEL.

Q. AND DID THAT POSITION INVOLVE COMMUNICATION WITH THE NONSCIENTOLOGY WORLD? WHAT DOES "EXTERNAL COM" MEAN, MR. MISCAVIGE?

A. IT MEANS COMMUNICATIONS THAT ARE EXTERNAL AND NOT INTERNAL.

Q. OH, INTERNAL TO WHAT?

A. THE BUILDING.

Q. SO IN THAT POSITION, IT WOULD INVOLVE COMMUNICATIONS BETWEEN THAT BUILDING AND OTHER SCIENTOLOGY ENTITIES; IS THAT RIGHT?

A. NO.

Q. WHAT DID IT INVOLVE?

A. WHAT DID -- I'M NOT SURE I KNOW WHAT YOU WANT TO KNOW, "WHAT IT INVOLVED." WHAT?

Q. POSITION OF BEING ASSISTANT EXTERNAL COM, WHAT WAS INVOLVED IN THAT POSITION?

A. OH, IN THE POST POSITION?

Q. YES.

A. BEING A COM RUNNER.

Q. FOR WHOM?

A. FOR WHOM?

Q. BETWEEN WHO AND WHO WERE YOU RUNNING COMMUNICATIONS?

MR. HERTZBERG: YOU MEAN YOU WANT HIM TO NAME EVERY PERSON?

MR. HELLER: IF INDEED IT ENTAILED PERSONS.

MR. HERTZBERG: IS THAT YOUR QUESTION?

MS. PLEVIN: I'M NOT ASKING HIM TO NECESSARILY NAME EVERY PERSON. WAS IT BETWEEN A CERTAIN GROUP OF ORGANIZATIONS AND OTHER GROUP OF ORGANIZATIONS?

THE WITNESS: WELL, YOU ASKED WHO I -- PEOPLE I RAN BETWEEN?

MS. PLEVIN: RIGHT.

THE WITNESS: NONE.

BY MS. PLEVIN:

Q. WHAT ENTITIES DID YOU RUN BETWEEN?

MR. HERTZBERG: IF HE RAN BETWEEN ANY ENTITIES.

BY MS. PLEVIN:

Q. WHO WERE YOU COMMUNICATING WITH? WHO WERE YOU RUNNING COMMUNICATIONS FOR?

A. IT'S AN UNANSWERABLE QUESTION.

Q. ALL RIGHT. DESCRIBE WHAT THE FUNCTION OF A COM RUNNER IS, PLEASE.

A. OKAY. YOU HAVE A COMMUNICATION PARTICLE, AND I GUESS YOU COULD RUN, BUT YOU BASICALLY DELIVER IT TO ITS RECIPIENT.

Q. WAS THAT A MESSENGER AT FORT HARRISON?

A. NO.

Q. DID YOU WORK FOR ANY SPECIFIC DEPARTMENT?

A. EXTERNAL COM FH.

Q. DID YOU TAKE --

A. EXCUSE ME. COULD I GO TO THE BATHROOM REAL QUICK?

MS. PLEVIN: YES, OF COURSE.

(RECESS TAKEN.)

MS. PLEVIN: WE'RE BACK ON THE RECORD. WAS THERE A QUESTION PENDING?

(RECORD READ.)

BY MS. PLEVIN:

Q. IS THERE ANY OTHER WAY YOU CAN EXPLAIN THE FUNCTION OF COM RUNNER AS TO HOW YOU WERE FACILITATING COMMUNICATIONS?

A. AS A GENERAL SUBJECT ON COM RUNNERS OR IN THAT POSITION?

Q. IN THAT POSITION.

MR. HERTZBERG: I'M GOING TO LET HIM ANSWER THE QUESTION, BUT I WANT TO NOTE THAT WE'RE NOW GETTING INTO MINUTIAE UPON IRRELEVANCY, I, WHICH I THINK IS REALLY QUITE A WASTE OF TIME. BUT YOU MAY ANSWER.

THE WITNESS: COULD I HAVE THE QUESTION AGAIN, PLEASE

(RECORD READ.)

THE WITNESS: YES.

BY MS. PLEVIN:

Q. AND WOULD YOU DO SO, PLEASE?

A. DELIVERING TELEXES.

Q. DID YOU HAVE A CERTAIN ROUTE THAT YOU WERE DELIVERING TELEXES TO?

A. NO.

MR. DRESCHER: I REALLY DON'T UNDERSTAND THE RELEVANCY --

MS. PLEVIN: WELL, MR. --

MR. DRESCHER: I'M ALLOWED TO MAKE AN OBJECTION, MS. PLEVIN, AND I'D APPRECIATE IF YOU'D LET ME DO IT AND WE'LL MOVE MUCH QUICKER. I'M GOING TO OBJECT TO THE RELEVANCE TO ANY OF THIS, WHAT ROUTES HE MIGHT HAVE HAD OR MIGHT NOT HAVE HAD I HAVE NO IDEA WHAT THIS MAY BE IN RELATION TO THE COMPLAINT, AND I BELIEVE WE'RE STILL IN THE TIME PERIOD PREDATING THE EARLIEST ALLEGATION.

MR. HERTZBERG: WE ARE INDEED, AND I DON'T -- I ALSO NOTED THAT WHEN YOU START INTERRUPTING MR. DRESCHER, YOU VOICED SOME PERSONAL OPINION THAT MR. MISCAVIGE WAS OBSCURING SOMETHING PURPOSEFULLY. WE DON'T NEED THAT KIND OF COMMENT AND I DON'T WANT TO HEAR THAT KIND OF COMMENT AGAIN BECAUSE I DON'T THINK IT'S USEFUL OR PROPER.

MS. PLEVIN: THE FACT THAT A DEPONENT FAILS TO FULLY ANSWER WHAT IS CLEARLY AN INTELLIGIBLE QUESTION, IS SUBJECT FOR A MOTION TO COMPEL.

MR. HELLER: I THINK I CAN --

MS. PLEVIN: I'LL BE MOVING TO COMPEL A GREAT DEAL.

MR. HERTZBERG: YOU CAN MOVE TO COMPEL. WHAT I DON'T THINK WE SHOULD HAVE IS A RECORD WITH YOUR EDITORIAL COMMENTS AND YOUR INTERPRETATIONS AND I ALSO DON'T WANT TO HAVE ARGUMENTATIVE QUESTIONS. WHY DON'T WE PROCEED. BY MS. PLEVIN:

Q. MR. MISCAVIGE, NOW, DID YOU HOLD THAT POSITION WHILE YOU WERE PROGRAM CFO?

A. NO, BUT I WASN'T PROGRAM CFO.

Q. IT WAS WHAT?

A. CMO.

Q. ALL RIGHT. WHAT DOES "PROGRAM CMO" STAND FOR, PLEASE?

A. PROGRAMS, COMMODORE'S MESSENGER WORK.

Q. DID THAT INVOLVE YOU IN PLANNING PROGRAMS OF SOME KIND?

A. NO.

Q. WOULD YOU EXPLAIN WHAT RESPONSIBILITIES YOU HAD AS PROGRAM CMO?

MR. HERTZBERG: WE'RE TALKING ABOUT IN 1976?

MS. PLEVIN: WHENEVER IT WAS.

MR. HERTZBERG: WAS IT IN 1976?

THE WITNESS: YES.

MR. HERTZBERG: OKAY.

THE WITNESS: YES.

BY MS. PLEVIN:

Q. WHAT FUNCTIONS DID THAT INVOLVE?

A. GETTING A SERIES OF STEPS ON A PROGRAM DONE. YOU KNOW, IF THERE WAS A PROGRAM -- MORE LIKE, YOU KNOW, AN ADMINISTRATOR THAT YOU WOULD NOTE IF THE TARGETS WERE DONE ON A PROGRAM AND IF NOT, BASICALLY KEEP YOUR ATTENTION ON THE PROGRAM, SO ATTENTION WAS KEPT ON THE PROGRAM AND IT WOULD BE COMPLETED.

Q. OKAY. WERE YOU SUPERVISING OTHER PEOPLE IN THEIR PERFORMANCE OF PROGRAMS? A. NO.

Q. THESE WERE YOUR PROGRAMS, THE PROGRAMS THAT YOU WERE COMPLETING?

A. OH, NO, I DON'T UNDERSTAND -- I WAS, AND SO WERE OTHER PEOPLE.

Q. I'M SORRY?

A. BOTH IS THE ANSWER.

Q. YOU WERE AND SO WERE OTHER PEOPLE?

A. CORRECT. YOU SAID DOING THE PROGRAM?

Q. YES.

A. YES, BOTH.

Q. OKAY. WERE THESE SPECIFIC PROGRAMS OR PROGRAMS THAT COULD BE GENERATED AT ANY TIME BY ANYONE?

A. THE LATTER.

Q. OKAY. WERE THEY --

A. BUT CLARIFY THAT. NOT ANYONE AT ANY TIME, BUT THEY'RE RANDOM, TO ANSWER YOUR QUESTION. I MEAN -- I'M NOT EXACTLY SURE WHAT YOU'RE ASKING ME. Q. WERE THEY GENERATED BY A SENIOR TO YOU IN CMO?

A. OH, NO.

Q. WERE THEY GENERATED BY A SENIOR TO YOU?

A. NO.

Q. WHAT WAS THE POSITION OF STEWARD EPF, PLEASE?

A. THAT'S TWO DIFFERENT POSITIONS.

Q. OH, OKAY. THE WAY YOU SAID IT, IT WASN'T QUITE CLEAR.

A. I'M SORRY.

Q. STEWARD FOR --

A. STEWARD, SERVING FOOD.

Q. AND EPF IS BACK ON THE ESTATES PROJECT FORCE?

A. PRECISELY.

Q. WHAT'S FMO 1672 AND 1673?

A. FLAG MISSION ORDER 1672; FLAG MISSION ORDER 1673.

Q. AND WOULD YOU EXPLAIN FOR THE RECORD WHAT THAT'S ABOUT?

A. A MISSION IS WHEN A GROUP OF PEOPLE ARE ON A SET OF MISSION ORDERS TO HANDLE A SPECIFIC SITUATION TO IDEALLY ACHIEVE A SPECIFIC END RESULT, AND THAT'S THEIR FUNCTION. Q. OKAY. AND YOU WERE A MISSIONAIRE?

A. I WAS FMO 1673, WORKING WITH FMO 1672.

O. OKAY.

A. IN THAT CAPACITY. YOU COULD HAVE CALLED ME THEN A MISSIONAIRE.

Q. OKAY. NOW, GOING BACK TO THE QUESTION HOPEFULLY TO CLARIFY, WHILE YOU WERE PROGRAM CMO, WHO DID GENERATE THE PROGRAMS THAT YOU WERE -- SEEN GOT DONE?

MR. HERTZBERG: YOU WANT THE NAMES OF ALL THE PEOPLE?

(CONFERENCE BETWEEN COUNSEL AND WITNESS.)

BY MS. PLEVIN:

Q. WHO DID GENERATE THOSE PROGRAMS?

A. PROGRAMS -- I DON'T REMEMBER ALL OF THE PROGRAMS. I CAN REMEMBER ONE IN PARTICULAR, JUST I DON'T KNOW WHY I DO, BUT I REMEMBER ONE, AND I DON'T REMEMBER THE NAME OF THE PERSON, BUT I KNOW IT WAS SOMEBODY IN THE REGISTRATION DEPARTMENT IN THE FLAG SERVICE ORG AND IT HAD TO DO WITH GETTING SEVERAL ADDITIONAL WATTS TELEPHONE LINES INSTALLED.

Q. AND YOU OPERATED A TELEX AT THAT TIME?

A. I WAS A TELEX OP, TYPED. I TYPED TELEXES.

Q. OKAY. OUTGOING TELEXES FROM FORT HARRISON? A. NO. I DIDN'T DO THAT FROM FORT HARRISON, NO. Q. WHERE DID YOU DO THAT FROM?

A. THE CB.

Q. WHAT IS A CB, PLEASE?

A. CLEARWATER BUILDING.

Q. AND WERE THEY FOR ANY PARTICULAR DIVISION AT THE CLEARWATER BUILDING? A. THE ONES THAT I TYPED?

Q. MM-HMM.

A. NO.

Q. ANYBODY WHO HAD OUTGOING TELEXES?

A. YES.

Q. OKAY. WHILE YOU WERE AT CLEARWATER, DID YOU TAKE ANY OEC COURSES, ORGANIZATIONAL EXECUTIVE COURSE? A. NO.

Q. AFTER YOU LEFT CLEARWATER, WHERE DID YOU GO?

A. LA QUINTA, CALIFORNIA.

Q. WHAT WAS YOUR POST OR STAFF POSITION IN LA QUINTA?

A. WHEN?

Q. WHEN YOU FIRST GOT THERE.

A. DIR OF I&R, I THINK.

Q. WOULD YOU CLARIFY THAT FOR THE COURT REPORTER, PLEASE.

A. DIRECTOR OF INSPECTIONS AND REPORTS. CMO, SU -- THAT'S STANDING FOR SPECIAL UNIT.

Q. NOW, THE SPECIAL UNIT WAS -- WHAT WAS THE SPECIAL UNIT?

A. WHAT WAS --

MR. HERTZBERG: I'M NOT SURE I UNDERSTAND THAT QUESTION. WHAT WAS THE SPECIAL UNIT?

BY MS. PLEVIN:

Q. DO YOU UNDERSTAND THE QUESTION, MR. MISCAVIGE?

A. I'M NOT SURE I UNDERSTAND THE QUESTION THAT YOU -- WHATEVER YOUR UNDERSTANDING IS. WHY DON'T YOU EXPLAIN EXACTLY WHAT --

Q. I WANT TO KNOW WHAT SPECIAL UNIT IS.

MR. HERTZBERG: WAIT, WAIT, WAIT. THAT'S A DIFFERENT QUESTION. WE WERE TALKING ABOUT LA QUINTA. WE WERE TALKING, I ASSUME NOW --MS. PLEVIN: IN 1977 WHEN HE GOT THERE, WHAT WAS THE SPECIAL UNIT?

MR. HELLER: I'LL OBJECT. THAT'S AMBIGUOUS AS TO WHAT WAS. IT'S NOT INTELLIGIBLE.

MR. HERTZBERG: GO AHEAD.

THE WITNESS: NUMEROUS THINGS.

BY MS. PLEVIN:

Q. INCLUDING SUCH AS?

A. OKAY. GROUNDS MAN, ENGINEER, MEANING PLUMBER, MOTOR POOL, ORCHARD, ESTATE TYPE FUNCTIONS. THAT'S WHAT SU WAS, AT THAT PROPERTY. Q. AT THAT PROPERTY?

A. RIGHT.

Q. AND THAT PROPERTY WAS DESIGNATED SPECIAL UNIT BECAUSE THAT'S WHERE L. RON HUBBARD WAS AT THE TIME; IS THAT RIGHT?

A. I HAVE NO IDEA.

Q. WAS L. RON HUBBARD THERE AT THE TIME?

A. YES.

Q. AND WHO DID YOU REPORT TO AS DIRECTOR OF INSPECTIONS AND REPORTS?

A. I CAN'T RECALL.

Q. HOW LONG WERE YOU IN THAT POSITION, APPROXIMATELY?

A. OFF AND ON, MAYBE A FEW MONTHS.

Q. WHO WAS YOUR SENIOR?

A. I CAN'T RECALL. I THINK YOU JUST ASKED ME THAT, TOO.

MR. HERTZBERG: THAT WAS ASKED AND ANSWERED.

BY MS. PLEVIN:

Q. OKAY. WHEN YOU WERE NOT THERE DURING THOSE FEW MONTHS THAT YOU SAID WERE OFF AND ON, WERE YOU ON ANOTHER ASSIGNMENT OR WERE YOU JUST TEMPORARILY ABSENT FROM LA QUINTA? A. I WAS NOT TEMPORARILY ABSENT, SO I DIDN'T SAY I WAS GONE AT ALL.

Q. OKAY. YOU WERE OFF AND ON DIRECTOR OF INSPECTIONS AND REPORTS; IS THAT WHAT YOU MEANT?

A. YES, EXACTLY.

Q. WHEN YOU WERE NOT DIRECTOR OF INSPECTIONS AND REPORTS, WHAT WAS YOUR FUNCTION?

A. THAT'S DIRECTOR OF INSPECTIONS AND REPORTS CMO AT SU. AND THERE IS A DIFFERENCE. I'M NOT TRYING TO NITPICK. THERE IS A DIFFERENCE. WHAT WERE THEIR FUNCTIONS?

Q. YES.

A. OFF AND ON, AS CMO AT SU AND PROJECT OPS, AND THAT ANSWERS THAT QUESTION.

Q. NOW, PROJECT OPS, EXPLAIN WHAT THAT IS ABOUT?

MR. HERTZBERG: HE CAN ANSWER THE QUESTION, BUT JUST NOTE MY CONTINUING OBJECTION TO

QUESTIONS ABOUT POSTS AND FUNCTIONS THAT WERE HELD BY MR. MISCAVIGE AT LEAST A YEAR, IF NOT MORE, PREDATING THE EARLIEST DATE ALLEGED IN THE COMPLAINT. GO AHEAD.

THE WITNESS: OKAY. WELL, YOU HAVE TO UNDERSTAND WHAT A PROJECT IS. I CAN GIVE YOU A LITTLE EXAMPLE. FOR INSTANCE, JUST TO TAKE A COMPLETELY BLAND EXAMPLE. LET'S TAKE, FOR INSTANCE, IF YOU HAD -- IF SOMEBODY HAD THEIR LAWN NOT MOWED AND GARBAGE OVER THE YARD, AND THEY HADN'T BEEN ABLE TO HANDLE THEIR OWN PERSONAL PROPERTY, WELL INSTEAD OF GOING ABOUT PICKING UP THE GARBAGE AND MOWING THE LAWN THEY MIGHT DECIDE THEY WANT TO IMPROVE THEIR AREA AND HANDLE THEIR LANDSCAPING -- YOU WOULD BREAK THIS DOWN INTO PROJECT FORM SO THAT IT COULD BE LISTED OUT STEP BY STEP BY STEP. AND THERE'S AN EXAMPLE. FOR INSTANCE, PICK UP THE GARBAGE, MOW THE GRASS, VACUUM UP THE GRASS, SWEEP OFF THE SIDEWALK NEXT TO IT THOSE ARE ALL INDIVIDUAL AREAS.

SO THE DUTY OF THE PROJECT OPS WOULD BE -- FOR INSTANCE, A SIMILAR EXAMPLE, IF THERE WAS A PROJECT, FOR INSTANCE, TO PREVENT THE GRAPEFRUIT ORCHARD AT THE BASE FROM BEING FROSTED IN THE WINTER AND BEING SUNBURNED IN THE SUMMER, YOU HAVE TO PAINT THE BARK ON THE SIDE OF THE GRAPEFRUIT ORCHARD BECAUSE THE SUN IS SO INTENSE AND YOU HAVE TO GET THE WINDMILLS OPERATIONAL. YOU WOULD BASICALLY SEE THE PEOPLE RESPONSIBLE FOR THIS. IT'S SORT OF LIKE A REMINDER, EITHER THEY DROP IT OR FORGET ABOUT IT; AND THE IDEA IS EITHER TO HANDLE A SITUATION LIKE THAT OR PREVENT A FUTURE ONE, SO THE DUTIES -- I MEAN YOU TAKE THE PROGRAM, YOU GO OVER AND FIND OUT IF THERE ARE ANY POTENTIAL BUGS IN COMPLETING THIS, AND IF THERE WERE, SORTING IT OUT, SO IT WAS DEBUGGED AND THE PROJECT WOULD GET DONE. THAT'S THE FUNCTION OF A PROJECT OP IN THAT POSITION.

qq

BY MS. PLEVIN:

Q. APART FROM ANY ESTATES AND ORCHARD RELATED PROJECTS, WHAT OTHER KINDS OF PROJECT OPS WERE YOU INVOLVED WITH WHILE AT LA QUINTA? MR. HERTZBERG: EXCUSE ME. I WANT TO BE CLEAR. I'M NOT SURE MR. MISCAVIGE IS SAYING THAT HE -- THERE WERE SPECIFIC --

MS. PLEVIN: NO, AGREED.

MR. HERTZBERG: MAY I FINISH, PLEASE, WITHOUT HAVING MY OBJECTION CUT. I'M NOT SURE THAT THERE WERE SPECIFIC PROJECTS THAT MR. MISCAVIGE MENTIONED. I'M NOT SURE HE TESTIFIED THAT THOSE WERE DONE WHILE HE WAS ON THAT POST. I THINK HE WAS GIVING THEM FOR EXAMPLES.

MS. PLEVIN: FINE. I'LL CLARIFY.

MR. HERTZBERG: I THOUGHT YOUR QUESTION ASSUMED --

MS. PLEVIN: IT DID NOT INTEND TO. LET ME MAKE IT CLEAR.

Q. PUTTING ASIDE ANYTHING HAVING TO DO WITH ESTATES MANAGEMENT, WHAT KINDS OF PROJECT OPS WERE YOU INVOLVED WITH WHILE YOU WERE AT LA QUINTA? A. CAN I CLARIFY THIS? YOU WERE ASKING ME WHEN I WAS ON AND OFF DIR OF I&R?

Q. YES.

A. IS THAT WHAT YOU WANT TO KNOW?

Q. YES.

A. ASIDE FROM ESTATES PROJECTS?

Q. YES.

A. NONE.

Q. NOW, WHEN YOU CONCLUDED BEING --

A. AND I'LL ADD TO THAT THAT THE GRASS WAS NOT AN EXAMPLE THAT HAPPENED BUT THE ORCHARD WAS, SO THAT'S A LITERAL EXAMPLE.

Q. THAT'S IMPORTANT TO CLARIFY. NOW I KNOW THERE WAS AN ORCHARD OUT THERE.

MR. HELLER: MISS PLEVIN, I TAKE IT THAT REMARK WAS A SARCASTIC ONE, SO LET'S GO FORWARD.

MS. PLEVIN: IT WAS INTENDED TO BE LIGHT, NOT NECESSARILY SARCASTIC. YOU MAY HAVE WANTED TO INTERPRET IT THAT WAY.

Q. NOW, YOU WERE AT LA QUINTA FOR A FEW MONTHS YOU INDICATED; IS THAT RIGHT?

A. NO.

Q. HOW LONG WERE YOU AT LA QUINTA ALTOGETHER FROM 1977, PERIOD, EXCLUDING ANY SMALL PERIODS AWAY?

A. APPROXIMATELY TWO YEARS.

Q. OKAY. AND APART FROM THE DIRECTOR OF INSPECTIONS AND REPORTS POSITION, WHICH YOU HAD ON AND OFF FOR A FEW MONTHS, WHAT WAS THE NEXT POST YOU HAD? A. I THINK THAT'S HCO SECRETARY, CMO AT SU.

Q. AND WHAT FUNCTIONS DID THAT ENTAIL, MR. MISCAVIGE, PLEASE?

A. BEING RESPONSIBLE FOR THE HCO DIVISION, CALLED THE CMO UNIT.

Q. AND, FOR THE RECORD, HCO DIVISION MEANS WHAT?

A. HUBBARD COMMUNICATIONS OFFICE.

Q. NOW --

A. THAT'S WHAT THE INITIALS MEAN, IF THAT'S WHAT YOU'RE ASKING ME.

Q. OKAY. FOR THE RECORD, THAT CLARIFICATION IS NECESSARY. WHAT DID IT MEAN IN FUNCTION?

A. WHAT IT MEANT IN FUNCTION WAS THAT I WAS OVER THE DEPARTMENT 1, WHICH WAS DEPARTMENT OF PERSONNEL, AND ROUTING, AND DEPARTMENT 2, DEPARTMENT OF COMMUNICATIONS, AND DEPARTMENT 3, DEPARTMENT OF INSPECTIONS AND REPORTS. Q. WHO DID YOU REPORT TO IN THIS POSITION?

MR. HERTZBERG: DON'T GUESS.

THE WITNESS: GAIL IRWIN.

BY MS. PLEVIN:

Q. DID YOU HOLD ANY OTHER POSITIONS IN THE TWO YEARS THAT YOU WERE AT LA QUINTA,

OTHER THAN THE ONES YOU'VE ALREADY MENTIONED?

A. OF COURSE.

Q. WHAT WERE THOSE?

A. ALL OF THEM. LET'S SEE. CAMERA CHIEF, JBCIC, VIDEO IC, ACTION CHIEF, CMO SU, PROJECT OPS, CMO SU, EPF WHQ, GUARD, WHQ, NIGHT WATCH WHQ, INSTRUCTION, IN CHARGE WHQ, AND I WAS A MESSENGER.

Q. TURNING TO CMO SU, WHAT DID THAT ENTAIL?

A. I DON'T UNDERSTAND THAT. I DON'T THINK I SAID THAT. THERE'S MISCOMMUNICATION.

MR. DRESCHER: THERE MAY BE A DROPPED COMMA, MISS PLEVIN. I THINK IT WAS A DESIGNATION DESCRIBING AN ACTUAL POST.

THE WITNESS: I THINK I SAID THERE WAS A POSITION IN THAT ORGANIZATION.

BY MS. PLEVIN:

Q. CMO AT SU?

A. IS THERE SOMETHING RIGHT BEFORE THAT?

Q. ACTION.

A. CHIEF CMO.

Q. SO IT'S ACTION CHIEF CMO?

A. I WAS GIVING YOU THE ORG DESIGNATION.

Q. OKAY. AND WHAT WAS THE ACTION CHIEF ROLE?

A. THE ACTION CHIEF WAS IN CHARGE OF THE ACTION BRANCH THAT WOULD HANDLE SEA ORG MISSIONS AND IN THE INSTANCE OF THAT POST, OBVIOUSLY IT WAS RELATED IN SOME DEGREE TO SU OR IN TOTAL DEGREE.

Q. WHICH MEANT IT WAS RELATED, IN SOME DEGREE, TO SOMETHING THAT L. RON HUBBARD WANTED DONE?

A. ABSOLUTELY NOT. I DID NOT SAY THAT. YOU'RE PUTTING WORDS THERE. I DON'T THINK YOU UNDERSTAND IT AT ALL.

Q. PLEASE CLARIFY.

A. IT DOESN'T MEAN THAT. THERE'S A CLARIFICATION.

Q. WE WON'T QUIBBLE. WHAT DOES IT MEAN THEN?

A. IT MEANS EXACTLY WHAT I SAID IT MEANT.

MR. HERTZBERG: IT'S BEEN ASKED AND ANSWERED.

BY MS. PLEVIN:

Q. COG MISSIONS AT SU?

A. HAVING TO DO WITH SU, AT SU.

Q. SUCH AS?

A. OKAY. SUCH AS NEW PROPERTY WAS PURCHASED, AT GILMAN HOT SPRINGS, SEEING THAT THAT WAS SET UP, THAT ALL THE ROOF LEAKS WERE HANDLED, THAT THE PROPERTY WAS ABLE TO BE MOVED INTO BY A CREW, SUCH AS THAT. THERE'S AN EXAMPLE.

Q. OTHER EXAMPLES?

MR. HERTZBERG: I'M GOING TO LET HIM ANSWER, BUT WE'RE GETTING FAR AFIELD. WE'RE ASKING FOR EXAMPLES THAT HAPPENED AT A PARTICULAR LOCATION THAT HAVE NOTHING TO DO WITH THIS COMPLAINT, EVEN ARGUABLY. THEY PREDATE THE COMPLAINT AGAIN, BUT GO AHEAD AND FINISH, IF YOU CAN THINK OF ANY OTHER EXAMPLES.

THE WITNESS: I CAN REMEMBER ONE OTHER. THAT'S GETTING VIDEO EQUIPMENT REPAIRED. BY MS. PLEVIN:

Q. NOW, WHEN YOU SAY THAT --

A. OKAY. FINE. I WASN'T DONE. BUT THAT'S OKAY, IF THAT WILL DO.

Q. WHAT ELSE HAVE YOU GOT?

A. NOTHING ELSE YET. I WAS TRYING TO THINK FOR YOU, BUT THERE YOU GO.

Q. THE ACTION BRANCH CMO, ONE OF ITS PROJECTS WAS HANDLING THE NEW PROPERTY PURCHASED? A. NO. I DIDN'T SAY "NEW PROPERTY PURCHASED." IT WAS ALREADY PURCHASED.

Q. THAT'S WHAT I WANTED, TO PURCHASE IT. DO YOU KNOW WHO PURCHASED IT?

MR. HELLER: OBJECTION ON RELEVANCE.

MR. HERTZBERG: YOU'RE ASKING IS HE AWARE, YES OR NO, OF SOME CORPORATE ENTITY PURCHASING SOMETHING IN DATES THAT PREDATE THE COMPLAINT? MS. PLEVIN: YES.

(CONFERENCE BETWEEN COUNSEL AND WITNESS.)

MR. HERTZBERG: I'M GOING TO NOTE AGAIN, FOR THE RECORD, THAT WE'RE -- IN MY VIEW, WASTING TIME, BUT HE MAY ANSWER.

MR. DRESCHER: I'LL JOIN IN THAT OBJECTION.

BY MS. PLEVIN:

Q. DO YOU KNOW WHO PURCHASED IT?

A. NO.

Q. DO YOU KNOW WHO AUTHORIZED THE FUNDS TO PURCHASE IT?

MR. DRESCHER: SAME OBJECTION.

THE WITNESS: NO.

BY MS. PLEVIN:

Q. WHERE DID YOU GO WHEN YOU LEFT LA QUINTA?

A. WHERE DID I MOVE TO?

Q. MM-HMM.

A. TO GILMAN HOT SPRINGS.

Q. WHAT WERE YOUR POSTS THERE?

A. WHEN? THEN WHEN I MOVED THERE? THE SAME.

Q. SO YOU STAYED THE SAME, MEANING WHICH ONE?

A. ACTION CHIEF.

Q. ACTION CHIEF. AND HOW LONG WERE YOU IN THAT POST?

A. I CAN'T RECALL EXACTLY.

Q. OKAY. NOW, IS ACTION CHIEF -- I'M SORRY?

MR. HERTZBERG: IF YOU CAN'T RECALL, YOU CAN'T RECALL.

THE WITNESS: OKAY. THAT POST YOU'RE ASKING ME IS ACTION CHIEF CMO SU.

BY MS. PLEVIN:

Q. RIGHT. I UNDERSTAND. DID SU MOVE TO GILMAN HOT SPRINGS?

A. YES.

Q. OKAY.

A. THAT'S A BIT OF A MISNOMER THOUGH. THE TITLE WENT WITH IT. OBVIOUSLY THE PROPERTY COULDN'T MOVE THERE. IT WAS A DESIGNATION FOR THE PROPERTY. Q. SURE. BUT THE TITLE AND THE FUNCTION OF THE SPECIAL UNIT?

A. EXACTLY. THE ESTATES FUNCTIONS PARTICULARLY. I DON'T KNOW THAT ALL OF THEM DID.

Q. WHAT WAS YOUR NEXT POSITION AFTER ACTION CHIEF CMO SU?

A. ACTION CHIEF CMO INT.

Q. HOW DID THAT DIFFER?

MR. DRESCHER: HOW DID THAT DIFFER --

MR. HERTZBERG: FROM WHAT?

MS. PLEVIN: ACTION CHIEF CMO SU.

THE WITNESS: IT'S A BIT OF AN ODD QUESTION. I DON'T KNOW WHAT YOU MEAN. FOR INSTANCE, YOU'RE AN ATTORNEY. IF YOU MOVE FROM ONE FIRM TO ANOTHER, YOU'RE STILL AN ATTORNEY, AND I ASK YOU "HOW DOES THAT DIFFER." IN THAT CONTEXT, THAT'S THE TROUBLE I'M HAVING ANSWERING THIS.

BY MS. PLEVIN:

Q. CMO INT, CLARIFY WHAT THAT MEANS.

A. COMMODORE'S MESSENGER ORG INTERNATIONAL.

Q. SO THE FUNCTIONS OF CMO INTERNATIONAL, THEY HAVE A BROADER REACH THAN CMO SU IN TERMS OF THE POSSIBLE AREAS THEY MIGHT BE ACTING IN? IS THAT REASONABLE? MR. HERTZBERG: IS THAT A QUESTION?

MR. DRESCHER: OBJECT TO THE FORM. IT'S VAGUE AND AMBIGUOUS, WHETHER IT'S REASONABLE OR NOT.

MR. HELLER: JOIN IN THE OBJECTION AND IT'S VAGUE. I DON'T UNDERSTAND IT, PUTTING ASIDE THE WORD "REASONABLE."

MR. HERTZBERG: DON'T ANSWER IT AS PHRASED. WHY DON'T YOU REPHRASE IT THEN.

BY MS. PLEVIN:

Q. DO YOU UNDERSTAND THE QUESTION, MR. MISCAVIGE?

A. NO.

Q. CMO SU RELATED TO THE SPECIAL UNIT?

A. THAT'S IT.

Q. OKAY. CMO INTERNATIONAL RELATES TO WHAT?

A. THEN? WHEN ARE YOU ASKING ME?

Q. WELL, LET'S -- THEN. WE'LL TAKE IT AT DIFFERENT TIMES.

MR. HERTZBERG: "THEN" BEING A YEAR OR TWO BEFORE THE COMPLAINT, THE FIRST ALLEGATION IN THE COMPLAINT.

MS. PLEVIN: "THEN" BEING WHEN HE MOVED TO GILMAN HOT SPRINGS.

THE WITNESS: OKAY. THEN? WHEN I MOVED TO GILMAN HOT SPRINGS?

BY MS. PLEVIN:

Q. RIGHT.

A. CMO DIDN'T EXIST WHEN I MOVED TO GILMAN HOT SPRINGS.

Q. OKAY. BUT IT WAS THE NEXT POSITION YOU TOOK, ACCORDING TO YOUR TESTIMONY?

A. THAT'S CORRECT.

Q. ALL RIGHT. SO THERE WAS SOME LAPSE IN TIME AFTER YOU GOT TO GILMAN HOT SPRINGS, WHILE YOU WERE NOT ON POST?

A. NO, THAT'S NOT WHAT I SAID.

MR. HERTZBERG: THAT'S NOT WHAT HE SAID.

THE WITNESS: YOU ASKED ME --

MR. HERTZBERG: THAT'S FINE.

BY MS. PLEVIN:

Q. THE NEXT POSITION YOU TOOK AFTER CMO SU WAS CMO INT; IS THAT RIGHT?

A. NO.

Q. WHAT WAS THE NEXT POSITION AFTER CMO SU?

A. THAT'S NOT A POSITION I EVER HELD.

Q. ACTION CHIEF CMO SU?

A. OKAY.

Q. WHAT WAS YOUR NEXT POSITION?

A. ACTION CHIEF CMO INT.

Q. ACCORDING TO WHAT YOU JUST TESTIFIED, CMO INT WAS NOT FUNCTIONAL WHEN YOU FIRST
--

MR. HERTZBERG: THAT'S BEEN ASKED AND ANSWERED.

BY MS. PLEVIN:

Q. CHA; IS THAT RIGHT?

A. PRECISELY.

Q. OKAY. SO WAS THERE SOME -- WAS THERE ANY GAP IN TIME BETWEEN ACTION CHIEF CMO SU
AND ACTION CHIEF CMO INT?

MR. HELLER: ANSWER THE QUESTION AS PHRASED.

MR. HERTZBERG: I DON'T KNOW WHAT YOU MEAN --

THE WITNESS: YES.

BY MS. PLEVIN:

Q. THE GAP IN TIME, IN TERMS OF YOUR HAVING A POST, WAS THERE A PERIOD WHEN YOU
WERE NOT ON POST?

A. NO.

Q. SO YOUR NEXT POSITION WAS CMO INT?

A. NO, NO. MY NEXT POSITION AFTER ACTION CHIEF CMO SU WAS ACTION CHIEF CMO INT. THE
MISUNDERSTANDING HERE IS YOU KEEP CONFUSING FUNCTIONS OR DUTIES OR POST POSITIONS
WITH ORGANIZATIONS, SO -- AT ANY RATE, I WAS TRYING TO HELP YOU OUT THERE. Q.
THAT'S FINE. THE DEPOSITION IS TO CREATE CLARITY AND INFORMATION, MR. MISCAVIGE.

A. VERY WELL.

MR. DRESCHER: NO. IT'S TO PHRASE QUESTIONS THAT ARE INTELLIGIBLE. AND HE'S HELPING
THAT, AND I APPRECIATE THAT, TOO.

BY MS. PLEVIN:

Q. WHAT KINDS OF PROJECTS WERE YOU INVOLVED WITH AS ACTION CHIEF CMO INT?

MR. HERTZBERG: IF YOU WERE INVOLVED IN ANY PROJECTS.

THE WITNESS: RIGHT. WHAT DO YOU MEAN BY "INVOLVED"?

BY MS. PLEVIN:

Q. OKAY. PARTICIPATE IN, SUPERVISE, REVIEW, PLAN, ALL OF THE ABOVE.

A. OKAY. ALL RIGHT. WHAT KIND OF PROJECTS -- GET TELEPHONES INSTALLED, GETTING INTERCOMS SET UP ON THE BASE, GETTING MEMEFILES CREATED, PUTTING TOGETHER HAT PACKS -- LET'S SEE -- GETTING THE BUILDINGS PAINTED, GETTING A STUDIO BUILT, GETTING A CAMERA MAN

TRAINED.

Q. ANYTHING ELSE?

MR. HERTZBERG: WELL, OKAY. JUST SO WE'RE CLEAR, YOUR PREVIOUS QUESTION WAS GIVE EXAMPLES. ALL RIGHT. NOW, YOUR QUESTION IS CAN HE REMEMBER ANY OTHERS, OTHER THAN THE ONES HE MENTIONED. BY MS. PLEVIN:

Q. ARE THERE A GREAT NUMBER OF OTHERS?

A. WHAT EXACTLY WAS YOUR QUESTION THOUGH, SO I'M SURE I'M ANSWERING THE RIGHT ONE HERE?

Q. AS ACTION CHIEF CMO INT, WHAT I'M LOOKING FOR IS THE KIND OF PROJECTS YOU WERE INVOLVED IN.

A. PROJECTS, THAT'S WHAT YOU'RE ASKING ME?

MR. HERTZBERG: HE ANSWERED THAT.

THE WITNESS: OKAY.

BY MS. PLEVIN:

Q. WHAT OTHER KIND OF FUNCTIONS DID YOU HAVE AS ACTION CHIEF CMO INT?

A. WHAT ARE THE KINDS OF FUNCTIONS?

Q. YES.

A. RUNNING MISSIONS, SEEING THAT MISSIONS WERE BRIEFED, SEEING THAT MISSIONS WERE PREPPED, SEEING THAT MISSIONS WERE FIRED, SEEING THAT BRIEFING PACKS WERE PUT TOGETHER, SEEING THAT MISSION ORDERS WERE WRITTEN, ARRANGING TRANSPORTATION. Q. FOR MISSIONAIRES?

A. PRECISELY; SEEING THAT MISSIONAIRES WERE WORD CLEARED ON THE MATERIALS NEEDED TO ACCOMPLISH THEIR PURPOSE IN LIAISON WITH THE QUALIFICATIONS.

Q. OKAY. FOR CLARITY ON THE RECORD, WHEN YOU SAY "MISSIONS" IN THIS CONTEXT, WOULD YOU DESCRIBE WHAT THAT IS, PLEASE?

A. YES, A MISSION IS -- I THOUGHT I DESCRIBED THIS ALREADY ACTUALLY.

MR. HERTZBERG: UNLESS IT'S DIFFERENT FROM WHAT YOU SAID BEFORE, IT'S BEEN ASKED AND ANSWERED.

MS. PLEVIN: IT'S SIMPLY TO CREATE A RECORD AT THIS POINT THAT'S CLEAR. I'M NOT --

MR. HERTZBERG: IS IT THE SAME AS WHAT YOU SAID BEFORE?

THE WITNESS: YES.

MR. HERTZBERG: DO YOU WANT TO AMPLIFY? GO AHEAD.

THE WITNESS: WHAT IS A MISSION? OKAY. WELL, YOU HAVE A SITUATION AND A SITUATION IS DEFINED AS A DEPARTURE, MAJOR DEPARTURE FROM THE IDEAL SCENE, AND AT THE BOTTOM OF THAT THERE'S SOME Y. Y IS DEFINED AS AN EXPLANATION THAT OPENS A DOOR TO A HANDLING, AND

IF YOU HAVE ACTUALLY PULLED THE STRINGS ON THE SITUATION, ALL THE WAY DOWN, YOU WILL NOW HAVE A Y, WHICH MEANS THAT THAT SITUATION CAN BE RESOLVED.

A MISSION WOULD TAKE A SITUATION, KNOWING WHAT THE Y IS, AND THEREFORE, KNOWING WHAT EXACT HANDLING STEPS ARE THUS POSSIBLE AS A RESULT OF THE DOOR BEING OPENED BECAUSE THE Y WAS FOUND BY EVALUATION, AND THEY WOULD BE ON -- THEY WOULD OPERATE ON WHAT IS KNOWN AS A SET OF MISSION ORDERS, AND THE SET OF MISSION ORDERS IS AN EXACT SERIES OF STEPS, SOMETIMES CONSECUTIVE, SOMETIMES NOT, SOMETIMES THEY CAN BE DONE CONCURRENTLY WITHIN EACH OTHER. THEY ARE NUMBERED IN EACH STEP.

THEY LIST OUT THE PRECISE ACTIONS THAT THESE PERSONS WOULD DO, KNOWING, OF COURSE, THAT ONCE THEY ARE PERFORMING THEM, THEY ARE TO BE SENSIBLE ABOUT WHAT THEY'RE DOING, IF THEY COME UPON ANY OTHER INFORMATION, AND THEY NEED TO RESOLVE SUCH MATTERS TO ACCOMPLISH THEIR MISSION PURPOSE. THESE MISSION ORDERS HAVE AN EXACT PURPOSE TO BE ACCOMPLISHED, EXACT MAJOR TARGETS, EXACT PRIMARY TARGETS EXACT VITAL TARGETS, EXACT OPERATING TARGETS; THEY HAVE LISTED THE MEANS OF MISSION COMMUNICATION, AND THEY ALSO HAVE LISTED THE TARGET DATE FOR COMPLETION.

THE MISSIONAIRES -- THERE WOULD BE A SERIES OF PEOPLE SELECTED TO DO THIS. IDEALLY AT LEAST TWO, AND HIGHER, GENERALLY YOU WOULD THINK TWO TO THREE, ALTHOUGH AT TIMES YOU MIGHT HAVE AN ADDITIONAL MISSIONAIRE KNOWN AS AN INSURANCE MISSIONAIRE. THEY WOULD READ THESE MISSION ORDERS. THEY WOULD READ ANY APPROPRIATE MATERIALS THAT WERE RELEVANT TO THESE MISSION ORDERS SO THAT THEY WERE THOROUGHLY SKILLED IN WHAT SITUATION THEY WOULD BE DEALING WITH. THEY WOULD ALSO REVIEW THEIR MAJOR TARGETS AND HAVE TO DEMONSTRATE THEM IN CLAY TO GIVE A PERFECT EXAMPLE THAT THEY KNEW WHAT THEY WERE TRYING TO ACCOMPLISH, AND THAT WAS IN AGREEMENT WITH WHAT THEIR MISSION OPERATIONS WANTED THEM TO ACCOMPLISH AND WHAT WAS STATED ON THE MISSION ORDERS.

AT SUCH A POINT AS ALL THIS BRIEFING WAS COMPLETED, THEY WOULD THEN FIRE AND THEY WOULD BE OPERATED WHEREBY THEY WOULD REPORT ON THEIR OT TARGETS, DONE, IP, BUG, AND THE MISSION OPS WOULD KEEP TRACK OF THESE MISSION TARGETS THAT WE DONE IP OR BUG, AND MAKE SURE THAT THEIR MISSION STAY DEBUGGED, THAT THEY COMPLETED THEIR MISSION TARGETS, THAT THEY ACCOMPLISHED THEIR MISSION PURPOSE AND ACHIEVED THE MAJOR TARGETS OF THEIR MISSION, AT WHICH POINT THEY RETURNED HOME.

BY MS. PLEVIN:

Q. THE MISSIONAIRES WERE PRINCIPALLY MEMBERS OF THE SEA ORG; IS THAT A CORRECT STATEMENT? A. YES -- NO. THAT'S ENTIRELY INACCURATE. ALWAYS.

Q. ALWAYS MEMBERS OF THE SEA ORG?

A. YES.

Q. WOULD THEY INCLUDE OTHER MEMBERS OF THE CMO SOMETIMES?

A. POSSIBLY.

Q. CMO MEMBERS ARE SEA ORG AS WELL AS CMO; IS THAT A CORRECT STATEMENT?

A. NO, THAT'S NOT A CORRECT STATEMENT.

MR. DRESCHER: I'M LOST ON THE TIME FRAME. ARE YOU TALKING ABOUT BACK THEN?

MS. PLEVIN: YES.

MR. HELLER: THE QUESTION HAS BEEN ANSWERED.

MR. HERTZBERG: SHE'S ASKING AT THE TIME THAT YOU'RE TALKING ABOUT, A COUPLE OF YEARS BEFORE 1978, THE OPERATIVE DATE OF THE COMPLAINT, WERE THE MEMBERS OF THE CMO AND SEA ORG, AS UNDERSTAND, YOU'RE ASKING WHETHER THEY'RE MEMBERS OF BOTH? MS. PLEVIN: NO. I WAS ASKING WHETHER -- TO SIMPLIFY, I WAS ASKING WHETHER A MEMBER OF THE CMO IS ALWAYS A MEMBER OF THE SEA ORG. IS THAT A CORRECT STATEMENT?

MR. DRESCHER: AT THAT TIME?

MS. PLEVIN: AT THAT TIME.

THE WITNESS: YES.

BY MS. PLEVIN:

Q. AND AT THE PRESENT TIME, HAS IT CHANGED?

A. NO.

I MEAN SEA ORG MEMBERS ARE WHAT MAKE UP -- THEY ARE SEA ORG MEMBERS. I DON'T WANT TO CONFUSE THIS ISSUE BECAUSE YOU'RE ASKING IF THEY'RE BOTH. THEY'RE --

Q. CAN A PERSON BE A CMO WITHOUT BEING A MEMBER OF THE SEA ORG TODAY?

A. NO, NO.

Q. OKAY. THAT CLARIFIES THAT. BUT NOT ALL SEA ORG MEMBERS ARE MEMBERS OF THE CMO?

A. THAT'S CORRECT.

Q. OKAY. THAT'S SIMPLE ENOUGH.

A. OKAY.

Q. AT THE TIME YOU WERE RUNNING MISSIONS, SUCH AS YOU'VE DESCRIBED, PRIOR TO THAT TIME, HAD YOU TAKEN OEC COURSES, ORGANIZATION EXECUTIVE COURSES, OR DONE ANY TRAINING ON THE OEC?

A. YES.

MR. HELLER: OBJECT ON RELEVANCE.

BY MS. PLEVIN:

Q. HAVE YOU DONE THE WHOLE SERIES?

A. I DON'T KNOW WHAT YOU MEAN BY HAVE I DONE THE WHOLE SERIES.

MR. HERTZBERG: FIRST SHE'S ASKING YOU, AT THE TIME, HAVE YOU DONE THE WHOLE SERIES. IF YOU DON'T UNDERSTAND THE QUESTION, MAYBE SHE CAN CLARIFY.

BY MS. PLEVIN:

Q. YOU INDICATED YOU HAD STUDIED -- DONE SOME OF THE OEC STUFF? HAD YOU COMPLETED THE OEC COURSE MATERIALS --

MR. HERTZBERG: LET'S NOT TALK ABOUT "OEC STUFF." LET'S NOT USE THAT. IF WE'RE TALKING ABOUT COURSES, LET'S TALK ABOUT COURSES.

MS. PLEVIN: FINE

(RECESS TAKEN.)

MS. PLEVIN: WE'RE BACK ON THE RECORD. WAS THERE A QUESTION PENDING?

(RECORD READ.)

BY MS. PLEVIN:

Q. DID YOU EVER STUDY ALL THE ORGANIZATION EXECUTIVE COURSES, MR. MISCAVIGE?

A. WELL, WHAT DO YOU MEAN BY THAT? LET ME ASK YOU THAT.

Q. WELL, THERE'S A SET OF GREEN VOLUMES --

A. MM-HMM.

Q. -- GENERALLY REFERRED TO AS THE OEC VOLUMES.

A. HMM.

Q. THERE ARE STUDIES THAT GO ALONG WITH STUDYING THE ORGANIZATIONAL MANAGEMENT FUNCTION WITH THOSE VOLUMES; IS THAT A CORRECT STATEMENT?

A. NO, IT'S VERY INACCURATE.

Q. OKAY. WHY DON'T YOU DESCRIBE TO ME HOW A PERSON GOES AROUND STUDYING THE OEC MATERIALS?

A. GOES AROUND --

Q. GOES ABOUT STUDYING THE OEC MATERIALS. IS IT A CHECK SHEET FORMAT?

A. HOW A PERSON GOES AROUND STUDYING THE OEC MATERIALS.

Q. IS IT A COURSE FORMAT, A CHECK SHEET FORMAT?

A. THE OEC VOLUMES?

Q. THE OEC VOLUMES.

A. NO, THEY'RE IN VOLUMES; THEY'RE IN BOOKS.

Q. SO IT'S SELF STUDY?

A. I DON'T -- NO. I'M REALLY NOT TRACKING WITH WHAT YOU'RE SAYING HERE, I'M SORRY.

Q. WHEN YOU STUDY THE OEC VOLUMES, IT'S A COURSE THAT YOU TAKE, ISN'T IT?

A. THERE IS A COURSE, BUT YOU SAY WHEN YOU STUDY THE OEC VOLUMES, IT'S A COURSE THAT YOU TAKE, AND I'M TELLING YOU IT'S ENTIRELY INACCURATE.

Q. OKAY. OKAY. THE OEC COURSE IS ENTIRELY SEPARATE FROM THE OEC VOLUMES?

A. YES. MAYBE. THAT'S 50-50. NO, I MEAN -- NO, IT'S NOT AN ACCURATE STATEMENT.

Q. THERE'S SOME INTERPLAY ON THE OEC COURSE, GREEN VOLUMES?

A. POSSIBLY.

Q. ARE THERE SEVERAL DIFFERENT COURSES OFFERED FOR STUDYING THE OEC MATERIALS OR THE OEC COURSE -- IS IT A SINGLE COURSE? LET'S START THERE. IS IT A SINGLE COURSE, SEVERAL COURSES? YOU HAD IT ONCE AND THAT'S IT?

MR. DRESCHER: WHICH QUESTION --

MR. HERTZBERG: WHICH QUESTION DO YOU WANT HIM TO ANSWER?

BY MS. PLEVIN:

Q. I'M TRYING TO HELP HIM FORMULATE HOW BEST TO RESPOND.

MR. HERTZBERG: WE HAVE TO FORMULATE THE BEST QUESTION FIRST BEFORE HE CAN RESPOND. WHAT QUESTION ARE YOU ASKING? YOU ASKED THREE OR FOUR DIFFERENT QUESTIONS THERE IN SEQUENCE. WHICH QUESTION DO YOU WANT HIM TO RESPOND TO?

MS. PLEVIN: I'M TRYING TO GET HIM TO RESPOND TO A SIMPLE QUESTION, IF HE STUDIED THE OEC COURSE.

Q. DO YOU UNDERSTAND THAT QUESTION, MR. MISCAVIGE? DID YOU STUDY THE OEC COURSE? DID YOU TAKE THAT COURSE, AND IF THERE'S MORE THAN ONE COURSE, LET'S CLARIFY THAT.

MR. HERTZBERG: HE TESTIFIED TO THAT ALREADY.

THE WITNESS: OKAY. LET ME --

MR. HERTZBERG: THERE'S NO SUCH THING AS "THE OEC COURSE."

THE WITNESS: THAT'S CORRECT -- YOU DON'T KNOW WHAT "OEC" MEANS. OEC MEANS ORG EXEC COURSE. SO YOU'RE ASKING ME IF I TOOK THE ORG EXEC COURSE, COURSE. OF COURSE, I DIDN'T BECAUSE THERE'S NO SUCH THING AS THE ORG EXEC COURSE, COURSE.

BY MS. PLEVIN:

Q. BUT THERE'S AN ORG EXECUTIVE COURSE?

A. YES.

Q. DID YOU TAKE THAT COURSE?

A. WHICH ONE? THAT'S WHERE THE CONFUSION IS ENTERING HERE.

Q. ALL RIGHT. HOW MANY ARE THERE?

A. WHEN, NOW?

Q. HOW MANY ORG EXECUTIVE COURSES ARE THERE NOW IS FINE.

A. ARE THERE NOW?

MR. HERTZBERG: NOW, TODAY?

MS. PLEVIN: NOW, TODAY.

MR. HERTZBERG: I'M GOING TO LET HIM ANSWER. I'M NOT SURE HOW THAT'S RELEVANT TO ANYTHING IN THE COMPLAINT, BUT YOU MAY ANSWER.

THE WITNESS: I DON'T KNOW WHAT YOU MEAN BY THAT. I REALLY DON'T. YOU'RE CONFUSING A SET OF VOLUMES WITH A COURSE. WHAT EXACTLY ARE YOU ASKING ME?

MS. PLEVIN: I THINK THE QUESTION STANDS FOR ITSELF.

MR. HELLER: WELL, IF YOUR RESPONSE IS YOU CAN'T UNDERSTAND, THAT'S YOUR RESPONSE. DON'T ANSWER A QUESTION YOU CANNOT UNDERSTAND.

BY MS. PLEVIN:

Q. WHAT IS IT YOU DIDN'T UNDERSTAND?

A. YOU ASKED ME HOW MANY ORG EXECUTIVE COURSES ARE THERE.

Q. NO. I SAID HOW MANY --

A. I DON'T GET IT. HOW MANY ORG EXECUTIVE COURSES.THERE HAVE BEEN NUMEROUS. THAT'S MY ANSWER.

Q. HOW MANY HAVE YOU TAKEN SINCE -- EVER?

MR. HERTZBERG: WAIT. YOU MEAN IN THE ENTIRE TIME THAT MR. MISCAVIGE HAS BEEN INVOLVED IN THE CHURCH OF SCIENTOLOGY?

MS. PLEVIN: WELL, IF THERE ARE TOO MANY TO MENTION, I'M SURE HE'LL TELL ME THAT.

MR. HERTZBERG: FIRST OF ALL, I'M BEGINNING TO PERCEIVE A LITTLE SARCASM. LET'S KEEP THIS ON AN EVEN KEEL, MISS PLEVIN. HE CAN ANSWER. I THINK THIS HAS NOTHING TO DO WITH THE COMPLAINT, BUT IF YOU CAN APPROXIMATE OR -- IF YOU UNDERSTAND THE QUESTION, AND YOU CAN APPROXIMATE, TELL --

(CONFERENCE BETWEEN COUNSEL AND WITNESS.)

THE WITNESS: OKAY. I'LL TRY TO EXPLAIN TO YOU WHAT I'M TALKING ABOUT. THERE ARE A SET OF VOLUMES CALLED THE OEC VOLUMES, MEANING THE ORG EXECUTIVE COURSE VOLUMES. THEY GO 0, 1, 2, 3, 4, 5, 6, 7. THEY WERE PUBLISHED SOMETIME IN THE EARLY 1970'S. THERE IS OR HAS BEEN A COURSE CALLED THE ORG EXECUTIVE COURSE. THAT ORG EXECUTIVE COURSE HAS NOT NECESSARILY BEEN THE SAME COURSE, ALWAYS.

INDIVIDUALLY THERE ARE ORG EXECUTIVE COURSE VOLUMES, AS I SAID, 0, 1, 2, 3, 4, 5, 6, 7. FOR EXAMPLE, 0 NOW, TODAY, IS NOT THE SAME AS 0 FIVE YEARS AGO. BY MS. PLEVIN:

Q. YOU'RE TALKING ABOUT THE VOLUME?

A. PRECISELY.

Q. ALL RIGHT.

A. FURTHERMORE YOU ASKED -- THE ORG EXECUTIVE COURSE IS NOT, AND HAS NOT, ALWAYS BEEN JUST THE VOLUMES, OR PARTICULARLY WHAT'S IN THE VOLUMES, SO YOU ASKED ME -- I DON'T KNOW. HAS THAT CLARIFIED IT FOR YOU? DO YOU SEE WHAT MY CONFUSION IS, WHAT YOU'RE ASKING ME?

Q. MM-HMM.

A. THEIR MATERIALS -- I DON'T KNOW HOW -- WELL, YOU COULDN'T, BUT A SCIENTOLOGIST COULD BUY A SET OF OEC VOLUMES. YOU ASKED ME HOW WOULD HE STUDY THESE? I DON'T KNOW. Q. HAVE YOU STUDIED THE OEC VOLUMES?

A. WHAT DO YOU MEAN BY THAT? REALLY, I'M SERIOUS. CLARIFY FOR ME --

Q. DO YOU CONSIDER YOURSELF TO BE FAMILIAR WITH THE POLICIES THAT ARE IN THE OEC VOLUMES?

A. EVERY SINGLE --

MR. HERTZBERG: I WAS GOING TO ASK --

BY MS. PLEVIN:

Q. GENERALLY, NOT EVERY SINGLE ONE.

A. YES.

Q. OKAY. AND I APPRECIATE THAT YOU'VE CLARIFIED THAT THE COURSE HAS NOT ALWAYS BEEN THE SAME. I TAKE IT THAT PERHAPS THE COURSE GETS REVISED FROM TIME TO TIME.

A. NOT AS A MATTER OF COURSE, NOT AS A MATTER OF ABSOLUTE NECESSITY EVERY SIX MONTHS, IF THAT'S WHAT YOU'RE ASKING ME, BUT IT HAS, YES. IF YOU WERE TO PICK UP A SET OF OEC VOLUMES TODAY, THEY ARE PRETTY MUCH THE SAME VOLUMES THAT WERE PUBLISHED IN THE EARLY 1970'S, SO I WOULDN'T CALL THEM COMPLETELY ACCURATE OR COMPLETE.

Q. OKAY.

A. THERE YOU GO.

Q. I'M TALKING ABOUT THE COURSE NOW, THE COURSE HAS BEEN REVISED? A. YES.

Q. OKAY. AND THE COURSE --

A. I WOULDN'T SAY REVISED. I'D SAY UPDATED OR CHANGED. ALL RIGHT. IN MANY DIFFERENT WAYS, YES, EVEN HOW YOU GO ABOUT STUDYING IT. Q. OKAY.

A. ALL RIGHT.

Q. WHEN DID YOU FIRST TAKE THE ORGANIZATION EXECUTIVE COURSE? WHENEVER --

A. AS THE ORGANIZATION EXECUTIVE COURSE?

Q. YES.

A. I CAN'T ANSWER THAT QUESTION. YOU ASKED --

Q. YOU DON'T REMEMBER?

A. YOU'RE ASKING ME WHEN WAS THE FIRST TIME I EVER READ A POLICY?

Q. NO. WHEN WERE YOU FIRST ON COURSE FOR --

A. EVER?

Q. FOR THE ORG EXECUTIVE COURSE.

A. FOR THE ORG --

MR. DRESCHER: IF THE ANSWER IS NOT ANSWERABLE, YOU DON'T HAVE TO TRY TO INTERPRET IT.

qq

THE WITNESS: LET ME EXPLAIN THIS TO YOU. FOR INSTANCE, I CAN'T ANSWER THAT QUESTION. I THINK YOU'RE ASKING ME AS IF THERE WAS A DATE WHEN I SAT DOWN AND NOW ON THE OEC COURSE? MS. PLEVIN: MM-HMM.

THE WITNESS: THE FIRST TIME EVER, I COULDN'T GIVE YOU A DATE ON THAT.

MS. PLEVIN: FINE.

Q. BUT YOU'VE TAKEN THE OEC? YOU HAVE TAKEN A COURSE ENTITLED THE ORG EXECUTIVE COURSE?

A. NO. TAKEN? NO, I DON'T -- I DON'T EVEN KNOW WHAT THAT MEANS, TAKEN -- NO.

Q. REGISTERED FOR THE ORG EXECUTIVE COURSE, BEEN CERTIFIED AS HAVING TAKEN THE ORG EXECUTIVE COURSE?

MR. HERTZBERG: THOSE ARE TWO SEPARATE QUESTIONS, UNLESS THAT'S WHAT YOU MEAN BY "TAKEN."

THE WITNESS: LET ME EXPLAIN THIS TO YOU --

MS. PLEVIN: LET ME ASK THE QUESTION.

THE WITNESS: GOOD, FINE. GO AHEAD.

BY MS. PLEVIN:

Q. HAVE YOU BEEN CERTIFIED AS HAVING TAKEN THE ORG EXECUTIVE COURSE?

A. I DON'T THINK SO.

Q. HAVE YOU GRADUATED FROM THE ORG EXECUTIVE COURSE?

A. NO.

Q. BUT YOU'VE DONE THE ORG EXECUTIVE COURSE?

MR. HERTZBERG: I DON'T KNOW WHAT "DONE" MEANS.

MS. PLEVIN: WE'LL GO ON AND COME BACK TO IT. FOR SOME REASON THIS IS -- WELL, MAYBE THERE'S ANOTHER WAY OF GETTING AT IT.

Q. HAVE YOU BEEN CHECKED OUT OR STAR-RATED ON THE ORG EXECUTIVE COURSE?

A. NO, S-T-A-R, DASH, RATED.

Q. NOW, WHILE YOU WERE GOING BACK TO WHERE WE WERE BEFORE THE LAST BREAK, WHILE YOU WERE ACTION CHIEF CMO INT RUNNING MISSIONS --

A. OKAY.

Q. -- DID YOU PERFORM ANY OTHER FUNCTIONS, OTHER THAN WHAT YOU'VE ALREADY INDICATED, WHICH IS RUNNING MISSIONS AND -- SUCH AS YOU'VE DESCRIBED?

A. DO YOU MEAN DURING THE WHOLE TIME PERIOD? WHEN?

Q. DURING THE WHOLE TIME PERIOD THAT YOU WERE ACTION CHIEF CMO INT --

A. THERE WAS NOTHING THAT I DID THE ENTIRE DURATION OF THAT, THAT WAS CONCURRENT WITH IT.

Q. OKAY. WERE THERE OTHER FUNCTIONS THAT YOU PERFORMED WHILE YOU WERE ACTION CHIEF CMO INT?

A. AT TIMES.

Q. AT TIMES. SUCH AS?

A. BUT NOT WHILE I WAS BEING ACTION CHIEF CMO INT, BUT DURING THE SAME TIME PERIOD.

Q. AND WHAT WERE THOSE?

A. I WAS A MESSENGER. LET'S SEE.

Q. YOU CAN'T THINK OF ANY? WE'LL GO ONTO SOMETHING ELSE -- YOU CAN'T THINK OF ANY OTHER FUNCTIONS, MR. MISCAVIGE?

A. IS THAT A QUESTION?

Q. I'M ASKING -- YES, IT IS A QUESTION. CAN YOU --

A. WELL, I WAS THINKING.

Q. OKAY. I DON'T WANT TO INTERRUPT YOU.

MR. HELLER: YOU DID.

THE WITNESS: I BELIEVE I GAVE YOU ONE THERE, TOO, BY THE WAY. YOU SAID I DIDN'T THINK OF ANY. I THINK I DID GIVE YOU ONE THERE.

BY MS. PLEVIN:

Q. WELL, IF YOU THINK OF ANY OTHERS, YOU LET ME KNOW.

MR. HERTZBERG: WELL WAIT A MOMENT. WAIT A MOMENT. IS HE SUPPOSED TO BE THINKING OF THE OTHERS DURING THE DEPOSITION, AFTER THE DEPOSITION? YOU WANT HIM TO TELL YOU NOW, BEFORE WE MOVE ONTO THE NEXT QUESTION, IF HE CAN THINK OF ANY OTHERS? MS.

PLEVIN: IF HE CAN'T THINK OF ANY OTHERS, HE CAN SAY SO AND WE'LL GO ON.

THE WITNESS: I CAN'T. I'LL HAVE TO REVIEW -- I HAVE TO TRACK -- THIS BEGINS WHEN I

WAS ACTUALLY CHIEF CMO.

BY MS. PLEVIN:

Q. WHEN YOU WERE ACTING AS A MESSENGER DURING THIS PERIOD, YOU MEAN AS A MESSENGER OF THE COMMODORE?

A. YES, L. RON HUBBARD.

MS. PLEVIN: I'M HANDING YOU A DOCUMENT ENTITLED SEA ORG FLAG ORDER 3729. COUNSEL IS LOOKING AT IT, ANOTHER ONE.

MR. HELLER: DO YOU HAVE COPIES AS WELL?

MS. PLEVIN: I HAD NO IDEA HOW MANY WERE GOING TO BE HERE. I HAD ONE FOR COUNSEL FOR MR. MISCAVIGE, MR. MISCAVIGE AND MYSELF.

THE WITNESS: YOU CAN LOOK OVER MY SHOULDER.

BY MS. PLEVIN:

Q. ARE YOU FAMILIAR WITH THIS DOCUMENT?

MR. HERTZBERG: DON'T ANSWER.

(CONFERENCE BETWEEN COUNSEL AND WITNESS.)

THE WITNESS: I'LL TELL YOU WHAT. I'LL READ THE WHOLE DOCUMENT.

MR. HERTZBERG: ALL RIGHT. THE PENDING QUESTION IS: IS HE FAMILIAR WITH THE DOCUMENT.

MS. PLEVIN: THAT'S THE PENDING QUESTION.

MR. HERTZBERG: OKAY. DO YOU UNDERSTAND "FAMILIAR"?

THE WITNESS: I THINK SO.

BY MS. PLEVIN:

Q. AND HAVE YOU SEEN THIS DOCUMENT BEFORE?

A. NOT IN THIS FORM, I HAVEN'T, NO, BUT I HAVE SEEN THIS WRITING.

Q. OKAY. AND DOES THIS WRITING -- STRIKE THAT. THIS IS THE CONTENT OF FLAG ORDER 3729?

A. I'D HAVE TO VERIFY THAT'S THE NUMBER, BUT I'LL TAKE YOUR WORD FOR IT THAT THIS IS OFFICIAL, RIGHT.

Q. THIS IS ONE OF THE DOCUMENTS WHICH DESCRIBES THE FUNCTION OF A COMMODORE'S MESSENGER?

A. THE FUNCTION OF A COMMODORE'S MESSENGER?

Q. SUCH AS IN THE FIRST LINE, A COMMODORE'S MESSENGER CARRYING AN ORDER OR RUNNING A PROJECT OR OTHERWISE ON DUTY AS AN EMISSARY OF THE COMMODORE, AND SO FORTH.

A. NO. THIS DOESN'T DESCRIBE "FUNCTION" AT ALL. THERE'S NOT ONE MENTION OF

"FUNCTION" IN HERE, NO.

Q. WELL --

A. YOU'RE MISREADING IT. IT DOESN'T SAY THAT.

Q. OKAY. THE DOCUMENT WILL SPEAK FOR ITSELF?

MR. DRESCHER: THAT'S CORRECT, IT WILL.

MR. HERTZBERG: THAT'S RIGHT. IT WILL SPEAK FOR ITSELF.

THE WITNESS: OKAY.

MS. PLEVIN: WHY DON'T WE MARK THIS AS PLAINTIFF'S 1, PLEASE.

(THE DOCUMENT REFERRED TO WAS MARKED BY THE C.S.R. AS PLAINTIFF'S EXHIBIT 1 FOR IDENTIFICATION AND ATTACHED TO AND MADE A PART OF THIS DEPOSITION.)

BY MS. PLEVIN:

Q. THIS IS THE BEGINNING OF THE SECOND TAPE OF THE DEPOSITION OF DAVID MISCAVIGE. ON JULY 19, 1990 -- DID WE MARK THAT?

A. YES.

Q. OKAY. TO THE BEST OF YOUR KNOWLEDGE, MR. MISCAVIGE, WAS THIS WRITTEN BY L. RON HUBBARD?

MR. HERTZBERG: YOU'RE ASKING DOES HE HAVE ANY PERSONAL KNOWLEDGE THAT L. RON HUBBARD WROTE IT?

MS. PLEVIN: I'M ASKING HIM TO THE BEST OF HIS KNOWLEDGE, WAS IT WRITTEN BY L. RON HUBBARD.

MS. PLEVIN: SECOND TAPE, DEPOSITION OF DAVID MISCAVIGE, JULY 19, 1990.

Q. TO THE BEST OF YOUR KNOWLEDGE, WHAT'S BEEN MARKED AS PLAINTIFF'S 1, WHICH IS SEA ORG FLAG ORDER 3729 --

A. RIGHT.

Q. -- IS THIS WRITTEN BY L. RON HUBBARD, TO THE BEST OF YOUR KNOWLEDGE?

A. WHAT DO YOU MEAN BY THE BEST OF MY KNOWLEDGE?

Q. WELL, DO YOU HAVE A BELIEF THAT IT WAS WRITTEN BY L. RON HUBBARD?

A. YES.

Q. AND AS A COMMODORE'S MESSENGER, WOULD YOU BE GUIDED BY MR. HUBBARD'S WRITINGS REGARDING COMMODORE'S MESSENGERS?

MR. HERTZBERG: YOU MEAN WHEN HE WAS A COMMODORE MESSENGER?

MS. PLEVIN: WHEN YOU WERE A COMMODORE MESSENGER.

THE WITNESS: GUIDED. WHAT DO YOU MEAN BY "GUIDED"?

MS. PLEVIN: I THINK I'LL LET THE QUESTION STAND.

MR. HELLER: IF YOU CAN UNDERSTAND IT, TO ANSWER IT, ANSWER IT, OR JUST SAY YOU CAN'T --

THE WITNESS: I DON'T UNDERSTAND.

BY MS. PLEVIN:

Q. WOULD YOU BE GUIDED IN YOUR PERFORMANCE, IN YOUR DUTIES AS A COMMODORE'S MESSENGER, BY THIS DOCUMENT?

MR. HERTZBERG: YOU MEAN WAS HE -- LET'S BE CLEAR HERE. AGAIN, JUST FOR STARTERS, I CANNOT IMAGINE HOW THIS IS RELEVANT AT ALL TO THE ALLEGATIONS IN THE COMPLAINT. I WILL LET HIM ANSWER THE QUESTION. I THINK WE'RE WASTING A LOT OF TIME.

I WILL LET HIM ANSWER IT IF HE CAN UNDERSTAND IT, AND I ASSUME YOU'RE -- ARE YOU ASKING HIM WHETHER -- WHEN HE WAS A COMMODORE MESSENGER, HE WAS GUIDED BY THIS DOCUMENT?

MS. PLEVIN: YES.

MR. HERTZBERG: OR ACTED ACCORDINGLY?

MS. PLEVIN: YES.

MR. HERTZBERG: OKAY. DO YOU UNDERSTAND WHAT SHE'S --

THE WITNESS: I DON'T KNOW WHAT YOU MEAN BY "GUIDED," NO, I DON'T.

BY MS. PLEVIN:

Q. DID YOU COMPLY WITH THE --

A. THERE'S NOTHING TO COMPLY TO. THERE'S NOTHING TO COMPLY TO. IT'S A STATEMENT.

Q. OKAY.

A. OKAY.

Q. OF THE COMMODORE'S FUNCTION, COMMODORE'S MESSENGER'S FUNCTIONS?

A. NO.

Q. OKAY. IT WILL STAND FOR ITSELF.

A. OKAY.

MS. PLEVIN: SHOWING YOU A FOUR-PAGE -- OH, THE LAST ONE IS A DUPLICATE THAT SHOULD HAVE BEEN TAKEN OFF.

Q. IF YOU WOULD BE SO KIND,

MR. MISCAVIGE, TURN TO THE LAST PAGE OF THIS. THERE'S AN EXTRA PAGE BECAUSE ONE HAD BEEN POORLY COPIED.

A. THIS ONE?

Q. YES. THAT'S AN IMPROPER DUPLICATE OF THE SECOND PAGE IN THIS --

MR. DRESCHER: DO YOU WANT HIM TO REMOVE IT, THE LAST PAGE?

MS. PLEVIN: YES. IT'S NOT NECESSARY. IT'S A DUPLICATE OF A PRIOR PAGE. HERE, TAKE THIS ONE.

MR. DRESCHER: HERE. CAN I READ IT?

MS. PLEVIN: OH, ALL RIGHT. I DO HAVE ANOTHER ONE OF THAT. YES, THAT'S FINE.

MR. DRESCHER: OKAY.

BY MS. PLEVIN:

Q. HAVE YOU EVER SEEN THIS DOCUMENT BEFORE?

A. NO, I HAVEN'T.

MS. PLEVIN: OKAY.

(CONFERENCE BETWEEN COUNSEL AND WITNESS.)

THE WITNESS: I DID. I HAVE NEVER SEEN THIS BEFORE.

MR. DRESCHER: ARE YOU GOING TO HAVE IT MARKED?

MS. PLEVIN: YES. WE'LL MARK THIS AS PLAINTIFF'S 2.

(THE DOCUMENT REFERRED TO WAS MARKED BY THE C.S.R. AS PLAINTIFF'S EXHIBIT 2 FOR IDENTIFICATION AND ATTACHED TO AND MADE A PART OF THIS DEPOSITION.)

MR. HERTZBERG: HE HASN'T IDENTIFIED IT. THE QUESTION --

MR. DRESCHER: IT CAN BE MARKED AS AN EXHIBIT TO THE DEPOSITION TO SHOW WHAT HE'S NEVER SEEN BEFORE.

MS. PLEVIN: EXACTLY. AND I'M NOW SHOWING YOU A TWO-PAGE DOCUMENT ENTITLED, EXECUTIVE DIRECTIVE ED92 CMO WITH A SUBTITLE OF CMO REGULATIONS.

MR. HERTZBERG: WITH A SUBTITLE OF WHAT?

MS. PLEVIN: CMO REGULATIONS IN THE CENTER.

MR. HERTZBERG: DO YOU WANT HIM TO LOOK AT IT?

MS. PLEVIN: PLEASE.

MR. HERTZBERG: OKAY.

THE WITNESS: OKAY.

BY MS. PLEVIN:

Q. ARE YOU FAMILIAR WITH THIS DOCUMENT?

MR. HERTZBERG: DO YOU MEAN ASIDE FROM HIS HAVING JUST READ IT NOW?

MS. PLEVIN: YES, OF COURSE.

THE WITNESS: VAGUELY.

BY MS. PLEVIN:

Q. THE CONTENT REGARDING CMO REGULATIONS, WERE THESE REGULATIONS OF -- WITH REGARD TO YOUR CONDUCT AS A CMO -- AS A MEMBER OF THE CMO WHILE YOU WERE A MEMBER OF THE CMO, TO THE BEST OF YOUR RECOLLECTION?

A. LET ME ASK --

(CONFERENCE BETWEEN COUNSEL AND WITNESS.)

THE WITNESS: ALL RIGHT. CAN I HAVE THE QUESTION AGAIN?

MS. PLEVIN: PLEASE READ THE QUESTION BACK.

(RECORD READ.)

MS. PLEVIN: THAT WAS PRETTY GARBLED.

MR. HERTZBERG: I THINK THAT WAS THE PROBLEM. OKAY.

BY MS. PLEVIN:

Q. THE POWERS AND RIGHTS OF A MEMBER OF THE CMO AS DESCRIBED IN THIS DOCUMENT, WERE THE POWERS AND RIGHTS OF MEMBERS OF THE CMO DURING THE TIME THAT YOU WERE A MEMBER OF THE CMO; IS THAT CORRECT?

MR. HELLER: I'LL OBJECT. IT ASSUMES THESE WERE POWERS AND RIGHTS -- THAT THESE ARE THE POWERS AND RIGHTS THAT WERE IN EFFECT WHEN THIS DOCUMENT WAS WRITTEN OR THAT IN FACT EMBODIES THE POWERS AND RIGHTS OF SOMEONE FROM THE CMO.

MS. PLEVIN: OH, WE CAN TAKE THEM ONE AT A TIME, MR. MISCAVIGE.

THE WITNESS: WELL, I CAN'T -- YOU WANT THE ANSWER TO THE GENERAL?

MS. PLEVIN: YES.

THE WITNESS: IT'S ODD. WHEN THIS CAME OUT, I WASN'T DIRECTLY WORKING IN THE CMO. YOU'RE ASKING ME A HISTORICAL QUESTION. THAT'S MY PROBLEM.

BY MS. PLEVIN:

Q. WHEN DID YOU JOIN THE CMO?

A. 1976.

Q. OKAY. AND THIS WAS ISSUED IN 1978?

A. APPEARS TO BE, 11 JANUARY 1978.

Q. OKAY. TO THE BEST OF YOUR RECOLLECTION, WAS THIS DISTRIBUTED TO MEMBERS OF THE CMO AT THAT TIME?

A. I WOULD GUESS IT WAS.

MR. HERTZBERG: "AT THAT TIME" MEANING IN 1978?

MS. PLEVIN: YES.

MR. HERTZBERG: DON'T GUESS. IF YOU HAVE NO PERSONAL KNOWLEDGE THAT IT WAS, YOU CAN'T GUESS.

MR. HELLER: YOUR ANSWER IS, "I DON'T KNOW."

THE WITNESS: I CAN ONLY GUESS. SO I COULD ONLY ANSWER I DON'T KNOW, NO.

BY MS. PLEVIN:

Q. IS THIS, TO THE BEST OF YOUR KNOWLEDGE, CURRENTLY IN FORCE AS CMO REGULATION ED92 TODAY?

MR. HERTZBERG: ALL RIGHT. I'M GOING TO LET HIM ANSWER, BUT I -- IT'S -- I'M HARD PRESSED TO UNDERSTAND WHY WE'RE -- THESE QUESTIONS AND THE PRECEDING QUESTIONS ARE BEING ASKED. WE HAVE A LAWSUIT. IT DEALS WITH THINGS THAT MR. CORYDON CLAIMS WERE DONE AGAINST HIM.

WHETHER THIS -- AND BY THE WAY, THE PURPOSE OF THIS DEPOSITION IS TO FIND OUT WHAT MR. MISCAVIGE DID OR DIDN'T DO WITH RESPECT TO THE ALLEGATIONS AGAINST MR. CORYDON. HOW -- WHETHER THIS 1978 EXECUTIVE DIRECTIVE IS IN FORCE TODAY IN THE CMO STRIKES ME AS THE HEIGHT OF IRRELEVANCE. YOU MAY ANSWER.

THE WITNESS: OKAY. I CONSIDER THE QUESTION SORT OF SILLY. THIS ISSUE APPEARS TO TALK ABOUT COMMODORE'S MESSENGER HAVING AN ORDER AND ALSO IN RELATION TO THE COMMODORE. THE COMMODORE IS, AND ALWAYS WILL BE, L. RON HUBBARD AND AS YOU PROBABLY ARE AWARE, ON 24 JANUARY 6, HE PASSED AWAY.

SECONDLY, THIS IS AN EXECUTIVE DIRECTIVE AND IT IS BASIC POLICY OF THE CHURCH THAT EXECUTIVE DIRECTIVES HAVE, AT MOST, A ONE-YEAR TIME FRAME WHEREBY THEY'RE IN FORCE. THEY DO NOT HAVE THE FORCE OF POLICY. THERE'S A GRADIENT SCALE OF ISSUES AND POLICIES WITHIN THE CHURCH AND AN EXECUTIVE DIRECTIVE EXPIRES AFTER ONE YEAR, SO SINCE THIS IS 11 JANUARY 1978, I WOULD ASSUME NOT.

BY MS. PLEVIN:

Q. DO YOU KNOW WHETHER THIS HAS BEEN ADOPTED OR REISSUED? MR. HERTZBERG: IF YOU KNOW.

THE WITNESS: I DON'T KNOW -- WHAT YOU MEAN BY READOPTED? MS. PLEVIN:

Q. LET'S LIMIT IT TO REISSUED.

A. ARE YOU ASKING ME IF THIS IS A CURRENT EXECUTIVE DIRECTIVE? Q. YES.

A. TO THE BEST OF MY KNOWLEDGE?

Q. YES.

A. NO.

Q. IS THERE A CURRENT EXECUTIVE DIRECTIVE REGARDING CMO REGULATIONS, TO THE BEST YOUR KNOWLEDGE? A. I DON'T KNOW.

Q. WHO WOULD?

A. I DON'T KNOW THAT THERE IS. I DON'T KNOW ANYBODY WHO WOULD.

Q. AT THE TIME THAT YOU WERE IN THE CMO, LET'S PUT SOME TIME FRAME ON IT,

MISCAVIGE. YOU SAID YOU JOINED THE CMO IN APPROXIMATELY 1976? A. YES.

Q. AND HOW LONG WERE YOU IN THE CMO? I TAKE IT BY MR. HERTZBERG'S COMMENT, THAT YOU'RE NO LONGER IN THE CMO?

MR. HERTZBERG: I DIDN'T MAKE ANY COMMENT ABOUT WHETHER HE WAS OR HE WASN'T. BUT YOU MAY ANSWER THE QUESTION.

MR. HELLER: WHICH I THINK IS: ARE YOU PRESENTLY IN THE CMO?

THE WITNESS: NO.

BY MS. PLEVIN:

Q. OKAY. WHEN DID YOU CEASE BEING IN THE CMO?

A. OKAY. WHAT DO YOU MEAN BY "BEING IN THE CMO"? WHAT DOES IT MEAN TO YOU, BEING IN THE CMO? I WANT TO MAKE SURE WE'RE IN AGREEMENT HERE ON WHAT I'M ANSWERING. Q. THE COMMODORE MESSENGER ORGANIZATION STILL EXISTS, EVEN THOUGH HUBBARD PASSED AWAY IN 1986?

A. RIGHT.

Q. ARE YOU A MEMBER OF THE COMMODORE'S MESSENGER ORGANIZATION?

A. NO.

Q. DID YOU RESIGN FROM THE COMMODORE'S MESSENGER ORGANIZATION?

A. NO.

Q. WERE YOU --

MR. HERTZBERG: NOTE MY CONTINUING OBJECTION TO THE RELEVANCE OF THESE QUESTIONS. YOU MAY ANSWER.

MS. PLEVIN: HE HAS.

Q. ALL RIGHT. IN WHAT WAY WAS YOUR MEMBERSHIP IN THE CMO TERMINATED?

A. THE QUESTION IS SENSELESS. I DON'T GET IT. I NEVER HAD A MEMBERSHIP CARD OR MEMBERSHIP -- I DON'T KNOW WHAT YOU MEAN BY THAT.

Q. YOU WERE A COMMODORE'S MESSENGER?

A. YES.

Q. WHEN DID YOU CEASE BEING A COMMODORE'S MESSENGER?

A. WELL, THE -- OKAY. CEASE TO BE A COMMODORE'S MESSENGER? I WAS A COMMODORE'S MESSENGER WHEN I WAS A COMMODORE'S MESSENGER. YOU'RE ASKING DIFFERENT QUESTIONS HERE. THIS IS NOT THE SAME QUESTION YOU ASKED BEFORE. YOU ASKED CMO. COMMODORE'S MESSENGER IS NOT THE SAME AS CMO. ARE YOU ASKING ME WHEN I WAS -- I DON'T --

Q. OKAY. YOU WERE IN THE COMMODORE'S MESSENGER ORGANIZATION FOR SOME PERIOD OF TIME? A. YES, I WAS.

Q. AND WHICH --

A. SEVERAL DIFFERENT ONES THOUGH.

Q. TELL ME THOSE PERIODS OF TIME.

A. IN 1976, ON AND OFF, I'D SAY, 50-50 THAT YEAR. 1977 I'D SAY PRETTY MUCH THE WHOLE YEAR. 1978, I'D GIVE IT A 70-30 OR 80-20. 1979, THE WHOLE YEAR. 1980, THE WHOLE YEAR. 1981, 80 TO 90 PERCENT. THAT'S IN THE CMO ORGANIZATION, COMMODORE'S MESSENGER ORGANIZATION.

Q. MM-HMM?

A. OKAY. THAT'S YOUR ANSWER.

Q. AND NOT SINCE '81?

A. I'M NOT EXACTLY SURE, BUT I THINK -Q. MAYBE YOU DID SOME --

A. I DON'T THINK SO, BUT I'D HAVE TO REALLY WORK MY MIND OUT TO FIGURE OUT -- I THINK IT WAS NEAR THE END OF '81, LIKE THE FALL. Q. CAN YOU BE A COMMODORE'S MESSENGER WITHOUT BEING IN THE CMO?

A. YES.

Q. WELL, COULD YOU CLARIFY THAT FOR ME, PLEASE?

MR. DRESCHER: CLARIFY WHAT? I'M SORRY? CLARIFY WHAT?

BY MS. PLEVIN:

Q. HOW ONE IS A COMMODORE'S MESSENGER WITHOUT BEING A MEMBER OF THE COMMODORE'S MESSENGER ORG?

A. COMMODORE'S MESSENGER HAS MANY DIFFERENT MEANINGS, AND TO CLARIFY IT FOR YOU, I'M NOT SURE, I THINK --

Q. SO NOT ALL COMMODORE'S MESSENGERS ARE MEMBERS OF THE CMO; IS THAT WHAT YOU'RE SAYING?

A. "MEMBERS" IS THE WRONG WORD. I DON'T KNOW -- THAT'S THE WORD I HAVE TROUBLE WITH.

Q. WHAT IS THE RIGHT WORD, IF YOU ARE --

A. POSTED IN CMO.

Q. OKAY. SO WHEN YOU SAY THAT DURING THESE VARIOUS YEARS, '76 THROUGH '81, WHERE YOU'VE GIVEN US THE PERCENTAGES OF THE TIME THAT YOU WERE WITH PART OF CMO, YOU MEAN THAT YOU WERE POSTED IN CMO FOR THOSE PERIODS OF TIME? A. YES.

Q. OKAY. AS A COMMODORE'S MESSENGER, YOU WOULD CONTINUE, AS A COMMODORE'S MESSENGER, TO HAVE THAT DESIGNATION?

A. NOT ALWAYS, AND NOT ALWAYS THERE EITHER, AND JUST TO FURTHER CLARIFY, PEOPLE CAN IN THE CMO AND NOT BE A MESSENGER, EITHER A COMMODORE'S MESSENGER, AND ON THOSE DATES NOT WAYS WAS I A COMMODORE'S MESSENGER.

Q. BUT YOU WERE POSTED IN THE CMO IN IS SERIES OF DATES, 1976-81?

A. YES, AND YOU PRETTY MUCH COULD STATE AT I HAD THE STATUS OF A COMMODORE'S

MESSENGER RING THOSE DATES I GAVE YOU THERE.

Q. OKAY. WHEN WERE YOU A COMMODORE'S MESSENGER, APART FROM BEING POSTED IN THE CMO?

A. WELL, WHAT DATES DO YOU HAVE THERE AT I GAVE YOU?

Q. WELL, A GREAT --

A. IT'S A TOUGH QUESTION. LET ME GIVE YOU AN EXAMPLE. I GAVE YOU -- WHAT DID I SAY HERE FOR 1986?

Q. ON AND OFF, 50-50.

A. RIGHT. OKAY. THERE'S AN EXAMPLE. AT YEAR I WAS ON FMMO 1672 AND 1673, AND I WASN'T OPERATING OUT OF CMO AND THE PERSON WHO WAS MY MISSION OPERATIONS WAS NOT IN THE CMO, BUT I SORT OF STILL CONSIDERED I WAS A COMMODORE'S MESSENGER. Q. WAS THAT GAIL IRWIN YOU WERE OPERATING UNDER IN THOSE --

A. NO, IT WASN'T.

Q. DO YOU KNOW WHO IT WAS?

MR. DRESCHER: ASKED AND ANSWERED.

THE WITNESS: I WAS OPERATING UNDER WHEN?

BY MS. PLEVIN:

Q. ON FMO IN '76, '77.

A. YES, JOHN HORWITZ. ALSO YOU HAVE TO HAVE ANOTHER DISTINCTION THERE, JUST SO I'M REALLY CLEAR FOR THE RECORD HERE. AT THAT TIME I'D NEVER MET L. RON HUBBARD, BUT I WAS STILL CONSIDERED A COMMODORE'S MESSENGER. I'D NEVER SPOKEN TO HIM. Q. WHEN DID YOU FIRST MEET L. RON HUBBARD? LET ME SEE IF I CAN HELP YOU OUT. WAS IT BEFORE GOING TO LA QUINTA?

A. NO, IT WAS AT LA QUINTA.

Q. AT LA QUINTA. WHILE YOU WERE AT LA QUINTA, DID YOU SEE HIM ON A FREQUENT BASIS?

MR. HERTZBERG: WHAT YEARS ARE WE TALKING ABOUT?

MS. PLEVIN: WELL, HE WAS AT LA QUINTA FOR TWO YEARS, '77, '78.

MR. HELLER: I OBJECT AS TO VAGUENESS OF THE WORD "FREQUENT."

BY MS. PLEVIN:

Q. CAN YOU ANSWER THE QUESTION?

A. THE ANSWER IS YES AND NO.

Q. OKAY. TELL ME HOW IT'S "YES."

A. SOMETIMES YES, SOMETIMES NO.

Q. DIFFERENT PERIODS OF TIME YOU MIGHT SEE HIM FREQUENTLY FOR SEVERAL WEEKS OR SEVERAL MONTHS, AND THEN YOU MIGHT NOT SEE HIM AT ALL? IS THAT WHAT YOU MEAN, FOR SEVERAL MONTHS?

A. SOMETIMES, BUT -- NO, BUT SOMETIMES --

MR. HERTZBERG: YOU KNOW -- GO AHEAD. FINISH THE ANSWER.

THE WITNESS: SOMETIMES I WOULD SEE HIM FREQUENTLY, SOMETIMES NOT.

MS. PLEVIN: OKAY. THAT ANSWERS IT.

THE WITNESS: AND "MONTHS" MAYBE ISN'T NECESSARILY THE CASE AND MAYBE IT IS. IT VARIED.

MS. PLEVIN: THAT'S FINE.

Q. WHAT ABOUT AFTER SPECIAL UNIT MOVED TO GILMAN HOT SPRINGS?

MR. HERTZBERG: NOW, I JUST WANT TO NOTE MY CONTINUING OBJECTION ON RELEVANCY GROUNDS TO THESE QUESTIONS. I DON'T KNOW HOW THEY RELATE TO THE COMPLAINT. I HAVE YET TO HEAR, THROUGH NEARLY THREE HOURS THIS MORNING, I HAVE YET TO HEAR THE NAME BENT CORYDON, YOUR CLIENT'S NAME, ANY REFERENCE TO HIS MISSION. I HAVE YET TO SEE A SINGLE QUESTION EMANATING FROM THE COMPLAINT, AND I REALLY THINK THAT WE'RE GETTING MORE AND MORE REMOTE AND WASTING MORE AND MORE TIME.

MS. PLEVIN: WELL, I'LL STATE FOR THE RECORD WHAT HAS BEEN STATED IN OTHER DEPOSITIONS, MR. HERTZBERG, AND I THINK YOU UNDERSTAND THAT THIS IS MY POSITION. IT IS CENTRAL IN THIS COMPLAINT TO EVALUATE -- MR. MISCAVIGE IS LEAVING THE ROOM, TO THE BATHROOM. I

ASSUME HE'LL BE BACK IN A FEW MINUTES. WE'LL NOTE THAT FOR THE RECORD. GO AHEAD.

THE WITNESS: SHOULD I WAIT HERE?

MS. PLEVIN: NO. GO AHEAD. THE CLAIMS IN THIS COMPLAINT ISSUE -- AND ISSUES IN THIS COMPLAINT INCLUDE THE ISSUE OF WHETHER THE SCIENTOLOGY DEFENDANTS IN THIS MATTER ARE RUN AS A SINGLE ENTITY, AND FOR ALL PRACTICAL PURPOSES, AND ARE RUN ACCORDING TO THE WISHES OF MR. MISCAVIGE, AS THEY MAY BE EXPRESSED DIRECTLY OR THROUGH HIS AGENTS TO OTHER PEOPLE, AND THOSE AGENTS BEING INVOLVED WITH HIM AS A MANAGING CADRE OF SCIENTOLOGY, IF YOU WILL. MUCH OF THE DISCOVERY TO DATE, INCLUDING DISCOVERY WHICH HAS BEEN ORDERED PRODUCED BY THE COURT, IS DESIGNED TO ELICIT INFORMATION REGARDING THE ISSUE I'VE JUST DESCRIBED. MR. MISCAVIGE'S BACKGROUND AS A PERSON WITH POSTS IN VARIOUS ORGS AND CORPORATIONS IS DIRECTLY RELEVANT BACKGROUND WITH REGARD TO ESTABLISHING HIS ROLE, WHATEVER IT MAY BE.

IT MAY TAKE ME ALL DAY TO EXPLORE MR. MISCAVIGE'S BACKGROUND, AND I INTEND TO EXPLORE MR. MISCAVIGE'S BACKGROUND. I DON'T KNOW HOW LONG IT WILL TAKE.

MR. HERTZBERG: OKAY. WITHOUT ACQUIESCING IN ANYTHING YOU SAID, MY POINT HERE IS EVEN IF THAT IS WHAT YOUR PURPOSE IS AND EVEN IF YOUR -- WHAT YOU CALL THE EXPLORATION OF HIS BACKGROUND IS PERMISSIBLE IN THE MANNER IN WHICH YOU'VE PROCEEDED THIS MORNING, QUITE APART FROM THAT, THE NUMBER OF TIMES THAT MR. MISCAVIGE MAY REMEMBER THAT HE SAW MR. HUBBARD AT A GIVEN PERIOD IN TIME, THE NUMBER OF WHO WAS A SENIOR IN 1976 IN SOME UNIT IN FLORIDA, WHICH PREDATES A TIME PERIOD THAT PREDATES THE COMPLAINT BY TWO YEARS, THOSE KINDS OF QUESTIONS CAN'T POSSIBLY BE DESIGNED TO RELATE TO THE COMPLAINT. IF YOU WANT TO EXPLORE WHAT MR. MISCAVIGE SAID OR DID, HOW HE MAY HAVE ACTED WITH RESPECT TO MR. CORYDON OR EVEN SQUIRRELS, GENERALLY, THAT'S WHAT WE'RE HERE FOR, BUT NOT TO TALK ABOUT THESE IRRELEVANCIES. THAT'S MY POSITION.

MS. PLEVIN: YOU'VE MADE YOUR POSITION CLEAR, MR. HERTZBERG.

MR. HERTZBERG: FINE. OKAY.

qq

MS. PLEVIN: WAS THERE A QUESTION PENDING?

(RECORD READ.)

MR. HERTZBERG: ALL RIGHT. NOW, I WANT TO BE CLEAR, BECAUSE THAT HAS TO RELATE TO A PRIOR QUESTION. DO YOU WANT TO REPHRASE THE QUESTION?

MS. PLEVIN: YES, I WILL.

MR. HERTZBERG: OKAY.

BY MS. PLEVIN:

Q. AFTER SPECIAL UNIT MOVED TO GILMAN HOT SPRINGS, DID YOU HAVE FREQUENT CONTACT WITH MR. HUBBARD IN THE FIRST YEAR SUBSEQUENT TO THAT MOVE? MR. HERTZBERG: OKAY. NOW, WHAT ARE WE TALKING ABOUT? WHAT YEAR WOULD THAT BE?

THE WITNESS: 1979.

MS. PLEVIN:

Q. YOU INDICATED IT WAS ABOUT TWO YEARS AFTER GOING TO LA QUINTA. THAT WOULD BE ABOUT

MR. HERTZBERG: I'M GOING TO OBJECT TO THIS. I AM GOING TO PERMIT MR. MISCAVIGE TO ANSWER ALL THE QUESTIONS THAT YOU MAY WANT TO ASK HIM ABOUT CONVERSATIONS THAT HE HAD, COMMUNICATIONS THAT HE HAD WITH MR. HUBBARD ON THE SUBJECT OF BENT CORYDON, ON THE SUBJECT OF SQUIRRELS, ON THE SUBJECT OF MISSIONS, BUT TO HAVE HIM SIT HERE AND START GUESSING WHETHER HE SAW HIM AT A PARTICULAR MONTH, A PARTICULAR DAY, YEARS AGO IS -- WE ARE CROSSING THE LINE HERE TERMS OF RELEVANCE AND IN TERMS OF PERMISSIBLE ENQUIRY AND I WOULD LIKE YOU TO ASK HIM IF THAT'S WHAT YOU ULTIMATELY INTEND TO GET TO, LET'S GET TO THE POINT. ASK HIM ABOUT COMMUNICATIONS HE DID WITH MR. HUBBARD, ABOUT MR. CORYDON, ABOUT SQUIRRELS, ABOUT MISSIONS, AREAS THAT ARE ARGUABLY RELEVANT TO THE COMPLAINT, BUT LET'S NOT PLAY THESE NUMBER GAMES ANYMORE.

MS. PLEVIN: ARE YOU INSTRUCTING HIM NOT TO ANSWER?

MR. HERTZBERG: I AM.

MR. HELLER: I'LL JOIN IN THE OBJECTION OF RELEVANCE.

MS. PLEVIN: OKAY. WE'LL COME BACK TO THAT AREA OF MR. HUBBARD. Q. NOW, HOW LONG, IF YOU RECALL, WERE YOU ACTION CHIEF CMO INT? A. A YEAR TO A YEAR AND A HALF.

Q. DID YOU HAVE ANY OTHER POSTS DURING THAT PERIOD OF TIME?

A. NO.

Q. SO --

A. OH, WAIT. YES.

Q. WHAT WERE THOSE?

A. WATCHDOG COMMITTEE MEMBER.

Q. LET'S TRY TO PUT THIS INTO CONTEXT SO WE CAN MOVE SMOOTHLY. YOU SAID CMO -- ACTION CHIEF CMO INT FOR ABOUT A YEAR, A YEAR AND A HALF, FROM WHAT YOU STATED BEFORE THAT YOU STARTED THAT SOMETIME IN '79. WE'RE UP TO PROBABLY SOMEWHERE MID-'81, APPROXIMATELY.

A. TO A MEETING ON ACTION CHIEF?

Q. YES.

A. THAT'S ABOUT RIGHT. I'M NOT EXACTLY SURE, BUT IN THAT BALLPARK, YES.

Q. THAT'S FINE. AND AT SOME PERIOD OF TIME, WHILE YOU HAD THAT POST, YOU BECAME A WATCHDOG COMMITTEE MEMBER? A. YES.

Q. DO YOU REMEMBER, WAS THAT TOWARDS THE LATTER PART OF THIS PERIOD OF TIME? DO YOU KNOW WHEN THAT HAPPENED? A. WHAT WAS THE EXACT QUESTION?

Q. WHEN YOU BECAME A WATCHDOG COMMITTEE MEMBER.

A. DO I KNOW WHEN THAT WAS?

Q. APPROXIMATELY.

A. YES.

Q. AND APPROXIMATELY WHEN WAS THAT?

A. I'D SAY LIKE THE -- MAYBE FALL OR WINTER OF 1979.

Q. OKAY. AND DO YOU --

A. THAT'S TO THE BEST OF MY RECOLLECTION. IT COULD HAVE BEEN A LITTLE BIT EARLIER OR A LITTLE BIT LATER, BUT, YOU KNOW, IN 1979. Q. DO YOU RECALL HOW YOU WERE APPOINTED TO THE WATCHDOG COMMITTEE?

A. YES.

Q. AND HOW WAS THAT?

A. I WAS TOLD, "YOU'RE ON THE WATCHDOG COMMITTEE."

Q. BY?

MR. HERTZBERG: NOW, I WOULD LIKE A PROFFER, MISS PLEVIN, AS TO WHAT THE RELEVANCE IS TO THIS LAWSUIT OF WHO APPOINTED MR. MISCAVIGE TO THE WATCHDOG COMMITTEE. YOU HAVE HIS TESTIMONY THAT HE BECAME A MEMBER OF THE WATCHDOG COMMITTEE. YOU HAVE HIS TESTIMONY

AS TO WHEN THAT OCCURRED. I'D LIKE TO KNOW WHAT THE RELEVANCE OF THE PENDING QUESTION IS TO THIS COMPLAINT.

MS. PLEVIN: I WANT TO KNOW IF HUBBARD APPOINTED HIM. THAT'S VERY SIMPLE.

Q. DID MR. HUBBARD APPOINT YOU TO THE WATCHDOG COMMITTEE, MR. MISCAVIGE?

MR. HERTZBERG: WAIT A MOMENT. AND HOW IS THAT RELEVANT TO THE LAWSUIT?

MS. PLEVIN: BECAUSE THE LAWSUIT EXPRESSLY STATES THAT "MR. MISCAVIGE AND OTHERS FOLLOWED MR. HUBBARD IN HIS ABSOLUTE CONTROL OF SCIENTOLOGY," AND YOU KNOW VERY WELL THAT THAT'S WHAT I'M LOOKING FOR HERE, MR. HERTZBERG.

MR. HERTZBERG: HOW WOULD AN AFFIRMATIVE ANSWER, FOR EXAMPLE, HYPOTHETICALLY THAT MR. HUBBARD APPOINTED MR. MISCAVIGE TO THE WATCHDOG COMMITTEE, ESTABLISH THAT MR. HUBBARD HAD ABSOLUTE CONTROL OVER MR. MISCAVIGE? HOW WOULD -- HOW DOES THAT RELATE TO THAT? MS. PLEVIN: I'M NOT GOING TO GET INTO EXTENDED BYPLAY ON THIS ISSUE. ARE YOU INSTRUCTING MR. MISCAVIGE NOT TO ANSWER?

MR. HELLER: WHAT WAS THE QUESTION THAT'S PENDING, BEFORE MR. HERTZBERG DETERMINES THERE'S AN INSTRUCTION OR NOT?

BY MS. PLEVIN:

Q. DID MR. HUBBARD APPOINT YOU TO THE WATCHDOG COMMITTEE, MR. MISCAVIGE?

(CONFERENCE BETWEEN COUNSEL AND WITNESS.)

MR. HERTZBERG: ALL RIGHT. I AM GOING TO OBSERVE AGAIN THAT I THINK WE'RE GETTING VERY FAR FLUNG. HE MAY ANSWER THE QUESTION.

THE WITNESS: NO.

BY MS. PLEVIN:

Q. WHO DID?

A. I BELIEVE IT WAS EITHER LOIS REISDORF OR GAIL IRWIN OR D.D. REISDORF, ONE OF THOSE THREE.

MR. LIEBERMAN: 33 AND A THIRD PERCENT ON EACH.

THE WITNESS: NO. I'D GIVE IT A 50-25-25 ON MY BREAKDOWN OF WHAT I THINK.

BY MS. PLEVIN:

Q. DID YOU HAVE A SPECIFIC FUNCTION ON THE WATCHDOG COMMITTEE?

A. YOU MEAN AS AN OVERALL ENCOMPASSING -- THERE WERE -- THERE WERE SOME FUNCTIONS, YES, THAT I DID DAILY, IF THAT'S WHAT YOU'RE ASKING. BUT FOR THE POST?

Q. YES.

A. A FUNCTION -- THAT'S A WORD THAT HAS COME UP BEFORE. GIVE ME YOUR DEFINITION OF "FUNCTION," SO WE'RE AGREEING HERE.

Q. MAYBE THAT'S A GOOD IDEA SO WE CAN AGREE ON DEFINITIONS AND NOT GET INTO AREAS OF CONFUSION. A SPECIFIC AREA OF RESPONSIBILITY.

A. THAT'S NOT WHAT I CALL FUNCTION AT ALL. FUNCTION DENOTES A DOINGNESS OR AN ACTINGNESS. YOU ASKED ME FUNCTION. AS A ZONE OF RESPONSIBILITY, YES.

Q. WHAT WAS THAT ZONE OF RESPONSIBILITY?

A. SEA ORG ORGANIZATIONS.

Q. AND WHAT ARE THE SEA ORG ORGANIZATIONS?

A. THAT REFERS TO ORGANIZATIONS THAT ARE GENERALLY, ALTHOUGH NOT TOTALLY, MANNED BY MEMBERS WHO ALSO HAPPEN TO BE MEMBERS OF THE SEA ORGANIZATION.

Q. ARE THERE MORE THAN FIVE SUCH ORGANIZATIONS?

A. NOW?

Q. YES.

A. YES, I BELIEVE.

Q. AND THEN, WERE THERE MORE THAN FIVE?

A. IN TERMS OF SEA ORG ORGANIZATIONS, IT -- IT DENOTES AN EXACT CATEGORY OF ORGANIZATION, SO THE QUESTION YOU'RE ASKING ME NOW ISN'T EXACTLY THE SAME AS THE ANSWER I JUST GAVE YOU IN TERMS OF WHAT I MEAN BY SEA ORG ORGANIZATIONS.

Q. LIST FOR ME, IF YOU WILL, PLEASE, THE SEA ORG ORGANIZATIONS THAT WERE IN THAT ZONE OF RESPONSIBILITY.

A. SURE. IT WAS AOSHUK, AOLA, AOS, HUK ADVANCED SAINT HILL UNITED KINGDOM, AOLA, ADVANCED ORG LOS ANGELES, THERE'S ASHO DAY, AMERICAN SAINT HILL ORGANIZATION DAY, AND THEN THERE'S ASHO FOUNDATION, WHICH IS AMERICAN SAINT HILL ORGANIZATION FOUNDATION, AND AOS HEU, AND THAT'S ADVANCED ORGANIZATION AT SAINT HILL, EUROPE.

Q. DID YOUR ZONE OF RESPONSIBILITY ON THE WATCHDOG COMMITTEE EVER CHANGE FROM THAT INITIAL ZONE OF RESPONSIBILITY, TO INCLUDE ANY OTHER ENTITIES OR EXCLUDE ANY OTHER OF THESE, AT ANY TIME WHILE YOU WERE ON THE WATCHDOG COMMITTEE? A. NO.

Q. ARE YOU STILL ON THE WATCHDOG COMMITTEE?

A. NO.

Q. FOR WHAT PERIOD OF TIME WERE YOU ON WATCHDOG COMMITTEE, STARTING APPROXIMATELY IN THE FALL OR WINTER OF 1979?

A. I'D SAY THROUGH 19 -- THROUGH THE END OF 1979 AND THROUGH 1980, MAYBE INTO THE BEGINNING OF 1981, MAYBE NOT. I MEAN, IT MIGHT HAVE BEEN -- THAT LAST SIX MONTHS THERE, I'D HAVE REALLY CHECK OUT, BUT THROUGH 1980 -- PROBABLY NOT UNTIL THE END OF 1980. Q. LOIS REISDORF, D.D. REISDORF AND GAIL IRWIN, I BELIEVE, WERE THE THREE POSSIBLE'S YOU MENTIONED A MOMENT AGO?

A. YES.

Q. THEY WERE ALL MEMBERS OF THE CMO, TO THE BEST OF YOUR KNOWLEDGE?

MR. HELLER: PRESENTLY?

THE WITNESS: THEY WERE POSTED WITHIN THE CMO.

BY MS. PLEVIN:

Q. AT THE TIME THEY APPOINTED YOU TO THE WATCHDOG COMMITTEE?

A. YES.

MR. HERTZBERG: MISSTATES THE PRIOR TESTIMONY. HE DIDN'T SAY THEY COLLECTIVELY APPOINTED HIM. HE SAID ONE OR THE OTHER OF THEM; HE DIDN'T SAY ALL THREE OF THEM APPOINTED HIM.

BY MS. PLEVIN:

Q. YES. BUT EACH OF THEM WAS A MEMBER OF THE CMO AT THAT TIME; IS THAT A CORRECT STATEMENT?

A. AS LONG AS WE UNDERSTAND WHAT "MEMBER" MEANS.

Q. I THINK SO. WE CLARIFIED THAT BEFORE.

A. YES.

Q. MR. MISCAVIGE UNDERSTOOD ME. AND AT THE TIME YOU LEFT YOUR POSITION ON THE WATCHDOG COMMITTEE, MR. MISCAVIGE, DID YOU TAKE ANY OTHER POSTS, IN ANY ORGANIZATION?

A. NO.

Q. DID YOU TAKE ANY POST IN ANY CORPORATION?

(CONFERENCE BETWEEN COUNSEL AND WITNESS.)

THE WITNESS: NO, I DIDN'T TAKE THAT ONE AT THAT TIME.

BY MS. PLEVIN:

Q. HAD YOU, PRIOR TO THE TIME YOU LEFT THE WATCHDOG COMMITTEE, HAD YOU HAD ANY CORPORATE POSITIONS IN ANY SCIENTOLOGY CORPORATIONS?

A. BY THAT YOU MEAN BOARD MEMBER?

Q. BOARD MEMBER, OFFICER, EMPLOYEE.

A. AT THE TIME I WAS ON THE WATCHDOG COMMITTEE, IS THAT WHAT THE QUESTION WAS?

Q. UP THROUGH THE TIME YOU WERE ON THE WATCHDOG COMMITTEE, AT ANY TIME?

A. I DON'T THINK SO.

Q. TO THE BEST OF YOUR RECOLLECTION, THE FIRST TIME YOU HAD A CORPORATE POSITION WAS AFTER YOU LEFT THE WATCHDOG COMMITTEE, BUT IT DIDN'T COMMENCE IMMEDIATELY AFTER?

MR. HERTZBERG: THAT'S NOT HIS TESTIMONY.

MS. PLEVIN: THE WATCHDOG COMMITTEE.

MR. HERTZBERG: THAT'S NOT HIS TESTIMONY.

MR. HELLER: IF YOU HAVE A QUESTION, ASK A QUESTION.

MS. PLEVIN: I BELIEVE I ASKED THE QUESTION OF:

Q. WHAT POSTS -- WELL, LET'S GO BACK.

A. OKAY.

Q. AFTER YOU LEFT THE WATCHDOG COMMITTEE, WHAT WAS THE NEXT POST, OR CORPORATE POSITION, YOU HAD?

MR. HELLER: WELL, OBJECT TO THE QUESTION AS A MISCHARACTERIZATION. HE NEVER SAID HE HAD A CORPORATE POSITION.

MR. HERTZBERG: IF YOU -- IF YOU UNDERSTAND THE QUESTION, YOU MAY ANSWER.

THE WITNESS: I DON'T. AND THE ANSWER WOULD BE NONE, IF I TOOK IT LITERALLY.

MS. PLEVIN:

Q. IS IT YOUR TESTIMONY, MR. MISCAVIGE, THAT AFTER LEAVING THE WATCHDOG COMMITTEE, SINCE LEAVING THE WATCHDOG COMMITTEE, YOU HAVE NEVER HAD A CORPORATE POSITION?

A. NO.

Q. AFTER YOU LEFT THE WATCHDOG COMMITTEE, WHAT CORPORATE POSITION DID YOU TAKE, OR CORPORATE POSITIONS, AND WHEN DID YOU TAKE THEM?

A. WHAT DO YOU MEAN BY "CORPORATE POSITIONS"? YOU'RE ASKING ME WATCHDOG COMMITTEE -- I DON'T KNOW WHAT YOU MEAN -- WHAT YOU MEAN BY "CORPORATE POSITION" IN THAT CONTEXT.

Q. WERE YOU A MEMBER, OFFICER, EMPLOYEE WITH ANY CORPORATION?

A. IN REFERENCE TO THE WATCHDOG COMMITTEE?

Q. NO. AFTER YOU LEFT THE WATCHDOG COMMITTEE?

MR. DRESCHER: AT ANY TIME.

MS. PLEVIN: AT THE PRESENT TIME.

THE WITNESS: YOU'RE ASKING WHEN DID I EVER BECOME A BOARD MEMBER?

MS. PLEVIN: OKAY.

Q. WE GOT SOMEWHERE.

A. ALL RIGHT.

(CONFERENCE BETWEEN COUNSEL AND WITNESS.)

MS. PLEVIN: THERE'S AN EXTENSIVE COLLOQUY BETWEEN MR. MISCAVIGE, MR. HERTZBERG AND MR. HELLER.

MR. DRESCHER: ACTUALLY IT'S AN EXTENDED DISCUSSION WITH COUNSEL. IT MUST HAVE LASTED ALL OF A MINUTE NOW.

MR. HERTZBERG: ALL RIGHT. NOW, I HAVE A CONFUSION, AND THEN MR. MISCAVIGE WILL ADDRESS THE QUESTION. ARE YOU TALKING ABOUT WHETHER MR. MISCAVIGE EVER BECAME A BOARD MEMBER OF THE SCIENTOLOGY CORPORATION?

MS. PLEVIN: YES.

MR. HERTZBERG: YES, SCIENTOLOGY CORPORATION.

(CONFERENCE BETWEEN COUNSEL AND WITNESS.)

THE WITNESS: I DON'T KNOW. WHEN WAS THE NEXT TIME? I DON'T KNOW. I CAN'T ANSWER THAT QUESTION. I'M SORRY.

BY MS. PLEVIN:

Q. WHAT WAS THE FIRST POSITION YOU HELD AFTER LEAVING THE WATCHDOG COMMITTEE, OF ANY KIND, WHETHER IT WAS A POST POSITION OR A CORPORATE POSITION FOR ANY ORGANIZATION OR ANY CORPORATION?

A. OKAY. I DIDN'T TAKE ON A NEW POSITION. I ALREADY HAD ANOTHER POSITION.

Q. AND WHAT WAS THAT?

A. I THINK IT WAS CHIEF OFF., CMO INT THAT'S CHIEF OFFICER. IT'S A NAVAL TERM.

Q. AND YOU HAD THAT POSITION WHILE YOU WERE ON THE WATCHDOG COMMITTEE?

A. YES.

Q. OKAY.

A. BUT NOT AT ALL TIMES WHEN I WAS ON THE WATCHDOG COMMITTEE.

Q. OKAY. WHAT WERE THE DUTIES OF CHIEF OFFICER CMO INT?

A. THE DUTIES OF CHIEF OFFICER CMO INT WERE TO BE RESPONSIBLE FOR THE PRODUCTION DIVISION, QUALIFICATIONS DIVISION AND PUBLIC DIVISION OF CMO INT.

Q. WAS THERE ANYONE HIGHER THAN YOU IN CMO INT?

MR. DRESCHER: OBJECTION. VAGUE.

THE WITNESS: WHEN?

MR. HERTZBERG: I DON'T KNOW WHAT "HIGHER" MEANS.

MS. PLEVIN: GEEZ, OKAY.

Q. WAS THERE ANYONE SENIOR TO YOU AT CMO INT AT THE TIME YOU WERE CHIEF OFFICER?

A. YES.

Q. AND WHO WAS THAT?

A. THE -- EXACTLY SENIOR TO ME, GAIL IRWIN.

Q. WHAT WAS HER TITLE IF YOU RECALL?

A. DCO CMO INT, DEPUTY COMMANDING OFFICER CMO INT.

Q. AND WHO WAS SENIOR TO HER, IF YOU RECALL?

A. D.D. REISDORF.

Q. AND D.D. WAS COMMANDING OFFICER CMO INT?

A. YES.

Q. THAT WAS THE HIGHEST POSITION IN THE CMO INT AT THAT TIME?

A. YES.

MR. DRESCHER: YOU UNDERSTAND "HIGHEST" TO BE MOST SENIOR?

THE WITNESS: AT THAT TIME?

MR. DRESCHER: YES.

THE WITNESS: YES.

BY MS. PLEVIN:

Q. NOW, HOW LONG DID YOU HOLD THIS POSITION?

A. DO YOU HAVE THE DATES THERE THAT I GAVE YOU ON ACTION CHIEF?

Q. I BELIEVE SO. I THINK THE LAST YOU HELD -- YOU -- ACTION CHIEF. NO. I'M LOOKING AT CMO -- TO THE BEST THAT YOU RECALL.

A. OKAY. DO YOU KNOW WHAT? LET ME JUST FIX ONE THING THERE ON CHIEF OFF. I'D HAVE TO LOOK AT THOSE EXACT DUTIES. IT MIGHT HAVE BEEN ACTION, QUAL, ACTION BUREAU AND QUAL BUREAU AND PUBLIC BUREAU. I PREVIOUSLY SAID PRODUCTION. I'M NOT EXACTLY SURE ABOUT THAT, AND I WOULD --

MS. PLEVIN: WE'RE ON THE SECOND SIDE OF TAPE NO. 2. WHAT WAS THE LAST QUESTION, PLEASE?

(RECORD READ.)

BY MS. PLEVIN:

Q. AND YOU WERE ABOUT TO CLARIFY SOMETHING, I THINK, MR. MISCAVIGE?

A. YES. I THINK I MADE THAT CLARIFICATION THERE. YOU ASKED HOW LONG I HELD CHIEF OFFICER WAS YOUR QUESTION? Q. YES.

A. OKAY. SIX MONTHS, APPROXIMATELY SIX MONTHS.

Q. DID YOU GO DIRECTLY TO ANY POSITION, CORPORATE OR NONCORPORATE, WITH ANY ORGANIZATION OR CORPORATION AFTER THAT TIME?

A. AFTER CHIEF OFFICER? NO.

MS. PLEVIN: LET'S RECONVENE -- IT'S A QUARTER TO 1:00. IS 1:30 SUFFICIENT TIME, GENTLEMEN, OR DO YOU NEED A LITTLE MORE TIME? YOU CAN HAVE A FULL HOUR. I WANT TO MAKE THIS AS EFFECTIVE AS POSSIBLE.

MR. HERTZBERG: I WANT TO MAKE IT AS EFFECTIVE AS POSSIBLE AND YOU KNOW WHAT OUR POSITION IS ABOUT THIS DEPOSITION BEING LIMITED TO THE TWO DAYS, SO IF YOU THINK THAT IT WILL EXTEND THE DEPOSITION BEYOND THE TIMES THAT YOU NOTICED IT FOR, THEN WE CERTAINLY

WILL BE BACK HERE IN 45 MINUTES, OKAY?

MS. PLEVIN: YES.

(AT 12:40 P.M., THE DEPOSITION WAS ADJOURNED FOR NOON RECESS.)

(AT 1:30 P.M., THE DEPOSITION OF DAVID MISCAVIGE WAS RECONVENED.)

MR. HERTZBERG: WILL YOU NOTE IT'S 1:30 AND WE'RE BACK ON THE RECORD AT 1:30 AND READY TO PROCEED. EXAMINATION (CONTINUED)

BY MS. PLEVIN:

Q. MR. MISCAVIGE, YOU'RE STILL UNDER OATH.

A. YES.

Q. LET ME BACK UP JUST A LITTLE BIT.

IF THIS WAS COVERED -- I DON'T THINK IT WAS, BUT I'M SURE YOU'LL REMIND ME. THERE WAS, AT SOME POINT, A PROJECT, FOR LACK OF A BETTER TERM, CALLED SPECIAL PROJECTS.

DO YOU RECALL A ZONE OF RESPONSIBILITY, OR A PROJECT OR TARGET -- I'M NOT SURE WHAT IS THE CORRECT TERM -- AND I DON'T WANT TO GET BOGGED DOWN IN THAT, BUT A PROJECT OF SOME KIND CALLED SPECIAL PROJECTS? MR. LIEBERMAN: CAN WE HAVE A TIME FRAME ON THAT?

MS. PLEVIN: SURE.

THE WITNESS: WELL, YOU'RE WRONG. THERE'S NOT A PROJECT CALLED "SPECIAL PROJECTS."

BY MS. PLEVIN:

Q. WHAT WAS IT?

A. I THINK YOU'RE SAYING PLURAL.

Q. SPECIAL PROJECT.

A. OKAY. SURE. ALL RIGHT.

Q. IN ABOUT WHEN DID THAT OCCUR?

A. I'D SAY NEAR THE END OF '81 IT STARTED.

Q. AND WHAT DID THAT INVOLVE?

A. IN WHAT WAY?

Q. WHAT WAS THE TASK OR THE TARGET OR THE PROGRAM?

A. OKAY.

(CONFERENCE BETWEEN COUNSEL AND WITNESS.)

MS. PLEVIN: MR. MISCAVIGE IS CONFERRING WITH COUNSEL.

THE WITNESS: CAN YOU GIVE ME THE QUESTION AGAIN, PLEASE?

MS. PLEVIN: PLEASE READ THE QUESTION BACK.

(RECORD READ.)

THE WITNESS: OKAY. THE -- I GUESS THE PURPOSE WAS TO SORT OUT, ONE -- IT WASN'T STATED THIS ONE. I'M JUST DESCRIBING IT TO YOU THIS WAY -- SORT OUT SOME OF THE PROBLEMS CREATED AS BEING PERCEIVED AS UNHANDLED BY THE GUARDIAN'S OFFICE AS A RESULT OF THEIR ACTIVITIES AND TO FIND OUT WHAT REALLY WAS HAPPENING. THAT WAS THE PURPOSE OF IT.

BY MS. PLEVIN:

Q. WHAT PROBLEMS ARE YOU REFERRING TO ON "HANDLED PROBLEMS IN THE GUARDIAN'S OFFICE"?

A. NOT IN THE GUARDIAN'S OFFICE. I GUESS AT THAT POINT IT WAS COMING TO OUR ATTENTION SOME OF THE ACTIVITIES THAT THE GUARDIAN'S OFFICE HAD ALLEGEDLY BEEN UP TO, AND WHICH IN THEMSELVES WERE PROBLEMATIC. IT WAS MANIFEST IN ITSELF.

MR. HERTZBERG: MISS PLEVIN, I'M GOING TO ALLOW HIM TO ANSWER A FEW QUESTIONS ON THIS, BUT, AGAIN, WE'RE STARTING THE AFTERNOON WITH WHAT I CONSIDER TO BE SOMEWHAT OF A TOTALLY UNRELATED -- SOMETHING TOTALLY UNRELATED TO THE COMPLAINT HERE. MS. PLEVIN: ALL RIGHT.

Q. LET'S PUT THIS IN THE CONTEXT OF TIME, MR. MISCAVIGE.

A. OKAY.

Q. WAS THIS SUBSEQUENT TO THE INDICTMENTS IN THE LATE '70S OF A VARIETY OF PEOPLE WHO WERE STAFF OF THE GUARDIAN'S OFFICE?

MR. HERTZBERG: IT'S ASKED AND ANSWERED.

BY MS. PLEVIN:

Q. WAS THIS --

MR. LIEBERMAN: HE GAVE A DATE ALREADY WHEN IT STARTED.

BY MS. PLEVIN:

Q. WHEN YOU REFER TO PROBLEMS, ARE YOU TESTIFYING TO THE ACTIVITIES THAT LED TO THE INDICTMENTS OF CERTAIN PEOPLE ASSOCIATED WITH THE GUARDIAN'S OFFICE?

A. NO.

Q. DID YOU CONSIDER THOSE PROBLEMS?

A. WHICH?

Q. THE INDICTMENTS AND THE ACTIVITIES THAT LED TO THE INDICTMENTS.

MR. HERTZBERG: YOU'RE ASKING DID DAVID MISCAVIGE? DID YOU, DAVID MISCAVIGE -- YOU'RE ASKING HIM DID DAVID MISCAVIGE CONSIDER THAT A PROBLEM?

MS. PLEVIN: YES.

MR. HERTZBERG: TO WHOM?

MS. PLEVIN: TO WHOMEVER.

MR. DRESCHER: THAT'S THE QUESTION.

MS. PLEVIN: IF HE CAN'T ANSWER THE QUESTION, HE CAN'T ANSWER THE QUESTION.

MR. DRESCHER: OBJECTION. VAGUE AND AMBIGUOUS AND UNINTELLIGIBLE.

MR. HERTZBERG: TO WHOMEVER.

MR. HELLER: WHAT IS THE DIFFERENCE, WHAT DAVID MISCAVIGE CONSIDERED A PROBLEM?

BY MS. PLEVIN:

Q. DID YOU CONSIDER IT A PROBLEM, MR. MISCAVIGE?

A. I GUESS WHAT I DON'T UNDERSTAND IS WHEN.

Q. WELL, YOU JUST DEFINED SPECIAL PROJECT AS A PROJECT INVOLVED WITH UNHANDLED PROBLEMS RELATED TO THE GUARDIAN'S OFFICE?

A. WELL, PERCEIVED. WE DIDN'T KNOW WHAT THE PROBLEMS WERE. I GUESS THAT CLARIFIES IT.

Q. DID YOU UNCOVER WHAT THE PROBLEMS WERE?

A. YES.

Q. DID YOU HANDLE THEM?

A. YOU BET.

MR. HERTZBERG: YOU'RE TALKING ABOUT DAVID MISCAVIGE?

BY MS. PLEVIN:

Q. YES.

A. I ANSWERED. DID YOU GET IT?

Q. THE ANSWER WAS "YES."

THE REPORTER: "YOU BET."

BY MS. PLEVIN:

Q. HOW DID YOU HANDLE IT?

A. WHICH ONE? YOU'RE ASKING --

MR. HERTZBERG: CAN YOU TELL ME -- EXCUSE ME. BEFORE HE ANSWERS, WOULD YOU TELL ME WHAT THE RELEVANCE OF THIS IS TO THE COMPLAINT REGARDING MR. CORYDON'S ALLEGATIONS?

MS. PLEVIN: I'M NOT GOING TO REPEAT THAT ON THE RECORD, BUT I'VE MADE THAT VERY CLEAR.

MR. HELLER: NO. YOU'VE TALKED ALL ABOUT A WHOLE DIFFERENT SERIES OF QUESTIONS, NOT TO SAY I ACCEPT THE RELEVANCE, BUT THIS IS A NEW LINE AND YOU HAVEN'T PROFFERED ONE --

MS. PLEVIN: IT ALL GOES TO MR. MISCAVIGE'S AUTHORITY AND WEIGHT IN HANDLING -- AND RESPONSIBILITY IN SCIENTOLOGY MATTERS. IT'S SELF-EVIDENT.

MR. DRESCHER: THAT'S NOT THE SUBJECT MATTER OF THE COMPLAINT.

MS. PLEVIN: IT IS THE SUBJECT MATTER OF THE ISSUE OF THE ALTER EGO ALLEGATIONS IN MR. MISCAVIGE'S ROLE.

MR. HERTZBERG: ARE YOU -- YOUR POSITION IS THAT HOW MR. MISCAVIGE MAY OR MAY NOT HAVE HANDLED SOMETHING THAT DEALT WITH THE GUARDIAN'S OFFICE IN THE EARLY '80S HAS TO DO WITH THE SUBSTANTIVE COMPLAINTS IN THIS COMPLAINT.

MS. PLEVIN: MR. HERTZBERG, I'VE SAID IT A DOZEN TIMES IN MANY DEPOSITIONS. THE CONTROL OVER SCIENTOLOGY ENTITIES IS PART OF THIS ACTION, AND PROOF OF THE ALTER EGO THEORY IS PART OF THIS ACTION AND IS PART ON WHICH A NUMBER OF THE ALLEGATIONS REST. WE INTEND TO PURSUE THAT LINE OF INQUIRY. WE INTEND TO PREVAIL, AS JUDGE LYTHAM SUGGESTED WE WOULD ON A MOTION FOR SUMMARY ADJUDICATION, THAT ALL OF THESE ORGANIZATIONS ARE RUN ESSENTIALLY AS ONE, ONCE WE GET SUFFICIENT EVIDENCE, AND THAT'S WHAT I'M DOING.

NOW, IF YOU INSIST AGAIN UPON PROLONGING THIS DEPOSITION EXCESSIVELY WITH THESE REPEATED OBJECTIONS, WHEN I HAVE MADE PERFECTLY CLEAR THE SCOPE OF RELEVANCE, YOU WILL BE SUBJECT TO A MOTION TO, AT THE VERY LEAST, PARTICIPATE IN COSTS, AND CERTAINLY YOU ARE DEFEATING YOUR OWN CONTENTION THAT THIS WILL ONLY GO TWO DAYS, WHICH BY THE WAY, OF COURSE, I DO NOT CONCEDE AT ALL. THERE'S NO PRECONDITION WITH REGARD TO THAT.

MR. HERTZBERG: ALL RIGHT. I'M GOING TO LET HIM ANSWER, BUT I DON'T AGREE WITH ANYTHING YOU JUST SAID, BUT LET HIM GO ON.

MR. DRESCHER: I'M SPECIFICALLY GOING TO TAKE ISSUE WITH THE BUSINESS ABOUT JUDGE LYTHAM BEING PREDISPOSED GRANTING ANY KIND OF MOTION CONCERNING YOUR ALTER EGO THEORY BECAUSE THAT'S FICTION. MS. PLEVIN: WELL, HE STATED -- FINE.

MR. HELLER: YOU'RE TELLING US JUDGE LYTHAM IS GOING TO GRANT A MOTION HE HASN'T SEEN? SO THAT IS YOUR STATEMENT?

MS. PLEVIN: THAT'S --

MR. HERTZBERG: LET'S GO ON.

MS. PLEVIN: HIS STATEMENTS IN COURT WILL STAND.

MR. HERTZBERG: LET'S MOVE ON.

MS. PLEVIN: WOULD YOU REPEAT THE QUESTION, PLEASE?

(RECORD READ.)

THE WITNESS: I CAN'T ANSWER THAT QUESTION. I DON'T KNOW WHAT IT IS. IF YOU COULD TELL ME WHAT IT IS.

BY MS. PLEVIN:

Q. DIDN'T YOU, AT ONE POINT, INSTRUCT D.D. REISDORF TO GET HARD ON THE GUARDIAN'S OFFICE PERSONNEL?

A. NO.

Q. DIDN'T YOU HAVE HER BUSTED BECAUSE SHE DIDN'T DO SO?

MR. HERTZBERG: WHAT DOES "BUSTED" MEAN?

THE WITNESS: NO.

MS. PLEVIN: HE UNDERSTOOD THE ANSWER TO THE QUESTION.

qq

Q. DIDN'T YOU ASK BILL FRANKS, AT ONE POINT, TO GO CLEAN UP THE GUARDIAN'S OFFICE?

A. NO, AND AS A MATTER OF FACT, THAT'S A RIDICULOUS QUESTION AND SO FAR FROM THE MARK. Q. WHAT DID YOU ASK BILL FRANKS TO DO?

MR. HELLER: AT ANY TIME? ANYPLACE?

MS. PLEVIN: WITH RESPECT TO THE GUARDIAN'S OFFICE.

MR. HELLER: IF ANYTHING.

THE WITNESS: YES, WHEN?

BY MS. PLEVIN:

Q. WITH RESPECT TO THE GUARDIAN'S OFFICE IN THE CONTEXT OF THE SPECIAL PROJECT WHICH WE'VE BEEN DISCUSSING? A. NOTHING, NOT IN THAT CONTEXT.

Q. WAS D.D. REISDORF INSTRUCTED TO HAVE ANY ROLE IN CONNECTION WITH CLEANING UP THE GUARDIAN'S OFFICE?

MR. HERTZBERG: BY WHOM?

MS. PLEVIN: TO MR. MISCAVIGE'S KNOWLEDGE, BY ANYONE.

THE WITNESS: INSTRUCTIONS? NO.

BY MS. PLEVIN:

Q. DID YOU AT ANY TIME ASSIGN OR ASK VICKY AZANARAN TO TAKE ON ANY ROLE WITH REGARD TO THE GUARDIAN'S OFFICE AND THE PROBLEMS THAT WERE PART OF THE SPECIAL PROJECT? A. NO. YOU'VE GOT -- YOU'VE GOT THIS MIXED UP. YOU'RE MIXING APPLES AND ORANGES.

MS. PLEVIN: OKAY.

(CONFERENCE BETWEEN COUNSEL AND WITNESS.)

BY MS. PLEVIN:

Q. WHAT WERE THE PROBLEMS THAT WERE HANDLED?

A. WHAT PROBLEMS --

Q. YES.

A. FROM MY PERSPECTIVE? YOU BET I HANDLED.

Q. YES YOU SAID, "THEM." NOW, WHAT WERE YOU REFERRING TO?

MR. HELLER: WELL, WAIT A MINUTE. THE TESTIMONY WASN'T, "YOU BET I HANDLED THEM." YOU SAID WERE THEY HANDLED, I BELIEVE, BUT I'M NOT GOING TO SAY THE RECORD SAYS. THERE'S A QUESTION PENDING. DON'T CHARACTERIZE THE RECORD. MS. PLEVIN: OKAY.

THE WITNESS: WHAT IS THE QUESTION? THAT I HANDLED?

BY MS. PLEVIN:

Q. YOUR TESTIMONY WAS THAT THEY WERE HANDLED, AND YOU USED THE PHRASE, "YOU BET THEY WERE HANDLED." WHAT IS YOUR KNOWLEDGE REGARDING HOW THEY WERE HANDLED --

A. AND --

Q. -- AND WHAT THEY WERE?

A. THE GUARDIAN'S OFFICE -- WHICH ONE?

Q. WHAT THEY WERE AND HOW THEY WERE HANDLED. LET'S START WITH WHAT THEY WERE.

A. OKAY. AND TO CLARIFY -- OKAY, WHAT THEY WERE, THE GUARDIAN'S OFFICE WAS OFF SOURCE.

Q. ANYTHING ELSE?

A. THAT'S A GOOD GENERAL DESCRIPTION. THAT IS THE MOST DIRECT, SUCCINCT ANSWER I COULD GIVE YOU THAT COVERS WHATEVER ELSE.

Q. AND THIS IS IN THE PERIOD AFTER A LARGE NUMBER OF GUARDIAN'S OFFICE PERSONNEL WERE INDICTED FOR A LARGE NUMBER OF FEDERAL CRIMES?

MR. HERTZBERG: THIS HAS BEEN ASKED AND ANSWERED. HE HAS TOLD YOU THE DATE.

MS. PLEVIN: I'M PUTTING IT IN CONTEXT NOW, MR. HERTZBERG, NOT THE DATE.

MR. DRESCHER: IT'S TOTALLY IRRELEVANT.

MR. HERTZBERG: NO, YOU'RE TESTIFYING.

MS. PLEVIN: OKAY.

MR. HERTZBERG: DON'T ANSWER THAT QUESTION. IT'S BEEN ASKED AND ANSWERED TWICE.

MS. PLEVIN: THE RECORD WILL STAND FOR ITSELF AND WE WILL PROCEED WITH MOTIONS TO COMPEL AS NECESSARY.

Q. ALL RIGHT. HOW WAS IT HANDLED? HOW WERE THE PROBLEMS HANDLED?

A. GUARDIAN'S OFFICE WAS DISBANDED.

Q. WHEN WAS IT DISBANDED?

A. 1981.

Q. WERE ANY OF ITS FUNCTIONS OR ZONES OF RESPONSIBILITY TRANSFERRED TO ANY OTHER ORG OR ENTITY OR CORPORATION?

A. I DON'T UNDERSTAND WHAT YOU MEAN BY THAT.

Q. WELL, GUARDIAN'S OFFICE HAD CERTAIN FUNCTIONS WITH RESPECT TO LEGAL MATTERS, DID

IT NOT?

A. I BELIEVE SO. I -- TO CLARIFY THAT, I BELIEVE SO, BUT I NEVER WAS IN THE GUARDIAN'S OFFICE.

Q. OKAY. ARE YOU AWARE OF ANY OTHER ENTITY OR ORGANIZATION TAKING OVER THOSE FUNCTIONS?

A. JUST ONE SECOND. EXCUSE ME.

(CONFERENCE BETWEEN COUNSEL AND WITNESS.)

THE WITNESS: I'M NOT AWARE OF ANY TRANSFER OF THOSE FUNCTIONS.

BY MS. PLEVIN:

Q. OKAY. ARE YOU AWARE OF WHO OVERSAW THE DISBANDING OF THE GUARDIAN'S OFFICE?

A. WHAT DO YOU MEAN BY THAT?

MR. LIEBERMAN: I THINK THE WORD "OVERSAW" IS A LITTLE UNCLEAR IN THAT QUESTION.

BY MS. PLEVIN:

Q. WELL, THERE'S THE ACTIVITY OF DOING SOMETHING, AND THEN THERE'S A PERSON TO WHOM THE PERSON PERFORMING THAT ACTION MIGHT REPORT. I'D LIKE TO KNOW WHO OVERSAW IT AND WE'LL GO FROM THERE.

(CONFERENCE BETWEEN COUNSEL AND WITNESS.)

MS. PLEVIN: CONFERENCE WITH COUNSEL.

THE WITNESS: OKAY. ALL RIGHT. YOU'RE ASKING ME THE QUESTION LIKE WHO OVERSAW IT. IT WAS AN EVOLUTION THAT TOOK PLACE.

BY MS. PLEVIN:

Q. SO THE PEOPLE WHO WERE IN THE GUARDIAN'S OFFICE EVOLVED INTO NOT RUNNING THE GUARDIAN'S OFFICE ANYMORE?

A. NO, NO, NO. YOU MISUNDERSTOOD THERE. I SAID IT WAS AN EVOLUTION.

Q. I UNDERSTOOD THAT. WHO OVERSAW --

A. I DON'T MEAN THE EVOLUTION OF MAN OR THE EVOLUTION OF THE ORGANIZATION. I MEANT IT WAS AN EVOLUTION OF ACTIVITY.

Q. WHO OVERSAW THAT CHANGING PROCESS?

A. VARIOUS PEOPLE.

Q. INCLUDING WHO?

MR. HERTZBERG: DO YOU WANT HIM TO LIST EVERY SINGLE PERSON WHO MAY HAVE BEEN INVOLVED IN THAT?

MS. PLEVIN: I DON'T KNOW IF THERE'S A DOZEN OR TWO, MR. MISCAVIGE.

THE WITNESS: I COULDN'T ANSWER ALL THE PEOPLE THAT WERE INVOLVED IN IT.

BY MS. PLEVIN:

Q. YOU WERE INVOLVED IN IT, WEREN'T YOU?

A. OH, OF COURSE.

Q. AND DID YOU HAVE ANY SUPERVISORY RESPONSIBILITY REGARDING THE ACTIVITIES OF THE OTHER PEOPLE WHO WERE INVOLVED IN IT?

A. SOMEWHAT INITIALLY.

Q. OKAY. DID YOU DROP OUT OF THAT -- YOU SAY "INITIALLY." WOULD YOU CLARIFY WHAT YOU MEAN BY THAT?

A. YOU KNOW, OKAY, YEAH. I WAS A CATALYST. THERE YOU GO.

Q. OKAY. AND IN WHAT WAY WERE YOU A CATALYST?

A. WELL, JUST BY WHAT THE WORD MEANS. I INITIATED IT.

Q. AND WHAT POSITIONS DID YOU HOLD AT THE TIME YOU INITIATED THE DISBANDING OF THE GUARDIAN'S OFFICE?

A. WHAT POSITIONS DID I HOLD?

Q. IN --

A. RELATIVE --

Q. LET'S START WITH THAT, RELATIVE TO THAT.

A. I -- I WAS ON NO POST THAT SAID, "GO AND DISBAND THE GUARDIAN'S OFFICE."

Q. I'M SORRY. YOU SAID --

A. I HAD NO POST THAT HAD A POST RESPONSIBILITY OR DUTY TO GO AND DISBAND THE GUARDIAN'S OFFICE.

Q. WHAT POSTS DID YOU HAVE?

A. AT THAT TIME?

Q. YES.

A. SPECIAL PROJECTS OPS, I BELIEVE.

Q. AND WHO APPOINTED YOU TO SPECIAL PROJECT OPS?

A. GAIL IRWIN OR D.D. REISDORF. I BELIEVE IT WAS GAIL IRWIN. I'M -- THAT'S WHAT I THINK. IT WAS ONE OF THOSE TWO, BUT I'M QUITE SURE IT WAS GAIL.

Q. DO YOU KNOW WHERE GAIL IRWIN IS NOW?

A. NO.

Q. DO YOU KNOW WHERE SHE'S BEEN IN THE LAST SIX MONTHS?

A. NO IDEA.

Q. WHEN WAS THE LAST TIME YOU KNEW WHERE GAIL IRWIN WAS LOCATED?

A. 1981, I BELIEVE.

Q. I THINK YOU SAID SHE WAS A COMMODORE'S MESSENGER. IS SHE STILL A COMMODORE'S MESSENGER?

A. NO.

Q. IS SHE STILL, TO THE BEST OF YOUR KNOWLEDGE, INVOLVED IN ANY POSITION IN SCIENTOLOGY?

A. WHAT DO YOU MEAN BY "POSITION"?

Q. I MEAN POST.

A. NO.

Q. WHAT WAS THE PROJECT, "ALL CLEAR"?

A. THE PROJECT, ALL CLEAR, WAS A PROJECT TO -- IT WAS A LEGAL PROJECT, TO DEAL WITH LEGAL CASES.

Q. IN WHAT WAY? WHAT WAS THE GOAL?

MR. HERTZBERG: I'M GOING TO -- I AM GOING TO ALLOW HIM TO ANSWER THAT QUESTION, ONLY TO THE EXTENT THAT IT DOESN'T DISCLOSE MATTERS DISCUSSED IN THE CONFIDENTIAL RELATIONSHIP BETWEEN ATTORNEY AND CLIENT.

MS. PLEVIN: OF COURSE.

MR. HERTZBERG: IF YOU CAN, SUBJECT TO THAT QUALIFICATION, ANSWER IT, AND IF YOU CAN'T, IF THERE'S NO ANSWER OTHER THAN MATTERS THAT WOULD COMPROMISE THE PRIVILEGE, YOU'LL TELL COUNSEL.

THE WITNESS: OKAY.

MS. PLEVIN: COLLOQUY WITH COUNSEL.

(CONFERENCE BETWEEN COUNSEL AND WITNESS.)

THE WITNESS: THE ANSWER IS: I HAVE NO PERSONAL KNOWLEDGE OF THAT. THAT'S THE ANSWER.

BY MS. PLEVIN:

Q. YOU HAD NO INVOLVEMENT WITH ALL CLEAR?

A. NO, I DIDN'T -- NO INVOLVEMENT WITH WHAT? YOU ASKED ME ABOUT PROJECT ALL CLEAR?

Q. I'M TALKING ABOUT PROJECT ALL CLEAR.

MR. HERTZBERG: NO, NO, NO, NO.

WAIT A MOMENT. MY RECOLLECTION IS YOU ASKED HIM ABOUT THE LEGAL -- MR. MISCAVIGE GAVE YOU TESTIMONY THAT THERE WAS A LEGAL ASPECT TO THE PROJECT, AND I BELIEVE HIS ANSWER WAS RESPONSIVE TO THAT QUESTION.

MS. PLEVIN: WOULD YOU GO BACK AND READ MR. MISCAVIGE'S ANSWER TO THE QUESTION OF WHAT WAS THE PROJECT ALL CLEAR

(RECORD READ.)

BY MS. PLEVIN:

Q. NOW, IN WHAT WAY WAS IT DEALING WITH LEGAL CASES?

MR. HERTZBERG: ALL RIGHT. YOU MAY ANSWER, TO THE EXTENT THAT IT DOESN'T DISCLOSE CONFIDENCES IN THE ATTORNEY-CLIENT RELATIONSHIP.

THE WITNESS: OKAY. WHAT I KNOW OF PROJECT ALL CLEAR, AND TO MAKE IT CLEAR JUST HERE, I -- I PERSONALLY WAS NOT INVOLVED IN PROJECT ALL CLEAR, NOR DID I -- IN OTHER WORDS, I KNOW ABOUT THIS, BUT IT WAS A PROJECT PERSONNEL TO HANDLE THE LEGAL CASES OF SCIENTOLOGY WORLD-WIDE, TO THE END RESULT OF DEALING WITH ANY LEGAL PROBLEMS, AND IT WAS POST GUARDIAN'S OFFICE, AND I THINK THAT ANSWERS THE QUESTION.

MS. PLEVIN:

Q. SO YOUR TESTIMONY THEN -- STRIKE THAT.

IT WAS NOT A PROJECT TO MAKE L.R.H. SAFE FROM LEGAL RESPONSIBILITY FOR SCIENTOLOGY MATTERS? A. OF COURSE NOT.

MR. DRESCHER: POST A CONTINUING OBJECTION BASED ON RELEVANCE TO EVERYTHING THAT'S BEEN ASKED SINCE WE CAME BACK FROM LUNCH. I JUST NOTE THAT HERE, AND THE UNDUE CONSUMPTION OF WASTING TIME -MS. PLEVIN:

Q. OKAY. AND YOU DID NOT SUPERVISE TERRY GAMBOA AND NORMAN STARKEY WITH REGARD TO THAT PROJECT? IS THAT YOUR TESTIMONY?

MR. HERTZBERG: CONTINUING OBJECTION.

MR. DRESCHER: HE DIDN'T TESTIFY TO

MS. PLEVIN:

Q. DID YOU SUPERVISE TERRY GAMBOA OR NORMAN STARKEY WITH REGARD TO THE PROJECT ALL CLEAR?

A. NO.

Q. DID YOU ASSIST THEM?

A. NO.

MR. HERTZBERG: LET ME -- LET ME TELL YOU, MISS PLEVIN, THE FUNDAMENTAL PROBLEM I HAVE, AND THEN WE'LL CONTINUE. THERE IS NO ALLEGATION IN THIS COMPLAINT THAT ANYTHING HAVING TO DO WITH A SO-CALLED PROJECT ALL CLEAR RESULTED IN ANYTHING BEING DONE TO MR. CORYDON.

I JUST WANT TO REMIND YOU FROM TIME TO TIME OF WHAT I CONSIDER TO BE THE GENERAL SCOPE OF THE INQUIRY THAT WOULD BE PERMISSIBLE HERE. SO ALL THESE QUESTIONS ABOUT ALL CLEAR, WHO SUPERVISED WHOM IN TIMES, OR REMOTE, ARE REALLY A WASTE OF TIME, BUT LET US PROCEED.

MS. PLEVIN:

Q. NOW, DO YOU KNOW WHO LYMAN STARKEY -- I'M SORRY -- LYMAN SPURLOCK?

A. YES.

Q. DO YOU KNOW OR CAN YOU RECALL TODAY WHAT CORPORATE POSITIONS HE HAS HELD FROM 1981 FORWARD? MR. HERTZBERG: WAIT A MINUTE.

BEFORE HE ANSWERS THAT, ARE YOU MAINTAINING THAT LYMAN SPURLOCK DID SOMETHING TO YOUR CLIENT?

MS. PLEVIN: LYMAN SPURLOCK IS IDENTIFIED IN THE COMPLAINT AS ONE OF THE PERSONS WITH WHOM AUTHORITY RESIDES IN SCIENTOLOGY.

MR. HERTZBERG: ALL RIGHT. I'M ASKING: ARE YOU MAINTAINING THAT LYMAN SPURLOCK DID ANYTHING WITH RESPECT TO YOUR CLIENT, THAT HE DID ANYTHING? MS. PLEVIN: THE COMPLAINT STANDS FOR ITSELF. ARE YOU TELLING HIM NOT TO ANSWER?

MR. HERTZBERG: WELL, I'D LIKE --

I'M NOT, BUT I'D LIKE SOME CLARIFICATION ON THE RECORD BEFORE WE START.

MR. HELLER: LET'S HAVE A PROFFER OF RELEVANCE. WHAT IS THE PROFFER OF -- YOU KNOW, HOW TO SPELL HIS NAME YOU PUT IT IN THE COMPLAINT WHAT DOES THAT HAVE TO DO WITH BENT CORYDON? IF YOU SAY THE WORDS "ALTER EGO," IT DOES NOT HAVE TO RELATE TO YOUR CLIENT. THE WHOLE CONCEPT OF THE ALTER EGO THEORY IS THAT IT INURES TO THE PREJUDICE OF YOUR CLIENT INDEED YOU HAVE A RATHER STRANGE ALTER EGO TO BEGIN WITH. NOW, THERE IS SOME LEEWAY IN THAT, TO MAKE A DETERMINATION, BUT NOT LEEWAY TO ASK ANY QUESTION THAT YOU FEEL LIKE ASKING. I THINK MR. HERTZBERG IS WELL WITHIN HIS RIGHTS --

MS. PLEVIN: MR. HERTZBERG, I WOULD APPRECIATE IF WE COULD HAVE -- INSTEAD OF HAVING THREE OR FOUR PEOPLE TALKING AT THE SAME TIME AND ALL WALKING AROUND CREATING A LOT OF CONFUSION, IF WE COULD NOT -- ARE YOU INSTRUCTING MR. MISCAVIGE NOT TO ANSWER THAT QUESTION? I'LL GO ON, IF YOU ARE.

MR. HERTZBERG: WHAT IS THE PENDING QUESTION?

MS. PLEVIN: PLEASE READ BACK THE PENDING QUESTION. (RECORD READ.)

THE WITNESS: NO.

BY MS. PLEVIN:

Q. IN 1982, DID YOU ATTEND -- IN OCTOBER OF 1982, DID YOU ATTEND A MEETING IN SAN FRANCISCO, KNOWN AS THE MISSION HOLDERS CONFERENCE? A. YES, I DID.

Q. DID YOU HAVE ANY ZONE OF RESPONSIBILITY IN TERMS OF PLANNING, OVERSEEING THAT CONFERENCE?

A. I DON'T KNOW WHAT THAT QUESTION MEANS.

Q. WHAT IS IT THAT YOU DON'T UNDERSTAND ABOUT THE QUESTION, MR. MISCAVIGE?

A. WHAT YOU MEAN.

Q. ALL RIGHT. LET'S BACK UP. YOU ATTENDED THAT CONFERENCE?

A. YES, I DID.

Q. AND YOU PARTICIPATED AS ONE OF THE SPEAKERS OF THAT CONFERENCE?

A. MASTER OF CEREMONIES, I BELIEVE.

Q. AND BEFORE GOING INTO THAT CONFERENCE, YOU WERE AWARE OF WHAT THE CONTENT OF CONFERENCE WAS GOING TO BE?

A. SOMEWHAT.

MR. HERTZBERG: YOU MEAN LIKE HE WAS GOING TO KNOW EVERYTHING THAT WAS GOING TO HAPPEN?

MS. PLEVIN: NO, WHAT THE AGENDA OF CONFERENCE WAS.

THE WITNESS: "AGENDA" MEANING WHO WAS GOING TO SPEAK? YES.

MS. PLEVIN:

Q. AND ABOUT WHAT.

A. NOT EVERYTHING, NO.

Q. WAS ONE OF THE PURPOSES OF THAT CONFERENCE TO ANNOUNCE TO THE MISSION HOLDERS, CHANGES IN THE CORPORATE STRUCTURE OF SCIENTOLOGY? A. YES.

Q. OKAY. AND ARE YOU FAMILIAR WITH THE PLANS, THE WORK THAT WENT ON PRIOR TO THE CONFERENCE IN DEVELOPING THOSE CHANGES?

A. FAMILIAR? WHY DON'T YOU DEFINE THAT FOR ME. WHAT DO YOU MEAN BY THAT?

Q. ARE YOU AWARE OF ANY OF THE --

A. AWARE --

Q. -- OF THE WORK THAT WENT ON, THE PROBLEMS THEY WERE ADDRESSING?

MR. HERTZBERG: YOU MEAN LIKE LEGAL MATTERS THAT ATTORNEYS WERE GIVING ADVICE ON, THAT TYPE OF THING?

MS. PLEVIN: I HAVEN'T SUGGESTED THAT. I AM TALKING ABOUT WHETHER HE WAS AWARE OF WHAT WAS GOING ON IN TERMS OF THE PLANNING FOR THAT -- FOR THE CHANGES THAT WERE ANNOUNCED AT THE CONFERENCE. THE WITNESS: CAN I JUST SEPARATE SOMETHING HERE?

BY MS. PLEVIN:

Q. PLEASE DO.

A. YOU HAVE "CONFERENCE" AND THE "CHANGES" CONNECTED. THEY DON'T CONNECT AT ALL.

Q. OKAY. WELL, LET'S SEE IF WE CAN EXPLORE THAT A LITTLE BIT. THEY WERE CHANGES THAT WERE ANNOUNCED AT THE CONFERENCE?

A. THAT'S RIGHT.

Q. OKAY.

A. THERE YOU GO. THERE YOU GO.

Q. NOW, AS TO THE CHANGES THAT WERE ANNOUNCED AT THE CONFERENCE, DID YOU

PARTICIPATE IN ANY OF THE STUDIES OR THE PLANNING THAT WERE PART OF THE EVOLUTION THAT LED TO THOSE CHANGES OF THE DECISION MAKING THAT LED TO THOSE QUESTIONS? MR. DRESCHER: OBJECTION. ASSUMES FACTS NOT IN EVIDENCE.

MR. HELLER: ALSO AMBIGUOUS.

MR. HERTZBERG: WAIT. JUST TO CLARIFY, BECAUSE I THINK MR. DRESCHER'S OBSERVATION IS WELL TAKEN, YOUR QUESTION ASSUMES THAT THERE WAS A PLANNING. WHY DON'T WE LAY A FOUNDATION. I THINK IT WILL GO FASTER THAT WAY.

BY MS. PLEVIN:

Q. THE TESTIMONY IS THAT THERE WERE CHANGES?

A. YES.

Q. OKAY. NOW, SOMEONE WAS INVOLVED, SOME PEOPLE WERE INVOLVED IN DECIDING THERE SHOULD BE CHANGES, OR THINKING ABOUT WHAT KINDS OF CHANGES THERE SHOULD BE, EXPLORING THE DIFFERENT OPTIONS AND SO ON AND SO FORTH?

A. RIGHT.

Q. WERE YOU INVOLVED IN ANY OF THAT?

A. WHAT THE PROBLEMS WERE?

Q. WITH THAT WHOLE COMPLEX, CONFERRING WITH OTHERS REGARDING THE PROBLEMS, CONSIDERING OPTIONS AND SO FORTH.

A. WHICH ONE DO YOU WANT, CONFERRING WITH OTHERS ABOUT THE PROBLEMS?

Q. YES.

A. SOMEWHAT, YES.

Q. AND WITH WHOM DID YOU CONFER?

A. ATTORNEYS.

Q. ON BEHALF OF WHAT ENTITY DID YOU CONFER?

A. AS A SCIENTOLOGIST, I DID.

Q. YOU DIDN'T HAVE ANY POSTS THAT GAVE YOU THAT AUTHORITY?

A. TO TALK ABOUT PROBLEMS? I THINK ANYBODY ANYWHERE IN THE WORLD COULD TALK ABOUT PROBLEMS, AND THAT'S HOW I ANSWERED THAT QUESTION. I WAS AWARE OF PROBLEMS. I MADE MY KNOWLEDGE KNOWN.

Q. DID ANYONE ASK YOU TO TAKE ON THAT RESPONSIBILITY?

A. OF MAKING MY PROBLEMS KNOWN? NO.

Q. DID ANYONE ASK YOU TO TAKE ON THE RESPONSIBILITY OF CONFERRING WITH ATTORNEYS REGARDING WHAT -- LET'S CALL IT THE CORPORATE CHANGES?

A. DID I SAY THAT THAT'S WHAT I DID?

Q. YOU SAID --

A. YOU ASKED ME ABOUT THE PROBLEMS.

Q. YES.

A. AND I TOLD YOU I COMMUNICATED PROBLEMS.

Q. YES.

A. RIGHT.

MR. HERTZBERG: HE DIDN'T SAY HE TALKED ABOUT CORPORATE CHANGES.

BY MS. PLEVIN:

Q. WHAT POSTS DID YOU HOLD AT THE TIME THAT YOU CONFERRED WITH COUNSEL?

MR. HERTZBERG: ASKED AND ANSWERED.

BY MS. PLEVIN:

Q. DO YOU RECALL?

MR. HERTZBERG: ASKED AND ANSWERED. IT'S BEEN ASKED AND ANSWERED.

MS. PLEVIN:

Q. YOU DIDN'T HOLD ANY POSTS AT ALL; IS AT RIGHT, MR. MISCAVIGE?

MR. HERTZBERG: IT'S BEEN ASKED AND ANSWERED.

MS. PLEVIN: OKAY.

Q. DID ANYONE ASK YOU TO DISCUSS THE PROBLEMS THAT YOU DISCUSSED WITH COUNSEL?

MR. HERTZBERG: THAT'S BEEN ASKED AND ANSWERED.

MS. PLEVIN: WITH COUNSEL. NO, HE HASN'T ANSWERED THAT QUESTION, MR. HERTZBERG.

MR. HERTZBERG: YOU'RE ABSOLUTELY RIGHT. YOU'RE ABSOLUTELY RIGHT. YOU'RE MISTAKEN. THAT SPECIFIC QUESTION WAS NOT ASKED AND ANSWERED.

MS. PLEVIN:

Q. DID ANYONE ASK YOU TO MAKE THOSE ENQUIRIES?

A. INQUIRIES? I MADE KNOWN PROBLEMS THAT I UNIQUELY KNEW; NO, NOBODY ASKED ME TO MAKE THOSE KNOWN.

Q. AND DID YOU CONFER WITH ANY OTHER PERSONS REGARDING THOSE PROBLEMS PRIOR TO SPEAKING TO COUNSEL?

A. YES.

Q. WITH WHOM?

A. LOTS OF PEOPLE.

Q. DID L.R.H. ASK YOU TO CONFER WITH COUNSEL REGARDING PROBLEMS WITH THE CORPORATE

STRUCTURE?

MR. LIEBERMAN: THAT IS ASKED AND ANSWERED.

MR. HERTZBERG: THAT'S ASKED AND ANSWERED.

THE WITNESS: OKAY.

MS. PLEVIN:

Q. HE DID NOT?

MR. HERTZBERG: ASKED AND ANSWERED.

MR. LIEBERMAN: HE TESTIFIED THAT NO ONE HAD.

MS. PLEVIN:

Q. BESIDES CONFERRING WITH COUNSEL, DID PARTICIPATE IN ANY DECISION MAKING REGARDING ADOPTING COUNSEL'S RECOMMENDATIONS?

A. FOR WHAT?

Q. WELL, IS IT ACCURATE TO SAY THAT PRIOR TO 1981, THERE WAS NO SUCH CORPORATION -- ACTUALLY I THINK IT WAS PRIOR TO 1982 -- I'M NOT ACTUALLY SURE -- THERE WAS NO CORPORATION KNOWN AS RTC, RELIGIOUS TECHNOLOGY CORPORATION?

A. I DON'T KNOW THE EXACT INCORPORATION DATE OF RTC, SO I CAN'T ANSWER THAT.

Q. OKAY. BUT THE --

MR. DRESCHER: INCIDENTALLY, IT'S RELIGIOUS TECHNOLOGY CENTER, NOT RELIGIOUS TECHNOLOGY CORPORATION.

BY MS. PLEVIN:

Q. BUT RELIGIOUS TECHNOLOGY CORPORATION WAS ONE OF THE CORPORATIONS THAT WAS FORMED IN THE MONTHS PRIOR TO THE OCTOBER 17 CONFERENCE AND WAS PART OF THE CHANGES THAT WERE ANNOUNCED AT THE OCTOBER 17, 1982 CONFERENCE; ISN'T THAT SO? MR. HERTZBERG: WHEN YOU SAY "FORMED," I MEAN, HE HAS JUST TESTIFIED THAT HE DOESN'T KNOW THE DATE OF INCORPORATION, SO I'M NOT SURE WHAT YOU MEAN BY "FORMED." I DON'T WANT MR. MISCAVIGE TO GET SANDBAGGED HERE.

MR. HELLER: IT'S COMPOUND, TOO.

BY MS. PLEVIN:

Q. THE RELIGIOUS TECHNOLOGY CENTER WAS ONE OF THE NEW CORPORATIONS INCORPORATED AS A RESULT OF THE DISCUSSION OF PROBLEMS, THAT YOU'VE MENTIONED?

A. AS A RESULT OF MY DISCUSSION OF PROBLEMS?

Q. NO. AS A RESULT OF THE ACTIVITIES, THE STUDIES, THE WORK, THE DISCUSSIONS, THE CONFERENCES WITH COUNSEL THAT LED TO THE CORPORATE CHANGES WHICH WERE ANNOUNCED AT THE MISSION HOLDERS MEETING.

A. YES.

Q. AND CSI WAS SIMILARLY INCORPORATED AS A RESULT OF THOSE ACTIVITIES?

A. I DON'T KNOW THAT IT WAS THE SAME ONES, BUT PRIOR TO THE MISSION HOLDERS CONFERENCE IN 1982?

Q. YES.

A. YES.

Q. OKAY. AND ASI WAS INCORPORATED AS A RESULT OF THAT SERIES OF DISCUSSIONS AND ACTIVITIES?

A. THAT SERIES OF DISCUSSIONS?

Q. YES.

A. AS A RESULT OF THAT, NO.

Q. AT ABOUT THE SAME TIME?

A. SOMEWHERE IN THAT TIME PERIOD, YES.

Q. OKAY. AND CSC, VARIOUS FUNCTIONS AND UNITS WITHIN CSC WERE TRANSFERRED OUT OF CSC TO OTHER ENTITIES AS A RESULT OF THOSE ACTIVITIES?

MR. HERTZBERG: ARE YOU TALKING NOW ABOUT SOME LEGAL -- LEGAL CORPORATE TRANSFER?

MS. PLEVIN: WELL, WE'LL TURN EXACTLY TO WHAT TRANSPIRED AT THE -- IN THE ANNOUNCEMENTS THAT WERE MADE OCTOBER 17, 1982. I DON'T THINK THIS IS A GREAT MYSTERY. I DON'T THINK THIS IS HITTING ANY TREMENDOUSLY ARCANE OR SECRET SPOTS OR LEGAL, YOU KNOW, ATTORNEY-CLIENT PRIVILEGE. THESE WERE ANNOUNCED AT THE OCTOBER 17, 1982 MISSION HOLDERS CONFERENCE.

MR. HERTZBERG: WELL, I MEAN, IF THAT'S THE WAY YOU WANT TO PHRASE IT, I'M NOT SURE WHY WE'RE DISCUSSING THIS AT ALL, BUT I'M NOT SUGGESTING ANYTHING ABOUT ARCANE OR ANYTHING ELSE. I AM TRYING TO MAKE SURE THAT YOU'RE ASKING QUESTIONS WITH A FOUNDATION THAT MR. MISCAVIGE IS CAPABLE OF RESPONDING TO, AND SO YOU ASKED A VERY GENERAL QUESTION ABOUT WHETHER CERTAIN CORPORATE ENTITIES WERE TRANSFERRED OUT, AND, YOU KNOW, THERE'S NO PREDICATE FOR WHETHER HE MAY HAVE KNOWN ABOUT SPECIFIC CORPORATE ENTITIES AS OPPOSED TO LAWYERS OR SOMETHING ELSE THAT. IT'S -- I DON'T WANT HIM SPECULATING ABOUT --

MS. PLEVIN: I DON'T WANT HIM SPECULATING EITHER, MR. HERTZBERG. LET'S SEE IF CAN MAKE IT EASIER FOR MR. MISCAVIGE SO HE DOESN'T HAVE TO GUESS.

THE WITNESS: OKAY.

MS. PLEVIN:

Q. OKAY. AND IT MAY REFRESH YOUR RECOLLECTION TO LOOK OVER A TRANSCRIPT IF YOU WISH. I HAVE A TRANSCRIPT OF THAT CONFERENCE. DO YOU RECALL THAT MR. SPURLOCK --

A. I'LL HAVE THE TRANSCRIPT IF YOU WANT ASK ME A QUESTION.

Q. WELL, BEFORE WE GET TO THAT, LET ME ASK YOU: DO YOU RECALL WHETHER OR NOT MR. SPURLOCK PARTICIPATED ON THE AGENDA IN ANNOUNCING THE CORPORATE STRUCTURE CHANGES?

A. YES.

Q. AND YOU INTRODUCED HIM?

A. WELL, I'D HAVE TO CHECK YOUR TRANSCRIPT, BUT I ASSUME SO, YES.

Q. YOU DON'T RECALL -- HOLD ON.

A. YOU GAVE ME TWO COPIES HERE. IS THAT ONE FOR HIM?

Q. FINE. BEFORE WE GO ANY FURTHER, HAVE YOU EVER SEEN THIS DOCUMENT BEFORE? AND IT'S QUITE LENGTHY SO I'M NOT ASKING YOU TO READ THE WHOLE THING, BUT HAVE YOU EVER SEEN A TRANSCRIPT OF THAT MEETING?

MR. HERTZBERG: OKAY. WAIT A MINUTE. IF YOU'RE ASKING WHETHER HE'S SEEN THE DOCUMENT BEFORE, HE -- WHATEVER THE LENGTH, HE IS GOING TO HAVE TO LOOK AT IT TO GIVE YOU AN ACCURATE ANSWER. IF YOU'RE ASKING HIM WHETHER HE EVER SAW A TRANSCRIPT OF THE MISSION HOLDERS CONFERENCE BEFORE, WHETHER THIS ONE IS ONE OR NOT, THAT'S A SEPARATE QUESTION.

MS. PLEVIN:

Q. HAVE YOU EVER SEEN A TRANSCRIPT?

A. YES.

Q. OKAY. ALL RIGHT. LET'S TAKE A LOOK THIS DOCUMENT IN ANY EVENT.

A. OKAY.

MR. HERTZBERG: MISS PLEVIN, MAY I ASK ONE QUESTION OUT OF CURIOSITY? MS. PLEVIN: WHATEVER YOU WANT.

MR. HERTZBERG: WHAT ARE THE NUMBERS THE LOWER RIGHT-HAND CORNER?

MS. PLEVIN: I'M SORRY?

MR. HERTZBERG: WHAT ARE THOSE --

MS. PLEVIN: THOSE ARE THE BATES STAMPED NUMBERS. THIS WAS PROVIDED TO YOU IN DOCUMENTATION. MR. HERTZBERG: THESE ARE YOUR BATES STAMPS.

MS. PLEVIN: YES.

MR. HERTZBERG: ALL RIGHT.

BY MS. PLEVIN:

Q. I BELIEVE IT'S ON PAGE 3 THAT YOU INTRODUCED MR. SPURLOCK?

MR. HERTZBERG: WAIT A MINUTE. YOU MEAN ACCORDING TO THIS TRANSCRIPT?

MS. PLEVIN: ACCORDING TO THIS TRANSCRIPT.

MR. HERTZBERG: YOU WANT HIM TO READ NOW AND CONFIRM WHETHER THIS TRANSCRIPT REFLECTS THAT MR. MISCavige INTRODUCED MR. SPURLOCK. MS. PLEVIN: WELL, IF IT REFRESHES HIS RECOLLECTION.

MR. HERTZBERG: BUT HE ALREADY TESTIFIED THAT HE INTRODUCED MR. SPURLOCK.

MS. PLEVIN: ALL RIGHT. NOW --

MR. HERTZBERG: DIDN'T HE ALREADY TESTIFY TO THAT?

MS. PLEVIN: EXCUSE ME, MR. HERTZBERG.

Q. THE LAST PARAGRAPH ON THAT PAGE, MR. MISCAVIGE, SAYS THAT MR. -- WARRANT OFFICER, LYMAN SPURLOCK IS THE CORPORATE AFFAIRS DIRECTOR; DO YOU SEE THAT? A. IS SHE ASKING ME OR YOU?

MR. HERTZBERG: SHE'S ASKING YOU.

MR. HELLER: DO YOU SEE IT?

THE WITNESS: YES, I SEE IT.

BY MS. PLEVIN:

Q. DO YOU RECALL INTRODUCING HIM IN THAT FASHION?

A. NO, I DON'T RECALL.

Q. DO YOU KNOW WHETHER HE HAD A POSITION THAT WAS ENTITLED "CORPORATE AFFAIRS DIRECTOR"?

A. I BELIEVE HE DID.

Q. WITH WHAT CORPORATION?

A. POSSIBLY NUMEROUS. I DON'T KNOW.

Q. AT THE SAME TIME?

A. NO, NO.

Q. OKAY. AT THIS PARTICULAR TIME, WHICH IS OCTOBER OF 1982, IS THERE ANYTHING THAT WOULD REFRESH YOUR RECOLLECTION AS TO WHAT POSITION YOU MAY HAVE BEEN REFERRING TO AND WHAT CORPORATION YOU MAY HAVE BEEN REFERRING TO?

MR. HELLER: IS THERE ANYTHING AT ALL IN EXISTENCE THAT MIGHT REFRESH HIS RECOLLECTION? IS THAT THE QUESTION? OKAY. IF YOU CAN ANSWER THAT. OBJECT ON RELEVANCE. WHAT'S THE DIFFERENCE IF SOMETHING EXISTS THAT REFRESHES HIS RECOLLECTION? MR. HERTZBERG: YOU MAY ANSWER.

THE WITNESS: I DON'T KNOW.

qq

BY MS. PLEVIN:

Q. ALL RIGHT. BY THE WAY, YOU ARE IDENTIFIED HERE AS COMMANDER DAVID MISCAVIGE? A. RIGHT.

Q. COMMANDER OF WHAT?

A. IT'S A SEA ORGANIZATION RANK.

Q. IS THAT YOUR CURRENT RANK?

A. NO, IT'S NOT.

Q. WHAT IS IT?

A. CAPTAIN.

Q. WERE YOU BUSTED?

A. NO.

MR. HERTZBERG: I ASSUME THAT WAS MADE IN JEST.

BY MS. PLEVIN:

Q. IS THERE SOME EXPLANATION FOR THE CHANGE FROM COMMODORE TO CAPTAIN? IS THAT A PROMOTION? A. COMMANDER.

Q. I'M SORRY, COMMANDER. OKAY. FROM COMMANDER TO CAPTAIN.

A. WHAT'S THE QUESTION?

MR. HERTZBERG: IS THERE SOME EXPLANATION FOR IT?

MR. DRESCHER: WHAT'S THE RELEVANCE?

MS. PLEVIN: FORGET IT.

MR. HERTZBERG: OKAY. LET'S MOVE ON.

MS. PLEVIN: YOU GUYS, REALLY.

Q. NOW, THAT MEETING WAS TAPE RECORDED, TO THE BEST OF YOUR KNOWLEDGE, REFERRING TO THE MISSION HOLDERS MEETING OF OCTOBER 17, 1982? A. I BELIEVE SO.

Q. AND THAT TAPE WAS TRANSCRIBED AND SENT TO MISSION HOLDERS, TO THE BEST OF YOUR KNOWLEDGE?

A. I BELIEVE SO.

Q. DO YOU KNOW WHETHER IT WAS EDITED BEFORE IT WAS TRANSCRIBED?

A. WHAT DO YOU MEAN BY "EDITED"?

Q. WORDS CHANGED, WORDS OMITTED.

A. I DON'T BELIEVE SO. I MEAN, PEOPLE, OF COURSE, I'M SURE WERE SNEEZING AND COUGHING AND I DON'T SEE THAT IN THE TRANSCRIPT.

Q. PERHAPS YOU CAN EXPLAIN --

A. I DON'T KNOW THOUGH. I HAVEN'T -- I DIDN'T -- I DON'T KNOW.

Q. OKAY. DO YOU KNOW WHERE THE TAPES ARE?

A. NO, I DON'T.

Q. YOU MAY WANT TO TAKE A LOOK AT IS. TOWARDS THE TOP OF PAGE 4, MR. SPURLOCK STATES THAT;

"PRIOR TO THE END OF 1981, A FEW OF US GOT TOGETHER AND TOOK A LOOK AT THE CORPORATE STRUCTURE OF THE CHURCH WITH A VIEW IN MIND OF MAKING IT MORE DEFENSIBLE AND MORE REGULAR AND TO MAKE AN OVERALL IMPROVEMENT." AND THEN HE REFERS TO A

CHART. WHEN SAYS "A FEW OF US," WHO IS HE TALKING ABOUT, YOU KNOW?

MR. HELLER: CALLS FOR SPECULATION.

MS. PLEVIN: IF YOU KNOW.

MR. HERTZBERG: DO YOU KNOW WHO LYMAN SPURLOCK HAD IN MIND WHEN HE USED THE TERM "A FEW OF US" OR WOULD YOU GUESS WHO HE HAD IN MIND?

THE WITNESS: I WOULD HAVE TO GUESS WHO HE HAD IN MIND.

BY MS. PLEVIN:

Q. WERE YOU ONE OF THE PEOPLE HE HAD IN MIND?

MR. HERTZBERG: WOULD YOU HAVE TO GUESS?

THE WITNESS: YEAH. I DON'T KNOW WHAT HE WAS THINKING WHEN HE SAID THIS.

BY MS. PLEVIN:

Q. WERE YOU ONE OF THE PEOPLE WHO GOT TOGETHER WITH MR. SPURLOCK AND TOOK A LOOK AT THE CORPORATE STRUCTURE WITH A VIEW IN MIND OF MAKING IT MORE DEFENSIBLE AND REGULAR? WOULD THAT ACCURATELY CHARACTERIZE YOUR ACTIVITY IN CONNECTION WITH THE CHANGES THAT WERE ANNOUNCED BY MR. SPURLOCK?

A. LET ME JUST READ THIS HERE.

MR. HELLER: FIRST OF ALL, YOU HAVE SPECULATION. SECONDLY, YOU HAVE TWO QUESTIONS THERE. THE WITNESS: I DON'T BELIEVE SO, NO, NOT THIS.

BY MS. PLEVIN:

Q. WERE THE PROBLEMS THAT MR. SPURLOCK REFERRED TO IN THIS PARAGRAPH, THE KINDS OF PROBLEMS YOU WERE REFERRING TO WHEN YOU SAID YOU CONSULTED COUNSEL?

MR. HELLER: SPECULATION.

MR. HERTZBERG: INSOFAR AS THAT WOULD DISCLOSE THE CONTENTS OF -- I DON'T WANT MR. MISCAVIGE TO ANSWER THAT QUESTION INSOFAR AS IT WOULD DISCLOSE THE CONTENTS OF ANY CONVERSATIONS HE HAD WITH COUNSEL WITH RESPECT TO LEGAL ADVICE. MS. PLEVIN: I'M NOT ASKING HIM WHAT HE TALKED ABOUT WITH COUNSEL. I'M ASKING ABOUT WHAT THE PROBLEMS WERE THAT HE CONSIDERED SIGNIFICANT THAT LED HIM TO CONSULT WITH COUNSEL.

MR. HERTZBERG: NO, NO, FIRST OF ALL THAT'S NOT THE WAY YOU ASKED IT AND SECONDLY, YOU ASKED WHETHER CERTAIN PROBLEMS WERE THE KINDS OF PROBLEMS THEY DISCUSSED WITH COUNSEL AND FRANKLY, ALTHOUGH MR. MISCAVIGE MAY DISAGREE WITH ME, I DON'T SEE HOW HE COULD ANSWER THAT WITHOUT DISCLOSING THE SUBSTANCE OF WHAT HE -- OF AREAS THAT WERE DISCUSSED WITH COUNSEL, AND THAT'S WHY I MADE THAT OBSERVATION.

MS. PLEVIN: ARE YOU INSTRUCTING HIM NOT TO ANSWER?

MR. HERTZBERG: NO, I'M NOT. I'M INSTRUCTING HIM TO ANSWER IF HE CAN, IF -- WITHOUT REFERRING TO SUBJECT MATTERS THAT YOU DISCUSSED WITH COUNSEL. THE WITNESS: OKAY. COULD I HEAR THE QUESTION AGAIN, PLEASE.

MS. PLEVIN: WHY DON'T YOU READ IT BACK, PLEASE

(RECORD READ.)

MR. HERTZBERG: ALL RIGHT. ADDITIONALLY, HE'S ALREADY TESTIFIED THAT HE DOESN'T KNOW EXACTLY WHAT MR. SPURLOCK WAS REFERRING TO, BECAUSE ONLY MR. SPURLOCK SAID THESE WORDS. HE DIDN'T SAY THEM.

MS. PLEVIN: I'M NOT ASKING HIM TO SPECULATE AS TO WHAT MR. SPURLOCK WAS THINKING. I'M ASKING MR. MISCAVIGE: WERE THESE THE KINDS OF PROBLEMS HE HAD IN MIND WHEN HE DECIDED TO CONSULT COUNSEL THAT IN THE PERIOD OF TIME THAT LED TO THE CORPORATE CHANGES WHICH WERE ANNOUNCED AT THIS MEETING.

THE WITNESS: WELL, WHAT I SAID WAS I MADE KNOWN PROBLEMS I KNEW AND THE ANSWER IS NO, THESE WEREN'T THE ONES. BY MS. PLEVIN:

Q. WHAT WERE THE ONES YOU DID?

MR. HERTZBERG: HE CAN ONLY ANSWER THAT INSOFAR AS THAT DOES NOT DISCLOSE AREAS AND THE SUBSTANCE OF WHAT HE --

MS. PLEVIN: I'M NOT ASKING HIM WHAT HE DISCUSSED WITH COUNSEL. I'M ASKING HIM WHAT THE PROBLEMS WERE THAT HE HAD IN MIND THAT LED HIM TO COUNSEL. (CONFERENCE BETWEEN COUNSEL AND WITNESS.)

MS. PLEVIN: CONFERENCE WITH COUNSEL.

Q. CAN YOU ANSWER THE QUESTION?

MR. HERTZBERG: GO AHEAD. YOU'RE ASKING -- YOU'RE ASKING WHAT PROBLEMS MR. MISCAVIGE HAD IN MIND WHEN HE WENT AND SPOKE TO COUNSEL?

MS. PLEVIN: YES.

MR. DRESCHER: WITHOUT DISCLOSING WHAT HE MIGHT HAVE TOLD COUNSEL.

MR. HERTZBERG: YES. IT'S INSEPARABLE. THE PROBLEM' HAVE, THAT HIS TELLING YOU WHAT HE HAD IN MIND IS TANTAMOUNT TO TELLING YOU WHAT HE DISCUSSED WITH COUNSEL. MS. PLEVIN: YOU'RE INSTRUCTING HIM NOT TO ANSWER?

MR. HERTZBERG: IF HE CAN'T --

MS. PLEVIN: IF YOU'RE INSTRUCTING TO HIM NOT TO ANSWER, LET'S MOVE ON.

MR. HERTZBERG: I'M NOT INSTRUCTING HIM NOT TO ANSWER. I'M TELLING HIM HE CAN ANSWER, ONLY IF YOUR ANSWER DOES NOT DISCLOSE THE AREAS THAT YOU DISCUSSED WITH COUNSEL.

(CONFERENCE BETWEEN COUNSEL AND WITNESS.)

MS. PLEVIN: CONFERENCE WITH COUNSEL.

THE WITNESS: ALL RIGHT. THE FOLLOWING: I WILL SAY THE FOLLOWING ABOUT IT, ALTHOUGH AS MR. HERTZBERG SAID, THESE ARE MATTERS I DID DISCUSS WITH COUNSEL. NO, THE PROBLEMS I HAD IN MIND THAT I UNIQUELY WAS AWARE OF ARE TWO IN NATURE. ONE WAS THE EXPERIENCE I

HAD WITH THE GUARDIAN'S OFFICE AND THE FACT OF THEM GOING OFF SOURCE AND NEEDING TO BE HANDLED, AND THE SECOND WAS THE MISSION HOLDERS MUTINY THAT TOOK PLACE IN AT THE FLAG LAND BASE, WHEREBY I CAME UPON THE INSTANCE OF MISSION HOLDERS WANTING TO TAKE RESERVES OF ALL OF SCIENTOLOGY FOR THEIR OWN BENEFIT AND THEIR OWN PROFIT. THOSE WERE THE ONLY PROBLEMS THAT I KNEW OF THAT HAD COME UP.

MS. PLEVIN:

Q. OKAY. NOW, WHEN YOU SAY THAT TO DISCLOSE FURTHER, YOU WOULD BE DISCLOSING ATTORNEY-CLIENT CONFIDENCES, LET ME ASK YOU THIS: WHO WAS THE CLIENT? MR. HERTZBERG: WHEN ARE YOU TALKING ABOUT?

MS. PLEVIN: I'M REFERRING TO MR. MISCAVIGE'S ANSWER.

MR. HERTZBERG: NOW, HE ANSWERED. GAVE YOU AN ANSWER AS TO WHAT THE TOPICS WERE.

MS. PLEVIN: I WANT TO KNOW WHO THE CLIENT WAS.

MR. HERTZBERG: I'VE GOT TO CONFER WITH MY CLIENT, BECAUSE I'M VERY CONCERNED ABOUT YOUR QUESTIONS INTRUDING ON THE ATTORNEY-CLIENT PRIVILEGE. (CONFERENCE BETWEEN COUNSEL AND WITNESS.)

MS. PLEVIN: YOU CAN'T ASSERT AN ATTORNEY-CLIENT PRIVILEGE IF YOU'RE NOT THE CLIENT. THEY'RE LEAVING THE DEPOSITION ROOM.

MR. HERTZBERG: WE'RE NOT LEAVING THE DEPOSITION WE'RE STEPPING INTO THE HALL.

MS. PLEVIN: I DIDN'T SAY YOU WERE LEAVING THE DEPOSITION. I SAID YOU WERE LEAVING THE DEPOSITION ROOM

(RECESS TAKEN.)

MR. HERTZBERG: YOU MAY ANSWER.

THE WITNESS: CHURCH OF SCIENTOLOGY OF CALIFORNIA.

BY MS. PLEVIN:

Q. DID YOU HAVE ANY POSITION WITH CSC AT THE TIME?

A. WHAT DO YOU MEAN BY "POSITION"?

Q. DID YOU HAVE ANY POSITION IN CSC AT THE TIME?

A. I BELIEVE I WAS EMPLOYED BY THEM.

Q. AND WHAT WAS YOUR CAPACITY?

A. EMPLOYEE.

Q. WHAT WAS YOUR TITLE?

A. OH, EITHER CHIEF OFFICER, CMO INT OR SPECIAL PROJECT OPS.

Q. WOULD YOU TURN TO PAGE 26, PLEASE. LET'S SEE IF I CAN FIND -- ABOUT THE MIDDLE OF THE PAGE, MR. MISCAVIGE, YOU INTRODUCE GUILLONE LESEVRE --

A. GUILLONE LESEVRE. YOU DON'T PRONOUNCE THE --

Q. -- L-E-S-E-V-R-E, AS THE NEW EXECUTIVE DIRECTOR INTERNATIONAL. I THINK IT'S THE THIRD SENTENCE THERE, "YOU SAY, ALTHOUGH HE'S NOT YOUR DIRECT SENIOR" -- DIRECT IS UNDERLINED -- "HE IS SENIOR BOTH CORPORATELY AND ECCLESIASTICALLY TO MISSIONS"? A. MM-HMM.

Q. WHAT DID YOU MEAN BY THAT?

A. JUST WHAT IT SAYS.

Q. WELL, COULD YOU --

A. ASSUMING THESE ARE MY EXACT WORDS.

Q. OKAY. IS THAT -- IN ESSENCE, IS THAT CORRECT, HOWEVER, I MEAN?

A. AT THAT TIME I CAN'T RECALL, BUT IF I SAID IT, I'M GUESSING THAT IT WAS.

Q. OKAY. IN WHAT WAY -- COULD YOU ELABORATE WHAT IT MEANS TO BE BOTH CORPORATELY AND ECCLESIASTICALLY SENIOR MISSIONS EVEN THOUGH HE'S NOT THEIR DIRECT SENIOR?

A. WHICH ONE DO YOU WANT TO KNOW, CORPORATE OR ECCLESIASTICALLY?

Q. BOTH, LET'S TAKE ONE AT A TIME?

A. LET'S TAKE ECCLESIASTICALLY. AS DIRECTOR OF CHURCH OF SCIENTOLOGY, HE CERTAINLY HOLDS A SENIOR ECCLESIASTICAL POSITION OVER THE MISSIONS. HE IS ONE OF THE TOP RANKING MEMBERS OF SCIENTOLOGY AND MISSIONS ARE ONE OF THE BOTTOM RANKING. I THINK THAT'S PRETTY CLEAR.

Q. WELL, OKAY. AND CORPORATELY, WHAT DO YOU MEAN BY THAT? A. LET ME ASK YOU SOMETHING.

MS. PLEVIN: CONFERENCE WITH COUNSEL.

(CONFERENCE BETWEEN COUNSEL AND WITNESS.)

THE WITNESS: OKAY. WHAT I MEAN BY THAT IS THE WAY THAT THE -- ONE OF THE WAYS THAT THE CORPORATIONS WERE SET UP TO AVOID POWER PUSHES OF THE NATURE THAT WE SAW WITH THE MISSION HOLDERS WAS TO ENSURE THAT ANY MEMBER OF A CHURCH CORPORATION HAD TO BE A MEMBER IN GOOD STANDING WITH THE CHURCH, MEANING THEY COULDN'T BE A SQUIRREL, OR NOT A MEMBER OF SCIENTOLOGY, AND ALSO BE A BOARD OF DIRECTOR AT THE SAME TIME.

PART OF THE QUALIFICATION FOR BEING ON THE BOARD OF DIRECTORS, IF I REMEMBER EXACTLY, WAS THAT THEY HAD TO BE IN GOOD STANDING WITH THE MOTHER CHURCH, AND THERE WAS AN, INHERENT IN THE CORPORATE PAPERS WAS THAT THE PERSON HAD TO BE IN GOOD STANDING AND THERE WAS A -- I DON'T KNOW -- DOES THAT ANSWER YOUR QUESTION?

BY MS. PLEVIN:

Q. NO, IT DOESN'T, BECAUSE IT SAYS HE IS CORPORATELY SENIOR. NOW, YOU'VE DESCRIBED HOW HE'S ECCLESIASTICALLY SENIOR AND WHAT YOU'VE JUST MENTIONED SUGGESTS GOOD STANDING WITH THE CHURCH IS AN ECCLESIASTICAL FUNCTION. IN WHAT WAY DID HE HAVE A CORPORATELY SENIOR FUNCTION?

A. OKAY. ULTIMATELY, I GUESS -- NOT THAT THIS WOULD EVER COME TO PASS, BUT ULTIMATELY IF THE MISSION WAS SQUIRRELING AND ULTIMATELY IF THAT WASN'T HANDLED BY THEIR SUPERIORS AND ULTIMATELY AS THIS WENT ON WITH THE VARIOUS SAFETY PRECAUTIONS BUILT INTO THE

CORPORATE STRUCTURE, HE WAS CORPORATELY SENIOR BY BEING IN THE MOTHER CHURCH.

Q. AND WHAT ACTS COULD HE TAKE BY VIRTUE OF THAT?

A. WELL --

MR. HERTZBERG: YOU MEAN IF ALL THESE HYPOTHETICAL STEPS -MS. PLEVIN: YES, YES.

THE WITNESS: HYPOTHETICALLY HE WAS SENIOR.

BY MS. PLEVIN:

Q. WHAT WOULD IT MEAN IF -- TAKE YOUR EXAMPLE, THAT A MISSION WAS SQUIRRELING AND SO FORTH, DESPITE ALL PRECAUTIONARY MEASURES, ULTIMATELY HE WOULD BE CORPORATELY SENIOR. WHAT I WOULD HE DO UNDER THOSE CIRCUMSTANCES THAT WOULD GIVE -A. THIS IS ASSUMING HE WAS ON THE BOARD OF DIRECTORS OF THE CHURCH OF SCIENTOLOGY INTERNATIONAL. THAT'S WHAT I'M ASSUMING BY THIS. AND IF YOU READ THIS TRANSCRIPT, YOU SAW THAT THERE WAS A TRADEMARK LICENSING.

Q. MM-HMM.

A. AND THAT LICENSE IS WITH THE CHURCH OF SCIENTOLOGY INTERNATIONAL, WHO WAS THE MOTHER CHURCH OF THE CHURCH, AND LICENSED SNI, SNI LICENSES MISSIONS.

Q. WELL, HOW WOULD HE EXERCISE THAT AUTHORITY MOVING BOARD MEMBERS?

MR. DRESCHER: I'M SORRY. I DIDN'T HEAR YOU.

MS. PLEVIN: HOW WOULD HE EXERCISE THIS CONTROL.

MR. DRESCHER: OBJECT, THAT IT LACKS FOUNDATION AND CALLS FOR SPECULATION, BECAUSE IT'S ASKING FOR "WOULD." IF THE QUESTION IS, "DID," THAT MAY BE DIFFERENT.

MS. PLEVIN: MR. MISCAVIGE'S STATEMENT IS THAT HE WAS CORPORATELY -- THAT THIS POSITION IS CORPORATELY SENIOR.

MR. DRESCHER: UNLESS SOMETHING HAPPENED, I THINK YOU'RE ASKING HYPOTHETICALLY.

MR. HERTZBERG: I WANT TO JOIN IN THAT AND MAKE THIS CLEAR. ASIDE FROM THE FACT I CONSIDER THIS AGAIN TO BE AN IRRELEVANT TANGENT, I THINK WE'VE TO DEAL WITH DID THINGS HAPPEN. IF YOU'RE GOING TO GO OFF ON THESE INQUIRIES, LET'S CONFINE THE QUESTIONS TO "DID THIS EVER HAPPEN, DID HE EXERCISE SOMETHING," HOPEFULLY YOU WOULD ASK IT IN THE FRAMEWORK OF DID SOMETHING HAPPEN WITH RESPECT TO YOUR CLIENT, WHO YOU STILL AREN'T MENTIONING, BUT OTHERWISE I DON'T THINK MR. MISCAVIGE HAS GOT TO SIT HERE AND ASK ATTENUATED HYPOTHETICALS ABOUT WHAT MIGHT HAPPEN IN SOME CIRCUMSTANCE IF OTHER CIRCUMSTANCES OCCURRED FIRST.

BY MS. PLEVIN:

Q. COULD, IN THE ROLE OF BEING CORPORATELY SENIOR, AS YOU DESCRIBED HERE, GUILLONE LESEVRE ORDER BOARD MEMBERS TO TAKE SPECIFIC ACTIONS? MR. HERTZBERG: SAME PROBLEM, "COULD." ASK HIM -- IF YOU WANT TO ASK HIM DID HE, IF MR. MISCAVIGE HAS KNOWLEDGE THAT HE DID.

MS. PLEVIN: ARE YOU INSTRUCTING HIM NOT TO ANSWER THAT QUESTION?

MR. HERTZBERG: I'M ASKING HIM --

MR. DRESCHER: IT'S CALLING FOR SPECULATION. IT'S CALLING FOR AN ASSUMPTION OF SOMETHING THAT MAY NOT HAVE HAPPENED, TO SEE IF SOMETHING MIGHT HAVE HAPPENED. MR. HELLER: THAT SAME OBJECTION IS ASSUMES FACTS NOT IN EVIDENCE.

MR. HERTZBERG: GO AHEAD AND ANSWER THE QUESTION AS FRAMED.

THE WITNESS: THE ANSWER IS NO.

BY MS. PLEVIN:

Q. OKAY. WHAT CORPORATE ACTION COULD BE TAKEN?

A. BY WHAT?

MR. DRESCHER: I'LL OBJECT TO THAT AS VAGUE, IMPRECISE, AMBIGUOUS, UNINTELLIGIBLE.

BY MS. PLEVIN:

Q. IN ORDER TO AMPLIFY AND CLARIFY THE MEANING OF THE STATEMENT THAT ALTHOUGH HE'S NOT, QUOTE, ALTHOUGH HE'S NOT YOUR DIRECT SENIOR, HE, MEANING THE EXECUTIVE DIRECTOR INTERNATIONAL, IS SENIOR, BOTH CORPORATELY AND ECCLESIASTICALLY, I'M TRYING TO FIND OUT

WHAT CORPORATE EXERCISE OF AUTHORITY HE COULD HAVE OVER THE MISSIONS, THAT LED YOU TO MAKE THAT STATEMENT?

A. YOU'RE ADDING TO THIS.

MR. HELLER: I WANT TO RAISE AN OBJECTION. HE ANSWERED YOUR QUESTION ALREADY.

MS. PLEVIN: HE HASN'T.

MR. HELLER: THROUGH THE LICENSING, WHEN YOU ASKED THAT, AND THAT QUESTION HAS BEEN ANSWERED. NOW, YOU WANT TO SET UP A HYPOTHETICAL AS TO WHAT ACTIONS HE MAY HAVE TAKEN WITHOUT GIVING THE PREDICATE OF THE HYPOTHETICAL. MR. HERTZBERG: GO AHEAD. YOU CAN ANSWER.

THE WITNESS: DO YOU WANT ME TO ANSWER? OKAY. YOU'RE ASKING ME A QUESTION THAT IS NOT ABOUT WHAT THIS SAYS, BUT --

BY MS. PLEVIN:

Q. WHAT DOES IT SAY?

A. IT SAYS EXACTLY WHAT IT SAYS. ALTHOUGH HE IS NOT YOUR DIRECT SENIOR, HE IS SENIOR BOTH CORPORATELY AND ECCLESIASTICALLY TO MISSIONS." IT SAYS EXACTLY THAT. IT DOESN'T SAY ANYTHING ABOUT COULD TAKE ACTION. WHY DON'T YOU DESCRIBE TO ME WHAT YOU'RE ASKING

ME, BECAUSE I THOUGHT I DID ANSWER THIS.

Q. I'M ASKING WHAT ACTIONS YOU HAD IN MIND WHEN YOU MADE THAT STATEMENT. A. IT DOESN'T SAY ANYTHING ABOUT ACTIONS.

Q. THAT --

A. IT DOESN'T SAY ANYTHING ABOUT ACTIONS.

MR. LIEBERMAN: IT JUST SAYS HE'S SENIOR. IT DOESN'T SAY THAT HE CAN DO ANYTHING.

BY MS. PLEVIN:

Q. IS MR. LIEBERMAN ANSWERING FOR YOU NOW?

A. NO. I THINK HE'S JUST ADDING TO WHAT I SAID TO YOU IN MORE WORDS. I ANSWERED YOU

IT DOESN'T SAY ANYTHING ABOUT ACTIONS.

Q. SO WHEN YOU SAID THIS, YOU DIDN'T HAVE IN MIND ANY SPECIFIC CONTROL MECHANISM CORPORATELY THAT GUILLONE LESEVRE COULD EXERCISE?

MR. HERTZBERG: YOU'RE ASKING HIM WHETHER HE REMEMBERS NOW IN 1990 WHETHER WHEN HE SPOKE THESE WORDS IN 1982, HE HAD SOMETHING SPECIFICALLY IN MIND? IS THAT THE QUESTION? MS. PLEVIN: YES.

MR. HERTZBERG: OKAY. IF YOU REMEMBER.

THE WITNESS: OKAY. DID YOU READ THE TRANSCRIPT?

BY MS. PLEVIN:

Q. I'M NOT ANSWERING YOUR QUESTIONS, MR. MISCAVIGE.

A. THEN I'LL READ THE WHOLE TRANSCRIPT, BECAUSE I THINK IT SPEAKS FOR ITSELF. THAT'S MY ANSWER. I CAN ANSWER YOU, BUT I'LL TURN BACK AND START AT THE BEGINNING.

Q. NO, I'M NOT ASKING YOU TO DO THAT. IT WON'T SAY WHAT YOU WERE THINKING OF WHEN YOU SAID THAT. YOU DON'T -- YOUR TESTIMONY IS THAT YOU DON'T KNOW SPECIFICALLY WHAT YOU HAD IN MIND WHEN YOU SAID AS -A. NO, I ANSWERED THAT. YOU ASKED "ACTION." I DIDN'T -- I DIDN'T -- I DIDN'T SAY "ACTION" HERE. I THINK I ANSWERED THE OTHER PART OF YOUR QUESTION, MISS PLEVIN.

Q. I'M GOING TO FORMULATE ANOTHER QUESTION AND SEE IF WE CAN --

A. AGREE HERE.

Q. -- AGREE HERE.

A. OKAY, SURE.

Q. YOUR STATEMENT HERE IS THAT THE EXECUTIVE DIRECTOR INTERNATIONAL IS CORPORATELY SENIOR, ALTHOUGH NOT DIRECTLY SENIOR, TO THE MISSIONS.

A. OKAY.

MR. HERTZBERG: THAT'S BEEN ASKED AND ANSWERED.

BY MS. PLEVIN:

Q. WE'RE TRYING TO GET TO SOMETHING HERE WE CAN AGREE ON. THAT'S THE SENSE OF WHAT YOU SAID?

A. I DON'T AGREE WITH THAT. THAT'S NOT WHAT I SAID. I SAID GUILLONE LESEVRE.

Q. IS CORPORATELY SENIOR, BUT NOT DIRECTLY SENIOR; IS THAT RIGHT?

A. ECCLESIASTICALLY AND CORPORATELY, RIGHT.

Q. OKAY.

A. AND HE HAPPENED TO HAVE THE POSITION OF EXECUTIVE DIRECTOR INTERNATIONAL.

Q. AND HOW, IN TERMS OF CORPORATE FUNCTION OR ACTIVITY, COULD HE EXERCISE THAT CORPORATE ROLE?

A. TO THE BEST OF MY KNOWLEDGE?

Q. TO THE BEST OF YOUR KNOWLEDGE.

(CONFERENCE BETWEEN COUNSEL AND WITNESS.)

THE WITNESS: FROM MY UNDERSTANDING, THIS MISSION TRANSCRIPT TALKS ABOUT NUMEROUS THINGS. IT TALKS ABOUT RIP-OFFS FROM MISSIONS. IT TALKS ABOUT MISSION HOLDERS BRIBING PEOPLE, AND LITERALLY WHEN IT TALKS ABOUT BRIBING PEOPLE, IT'S TALKING ABOUT MISSION HOLDERS LITERALLY STUFFING MONEY IN SOMEONE'S POCKET TO BE ABLE TO GET AWAY WITH VIOLATING THE POLICIES OF THE CHURCH.

IT TALKS ABOUT RIPPING OFF MAILING LISTS FROM ORGS, WHICH ARE OTHER CORPORATIONS. IT TALKS ABOUT NOT APPLYING THE POLICIES OF THE CHURCH OF SCIENTOLOGY, LONG EXTENT ON WHAT MISSIONS COULD DO. THESE MISSIONS AND ONE THING THAT IS ANNOUNCED HERE ON THE CORPORATE REORGANIZATION, WERE PART -- THEY HAD A POSITION IN THE OVERALL STRUCTURE OF SCIENTOLOGY, AND WITH ANY CHURCH CORPORATION AS A RESULT OF SEEING WHAT VARIOUS UNSCRUPULOUS MISSION HOLDERS COULD DO WHEN THEY GOT THEIR MIND TO IT, AFTER HAVING EXPERIENCED A MUTINY AT THE END OF 1981 IN AN ATTEMPT TO LITERALLY TAKE ALL THE CHURCH RESERVES INTO THEIR OWN POSSESSION, WHERE IT WAS TALKED ABOUT TAKING BASEBALL BATS TO CERTAIN MEMBERS OF THE WATCHDOG COMMITTEE, ONE THING THAT WE WANTED TO AVOID WAS BEING ABLE TO APPLY -- AN INABILITY TO APPLY SCIENTOLOGY POLICY TO A SITUATION WHERE THERE WAS THE APPARENCY OR EVEN THE EXACT INSTANCE OF ILLEGAL, OUTLAW TYPE ACTIVITIES. THERE'S A COMMENT IN HERE ABOUT OUTLAWS AND A BRIEFING BY AN ATTORNEY SO THAT WAS A

LARGE CONCERN ABOUT OUTLAWS, AND THROUGHOUT THE HISTORY OF SCIENTOLOGY, THE WAY THAT PERSONS WERE DEALT WITH WAS WITH SCIENTOLOGY POLICY.

WELL, THE PROBLEM WITH THAT IS SOMEBODY COULD COMMIT THESE ILLEGAL ACTS OR APPARENT ILLEGAL ACTS AND THERE WOULD BE NO RECOURSE IN HANDLING THEM, EXCEPT WITH INTERNAL CHURCH JUSTICE PROCEDURES AND IT WAS THE FEELING THAT THEY FELT THAT THOSE PROCEDURES WERE SO NICE AND SO CONFRONTABLE THAT THEY BASICALLY COULD DO WHATEVER THEY WANTED AND GET AWAY WITH IT WITHOUT ANY FEAR OF REAL RECOURSE OR PENALTY. PART OF THESE CORPORATIONS WERE TO MAKE SURE THAT, A, OUR BEST SAFEGUARD FOR ANY SCIENTOLOGY ACTIVITY TO CONTINUE ON, AS STATED IN POLICY TO BE IN-TECH, ON SOURCE, ON POLICY WAS THAT THE MEMBERS OF THE BOARD HAD TO BE SCIENTOLOGISTS IN GOOD STANDING. IN GOOD STANDING MEANS THAT THEY APPLY THE POLICIES AND TECHNOLOGY OF SCIENTOLOGY THAT THEY'RE NOT -- THEY'RE

NOT SQUIRRELS AND BY SQUIRREL, I MEAN ALTERING, CHANGING OR INVENTING, AND YOU CAN SEE AN INSTANCE IN HERE WHERE WE TALK ABOUT A SQUIRREL ACTIVITY WHEREBY A PERSON NAMED KINGSLEY WINBUSH WAS INVOLVED WITH A NEW INVENTED TYPE OF SCIENTOLOGY CALLED DINGING AND THIS GIVES SCIENTOLOGY A BAD NAME BECAUSE THIS PERSON WOULD PROMOTE HIMSELF, ALONG WITH OTHERS, AS A SCIENTOLOGIST, AND BRING IN PEOPLE AND GIVE NEW PERSONS WHO HAD NEVER BEEN INTRODUCED TO SCIENTOLOGY AN EXTREMELY BAD IMPRESSION OF IT BY HIS ACTIVITIES.

HIS ACTIVITY OF DINGING WHICH WAS POPULAR WITH SOME OF THE PERSONS IN THE MISSION NETWORK AT THAT TIME, WAS TO STAND IN FRONT OF A CROWD AND TELL PEOPLE IF YOU WANT TO MOVE UP YOUR SCIENTOLOGY BRIDGE, THEN YOU REQUIRE ME, AND WHAT I REQUIRE FROM YOU IS MONEY, CARS AND HOUSES. PRETTY OUTRAGEOUS AND WE WERE PRETTY OUTRAGED. SO THAT'S ONE OF THE THINGS BEING TALKED ABOUT THERE. ECCLESIASTICALLY THAT'S TERRIBLE THAT'S NOT SCIENTOLOGY. IT'S PASSING SOMETHING OFF AS A SCIENTOLOGY MATTER WHEN IT WASN'T. IT WAS

DISGRACEFUL. CORPORATELY, ULTIMATELY, AND I GUESS THE REAL POINT THAT I BELIEVE I WAS TRYING TO MAKE HERE WAS THAT CORPORATELY, ULTIMATELY NO MATTER HOW BAD THE POWER PUSH, IF SOME PEOPLE CAME ALONG LATER AND WANTED TO TAKE ALL THE MONEY AND

WANTED TO PUT IT IN THEIR OWN POCKET, WANTED TO TAKE ANY OF THE DONATIONS OF THE CHURCH AND MAKE IT THEIR OWN AND BASICALLY WERE HERE JUST TO GET RICH, THAT ULTIMATELY THE CORPORATIONS OF SCIENTOLOGY WOULD BE ABLE TO STAND UP TO THIS, WHICH WASN'T THE CASE BEFOREHAND.

IF YOU TAKE A LOOK AT THAT CHART, THERE'S MISSIONS AND THERE'S AN EXACT LICENSING, AND THEY HAVE THEIR BOARD OF DIRECTORS AND THEY MUST BE IN GOOD STANDING AND BY VIRTUE OF THIS PATTERN, THE WHOLE PATTERN BEING TALKED ABOUT WAS NOT TO ORDER DOWN TO REMOVE

A DIRECTOR- THE EXECUTIVE DIRECTOR INTERNATIONAL NEVER HAS DONE THAT AND I CAN'T IMAGINE HOW THAT WOULD EVER COME TO PASS.

AS A MATTER OF FACT, THAT IS NOT THE STRUCTURE, BUT THE POINT IS ULTIMATELY IF THEY ALL REVOLTED OR MUTINIED OR WERE OUT-TECH AND OFF POLICY, THAT THIS COULD BE DEALT WITH, WITH THE CORPORATE INSTRUMENTS THAT WERE IN PLACE. DOES THAT ANSWER YOUR QUESTION? MS. PLEVIN: I DON'T THINK SO, BUT IT WAS A NICE ATTEMPT TO BYPASS IT.

MR. DRESCHER: I OBJECT TO THAT CHARACTERIZATION.

MS. PLEVIN: STRIKE THAT FROM THE RECORD.

Q. YOU MENTIONED THE CHART NOW,

MR. MISCAVIGE?

A. WHAT NOW?

Q. YOU MENTIONED IN THIS ANSWER YOU GAVE, YOU REFERRED TO THAT CHART. PLEASE TURN TO THE END. I WANT TO CLARIFY WHAT CHART YOU WERE REFERRING TO.

A. NOT THIS CHART. THERE WAS -- A CHART I WAS REFERRING TO WAS THE ONE THAT LYMAN SPURLOCK DREW ON A BLACKBOARD OR IT WAS -- YOU KNOW, ONE OF THOSE -- LIKE THAT BOARD.

Q. OKAY. WHICH I THINK WAS REDUCED AND REPLICATED TO BE SENT WITH THE TRANSCRIPT, IF YOU'LL LOOK TOWARDS THE END, THERE ARE SEVERAL -- YOU'RE LOOKING NOW AT THE ONE THAT'S DESIGNATED CHART TWO.

A. IS THAT THE ONE YOU WANT? I'M SORRY. I DIDN'T REALIZE THERE WERE SEVERAL HERE.

Q. THERE ARE SEVERAL, WHICH IS THE ONE THAT MR. SPURLOCK DREW, TO THE BEST OF YOUR RECOLLECTION?

MR. HERTZBERG: IF ANY OF THEM ARE.

THE WITNESS: NEITHER OF THESE LOOK EXACTLY LIKE THE ONE HE DREW.

BY MS. PLEVIN:

Q. OKAY. ALL RIGHT. LET'S TAKE A LOOK AT THE ONE YOU WERE LOOKING AT DESIGNATED CHART TWO.

A. OKAY.

Q. THEN ON TOP IT SAYS "CORPORATE AFFAIRS DIRECTOR, WARRANT OFFICER," OR W/O, WHICH I BELIEVE MEANS WARRANT OFFICER. CHART TWO. DO YOU SEE THAT?

A. YES.

Q. OKAY. NOW, THIS CHART, DOES THIS REPRESENT THE CORPORATE -- THE RELATIONSHIPS BETWEEN THE VARIOUS CORPORATIONS THAT WERE ANNOUNCED BY MR. SPURLOCK AT THIS MEETING?

A. I'D HAVE TO READ HIS TALK TO KNOW IF IS REPRESENTS THAT.

Q. IS IT ACCURATE?

A. WHEN?

Q. IN 1982. IS THIS AN ACCURATE PRESENTATION OF THE PATTERNS OF AUTHORITY?

MR. HERTZBERG: YOU'RE ASKING MISCAVIGE WHETHER HE REMEMBERS NOW WHETHER IN OCTOBER OF 1982, THIS WAS A COMPLETELY ACCURATE RENDITION OF WHAT YOU CALL THE PATTERNS?

MS. PLEVIN: WHETHER THIS WAS AN ACCURATE --

THE WITNESS: I DON'T KNOW. I DON'T KNOW.

MS. PLEVIN:

Q. WELL, LET'S TAKE A LOOK AT IT ITEM ITEM, RTC AT THE TOP WITH A STRAIGHT LINE DOWN A BOX WHICH HAS "CSHI" IN IT.

A. RIGHT.

Q. OKAY. NOW, RTC HAD BEEN FORMED BY THE TIME OF THIS CONFERENCE?

A. YES.

Q. YOU WERE CHAIRMAN OF THE BOARD AT AT TIME, OR WERE YOU?

A. NO.

Q. DID YOU HAVE ANY POSITION IN RTC AT AT TIME?

A. IN RTC?

Q. MM-HMM.

(CONFERENCE BETWEEN COUNSEL AND WITNESS.)

THE WITNESS: I WASN'T EMPLOYED BY RTC. I WAS A TRUSTEE OF RTC.

MS. PLEVIN:

Q. OF RTC?

A. YES.

qq

Q. DOES THE LINE BETWEEN RTC AND CSI CORRECTLY REFLECT RTC WAS SENIOR TO CSI?

A. I DON'T KNOW WHAT THAT REFLECTS. I DON'T KNOW WHAT THE MEANING OF THAT LINE WAS.

Q. WAS RTC SENIOR TO SCI AT THE TIME AT THIS --

MR. HERTZBERG: LET'S ALSO -- ONE DISTINCTION WE'LL HAVE TO MAKE, WHETHER YOU'RE TALKING ABOUT CORPORATELY OR ECCLESIASTICALLY. MS. PLEVIN: WE CAN TALK ABOUT BOTH. LET'S TALK ABOUT CORPORATELY FIRST.

Q. WAS RTC SENIOR TO CSI --

A. WHAT IS YOUR DEFINITION OF SENIOR? I REALLY WANT TO KNOW THIS, BECAUSE I THINK -- YOU HAVE A DEFINITION FOR WORDS THAT ARE DIFFERENT THAN MINE. Q. WHY DON'T YOU TELL ME WHAT YOUR DEFINITION OF "SENIOR" IS, MR. MISCAVIGE.

A. SENIOR, IN MY DEFINITION, IS THAT I GUESS A PERSON WHO SOMEONE DIRECTLY REPORTS TO AND THE SENIOR WOULD BE RESPONSIBLE FOR THAT JUNIOR.

Q. OKAY. ACCORDING TO THAT DEFINITION; IS THIS CORRECT?

A. NO, NO.

Q. ALL RIGHT. DID RTC HAVE ANY RESPONSIBILITY FOR BEING ABLE TO SUPERVISE ANY FUNCTIONS OF CSI?

A. WHAT DO YOU MEAN BY "SUPERVISE"?

Q. INTERVENE, TAKE CHARGE OF, BYPASS.

MR. HERTZBERG: WHEN ARE YOU TALKING ABOUT?

MS. PLEVIN: ALL OF THESE QUESTIONS --

MR. HERTZBERG: AT THE TIME OF THIS CHART?

MS. PLEVIN: THAT'S WHAT WE'RE TALKING ABOUT.

MR. HERTZBERG: 1982.

MS. PLEVIN: THAT'S WHAT WE'RE TALKING ABOUT.

THE WITNESS: INTERVENE, BYPASS -- RTC LICENSED CSI TO USE THE TRADEMARKS OF DIANETICS AND SCIENTOLOGY.

BY MS. PLEVIN:

Q. THE LINE BETWEEN RTC AND SMI HERE, DOES THAT REFLECT ANYWAY IN WHICH RTC WAS SENIOR TO SMI?

A. THAT LINE?

Q. YES.

A. I DON'T KNOW WHY THAT LINE IS THERE LIKE THAT. I DON'T KNOW.

Q. WELL, WAS THE CONFERENCE, TO THE BEST OF YOUR RECOLLECTION, AN ACCURATE REPRESENTATION OF WHAT THE NEW CORPORATE LINES OF AUTHORITY WERE GOING TO BE? A. CORPORATE LINES OF AUTHORITY?

Q. YES.

A. THAT'S NOT WHAT THIS CONFERENCE WAS ABOUT.

Q. MR. SPURLOCK DIDN'T ANNOUNCE NEW CORPORATE STRUCTURES AND LINES OF AUTHORITY AT THIS CONFERENCE, MR. MISCAVIGE?

MR. HERTZBERG: THAT'S A DIFFERENT QUESTION THAN WHETHER THAT'S WHAT THE CONFERENCE WAS ABOUT.

MS. PLEVIN: FINE.

THE WITNESS: COULD I ASK HIM A QUESTION WHILE THERE'S NO QUESTION PENDING?

MS. PLEVIN: THAT QUESTION IS PENDING.

MR. HERTZBERG: YOU CAN ASK ME ANYWAY.

(CONFERENCE BETWEEN COUNSEL AND WITNESS.)

MS. PLEVIN: PLEASE READ THE QUESTION BACK.

(RECORD READ.)

THE WITNESS: OKAY. I DON'T KNOW. I'D HAVE TO READ THIS, AND IF YOU WANT, I WILL READ THIS NOW.

MS. PLEVIN: WE CAN TAKE CARE OF THAT IN ANOTHER WAY, WHICH WE WILL DO SO. ALL RIGHT. FINE.

Q. ARE YOU FAMILIAR WITH THE PHRASE "BOOK ONE"?

A. YES.

Q. AND DOES THAT REFER TO "DIANETICS, THE SCIENCE OF MENTAL HEALTH"?

A. YES. SEE, YOU ASKED ME A QUESTION THAT'S SENSIBLE, AND I CAN ANSWER IT RIGHT AWAY.

Q. WHO IS WENDELL REYNOLDS?

A. HE'S WENDELL REYNOLDS. WHO IS HE?

Q. DO YOU KNOW --

A. I KNOW HIM.

Q. AT ONE TIME DID HE HAVE THE POST OF FINANCE DIRECTOR?

A. I BELIEVE SO.

Q. WHO APPOINTED HIM TO THAT POST?

A. I DON'T KNOW.

Q. DO YOU KNOW WHAT AN ORG BOARD IS?

A. YES.

Q. WOULD YOU DEFINE FOR THE RECORD WHAT AN ORG BOARD IS?

A. "ORG BOARD" MEANS ORGANIZING BOARD, AND IT IS A BOARD THAT IS FOR ORGANIZING THE FUNCTIONS, DIVISIONS, PRODUCTS OF AN ORGANIZATION, OR ANYBODY'S LIFE FOR THAT MATTER. Q. AS A MATTER OF ORGANIZATIONAL POLICY, MANAGEMENT POLICY, IF YOU WILL, DO ALL SCIENTOLOGY ORGANIZATIONS, TO THE BEST OF YOUR KNOWLEDGE, HAVE AN ORG BOARD?

A. TO THE BEST OF MY KNOWLEDGE, YES.

Q. AND CORPORATIONS?

A. INDIVIDUALLY?

Q. MM-HMM.

A. TO THE BEST OF MY KNOWLEDGE, ALL SCIENTOLOGY ORGANIZATIONS ARE IN ONE CORPORATION ANOTHER. DOES THAT ANSWER THAT?

Q. IN PART.

(CONFERENCE BETWEEN COUNSEL AND WITNESS.)

MS. PLEVIN:

Q. NOW, IS THERE A SCIENTOLOGY ORGANIZATION THAT'S IN RTC?

A. I DON'T KNOW WHAT YOU MEAN BY THAT.

Q. WELL, YOU SAID TO THE BEST OF YOUR KNOWLEDGE, ALL SCIENTOLOGY ORGANIZATIONS ARE INCORPORATED?

A. NO. I DIDN'T SAY THAT. I SAID TO THE BEST OF MY KNOWLEDGE, ALL SCIENTOLOGY ORGANIZATIONS ARE WITHIN ONE CORPORATION OR ANOTHER.

Q. OKAY. IS THE ORG BOARD THEN PARTICULARLY RELEVANT TO ORGANIZATIONS, BUT NOT PARTICULARLY RELEVANT TO CORPORATIONS?

A. ORG BOARD -- LIKE ANY CORPORATION -- I DON'T KNOW WHAT YOU MEAN -- IS THAT WHAT YOU MEAN, ANY CORPORATION?

Q. LET'S TRY TO GET AT IT ANOTHER WAY. I'M TRYING TO UNDERSTAND THE RELATIONSHIP BETWEEN THE ORG STRUCTURE AND THE CORPORATIONS.

A. UH-HUH, OKAY.

Q. NOW, LET'S TAKE AN EXAMPLE.

A. OKAY.

Q. LET'S SAY RTC.

A. OKAY.

Q. RTC IS A CORPORATION?

A. YES.

Q. IT ALSO IS AN ORGANIZATION?

A. YES.

Q. THERE'S AN ORG BOARD?

A. YES.

Q. DOES THE ORG BOARD TRACK CORPORATE OFFICERS?

A. TRACK?

Q. THE POSITIONS ON THE ORG BOARD, DO THEY TRACK CORPORATE POSITIONS?

A. I DON'T KNOW WHAT YOU MEAN BY THE WORD "TRACK." JUST TELL ME WHAT YOU MEAN BY THAT.

Q. THE POSITIONS ON THE ORG BOARD HAVE CERTAIN TITLES?

A. OKAY, SURE.

Q. ARE THOSE TITLES THE SAME AS THE CORPORATE POSITION TITLES? FOR EXAMPLE, THERE'S A DIV 6'S IN MOST SCIENTOLOGY CORPORATIONS; IS THAT RIGHT?

A. YES.

Q. PUBLIC --

A. SCIENTOLOGY ORGANIZATIONS.

Q. DOES RTC HAVE A DIV 6?

A. YES.

Q. IS THE PERSON RESPONSIBLE FOR DIV 6 -- I FORGET WHAT THAT TITLE IS.

A. WELL, DIV 6 --

MR. HERTZBERG: IS THAT A QUESTION?

MS. PLEVIN: YES.

THE WITNESS: WELL, THERE'S THREE DIV 6'S IN THE STANDARD SCIENTOLOGY ORGANIZATION, AND RTC IS ONE DIV 6.

BY MR. PLEVIN:

Q. OKAY. AND THE PERSON WHO HAS THE POSITION OF BEING RESPONSIBLE FOR DIV 6 IN THE CORPORATION, IS THAT PERSON THE SAME -- IS THAT POSITION REFLECTED ON THE ORG BOARD? A. DIV 6 IN THE CORPORATION. I DON'T KNOW THAT THERE'S DIV 6 LISTED IN ANY CORPORATION. I DON'T --

Q. OKAY. THIS IS WHAT I'M TRYING TO CLARIFY. THE ORGANIZATIONAL STRUCTURE ON WHICH -- RTC OPERATES ON THE ORGANIZATIONAL STRUCTURE THAT'S REFLECTED ON THE ORG BOARD?

MR. HERTZBERG: THAT'S A WHOLE DIFFERENT QUESTION.

MS. PLEVIN: LET ME ASK IT.

Q. RTC'S OPERATION RUNS ON THE LINES ON THE ORG BOARD?

A. THE -- "A" IS THE WORD.

Q. "A" IS WHICH WORD?

A. AN ORG BOARD.

Q. AN ORG BOARD.

A. YOU SAID "THE."

Q. OKAY, AN ORG BOARD.

A. OKAY.

Q. SO THE ORG BOARD IS A VISUAL REPRESENTATION OF HOW THE FUNCTIONS IN RTC ARE SEPARATED AND WHO IS IN EACH POSITION?

A. JUST TO CLARIFY, NOT THE; AN. RTC'S ORG BOARD DOES REPRESENT WHO IS IN WHICH POSITION AND WHAT FUNCTION, BUT YOU KEEP USING THE WORD "THE."

Q. ALL RIGHT. I'M TRYING -- IS THERE A DIFFERENCE BETWEEN THE ORG BOARD LAYOUT AND THE CORPORATE LAYOUT?

A. IS THERE A CORPORATE LAYOUT?

MR. HERTZBERG: YOU'RE MAKING ASSUMPTIONS.

THE WITNESS: I DON'T KNOW WHAT THAT MEANS.

BY MS. PLEVIN:

Q. LET'S TRY IT A DIFFERENT WAY. EACH DIVISION HAS PEOPLE IN THE TOP SLOTS.

A. OKAY.

Q. ARE THOSE PERSONS, DO THEY HAVE SENIOR POSITIONS IN THE CORPORATION AS WELL?

A. THE TOP SLOTS?

Q. YES.

A. I -- I'M SORRY.

Q. ALL RIGHT. NOW, DO YOU HAVE CORPORATE OFFICERS, SUCH AS A SECRETARY, TREASURER?

A. YES.

Q. OKAY. AND ON THE ORG BOARD, THERE'S THE TREASURY DIVISION AND SO FORTH?

A. YES.

Q. OKAY. NOW, THE PERSON WHO FILLS THE POSITION OF TREASURER ON THE ORG BOARD, IS THAT ALSO THE CORPORATE POSITION OF TREASURER?

A. YES.

Q. OKAY. WHAT ABOUT THE POSITION OF COMMANDING OFFICER?

A. THERE'S NOT A COMMANDING OFFICER.

Q. WHAT IS THE TOP POSITION ON THE ORG BOARD?

A. CHAIRMAN OF THE BOARD.

Q. AND THAT'S YOU?

A. THAT'S CORRECT.

Q. SOME ORGANIZATIONS, AS YOU READ THROUGH SCIENTOLOGY MATERIAL, HAVE A COMMANDING OFFICER AND SOME OF THEM HAVE AN EXECUTIVE DIRECTOR?

A. RIGHT.

Q. WOULD YOU EXPLAIN WHY SOME ARE CALLED COMMANDING OFFICERS AND WHY SOME ARE CALLED EXECUTIVE DIRECTORS, PLEASE?

MR. HERTZBERG: ALL RIGHT. NOW, I'M GOING TO LET HIM ANSWER THAT QUESTION, BUT I DO WANT TO REMIND YOU THAT THERE'S A LAWSUIT WHICH YOUR CLIENT HAS BROUGHT WHICH HAS SOME ALLEGATIONS IN IT, AND I CAN'T IMAGINE HOW THIS QUESTION RELATES TO THE ALLEGATIONS IN THE COMPLAINT, BUT HE MAY ANSWER THE QUESTION.

THE WITNESS: OKAY.

MR. HELLER: EXCUSE ME. I ALSO WANT TO REMIND THE WITNESS, DON'T CONJECTURE. IF YOU KNOW THE ANSWER TO THE QUESTION, FINE. MR. DRESCHER: I WANT TO MAKE SURE THAT ALL THE REFERENCES TO ORG BOARD ARE REFERRING TO AN RTC.

MR. HELLER: VERY GOOD POINT.

MS. PLEVIN: THAT'S FINE.

THE WITNESS: OKAY. THE QUESTION WAS THERE'S EXECUTIVE DIRECTOR AND COMMANDING OFFICER.

BY MS. PLEVIN:

Q. YES.

A. OKAY. THE DIFFERENCE IS THAT AN EXECUTIVE DIRECTOR WOULD REFER TO A SCIENTOLOGY, WHAT WE CALL, CLASS FOUR ORGANIZATION, I GUESS IT WOULD APPLY TO MISSIONS OR ANYBODY -- AN ORG BOARD IS AN ORG BOARD. WE USE COMMANDING OFFICER TO REFER TO INSTALLATIONS WHICH ARE GENERALLY SEA WORKINGS, INSTALLATIONS ALTHOUGH NOT IN ALL CASES IS THAT THE TERM THAT'S USED.

Q. WELL, IS CSI A SEA ORG INSTALLATION?

A. CHURCH OF SCIENTOLOGY INTERNATIONAL, AND THAT'S A CORPORATION.

Q. BUT MR. LESEVRE IS IDENTIFIED AS CAPTAIN.

MR. HERTZBERG: YOU'RE TALKING ABOUT -- ONE MOMENT. ONE MOMENT. IN A MOMENT, HE CAN -- WAIT, WAIT, WAIT. MS. PLEVIN: I'LL CLARIFY. THANK YOU.

Q. IN THE 1982 MISSION HOLDERS CONFERENCE TRANSCRIPT --

A. RIGHT.

Q. -- THE EXECUTIVE DIRECTOR WHO YOU INTRODUCED IS IDENTIFIED BY A SEA ORG RANK?

A. YES.

Q. WOULD YOU CLARIFY THAT, PLEASE?

MR. HERTZBERG: I DON'T KNOW WHAT YOU MEAN BY "CLARIFY." YOU SEE, HERE'S THE PROBLEM: YOU JUST ASKED HIM A SERIES OF QUESTIONING WHICH WOULD BE REASONABLY INTERPRETED, AND I ASSUME WOULD BE INTERPRETED BY MR. MISCAVIGE TO REFER TO MATTERS IN PRESENT TIME. THEN YOU WENT BACK TO SOMETHING IN 1982, AND BY THE PHRASEOLOGY, BUT, YOU SEEM TO IMPLY THERE'S SOME INHERENT CONTRADICTION.

MS. PLEVIN: MR. MISCAVIGE IS PERFECTLY CAPABLE OF MAKING THAT DISTINCTION ON HIS OWN. I'M NOT TRYING TO TRAP HIM. HE CAN SAY IT DOES OR DOESN'T APPLY. MR. HERTZBERG: FINE. SO THE QUESTION IS WHAT IS HE REFERRED TO IN THAT TRANSCRIPT BY THAT TITLE.

MS. PLEVIN: HE WAS REFERRED TO IN THE TRANSCRIPT AS CAPTAIN.

MR. HERTZBERG: WHAT IS THE QUESTION?

MR. LIEBERMAN: THE QUESTION IS WHETHER HE CAN CLARIFY THAT.

MR. HERTZBERG: CAN YOU CLARIFY THAT?

THE WITNESS: I DON'T KNOW WHAT YOU MEAN BY "CLARIFY." IT MAKES TOTAL SENSE.

BY MS. PLEVIN:

Q. OKAY.

MR. HELLER, I WOULD APPRECIATE IT IF WE DIDN'T HAVE SIDE CONVERSATIONS GOING ON FOR LONG PERIODS OF TIME.

MR. HELLER: ARE THEY OKAY FOR SHORT PERIODS?

MR. HERTZBERG: THE RECORD SHOULD REFLECT THAT MR. HELLER WAS NOT TALKING TO MR. MISCAVIGE.

MS. PLEVIN: NO, HE WASN'T. I DON'T SUGGEST THAT HE WAS, BUT THERE WAS A SIDE CONVERSATION GOING ON --

MR. HERTZBERG: LET'S MOVE ON.

MS. PLEVIN: -- OF SUBSTANTIAL LENGTH.

Q. I'M SHOWING YOU A THREE-PAGE DOCUMENT ENTITLED EXECUTIVE DIRECTIVE SOED 1896 INT DATED JANUARY 18, 1982?

A. OKAY.

Q. HAVE YOU EVER SEEN THIS DOCUMENT BEFORE, TO THE BEST OF YOUR KNOWLEDGE?

A. I DON'T REMEMBER SEEING THIS, NO.

Q. DO YOU KNOW WHETHER OR NOT BOB PARIS WAS ASKED TO PREPARE A MEMO FOR DISTRIBUTION REGARDING, QUOTE, "UNDERSTANDING CORPORATE INTEGRITY" AT ABOUT THE TIME REFERENCED ON THIS DOCUMENT? A. NO.

Q. WOULD YOU TURN TO THE THIRD PAGE, PLEASE.

A. OKAY. 1828?

Q. RIGHT. ON PAGE 3 IT INDICATES, LOOKING TO THE BOTTOM RIGHT OF THE WRITING, IT SAYS, "CORPORATE SORT OUT MISSION L.A., AUTHORIZED BY WATCHDOG COMMITTEE."

A. MM-HMM.

Q. NOW, DOES THAT MEAN THAT THIS DOCUMENT WAS PREPARED BY CORPORATE SORT OUT MISSION L.A., TO THE BEST OF YOUR KNOWLEDGE?

A. I DON'T KNOW ABOUT THE DOCUMENT. DON'T KNOW WHO PREPARED THIS.

Q. OKAY.

A. IT'S -- OKAY.

Q. AND YOU'VE NEVER SEEN IT BEFORE?

MR. HERTZBERG: ASKED AND ANSWERED.

THE WITNESS: I HAVEN'T SEEN THIS, NO.

BY MS. PLEVIN:

Q. HAVE YOU EVER SEEN ANY DRAFTS OF A DOCUMENT WITH THE TITLE "UNDERSTANDING CORPORATE INTEGRITY"?

A. NO.

Q. WHEN A DOCUMENT HAS ON THE TOP "EXECUTIVE DIRECTIVE," AS THIS ONE DOES, AND THERE ARE SEVERAL OTHERS YOU CAN TAKE A LOOK AT -- DO YOU SEE THAT?

A. YES, SURE,

Q. AND TO THE LEFT IT SAYS "SO, SPACE, ED" AND A NUMBER AND THEN "INT."

A. OKAY.

Q. WHAT IS THE SIGNIFICANCE OF THAT -- THOSE INITIALS AND NUMBER?

A. THE SO ED AND NUMBER?

Q. YES.

A. SO ED MEANS SEA ORG ED, MEANING EXECUTIVE DIRECTIVE, AND THEN THE NUMBER WOULD BE THE CONSECUTIVE NUMBER OF THAT ISSUE TYPE AND THIS SAYS "INT" AS WELL AFTER THAT NUMBER, MEANING INTERNATIONAL. THE SIGNIFICANCE OF THAT IS THAT -- WELL, FOR INSTANCE, ANY ORGANIZATION, FOR INSTANCE, YOU COULD TAKE SEATTLE ORGANIZATION, THEY COULD ISSUE THEIR OWN EXECUTIVE DIRECTIVE AND IT WOULD BE CALLED SEA ED, MEANING SEATTLE ED, AND IT WOULD HAVE A DIFFERENT DESIGNATION. THAT WAY YOU DON'T MIX UP THE NUMBERS, BECAUSE NUMBERS COULD MIX, BUT ADDITIONALLY IF THIS SAYS SEA ORG AND INT, FOR INSTANCE, AS HUK WHICH HAPPENS TO BE A SEA ORG, THEY MIGHT USE -- OR HUK ED; OR EVEN SOMEBODY ELSE MIGHT WRITE A SEA ORG ED THAT MEANS IT'S COMING FROM SOMEBODY WHO IS WORKING IN AN ORGANIZATION THAT SEA ORG ED AND COULD APPLY TO ONLY ONE ORG.

LIKE IT COULD SAY SEA ORG ED, BUT IF IT DOESN'T SAY INT, IT COULD BE SOMETHING LOCAL SUCH AS ANYTHING VERY MUNDANE SUCH AS CLEANING STATIONS. SO IT IS A WAY OF SORTING OUT THE NUMBERING TYPES, AND THAT'S WHY -- THAT'S WHY YOU SEE ALL THE INITIALS AND THE NUMBER AND THE INT.

Q. ARE YOU FINISHED? I JUST DON'T WANT TO CUT YOU OFF.

A. IF THAT WAS CLEAR.

Q. IF YOU WOULD, TAKE A LOOK AGAIN AT THE DOCUMENT CONTAINING THE TRANSCRIPT WHICH WE'VE REFERRED TO BEFORE, THE COVER SHEET SAYS "EXECUTIVE DIRECTIVE SO ED 2104 INT." A. RIGHT. OKAY.

Q. NOW, TAKE A LOOK AT THE BOTTOM OF THAT FRONT SHEET.

A. OKAY.

Q. AND IT SAYS, "CAPTAIN GUILLONE LESEVRE ED INTERNATIONAL, AUTHORIZED BY ABC INT FOR THE CHURCH OF SCIENTOLOGY INTERNATIONAL."

A. RIGHT.

Q. OKAY. NOW, WHO WAS ISSUING THIS? SEA ORG OR CSI?

A. WHO WAS ISSUING? SEA ORG ISN'T A CORPORATION.

Q. I DIDN'T SUGGEST IT WAS. BUT --

A. WELL --

MR. HERTZBERG: CAN YOU ANSWER THE QUESTION AS IT'S FRAMED?

THE WITNESS: NO.

BY MS. PLEVIN:

Q. UNDER WHOSE AUTHORITY WAS THIS DOCUMENT ISSUED?

A. IT'S SIGNED CAPTAIN GUILLONE LESEVRE, EXECUTIVE DIRECTOR INTERNATIONAL.

Q. FOR THE CHURCH OF SCIENTOLOGY INTERNATIONAL?

A. THAT'S WHAT IT SAYS.

Q. ALL RIGHT. BUT IT'S A SEA ORG EXECUTIVE DIRECTIVE AT THE SAME TIME?

A. RIGHT.

Q. OKAY. AND GUILLONE LESEVRE IS A MEMBER OF THE SEA ORG?

A. HE'S A SEA ORG MEMBER, IS A BETTER WAY OF STATING THAT.

Q. OKAY. I'D LIKE TO GO BACK TO THE PERIOD OF -- WELL, YOU MADE THE MOVE WITH -- TO GILMAN HOT SPRINGS IN THE LATTER PART OF 1979, APPROXIMATELY?

A. IS THAT WHAT I SAID?

Q. SOMETHING -- I THINK SO.

A. LET ME THINK. NO. I'VE GOT TO CORRECT THAT. I THINK THAT WAS MORE LIKE MAYBE -- MAYBE MARCH OR APRIL OF 1979.

Q. EARLIER ON?

A. YES.

Q. OKAY. AFTER YOU MOVED TO GILMAN HOT SPRINGS --

A. OKAY.

Q. -- WHAT TYPE OF COMMUNICATION DID YOU HAVE WITH L.R.H.?

MR. HERTZBERG: OKAY. NOW, I'M GOING TO REITERATE THE OBJECTION THAT WAS MADE PREVIOUSLY. WE'RE NOT GOING TO GET INTO -- PURSUE THESE IRRELEVANT TANGENTS WHICH ARE WASTING A LOT OF TIME. IF YOU WANT TO ASK HIM ABOUT COMMUNICATIONS THAT HE HAD WITH MR. HUBBARD DEALING WITH THE COMPLAINT, MATTERS DEALING WITH BENT CORYDON, MATTERS DEALING WITH SQUIRRELS OR ARGUABLY MISSIONS, LET'S ASK HIM ABOUT THOSE COMMUNICATIONS-- OTHERWISE, WE'RE NOT GOING TO SPEND OUR TIME HERE ON LONG DISCOURSES ABOUT MATTERS INTRUSIVE INTO THE ECCLESIASTICAL POLICIES OF THE CHURCH, THE PRACTICES OF THE CHURCH, EVEN IF IN SOME INSTANCES THEY WERE NOT, INTO EVERY CONVERSATION HE HAD WITH MR. HUBBARD, THE MANNER IN WHICH THEY TOOK PLACE. LET'S GET TO THE CORE OF THE ISSUE HERE. WE'VE SPENT ENOUGH TIME AGAIN, WITHOUT MY EVER HEARING BENT CORYDON'S NAME IN ANY OF THESE QUESTIONS. THAT'S THE POSITION WE'RE GOING TO TAKE ON THIS.

MS. PLEVIN: ARE YOU INSTRUCTING HIM NOT TO ANSWER?

MR. HERTZBERG: YES.

MS. PLEVIN: YOU'VE TOTALLY DONE 180-DEGREE ABOUT-FACE, MR. HERTZBERG, BECAUSE YOU PREVIOUSLY INDICATED THAT YOU WOULD PERMIT HIM TO ANSWER ANY QUESTIONS REGARDING HIS COMMUNICATIONS WITH MR. HUBBARD, SO FAR AS I KNOW. MR. DRESCHER: NO, HE DIDN'T. HE LIMITED IT EXACTLY THE SAME WAY.

MS. PLEVIN: THEN I'M GOING TO ASK A SERIES OF QUESTIONS. AND IF YOU WANT, YOU DON'T HAVE TO LET HIM ANSWER, THEN FINE, BUT I'M GOING TO ASK THE QUESTIONS.

Q. DID YOU HAVE COMMUNICATION WITH L.R.H. WHILE YOU WERE AT GILMAN HOT SPRINGS? WAS THAT COMMUNICATION MOSTLY IN PERSON --

MR. HERTZBERG: WAIT, WAIT, WAIT.

MR. DRESCHER: DO YOU WANT AN ANSWER OR A RESPONSE?

MS. PLEVIN: I DO. LET ME KNOW IF YOU WANT TO LET HIM ANSWER.

MR. HERTZBERG: DID HE HAVE COMMUNICATION WITH HIM? YES. HE CAN ANSWER THAT QUESTION.

THE WITNESS: YES.

BY MS. PLEVIN:

Q. WERE THOSE FACE-TO-FACE COMMUNICATIONS?

MR. HERTZBERG: I'M GOING TO INSTRUCT HIM -- UNLESS YOU -- UNLESS WE START DISCUSSING -- YOU START ASKING QUESTIONS ABOUT WHETHER HE HAD COMMUNICATIONS WITH MR. HUBBARD ABOUT BENT CORYDON, SQUIRRELS OR MISSIONS, I'M GOING TO INSTRUCT HIM NOT TO ANSWER. THE

REST OF IT IS IMMATERIAL.

MS. PLEVIN: ARE YOU INSTRUCTING HIM NOT TO ANSWER?

MR. HERTZBERG: YES, UNLESS WILL YOU LIMIT THAT QUESTION.

MR. LIEBERMAN: WITH THAT LIMITATION.

MR. HERTZBERG: WITH THE LIMITATION, I'M INSTRUCTING MR. MISCAVIGE, WITH THE LIMITATION THAT I'VE ARTICULATED. BY MS. PLEVIN:

Q. DID YOU RECEIVE WRITTEN COMMUNICATION FROM MR. HUBBARD?

MR. LIEBERMAN: YOU CAN ANSWER THAT, SUBJECT TO THE LIMITATION.

MS. PLEVIN: I'M NOT LIMITING.

THE WITNESS: I'M NOT SURE WHAT I'M SUPPOSED TO ANSWER.

MR. HERTZBERG: YOU CAN ANSWER WHETHER YOU RECEIVED WRITTEN COMMUNICATIONS FROM MR. HUBBARD AT GILMAN HOT SPRINGS, IF THOSE WRITTEN COMMUNICATIONS FROM MR. HUBBARD -- IF THERE WERE ANY, THAT DEALT WITH BENT CORYDON, SQUIRRELS OR MISSIONS, BUT WE'RE NOT GOING TO START WASTING ANY MORE TIME ON MATTERS THAT HAVE NOTHING TO DO WITH THIS LAWSUIT AND GET INTO A BROAD OVERINTRUSIVE INQUIRY ABOUT THE CHURCH AND OTHER IRRELEVANT MATTERS.

MR. HELLER: OR MR. CORYDON'S MISSION.

MS. PLEVIN: YOU'RE INSTRUCTING HIM NOT TO ANSWER? MR. HERTZBERG: YES.

MS. PLEVIN: DID YOU --

MR. HERTZBERG: SUBJECT TO THAT --

MS. PLEVIN: I'M NOT LIMITING IT.

MR. HERTZBERG: I UNDERSTAND THAT. THAT'S THE NATURE OF THE INSTRUCTION. MR. LIEBERMAN: LET'S HEAR WHAT HIS ANSWER IS.

MR. HELLER: BEFORE YOU GO ON --

MR. HERTZBERG: CAN YOU ANSWER?

(CONFERENCE BETWEEN COUNSEL AND WITNESS.)

THE WITNESS: I'M CONFUSED. WE'RE TALKING ABOUT WHEN I MOVED UP TO GILMAN HOT SPRINGS AND I ANSWERED I HAD COMMUNICATION WITH MR. HUBBARD. BY MS. PLEVIN:

Q. YES. I'M TRYING TO FIND OUT WHETHER YOU HAD FACE-TO-FACE COMMUNICATION?

MR. DRESCHER: MAY WE HAVE A MOMENT, PLEASE?

MS. PLEVIN: SURE, AGAIN, EXTENSIVE COLLOQUY.

(RECESS TAKEN.)

MS. PLEVIN: WOULD YOU READ THE QUESTION THAT'S PENDING?

(RECORD READ.)

MR. HERTZBERG: WHEN?

MS. PLEVIN: WE'RE TALKING ABOUT AT THE TIME MR. MISCAVIGE MOVED TO GILMAN HOT SPRINGS AND AFTER THAT.

MR. HERTZBERG: WELL, WHAT TIME PERIOD?

MR. LIEBERMAN: YOU MEAN FROM 1979 UNTIL THE PRESENT?

MS. PLEVIN: NO. MR. MISCAVIGE PERHAPS CAN INDICATE WHAT THE PERIODS OF TIME WERE THAT HE DID OR DIDN'T.

Q. DID YOU HAVE COMMUNICATION WITH HIM?

MR. HERTZBERG: DID -- OKAY. THAT'S A DIFFERENT QUESTION. DID --

THE WITNESS: I ANSWERED THAT QUESTION.

MS. PLEVIN: HE ANSWERED THAT QUESTION.

MR. HERTZBERG: OKAY.

BY MS. PLEVIN:

Q. NOW, HE SAID HE'S HAD COMMUNICATIONS WITH HIM AFTER HE MOVED TO GILMAN HOT SPRINGS -- AFTER MR. MISCAVIGE MOVED TO GILMAN HOT SPRINGS. DID YOU RECEIVE WRITTEN COMMUNICATION FROM MR. HUBBARD AFTER YOU MOVED TO GILMAN HOT SPRINGS?

MR. HERTZBERG: FROM WHAT TIME TO WHAT TIME?

MS. PLEVIN: LET'S TAKE IT '79 THROUGH '81.

MR. HERTZBERG: OKAY. THAT'S THE PENDING QUESTION, FROM 1979 TO '81. OKAY. NOW, I WILL PERMIT, UNLESS YOU WANT TO REPHRASE THE QUESTION, WHICH YOU'RE APPARENTLY NOT GOING TO, I WILL PERMIT MR. MISCAVIGE TO ANSWER THAT QUESTION INsofar AS HE CAN TESTIFY WHETHER HE RECEIVED ANY WRITTEN COMMUNICATIONS FROM MR. HUBBARD BETWEEN 1979 AND 1981 CONCERNING BENT CORYDON, THE SUBJECT OF SQUIRRELS OR THE SUBJECT OF MISSIONS.

MS. PLEVIN: OR THE SUBJECT OF MR. MISCAVIGE'S ROLE AND POWER WITHIN SCIENTOLOGY. IF YOU ADD THAT, I MIGHT CONSIDER THAT AS REASONABLE. MR. HERTZBERG: YOU MAY ANSWER THAT QUESTION.

THE WITNESS: OKAY. THE ANSWER IS --

MR. HERTZBERG: WITH THAT ADDITION THAT MS, PLEVIN HAS ADDED. I WANT THE RECORD TO BE CLEAR,

THE WITNESS: I HAVE TO CLARIFY WHAT THIS LAST BIT MEANS, GIVE ME THAT.

BY MS, PLEVIN:

Q, MR., HUBBARD'S COMMUNICATIONS INCLUDING --

A, NO, I UNDERSTOOD THE FIRST PART. YOU ADDED SOMETHING TO IT, I WANT TO MAKE SURE I UNDERSTAND THAT,

Q, INCLUDING REFERENCE TO YOUR ROLE IN SCIENTOLOGY ORGANIZATIONS AND CORPORATIONS OR POTENTIAL ROLE,

A. NO.

Q. NO WRITTEN COMMUNICATIONS BETWEEN '79 AND '81 ON THOSE -- NOW, WE WANT TO MAKE SURE WE'RE TALKING ABOUT ALL OF THOSE --

A. MISSIONS, SQUIRRELS, BENT CORYDON AND ON MY POTENTIAL POWER AND ROLE IN SCIENTOLOGY CORPORATIONS ORGANIZATIONS.

Q. DID YOU RECEIVE ANY TELEXES FROM MR. HUBBARD REGARDING THAT PERIOD OF TIME?

MR. HERTZBERG: '79 TO '81?

MS. PLEVIN: YES.

MR. HERTZBERG: I'M GOING TO ALLOW MR. MISCAVIGE TO ANSWER THAT, SUBJECT TO THE SAME AREAS THAT WE'VE JUST AGREED ON.

MS. PLEVIN: WE CAN HAVE THAT UNDERSTANDING.

THE WITNESS: OKAY. ANSWER IT?

MS. PLEVIN: YES.

THE WITNESS: NO.

BY MS. PLEVIN:

Q. LET'S GO BACK TO THE PERSON-TO-PERSON COMMUNICATION, AS WITH THIS SAME GROUP OF AREAS OF TESTIMONY.

MR. HERTZBERG: SO LIMIT IT TO THOSE SUBJECT AREAS.

THE WITNESS: RIGHT, NO.

BY MS. PLEVIN:

Q. DID YOU HAVE ANY COMMUNICATION WITH MR. HUBBARD DURING THAT PERIOD OF TIME THROUGH ANY INTERMEDIARIES?

MR. HERTZBERG: WITH THE SAME FOUR CATEGORIES LIMITED?

MS. PLEVIN: YES.

THE WITNESS: NO.

BY MS. PLEVIN:

Q. NOW, LET'S TAKE ALL OF THOSE QUESTIONS FORWARD, AND ONE AT A TIME, FROM 1981 TO 1986, UNTIL HIS DEATH.

DID YOU HAVE ANY PERSON-TO-PERSON COMMUNICATIONS WITH MR. HUBBARD REGARDING THOSE AREAS OF INQUIRY?

A. NO.

Q. DID YOU HAVE ANY WRITTEN COMMUNICATIONS FROM HIM REGARDING THOSE AREAS OF INQUIRY?

A. ONE SECOND.

(CONFERENCE BETWEEN COUNSEL AND WITNESS.)

THE WITNESS: YES.

qq

BY MS. PLEVIN:

Q. TELL ME ABOUT THOSE COMMUNICATIONS. TELL ME WHAT COMMUNICATIONS THERE WERE AND THEN WE'LL GO INTO QUESTIONS ABOUT THEM. HOW MANY WERE THERE? A. IN REGARDS TO JUST SO I'M CLEAR --

Q. THOSE FOUR AREAS.

A. BENT CORYDON, SQUIRRELS, MISSIONS AND MY POTENTIAL POWER AND ROLE IN ORGANIZATIONS OF SCIENTOLOGY.

MR. DRESCHER: WHY DON'T YOU ASK HIM FOR EACH ONE SEPARATE.

MS, PLEVIN: THAT'S WHAT I'M TRYING TO DO.

Q, FIRST ENUMERATE THEM AND WE'LL GO INTO EACH SEPARATELY,

A. SO BENT CORYDON.

Q. FINE.

A. NONE, NEVER EVER.

Q. SQUIRRELS?

A. SUBJECT OF SQUIRRELING, NOT SQUIRRELS, YES.

Q. HOW MANY?

A. I DON'T KNOW. A FEW.

Q. LESS THAN FIVE?

A. I'D SAY UP TO FIVE. MAYBE FIVE TOTAL.

Q. WRITTEN OR TELEX OR TYPED?

A. TYPED.

Q. WERE THEY SIGNED BY MR. HUBBARD -- SIGNATURE?

MR. HERTZBERG: IF YOU REMEMBER,

THE WITNESS: I CAN'T REMEMBER,

BY MS, PLEVIN:

Q, FEWER THAN FIVE YOU SAID, DO YOU RECALL ABOUT WHEN YOU RECEIVED THESE?

A. WE'RE ON THE SUBJECT OF SQUIRRELS?

Q. YES.

A. LATE '82 OR EARLY 1983.

Q. AND WHAT WAS IT ABOUT? WHAT WERE THESE COMMUNICATIONS ABOUT?

A. OUT-TECH.

Q. WERE THEY ABOUT LITIGATION HAVING TO DO WITH OUT-TECH?

A. NO.

Q. OR SQUIRRELS?

A. NO.

Q. DID THEY PROVIDE ANY INSTRUCTIONS TO YOU OR OTHER PEOPLE REGARDING THIS SUBJECT MATTER OF SQUIRRELS?

A. YES.

Q. WHAT WERE THOSE INSTRUCTIONS?

A. THE INSTRUCTIONS WERE TO RUN A -- OR THAT THE IDEA OF A STANDARD TECH CRUSADE SHOULD BE DONE WITHIN SCIENTOLOGY, TO MAKE SURE THAT STANDARD TECH WAS POPULARIZED IN ANY AREA WHERE A SQUIRREL HAD MESSED IT UP OR HAD BEEN RUNNING SQUIRREL ALTER DESTRUCTIVE PROCESSES.

Q. ANYTHING ELSE IN THOSE COMMUNICATIONS? A. ANYTHING ELSE?

Q. YES.

A. YES.

MR. HERTZBERG: YOU MEAN ON THAT SUBJECT MATTER? MS. PLEVIN: ON THAT SUBJECT MATTER.

MR. HERTZBERG: THE SUBJECT MATTER --

THE WITNESS: OF SQUIRRELS, YES.

BY MS. PLEVIN:

Q. WHAT ELSE?

A. JUST HIS GENERAL DISTASTE FOR THEM, I GUESS I COULD BEST SUM IT UP THAT WAY, AND THAT I GUESS SOMEWHAT OF A BRIEFING OR HISTORICAL ACCOUNT ON JUST THE PROBLEM WITH SQUIRRELS, THAT THEY WERE OUT-TECH. THAT WAS BASICALLY IT. Q. ANYTHING ELSE ABOUT THOSE COMMUNICATIONS?

A. NO.

Q. WHAT ABOUT THE MISSIONS?

A. YES.

Q. AND WHAT KIND OF COMMUNICATION --

A. BY THE WAY, WHEN YOU SAY "WHAT ABOUT THE MISSION," YOU MEAN DID I GET A COMMUNICATION ABOUT THE MISSIONS?

Q. YES.

A. YES.

Q. ABOUT HOW MANY?

A. JUST TO CLARIFY, DID I GET A COMMUNICATION ABOUT THE MISSIONS? I DON'T KNOW IF I DID -- I SAW COMMUNICATION ABOUT THE MISSION.

Q. THAT CAME FROM HUBBARD?

A. YES.

Q. DO YOU KNOW WHAT THAT WAS ABOUT?

A. YES.

Q. WHAT WAS IT ABOUT?

A. IT WAS ABOUT THE MISSIONS. IS THAT WHAT YOU MEAN?

Q. WHAT ABOUT THE MISSIONS, YES.

A. IT WAS ABOUT MISSION HOLDERS -- IT WASN'T ABOUT MISSION HOLDERS -- MISSION HOLDERS OR MISSIONS THAT WERE OUT-TECH OR DIDN'T THINK TECH APPLIED TO THEM OR DIDN'T THINK THEY HAD TO MAINTAIN A HIGH LEVEL OF TECH OR THAT WERE OFF POLICY OR MONEY MOTIVATED. Q. WERE ANY OF THOSE COMMUNICATIONS ABOUT THE ESTABLISHMENT OF SMI?

A. NO.

Q. AND DID YOU RECEIVE ANY WRITTEN COMMUNICATIONS FROM HIM DURING THIS PERIOD OF -- WHICH WE'VE DESCRIBED AS BEING ABOUT YOU AND YOUR ROLE OR POTENTIAL ROLE IN SCIENTOLOGY ORGANIZATIONS?

A. NO.

Q. INITIALLY YOU SAID THAT YOU HAD A WRITTEN COMMUNICATION FROM MR. HUBBARD ABOUT THE MISSIONS TO YOU AND THAT THEN YOU CORRECTED --

A. IT WASN'T ABOUT THE MISSIONS. IT -- IT WAS ABOUT A SUBJECT OF THE MISSIONS, SO MISSIONS WERE INCLUDED.

Q. OKAY.

A. OKAY.

Q. DO YOU KNOW TO WHOM THAT WAS DIRECTED?

A. I CAN'T RECALL.

Q. OKAY. YOU TESTIFIED THAT THESE WRITTEN COMMUNICATIONS WERE NOT SIGNED BY MR. HUBBARD'S HAND; IS THAT ACCURATE? IT DIDN'T HAVE HIS SIGNATURE ON IT?

MR. HERTZBERG: MY RECOLLECTION OF THE TESTIMONY IS HE DOESN'T REMEMBER. YOU CAN CORRECT ME IF --

THE WITNESS: WHICH ONE?

BY MS. PLEVIN:

Q. LET'S APPROACH IT A DIFFERENT WAY. DO YOU RECALL ANY SPECIFICALLY NOT BEING SIGNED BY MR. HUBBARD, VIA SIGNATURE, HANDWRITTEN SIGNATURE.

MR. DRESCHER: WE'RE GETTING VERY VAGUE HERE. I BELIEVE THE QUESTION WAS ORIGINALLY DIRECTED TO COMMUNICATIONS FROM MR. HUBBARD CONCERNING SQUIRRELING AND THE WITNESS' TESTIMONY WAS HE DIDN'T RECALL. NOW --

MS. PLEVIN: NOW I'M ASKING HIM IF HE SPECIFICALLY RECALLS THAT ANY OF THEM WERE NOT SIGNED.

MR. HERTZBERG: WAIT. SEE, I THINK THE APPROACH IS -- SOMETHING CONFUSING ABOUT THE APPROACH. MY RECOLLECTION OF THE TESTIMONY WAS HE COULDN'T RECALL IF ANY OF THEM WERE SIGNED, SO I HAVE A PROBLEM WITH THE APPROACH. I DON'T THINK IT'S HELPFUL TO CLARIFY WHEN YOU SAY WHICH ONES WEREN'T, WHEN HE COULDN'T REMEMBER, IN HIS PRIOR TESTIMONY, THAT ANY WERE.

MS. PLEVIN: I'M NOT ASKING WHICH ONES. I'M ASKING IF HE SPECIFICALLY RECALLS THAT ANY WERE NOT SIGNED.

THE WITNESS: THESE ONES THAT I MENTIONED TO YOU, I DON'T THINK THEY WERE. THAT'S MY ANSWER, TO THE BEST OF MY MEMORY AND RECOLLECTION. BY MS. PLEVIN:

Q. IF THEY WERE NOT SIGNED, WHAT WAS THE MEANS BY WHICH YOU KNOW THEY CAME FROM HUBBARD?

A. WHAT WAS THE MEANS BY WHICH I KNEW?

MR. HERTZBERG: YOU'RE ASKING HIM IN 1982 -- IN THIS PERIOD?

MS. PLEVIN: CONFERENCE WITH COUNSEL.

(CONFERENCE BETWEEN COUNSEL AND WITNESS.)

MR. HERTZBERG: GO AHEAD.

THE WITNESS: HOW DID I KNOW THEY WERE FROM L.R.H.?

BY MS. PLEVIN:

Q. YES.

A. I KNEW THEY WERE DICTATION TAPES. I DID NOT HEAR THE ACTUAL DICTATION NECESSARILY ON THESE, ALTHOUGH I DON'T RECALL IF I DID OR DIDN'T, BUT THAT'S HOW I GENERALLY KNEW. Q. OKAY. BUT SOMEBODY HANDED YOU THE WRITTEN COMMUNICATION, THE TYPE --

A. NO.

Q. HOW DID YOU GET IT?

A. IT WOULD BE ON MY DESK.

Q. AND YOU DON'T KNOW HOW IT GOT THERE?

A. I --

MR. HERTZBERG: YOU MEAN OTHER THAN SOMEBODY PUTTING IT ON THE DESK?

BY MS. PLEVIN:

Q. SPECIFICALLY WHO PUT IT ON THERE?

A. WHO PUT THAT ON THERE?

Q. YES.

A. NO, I DON'T KNOW THAT.

Q. WHY DID YOU ASSUME THEY WERE FROM HUBBARD?

A. DIDN'T I JUST ANSWER THAT?

Q. THESE COMMUNICATIONS WITHOUT SIGNATURE. NO, YOU SAID YOU DIDN'T HEAR THE TAPES.

A. NO, I SAID I CAN'T RECALL WHETHER I NECESSARILY HEARD THOSE ONES OR NOT, BUT I KNEW THAT THEY WERE DICTATED AND I HEARD DICTATION, AND THESE WERE IN DICTATED FORM.

Q. OKAY.

A. YOU ASKED ME HOW DID I KNOW?

Q. YES.

A. YOU WANT MY ANSWER?

Q. YES.

A. I KNEW. THAT'S MY BEST ANSWER. I KNEW.

Q. NOW, DID MR. HUBBARD USE CERTAIN NOTES OF SOME KIND AS A SIGNATURE ON THE TRANSCRIBED CASSETTES TO DENOTE HIM? FOR EXAMPLE, AN ASTERISK OR POUND SIGN OR THE LETTER ** MR. HERTZBERG: YOU MEAN FROM TIME TO TIME?

MS. PLEVIN: FROM TIME TO TIME.

THE WITNESS: I THINK FROM TIME TO TIME HE SIGNED HIS NAME "R." THAT WAS -- YOU SAY TO DENOTE. I DON'T KNOW, "R," INITIALS L.R.H., "R."

BY MS. PLEVIN:

Q. OKAY. BUT TYPED ON THE PAGE?

A. DID HE TYPE THEM ON THE PAGE?

Q. NO, TYPED BY THE PERSON WHO TRANSCRIBED THE CASSETTE.

A. YOU ASKED ME IF L.R.H. NOTED THESE -- I DON'T KNOW.

MR. HERTZBERG: THIS IS RELEVANT TO THIS LAWSUIT?

MS. PLEVIN: YES.

MR. HERTZBERG: OKAY.

THE WITNESS: YOU ASKED ME SEVERAL. I GAVE THE "R." A POUND SIGN? I DON'T KNOW WHAT YOU MEAN BY THAT. YOU MEAN A BRITISH STERLING?

BY MS. PLEVIN:

Q. NO, NO, NO. IT'S CALLED A POUND SIGN. I'M SHOWING YOU A DOCUMENT CAPTIONED "LOWW/SOI 30 NOVEMBER 1979" IT'S A THREE-PAGE DOCUMENT.

MR. HERTZBERG: GOT ONE FOR ME.

MS. PLEVIN: YES.

MR. HERTZBERG: THANK YOU.

BY MS. PLEVIN:

Q. YOU SEE THE THIRD PAGE THERE. TAKE A LOOK AT THE DOCUMENT, PLEASE.

A. OKAY.

MR. LIEBERMAN: LET'S TAKE A LOOK AT THE DOCUMENT, PLEASE.

BY MS. PLEVIN:

Q. HAVE YOU TAKEN A LOOK AT IT,

MR. MISCAVIGE?

MR. HERTZBERG: I HAVEN'T.

BY MS. PLEVIN:

Q. I JUST WANT TO KNOW IF HE TOOK A LOOK AT IT.

A. I GLANCED AT IT, YES.

MR. HERTZBERG: COULD YOU WAIT FOR A MOMENT UNTIL I FINISH READING IT. ALL RIGHT. GO AHEAD.

BY MS. PLEVIN:

Q. OKAY. HAVE YOU EVER SEEN THIS PARTICULAR DOCUMENT BEFORE?

A. NO, I HAVEN'T.

Q. YOU SEE ON PAGE 3 THAT THERE ARE, AT THE END OF THE TEXT, THERE'S THREE --

A. NUMERAL MARKS.

Q. THAT'S WHAT I CALL THEM, BUT THE TELEPHONE COMPANY CALLS THEM POUND SIGNS WHEN YOU'RE DEALING WITH CODES ON THE TELEPHONE.

MR. DRESCHER: SHARP SIGNS.

BY MS. PLEVIN:

Q. SHARP. YOU SEE THAT?

A. YES.

Q. IS THAT ONE OF THE WAYS MR. HUBBARD DESIGNATED HE WAS THE ORIGINATOR OF THE TEXT DURING THAT PERIOD OF TIME THAT HE WAS COMMUNICATING WITH YOU IN WRITING ON OCCASION? A. I DON'T KNOW.

Q. OKAY. HERE'S A TWO-PAGE DOCUMENT.

A. DO YOU WANT THIS ONE BACK?

Q. MS. PLEVIN: ONE FOR MR. HERTZBERG, IF HE WANTS TO SEE IT.

MR. HERTZBERG: I MOST CERTAINLY DO.

BY MS. PLEVIN:

Q. IT SAYS AT THE TOP, "DIV 6 STATS SCN INT," AND YOU SEE THAT IT HAS AN "R" ON PAGE 2 AFTER THE TEXT.

A. YES.

Q. IS THAT FAMILIAR TO YOU AS ONE OF THE WAYS IN WHICH MR. HUBBARD COMMUNICATED IN WRITING AND DESIGNATED -- SO THAT PEOPLE WOULD KNOW IT CAME FROM HIM?

MR. HERTZBERG: I THINK HE SAID, "FROM TIME TO TIME."

THE WITNESS: NO, NOT LIKE THIS. I'VE NEVER SEEN ANY LIKE THIS IN MY LIFE. AS A MATTER OF FACT, I'M VERY UNFAMILIAR WITH THIS.

BY MS. PLEVIN:

Q. OKAY. HOW ABOUT THIS ONE? THIS IS A THREE-PAGE DOCUMENT, SAYS "RE STARTER PACKAGE FOR SMI."

DO YOU SEE HOW THAT'S SIGNED AT THE END?

A. NO, I DON'T EVEN SEE A SIGNATURE.

Q. WELL, IT HAS "R COLON DJSR."

A. RIGHT. I SEE THAT.

MR. HERTZBERG: HE SEES IT. IS THERE A FOLLOW-UP QUESTION?

BY MS. PLEVIN:

Q. HAVE YOU EVER SEEN THIS DOCUMENT BEFORE?

A. NO.

Q. SO DOCUMENTS WOULD APPEAR ON YOUR DESK AND YOUR TESTIMONY IS THAT EVEN THOUGH YOU DON'T RECALL WHETHER THEY WERE ALL SIGNED, THERE WERE CERTAIN DOCUMENTS YOU KNEW CAME FROM HUBBARD? YOU JUST KNEW THEY CAME FROM HUBBARD? MR. HERTZBERG: THAT WAS ASKED AND ANSWERED. HE ASKED AND ANSWERED -- THAT WAS ASKED AND ANSWERED.

MS. PLEVIN: OKAY. A SINGLE PAGE DOCUMENT SAYS "ALERT ADMIN EMERGENCY SMI" ON THE LEFT IT HAS "WTC." ON THE RIGHT IT HAS "8 JANUARY 1980 RE: STARTER PACK FOR SMI MISSIONS."

Q. HAVE YOU EVER SEEN THIS DOCUMENT BEFORE?

A. NO, I HAVEN'T.

Q. DO YOU HAVE ANY KNOWLEDGE ABOUT THE PLANNING FOR THE START UP OF SMI?

A. YES.

Q. OKAY. TELL ME ABOUT --

A. I HEARD ABOUT IT, AND I -- I HEARD ABOUT IT.

Q. DO YOU RECALL FROM WHO?

A. I'M NOT POSITIVE, BUT I THINK ANN TASKETT.

Q. DID SHE EVER TELL YOU THAT SHE RECEIVED ADVICES AND ORDERS FROM HUBBARD REGARDING SMI?

A. NO.

Q. DID MR. HUBBARD COMMUNICATE WITH YOU VIA ANY INTERMEDIARY, FROM '81, TO HIS DEATH?

MR. HERTZBERG: OKAY. IS THAT QUESTION SUBJECT TO THE SAME FOUR CATEGORIES OF LIMITATION THAT WE'VE AGREED AND STIPULATED TO BEFORE?

MS. PLEVIN: RIGHT.

MR. HERTZBERG: YOU MAY ANSWER, SUBJECT TO -- IN OTHER WORDS, DID YOU COMMUNICATE DURING THAT TIME PERIOD, VIA ANY INTERMEDIARIES ABOUT THOSE FOUR SUBJECTS?

(CONFERENCE BETWEEN COUNSEL AND WITNESS.)

THE WITNESS: CAN I ASK WHAT DO YOU MEAN BY "INTERMEDIARY"?

BY MS. PLEVIN:

Q. SOMEONE WHO YOU MET WITH, WHO HAD BEEN IN CONTACT WITH HUBBARD.

A. AND COMMUNICATED SOMETHING TO ME?

Q. YES.

A. NO.

Q. DID YOU MEET AT ANY TIME BETWEEN 1980 AND MR. HUBBARD'S DEATH THROUGH AN INTERMEDIARY, WITH MR. HUBBARD, ABOUT ANY SUBJECT?

MR. HERTZBERG: YOU'RE ASKING ANY SUBJECT?

MS. PLEVIN: YES.

MR. HERTZBERG: WITHOUT THE LIMITATION?

MS. PLEVIN: THAT'S CORRECT.

MR. HERTZBERG: I'M GOING TO INSTRUCT MR. MISCAVIGE THAT HE MAY ANSWER THAT QUESTION

SUBJECT TO THE FOUR CATEGORIES OF LIMITATION THAT HAVE BEEN PREVIOUSLY AGREED UPON WITH RESPECT TO YOUR PRIOR QUESTIONS.

MS. PLEVIN: BUT YOU'RE INSTRUCTING HIM NOT TO ANSWER -- HE'S ALREADY ANSWERED "NO" AS TO THAT MODIFIED QUESTION. YOU'RE INSTRUCTING HIM NOT TO ANSWER AS TO --

MR. LIEBERMAN: I THINK THE QUESTION IS A LITTLE GARBLED, QUITE FRANKLY. COULD YOU REPEAT IT?

(RECORD READ.)

MR. DRESCHER: I THINK --

BY MS. PLEVIN:

Q. DID YOU COMMUNICATE WITH MR. HUBBARD VIA ANY INTERMEDIARY, OR MR. HUBBARD COMMUNICATE WITH YOU VIA ANY INTERMEDIARY, ON ANY SUBJECT FROM 1980 TO MR. HUBBARD'S DEATH?

MR. HERTZBERG: OKAY. I AM -- I'M GOING TO INSTRUCT HIM THAT HE MAY ANSWER THAT, INSOFAR AS HE COMMUNICATED WITH MR. HUBBARD VIA ANY INTERMEDIARY ON THE FOUR SUBJECTS THAT WE HAVE IDENTIFIED.

THE WITNESS: NO.

BY MS. PLEVIN:

Q. AND YOU'RE INSTRUCTING HIM NOT TO ANSWER THE UNMODIFIED QUESTION?

MR. HERTZBERG: YES, OTHERWISE, SUBJECTS OTHER THAN CORYDON. SQUIRRELS, MISSIONS OR THE --

MS. PLEVIN: ALL YOU HAVE TO DO -- YOU DON'T HAVE TO KEEP REPEATING IT. I THINK WE UNDERSTAND EACH OTHER.

Q. DID YOU EVER MEET WITH PAT BROKER TO DISCUSS COMMUNICATIONS FROM MR. HUBBARD TO YOU AT ANY TIME BETWEEN 1980 AND HIS DEATH, DEATH OF MR. HUBBARD?

MR. HERTZBERG: ONE MOMENT. I'M CONFUSED BY THAT. WE'RE GOING TO TAKE A BREAK.

(RECESS TAKEN.)

MR. HERTZBERG: MR. MISCAVIGE WILL ANSWER THE PENDING QUESTION.

THE WITNESS: NO.

BY MS. PLEVIN:

Q. DID YOU EVER GO OFF THE PROPERTY OF GILMAN HOT SPRINGS WITH D.D. REISDORF TO MEET WITH PAT BROKER TO GET COMMUNICATIONS FROM L. RON HUBBARD IN THE PERIOD 1980. '81, TOWARDS THE END OF '81?

A. NO.

Q. WHO WAS IN COMMUNICATION WITH MR. HUBBARD FROM THE PERIOD 1980 THROUGH HIS DEATH, AND WE CAN BREAK IT DOWN IF YOU HAVE ANY KNOWLEDGE, AS IT CHANGES IN THAT PERIOD?

MR. HERTZBERG: OKAY. WHAT DO YOU MEAN BY "AS IT CHANGES IN TEAT PERIOD"? WHAT DO

YOU MEAN "AS IT CHANGES IN THAT PERIOD"?

MS. PLEVIN: IT'S A LONG PERIOD. THERE MAY HAVE BEEN CHANGES AS TO WHO HE UNDERSTANDS WOULD BE IN DIRECT CONTACT WITH MR. HUBBARD.

MR. HERTZBERG: I WILL INSTRUCT HIM TO ANSWER THAT QUESTION, SUBJECT TO THE LIMITATION OF WHETHER HE KNOWS ANYBODY DURING THAT TIME PERIOD THAT YOU HAVE SPECIFIED WHO WAS IN COMMUNICATION WITH MR. HUBBARD WITH RESPECT TO THE FOUR AREAS THAT WE HAVE PREVIOUSLY STIPULATED TO WITH RESPECT TO PRIOR QUESTIONS.

BY MS. PLEVIN:

Q. ARE YOU GOING TO ANSWER THE QUESTION AS MODIFIED BY YOUR ATTORNEY, MR. MISCAVIGE?

A. I DON'T UNDERSTAND THE QUESTION.

MR. HERTZBERG: OKAY. AS I UNDERSTAND IT, AND YOU CORRECT ME IF I'M WRONG, MISS PLEVIN, MISS PLEVIN WANTS TO KNOW WHETHER YOU KNOW OF ANYBODY DURING THE 1980 TO 1986 PERIOD WHO RECEIVED COMMUNICATIONS FROM MR. HUBBARD, ON THE TOPICS OF BENT CORYDON, SQUIRRELS, MISSIONS AND YOUR POWER IN SCIENTOLOGY.

THE WITNESS: OKAY.

BY MS. PLEVIN:

Q. ACTUALLY THAT WASN'T IT, BUT YOU CAN ANSWER THAT QUESTION AND I'LL REPHRASE IT.

A. ON BENT CORYDON? NO. ON MISSIONS? I MENTIONED THAT TO YOU. ON SQUIRRELS, THE ONES I'VE MENTIONED AND YES, I KNOW COMMUNICATIONS ON SQUIRRELS AND MY POWER, NO.

Q. DO YOU KNOW WHO WAS IN PERSON-TO-PERSON CONTACT WITH MR. HUBBARD IN 1980?

A. WHEN?

Q. IN 1980. AT ANY TIME IN 1980?

MR. HERTZBERG: YOU MEAN ON ANY TOPIC?

MS. PLEVIN: YES.

MR. HERTZBERG: THE SAME LIMITATION. MR. MISCAVIGE CAN ANSWER THAT QUESTION. I WILL PERMIT HIM TO ANSWER THE QUESTION INSOFAR AS HE KNOWS ANYBODY DURING 1980 WHO WAS IN CONTACT WITH MR. HUBBARD ON THE SUBJECT OF BENT CORYDON, SQUIRRELS, MISSIONS AND THE CATEGORY WHICH YOU FORMULATED NAMING MR. MISCAVIGE'S POWER IN SCIENTOLOGY.

MR. LIEBERMAN: WHEN YOU SAID DIRECT CONTACT --

MS. PLEVIN: THAT'S WHAT I'M SAYING, "DIRECT CONTACT"? MR. LIEBERMAN: WHAT DO YOU MEAN BY "DIRECT CONTACT." MS. PLEVIN: PERSON BY PERSON, LIVING WITH HIM --

MR. LIEBERMAN: ACTUALLY HAVING PERSONALLY MET HIM? MR. DRESCHER: FACE TO FACE?

MS. PLEVIN: FACE TO FACE.

THE WITNESS: ON THOSE FOUR SUBJECTS, NO.

MS. PLEVIN: THE OBJECTION IS UNDERSTOOD, MR. HERTZBERG. YOU DON'T HAVE TO TAKE A HALF PAGE OF TYPE EVERY TIME IT COMES UP. Q. WHAT IS YOUR ANSWER, MR. MISCAVIGE?

MR. HERTZBERG: INSOFAR AS YOU'RE ASKING HIM OUTSIDE THOSE FOUR AREAS, I'M INSTRUCTING HIM NOT TO ANSWER.

MS. PLEVIN: OKAY.

MR. HERTZBERG: ONE MOMENT, PLEASE. LET ME SPEAK TO MY CO-COUNSEL. ALL RIGHT. INSOFAR AS YOU'RE SEEKING AN ANSWER OUTSIDE THOSE FOUR AREAS, I'M INSTRUCTING HIM NOT TO ANSWER.

BY MS. PLEVIN:

Q. DID YOU HAVE ANY MEETINGS WITH PAT BROKER OR WITH OTHER PEOPLE AND YOURSELF WITH PAT BROKER AT ANY TIME IN WHICH YOU BELIEVED THAT MR. BROKER WAS SPEAKING ON BEHALF OF MR. HUBBARD AND COMMUNICATING TO YOU ON BEHALF OF MR. HUBBARD? A. NO.

(RECESS TAKEN.)

MR. HERTZBERG: LET'S GO BACK ON THE RECORD. FOR THE RECORD, I INQUIRED OF MISS PLEVIN HOW LATE SHE INTENDED TO GO TODAY. MISS PLEVIN SAID SHE COULD BE PREPARED TO GO UNTIL 10 O'CLOCK. I SAID THAT THAT WOULD BE FINE ON OUR SIDE. THE COURT REPORTER HAS INFORMED US THAT SHE IS NOT ABLE TO GO BEYOND 6:00 O'CLOCK.

MS. PLEVIN: RIGHT. I ALSO STATED THAT I DON'T BELIEVE THAT THE NOTICE SPECIFYING -- THE NOTICE OF DEPOSITION SPECIFYING TWO DAYS LIMITS ME TO TWO DAYS AS A MATTER OF PROCEDURE AND GIVEN MR. HERTZBERG'S CONTRARY VIEW VIEW AND MY BELIEF THAT WE MAY NOT FINISH AT ALL TOMORROW, IT WOULD BE MY PREFERENCE TO TRY TO AVOID MOTION PRACTICE, ON A MOTION TO COMPEL ON THAT ISSUE AND TO STAY AS LONG AS WE COULD ALL STAND IT, SO THAT IT'S WITHIN A TWO-DAY SPAN, SINCE IT SEEMS TO BE MR. HERTZBERG'S CLAIM OF LIMITATION.

MR. HELLER: WHY DON'T WE DEAL WITH IT TOMORROW. I'M NOT SURE WHAT MY SCHEDULE IS GOING TO BE TOMORROW. MR. HERTZBERG: LARRY --

MR. HELLER: GO AHEAD.

MR. DRESCHER: I THINK THERE'S A RESPONSE TO THAT THAT'S NECESSARY.

MR. HERTZBERG: I WANT TO MAKE ONE RESPONSE.

MR. DRESCHER: WELL, YOU GO AHEAD.

MR. HERTZBERG: I JUST WANT TO NOTE FOR THE RECORD IT WASN'T JUST YOUR NOTICE, BUT ALSO CONVERSATIONS THAT WE HAD WHICH LED ME TO BELIEVE THAT WE WERE GOING TO -- THAT YOU WERE NOT GOING TO NEED MORE THAN TWO DAYS TO COMPLETE THIS DEPOSITION OF MR. MISCAVIGE, AND I ALSO WANT TO NOTE THAT IT WAS IN RELIANCE ON THAT, THAT THAT WAS A FACTOR IN MY DECIDING TO GIVE UP WHAT I CONSIDERED TO BE MY ENTITLEMENT TO COMPLETE YOUR CLIENT'S DEPOSITION BEFORE YOU TOOK MY CLIENT'S DEPOSITION.

MS. PLEVIN: I DIDN'T SAY I'D HAVE TO PICK UP WITH HIM AGAIN WITHIN THE NEXT COUPLE OF WEEKS.

WE WERE IN THE PROCESS OF DISCUSSING SCHEDULING, AND MR. HERTZBERG HAD MADE A COMMENT ABOUT THE ISSUE OF PRIORITY AND SO FORTH, AND I BEGAN TO STATE THAT ALTHOUGH I DO NOT BELIEVE THERE IS AN ENTITLEMENT TO PRIORITY IN THIS SITUATION, THAT MY NEED TO FINISH UP MR. MISCAVIGE, SHOULD WE NOT FINISH TOMORROW, WOULD NOT NECESSARILY INTERVENE PRIOR TO YOUR FINISHING WITH MR. CORYDON. THAT WOULD BE AN APPROPRIATE ACCOMMODATION. I HAVE NO PROBLEM WITH THAT.

MR. HERTZBERG: YOU MAY THINK IT IS, BUT I DON'T THINK IT IS. MR. MISCAVIGE IS A

BUSY PERSON.

MS. PLEVIN: ALL RIGHT. OKAY.

MR. HERTZBERG: LET ME FINISH. I JUST WANT TO LET YOU KNOW THAT WHILE -- I'M JUST NOT AGREEING TO THAT. I THINK WE SHOULD DO EVERYTHING TO LIVE UP TO WHAT WE ARE -- OUR EXPECTATION THAT THIS WOULD BE A DEPOSITION OF TWO DAYS OR LESS, AND LET'S MOVE ON. MS. PLEVIN: WAS THERE A QUESTION PENDING?

(RECORD READ.)

MS. PLEVIN: HERE'S A TWO-PAGE DOCUMENT ENTITLED "SEA ORG FLAG ORDER 3879 CANCELED," ORIGINALLY DATED 19 JANUARY 1986, ISSUED IN MARCH 1986 AND CANCELED 18 APRIL 1988.

Q. ARE YOU FAMILIAR WITH THIS DOCUMENT, MR. MISCAVIGE?

A. YES.

Q. DID YOU WRITE THIS DOCUMENT?

MR. HERTZBERG: LET ME JUST LOOK AT IT FOR A MOMENT.

OKAY. YOU MAY ANSWER.

THE WITNESS: YES, I DID.

BY MS. PLEVIN:

Q. THE SECOND PARAGRAPH OF THE FIRST PAGE --

A. CAN I JUST READ THROUGH THIS?

Q. PLEASE. SURE. TAKE YOUR TIME.

A. RIGHT. OKAY. I'M DONE READING THIS.

MR. HELLER: BEFORE YOU ASK A QUESTION, I'LL OBJECT TO ANY QUESTIONS RELATING TO THIS DOCUMENT, NOW THAT I'VE HAD A CHANCE TO PERUSE IT, AND BASED ON RELEVANCE, I DON'T SEE HOW IT RELATES TO THIS COMPLAINT AT ALL.

BY MS. PLEVIN:

Q. MR. MISCAVIGE, IN PARAGRAPH 2, IT STATES "A FULL INVESTIGATION REVEALED THAT THE FLAG ORDER 3879, THE SEA ORG, IN THE FUTURE HAD NOT IN FACT BEEN WRITTEN BY OR BEEN SEEN BY L.R.H. NOR WERE THE CONTENTS BASED ON ANY ADVICE, REQUEST OR NOTE FROM L.R.H." A. THE FLAG WAS FABRICATED BY PAT BROKER, JUST TO COMPLETE THE PARAGRAPH.

Q. YES. WHAT WERE THE FACTS THAT YOU DISCOVERED IN THAT INVESTIGATION THAT LED YOU TO BELIEVE THAT?

MR. HERTZBERG: ALL RIGHT. I WANT TO KNOW WHAT THE RELEVANCE OF THAT HAS TO DO WITH THE COMPLAINT IN THIS CASE, MISS PLEVIN? THIS IS GETTING REALLY PRETTY -- PRETTY OUTRAGEOUS.

MS. PLEVIN: MR. MISCAVIGE HAS WRITTEN -- ISSUED THIS DOCUMENT AS A SEA ORG DOCUMENT WITH A FLAG ORDER DESIGNATION, AND DENOTING HIS POSITION AS CHAIRMAN OF THE BOARD RTC HAVING TO DO WITH A VARIETY OF POWERS, AND RIGHTS AND RESPONSIBILITIES.

MR. HERTZBERG: YES. AND HE'S TESTIFIED THAT HE WAS A GENERAL OF THE BOARD OF RTC.

HOW DOES THAT RELATE TO BENT CORYDON?

MR. HELLER: OR THE COMPLAINT?

MS. PLEVIN: I'VE ANSWERED THAT QUESTION A DOZEN TIMES. I'M NOT GOING TO ANSWER IT AGAIN. ARE YOU GOING TO INSTRUCT HIM NOT TO ANSWER?

MR. HERTZBERG: YES, I AM. IF THAT'S ALL YOU CAN SAY ABOUT WHY YOU'RE GOING TO ASK THIS QUESTION, I'M GOING TO, IN THE INTEREST OF UTTERLY WASTING TIME.

MS. PLEVIN: ALL RIGHT.

qq

Q. DID YOU CONDUCT AN INVESTIGATION, MR. MISCAVIGE, TO DETERMINE WHETHER MR. BROKER HAD BEEN IN CONTACT WITH MR. HUBBARD?

MR. HERTZBERG: ALL RIGHT.

MS. PLEVIN: WILL YOU JUST REPEAT YOUR OBJECTIONS, MR. HERTZBERG. FOR THE RECORD, I'M MAKING MY RECORD, OKAY?

MR. HERTZBERG: I WANT TO MAKE MY RECORD THE WAY I WANT TO MAKE IT AND I'M GOING TO ASK YOU FOR THIS QUESTION, BEFORE I INSTRUCT. ARE YOU GOING TO ADD ANYTHING TO YOUR RATIONALE FOR ASKING THIS QUESTION, THAT YOU HAVEN'T SAID ALREADY? MS. PLEVIN: I'VE GIVEN YOU MY RATIONALE PREVIOUSLY IN THIS DEPOSITION AND IN OTHERS. I'M NOT GOING TO REPEAT IT.

MR. HERTZBERG: SAME INSTRUCTION.

THE WITNESS: ONE SECOND, PLEASE.

(CONFERENCE BETWEEN COUNSEL AND WITNESS.)

MR. HERTZBERG: COULD WE HAVE THE QUESTION READ BACK, PLEASE.

(RECORD READ.)

THE WITNESS: OKAY. ALL RIGHT.

MS. PLEVIN: INSTRUCTION NOT TO ANSWER?

MR. HERTZBERG: YES, SUBJECT TO MY HAVING INQUIRED WHETHER YOU HAD PROFFERED ANY FURTHER RATIONALE.

MS. PLEVIN: ALL RIGHT.

Q. YOU ARE A MEMBER OF THE SEA ORG?

A. YES, I AM.

Q. DO YOU HAVE A SPECIFIC RANK IN THE SEA ORG?

A. YES, I DO.

Q. WHAT IS THAT?

A. CAPTAIN.

Q. WHAT IS THE HIGHEST RANK IN THE SEA ORG?

A. COMMODORE.

Q. COMMODORE IS HIGHER THAN CAPTAIN?

A. OF COURSE.

Q. IS THERE ANYONE OTHER THAN YOURSELF WHO IS A CAPTAIN?

A. YES.

Q. HOW MANY PEOPLE?

A. TWO DOZEN OR SO, THEREABOUTS, MAYBE LESS; THEREABOUTS THOUGH.

Q. WHO --

A. OH, EXCUSE ME. EXCUSE ME. NO, I'D SAY ABOUT MAYBE TEN. I'M SORRY, ABOUT THAT.

Q. OKAY.

A. I'M SORRY.

Q. DO YOU KNOW WHO, IN APRIL OF 1988, HAD THE HIGHEST POSITION IN -- ARE THE SAME PEOPLE WHO CURRENTLY HAVE -- THE SAME TEN PEOPLE, APPROXIMATELY, WHO CURRENTLY HAVE THE RANK OF CAPTAIN, HAD RANK OF CAPTAIN IN APRIL 1988, TO THE BEST OF YOUR KNOWLEDGE? MR. DRESCHER: WHILE THE WITNESS IS THINKING, I'LL OBSERVE THIS IS ALL VERY INTERESTING, BUT IT'S UTTERLY IRRELEVANT.

MR. HELLER: I'LL JOIN IN THAT.

MS. PLEVIN: SO NOTED.

MR. HERTZBERG: I JOIN IN IT, BUT YOU MAY ANSWER THE QUESTION, IF YOU KNOW.

THE WITNESS: I THINK SO, BUT MAYBE -- MAYBE SOME HAVE CHANGED. I THINK SO.

BY MS. PLEVIN:

Q. AMONG THOSE TEN, ARE THERE ANY WHO ARE SENIOR TO OTHERS?

A. BY VIRTUE OF CAPTAIN?

Q. BY VIRTUE OF -- WELL, I DON'T KNOW.

A. YOU'RE ASKING ABOUT CAPTAINS?

Q. YES. AMONG THOSE TEN.

A. THEY'RE ALL CAPTAINS SO IT'S EQUAL; IS THAT WHAT YOU MEAN?

Q. YES. THEY'RE ALL EQUAL, BUT ARE THERE ANY THAT HAVE SENIOR STATUS?

A. WITH RANK?

Q. NO, IN FUNCTION, IN ZONE OF RESPONSIBILITY.

A. CAPTAIN DOESN'T NECESSARILY EQUATE TO FUNCTION. MIND YOU, IT CAN --

Q. OKAY.

A. -- JUST SO I'M CLEAR THERE, BUT IT ISN'T AN ABSOLUTE.

Q. OKAY.

A. OKAY.

Q. IN THE FUNCTION OF THE SEA ORG AND THE RESPONSIBILITY OF THE SEA ORG, WERE THERE ANY OF THOSE TEN, IN 1988, W;40 HAD GREATER AUTHORITY THAN ANY OF THE OTHERS?

A. IN REFERENCE TO THE SEA ORG?

Q. YES.

A. YOU'RE MISSTATING IT. I MEAN --

MR. HELLER: DO YOU UNDERSTAND IT?

THE WITNESS: NO.

MR. HELLER: ALL RIGHT. THEN THAT'S YOUR ANSWER, YOU DON'T UNDERSTAND THE REASON I WANT --

MS. PLEVIN: HOW MANY ATTORNEYS DOES MR. MISCAVIGE HAVE?

MR. HELLER: I'M HERE AS AN ATTORNEY FOR TWO PARTIES. I CAN MAKE ANY OBJECTION I WANT. NOW, PLEASE DON'T INTERRUPT ME AGAIN.

MS. PLEVIN: IN TERMS OF INSTRUCTING MR. MISCAVIGE --

MR. HELLER: I AM NOT --

MS. PLEVIN: YOU'RE --

MR. HELLER: WHAT I'M SAYING IS THE FOLLOWING: I'M OBSERVING -- USUALLY MR. HERTZBERG OBSERVES -- THIS TIME I'M OBSERVING -24 THAT MR. MISCAVIGE WAS STRUGGLING WITH THIS AND TIME [HAD PASSED. I WANTED TO LET HIM KNOW, BECAUSE THIS INSTRUCTION WASN'T GIVEN BY YOU WHEN YOU GAVE YOUR ADMONITIONS IF YOU DON'T UNDERSTAND A QUESTION, IT'S PERFECTLY FINE TO SAY, "I DON'T UNDERSTAND." I'M SURE, MISS PLEVIN, YOU'D BE HAPPY TO REPEAT IT.

MS. PLEVIN: ABSOLUTELY.

MR. HELLER: FINE. LET'S PROCEED.

BY MS. PLEVIN:

Q. DID YOU EVER HEAR OF THE CONCEPT OF FIRST AMONG EQUALS? MR. HELLER: OBJECTION. RELEVANCE.

BY MS. PLEVIN:

Q. DO YOU KNOW WHAT I'M REFERRING TO IF I SAID THAT AMONG VARIOUS MINISTERS, THERE'S A FIRST AMONG EQUALS, A PRIME MINISTER -(CONFERENCE BETWEEN COUNSEL AND

WITNESS.)

THE WITNESS: NO, I HAVEN'T.

BY MS. PLEVIN:

Q. ALL RIGHT. THAT'S FINE. THAT'S FINE. OKAY. THIS MORNING WE WERE TALKING ABOUT DIFFERENT POSITIONS YOU HAD CHRONOLOGICALLY. A. UH-HUH.

Q. WE GOT TO A POINT, OH, IN '81 OR SO, AND I ASKED WHAT WAS THE CORPORATE OR POST POSITION YOU NEXT TOOK. I'D LIKE TO ASK FROM THAT BASIS, IN 1981, IF YOU RECALL, WHAT WERE THE POSITIONS YOU HAD IN A CORPORATION OR ORGANIZATION OF SCIENTOLOGY. A. IN 1981?

Q. CORRECT.

A. I THINK I ANSWERED THIS.

MR. DRESCHER: THIS HAS BEEN ASKED AND ANSWERED FOR THAT YEAR.

MS. PLEVIN: I DON'T KNOW WHETHER WE WENT ALL THROUGH 1981. I WANT TO MAKE SURE THERE'S NOTHING THAT'S OVERLOOKED.

Q. IS THERE ANYTHING THAT YOU DID NOT MENTION WITH RESPECT TO 1981, BECAUSE AS OF THAT TIME, YOU DID NOT INDICATE ANY CORPORATE RESPONSIBILITY OR POSITION OF ANY KIND WITH ASI OR RTC AND THAT'S WHAT I'M MOVING TOWARDS AND I WANT TO MAKE THAT VERY CLEAR. IT'S NOT A GAME.

A. THAT'S A SIMPLE ANSWER. ASI AND RTC DIDN'T EXIST. DOES THAT ANSWER YOUR QUESTION?

Q. THROUGH THE END OF 1981, TO YOUR KNOWLEDGE?

A. RIGHT.

Q. NOW, STARTING IN 1982 -- WELL, AT THE END -- AT THE END OF -- I'M SORRY -- AT THE END OF 1981, WHAT WERE THE POSITIONS YOU HAD? A. AT THE END OF 1981?

Q. YES. WAS THAT WHEN YOU WERE CHIEF OFFICER OFFICER, CMO INT?

A. NO. I BELIEVE THAT WAS WHEN I WAS SPECIAL PROJECTS OPS.

Q. LET'S START FROM THERE. HOW LONG DID YOU CONTINUE WITH SPECIAL PROJECT OPS BEYOND '81, IF AT ALL?

A. AT THAT TIME?

Q. YES.

A. AT THAT TIME, I DON'T KNOW, MAYBE A MONTH, MAYBE IT WAS TWO MONTHS, BUT CALL IT A FEW MONTHS. THAT WOULD BE IN THE BALLPARK.

Q. OKAY. NOW, WHAT WAS THE NEXT POST OR CORPORATE POSITION YOU HELD OF ANY KIND?

MR. HERTZBERG: DO YOU UNDERSTAND WHAT TIME FRAME SHE'S TALKING ABOUT?

THE WITNESS: IN 1982.

MS. PLEVIN: YES.

THE WITNESS: I WORKED AT ASI.

BY MS. PLEVIN:

Q. WHAT WAS YOUR POST OR POSITION THERE?

A. IT STARTED -- CEO.

Q. TO THE BEST OF YOUR KNOWLEDGE, WERE YOU THE FIRST CEO?

A. YES.

Q. ARE YOU STILL CEO OF ASI?

A. NO.

Q. WERE YOU CONTINUOUSLY CEO FROM 1982 UNTIL SOME PERIOD, TO SOME DATE, OR WERE YOU ON AND OFF?

A. NO, I WASN'T ON AND OFF EITHER.

Q. OKAY. YOU WERE -- 1982 UNTIL WHEN WERE YOU CEO?

A. SOMETIME LATER IN 1982.

Q. DID YOU CONTINUE TO HAVE SOME POSITION WITH ASI AFTER YOU CEASED BEING CEO?

A. YES.

Q. AND WHAT WAS THAT?

A. COB.

Q. OKAY. ARE YOU CHAIRMAN OF THE BOARD OF ASI NOW?

A. NO, I'M NOT.

Q. WHEN DID YOU CEASE BEING CHAIRMAN OF THE BOARD OF ASI?

A, 1987.

Q, DID YOU HOLD ANY OTHER POSITIONS AT ASI OTHER THAN CHAIRMAN OF THE BOARD BETWEEN 1982 AND 1987?

A. NO.

Q. HOW MANY BOARD MEMBERS ARE THERE AT ASI?

MR. HERTZBERG: WELL, WHAT, YOU MEAN NOW?

MS. PLEVIN: WELL, IF IT'S CHANGED.

Q. HOW MANY BOARD MEMBERS WERE THERE IN 1982?

MR. HERTZBERG: NOW, YOU WANT -- OKAY. SHE WANTS TO KNOW HOW MANY BOARD MEMBERS IF YOU RECALL --

THE WITNESS: I DON'T RECALL EXACTLY.

BY MS. PLEVIN:

Q. DO YOU KNOW HOW MANY THERE WERE IN 1987?

A. I'D HAVE TO GUESS.

MR. HELLER: DON'T GUESS.

BY MS. PLEVIN:

Q. HOW FREQUENTLY DID THE BOARD OF MEET DURING THAT PERIOD BETWEEN 1982 AND 1987?

MR. HERTZBERG: WHAT IS THE QUESTION, PLEASE?

MS. PLEVIN: HOW FREQUENTLY DID THE BOARD MEET.

MR. HERTZBERG: I'M GOING TO LET HIM ANSWER IF HE CAN RECALL, AND I JUST WILL NOTE AGAIN I CAN'T IMAGINE HOW THE FREQUENCY OF THE MEETINGS OF THE ASI BOARD ALMOST TEN YEARS AGO HAS ANYTHING TO DO WITH THE COMPLAINT BY MR. CORYDON IN THIS CASE. BY MS. PLEVIN:

Q. CAN YOU ANSWER THE QUESTION?

MR. HELLER: AND ON BEHALF OF ASI, I'LL JOIN IN THE OBJECTION.

THE WITNESS: A LOT.

BY MS. PLEVIN:

Q. OKAY. AND IF YOU CAN, PLEASE, WHO WERE YOUR OTHER BOARD MEMBERS IN 1982?

A. AT THE TIME, I DON'T EXACTLY RECALL, BUT I THINK BARBARA DESELLE AND -- YOU SAID 1982?

Q. YES.

A. I DON'T RECALL THAT. I'M SORRY.

Q. OKAY. 1983?

A. THAT'S WHAT I REMEMBER -- I COULDN'T TELL YOU BY YEAR. I KNOW BARBARA DESELLE WAS AT ONE POINT, JOHN ALCOCK. THOSE ARE THE ONES I RECALL WITH CERTAINTY.

Q. TERRY GAMBOA?

A. MAYBE.

Q. JOHN TINKENBERG?

A. I DON'T KNOW WHO THAT IS.

Q. HOMER SHOMER?

A. I DON'T RECALL IF HE WAS A BOARD MEMBER.

Q. WHEN YOU SAID YOU WERE CEO ORIGINALLY, FOR THE RECORD, THAT MEANT YOU WERE BOTH CHAIRMAN OF THE BOARD AND PRESIDENT; IS THAT WHAT YOU MEAN BY THAT?

A. NO, IT DOESN'T MEAN THAT.

Q. WHAT DOES IT MEAN, PLEASE?

A. IT MEANS I WAS -- IT MEANS I WAS CEO AND --

Q. ALL RIGHT. WHAT DOES THAT MEAN?

MR. HELLER: YOU MEAN WHAT DOES IT STAND FOR, CEO?

BY MS. PLEVIN:

Q. IT STANDS FOR CHIEF EXECUTIVE OFFICER, DOES IT NOT?

A. YES.

Q. OKAY. AND WERE YOU ON THE BOARD AS CEO? IS THAT ONE OF YOUR FUNCTIONS TO BE ON BOARD?

MR. DRESCHER: I MISUNDERSTOOD THE QUESTION I GUESS.

BY MS. PLEVIN:

Q. WAS ONE OF YOUR FUNCTIONS AS CEO, TO BE ON THE BOARD?

A. AS CEO, I DON'T RECALL.

Q. WHO WAS THE FIRST PRESIDENT OF ASI?

A. I'D HAVE TO GUESS.

Q. CAN YOU RECALL THE NAMES OF ANY OF THE PRESIDENTS WHILE YOU WERE CHAIRMAN OF THE BOARD?

A. SURE.

Q. WHO?

A. DAVID MISCAVIGE.

Q. ANYBODY BUT YOURSELF?

A. I THINK NORMAN STARKEY.

Q. ANYBODY ELSE?

A. I CAN'T RECALL. NOT TO SAY THAT THERE ISN'T. THAT'S WHO I RECALL.

Q. OKAY. WHAT ABOUT JAMES ISACSON?

MR. HELLER: WELL, THE RECORD SHOULD REFLECT THAT IT APPEARS THAT MISS PLEVIN IS READING FROM DISCOVERY RESPONSES WHICH ASI HAS PROVIDED HER WITH AND I HAVEN'T THE FOGGIEST NOTION WHY YOU'RE DOING THIS AT THIS DEPOSITION, UNLESS YOU TELL ME IT'S TO TEST, FOR SOME IRRELEVANT REASON, TO TEST THE DEPONENT'S MEMORY. AND, AS YOU KNOW, MISS PLEVIN, WE SUPPLIED YOU WITH ALL THE OFFICERS. YOU ASKED; WE GAVE IT TO YOU.

BY MS. PLEVIN:

Q. DO YOU REMEMBER JAMES ISACSON BEING ON THE BOARD, MR. MISCAVIGE?

MR. HERTZBERG: THIS IS REALLY -- YOU KNOW, I'LL TELL YOU. I WAS NOT AWARE -- I WAS NOT AWARE UNTIL MR. HELLER'S OBSERVATION JUST NOW, THAT, IN FACT, A, THAT INFORMATION HAD BEEN FURNISHED TO MISS PLEVIN BY ANOTHER DEFENDANT IN THIS CASE, AND THAT B, MISS PLEVIN WAS READING FROM THAT.

MS. PLEVIN: I JUST --

MR. HERTZBERG: LET ME FINISH.

MS. PLEVIN: I HAVE NOT BEEN READING FROM IT UNTIL JUST BEFORE MR. HELLER SPOKE AND I FIND IT INAPPROPRIATE FOR MR. HELLER TO HAVE INTERFERED IN THAT WAY. MR. HERTZBERG: LET ME FINISH MY COMMENT, PLEASE. IRRESPECTIVE OF WHETHER YOU WERE READING FROM IT OR NOT, MISS PLEVIN, I NOW --

MS. PLEVIN: WHICH IS KIND OF IRRELEVANT.

MR. HERTZBERG: I NOW AM FRANKLY -- I CONSIDER THIS HIGHLY INAPPROPRIATE.

MS. PLEVIN: OKAY.

MR. HERTZBERG: UNLESS --

MS. PLEVIN: SO NOTED.

MR. HERTZBERG: YES, I DO, AND THIS HIGHLIGHTS HOW WE'RE WASTING TIME. MY UNDERSTANDING NOW IS WHAT YOU'RE DOING, YOU'RE TESTING A WITNESS'S RECOLLECTION WITH WRITTEN RESPONSES THAT WERE MADE TO THE VERY QUESTIONS THAT YOU'RE ASKING FROM THE CORPORATE -COUNSEL FOR THE CORPORATION AND YOU'RE DUPLICATING THE QUESTION YOU'RE ASKING HIM AGAIN. I CAN'T IMAGINE WHAT PROBATIVE VALUE OR PURPOSE THAT HAS IN THIS LITIGATION.

MR. HELLER: NOT ONLY THAT, BUT IT SHOULD BE NOTED THAT THESE RESPONSES WERE GIVEN, I BELIEVE, BEFORE YOU WERE IN THE LITIGATION,

MR. HERTZBERG. AND THAT'S WHY I WANTED TO POINT OUT TO YOU THE FACT THAT THIS HAS ALL BEEN DISCOVERED ALREADY. BY MS. PLEVIN:

Q. MR. MISCAVIGE, DO YOU REMEMBER THE NAMES OF ANY OF THE OTHER BOARD MEMBERS WHILE YOU WERE ON THE BOARD, OTHER THAN THE ONES YOU'VE GIVEN US SO FAR? A. MY ANSWER IS POSSIBLY YOU COULD REFRESH MY RECOLLECTION, IF YOU WANT ME TO LOOK AT THAT DOCUMENT.

Q. DO YOU REMEMBER ANY OF THE OTHER OFFICERS -- YOU'VE INDICATED WHO --

A. SAME ANSWER.

Q. DO YOU REMEMBER WHO WAS VICE PRESIDENT?

A. SAME ANSWER.

Q. AT ANY TIME?

A. SAME ANSWER, BUT I'M WILLING TO LOOK AT THAT DOCUMENT IF YOU'D LIKE.

MS. PLEVIN: WE DON'T NEED TO WASTE TIME WITH THAT.

MR. HELLER: NO, LET'S WASTE TIME.

BY MS. PLEVIN:

Q. DO YOU CURRENTLY HAVE ANY POSITION AT ASI?

A. NO, I DON'T.

Q. AT SOME POINT, YOU BECAME EITHER CHAIRMAN OF THE BOARD OR PRESIDENT OF RTC; IS THAT RIGHT?

MR. HERTZBERG: THAT'S BEEN ASKED AND ANSWERED. YOU CAN ANSWER IT AGAIN.

THE WITNESS: YES.

BY MS. PLEVIN:

Q. OKAY. AT ANY TIME HAVE YOU HAD BOTH POSITIONS?

MR. HERTZBERG: THAT'S BEEN ASKED AND ANSWERED. HE TESTIFIED THAT AT ONE TIME HE HAD ONE POSITION AND HE TESTIFIED THAT AT SOME OTHER TIME HE HAD ANOTHER POSITION. IT'S BEEN ASKED AND ANSWERED. MR. DRESCHER: NOT AT RTC.

THE WITNESS: I DON'T BELIEVE SO. I DON'T BELIEVE SO.

BY MS. PLEVIN:

Q. YOU DON'T BELIEVE YOU HAD THEM BOTH AT ANY GIVEN TIME?

A. NO.

Q. OKAY. WHICH POSITION DID YOU BEGIN WITH, OR WAS YOUR FIRST POSITION WITH RTC?

A. MY FIRST POSITION?

Q. YES.

A. WITH RTC. WHAT DO YOU MEAN BY THAT?

Q. EMPLOYEE, STAFF, OFFICER.

A. CHAIRMAN OF THE BOARD.

Q. CHAIRMAN OF THE BOARD. HOW LONG DID YOU HAVE THAT POSITION?

A. SINCE 1987.

Q. UNTIL THE PRESENT?

A. THAT'S CORRECT.

Q. AT WHAT PERIOD OF TIME HAVE YOU BEEN PRESIDENT?

A. PRESIDENT?

Q. YES, OF RTC.

A. DID I SAY THAT, TOO?

Q. NO. I'M ASKING YOU.

A. I DON'T --

MR. HERTZBERG: ASSUMES FACTS NOT IN EVIDENCE.

MS. PLEVIN: I'M SORRY. I THOUGHT YOU INDICATED YOU WERE NOT SIMULTANEOUSLY BOTH, SO I WAS CLARIFYING.

THE WITNESS: I THOUGHT YOU ASKED ME WAS I PRESIDENT AND CHAIRMAN OF THE BOARD AND I SAID NO.

BY MS. PLEVIN:

Q. SO YOU HAVE NOT BEEN PRESIDENT OF RTC; IS THAT CORRECT?

A. OKAY. JUST ONE SECOND. I NEED TO SPEAK TO HIM FOR A SECOND.

(CONFERENCE BETWEEN COUNSEL AND WITNESS)

THE WITNESS: I'M NOT TOTALLY SURE, BUT CERTAINLY NOT SINCE RTC HAS BEEN IN OPERATION AS AN ORGANIZATION OR A CORPORATION.

BY MS. PLEVIN:

Q. DID YOU HAVE SOME POSITION PRIOR TO ITS INCORPORATION?

A. PRIOR TO ITS INCORPORATION?

Q. YES.

A. NO.

Q. WHEN YOU SAID YOU HAVEN'T BEEN PRESIDENT SINCE ITS --

A. NO, I DIDN'T SAY THAT. I SAID SINCE ITS OPERATION.

Q. WHEN DID IT BEGIN OPERATING?

A. TO THE BEST OF MY KNOWLEDGE, SOMETIME IN EARLY 1982.

Q. BEFORE OR AFTER IT WAS INCORPORATED?

A. AFTER.

Q. DID YOU APPOINT YOURSELF, FROM YOUR POSITION AS CHAIRMAN OF THE BOARD OF ASI, TO THE POSITION OF CHAIRMAN OF THE BOARD OF RTC?

A. IN OTHER WORDS, AS COB OF ASI DID I APPOINT MYSELF CHAIRMAN OF THE BOARD OF RTC?

Q. YES.

A. OF COURSE, NOT; THAT'S RIDICULOUS.

Q. WHO APPOINTED YOU TO THE BOARD OF RTC?

A. THE TRUSTEES OF RTC.

Q. WHO WERE WHO?

A. WHO WERE NORMAN STARKEY, LYMAN SPURLOCK AND MYSELF.

Q. AND THIS WAS AFTER VICKY AZNARAN LEFT?

A. NO.

Q. WHEN DID THIS HAPPEN?

MR. DRESCHER: "THIS" BEING HIS APPOINTMENT AS CHAIRMAN OF THE BOARD OF RELIGIOUS TECHNOLOGIES?

MS. PLEVIN: CORRECT, CORRECT. THE WITNESS: I DON'T KNOW WHAT YOU MEAN BY "WHEN VICKY AZNARAN" LEFT.

BY MS. PLEVIN:

Q. WELL, LET'S BREAK IT DOWN BECAUSE THERE ARE A COUPLE OF DIFFERENT THINGS WE COULD LOOK AT. IT'S MY UNDERSTANDING, UP UNTIL FEBRUARY 1987, APPROXIMATELY, SHE WAS PRESIDENT OF RTC?

A. OKAY.

Q. AND THAT SOMETIME IN APRIL, SHE DEPARTED, SHALL WE SAY, SCIENTOLOGY. NOW --

A. I DISAGREE WITH THAT DATE. THAT'S NOT CORRECT. THAT'S NOT ACCURATE.

Q. WHAT IS NOT ACCURATE?

A. YOUR DATE OF APRIL. IT WAS MARCH.

Q. OKAY. WERE YOU APPOINTED TO THE POSITION OF CHAIRMAN OF THE BOARD SUBSEQUENT TO VICKY'S -- SUBSEQUENT TO FEBRUARY OF 1987?

A. I'D HAVE TO CHECK THE EXACT DATE.

Q. WAS IT EARLY 1987?

A. YES, IF "EARLY" REFERS TO THE FIRST QUARTER OF THE YEAR.

Q. OKAY.

A. OR THEREABOUTS.

Q. DO YOU RECALL WHETHER IT WAS BEFORE OR AFTER SHE LEFT HAPPY VALLEY?

A. NO, I DON'T KNOW WHAT YOU MEAN BY THAT.

MR. HERTZBERG: YOU KNOW, MISS PLEVIN, LET ME JUST MAKE A SUGGESTION, JUST FOR ECONOMY'S SAKE. IF YOU WANT TO ASK HIM A DATE, JUST ASK HIM IF HE KNOWS THE DATE INSTEAD OF TRYING TO MEASURE IT AGAINST SOME EVENT HE MAY OR MAY NOT HAVE KNOWLEDGE OF OR MAY OR

MAY NOT UNDERSTAND. JUST ASK HIM THE DATE.

MS. PLEVIN: MR. MISCAVIGE, I'D APPRECIATE IT IF YOU DIDN'T CONFER WITH

MR. RATHMAN IN THE MIDDLE OF THE DEPOSITION. THE WITNESS: WHY NOT?

MR. HERTZBERG: THERE'S NO PENDING QUESTION. AND EVEN IF THERE WERE, HE STILL CAN

SPEAK WITH HIM AS FAR AS I'M CONCERNED. AND I WOULD ALSO NOTE FOR THE RECORD THAT THAT'S THE

FIRST TIME I OBSERVED MR. MISCAVIGE SPEAK TO

MR. RATHMAN IN THIS ROOM AND THAT IT WAS FOR, BY MY ESTIMATION, ABOUT FIVE SECONDS. BY MS. PLEVIN:

Q. NOW, MR. MISCAVIGE, I'M HANDING YOU A TWO-PAGE DOCUMENT THAT'S CALLED AN RTC INFORMATION LETTER, JULY 23, 1983. A. OKAY.

MR. HERTZBERG: RTC INFORMATION LETTER. OKAY.

MR. DRESCHER: IS THERE A QUESTION PENDING?

MS. PLEVIN: HE'S STILL LOOKING AT THE DOCUMENT, SO I DON'T WANT TO INTERRUPT HIM. THE WITNESS: I THOUGHT YOU WANTED ME TO READ IT. BY MS. PLEVIN:

Q. OKAY. FINE.

A. IS THERE ANOTHER PAGE FOR THIS?

Q. NO, THAT'S IT.

A. WELL, SOMETHING IS MISSING.

Q. WHAT'S MISSING?

A. I JUST KNOW IT, BECAUSE ANY ISSUE WILL ALWAYS LIST A COPYRIGHT ON IT OR A TYPIST AND IT'S NOT HERE. THERE'S A PAGE MISSING, APPARENTLY. MR. HERTZBERG: THERE'S NO PENDING QUESTION.

MS. PLEVIN: OKAY.

Q. WELL, I'LL SEE IF WHAT I'VE GOT HAS AN ADDITIONAL PAGE THAT WAS MISSING SOMEHOW.

A. OKAY.

Q. HAVE YOU EVER SEEN THIS BEFORE?

A. NOT UNTIL JUST NOW.

Q. OKAY. WELL, LET'S COME BACK TO IT IN A MINUTE. LET ME ASK YOU A COUPLE OF QUESTIONS. WOULD YOU STATE, FOR THE RECORD, WHAT PC FOLDERS ARE? A. PRE-CLEAR FOLDERS.

Q. OKAY. AND WHAT ARE PRE-CLEAR FOLDERS IN THE CHURCH OF SCIENTOLOGY?

A. PRE-CLEAR FOLDERS ARE THE FOLDERS WHICH CONTAIN THE RUNNING RECORD OF AUDITING SESSIONS THAT AN INDIVIDUAL PERSON WILL HAVE HAD FROM HIS FIRST STEP IN SCIENTOLOGY ON THE AUDITING GRADE CHART UP THROUGH THE END. IT ALSO INCLUDES A SUMMARY OF THE SESSIONS HE'S HAD, IT ALSO INCLUDES ANY PROGRAMS THAT HIS CASE HAS BEEN PROGRAMMED FOR, AND IT INCLUDES ALL OF THOSE ADVANCED PROGRAMS, REPAIR PROGRAMS, IT INCLUDES A COPY OF THE GRADE CHART THAT IS INDICATED WITHIN THE GRADE CHART, WHAT STEP THE PERSON HAS HAD. IT HAS ANOTHER SHEET WHICH INCLUDES ALL THE CORRECTION LISTS THAT HE'S HAD, THE WORDS CLEARED FOR, IT INCLUDES ANY FES, FULL FLOW TABLES THAT HAVE EVER BEEN DONE, AND WITHIN THAT FOLDER WITH THE SESSIONS, IT WOULD INCLUDE THE WORK SHEETS OF ANY GIVEN SESSION, THE AUDIT REPORT FORMS, EXAM REPORT FORMS AND CASE SUPERVISION.

Q. IS IT YOUR UNDERSTANDING THAT THESE DOCUMENTS, THE PC FOLDERS, ARE CONFIDENTIAL COMMUNICATIONS?

A. THAT THE PC --

Q. THAT THE INFORMATION IN THE PC FOLDERS ARE THE PRODUCT OF CONFIDENTIAL COMMUNICATIONS BETWEEN THE AUDITOR AND THE AUDITEE AND THE PC? A. AS A GENERAL MATTER, YES.

Q. OKAY. PC COMMUNICATIONS WITH AN AUDITOR ARE CONFIDENTIAL?

A. YES, PER THE AUDITOR'S CODE.

Q. PER THE AUDITORS CODE. AND THAT EXTENDS TO THE WRITING OF THE AUDITOR, THE NOTES OF THE AUDITOR THAT BECOME PART OF THE PC FOLDER?

A. IN AN ACTUAL SESSION?

Q. YES.

A. YES.

Q. OKAY. WHAT IS THE POLICY OF THE CHURCH OF SCIENTOLOGY OR CHURCHES OF SCIENTOLOGY REGARDING THE MAINTENANCE OF PC FOLDERS?

A. I DON'T KNOW WHAT YOU MEAN BY THE MAINTENANCE.

Q. WELL, WHERE ARE THEY GENERALLY MAINTAINED WHILE PC IS UNDERGOING AUDITING?

A. AT WHATEVER LOCATION HE'S RECEIVING THE AUDITING.

Q. OKAY. AND THEY MOVE WITH HIM IF HE MOVES TO ANOTHER LOCATION OR ANOTHER ORG?

A. THE LATTER. I MEAN, IF HE -- EXACTLY. IF HE GOES TO ANOTHER ORG AND HE WANTS TO EMBARK UPON AN AUDITING SERVICE, HIS FOLDER SHOULD BE SENT THERE, YES.

Q. OKAY. AND LET'S SAY A PERSON CONCLUDES A PROGRAM AT CLEARWATER AND THEN GOES BACK HOME TO NEBRASKA AND HASN'T TAKEN ANY AUDITING PROGRAMS FOR A COUPLE OF YEARS. WHERE WOULD HIS PC FOLDER BE LOCATED IN THE NORMAL COURSE? A. BY THE WAY, HE DOESN'T TAKE ANY PROGRAMS, JUST TO CLARIFY THIS. HE HASN'T HAD ANY AUDITING, IS ALSO CORRECT.

Q. OKAY.

A. WHERE WOULD THEY BE?

Q. YES.

A. I GUESS THEY'D BE -- YOU SAID IN CLEARWATER?

Q. YES.

A. I GUESS THEY'D BE IN CLEARWATER.

Q. THEY'D STAY AT CLEARWATER UNTIL HE SIGNED FOR AUDITING AT SOME OTHER ORG?

A. NOW, YOU GET INTO A PROBLEM BECAUSE THERE'S ALSO ADVANCED CONFIDENTIALITY OF PC COURSES IF THIS PERSON IS IN ADVANCED COURSES PRE-CLEAR; IF HE WENT TO OMAHA, IN A

MISSION IN OMAHA, THIS PERSON WOULD NEVER GO THERE.

Q. BECAUSE THEY DON'T HAVE THE ADVANCED STUFF?

A. A PERSON WHO HAS BEEN TO CLEARWATER, TO FLAG LAND BASE, DOES NOT GET AUDITING FROM A MISSION.

qq

Q. OKAY. IS THERE A POLICY REGARDING STORING PC FOLDERS FOR A PERSON WHO IS NOT ACTIVELY INVOLVED IN ANY AUDITING?

A. REGARDING STORING -- TO LOOK THAT UP TO SEE IF THERE'S AN EXACT POLICY ON IT.

Q. WOULD IT BE OFF POLICY TO DISPOSE OF THEM?

A. TO DISPOSE OF THE PC FOLDERS. YOU MEAN A SCIENTOLOGIST?

Q. YES.

A. OF A SCIENTOLOGIST?

Q. YES.

A. YES. THE IDEA IS TO KEEP THE FOLDERS COMPLETE.

Q. OKAY.

A. I MEAN, I'M HAVING TROUBLE EVEN GRAPPLING WITH THIS QUESTION.

Q. OKAY.

A. THE IDEA IS -- IT'S A TECHNICAL QUESTION YOU'RE ASKING, BUT GENERALLY IT'S -- IT'S H COB, THAT STANDS FOR HUBBARD COMMUNICATIONS OFFICE BULLETIN, AS OPPOSED TO HCO PL, WHICH MEANS HUBBARD COMMUNICATIONS POLICY LETTER, AND IT'S GENERALLY TECH, MEANING H

COB, AUDITING FOLDERS COMPLETENESS AND YOU DON'T OMIT SOMETHING FROM THEM.

THE WHOLE POINT OF IT, THAT A PERSON IS RECEIVING AUDITING, ALL THE INFORMATION IS SUPPOSED TO BE THERE FOR THE AUDITOR'S BENEFIT AND THE CASE SUPERVISOR'S BENEFIT, SO THAT A PERSON GETS STANDARD CASE SUPERSTITIONS. AN EXAMPLE, IF A PERSON HAD AN INJURY AND IT WASN'T NOTED IN THE FOLDER AND THE AUDITOR WASN'T AWARE OF IT AND THE CASE SUPERVISOR WASN'T AWARE OF IT AND ANY POTENTIAL IN-GRAMS COULDN'T BE STANDARD TECH BECAUSE ALL THE INFORMATION ON THIS PERSON WAS NOT AVAILABLE IN HIS FOLDER, SO THE IDEA IS

THAT THEY'RE COMPLETE. IS THAT WHAT YOU MEAN?

Q. THEY'RE COMPLETE AND MAINTAINED. THEY'RE NOT --

A. WHAT DO YOU MEAN "MAINTAINED," LIKE THEN --

Q. YES, THROWN AWAY. IS THERE ANY POLICY UNDER WHICH -- COUNSEL IS CONFERRING OR TALKING TO THE CLIENT IN THE MIDDLE OF THE QUESTION. IS THERE ANY POLICY UNDER WHICH PC FOLDERS ARE DESTROYED?

A. ANY POLICY UNDER WHICH THEY'RE DESTROYED?

Q. YES.

A. I DON'T KNOW IF THERE'S A POLICY ON THAT EITHER WAY.

Q. IN OTHER WORDS, AS FAR AS -- IS IT YOUR TESTIMONY THAT IT'S PERFECTLY ACCEPTABLE TO DESTROY THE PC FOLDERS?

A. WELL, LET'S --

MR. HERTZBERG: HE JUST TESTIFIED -- ONE SECOND. HE JUST TESTIFIED THAT HE DIDN'T KNOW OF WHETHER THERE WAS A POLICY ONE WAY OR THE OTHER. I FIND THE FOLLOW-UP QUESTION SOMEWHAT DISINGENUOUS, BUT GO AHEAD. WHY DON'T YOU REREAD THE FOLLOW-UP QUESTION, THE WAY IT'S FRAMED.

MS. PLEVIN: LET ME CHANGE IT.

THE WITNESS: OKAY.

BY MS. PLEVIN:

Q. WOULD A MISSION THAT DESTROYED PC FOLDERS, FOR AN INACCURATE PC, BE OPERATING OFF POLICY IN DESTROYING THE PC FOLDERS? A. WHAT MISSION?

Q. ANY MISSION.

A. A MISSION?

Q. YES.

A. YOU MEAN -- WHAT SORT OF MISSION, A STEWARD MISSION OR MISSION?

Q. AN SMI MISSION. THEY MAINTAINED PC FOLDERS FOR THEIR PCS?

A. AND THERE'S A PC THAT'S A SCIENTOLOGIST?

Q. THAT'S INACTIVE.

A. WHAT DO YOU MEAN, "INACTIVE"?

Q. NOT CURRENTLY BEING AUDITED.

A. IF THE PERSON WAS A SCIENTOLOGIST IN GOOD STANDING, I DON'T SEE WHY THEY WOULD DO THAT. I DON'T KNOW -- IS THAT WHAT YOU'RE TALKING ABOUT? Q. YES.

A. A SCIENTOLOGIST?

Q. YES.

A. I THINK I'VE ANSWERED IT. THEY'RE GENERALLY MAINTAINED -- PRE-CLEAR FOLDERS FOR SCIENTOLOGISTS IN GOOD STANDING.

Q. WHAT ABOUT A PERSON WHO IS NOT IN GOOD STANDING, IS THERE A POLICY REGARDING --

A. YOU MEAN A SQUIRREL? IS THAT WHAT YOU MEAN, A SQUIRREL OR SOMEBODY WHO IS EXPELLED FROM THE CHURCH? IS THAT WHAT YOU MEAN?

Q. YES.

A. I DON'T THINK THERE'S ANY POLICY ON IT ONE WAY OR ANOTHER. THE ONLY POLICY I KNOW THAT A PERSON WHO IS EXPELLED FROM THE CHURCH, WHO IS A SQUIRREL, HAS GENERALLY REJECTED THE WHOLE GROUP, SO I DON'T KNOW. IT WOULD BE CONJECTURE AT THIS POINT WHETHER SOMEBODY DID IT OR NOT. YOU'RE ASKING A FINE TECHNICAL POINT. NO POLICY POPS INTO MY MIND ON THAT SUBJECT, NO.

Q. WELL, ISN'T IT POLICY THAT A PERSON WHO HAS BECOME AN SP OR HAS REJECTED THE CHURCH OR BECOME A SQUIRREL, MIGHT, IN FACT, DO STEPS TO GET BACK INTO THE CHURCH BY APPROACHING THE PROPER TERMINAL?

A. THAT'S RIGHT. THE DOOR IS ALWAYS OPEN A CRACK, EVEN IF JUST A TINY, WEENY BIT, THE DOOR IS ALWAYS OPEN, THAT'S RIGHT.

Q. AND IF THAT PERSON DID SO, WHAT YOUR ANSWER SUGGESTS TO ME IS THAT THEY COULD DO SO AND COME BACK INTO THE CHURCH AND THEIR PC FOLDER MIGHT HAVE BEEN DESTROYED IN THE INTERIM?

A. I DIDN'T SUGGEST ANYTHING OF THE SORT. ARE YOU ASKING ME A TECHNICAL QUESTION? MAYBE I DON'T UNDERSTAND WHAT YOU'RE DOING. YOU'RE ASKING ME ABOUT AUDITING FOLDERS AND WHY THEY'RE COMPLETE. I THOUGHT I ANSWERED THAT. Q. NO, NO. I'M ASKING YOU ABOUT THE DESTRUCTION OF PC FOLDERS.

A. ABOUT PC FOLDERS BEING DESTROYED. OKAY.

Q. FOR SQUIRRELS, SPS, WHOMEVER IS NOT CURRENTLY IN GOOD STANDING.

A. I GET IT.

Q. ARE YOU AWARE OF ANY CIRCUMSTANCES UNDER WHICH PC FOLDERS ARE REGULARLY DESTROYED?

A. NO.

Q. ARE YOU AWARE OF ANY PC FOLDERS EVER HAVING BEEN DESTROYED?

(CONFERENCE BETWEEN COUNSEL AND WITNESS.)

THE WITNESS: I DID HEAR THAT SOMEBODY DESTROYED PC FOLDERS OF INDIVIDUALS.

BY MS. PLEVIN:

Q. DO YOU KNOW WHO?

A. I HEARD THAT VICKY AZNARAN.

Q. AND IS THAT THE ONLY INSTANCE YOU'VE EVER HEARD THAT PC FOLDERS WERE DESTROYED?

A. WHAT NOW?

Q. IS THAT THE ONLY INSTANCE THAT YOU EVER HEARD OF THAT PC FOLDERS WERE DESTROYED?

A. YES. AND I ONLY HEARD THAT IT WAS DONE. I DIDN'T -- I DIDN'T SEE THIS WITH MY EYES, BUT THAT'S WHAT I HEARD.

Q. DID YOU HEAR THAT SHE WAS ORDERED TO DO THAT?

A. NO, ABSOLUTELY NOT.

Q. HAD YOU NEVER HEARD THAT NORMAN STARKEY ORDERED HER TO DO THAT?

A. NO.

Q. YOU NEVER ORDERED HER TO DO THAT?

A. NO.

Q. DO YOU KNOW WHOSE FOLDERS SHE'S ALLEGED TO HAVE DESTROYED?

A. SPECIFICALLY?

Q. YES.

A. NO.

Q. DO YOU KNOW WHEN?

A. I'LL TELL YOU WHEN I HEARD THIS, I THINK. I WOULD SAY 1984, 1985, AT A GUESS.

Q. DURING THE ARMSTRONG TRIAL -- DURING THE ARMSTRONG PROCEEDINGS?

A. NO. ACTUALLY I HADN'T CONNECTED IT WITH THAT, NO. MAYBE -- MAYBE YOU'RE CORRECT ABOUT -- I DON'T KNOW. IT DOESN'T STICK OUT IN MY MIND TO DATE.

MR. HERTZBERG: LET ME --

THE WITNESS: I DON'T CONNECT THINGS BY THE WAY -- OKAY.

MR. HERTZBERG: LET ME JUST MAKE MY PERIODIC OBSERVATION. I'M NOT SURE HOW THIS RELATES TO MR. CORYDON'S CLAIMS. I'M NOT SPECIFICALLY AWARE OF ANY CLAIM BY MR. CORYDON THAT HIS PC FOLDER WAS DESTROYED, YOU KNOW. I'M NOT GOING TO OBJECT TO HIS ANSWERING THESE QUESTIONS FOR THE MOMENT. BUT LET'S MOVE ON.

BY MS. PLEVIN:

Q. IS RTC, IN TERMS OF ITS RESPONSIBILITIES, DOES IT HAVE THE AUTHORITY TO TRACK DOWN A MISSING PC FOLDER?

A. THE AUTHORITY?

Q. YES. COULD IT, YOU KNOW, PUT A MISSION IN, SO TO SPEAK, TO FIND OUT WHAT HAPPENED TO CERTAIN PC FOLDERS IF THEY WERE MISSING, AND NOT KNOWN SPECIFICALLY TO HAVE BEEN DESTROYED? A. THE AUTHORITY -- WELL, OKAY. LET ME CLARIFY THAT. YES, BUT SO DOES THE DIRECTOR OF TECH SERVICES OF ANY ORGANIZATION IN THE WORLD.

Q. OKAY.

A. DO YOU SEE WHAT I MEAN?

Q. YES, OKAY. SO DO YOU HAPPEN TO KNOW WHETHER, IN RESPONSE TO DISCOVERY IN THIS CASE, RTC DID A SEARCH TO FIND OUT WHAT HAPPENED TO THE PC FOLDERS OF BENT CORYDON?

A. ALL RIGHT.

MS. PLEVIN: CONSULTING WITH COUNSEL.

(CONFERENCE BETWEEN COUNSEL AND WITNESS.)

MS. PLEVIN: CONSULTING WITH THREE COUNSEL.

MR. DRESCHER: HE'S TALKING TO HIS COUNSEL PERSONALLY AND COUNSEL FOR RTC, OF WHICH HE'S CHAIRMAN OF THE BOARD. IS THAT OKAY WITH YOU?

MS. PLEVIN: I COULDN'T STOP IT.

THE WITNESS: CAN YOU ASK ME THE QUESTION AGAIN?

MS. PLEVIN: PLEASE READ THE QUESTION BACK.

(RECORD READ.)

THE WITNESS: IN RESPONSE TO A DOCUMENT REQUEST?

BY MS. PLEVIN:

Q. YES.

A. I KNOW THAT -- HERE'S WHERE I KNOW THAT A SEARCH WAS DONE THROUGH RTC FOR BENT'S FOLDERS AND THEY WEREN'T THERE.

Q. THEY WEREN'T WHERE?

A. AT RTC.

Q. WHERE WOULD THEY HAVE BEEN?

MR. HERTZBERG: WELL, WAIT A MINUTE. WAIT A MINUTE. HOW COULD -- HOW COULD HE KNOW WHERE IN THE WHOLE -- ON THE PLANET THEY MIGHT BE OTHER THAN RTC? I DON'T UNDERSTAND THAT QUESTION, "WHERE WOULD THEY HAVE BEEN." FIRST IT ASSUMES A FACT NOT IN EVIDENCE THAT THEY EXIST, AND HOW COULD HE POSSIBLY ANSWER --

MS. PLEVIN: MR. MISCAVIGE --

MR. HERTZBERG: WHERE WOULD THEY BE OTHER THAN AT RTC?

(CONFERENCE BETWEEN COUNSEL AND WITNESS.)

MR. DRESCHER: I'LL ADD MY OWN OBJECTIONS. THE QUESTION WAS VAGUE AND AMBIGUOUS, UNINTELLIGIBLE, ASSUMES FACTS NOT IN EVIDENCE, CALLS FOR SPECULATION AND CONJECTURE. MR. HELLER: I JOIN IN THE OBJECTIONS.

BY MS. PLEVIN:

Q. IS THERE SOMETHING YOU WANT TO ADD?

A. NO. GO AHEAD. ASK YOUR QUESTIONS.

Q. MR. CORYDON WAS A SCIENTOLOGIST FOR A NUMBER OF YEARS AND, AS SUCH, HAD A PC FOLDER. HIS LAST POSITION IN SCIENTOLOGY WAS AS A MISSION HOLDER AT THE MISSION OF RIVERSIDE, AND I BELIEVE HIS LAST AUDITING WAS DONE AT CLEARWATER. A. RIGHT, OKAY. I DON'T KNOW THAT, BUT I'LL ASSUME THAT.

Q. LET'S ASSUME THAT. WHERE WOULD HIS FILES LAST HAVE BEEN, TO THE BEST OF YOUR KNOWLEDGE?

MR. DRESCHER: OBJECTION. INCOMPLETE HYPOTHETICAL.

MR. HERTZBERG: DO YOU WANT HIM TO SPECULATE?

BY MS. PLEVIN:

Q. WELL, MR. MISCAVIGE IS CHAIRMAN OF THE BOARD OF RTC. RTC, PURSUANT TO DOCUMENTS AUTHENTICATED IN THIS ACTION BY CSI AND OTHERS, IS THE SENIOR MOST ENTITY IN SCIENTOLOGY REGARDING THE TECH; PC FOLDERS ARE AT THE HEART OF TECH; IS THAT RIGHT?

A. AT THE HEART OF IT? HCOBS, LECTURES, BOOKS ARE AT THE HEART.

Q. IT WOULD SEEM AS CHAIRMAN OF THE BOARD OF RTC, YOU MIGHT HAVE SOME KNOWLEDGE AS TO WHERE THOSE PC FOLDERS WOULD HAVE NORMALLY BEEN IN THE ORDINARY COURSE?

MR. HERTZBERG: OKAY. WAIT A MINUTE. THE PROBLEM I HAVE WITH THE FORMULATION IS IT'S IRRELEVANT WHAT IT WOULD SEEM TO YOU. WHY DON'T YOU ASK HIM IF HE KNOWS WHERE THEY ARE. THAT MAY SORT OF BE MORE PRODUCTIVE, IN MY VIEW.

MS. PLEVIN: I WILL, IN MY OWN GOOD TIME.

MR. HERTZBERG: IF HE KNOWS. BY MS. PLEVIN:

Q. DO YOU KNOW, BASED UPON THE FACTS AS I STATED THEM TO YOU, WHERE MR. CORYDON'S LAST AUDITING WAS IN CLEARWATER, AND WHERE HE WAS A MISSION HOLDER, AND WHERE HE WAS EXPELLED, WHERE IN THE NORMAL COURSE THOSE --

A. IS THAT WHERE HE WAS EXPELLED?

Q. PARDON?

A. IS THAT WHERE HE WAS EXPELLED?

Q. NO. IT WAS AFTER HE RETURNED TO MISSION OF RIVERSIDE. WHERE IN THE NORMAL COURSE WOULD THOSE PC FOLDERS HAVE BEEN STORED?

A. THEN? I DON'T KNOW WHAT HAPPENED IN BETWEEN THERE. I MEAN, I CAN ONLY TELL YOU WHEN HE WAS GETTING AUDITING AT FLAG, THEY SHOULD HAVE BEEN THERE, AND I WOULD ASSUME THAT THEY WERE.

Q. AND THEN --

A. WHAT WAS THE TIME PERIOD INTERVENING THAT? I DON'T KNOW WHAT ELSE HAPPENED. I DON'T KNOW.

Q. BASED ON WHAT YOU SAID PREVIOUSLY, ONCE A PERSON IS AUDITED AT FLAG, THEY'RE NOT AUDITED AT MISSIONS?

A. THAT'S POLICY. THAT IS WHAT I SAID. I DON'T -- I CAN'T ANSWER FOR WHAT WAS HAPPENING AT THOSE MISSIONS IN THOSE DAYS.

Q. ALL RIGHT. BUT BASED ON YOUR EXPERIENCE IN SCIENTOLOGY, YOUR VARIOUS POSITIONS AND YOUR POSITION AS CHAIRMAN OF THE BOARD OF RELIGIOUS TECHNOLOGY CENTER, CAN YOU GIVE ME YOUR BEST UNDERSTANDING AS TO WHERE, UNDER THAT FACT PATTERN, MR. CORYDON'S PC FOLDERS WOULD NORMALLY HAVE BEEN WHEN HE LEFT SCIENTOLOGY IN 19827

A. UNDER THAT FACT PATTERN? Q. YES.

A. I GUESS FLAG.

Q. OKAY.

A. WITH THOSE FACTS AND NOT ADDING ANYTHING ELSE TO IT?

Q. RIGHT.

A. OKAY.

Q. WOULD THEY HAVE BEEN MOVED FROM FLAG, TO THE BEST OF YOUR KNOWLEDGE, SUBSEQUENT TO MR. CORYDON'S LEAVING SCIENTOLOGY? MR. HERTZBERG: I DON'T SEE HOW ANYONE CAN ANSWER THAT QUESTION.

MR. DRESCHER: I OBJECT ON THE BASIS OF SPECULATION.

MR. HERTZBERG: IT ASKS FOR GUESSWORK AND SPECULATION.

MS. PLEVIN: NOT GUESSWORK FROM THE CHAIRMAN OF THE BOARD OF RELIGIOUS TECHNOLOGY CENTER.

MR. HERTZBERG: I'M SORRY. WHAT THE PROBLEM HERE IS --

MS. PLEVIN: ARE YOU INSTRUCTING HIM NOT TO ANSWER?

MR. HERTZBERG: NO, WAIT A MINUTE, PLEASE, JUST A SECOND, PLEASE. YOU'RE IMPUGNING SOME OMNIPOTENT KNOWLEDGE BECAUSE MR. MISCAVIGE HAPPENS TO HOLD A CORPORATE BOARD POSITION WITH A CERTAIN CORPORATION, THAT HE CAN GUESS WHERE MR. CORYDON'S FILES WOULD HAVE

ENDED UP IN A PERIOD SUBSEQUENT TO 1982, WITHOUT HIS KNOWING ANY OTHER FACTS ABOUT ANYTHING ELSE THAT MAY HAVE HAPPENED, WHICH COULD HAVE AFFECTED THE FILE OR WHETHER -- WHO WAS INVOLVED WITH THE FILE AND WHAT THEY MAY OR MAY NOT HAVE DONE ON OR OFF POLICY.

MS. PLEVIN: FRANKLY I'M SEEKING

MR. MISCAVIGE'S ASSISTANCE AS CHAIRMAN OF THE BOARD OF RTC. RTC HAS SAID, CSI HAS SAID, CSC HAS SAID AND SMI HAS SAID, "WE DON'T HAVE THESE FILES. WE DON'T KNOW ANYTHING ABOUT THEM." MR. HERTZBERG: HE APPARENTLY DOESN'T EITHER.

THE WITNESS: THAT'S RIGHT. THAT'S AN ACCURATE STATEMENT.

MR. DRESCHER: I'LL OBJECT TO THE CHARACTERIZATION THAT YOU MADE ABOUT WHAT THE DISCOVERY RESPONSES WERE; THE DISCOVERY RESPONSES WERE FOR EACH OF THOSE FOUR CLAIMS, "WE DON'T KNOW; WE DON'T HAVE THEM," PERIOD, NOT THE WAY YOU CHARACTERIZED IT. BY MS. PLEVIN:

Q. MR. MISCAVIGE --

A. YES.

Q. -- HAVE YOU EVER SEEN THIS BOOKLET, THE COMMAND CHANNELS OF SCIENTOLOGY?

A. NOT THAT COPY, BUT, YES.

Q. OKAY. YOU'VE SEEN THAT DOCUMENT?

MR. HERTZBERG: DO YOU HAVE AN EXTRA FOR ME?

MS. PLEVIN: I HAVE SEVERAL.

THE WITNESS: XEROXES OR ONES LIKE THIS?

MS. PLEVIN: XEROXES.

THE WITNESS: YOU CAN'T SEE THE COLOR THEN.

MS. PLEVIN: I'M SORRY.

MR. DRESCHER: I HAVE MY COPY HERE. WE CAN ALL SHARE.

BY MS. PLEVIN:

Q. YOU'RE FAMILIAR WITH THIS DOCUMENT?

A. YES.

Q. DOES THIS DOCUMENT --

A. IF YOU WANT TO ASK ME QUESTIONS ABOUT IT, I'LL READ THE SECTIONS OR WHATEVER, BUT YES, SURE.

Q. THIS DOCUMENT WAS ISSUED IN 1988 BY CSI; IS THAT RIGHT?

A. WAS IT '88 --

Q. I BELIEVE THAT'S THE COPYRIGHT DATE ON IT.

A. '88, I GUESS SO, YES.

Q. AND AT THAT TIME DID IT, TO THE BEST OF YOUR KNOWLEDGE, ACCURATELY REFLECT THE REPORT LINES AND COMMAND CHANNELS OF SCIENTOLOGY?

A. THE COMMAND CHANNELS OF SCIENTOLOGY. IT'S NOT CALLED THE REPORT LINES AND COMMAND CHANNELS. IT'S CALLED THE COMMAND CHANNELS, YES.

Q. HAVE THERE BEEN ANY SUBSTANTIAL CHANGES SINCE THAT TIME?

A. LET ME JUST GO THROUGH THIS. SUBSTANTIAL, NO. IT SHOULD BE GENERALLY ACCURATE. IF YOU WANT ME TO NITPICK IT.

Q. NO. DID YOU PARTICIPATE IN THE PREPARATION OF THIS DOCUMENT?

A. WHAT DO YOU MEAN BY "PARTICIPATE"?

Q. DID YOU DRAFT ANY SECTIONS?

A. DRAFT -- NO, I DIDN'T DRAFT ANY SECTIONS.

Q. DID YOU REVIEW ANY DRAFTS OF THESE SECTIONS?

A. YES.

Q. DID YOU APPROVE THE FINAL DOCUMENT BEFORE IT WAS PRINTED?

A. I'M NOT SURE. I MEAN, I DID SEE IT IN A DRAFT FORM. I DON'T KNOW IF I SAW THE FINAL DRAFT BEFORE IT WAS PRINTED.

Q. DID YOU APPROVE THE DRAFT THAT YOU SAW BEFORE IT WAS SENT BACK TO BE PUT INTO THE FINAL DRAFT?

A. YES.

Q. WHO WAS THE EDITOR?

MR. HERTZBERG: JUST SO THE RECORD IS CLEAR, I'M NOT SURE THAT MR. MISCAVIGE SAID THAT THE DRAFT THAT HE APPROVED WAS THE ONE IMMEDIATELY PRECEDING THE FINAL DRAFT. THE WITNESS: I SAW IT IN ROUGH. THAT ANSWERS YOUR QUESTION, I THINK.

BY MS. PLEVIN:

Q. OKAY.

A. BY THE WAY, IN REGARDS TO "APPROVE," I DON'T KNOW WHAT YOU MEAN BY "APPROVE." I MEAN, I LOOKED AT IT AND READ IT.

Q. DID YOU MAKE ANY CHANGES?

A. MAYBE, YOU KNOW, A WORDING, YOU KNOW, THE WAY A SENTENCE WAS STRUCTURED.

Q. DO YOU KNOW WHO WAS THE PERSON IN CHARGE OF THE OVERALL COMPILATION AND WRITING OF THAT DOCUMENT?

A. NO, NO.

Q. I'M SORRY?

A. NO.

Q. HAVE YOU EVER MET BENT CORYDON, OUTSIDE OF THIS ROOM?

MR. DRESCHER: WHAT WAS THE QUESTION?

THE WITNESS: I DON'T THINK SO.

BY MS. PLEVIN:

Q. DID YOU EVER HEAR HIS NAME PRIOR TO TODAY?

A. YES.

Q. DID YOU EVER HAVE ANY OCCASION TO DISCUSS MR. CORYDON WITH ANYONE PRIOR TO TODAY, APART FROM YOUR ATTORNEY?

MR. HELLER: OTHER THAN YOUR ATTORNEYS.

MS. PLEVIN: THAT'S WHAT I SAID.

MR. HELLER: I DIDN'T HEAR THAT PART. I'M SORRY.

THE WITNESS: "DISCUSS." YOU MEAN -- WHAT DO YOU MEAN BY "DISCUSS"?

BY MS. PLEVIN:

Q. TALK ABOUT HIM.

A. ABOUT BENT?

Q. YES.

A. I DON'T KNOW THAT I'VE EVER TALKED ABOUT BENT.

Q. WITH ANYONE.

A. ABOUT HIM?

Q. YES.

MR. HERTZBERG: OTHER THAN THE ATTORNEYS?

MS. PLEVIN: OTHER THAN THE ATTORNEYS, YES.

THE WITNESS: I BELIEVE IT'S INCLUSIVE OF ATTORNEYS. TALKING ABOUT BENT --

BY MS. PLEVIN:

Q. YOU'VE NEVER TALKED ABOUT BENT WITH YOUR ATTORNEYS; ARE YOU SUGGESTING THAT?

MR. HERTZBERG: MAYBE THERE'S A MISUNDERSTANDING ABOUT THE WORD "ABOUT."

BY MS. PLEVIN:

Q. HAVE YOU EVER --

(CONFERENCE BETWEEN COUNSEL AND WITNESS.)

THE WITNESS: ALL RIGHT. I GET WHAT YOU'RE SAYING. YOU MEAN THE DISCUSSIONS WERE ABOUT THE CASE?

BY MS. PLEVIN:

Q. THIS CASE.

A. YES, SURE.

Q. DID YOU EVER CONFER WITH ANYONE ABOUT ANY OTHER LAWSUITS MR. CORYDON HAS BEEN INVOLVED IN WITH THE CHURCH OF SCIENTOLOGY OR ANY ENTITIES OR INDIVIDUALS IN THE CHURCH OF SCIENTOLOGY, OTHER THAN YOUR ATTORNEYS?

A. YES.

Q. WITH WHOM HAVE YOU HAD SUCH DISCUSSIONS?

A. MARTY, POSSIBLY VICKY AZNARAN, MAYBE -- WE'RE TALKING LIKE I KNEW HE HAD A LAWSUIT, OKAY. IS THAT WHAT YOU'RE ASKING ME?

Q. YES.

A. WHAT EXACTLY WERE YOU ASKING ME?

Q. WELL, I'M TRYING TO FIND OUT, IN GENERAL, BUT NOT WITH THAT SPECIFIC QUESTION, TRYING TO FIND OUT THE EXTENT OF YOUR KNOWLEDGE ABOUT MR. CORYDON PRIOR TO THIS LAWSUIT.

A. NOT MUCH.

MR. HELLER: YOU ASKED A SPECIFIC QUESTION AND THE DEPONENT ASKED YOU WHAT WAS THE SPECIFIC QUESTION YOU WERE ASKING, NOT GENERALLY.

MS. PLEVIN: ALL RIGHT, YES, I'M GOING TO GET BACK TO IT.

Q. I'M TRYING TO FIND OUT WHAT YOU DID KNOW ABOUT MR. CORYDON PRIOR TO THE INITIATION OF THIS LAWSUIT?

MR. LIEBERMAN: THE QUESTION WAS ABOUT ANY LAWSUITS. THAT WAS WHAT THE QUESTION WAS.

MS. PLEVIN: I KNOW THAT'S WHAT THE QUESTION WAS.

MR. HERTZBERG: SO WE HAVE A NEW QUESTION?

MS. PLEVIN: YES, WE HAVE A NEW QUESTION.

MR. HERTZBERG: WHEN YOU SAY "THIS LAWSUIT," YOU'RE TALKING ABOUT THE LAWSUIT THAT WE'RE INVOLVED, IN WITH RESPECT TO THIS DEPOSITION?

MS. PLEVIN: THAT'S RIGHT.

MR. HERTZBERG: OKAY. IS THERE A PENDING QUESTION?

MS. PLEVIN: YES.

MR. HERTZBERG: WHAT IS THE PENDING QUESTION?

MS. PLEVIN: OKAY.

Q. SO TO THE BEST OF YOUR KNOWLEDGE, THE ONLY PEOPLE YOU'VE EVER SPOKEN WITH ABOUT MR. CORYDON ARE MARTY RATHMAN AND VICKY AZNARAN?

A. OKAY. LET ME CLARIFY WHAT "ABOUT" MEANS.

Q. OKAY.

MR. HERTZBERG: NO. THAT IS A MISSTATEMENT OF THE RECORD AND HIS TESTIMONY. HE SPOKE EARLIER ABOUT THE LITIGATION.

MS. PLEVIN: RIGHT. ALL RIGHT.

MR. HERTZBERG: AND THAT'S WHAT HE ANSWERED WHEN HE SPOKE ABOUT MARTY RATHMAN AND POSSIBLY VICKY AZNARAN.

BY MS. PLEVIN:

Q. TO THE EXTENT THAT MR. MISCAVIGE STATES THAT HE'S NEVER HAD ANY OTHER CONVERSATIONS OTHER THAN ABOUT THE LITIGATION -- PERHAPS I AM ABBREVIATING IT.

A. NO. I GUESS MY CONCERN IS YOUR WORD "ABOUT."

Q. REFERRING TO, HAVING THE SUBJECT MATTER OF, MR. --

A. I THOUGHT YOU WERE TALKING ABOUT, YOU KNOW, IN REFERENCE IS A DIFFERENT TERM. YOU MEAN ANY TIME I'VE EVER -- IN OTHER WORDS, THE WORD -- THAT I WAS EITHER LISTENING OR SPEAKING THE WORDS "BENT CORYDON" WERE MENTIONED?

O. YES.

A. OH, OKAY. YEAH. MAYBE TEN TIMES FROM 1981 TO THE PRESENT TIME.

Q. OKAY. AND WITH WHOM HAVE YOU HAD THOSE DISCUSSIONS, APART FROM YOUR ATTORNEYS?

A. DAVID MAYO, BILL FRANKS, ALAN WALTERS, DEAN STOKES, INCLUDE MARTY AND VICKY, WHICH I ALREADY MENTIONED. STEVE WILLETT. THAT'S WHAT I CAN REMEMBER.

Q. OKAY. LET'S TAKE THEM ONE AT A TIME, AND YOUR CONVERSATIONS ONE AT A TIME, TO THE BEST THAT YOU CAN RECALL THEM.

A. OKAY.

Q. LET'S START WITH DAVID MAYO. TO THE BEST OF YOUR RECOLLECTION, DID YOU HAVE MORE THAN ONE CONVERSATION WITH DAVID MAYO REGARDING, OR ABOUT, BENT CORYDON?

A. MAYBE THREE.

Q. LET'S TAKE THE FIRST ONE. DO YOU RECALL WHEN THAT WAS?

A. THAT WAS IN 1981, SOMETIME, BELIEVE THE FALL OF '81.

Q. DO YOU RECALL WHERE THAT TOOK PLACE?

A. AT GILMAN HOT SPRINGS.

Q. AND WAS THIS IN PERSON?

A. YES.

Q. AND TO THE BEST OF YOUR RECOLLECTION, WHAT WAS THE SUBSTANCE OF THE COMMUNICATION REGARDING MR. CORYDON?

A. DAVID MAYO SAID TO ME THAT HE MET BENT CORYDON IN TOWN, OR SAW HIM, AND THAT BENT CORYDON KNEW WE LIVED AT GILMAN HOT SPRINGS AND I DIDN'T EVEN KNOW WHO BENT CORYDON WAS AND I TOLD HIM SO, "I DON'T KNOW WHO YOU'RE TALKING ABOUT." AND HE SAID, "HE'S A NEW ZEALANDER, HE'S RIVERSIDE," OR SOMETHING OF THAT NATURE. I DIDN'T KNOW WHO HE WAS. SO THAT WAS THE FIRST CONVERSATION. HE BROUGHT IT UP TO ME AS IF IT WAS OF INTEREST TO ME, AND IT DIDN'T MEAN ANYTHING TO ME.

Q. THIS MAY BE OBVIOUS, AND I THINK IT'S CLEAR FROM YOUR STATEMENT, BUT I JUST WANT TO PIN IT DOWN. WHEN YOU SAY THAT HE SAID TO YOU THAT "BENT CORYDON KNEW THAT WE LIVED AT GILMAN HOT SPRINGS," WOULD YOU --

A. THAT THERE WAS A PROPERTY THERE THAT WAS RELATED TO SCIENTOLOGY.

Q. OKAY. AND WAS THAT THE SUM AND SUBSTANCE OF THAT FIRST COMMUNICATION?

A. THAT WAS IT ON THAT ONE, YES. THAT MIGHT HAVE EVEN BEEN THE SUMMER OR EARLIER. I DON'T KNOW. I BELIEVE IT WAS IN 1981. IT COULD HAVE BEEN IN 1980. I WAS TRYING TO THINK OF IT. I WAS TRYING TO THINK THE FIRST TIME I HEARD BENT'S NAME. Q. DID YOU RESPOND TO THAT?

A. I SAID, "I DON'T KNOW WHO YOU'RE TALKING ABOUT."

Q. DID MR. MAYO EXPLAIN WHO HE WAS TALKING ABOUT?

A. YEAH, HE DID EXPLAIN. THE POINT OF THE CONVERSATION WAS IT WAS JUST GENERALLY LOW PROFILE THAT WE WERE LIVING THERE. THAT WAS THE POINT. IT WASN'T THAT SIGNIFICANT TO ME. HE SAID HE WAS A SCIENTOLOGIST, OF COURSE, YES, SO I MEAN THAT GOT EXPLAINED TO ME THEN. AND THAT WAS ABOUT IT.

Q. OKAY. DID YOU DO ANYTHING AS A RESULT OF THAT CONVERSATION? A. NO.

Q. DID YOU MAKE ANY NOTES AS A RESULT OF THAT CONVERSATION?

A. NO, I DIDN'T.

Q. DID YOU ASK MR. MAYO TO DO ANYTHING AS A RESULT OF THAT CONVERSATION?

A. NO, I DIDN'T. I -- NO. I -- I STILL DON'T KNOW WHAT THE POINT OF IT WAS, OKAY, SO NO. Q. WAS THIS BEFORE OR AFTER MR. MAYO WAS REMOVED FROM HIS POSITION AS CS INT?

A. SENIOR CS INT.

Q. SENIOR CS INT.

A. BEFORE.

Q. AND --

A. ALL THREE OF THESE CONVERSATIONS WERE.

Q. WERE BEFORE?

A. YES.

Q. OKAY. WHEN WAS THE NEXT CONVERSATION WITH MR. MAYO?

A. OCTOBER OR NOVEMBER OF 1981, DURING -- CONCURRENT WITH THE TIME PERIOD OF THE MISSION BOLDER MUTINY OF FLAG LAND BASE. Q. AND WAS THAT WHERE THE CONVERSATION TOOK PLACE?

A. NO, IT ISN'T.

Q. WHERE DID THE CONVERSATION TAKE PLACE?

A. IN AN AIRPLANE.

Q. YOU WERE SITTING WITH MR. MAYO, I ASSUME?

A. YES, I WAS.

Q. AND WHAT WAS THE CONTENT OF THAT CONVERSATION?

A. THE CONTENT OF THAT CONVERSATION IS THAT WE HEARD THAT THERE WAS MISSION HOLDERS AT THE FLAG LAND BASE WHO WERE THERE ON A CONFERENCE WHO HAD TURNED THE CONFERENCE GENERALLY INTO WHAT WAS TERMED A MUTINY, AND THAT THE REPORTS THAT WE'D RECEIVED IS THAT

THEY'D BEEN DRINKING QUITE HEAVILY, THAT THERE WAS A COMMENT ABOUT COMING OUT TO GILMAN HOT STRINGS WITH BASEBALL BATS TO BEAT UP -- AND THAT THE RING LEADERS OF THIS WERE BASICALLY TRYING TO SUBVERT THE EXECUTIVE DIRECTOR AND NATIONAL AT THAT TIME, BILL

FRANKS, THAT THEY WANTED TO TAKE ALL THE FINANCES AND ALL THE RESERVES OF THE CHURCH FOR THEIR OWN BENEFITS, THEY WANTED THEM DIVIDED UP, AND BENT'S NAME WAS BROUGHT UP IN THAT CONVERSATION, TO WHICH DAVID EXPLAINED -- DAVID MAYO EXPLAINED TO ME -- THAT HE HAD SPOKEN TO BENT, AND IT'S NO BIG DEAL TO BENT, HE'S COMPLETELY MONEY MOTIVATED. WHAT BENT WANTS TO BE HAPPY IS MILLIONS OF DOLLARS. HE JUST WANTS

MONEY. THERE'S NO PRINCIPLE HE'S FIGHTING OVER. HE'S JUST INTERESTED IN A LOT OF MONEY. THAT WAS THE CONTEXT OF THAT CONVERSATION.

Q. DID HE ATTRIBUTE TO MR. CORYDON THE COMMENTS ABOUT TAKING BASEBALL BATS TO GILMAN HOT SPRINGS OR ANY SUCH --

A. I THINK HE MIGHT HAVE SAID THAT BENT WAS INVOLVED IN THAT, YES.

Q. DID HE STATE THAT MR. CORYDON WAS DRINKING HEAVILY?

A. NO. I THINK HE STATED THAT HE -- THAT BENT HAD STATED TO HIM OR -- THAT DAVID HAD BEEN THERE OR WHATEVER. HE SEEMED TO HAVE SOME KNOWLEDGE OF A CONVERSATION, WHAT I REMEMBER -- THE MONEY PART WAS ATTRIBUTED TO BENT IN A CONVERSATION WITH DAVID. THAT'S WHAT I PARTICULARLY REMEMBER.

I DON'T KNOW THAT THE BASEBALL BATS WAS ATTRIBUTED AS A CONVERSATION WITH BENT, AS OPPOSED TO HE WAS INVOLVED IN IT. THE MONEY WAS DEFINITELY SOMETHING RELAYED AS A CONVERSATION WITH BENT AND THE FINAL OUTCOME OF IT WAS, "I WANT MONEY.". Q. NOW, I'M CONFUSED, MR. MISCAVIGE, BY YOUR TESTIMONY. ARE YOU SAYING THAT MR. MAYO HAD A CONVERSATION WITH MR. CORYDON REGARDING THE MISSION HOLDERS MEETING IN WHICH MR. CORYDON HAD SUMMARIZED THESE --

A. FROM WHAT I COULD GRASP FROM IT, OKAY, NO, I'M NOT.

Q. SO MR. MAYO WAS CONVEYING TO YOU --

A. HE WAS --

Q. -- WHAT HE OBSERVED?

A. NO. SOME WAS OBSERVATIONS AND SOME WAS CONVERSATIONS. HE WAS CONVEYING TO ME CONVERSATIONS WITH BENT CORYDON AND I BELIEVE FROM THE CONTEXT OF THE CONVERSATION, THAT THEY WERE THE MONTH BEFORE OR SOMETIME IN THAT NATURE, WHERE BENT WAS AT A PREVIOUS MISSION HOLDERS CONVENTION AT THE FLAG LAND BASE. IT WAS ACTUALLY A PREVIOUS ONE TO THE ONE I WAS ABOUT TO ATTEND, AND IT WAS FROM THAT CONVERSATION THAT WAS BEING RELAYED TO ME THAT, "IT'S SIMPLE. BENT WANTS MONEY," YOU KNOW, "JUST SO YOU DON'T THINK IT'S A MATTER OVER PRINCIPLE, HE WANTS TO GET RICH. HE WANTS TO BE ABLE TO GET RICH ON SCIENTOLOGY." THE BASEBALL BATS WERE OBSERVATION -- YOU SAY OBSERVATION. DAVID HAD THIS INFORMATION SOMEHOW. I DON'T KNOW HOW, BUT THAT WAS NOT RELAYED AS A CONVERSATION FROM BENT, WHERE THE OTHER ONE MOST DEFINITELY WAS. IS THAT CLEAR?

Q. THAT'S CLEAR.

A. OKAY.

Q. NOW, I WANT TO GET TO THE OTHER TWO ITEMS. DID MR. MAYO RELATE TO YOU THAT MR. CORYDON HAD PARTICIPATED IN THE DISCUSSION REGARDING, YOU KNOW, SOMETHING LIKE, "LET'S GET THE BASEBALL BATS AND GO AFTER THOSE GUYS"? A. WHAT I HEARD --

Q. OR HE WAS JUST PRESENT WHEN THAT HAPPENED, IF IT HAPPENED?

A. HE DIDN'T RELAY HE WAS PART OF THAT. AS A MATTER OF FACT, I BELIEVE HE RELAYED HE WAS A PART OF IT BECAUSE BENT WAS THE ONE WHO KNEW WHERE THE WATCHDOG COMMITTEE AND CMO WERE, BECAUSE NONE OF THE OTHER ONES DID.

AS A MATTER OF FACT, BENT MAY HAVE BEEN THE MITIGATOR OF IT FROM WHAT BENT TOLD ME. HE'S THE ONE WHO HAD THE IDEA BECAUSE HE COULD TAKE EVERYBODY THERE. YOU UNDERSTAND IT WASN'T GENERAL KNOWLEDGE THAT GILMAN HOT SPRINGS PROPERTY WAS THERE; THE GENERAL

SCIENTOLOGY DID NOT KNOW THAT THAT'S WHERE IT WAS, AND I GUESS BENT WAS UNIQUE.

Q. I DO UNDERSTAND THAT. DO YOU UNDERSTAND IT WAS AT THIS PERIOD OF TIME THAT

MR. CORYDON WAS STILL TRYING VERY HARD TO BE RETURNED TO HIS MISSION AND THAT IT STRIKES ME IT WOULD BE EXTREMELY UNLIKELY HE WOULD HAVE BEEN VOCAL REGARDING SUCH PROBLEMS? MR. HERTZBERG: IS THAT A QUESTION? IS THAT A QUESTION? WAIT, WAIT, WAIT.

MR. DRESCHER: IF IT'S A QUESTION, IT'S ARGUMENTATIVE AND I OBJECT.

MR. HERTZBERG: I WANT HER TO ANSWER FIRST. IS THAT A QUESTION, MISS PLEVIN?

MS. PLEVIN: NO, IT'S NOT A QUESTION.

MR. HERTZBERG: LET'S NOT ARGUE.

BY MS. PLEVIN:

Q. WERE YOU AWARE, PRIOR TO YOUR CONVERSATION WITH MR. MAYO IN THIS AIRPLANE IN 1981, THAT MR. CORYDON HAD BEEN REMOVED FROM THE MISSION OF RIVERSIDE IN 1978?

A. NO.

Q. AND WERE YOU AWARE THAT FOR A LONG PERIOD OF TIME, HE HAD BEEN ATTEMPTING TO GET A BOARD OF REVIEW SO THAT HE COULD BE CLEARED OF THE FINDINGS OF THE COMMITTEE OF EVIDENCE AND BE RETURNED TO HIS MISSION?

A. NO.

Q. WERE YOU AWARE THAT SOMETIME IN OCTOBER OF 1981, THERE WAS A BOARD OF REVIEW WHICH DID CLEAR HIM OF THE FINDINGS OF THE PRIOR COMMITTEE OF EVIDENCE, WHICH WERE FOUND TO HAVE BEEN OFF POLICY AND THEREFORE PERMITTED TO RETURN TO RIVERSIDE AS MISSION HOLDER AND ED?

MR. HERTZBERG: ARE YOU AWARE OF ALL THE ABOVE THAT MISS PLEVIN -THE WITNESS: AND IN THE TIME FRAME OF ON THE AIRPLANE?

MS. PLEVIN: YES.

THE WITNESS: NO.

BY MS. PLEVIN:

Q. WERE YOU AWARE OF ANY OF THAT?

A. ALL I WAS AWARE OF, AND -- AT THAT TIME IN THE AIRPLANE, NO, NONE OF IT, NOT IN ANY WAY, SHAPE OR FORM

(RECESS TAKEN.)

MS. PLEVIN: ALL RIGHT. NOW, AS NOTED, I THINK OFF THE RECORD PREVIOUSLY, I'M NOT SURE IF IT WAS ON OR OFF THE RECORD, THE AIR CONDITIONING HAS GONE OUT AND A NUMBER OF PEOPLE ARE FEELING THE BAD EFFECTS OF IT, INCLUDING THE COURT REPORTER, WHO WAS KIND ENOUGH TO AGREE TO STAY UNTIL 6 O'CLOCK, BUT THAT DOESN'T SEEM TO BE QUITE POSSIBLE UNDER THE CIRCUMSTANCES, SO WE WILL BE ADJOURNING FOR TODAY.

MY QUESTION TO MR. DRESCHER IS: IS THERE SOME WAY WE CAN CONFIRM REGARDING TOMORROW SO THAT WE CAN COMMENCE IN A TIMELY FASHION REGARDING WHETHER THE AIR CONDITIONING IS GOING TO BE ON OR OFF?

MR. DRESCHER: I HAVE NO IDEA. ALL WE KNOW IS THAT THE ANNOUNCEMENT SAID FOR THE REMAINDER OF TODAY. SO BASED ON THAT LANGUAGE -- THE ANNOUNCEMENT I GUESS SAID IT WAS GOING TO BE ON IN THE MORNING. SO I DON'T THINK WE HAD A PROBLEM, OKAY? MS. PLEVIN: IS THERE SOME WAY WE CAN CHECK ON THAT EARLY ENOUGH TO MAKE ALTERNATE ARRANGEMENTS IF NECESSARY? COULD YOU CONFIRM WHETHER, FOR EXAMPLE, AT 8:00 O'CLOCK IT'S BACK ON SO THAT IF NECESSARY, WE MAKE ALTERNATE ARRANGEMENTS?

MR. DRESCHER: I DIDN'T PLAN TO GET IN QUITE THAT EARLY.

MS. PLEVIN: FROM CALLING FROM HOME OR SOMETHING.

MR. DRESCHER: THE ANSWER IS NO, I DON'T KNOW WHO TO CALL. IN GENERAL IN ABOUT 9:00.

MR. HERTZBERG: LET'S CONVENE HERE, IF I CAN MAKE THE SUGGESTION, AT THE APPOINTED TIME, WHICH IS 10 O'CLOCK. IN THE OFF CHANCE THAT THE AIR CONDITIONING IS NOT WORKING, WE'LL ADDRESS WHAT WE DO FROM THERE, OKAY?

MS. PLEVIN: OKAY.

MR. DRESCHER: ACCORDING TO THE ANNOUNCEMENT, IT SHOULD BE ON.

MS. PLEVIN: SO WE'LL PICK UP HERE AT 10 O'CLOCK TOMORROW.

(WHEREUPON, AT 5:20 P.M., THE DEPOSITION OF DAVID MISCAVIGE WAS ADJOURNED.)

STATE OF CALIFORNIA) COUNTY OF LOS ANGELES) SS.

I, DAVID MISCAVIGE, HEREBY CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT.

EXECUTED THIS DAY OF , 1990, AT , CALIFORNIA.

DAVID MISCAVIGE

STATE OF CALIFORNIA) COUNTY OF LOS ANGELES) SS.

I, DAWSHA LAYLAND BAKER, C.S.R. NO. 5166, IN AND FOR THE STATE OF CALIFORNIA, DO HEREBY CERTIFY: THAT, PRIOR TO BEING EXAMINED, THE WITNESS NAMED IN THE FOREGOING DEPOSITION, TO WIT, DAVID MISCAVIGE, WAS BY ME DULY SWORN TO TESTIFY THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH; THAT SAID DEPOSITION WAS TAKEN DOWN BY ME IN SHORTHAND AT THE TIME AND PLACE THEREIN NAMED, AND THEREAFTER REDUCED TO TYPEWRITING UNDER MY DIRECTION, AND THE SAME IS A TRUE, CORRECT AND COMPLETE TRANSCRIPT OF SAID PROCEEDINGS; I FURTHER CERTIFY THAT I AM NOT INTERESTED IN THE EVENT OF THE ACTION. WITNESS MY HAND THIS 3rd DAY OF AUGUST 1990.

CERTIFIED SHORTHAND REPORTER FOR THE STATE OF CALIFORNIA

qq

SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES

BENT CORYDON,)

PLAINTIFF,) CASE NO.

)

VS.) C 694401

)

CHURCH OF SCIENTOLOGY) VOLUME 2

)

INTERNATIONAL, INC., ET AL.,) (PAGES 313-625)

DEFENDANTS.)

AND RELATED CROSS-ACTIONS.

DEPOSITION OF:

DAVID MISCAVIGE FRIDAY, JULY 20, 1990 10:15 A. M.

OUR FILE NO. 02266

REPORTED BY DAWSHA LAYLAND BAKER

C.S.R. NO. 5166

DEPOSITION OF DAVID MISCAVIGE, THE WITNESS, TAKEN ON BEHALF OF THE PLAINTIFF, AT 10:15 A. M., FRIDAY, JULY 20, 1990, AT 2049 CENTURY PARK EAST, LOS ANGELES, CALIFORNIA, BEFORE

DAWSHA LAYLAND BAKER, C.S.R. NO. 5166, PURSUANT TO NOTICE.

APPEARANCES OF COUNSEL

FOR PLAINTIFF & CROSS-DEFENDANT: LAW OFFICES OF TOBY L. PLEVIN BY: TOBY L. PLEVIN,

ATTORNEY AT LAW

10700 SANTA MONICA BOULEVARD SUITE 4300

LOS ANGELES, CALIFORNIA 90025

FOR DEFENDANTS & CROSS-COMPLAINANTS, RELIGIOUS TECHNOLOGY CENTER, SCIENTOLOGY MISSIONS INTERNATIONAL, CHURCH OF SCIENTOLOGY OF CALIFORNIA, CHURCH OF SCIENTOLOGY INTERNATIONAL, HEBER JENTZSCH AND TIMOTHY BOWLES:

WYMAN BAUTZER KUCHEL & SILBERT

BY: WILLIAM T. DRESCHER ESQ.

2049 CENTURY PARK EAST

15TH FLOOR

LOS ANGELES, CALIFORNIA 90067

FOR DEFENDANT DAVID MISCAVIGE:

LAW OFFICES OF MICHAEL LEE HERTZBERG

BY: MICHAEL LEE HERTZBERG, ESQ.

740 BROADWAY

FIFTH FLOOR

NEW YORK, NEW YORK 10003

-- AND --

RABINOWITZ, BOUDIN, STANDARD,

KRINSKY & LIEBERMAN

BY: ERIC M. LIEBERMAN, ESQ.

740 BROADWAY AT ASTOR PLACE

NEW YORK, NEW YORK 10003-9518

FOR DEFENDANTS AUTHORS SERVICES, INC., AND BRIDGE PUBLICATIONS: TURNER,
GERSTENFELD, WILK, TIGERMAN & HELLER

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ALSO PRESENT: BENT CORYDON MARTY RATHBUN

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6 256 HCO POLICY LETTER OF 15 AUGUST, 1960

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LOS ANGELES, CALIFORNIA; FRIDAY, JULY 20, 1990; 10:15 A.M.

MR. HERTZBERG: I WANT TO MAKE A SHORT STATEMENT ON THE RECORD. I WANT THE RECORD TO REFLECT THAT MR. MISCAVIGE WAS HERE WITH HIS COUNSEL AT 10:00 O'CLOCK READY TO PROCEED. MS. PLEVIN: AS WERE COUNSEL FOR THE PLAINTIFF. I DON'T THINK THAT'S A PROBLEM. WHY DON'T YOU PLEASE --

MR. HERTZBERG: THEN I GUESS THE RECORD SHOULD REFLECT THAT WE WAITED FOR THE COURT REPORTER.

MS. PLEVIN: FINE. WOULD YOU SWEAR THE WITNESS, PLEASE.

DAVID MISCAVIGE, HAVING BEEN FIRST DULY SWORN, WAS EXAMINED AND TESTIFIED AS FOLLOWS: EXAMINATION

BY MS. PLEVIN:

Q. MR. MISCAVIGE, IS THERE ANY REASON WHY WE CAN'T GO FORWARD TODAY WITH YOUR BEST TESTIMONY? YOU'VE HAD ENOUGH SLEEP? YOU AREN'T UNDER THE INFLUENCE OF ANY DRUGS?

A. NO.

Q. YOU'RE FEELING WELL?

A. NO. I'M FINE.

Q. AS WELL AS CAN BE EXPECTED?

A. SURE.

Q. OKAY. GOOD. BEFORE WE PROCEED I'M HANDING YOU THREE SUBPOENAS (INDICATING). ONE IS FOR A DEPOSITION IN THE JUDICIAL COORDINATION PROCEEDING, CARMICHAEL VERSUS CORYDON AND JENTZSCH VERSUS CORYDON, OCTOBER 1, 1990, 10:00 A.M.; A DEPOSITION IN THE CASE OF

AZANARAN VERSUS THE CHURCH OF SCIENTOLOGY CALIFORNIA, ET AL., WITH WITNESS FEE ATTACHED, JULY 31, 1990 AT 10:00 A.M.; AND A TRIAL SUBPOENA FOR THE AZANARAN CASE.

MR. HERTZBERG: NOW, BEFORE WE PROCEED --

MS. PLEVIN: YOU HAVE RECEIVED THOSE.

MR. HERTZBERG: BEFORE WE PROCEED, MISS PLEVIN -MS. PLEVIN: EXCUSE ME.

Q. YOU HAVE RECEIVED THOSE, MR. MISCAVIGE, HAVE YOU NOT? I HAVE HANDED YOU THESE DOCUMENTS.

MR. HERTZBERG: MISS PLEVIN --

MS. PLEVIN: LET THE RECORD REFLECT THAT THE WITNESS REFUSES TO ANSWER. COUNSEL HAS TOLD HIM NOT TO ANSWER WITH A GESTURE.

MR. HERTZBERG: NOW, MISS PLEVIN, FIRST OF ALL, THE FACT THAT YOU DID THIS CONFIRMS, IN MY VIEW, EXACTLY WHAT THE REAL PURPOSE OF THIS DEPOSITION WAS, WHICH WAS TO CONTINUE HARASSMENT OF MR. MISCAVIGE. THIS HAS NOTHING TO DO WITH THIS CASE. YOU ARE ACTING AS THE AGENT FOR THE ATTORNEYS IN THIS CASE, IN THROWING THESE PAPERS ON THE TABLE; IS THAT IT?

MS. PLEVIN: I'M NOT ANSWERING ANY QUESTIONS. I'M SERVING MR. MISCAVIGE.

MR. LIEBERMAN: WE CONSIDER THIS AN ABUSIVE OF PROCESS.

MR. HELLER: YES.

MS. PLEVIN: OF COURSE YOU DO.

MR. LIEBERMAN: THE ENTIRE DEPOSITION, OBVIOUSLY --

MR. HERTZBERG: IT HAS BEEN AN ABUSE.

MR. LIEBERMAN: THE USE OF IT FOR COLLATERAL PURPOSES TO OBTAIN AN OPPORTUNITY TO SERVE MR. MISCAVIGE HERE IS OBVIOUSLY AN ABUSE OF PROCESS, AND WE WILL ACT APPROPRIATELY.

MR. HERTZBERG: INCLUDING, BUT NOT LIMITED, TO GOING TO THE COURT IN THIS CASE TO LET THE COURT KNOW WHAT THIS DEPOSITION WAS ALL ABOUT AND WHAT YOUR REAL PURPOSE WAS IN THIS DEPOSITION. I CONSIDER THIS TO BE AN ACT IN THE UTMOST BAD FAITH, UTMOST BAD FAITH.

MR. DRESCHER: I WILL CONCUR WITH THAT. YOUR REFUSAL TO RESPOND TO A QUESTION WHETHER YOU WERE SERVING AS AN AGENT FOR THE COUNSEL OF RECORD IN THE TWO CASES MENTIONED -- BECAUSE YOU'RE NOT REPRESENTING MR. CORYDON OR ANYTHING; YOU'RE ACTING INDEPENDENTLY AS A PROCESS SERVER. I THINK WE'RE ENTITLED TO AN EXPLANATION. YOU'RE NOT GOING TO RESPOND?

MS. PLEVIN: NO.

MR. DRESCHER: ARE YOU HERE AS COUNSEL FOR MR. CORYDON NOW? MS. PLEVIN: YES.

MR. DRESCHER: ARE YOU HERE AS COUNSEL FOR MR. CORYDON NOW? MS. PLEVIN: I BELIEVE SO.

MR. DRESCHER: AS OPPOSED TO A CERTIFIED PROCESS SERVER? I WANT TO KNOW IF WE HAVE A DEPOSITION OR NOT.

MS. PLEVIN: I'M GOING FORWARD WITH THE DEPOSITION.

MR. HERTZBERG: WERE YOU SERVING THESE AS COUNSEL FOR MR. CORYDON?

MS. PLEVIN: I'M NOT HERE TO ANSWER YOUR QUESTIONS. MR. MISCAVIGE HAS BEEN SERVED WITH DEPOSITION SUBPOENAS. MR. MISCAVIGE HAS MADE HIMSELF UNAVAILABLE FOR SERVICE, AND AN ORDER WAS ISSUED TO SERVE HIM BY PUBLICATION. MR. HERTZBERG: YOU MEAN IN THIS CASE?

MS. PLEVIN: IN THIS CASE, AND --

MR. LIEBERMAN: AT THIS TIME?

MR. HERTZBERG: FIRST OF ALL, I DON'T AGREE THAT MR. MISCAVIGE WAS UNAVAILABLE FOR SERVICE. SECONDLY -- IN THIS CASE.

SECONDLY, WHETHER HE WAS OR WAS NOT HAS NOTHING TO DO WITH THE ISSUE OF YOUR ACTING AS AN AGENT FOR PARTIES IN OTHER LITIGATION AND USING THE NOTICING OF THIS DEPOSITION AS A SUBTERFUGE TO ATTEMPT TO SERVE PROCESS ON A DEPONENT IN A CASE IN WHICH YOU'RE NOT COUNSEL.

MR. HELLER: TWO CASES.

MR. HERTZBERG: IN SEVERAL CASES IN WHICH YOU'RE NOT COUNSEL BECAUSE YOU HAVE WHAT YOU PERCEIVE TO BE A CAPTIVE AUDIENCE THROUGH THE NOTICE THAT YOU ISSUED FOR MR. MISCAVIGE'S DEPOSITION IN THIS CASE.

I'LL FURTHER NOTICE THAT IF YOU HAD STUCK TO RELEVANT QUESTIONS YESTERDAY, THIS DEPOSITION COULD HAVE BEEN OVER. WHAT -- MY PERCEPTION -- WE INTEND TO GO TO THE COURT ON THIS -- IS THAT PROBABLY THE PRIMARY PURPOSE FOR THIS DEPOSITION AT ANY TIME, AND MOST PARTICULARLY OUR COMING BACK TODAY, AFTER ALL THE TIME WASTED YESTERDAY ON IMMATERIAL, IRRELEVANT QUESTIONS, WAS SO THAT YOU, IN COORDINATION WITH OTHER ATTORNEYS IN OTHER CASES IN WHICH YOU'RE NOT COUNSEL, COULD ACT AS AN AGENT FOR AN ATTEMPTED SERVICE OF PROCESS.

I THINK IT'S ABUSIVE, AND WE ARE GOING TO TAKE THIS UP IN ALL THE APPROPRIATE FORMS. IT ALSO FURTHER COLORS MY PERCEPTION OF WHAT IS PERMISSIBLE AND NOT PERMISSIBLE IN THIS DEPOSITION TODAY.

MS. PLEVIN: I'M READY TO GO FORWARD WITH THE DEPOSITION.

(ATTORNEY-CLIENT DISCUSSION HELD OFF THE RECORD.)

MR. HERTZBERG: I'LL ALSO NOTE THAT YOU -- THE VERY FACT -- AN ADDED ELEMENT OF BAD FAITH IN THIS IS YOU SAW FIT TO MAKE A RECORD IN THIS CASE. YOU WAITED UNTIL THE COURT REPORTER GOT HERE, IN THE CORYDON LITIGATION, AND YOU DECIDED TO MAKE A TRANSCRIPT AND TO ASK MR. MISCAVIGE QUESTIONS IN THE GUISE OF THE DEPOSITION IN THE CORYDON CASE, WHICH YOU INSISTED THAT HE ANSWER ABOUT YOUR SERVICE OF PROCESS, YOU'RE ACTING AS A PROCESS SERVER, MISS PLEVIN.

MS. PLEVIN: I'M READY TO GO FORWARD WITH THE DEPOSITION.

MR. HERTZBERG: ALL RIGHT. ASK SOME QUESTIONS.

BY MS. PLEVIN:

Q. ALL RIGHT. MR. MISCAVIGE, YESTERDAY, I SHOWED YOU AN RTC INFORMATION LETTER DATED JULY 23, 1983, A TWO-PAGE DOCUMENT WHICH YOU OBSERVED DID NOT HAVE COPYRIGHT INDICATIONS AFTER THE SIGNATURE. THE COPY I BROUGHT YESTERDAY SLIGHTLY CUT OFF THE BOTTOM OF THE FIRST PAGE. WOULD YOU TAKE A LOOK AT THE BOTTOM OF THE FIRST PAGE, PLEASE, AND SEE IF IT HAS THE COPYRIGHT DESTINATION.

MR. HERTZBERG: THIS WAS A DOCUMENT HE IDENTIFIED AS NEVER HAVING SEEN BEFORE AS I RECALL; IS THAT CORRECT?

MR. DRESCHER: THAT'S CORRECT.

MS. PLEVIN: I'M ASKING HIM TO TAKE A LOOK AT THIS DOCUMENT.

Q. DOES THIS REFRESH YOUR RECOLLECTION AS TO WHETHER OR NOT YOU'VE EVER SEEN THIS DOCUMENT?

A. NO, ABSOLUTELY NOT.

Q. WHO WOULD BE ABLE TO BEST IDENTIFY THAT DOCUMENT?

MR. HERTZBERG: OBJECTION.

MR. DRESCHER: OBJECTION, CALLS FOR SPECULATION.

MR. HELLER: OBJECTION.

BY MS. PLEVIN:

Q. TO THE BEST OF YOUR KNOWLEDGE AS CHAIRMAN OF THE BOARD OF RTC, REGARDING A DOCUMENT ISSUED UNDER THE COPYRIGHT OF RTC, WHO WOULD BE BEST BE ABLE TO IDENTIFY THAT DOCUMENT?

MR. HELLER: IT STILL CALLS FOR SPECULATION.

MS. PLEVIN: YOU CAN ANSWER THE QUESTION.

MR. HERTZBERG: IF YOU HAVE TO GUESS, DON'T GUESS.

THE WITNESS: I DON'T KNOW. MY COMMENT WAS ON PAGE 2. IF YOU TAKE A LOOK AT THIS, THERE'S NO INITIALS; AND THEREFORE, NOBODY COULD.

IF THERE WERE INITIALS THERE AS THERE ARE ON ANY OFFICIAL DOCUMENT, I WOULD BE ABLE TO TELL YOU, BUT I CAN'T. THAT IS NOT A COMPLETE DOCUMENT. IT'S CERTAINLY NOT A COMPLETE OFFICIAL DOCUMENT. MS. PLEVIN: THAT'S FINE.

Q. YESTERDAY WE ALSO LOOKED AT --

A. AND FURTHER TO SHOW YOU, JUST TO SUPPORT WHAT I'M SAYING, IF YOU'LL TAKE A LOOK AT THE OTHER DOCUMENT YOU HANDED ME, YOU CAN SEE INITIALS AT THE BOTTOM OF THE PAGE ON THE LEFT-HAND SIDE; MAYBE THAT REFRESHES YOUR RECOLLECTION. Q. LOOKING AT THE DOCUMENT WHICH WE DISCUSSED YESTERDAY AS CONTAINING A TRANSCRIPT OF THE REMARKS AT A MISSIONHOLDERS CONFERENCE IN OCTOBER OF 1982 -- AND WE HAD SOME DISCUSSION ABOUT THE CONTENT AND STATEMENTS IN THAT TRANSCRIPT. MR. HELLER: I'LL MOVE TO STRIKE THAT ENTIRE PREFATORY STATEMENT. IF YOU HAVE A QUESTION, PLEASE ASK A QUESTION. LET'S NOT GET INTO EDITORIALIZING WHAT HAPPENED YESTERDAY; WE HAVE A RECORD OF THAT.

MS. PLEVIN: WE DID NOT MARK THIS DOCUMENT YESTERDAY. I INTEND TO MARK IT AS THE NEXT IN ORDER TODAY.

Q. IS THIS THE DOCUMENT WE WERE REFERRING TO YESTERDAY, MR. MISCAVIGE?

MR. HERTZBERG: YOU MEAN, IS THIS -- YOU WANT HIM TO LOOK AND TRY TO GUESS WHETHER THIS IS THE SAME DOCUMENT THAT YOU SHOWED HIM YESTERDAY?

MS. PLEVIN: HE CAN LOOK AT THE PORTIONS THAT HE LOOKED AT YESTERDAY, FINE.

MR. HELLER: WELL, I ALSO HAVE AN OBJECTION BECAUSE I'M NOT SURE WHAT YOU MEAN BY "IS THIS THE DOCUMENT THAT YOU WERE REFERRING TO YESTERDAY?"

OF COURSE, I LEAVE THIS TO MR. HERTZBERG BECAUSE IT'S HIS CLIENT, BUT I BELIEVE QUITE A NUMBER OF DOCUMENTS WERE REFERRED TO YESTERDAY. THE QUESTION IS UNINTELLIGIBLE. HOW CAN HE ANSWER IT?

BY MS. PLEVIN:

Q. MR. MISCAVIGE, IS THIS A TRANSCRIPT OF THAT PROCEEDING WHICH WE -- AND A TRANSCRIPT OF WHICH WE HAD SOME DISCUSSION YESTERDAY?

MR. HERTZBERG: WELL, LET'S BE CLEAR ABOUT WHAT WE'RE SAYING HERE. WHAT PROCEEDING ARE YOU TALKING ABOUT?

MS. PLEVIN: THE MISSIONHOLDERS CONFERENCE IN 1982, IN OCTOBER.

THE WITNESS: OKAY.

MS. PLEVIN: IN SAN FRANCISCO.

THE WITNESS: YOU WANT THE ANSWER? NO. THAT WASN'T ON IT (INDICATING). THAT'S A DIFFERENT DOCUMENT.

MS. PLEVIN: ALL RIGHT.

Q. WELL, CHART NO. 3 WAS NOT ON IT?

MR. LIEBERMAN: NO.

THE WITNESS: SO YOU CHANGED THE DOCUMENT. NEXT TIME TELL ME. THAT'S NOT THE SAME ONE. I'M GOING TO REFUSE TO -- IF YOU WANT ME TO IDENTIFY IT, I'LL READ THE ENTIRE DOCUMENT RIGHT NOW --

MS. PLEVIN: FINE, GO AHEAD.

THE WITNESS: -- AND I'LL TELL YOU.

MS. PLEVIN: FINE.

THE WITNESS: OKAY.

MR. HERTZBERG: WHILE HE'S READING, SO I CAN TRY TO DETERMINE HOW MUCH TIME -- HOW WE ARE GOING TO SPEND OUR TIME IN THE REMAINING AMOUNT OF TIME --

MS. PLEVIN: I HAVE A GREAT AMOUNT OF QUESTIONS.

MR. HERTZBERG: I WANT TO ASK YOU: ARE YOU INTENDING TO REVISIT THINGS --

MS. PLEVIN: NO.

MR. HERTZBERG: -- YOU WENT OVER YESTERDAY?

MS. PLEVIN: I HAVE NO INTENTION OF IT. I SIMPLY WANT IT MARKED FOR THE RECORD BECAUSE WE DIDN'T DO IT YESTERDAY.

MR. HELLER: WHY DON'T YOU MARK IT?

MR. HERTZBERG: YOU MEAN YOU FORGOT TO MARK AN EXHIBIT YESTERDAY?

(ATTORNEY-CLIENT DISCUSSION HELD OFF THE RECORD.)

THE WITNESS: SHE KNOWS SHE ADDED THAT, AND SHE DIDN'T COMMENT ON IT. SHE'S VERY SNEAKY. SO I HAVE TO READ IT.

MS. PLEVIN: I WILL NOT RESPOND TO THAT.

THE WITNESS: I HAVE TO READ 40 PAGES.

MS. PLEVIN: FINE.

MR. HERTZBERG: FINE. THE RECORD WILL SPEAK FOR ITSELF, MISS PLEVIN, THAT, OBVIOUSLY, THERE WAS A PAGE IN THE DOCUMENT YOU GAVE MR. MISCAVIGE THIS MORNING WHICH WAS NOT IN THE DOCUMENT YESTERDAY, AND YOU -- IMMEDIATELY, WHEN YOU WERE CALLED ON IT, YOU TORE

IT OFF. THE RECORD WILL SPEAK FOR ITSELF.

MS. PLEVIN: FINE.

MR. HELLER: NOW, THIS IS YOUR TIME, TOO, MISS PLEVIN, BECAUSE YOU'RE THE ONE WHO'S INSISTING, FOR SOME REASON, THAT HE READ THE ENTIRE DOCUMENT.

MS. PLEVIN: I'M NOT INSISTING THAT HE READ THE DOCUMENT. I SUGGESTED HE LOOK AT THE PORTIONS OF THE DOCUMENT WE DISCUSSED YESTERDAY, PAGES 3 AND 26.

MR. HELLER: NO. YOU WANT HIM TO SAY THAT IT'S THE DOCUMENT YOU DISCUSSED WITH HIM YESTERDAY, AFTER THE REALIZATION THAT YOU ADDED ONE THING ON IT. NOW YOU'RE COMPELLING HIM TO READ -MS. PLEVIN: NO.

MR. HELLER: -- THE ENTIRE DOCUMENT IN ORDER TO MAKE THAT DETERMINATION.

MS. PLEVIN: I WILL WITHDRAW THE QUESTION. I HAVE NO INTENTION OF SITTING HERE WHILE HE READS 40 PAGES.

MR. HELLER: FINE.

MS. PLEVIN: I WILL WITHDRAW THE REQUEST. I HAVE NO INTENTION OF DOING THAT.

MR. HERTZBERG: FINE. OKAY.

MS. PLEVIN: I HAVE NO INTENTION OF CREATING THAT PROBLEM. THE OMISSION YESTERDAY OF THE THIRD CHART -- I'M TAKING MR. MISCAVIGE AT HIS WORD THAT THAT WAS NOT PART OF IT.

MR. HERTZBERG: YOU'RE NOT DISPUTING IT THOUGH?

MS. PLEVIN: I HAVE NO BASIS TO DISPUTE IT.

MR. HERTZBERG: I WILL ADD --

MS. PLEVIN: I WILL NOT -- I WILL NOT DISPUTE IT. I ASKED HIM TO AUTHENTICATE IT. I WILL NOT DISPUTE IT.

MR. HERTZBERG: I WILL ADD THAT I DIDN'T SEE IT.

MS. PLEVIN: I WILL NOTE, BY THE WAY, THAT IT'S THE VERY LAST PAGE OF A DOCUMENT WHICH IS IN EXCESS OF 40 PAGES OF TEXT THAT --

MR. HERTZBERG: THAT MAY WELL BE. NOW, I WILL ADD THAT A LARGE PART OF THE QUESTIONING THAT YOU DID ON THIS DOCUMENT WHICH YOU FORGOT TO IDENTIFY YESTERDAY, IF IT IS THE SAME DOCUMENT, HAD TO DO WITH THE CHARTS AND WHAT WAS ADDED ONTO --

MR. HELLER: THIS DOCUMENT --

MS. PLEVIN: ONE CHART.

MR. HERTZBERG: MAY I FINISH, PLEASE? WHAT WAS ADDED ONTO THIS CHART -- ONTO THIS DOCUMENT, MISS PLEVIN, WAS A CHART. SO I CONSIDER IT -- TO THE EXTENT THAT YOU'RE TRYING TO MINIMIZE THE ALTERATION OF THIS DOCUMENT, I CONSIDER THE ADDITION OF A CHART MORE SIGNIFICANT THAN VIRTUALLY ANYTHING YOU COULD HAVE DONE TO SHOW MR. MISCAVIGE A DOCUMENT DIFFERENT THAN THE ONE YOU SHOWED HIM YESTERDAY WHILE ASKING HIM TO CONFIRM THAT IT WAS THE SAME DOCUMENT SO YOU COULD MARK IT FOR IDENTIFICATION BECAUSE YOU FORGOT TO MARK IT FOR IDENTIFICATION YESTERDAY AND THEN MAINTAIN, FOR PURPOSES OF THIS CASE, THAT THE DOCUMENT -- THE DIFFERENT DOCUMENT

YOU SHOWED HIM TODAY WAS THE SAME DOCUMENT THAT YOU SHOWED HIM YESTERDAY.

MR. LIEBERMAN: I JUST --

MS. PLEVIN: I HAD --

MR. LIEBERMAN: I WANT TO ADD THAT I HAVE CHECKED A COPY OF THE DOCUMENT THAT YOU HANDED ME YESTERDAY, AND IT DOES NOT CONTAIN THE THIRD PAGE. MS. PLEVIN: FINE.

MR. LIEBERMAN: THE CHART.

MS. PLEVIN: ALL RIGHT. NOW THAT WE'VE ESTABLISHED THAT, IT DOES NOT CONTAIN THE THIRD CHART AND WHICH WAS NOT AT ALL REFERRED TO YESTERDAY, IN ANY CASE I'VE WITHDRAWN IT. I HAVE NO INTENTION OF CREATING A PROBLEM. MR. HERTZBERG: THEN LET'S MOVE ON.

MS. PLEVIN: LET'S MOVE ON.

MR. HERTZBERG: THEN LET'S MOVE ON.

qq

BY MS. PLEVIN:

Q. I WANT TO CLARIFY -- LET ME ASK A QUESTION IN A SLIGHTLY DIFFERENT WAY BECAUSE I THINK I MISSTATED IT YESTERDAY. BETWEEN 1980 AND THE DEATH OF MR. HUBBARD, AT ANY TIME DID YOU MEET WITH AN INTERMEDIARY ON BEHALF OF MR. HUBBARD, SPECIFICALLY PAT BROEKER, WHO AT THE TIME YOU MET WITH HIM, YOU BELIEVED TO HAVE BEEN SPEAKING ON BEHALF OF MR. HUBBARD FOR YOU -- OR TO YOU?

MR. HELLER: ARE YOU GOING FIRST, MR. HERTZBERG?

MS. PLEVIN: THERE IS EXTENSIVE COLLOQUY.

MR. DRESCHER: THERE IS NO COLLOQUY WHATSOEVER.

MR. HERTZBERG: THERE IS NO COLLOQUY. GO AHEAD, RESPOND TO THE QUESTION.

MR. DRESCHER: THERE IS CONSULTATION BETWEEN TWO COUNSEL WHO ARE REPRESENTING THE WITNESS. MS. PLEVIN: AND THERE IS A CONFERENCE BETWEEN COUNSEL AND THE WITNESS.

MR. HERTZBERG: FOR ABOUT TEN SECONDS NOW HE'S BEEN READY TO ANSWER THE QUESTION.

MS. PLEVIN: OKAY.

THE WITNESS: NO.

MR. HERTZBERG: I WAS TRYING TO -- AND I'LL MAKE -- THE ANSWER IS "NO." I'M GOING TO TELL YOU EXACTLY WHAT SAID TO MR. LIEBERMAN, MY CO-COUNSEL IN THIS CASE. BECAUSE YOU'RE REVISITING AN AREA THAT YOU COVERED EXTENSIVELY YESTERDAY, I JUST WANTED TO MAKE SURE THIS PARTICULAR QUESTION HADN'T BEEN ASKED AND ANSWERED BEFORE.

MS. PLEVIN: FINE, GOOD.

MR. HERTZBERG: AND HAVING DETERMINED THAT, I TOLD MR. MISCAVIGE TO GO AHEAD AND ANSWER IT, AND HE SAID, "NO."

MS. PLEVIN: VERY GOOD.

Q. NOW, DID YOU HAVE ANY COMMUNICATIONS FROM MR. HUBBARD WHILE YOU WERE -- AFTER YOU ARRIVED AT GILMAN HOT SPRINGS, IN WRITING, EITHER BY TYPED COMMUNICATION OR TELEX REGARDING THE MANAGEMENT OF THE CHURCH OF SCIENTOLOGY OF CALIFORNIA? A. AFTER I -- I MISUNDERSTOOD THAT QUESTION. YOU SAID, "AFTER I WAS BRIBED AT GILMAN HOT SPRINGS?" IS THAT WHAT YOU SAID?

Q. NO. NO, AFTER YOU -- I'M SORRY.

A. COULD YOU GIVE ME THE QUESTION AGAIN? I'M SORRY, I MISSED IT. I GOT STUCK THERE.

MS. PLEVIN: PLEASE READ IT BACK.

(RECORD READ AS FOLLOWS: "QUESTION: NOW, DID YOU HAVE ANY COMMUNICATIONS FROM MR. HUBBARD WHILE YOU WERE -- AFTER YOU ARRIVED AT GILMAN HOT SPRINGS, IN WRITING, EITHER BY TYPED COMMUNICATION OR TELEX REGARDING THE MANAGEMENT OF THE CHURCH OF SCIENTOLOGY OF CALIFORNIA?")

THE WITNESS: OKAY. I UNDERSTAND THE QUESTION.

MS. PLEVIN: CONFERENCE.

(ATTORNEY-CLIENT DISCUSSION HELD OFF THE RECORD.) THE WITNESS: NO.

BY MS. PLEVIN:

Q. DID YOU HAVE ANY COMMUNICATIONS FROM MR. HUBBARD, IN WRITING, EITHER BY TELEX OR TYPEWRITTEN FORM, REGARDING THE MANAGEMENT OF OTHER SCIENTOLOGY ORGANIZATIONS OR CORPORATIONS AFTER YOUR ARRIVAL AT GILMAN HOT SPRINGS? A. I DON'T KNOW WHAT YOU MEAN BY "OTHER," BY THE WAY. AND DEFINE FOR ME YOUR TERM "MANAGEMENT" AND "OTHER." YOU SAID, "OTHER." OTHER THAN WHAT? I DON'T KNOW WHAT THAT MEANS.

Q. OTHER THAN THE CHURCH OF SCIENTOLOGY CALIFORNIA.

A. I DON'T GET THE QUESTION. I DON'T KNOW WHAT YOU'RE ASKING ME.

MS. PLEVIN: PLEASE READ THE QUESTION BACK.

(RECORD READ AS FOLLOWS: "QUESTION: DID YOU HAVE ANY COMMUNICATIONS FROM MR. HUBBARD, IN WRITING, EITHER BY TELEX OR TYPEWRITTEN FORM, REGARDING THE MANAGEMENT OF OTHER SCIENTOLOGY ORGANIZATIONS OR CORPORATIONS AFTER YOUR ARRIVAL AT GILMAN HOT SPRINGS?") MS. PLEVIN: CONFERENCE --

MR. HELLER: DO YOU AUTOMATICALLY --

MS. PLEVIN: -- BETWEEN WITNESS AND COUNSEL.

MR. HELLER: -- NOTE IF THERE'S A CONFERENCE?

THE REPORTER: YES.

MR. HELLER: SO IT'S NOT NECESSARY FOR YOU TO SAY THAT EVERY TIME.

(ATTORNEY-CLIENT DISCUSSION HELD OFF THE RECORD.)

THE WITNESS: TELL ME WHAT YOU MEAN BY "MANAGEMENT." YOU DEFINE FOR ME "MANAGEMENT."

BY MS. PLEVIN:

Q. WELL, WHAT DO YOU UNDERSTAND "MANAGEMENT" TO MEAN, MR. MISCAVIGE?

MR. HELLER: NO. NO.

THE WITNESS: I DON'T UNDERSTAND THE QUESTION.

MR. HERTZBERG: HE DOESN'T UNDERSTAND THE QUESTION. WOULD YOU, PLEASE, EXPLAIN THE QUESTION?

BY MS. PLEVIN:

Q. DO YOU HAVE AN UNDERSTANDING AS TO WHAT "MANAGEMENT" MEANS?

A. I DON'T UNDERSTAND THE QUESTION. I DON'T UNDERSTAND WHAT YOU MEAN BY "MANAGEMENT" WHEN YOU USE THAT TERM. YOU ALSO ASKED ME NUMEROUS THINGS.

Q. OKAY.

A. I'M QUITE WILLING TO ANSWER IF YOU MAKE IT CLEAR TO ME EXACTLY WHAT YOU'RE ASKING ME.

Q. I'M READING FROM "THE COMMAND CHANNELS OF SCIENTOLOGY," A BOOKLET COPYRIGHTED BY CSI IN 1988, WHICH WAS ALSO IN DISCUSSION YESTERDAY, WHICH DEFINES, FROM AN LRH ESSAY ON MANAGEMENT, THE FOLLOWING, "MANAGEMENT COULD BE SAID TO BE THE PLANNING OF MEANS TO ATTAIN GOALS AND THEIR ASSIGNATION FOR EXECUTION TO STAFF AND THE PROPER COORDINATION OF ACTIVITIES WITHIN THE GROUP TO ATTAIN MAXIMAL EFFICIENCY WITH MINIMAL EFFORT TO ATTAIN DETERMINED GOALS."

A. SO I'VE READ THE ESSAY ON MANAGEMENT; IS THAT YOUR QUESTION?

Q. NO.

A. I'VE ALSO READ THIS BOOK WHICH IS 1988, WHICH IS EIGHT YEARS AFTER THE QUESTION YOU'RE ASKING ME. I'M NOT SURE WHAT -- WHAT EXACTLY DO YOU WANT TO KNOW? Q. USING THAT DEFINITION OF MANAGEMENT, MR. MISCAVIGE, DO YOU --

A. OKAY. GIVE ME THAT.

Q. THERE YOU GO (INDICATING).

A. WHEN ARE YOU ASKING ME THIS?

Q. THERE'S THE DEFINITION OF MANAGEMENT. YOU'VE ASKED WHAT THE MEANS.

A. NO. NO. I'M ASKING WHEN. YOUR QUESTION DOESN'T --

Q. ALL RIGHT.

A. WHAT TIME FRAME? WHEN ARE WE TALKING ABOUT?

Q. I'M ASKING, SUBSEQUENT TO YOUR ARRIVAL AT GILMAN HOT SPRINGS. MISS COURT REPORTER, WOULD YOU, PLEASE, READ BACK THE QUESTION?

(RECORD READ AS FOLLOWS: "QUESTION: DID YOU HAVE ANY COMMUNICATIONS FROM MR. HUBBARD, IN WRITING, EITHER BY TELEX OR TYPEWRITTEN FORM, REGARDING THE MANAGEMENT OF OTHER SCIENTOLOGY ORGANIZATIONS OR CORPORATIONS AFTER YOUR ARRIVAL AT GILMAN HOT SPRINGS?") THE WITNESS: WHEN? JUST THEN?

BY MS. PLEVIN:

Q. AFTER YOUR ARRIVAL AT GILMAN HOT SPRINGS UNTIL HIS DEATH.

A. ANY? YES.

Q. ABOUT HOW MANY?

MR. HERTZBERG: DON'T GUESS.

BY MS. PLEVIN:

Q. MORE THAN TEN?

A. YOU TELL ME EXACTLY -- I DON'T GET EXACTLY WHAT YOU -- WHAT EXACTLY YOU'RE WANTING TO KNOW ABOUT THIS. I'M GOING TO BE EXTREMELY PRECISE HERE.

YOU SAY ABOUT MANAGEMENT. SO IF I READ THIS DEFINITION, LIKE ABOUT THIS PARAGRAPH, I DON'T KNOW THAT I RECEIVED ANY.

Q. NO, ABOUT THE CONCEPT WHICH THAT PARAGRAPH DEALS --

A. WELL, THIS --

Q. -- WITH, MR. MISCAVIGE.

A. THIS IS A CONCEPT.

Q. I REQUEST THAT YOU RESPOND --

MR. HERTZBERG: WAIT, WAIT.

THE WITNESS: THIS IS A CONCEPT OUT OF AN ESSAY ON MANAGEMENT. NOW, IF YOU'D LIKE -- DO YOU HAVE A COPY OF THE ENTIRETY OF THE ESSAY ON MANAGEMENT WHICH WE PROBABLY SHOULD READ HERE JUST SO WE'RE NOT -- SO WE HAVE A COMPLETE -- THIS, OBVIOUSLY, WAS NOT WRITTEN FOR THIS DEPOSITION. THIS WAS WRITTEN FOR --

MS. PLEVIN: MR. MISCAVIGE --

THE WITNESS: -- SCIENTOLOGISTS.

MR. HERTZBERG: WOULD YOU LET HIM FINISH? HE DOESN'T UNDERSTAND EXACTLY WHAT YOU'RE LOOKING FOR. HE'S ASKING YOU SOMETHING SO THAT WE CAN CLARIFY THIS AND MOVE ON; SO HE CAN ANSWER THE QUESTION. HE'S TRYING TO ANSWER THE QUESTION. THE WITNESS: YOU'RE ASKING ME ABOUT A PARAGRAPH OUT OF THIS, AND I THINK --

MS. PLEVIN: ALL RIGHT.

THE WITNESS: I THINK IF YOU HAVE THE ESSAY ON MANAGEMENT, LET'S TAKE A LOOK AT THE WHOLE THING, AND MAYBE I COULD -- IF THAT'S WHAT YOU'RE TALKING ABOUT, I CAN PROBABLY ANSWER IT MORE EASILY.

I MEAN, IF YOU LOOK AT THIS, THIS IS A PRETTY -- THIS ISN'T A DOINGNESS. THIS IS A STATEMENT, A CONCEPT. YOU'RE READING TO ME ABOUT A CONCEPT? I DON'T KNOW. I HAVE TROUBLE WITH THAT.

MS. PLEVIN: I WILL NOTE FOR THE RECORD THAT I WILL CONSIDER THIS A FAILURE TO ANSWER THE QUESTION AND, THEREFORE, SUBJECT TO A MOTION TO COMPEL. NOW, I WILL TRY

TO GIVE YOU A DIFFERENT DEFINITION --

MR. DRESCHER: WAIT.

MS. PLEVIN: -- AND PERHAPS WE CAN MAKE --

MR. DRESCHER: WAIT A MOMENT. THIS IS A FAILURE TO PHRASE A QUESTION THAT THE WITNESS UNDERSTANDS. I DON'T BELIEVE THERE'S A MOTION TO COMPEL A PROPER QUESTION.

MS. PLEVIN: FINE.

MR. DRESCHER: I WISH THERE WERE.

BY MS. PLEVIN:

Q. I'LL TRY TO PHRASE A DEFINITION OF MANAGEMENT WHICH PERHAPS YOU CAN WORK WITH, MR. MISCAVIGE.

A. I'M NOT ASKING YOU FOR A DEFINITION. I'M ASKING EXACTLY WHAT DOES YOUR QUESTION MEAN? YOU WERE ASKING ME A QUESTION THAT I CONSIDER ABOUT AS GENERAL AS, "DID ANYBODY EVER SPEAK TO YOU ABOUT LIFE?" I MEAN, I DON'T KNOW HOW TO ANSWER THAT QUESTION. IT'S A BIG, BROAD, GENERALITY.

I WANT TO ALSO NOTE THAT I'M NOT TRYING NOT TO ANSWER THIS. I AM QUITE WILLING TO ANSWER THIS.

I HAVE A PROBLEM WHEN YOU USE SCIENTOLOGY TERMINOLOGY OR SCIENTOLOGY SCRIPTURES AND DISTORT THEM. I'M NOT GOING TO SIT HERE AND LET YOU ALTER THEM OR ADD TO THEM. I KNOW IT -- I KNOW FAR MORE ABOUT THE SCRIPTURES OF THE CHURCH THAN YOU DO, AND I'M NOT GOING TO HAVE YOU PULL IT OUT AND FALL INTO THAT GAME.

AND FURTHERMORE, I'M GOING TO BE EXTREMELY PRECISE SINCE YOU HAVE ALREADY HANDED ME A DOCUMENT IN THIS DEPOSITION WHERE YOU ABSOLUTELY ADDED A PAGE TO IT: WE'RE BOTH AWARE YOU DID. IT WAS NOT THERE, AND NOW I'M ON MY TOES BECAUSE I, QUITE FRANKLY, CAN'T TRUST THAT WHAT YOU'RE ASKING ME -- I CANNOT FIGURE OUT WHAT IT IS, AND I'M NOT GOING TO ASSUME THAT I KNOW WHAT IT MEANS. I WANT YOU TO EXPLAIN IT TO ME PRECISELY, AND I WILL ANSWER ANY QUESTION THAT I UNDERSTAND AND THAT IS STATED CLEARLY.

AS FAR AS I'M CONCERNED, YOUR QUESTIONS ARE GARBLED TO ME. YOU THROW AROUND SCIENTOLOGY TERMINOLOGY, AND YOU DON'T UNDERSTAND IT. I WANT TO KNOW YOUR DEFINITION, AND MAYBE I CAN ANSWER IT. YOU PULLED OUT ONE PARAGRAPH THERE OF A VERY, VERY LONG WRITING BY MR. HUBBARD. IF YOU HAVE THAT WRITING, I'LL READ IT. JUST SO I'M CLEAR.

MS. PLEVIN: ARE FINISHED?

THE WITNESS: WELL, I THINK YOU'RE SUPPOSED TO ASK THE A QUESTION, AND I'M GOING TO ANSWER IT.

MS. PLEVIN: I DON'T WANT TO INTERRUPT YOU WHILE YOU'RE ON A ROLL.

THE WITNESS: GOOD. THANK YOU.

MS. PLEVIN: ARE YOU FINISHED?

MR. HELLER: HE STOPPED. HE'S FINISHED. NOW, STOP DOING THINGS FOR EFFECT.

MR. HERTZBERG: HE'S TRYING TO ANSWER YOUR QUESTIONS.

MR. HELLER: ASK YOUR QUESTION, MISS PLEVIN.

MR. HERTZBERG: HE'S TRYING TO ANSWER.

MS. PLEVIN: LET'S TRY TO COME UP WITH A DEFINITION OF MANAGEMENT THAT WE CAN BOTH CAN LIVE WITH.

MR. HELLER: THE JOB IS NOT HIM COMING UP WITH IT.

MS. PLEVIN: OKAY.

MR. HERTZBERG: THIS IS NOT A --

MR. HELLER: THE JOB IS YOU DEFINING IT.

MR. HERTZBERG: THIS IS NOT A GAME. THIS IS NOT A GAME FOR HIM. JUST TELL -- HE'S EXPLAINED TO YOU WHAT HE DOESN'T UNDERSTAND. I THINK THE CORE OF WHAT MR. MISCAVIGE -- BECAUSE I HAVE THE SAME PROBLEM. LISTEN TO ME NOW. THE CORE OF THE PROBLEM WAS, I THINK, WHEN MR. MISCAVIGE INDICATED TO YOU THAT YOU WERE ASKING DID HE EVER SPEAK TO YOU ABOUT MANAGEMENT IS TANTAMOUNT TO ASKING SOMEBODY, "DID HE EVER SPEAK TO YOU ABOUT LIFE?"

MS. PLEVIN: OKAY.

MR. HERTZBERG: I THINK IF YOU COULD BE MORE SPECIFIC, WE'LL WASTE LESS TIME.

BY MS. PLEVIN:

Q. MANAGEMENT MEANS, FOR THE PURPOSE OF THIS QUESTION --

A. OKAY.

Q. -- THE OVERALL PLANNING, DIRECTION, EVALUATION, EXECUTION OF PROJECTS AND PLANS OF AN ORGANIZATION.

A. OKAY. NOW, LET ME TELL YOU WHAT IT IS I DON'T UNDERSTAND ABOUT IT BECAUSE I DON'T THINK YOU UNDERSTAND YET. YOU'RE ASKING ME ABOUT AN ORGANIZATION OR CORPORATION AND TO THAT I ASK YOU: CAN YOU SHOW ME EVALUATIONS YOU'VE EVER DONE FOR YOUR CORPORATION? CAN YOU EVEN DEFINE THEM FOR ME? THAT IS WHERE I HAVE THE PROBLEM. SO I WANT TO KNOW EXACTLY WHAT YOU'RE ASKING ME.

Q. YOU SAID YOU --

A. I THINK THERE'S VARIOUS PEOPLE -- I ASSUME THAT YOU'RE PART OF A CORPORATION OR YOU HAVE YOUR OWN CORPORATION. I WOULD LIKE TO KNOW IF FOR THAT CORPORATION IF YOU HAVE PLANS, PROGRAMS, IF YOU HAVE EVALUATIONS, AND MAYBE WE CAN GET SOMEWHERE ON THIS. YOUR QUESTION ASKS SO MANY DIFFERENT ITEMS, I WANT TO KNOW PRECISELY WHAT IT IS YOU WANT TO KNOW.

Q. ALL RIGHT.

A. ARE YOU TALKING ABOUT THE DOINGNESS, ABOUT THE SCIENTOLOGY TECHNOLOGY?

MS. PLEVIN: ARE YOU GOING TO INSTRUCT YOUR CLIENT TO ANSWER THE QUESTION, MR. HERTZBERG? MR. HERTZBERG: HE IS ANSWERING --

MS. PLEVIN: OKAY.

MR. HERTZBERG: -- TO THE BEST OF HIS ABILITY, SUBJECT TO YOUR FRAMING A QUESTION THAT HE UNDERSTANDS. THAT'S THE PROBLEM HERE. MS. PLEVIN: OKAY.

Q. YOU STATED YOU DID RECEIVE COMMUNICATIONS IN WRITING FROM MR. HUBBARD ABOUT THIS SUBJECT; PLEASE IDENTIFY THOSE.

MR. HELLER: WHAT SUBJECT?

MR. HERTZBERG: WELL, HE INDICATED THAT HE'S NOT SURE -- WHEN YOU SAY, "THIS SUBJECT," I ASSUME YOU'RE REFERRING TO YOUR BROAD USE OF THE WORD MANAGEMENT, WHICH YOU HAVEN'T BEEN ABLE TO SPECIFY TO HIS UNDERSTANDING; IS THAT WHAT YOU'RE REFERRING TO? MS. PLEVIN: NO. I AM REFERRING TO MANAGEMENT WHICH I -- WHICH MR. MISCAVIGE REFUSES TO ACCEPT --

MR. HERTZBERG: OKAY.

MS. PLEVIN: -- A REASONABLE STATEMENT IN ENGLISH AS TO WHAT IT MEANS; AND, THEREFORE --

MR. HERTZBERG: IT'S NOT A REASONABLE --

MS. PLEVIN: HE'S REFUSING TO ANSWER. ALL RIGHT. LET'S DO THIS --

THE WITNESS: LET ME ASK YOU, THEN, WHAT DO YOU MEAN BY "COMMUNICATIONS"? TELL ME WHAT YOU MEAN BY "COMMUNICATIONS," AND I THINK WE CAN GET SOMEWHERE HERE.

I'M QUITE WILLING TO ANSWER THE QUESTION. I'M QUITE UNWILLING TO ANSWER A QUESTION WHEREBY YOU HAVE SOME MEANING OR DUBIOUS MEANING OR YOU'RE TRYING TO GIVE ME A DEFINITION AND CALL IT OFFICIAL CHURCH DEFINITIONS WHEN YOU WOULDN'T HAVE A CLUE.

NOW, YOU TELL ME WHAT YOU MEAN BY THAT, AND I'LL ANSWER THAT BECAUSE I'M NOT HERE TO INITIATE WHAT YOU MEAN BY YOUR QUESTION.

BY MS. PLEVIN:

Q. NOW, YOU DON'T KNOW WHAT THE WORD COMMUNICATION MEANS?

A. I WANT TO KNOW WHAT YOU MEAN BY THAT BECAUSE I'M ANSWERING YOUR QUESTION ON THIS RECORD. IT'S GOING TO BE THAT I'M ANSWERING YOUR QUESTION AND YOU'RE GOING TO TAKE THAT QUESTION AND YOU'RE GOING TO DESCRIBE LATER WHAT IT MEANS. SO I WANT TO KNOW RIGHT NOW WHAT IT MEANS, AND I WILL ANSWER IT.

Q. A STATEMENT --

A. I THINK YOU AND I HAVE DIFFERENCES OF DEFINITIONS. WE CAME UP WITH TWO OR THREE YESTERDAY. Q. FINE.

A. I WANT TO KNOW WHAT THIS MEANS.

Q. THIS --

A. LET ME ASK YOU: DO YOU MEAN LIKE, FOR INSTANCE, ANY -- OKAY. A COMMUNICATION, ANY WRITING ON THE SUBJECT OF THIS; IS THAT WHAT YOU MEAN? IS THAT GOOD? IS THAT A GOOD DEFINITION FOR US TO AGREE UPON? Q. WELL, I THINK AT THIS POINT THAT THAT IS NOT WHAT I INTEND, AND I DON'T THINK THAT'S WHAT YOU INTEND.

MR. HERTZBERG: THAT'S NOT --

MS. PLEVIN: LET'S CLARIFY.

MR. HERTZBERG: FORGET WHAT YOU THINK HE INTENDS BECAUSE THAT'S IMMATERIAL.

MS. PLEVIN: ALL RIGHT.

MR. HERTZBERG: WHY DON'T YOU JUST TELL US WHAT YOU INTEND?

BY MS. PLEVIN:

Q. MR. MISCAVIGE, A COMMUNICATION FROM MR. HUBBARD TO YOU ON ANY SUBJECT WOULD BE A COMMUNICATION DIRECTED TO YOU WITH REGARD TO THAT AND NOT HIS PREVIOUS WRITINGS.

A. OKAY. WELL, THERE'S ONE MISUNDERSTANDING I HAD. YOU SAID, "COMMUNICATIONS FROM MR. HUBBARD." I DIDN'T REALIZE YOU WERE TALKING ABOUT TO ME.

Q. THAT'S WHAT THE QUESTION WAS, MR. MISCAVIGE.

A. SO DIRECTED TO ME.

Q. THAT'S WHAT THE QUESTION WAS. THE QUESTION WAS: DID YOU RECEIVE

A. OKAY. TO ME. YES.

Q. ALL RIGHT. WOULD YOU TELL US WHAT THOSE WERE, PLEASE?

A. ALL RIGHT. YOU MAY HAVE HEARD OF A TAPE --

MR. LIEBERMAN: WAIT.

THE WITNESS: -- CALLED "RON'S JOURNAL 38."

MR. DRESCHER: WAIT A SECOND.

MR. HERTZBERG: ALL RIGHT. WE'RE GOING TO CONFER FOR A MOMENT BECAUSE I WANT TO MAKE SURE MY CLIENT IS NOT CONFUSED.

MS. PLEVIN: ALL COUNSEL AND THE CLIENT ARE LEAVING THE DEPOSITION ROOM.

MR. DRESCHER: ARE YOU GOING OFF THE RECORD NOW?

MS. PLEVIN: YES.

MR. DRESCHER: OKAY. I JUST WANTED TO MAKE SURE BECAUSE YOU CONTINUED TO TALK WHEN WE STARTED TO LEAVE.

(ATTORNEY-CLIENT DISCUSSION HELD OFF THE RECORD.)

qq

BY MS. PLEVIN:

Q. ARE YOU READY TO PROCEED, MR. MISCAVIGE?

A. DO YOU WANT ME TO COMPLETE MY ANSWER?

MR. HERTZBERG: WAIT. I'M GOING TO ALLOW MR. MISCAVIGE TO RESPOND TO THE PENDING

QUESTION INSOFAR AS THIS TOPIC HASN'T BEEN ASKED AND ANSWERED BEFORE, YESTERDAY; IN OTHER WORDS, INSOFAR AS HE HASN'T ALREADY IDENTIFIED COMMUNICATIONS IN HIS TESTIMONY YESTERDAY, AND ALSO SUBJECT TO THE STIPULATION THAT WE MADE YESTERDAY IN RESPONSE TO QUESTIONS IN THE SAME AREA THAT HE MAY RESPOND WITH RESPECT TO COMMUNICATIONS DEALING WITH BENT CORYDON, SQUIRRELS, MISSIONS, OR THE FOURTH CATEGORY THAT YOU ADDED YESTERDAY, ABOUT HIS POWER WITHIN THE CHURCH.

MS. PLEVIN: OKAY.

MR. HERTZBERG: SUBJECT TO THAT LIMITATION.

THE WITNESS: THIS IS WITHIN THAT LIMITATION. "RON'S JOURNAL 38" -- AND I BELIEVE THAT WAS CALLED "TODAY AND TOMORROW: THE PROOF," AND THAT TAPE WAS SENT TO ME ASKING ME IF I COULD, PLEASE, TAKE THIS TAPE AND GET IT COPIED OFF SO IT COULD BE SENT OUT TO SCIENTOLOGY ORGANIZATIONS AROUND THE WORLD, AND IT DEALT WITH MANAGEMENT WITHIN THAT TAPE WHEREBY IT TALKED ABOUT, BASICALLY, TECHNICAL MATTERS AND SCIENTOLOGY AS RELIGION LOOKING FORWARD INTO THE FUTURE.

BY MS. PLEVIN:

Q. DID YOU DO SO?

A. WHAT, GET THE TAPE OUT? Q. YES.

A. YES, I DID.

Q. WAS IT TRANSCRIBED, OR DID YOU MAKE COPIES OF THE TAPE?

A. THE TAPE WAS COPIED. YEAH, THERE'S THOUSANDS UPON THOUSANDS UPON THOUSANDS UPON THOUSANDS OF COPIES. TRANSCRIBED? I DON'T RECALL. Q. DO YOU KNOW IF COPIES OF THAT TRANSCRIPT ARE STILL AVAILABLE?

A. I JUST SAID I DON'T KNOW IF TRANSCRIPTS WERE MADE.

Q. I'M SORRY. OKAY. BUT IS "THE PROOF" STILL AVAILABLE IN SOME FORM?

A. DO YOU MEAN THE TAPE?

Q. YES.

A. THE CASSETTE?

Q. YES.

A. YES.

Q. ANY OTHER COMMUNICATIONS DIRECTED TO YOU FROM MR. HUBBARD REGARDING MANAGEMENT OF SCIENTOLOGY ORGANIZATIONS SUBSEQUENT TO YOUR ARRIVAL AT GILMAN HOT SPRINGS? MR. HERTZBERG: YOU MEAN OTHER THAN --

MS. PLEVIN: OTHER THAN THESE TWO.

MR. HERTZBERG: OTHER THAN WHAT HE JUST TESTIFIED TO?

MS. PLEVIN: RIGHT.

MR. HERTZBERG: OTHER THAN WHAT HE MAY HAVE IDENTIFIED PREVIOUSLY, AND WITHIN THE FRAMEWORK OF THE FOUR LIMITATIONS THAT WE STIPULATED TO?

MS. PLEVIN: NO. I'M NOT GOING TO ACCEPT THE LIMITATIONS OF THOSE FOUR. I MEAN, THAT'S WHY I'M ASKING SPECIFICALLY ABOUT MANAGEMENT WHICH WAS NOT ONE OF THE FOUR CRITERIA WE DISCUSSED YESTERDAY. MR. HERTZBERG: OKAY. SO YOU NOW -- YOU'RE GOING OUTSIDE THE STIPULATION FROM YESTERDAY?

MS. PLEVIN: I DIDN'T AGREE TO THAT STIPULATION.

MR. HERTZBERG: THE RECORD WILL REFLECT --

MS. PLEVIN: YOU PUT THE LIMITATION THAT HE ANSWER THE QUESTION, AND I AGREED TO LET HIM ANSWER THE QUESTION IN THAT FORM. I DIDN'T AGREE TO WITHDRAW MY QUESTION AS TO GOING FORWARD WITHOUT --MR. HERTZBERG: THE RECORD WILL SPEAK FOR ITSELF.

MS. PLEVIN: -- THOSE LIMITATIONS.

MR. HERTZBERG: YOU'RE ASKING FOR SOMETHING -- FOR HIM TO TESTIFY NOW ABOUT COMMUNICATIONS OUTSIDE THOSE FOUR CATEGORIES?

MS. PLEVIN: YES, I AM.

MR. HERTZBERG: I'M INSTRUCTING HIM NOT TO ANSWER.

MS. PLEVIN: ALL RIGHT. AND THE SAME INSTRUCTION AS TO THE GUARDIAN'S OFFICE?

MR. HERTZBERG: I DON'T KNOW WHAT THAT MEANS.

MS. PLEVIN: ALL RIGHT.

MR. LIEBERMAN: WHAT'S THE QUESTION? "THE SAME INSTRUCTION AS TO THE GUARDIAN'S OFFICE?"

MS. PLEVIN: I'M GOING TO ASK HIM A SERIES OF QUESTIONS, MR. HERTZBERG, REGARDING COMMUNICATIONS FROM L.R.H. SUBSEQUENT TO MR. MISCAVIGE'S ARRIVAL AT GILMAN HOT SPRINGS, IN WRITING, IN PERSON, AND THROUGH AN INTERMEDIARY REGARDING, AS I HAVE, THE MANAGEMENT OF SCIENTOLOGY ORGANIZATIONS, THE GUARDIAN'S OFFICE, THE ESTABLISHMENT AND MANAGEMENT OF WISE, THE PURPOSE OF WISE, THE ESTABLISHMENT OF SMI, THE SEA ORG, AND THE BOOK I CAMPAIGN.

NOW -- IF YOU'RE GOING TO HAVE THE SAME INSTRUCTION AS TO ALL, LET'S HAVE THAT FOR THE RECORD AND MOVE ON.

MR. HERTZBERG: NO. I WILL NOT DO THINGS THAT WAY BECAUSE I DON'T WANT THE RECORD TO BE DISTORTED. YOU'RE GOING TO HAVE TO ASK A QUESTION, AND THEN I'M GOING TO HAVE TO RESPOND ON A QUESTION-BY-QUESTION BASIS. SO LET'S GET ON WITH IT. MS. PLEVIN: ALL RIGHT.

Q. MR. MISCAVIGE --

A. YES.

Q. SUBSEQUENT TO THE TIME YOU WENT TO GILMAN HOT SPRINGS --

THE WITNESS: DO YOU MIND IF I SMOKE, IS THIS GOING TO BOTHER YOU?

THE REPORTER: NO.

THE WITNESS: GOOD. THANK YOU.

BY MS. PLEVIN:

Q. DID YOU RECEIVE ANY COMMUNICATIONS FROM MR. HUBBARD, EITHER IN PERSON, IN WRITING, OR THROUGH INTERMEDIARY REGARDING THE GUARDIAN'S OFFICE?

MR. HERTZBERG: SHE'S JUST ASKING YOU -- READ THAT AGAIN.

MS. PLEVIN: READ THE QUESTION BACK.

(RECORD READ.)

MR. HERTZBERG: YOU CAN ANSWER THAT "YES" OR "NO."

THE WITNESS: YES.

BY MS. PLEVIN:

Q. WHAT COMMUNICATIONS DID YOU RECEIVE.

MR. HERTZBERG: ALL RIGHT.

MR. LIEBERMAN: SUBJECT TO LIMITATIONS.

MR. HERTZBERG: NOW, I'M GOING TO INSTRUCT MR. MISCAVIGE THAT HE MAY ANSWER THAT QUESTION SUBJECT TO THE LIMITATIONS OF THE FOUR CATEGORIES WHICH HAVE ALREADY BEEN STATED ON THE RECORD.

MS. PLEVIN: HE CAN DO SO, BUT I WILL RESERVE MY RIGHT TO COMPEL AS TO FURTHER ANSWERS.

Q. LET'S TAKE THE FOUR CATEGORIES FIRST, THAT'S BENT CORYDON.

A. NO.

Q. SQUIRRELS.

A. NO.

Q. THE MISSIONS.

A. NO.

Q. AND YOURSELF AND YOUR POTENTIAL POWER IN THE FUTURE.

A. NO, AND I UNDERSTAND ALL OF THOSE ARE REFERENCING COMMUNICATIONS REGARDING THE GUARDIAN'S OFFICE --

Q. RIGHT.

A. -- IN THOSE FOUR CATEGORIES.

Q. RIGHT. TO CLARIFY, AND MAYBE WE SHOULD -- PERHAPS YOU HAVE ASSUMED THIS ALREADY. WHEN I SAY, "BENT CORYDON," I'M ALSO REFERRING TO THE BOOK "L.R. HUBBARD, MESSIAH OR MADMAN"; NOW, THAT HASN'T BEEN MADE EXPRESS. SO PERHAPS WE SHOULD FOR THE FUTURE. MR. DRESCHER: WELL, I'LL OBJECT TO THAT BEFORE THERE'S ANY RESPONSE FROM ANYBODY; THAT'S A LEAP OF FAITH.

MS. PLEVIN: OH, I --

MR. DRESCHER: AND THAT'S ONE THAT COULDN'T POSSIBLY BE ASSUMED BY ANYONE THINKING

LOGICALLY IN A DEPOSITION.

MS. PLEVIN: I'M NOT GOING TO -- THAT'S PRECISELY WHY I MENTIONED IT, I --

MR. HERTZBERG: DO YOU MEAN HENCEFORTH?

MS. PLEVIN: I WILL NOT HARKEN TO THAT. I MEAN HENCEFORTH.

MR. HERTZBERG: OKAY.

MS. PLEVIN: I MEAN, HE MAY HAVE LUMPED THE TWO TOGETHER. I'M NOT ATTEMPTING TO, YOU KNOW, BACKTRACK.

MR. HERTZBERG: OKAY. FINE. SO HENCEFORTH, WHEN WE SAY "BENT CORYDON," WE WILL UNDERSTAND THAT TO INCLUDE BENT CORYDON'S BOOK, WHICH, OF COURSE, CAME OUT AFTER MR. HUBBARD WAS DEAD, BUT SO IT WOULD BE A LITTLE HARD FOR MR. MISCAVIGE TO HAVE COMMUNICATED IN

WAY WITH MR. HUBBARD ABOUT A BOOK THAT CAME OUT AFTER MR. HUBBARD WAS DEAD, BUT WE'LL KEEP THAT IN MIND.

MS. PLEVIN: ALL RIGHT.

Q. NOW, WITH RESPECT TO THE GUARDIAN -- WE'RE ON - (ATTORNEY-CLIENT DISCUSSION HELD OFF THE RECORD.) MR. HERTZBERG: ALL RIGHT.

BY MS. PLEVIN:

Q. SO WITH RESPECT TO THE GUARDIAN'S OFFICE, YOU DIDN'T RECEIVE ANY COMMUNICATIONS ON ANY OF THOSE FOUR AREAS?

A. AS ANSWERED, THAT'S RIGHT.

MS. PLEVIN: ALL RIGHT. I WILL REPEAT FOR THE RECORD THAT MY QUESTION IS BROADER THAN THAT AND RESERVE A RIGHT COMPEL AS TO THAT.

Q. DID YOU RECEIVE ANY COMMUNICATIONS FROM MR. HUBBARD EITHER IN PERSON, IN WRITING OR THROUGH AN INTERMEDIARY FROM THE TIME YOU MOVED TO GILMAN HOT SPRINGS UNTIL THE TIME OF MR. HUBBARD'S DEATH REGARDING WISE, THE WORLD INSTITUTE OF SCIENTOLOGY ENTERPRISES, OR THE ESTABLISHMENT OF WISE AND ITS PURPOSE?

MR. HERTZBERG: I WANT TO INTERJECT AN ADDITIONAL INQUIRY HERE. HOW IS WISE RELEVANT? THEY'RE NOT A DEFENDANT IN THIS CASE; CORRECT? MS. PLEVIN: YOU CAN INSTRUCT HIM NOT TO ANSWER. I'M NOT GOING TO GO INTO IT.

MR. HELLER: WELL, MAKE A PROFFER OF RELEVANCE --

MR. HERTZBERG: YOU KNOW --

MR. HELLER: -- FOR US.

MR. HERTZBERG: WE'RE BACK TO THESE COMPLETELY ANCILLARY INQUIRIES.

MS. PLEVIN: ALL RIGHT.

MR. HERTZBERG: ARE YOU NOT STATING FOR THE RECORD WHY YOU'RE ASKING MR. MISCAVIGE ABOUT AN ENTITY THAT IS NOT A PARTY TO THIS LITIGATION AND THAT MR. CORYDON DOES NOT CLAIM DID ANYTHING TO HIM?

MS. PLEVIN: WELL, TO THE SAME EXTENT THAT THE ALTER EGO THEORY EMBRACES ANY OF THE ENTITIES ON THE SCIENTOLOGY COMMAND CHART, WHETHER OR NOT THEY'RE DEFENDANTS IN THIS CASE, THAT IS MY REASON FOR ASKING THE QUESTION.

MR. HERTZBERG: I'M GOING TO MAKE AN OBSERVATION FOR THE RECORD, THEN. I'M GOING TO ALLOW HIM TO ANSWER SUBJECT TO LIMITATIONS. I NOW THINK THAT I UNDERSTAND WHY YOU THINK ALL THESE BROAD AND IRRELEVANT QUESTIONS CAN BE ASKED. IT APPEARS TO ME THAT YOU THINK THAT BECAUSE YOU PUT A BOILERPLATE ALLEGATION IN A COMPLAINT WITH THE MAGIC WORDS "ALTER EGO" IN THEM THAT YOU CAN ASK ABOUT ANY ENTITY WHATSOEVER ABOUT THE CHURCH OF SCIENTOLOGY REGARDLESS OF WHETHER THAT ENTITY IS MENTIONED IN THE COMPLAINT OR NOT. WE'LL SEE WHERE THAT ONE COMES OUT. MR. MISCAVIGE, YOU MAY ANSWER THE PENDING QUESTION SUBJECT TO THE LIMITATION ON THE FOUR CATEGORIES.

MR. LIEBERMAN: WELL, THE QUESTION IS WHETHER HE RECEIVED --

MR. HERTZBERG: WHETHER HE RECEIVED ANY; THAT'S A "YES" OR "NO." MS. PLEVIN: DO YOU WANT THE QUESTION READ BACK?

THE WITNESS: COULD YOU, PLEASE?

(RECORD READ AS FOLLOWS: "QUESTION: DID YOU RECEIVE ANY COMMUNICATIONS FROM MR. HUBBARD EITHER IN PERSON, IN WRITING OR THROUGH AN INTERMEDIARY FROM THE TIME YOU MOVED TO GILMAN HOT SPRINGS UNTIL THE TIME OF MR. HUBBARD'S DEATH REGARDING WISE, THE WORLD INSTITUTE OF SCIENTOLOGY ENTERPRISES, OR THE ESTABLISHMENT OF WISE AND ITS PURPOSE?")

MR. HERTZBERG: YES OR NO.

THE WITNESS: NO, I DON'T -- IS THIS SUBJECT TO THESE FOUR CATEGORIES? MS. PLEVIN: WELL, FIRST IF YOU DID AND THEN --

MR. HERTZBERG: DID YOU RECEIVE?

THE WITNESS: I DON'T KNOW WHAT "RECEIVE" MEANS. WHAT DOES THAT MEAN, DID I RECEIVE? DID HE WRITE TO ME ABOUT THIS; IS THAT WHAT YOU'RE ASKING ME? MR. HERTZBERG: THAT'S WHAT SHE'S ASKING YOU.

(ATTORNEY-CLIENT DISCUSSION HELD OFF THE RECORD.)

MR. HERTZBERG: I THINK HE UNDERSTANDS YOUR QUESTION.

THE WITNESS: NO.

MR. HERTZBERG: THE ANSWER IS NO.

THE WITNESS: NO.

BY MS. PLEVIN:

Q. YOU DIDN'T RECEIVE ANY?

MR. HERTZBERG: THE ANSWER IS NO.

MS. PLEVIN: OKAY.

Q. DID YOU RECEIVE ANY WRITTEN COMMUNICATION BY TELEX OR IN WRITING OR TYPED --

MR. LIEBERMAN: THIS IS DIRECTED TO MR. MISCAVIGE?

BY MS. PLEVIN:

Q. -- DIRECTED TO MR. MISCAVIGE IN PERSON OR THROUGH AN INTERMEDIARY FROM L. RON HUBBARD FROM THE TIME YOU MOVED TO GILMAN HOT SPRINGS TO THE TIME OF MR. HUBBARD'S DEATH REGARDING AUTHORS SERVICES, INC.? A. CAN I CLARIFY THIS OR ASK YOU A QUESTION? YOU KEEP REFERRING TO SOMETHING, FROM THE TIME I MOVED TO GILMAN HOT SPRINGS. HOW DO YOU WANT ME TO CATEGORIZE THAT?

Q. AH, WELL, BASED ON YOUR TESTIMONY YESTERDAY --

A. I MEAN, I TAKE THAT THAT YOU -- YOU KNOW -- BASED ON MY TESTIMONY -- GO AHEAD, I'M SORRY.

Q. BASED ON YOUR TESTIMONY YESTERDAY, YOU PUT THAT AT APPROXIMATELY 1980 OR THE END OF '79.

A. SO THAT'S WHAT YOU'RE ASKING ME.

Q. YES.

A. OKAY. ALL RIGHT. REGARDING AUTHORS SERVICES?

Q. YES.

A. OF COURSE.

Q. WHAT COMMUNICATIONS DID YOU RECEIVE?

MR. HERTZBERG: ALL RIGHT. HE MAY ANSWER THAT QUESTION SUBJECT TO THE LIMITATION OF THE FOUR CATEGORIES.

MISS PLEVIN, I ASSUME THAT WE CAN AGREE NOW FROM THE PRIOR RECORD, WHEN I SAY, "THE FOUR CATEGORIES," THAT EVERYBODY IN THIS ROOM UNDERSTANDS WHAT THE FOUR CATEGORIES ARE.

MS. PLEVIN: AS LONG AS MR. MISCAVIGE DOES, OF COURSE, I DO --

MR. HERTZBERG: ALL RIGHT.

MS. PLEVIN: THE RECORD WILL REFLECT THAT.

THE WITNESS: REGARDING MISSIONS, BENT CORYDON, MY POWER.

MS. PLEVIN: SQUIRRELS.

THE WITNESS: OR SQUIRRELS?

MS. PLEVIN: YES.

THE WITNESS: ABOUT ASI, NO.

MS. PLEVIN: OKAY. AND NOTING FOR THE RECORD THAT I AM NOT STIPULATING TO ACCEPT THOSE LIMITATIONS AND RESERVING MY RIGHT TO COMPEL AS TO FURTHER RESPONSE.

MR. HELLER: NOTING FOR THE RECORD THAT YESTERDAY YOU DID.

MR. LIEBERMAN: YES.

MR. HELLER: AND NOTING FURTHER, BY THE WAY, THAT YOU --

MS. PLEVIN: NO.

MR. HELLER: -- THAT WHAT YOU'RE DEALING WITH HERE IS A COMPANY WHICH HAS BEEN MY CLIENT WHICH HAS BEEN PUT TOGETHER IN ORDER TO, AMONG OTHER THINGS, MANAGE THE LITERARY AFFAIRS OF MR. HUBBARD. YOU'RE TALKING ABOUT -- NOW, YOU'RE GOING TO MOVE TO COMPEL ALL COMMUNICATIONS AT THE TIME THE CHAIRMAN OF THE BOARD OF THAT CORPORATION -- ALL COMMUNICATIONS, NOW, YOU'RE SAYING YOU'RE GOING TO MOVE TO COMPEL FROM MR. HUBBARD CONCERNING HIS LITERARY AFFAIRS TO THE PERSON WHO WAS RUNNING THE CORPORATION OR HAD SOMETHING TO DO WITH THE CORPORATION CONCERNING HIS LITERARY AFFAIRS; FINE. GO AHEAD AND DO THAT. THAT SHOWS THE LUDICROUSNESS OF THIS WHOLE LINE OF YOU SAYING THAT UNDER THIS ALTER EGO BOILERPLATE YOU CAN GET ANYTHING THAT YOU WANT.

BY MS. PLEVIN:

Q. DID YOU RECEIVE ANY COMMUNICATIONS FROM MR. HUBBARD, EITHER IN PERSON, IN WRITING, OR THROUGH AN INTERMEDIARY FROM THE TIME YOU MOVED TO GILMAN HOT SPRINGS REGARDING THE FORMATION OF ASI, AUTHORS SERVICES, INC.? MR. HERTZBERG: YOU MAY ANSWER TO THE EXTENT THAT SUCH COMMUNICATIONS DEALT WITH THE FOUR AREAS THAT WE HAVE IDENTIFIED.

THE WITNESS: WELL, NO, OF COURSE NOT.

MS. PLEVIN: OKAY.

Q. DID YOU RECEIVE ANY COMMUNICATIONS FROM MR. HUBBARD, EITHER IN PERSON, IN WRITING, OR THROUGH AN INTERMEDIARY, FROM THE TIME YOU MOVED TO GILMAN HOT SPRINGS UNTIL THE TIME OF MR. HUBBARD'S DEATH REGARDING THE SEA ORG? MR. LIEBERMAN: THIS IS AGAIN DIRECTED TO MR. MISCAVIGE?

MS. PLEVIN: THAT'S RIGHT.

MR. LIEBERMAN: THAT'S "YES" OR "NO."

THE WITNESS: REGARDING SEA ORG? I CAN'T RECALL THAT NOW.

MS. PLEVIN: OKAY.

Q. GOING BACK FOR A MOMENT TO THE TAPE YOU REFERRED TO AS "THE PROOF" --

A. NO, IT'S CALLED "TODAY AND TOMORROW," COLON, "THE PROOF."

Q. OKAY, THANK YOU.

A. I BELIEVE THAT'S THE TITLE OF IT. IT'S "RON'S JOURNAL 38."

Q. DO YOU RECALL APPROXIMATELY WHEN YOU RECEIVED THAT, WHAT YEAR?

A. LET'S SEE. WHEN WAS THAT? I BELIEVE IT CAME OUT FOR NEW YEARS, 1984. SO SOMETIME BEFORE THAT.

Q. AND WAS THAT, IN ESSENCE, MR. HUBBARD'S NEW YEARS ANNOUNCEMENT OR NEW YEARS GREETINGS?

MR. HERTZBERG: I DON'T UNDERSTAND THE QUESTION.

MR. DRESCHER: I DON'T EITHER.

MR. HERTZBERG: YOU MEAN YOU WANT HIM TO GUESS WHETHER THAT WAS A GREETING -- THAT WAS MR. HUBBARD'S GREETING?

MS. PLEVIN: I DON'T WANT HIM TO GUESS, MR. HERTZBERG.

MR. HERTZBERG: I DON'T KNOW. YOU'RE ASKING HIM TO DETERMINE THE OPERATION OF MR. HUBBARD'S MIND --

MR. HELLER: IT CALLS FOR SPECULATION.

MR. HERTZBERG: -- WITH RESPECT TO NEW YEARS.

MS. PLEVIN: I'LL WITHDRAW IT.

Q. HOW DID YOU -- WHO DID YOU DIRECT TO COPY THE TAPE AND DISTRIBUTE IT?

A. WHAT DO YOU MEAN BY THE WORD "DIRECT"?

Q. WELL, TO WHOM DID YOU TURN OR TO WHAT ENTITY DID YOU TURN TO FOLLOW OUT THE REQUEST OF MR. HUBBARD? I ASSUME YOU DIDN'T DO THE MANIPULATION OF COPYING THE TAPES YOURSELF.

A. THAT'S CORRECT. I MEAN, MY ROLE IN IT WAS JUST SIMPLY TO LISTEN TO THE COPIES TO MAKE SURE THEY'RE GOOD COPIES COMPARED TO THE ORIGINAL.

WHO DID I DIRECT? WELL, THE TAPE WAS COPIED BY GOLDEN ERA PRODUCTIONS. YOU ASKED ME WHO DID I DIRECT. IF I USE YOUR WORD -- AND JUST SO I CAN CLARIFY WHAT YOU MEAN BY "DIRECT," I TAKE IT YOU MEAN BY DIRECT, LIKE I WENT AROUND AND "YOU DO THIS. YOU DO THIS. YOU DO THIS. YOU DO THIS." I WOULD HAVE TO ANSWER NOBODY. I GAVE THE TAPE TO THESE PEOPLE WHO DEAL WITH THAT EVERY SINGLE DAY, AND THEY KNOW ALL ABOUT THAT.

Q. OKAY.

(DISCUSSION HELD OFF THE RECORD.)

BY MS. PLEVIN:

Q. ARE YOU AN OFFICER OF GOLDEN ERA? A. NO.

Q. WERE YOU AN OFFICER OF GOLDEN ERA AT THE TIME YOU RECEIVED THE TAPE? A. NO.

Q. WERE YOU ON THE BOARD OF GOLDEN ERA AT THE TIME YOU RECEIVED THE TAPE? A. THE BOARD?

Q. THE BOARD OF DIRECTORS.

(ATTORNEY-CLIENT DISCUSSION HELD OFF THE RECORD.)

THE WITNESS: NO.

MR. HERTZBERG: AND THAT'S ASSUMING, MISS PLEVIN -- BECAUSE I DON'T THINK THERE'S A FOUNDATION FOR THIS -- THAT THERE IS A BOARD. BY MS. PLEVIN:

Q. DO YOU KNOW IF THERE'S A BOARD?

A. DO I KNOW IF THERE'S A BOARD?

Q. A BOARD OF DIRECTORS.

A. NO, I DON'T KNOW.

Q. ARE YOU ON THE ORG BOARD OF GOLDEN ERA?

A. NO.

Q. WERE YOU THEN?

A. NO.

Q. AT ANY TIME FOLLOWING YOUR MOVING TO GILMAN HOT SPRINGS, DID YOU RECEIVE ANY COMMUNICATION FROM MR. HUBBARD, EITHER IN PERSON, IN WRITING, VIA TELEX OR TYPEWRITTEN COMMUNICATION OR THROUGH AN INTERMEDIARY REGARDING THE BOOK I CAMPAIGN? MR. LIEBERMAN: ONCE AGAIN THIS IS DIRECTED TO MR. MISCAVIGE?

MS. PLEVIN: THAT'S RIGHT.

MR. HERTZBERG: "YES" OR "NO."

THE WITNESS: JUST TO CLARIFY, YOU ASKED ME ABOUT THE BOOK I CAMPAIGN?

MS. PLEVIN: CORRECT.

THE WITNESS: ABOUT THE BOOK I CAMPAIGN? YOU'LL HAVE TO DESCRIBE TO ME WHAT YOU MEAN BY THAT. DO YOU MEAN JUST BOOK I; IS THAT WHAT --

MR. HERTZBERG: ASK HER TO CLARIFY. DON'T SUGGEST.

THE WITNESS: ALL RIGHT.

qq

BY MS. PLEVIN:

Q. REGARDING THE CAMPAIGN -- LET'S BACK UP. AT THE OCTOBER, 17, 1982 MISSIONHOLDERS CONFERENCE, I BELIEVE THERE WAS A DISCUSSION REGARDING A BOOK CAMPAIGN TO PUSH, SELL, "DIANETICS MODERN MODERN SCIENCE OF MENTAL HEALTH." A. RIGHT.

Q. DO YOU RECALL THAT THERE WAS SUCH A DISCUSSION?

A. NO, I DON'T. CAN YOU SHOW ME WHERE IT IS?

Q. WOULD YOU LOOK, PLEASE, AT PAGE 32? AND IF YOU WISH, TO BE ABSOLUTELY CLEAR, WHY DON'T YOU TAKE A LOOK AT THE COPY THAT MR. LIEBERMAN WAS REFERRING TO, WHICH IS THE EXACT COPY I BROUGHT YESTERDAY.

MR. HERTZBERG: WHOA.

MS. PLEVIN: AGAIN, MY APOLOGIES FOR NOT HAVING CHECKED THAT THE COPY WAS IDENTICAL ON BOTH, THE ONE I BROUGHT YESTERDAY AND THE ONE I BROUGHT TODAY.

MR. HERTZBERG: JUST --

MS. PLEVIN: PAGE 32.

MR. HERTZBERG: JUST SO THE RECORD IS CLEAR, MISS PLEVIN, WE ARE NOT ACQUIESCING TO

YOUR REPRESENTING -- IN VIEW OF WHAT HAPPENED BEFORE, WE ARE NOT ACQUIESCING TO YOUR REPRESENTATION THAT WHAT HE IS LOOKING AT NOW IS AN EXACT COPY OF --

MS. PLEVIN: FINE.

MR. HERTZBERG: -- WHAT HE LOOKED AT YESTERDAY.

MS. PLEVIN: WHAT HE IS LOOKING AT NOW IS THE COPY MR. LIEBERMAN HAD WITH HIM YESTERDAY, WHICH HE REPRESENTED WAS FROM YESTERDAY; AND AGAIN, WHETHER YOU ACCEPT IT OR NOT, IT WAS IN ERROR, AND I'M OFFERING MY APOLOGIES. YOU CAN IGNORE THEM IF YOU WISH. MR. HERTZBERG: FINE.

BY MS. PLEVIN:

Q. THE LAST PARAGRAPH ON THE PAGE, MR. MISCAVIGE -- ACTUALLY, STARTING AT THE END OF THE NEXT TO THE LAST PARAGRAPH: "YOU'RE ALL GOING TO SIGN YOUR 5 PERCENT MINIMUM CGI DONATION TO THIS DMSMH CAMPAIGN," AND THEN AT THE BEGINNING OF THE NEXT PARAGRAPH, "YOU'RE GOING TO GET DIANETICS AND SCIENTOLOGY HOUSEHOLD WORLD" AND SO FORTH.

A. THAT'S "WORD."

Q. SORRY.

A. YOU SKIPPED A PARAGRAPH, TOO.

Q. SORRY. I INDICATED I WAS GOING DOWN TO THE NEXT PARAGRAPH. A. ALL RIGHT.

Q. OKAY.

MR. HERTZBERG: YOU'RE NOW TALKING ABOUT -- TO HIM ABOUT SOMETHING SOMEBODY ELSE SAID; RIGHT?

MR. HELLER: THAT IS RIGHT.

MS. PLEVIN: OF COURSE.

MR. HERTZBERG: I THOUGHT IT WAS IMPLICIT INITIALLY THAT YOU WERE IMPLYING THAT MR. MISCAVIGE SAID THIS, BUT LET'S -- JUST SO WE ARE CLEAR WE'RE NOT TALKING ABOUT ANYTHING MR. MISCAVIGE SAID. MS. PLEVIN: CORRECT.

MR. HERTZBERG: OKAY.

MS. PLEVIN: THIS WAS AT THE CONFERENCE PRESENTED BY WENDELL REYNOLDS.

THE WITNESS: OKAY. I SEE WHERE YOU'RE READING THERE.

BY MS. PLEVIN:

Q. WHERE HE TALKS ABOUT THIS DMSMH CAMPAIGN.

A. DO YOU WANT ME TO READ THIS HERE?

Q. WHY DON'T YOU READ THOSE TWO PARAGRAPHS, AND PERHAPS IT WILL REFRESH YOUR RECOLLECTION REGARDING THAT CONFERENCE.

MR. HERTZBERG: I'M NOT SURE WHAT THE PENDING QUESTION IS.

THE WITNESS: I'M NOT EITHER.

MS. PLEVIN: OKAY.

THE WITNESS: GREAT PREDICTION THERE.

MS. PLEVIN: OKAY.

Q. NOW, I AM USING --

A. THIS IS WHAT YOU ARE USING?

Q. -- BOOK I CAMPAIGN TO REFER TO THE DMSMH CAMPAIGN.

A. YOU'RE REFERRING TO THE CONTENT OF THOSE PARAGRAPHS.

Q. THE CONTENT OF THOSE PARAGRAPHS.

A. THE CONTENT OF THOSE PARAGRAPHS, NO.

Q. OKAY.

(ATTORNEY-CLIENT DISCUSSION HELD OFF THE RECORD.)

BY MS. PLEVIN:

Q. MR. MISCAVIGE, WHEN YOU WERE FIRST APPOINTED TO THE POSITION OF CHAIRMAN OF THE BOARD OF 1987, DO YOU KNOW WHO -- WHO WERE THE OTHER BOARD MEMBERS AT THAT TIME?

A. I HAVE NO IDEA WHAT THAT QUESTION MEANS. I'M SORRY.

Q. OKAY. YOU WERE APPOINTED TO THE CHAIRMAN -- TO THE POSITION OF THE CHAIRMAN OF THE BOARD OF RTC IN 1987.

A. YES.

Q. WHO WERE THE OTHER BOARD MEMBERS, IF YOU RECALL?

MR. HERTZBERG: WAIT A MOMENT.

THE WITNESS: WHO WERE THE OTHER BOARD MEMBERS?

(DISCUSSION HELD OFF THE RECORD.)

MR. DRESCHER: HAD THE HEARING ON THE MOTION TO COMPEL CONCERNING THE IDENTITY OF THE DIRECTORS TO WHOM YOU MAKE REFERENCE COME UP AS SCHEDULED, WE WERE PREPARED TO THAT PARTICULAR ONE TO IDENTIFY THE DIRECTORS FOR YOU. SO WE'RE GOING TO DO SO. I DON'T THINK IT'S NECESSARY AT THIS TIME TO PROLONG THIS PLAYING A TEST OF MEMORY GAME. WE'RE GOING TO GIVE YOU THOSE NAMES.

MS. PLEVIN: I DON'T CONCEDE THAT THAT IS THE PURPOSE. IT IS, NEVERTHELESS, VALID. ARE YOU INSTRUCTING HIM NOT TO ANSWER WHO THE BOARD MEMBERS WERE IF HE RECALLS? MR. HERTZBERG: IN WHAT YEAR?

MS. PLEVIN: WHEN HE WAS APPOINTED IN 1987.

MR. HERTZBERG: IF YOU REMEMBER.

THE WITNESS: AS LONG AS THIS ISN'T A TEST OF MY MEMORY. I MEAN --

MS. PLEVIN: SURE.

THE WITNESS: -- MY RECOLLECTION IS THAT IT WAS VICKI AZANARAN, JESSE PRINCE, WARREN MCSHANE.

BY MS. PLEVIN:

Q. YOU STATED THAT YOU -- AT THAT TIME YOU, NORMAN STARKEY, AND LYMAN SPURLOCK WERE THE BOARD OF TRUSTEES OF RTC.

A. NO, I DIDN'T SAY THAT.

Q. OKAY. WHAT DID YOU SAY?

A. I SAID --

MR. HERTZBERG: WAIT A MOMENT. "WHAT DID YOU SAY?"

MS. PLEVIN: I THINK THE RECORD WILL STAND FOR ITSELF THAT HE SAID HE WAS APPOINTED TO THE CHAIRMAN -- POSITION OF THE CHAIRMAN OF THE BOARD OF RTC BY THE TRUSTEES WHOM HE IDENTIFIED TO BE NORMAN STARKEY, LYMAN SPURLOCK, AND HIMSELF. THE WITNESS: PRECISELY.

MR. HERTZBERG: THAT'S DIFFERENT THAN THE QUESTION YOU ASKED.

MS. PLEVIN: OKAY.

MR. HERTZBERG: LET'S MOVE ON.

MS. PLEVIN: OKAY.

Q. WHAT IS THE FUNCTION OF THE BOARD OF TRUSTEES -- OF THE TRUSTEES, THOSE THREE PEOPLE?

MR. DRESCHER: OBJECTION.

MR. HERTZBERG: THE FUNCTION? WAIT A MOMENT.

MR. DRESCHER: TO THE EXTENT IT CALLS FOR A CONCLUSION OF LAW --

MR. HERTZBERG: YEAH.

MR. DRESCHER: WE'LL INTERPOSE THAT OBJECTION.

MR. HERTZBERG: YEAH.

BY MS. PLEVIN:

Q. WHAT IS YOUR UNDERSTANDING OF THE BOARD OF TRUSTEES?

MR. DRESCHER: SAME OBJECTION.

MR. HERTZBERG: SAME OBJECTION. I THINK IT CALLS FOR A LEGAL CONCLUSION.

(ATTORNEY-CLIENT DISCUSSION HELD OFF THE RECORD.)

MS. PLEVIN: LET --

MR. HERTZBERG: ALSO, THERE IS NO BOARD OF TRUSTEES.

MS. PLEVIN: ALL RIGHT.

MR. HERTZBERG: THE TESTIMONY, MISS PLEVIN, WAS TRUSTEES.

MS. PLEVIN: OKAY.

Q. WHAT IS THE FUNCTION OF THE TRUSTEES, AS YOU UNDERSTAND IT TO BE?

MR. DRESCHER: SAME OBJECTION.

MS. PLEVIN: ARE YOU INSTRUCTING HIM NOT TO ANSWER?

MR. HERTZBERG: I HAVEN'T SAID ANYTHING YET.

MS. PLEVIN: FINE.

MR. HERTZBERG: I'M GOING TO ALLOW MR. MISCAVIGE TO ANSWER THIS QUESTION TO THE EXTENT (A) THAT HE UNDERSTANDS IT, AND (B) THAT IT DOES NOT DISCLOSE ANY CONFIDENCES OBTAINED DURING THE COURSE OF ATTORNEY-CLIENT CONSULTATION.

MS. PLEVIN: OF COURSE.

THE WITNESS: SO THE QUESTION WAS?

BY MS. PLEVIN:

Q. WHAT IS THE FUNCTION OF THE TRUSTEES?

A. OKAY. WHEN YOU SAY, "FUNCTION," LET ME JUST UNDERSTAND WHAT YOU MEAN BY THAT, JUST BECAUSE WE WENT THROUGH THIS YESTERDAY.

Q. WHAT IS THEIR RESPONSIBILITY, THEIR ZONE OF RESPONSIBILITY?

A. BOARD OF DIRECTORS, APPOINTING OR REMOVING.

Q. OKAY. WERE YOU ONE OF THE INCORPORATORS OF RTC?

MR. HERTZBERG: THAT HAS BEEN ASKED AND ANSWERED YESTERDAY.

MS. PLEVIN: I DON'T BELIEVE SO.

MR. DRESCHER: IRRESPECTIVE OF THAT, IT CALLS FOR A LEGAL CONCLUSION.

THE WITNESS: I BELIEVE I WAS. YOU'D HAVE TO CHECK THE ACTUAL INCORPORATION PAPERS.

MR. HERTZBERG: I WANT THE RECORD TO BE CLEAR HE'S ANSWERING THAT IN THE CONTEXT OF A LAYPERSON BECAUSE WHAT SOMEBODY IS OR WHETHER SOMEONE IS AN INCORPORATOR OR NOT HAS A LEGAL MEANING.

MS. PLEVIN: OKAY.

Q. YOUR TESTIMONY YESTERDAY -- AGAIN, IF THIS IS AN INCORRECT SUMMATION, I'M SURE YOU'LL TELL ME. I JUST WANT TO MOVE FORWARD. WITH REGARD TO CONSULTING ATTORNEYS AS TO CERTAIN PROBLEMS THAT YOU PERCEIVED NEEDED ADDRESSING --

MR. HERTZBERG: IS THAT A QUESTION?

BY MS. PLEVIN:

Q. -- YOU STATED THAT -- AT ONE POINT YOU STATED THAT THE CLIENT IN THAT COMMUNICATION WAS CSC; DO YOU RECALL THAT?

MR. HERTZBERG: WAIT A MOMENT.

MR. HELLER: THAT'S NOT A PROPER QUESTION.

MR. HERTZBERG: I CAN'T IMAGINE HOW ANYONE COULD ANSWER THAT QUESTION. DO YOU UNDERSTAND WHAT MISS PLEVIN IS REFERRING TO?

THE WITNESS: NO, I DON'T.

MS. PLEVIN: THE RECORD WILL STAND FOR ITSELF.

Q. THE ATTORNEYS THAT YOU CONSULTED -- YOU RECALL WE DISCUSSED YOUR CONSULTING ATTORNEYS YESTERDAY?

MR. LIEBERMAN: IN WHAT CONTEXT?

MS. PLEVIN: IN THE CONTEXT OF THE PROBLEMS HE PERCEIVED AS A SCIENTOLOGIST REGARDING MATTERS HE DIDN'T SPECIFICALLY SPECIFY UPON INSTRUCTION OF COUNSEL.

(ATTORNEY-CLIENT DISCUSSION HELD OFF THE RECORD.)

MR. HERTZBERG: I THINK HE DID SPECIFY THEM.

MS. PLEVIN: THERE WERE SOME -- I STAND CORRECTED. THERE WAS SOME DISCUSSION.

Q. OBVIOUSLY, MR. MISCAVIGE, YOU RECALL THAT AREA OF INQUIRY?

MR. HELLER: SEE, NOW I OBJECT TO HAVING -- IF YOU HAVE A QUESTION FOR THE DEPONENT, ASK A QUESTION INSTEAD OF --

MS. PLEVIN: WELL --

MR. HELLER: -- ASKING IF HE RECALLS WHAT HIS TESTIMONY WAS YESTERDAY. YOU HAVE A RECORD. THE RECORD SPEAKS FOR ITSELF. IF YOU'VE GOT A QUESTION, ASK YOUR QUESTION.

BY MS. PLEVIN:

Q. DO YOU RECALL THAT AREA OF DISCUSSION, WITHOUT GOING INTO SPECIFICALLY WHAT THE TESTIMONY WAS?

MR. DRESCHER: DO YOU --

THE WITNESS: IT'S A TRICK QUESTION.

MR. DRESCHER: -- RECALL IT TAKING PLACE; IS THAT THE QUESTION?

MS. PLEVIN: YES, THAT'S THE QUESTION.

Q. DO YOU RECALL THAT?

MR. HELLER: DO YOU RECALL IT EVER COMING UP?

THE WITNESS: SOMEWHAT I RECALL THAT HAVING TAKEN PLACE.

BY MS. PLEVIN:

Q. WHO WERE THE ATTORNEYS YOU CONSULTED?

A. WHAT DO YOU MEAN BY "CONSULTED," WHICH IS YOUR WORD, NOT MINE?

Q. WHO WERE THE ATTORNEYS YOU SPOKE TO?

A. GIVEN THAT THAT'S A DIFFERENT DEFINITION -- OKAY. YOU'RE TALKING ABOUT "SPOKE TO" NOW. I WANT TO CLARIFY THAT. PREVIOUSLY YOU USED THE WORD "CONSULTING."

MR. HELLER: IN REGARD TO WHAT?

MR. LIEBERMAN: WHEN? WHERE? HOW? WHAT?

MR. HELLER: EXACTLY.

MR. LIEBERMAN: DO YOU UNDERSTAND WHEN? WHERE? HOW? WHAT?

MR. HERTZBERG: THE RECORD IS TOTALLY UNCLEAR AS TO WHAT TIME FRAME, WITH RESPECT TO WHAT YOU'RE REFERRING TO. IT'S COMPLETELY IMPRECISE.

BY MS. PLEVIN:

Q. DO YOU RECALL THAT AREA OF TESTIMONY, MR. MISCAVIGE, THAT YOU CONFERRED WITH ATTORNEYS?

MR. HELLER: WELL, THAT'S BEEN ASKED AND ANSWERED TWO SECONDS AGO.

BY MS. PLEVIN:

Q. OKAY. I'M ASKING: WITH WHAT ATTORNEYS DID YOU CONFER?

MR. HERTZBERG: NO. WAIT A MOMENT. WAIT A MOMENT. YOU'RE GOING FROM A VAGUE, "DO YOU RECALL SOME MENTION OF CONSULTING WITH ATTORNEYS?" NOW --

MR. LIEBERMAN: I THINK THERE WERE SEVERAL MENTIONS OF CONSULTING WITH ATTORNEYS.

MR. HERTZBERG: EXACTLY, THAT'S THE PROBLEM. THAT'S WHY HE CAN ANSWER --

MS. PLEVIN: OKAY.

MR. HELLER: THAT'S WHY WHEN --

MR. LIEBERMAN: WHEN? WHERE? WHAT? I MEAN -- IF YOU CAN SPECIFY: WHEN? WHERE? WHAT? GIVE US A TIME FRAME.

MS. PLEVIN: WELL, WHEN I TRIED TO, I RECEIVED THE OBJECTION THAT I'M -- IT'S ASKED AND ANSWERED, AND I'M SIMPLY TRYING TO PROVIDE A MANNER FOR A JUMPING-OFF POINT.

MR. LIEBERMAN: I JUST DON'T REMEMBER.

MS. PLEVIN: OKAY.

MR. LIEBERMAN: AND APPARENTLY THE WITNESS DOESN'T REMEMBER.

MS. PLEVIN: WELL, HE DID UNTIL HE WAS -- UNTIL IT WAS SUGGESTED BY COUNSEL --

MR. LIEBERMAN: I REMEMBER THERE WAS A DISCUSSION ABOUT --

MR. HERTZBERG: NO. THE QUESTION WAS --

MR. LIEBERMAN: -- DISCUSSION WITH ATTORNEYS, AND I REMEMBER THERE WERE SEVERAL DISCUSSIONS ABOUT CONSULTING WITH ATTORNEYS.

MS. PLEVIN: I WILL REFRAME IT.

MR. LIEBERMAN: I'M NOT SURE WHICH ONE YOU'RE TALKING ABOUT.

MS. PLEVIN: I WILL ATTEMPT TO REPHRASE TO MAKE IT CLEAR.

MR. HERTZBERG: AND BEFORE YOU ATTEMPT TO REPHRASE TO MAKE IT CLEAR, NOBODY IS SUGGESTING ANYTHING TO THE WITNESS.

MS. PLEVIN: OKAY.

Q. DO YOU RECALL THAT YOU TESTIFIED THAT YOU CONSULTED ATTORNEYS AND YOU WERE AN EMPLOYEE OF CSC AND THAT'S WHO THE CLIENT WAS WITH WHOM -- ON BEHALF OF WHICH YOU WERE CONSULTING ATTORNEYS?

A. AS STATED, NO.

Q. ALL RIGHT. WHAT IS YOUR RECOLLECTION, THEN? SO WE CAN PUT THIS IN PERSPECTIVE AND MOVE ON.

MR. HERTZBERG: NO. THAT QUESTION IS --

MR. HELLER: THAT'S NOT PROPER.

MR. HERTZBERG: IT'S NOT A PROPER QUESTION. "WHAT IS YOUR RECOLLECTION?" PLEASE ASK ANOTHER QUESTION.

MS. PLEVIN: ALL RIGHT.

Q. WHAT ATTORNEYS DID YOU CONSULT WITH?

MR. HELLER: WHEN? WHO? WHAT? HOW? WHERE?

MS. PLEVIN: I WILL LET THE QUESTION STAND; THE RECORD WILL REFLECT, PRECISELY, WHAT CONTEXT WE WERE REFERRING TO. I'M ASKING WITH WHICH ATTORNEYS, WHAT FIRMS HE'S CONSULTED.

MR. HELLER: AGAIN, DO YOU WANT A LIST OF THE ATTORNEYS?

(ATTORNEY-CLIENT DISCUSSION HELD OFF THE RECORD.)

MR. LIEBERMAN: I REALLY DON'T KNOW WHAT -- I REMEMBER DISCUSSIONS ABOUT CONSULTING WITH ATTORNEYS. I REMEMBER THAT THERE WAS AN ANSWER AT ONE POINT THAT HE DID SO ON BEHALF OF CSC, BUT I DON'T REMEMBER WHAT THE CONTEXT WAS, AND I DON'T KNOW WHETHER THE WITNESS DOES OR NOT.

MS. PLEVIN: HE ONLY ANSWERED --

MR. LIEBERMAN: IF THE WITNESS REMEMBERS PRECISELY WHAT THE CONTEXT WAS, THEN HE CAN ANSWER.

MS. PLEVIN: THERE'S ONLY ONE REFERENCE OF CONSULTING WITH ATTORNEYS ON BEHALF OF CSC, AND THAT'S WHAT I'M REFERRING TO. MR. LIEBERMAN: BUT I DON'T REMEMBER WHAT THE CONTEXT WAS.

MS. PLEVIN: OKAY.

MR. LIEBERMAN: IF THE WITNESS DOES, FINE. THEN, IF HE DOESN'T, YOU'LL HAVE TO SPECIFY IT. I DON'T KNOW WHY YOU DON'T IDENTIFY IT FOR HIM, WHAT THE CONTEXT WAS.
MS. PLEVIN: I HAVE.

Q. MR. MISCAVIGE, DO YOU UNDERSTAND THE QUESTION?

MR. HELLER: WHY DON'T WE HAVE THE QUESTION READ BACK SO THAT YOU CAN HEAR IT AGAIN?

THE WITNESS: YEAH.

MR. HELLER: DO YOU NEED THAT, DAVE?

THE WITNESS: OR SHE CAN TELL ME.

MR. HELLER: OKAY.

MR. HERTZBERG: HE'S GOING TO ANSWER THE QUESTION WHEN HE UNDERSTANDS IT.

BY MS. PLEVIN:

Q. YOU TESTIFIED YESTERDAY THAT YOU CONSULTED ATTORNEYS AT A TIME -- IN THE CAPACITY OF BEING AN EMPLOYEE OF CSC AND THAT CSC WAS THE CLIENT.

A. THAT'S NOT -- I DON'T RECALL THAT BEING THE CONFERENCE YESTERDAY ON THE RECORD, NO, BUT -- ALL RIGHT. I REMEMBER THE AREA.

Q. OKAY. WITHOUT -- I DON'T INTEND TO LEAD --

A. IN OTHER WORDS, YOU JUST LET YESTERDAY BE WHATEVER IT SAID.

Q. RIGHT.

A. IF WE AGREE ON THAT.

Q. IN THAT AREA -- I DON'T INTEND TO MISCHARACTERIZE YOUR TESTIMONY.

A. I DON'T RECALL NECESSARILY THIS IS WHAT, EIGHT YEARS AGO.

Q. DO YOU RECALL WHO YOU RETAINED?

MR. HERTZBERG: NO. WAIT. WAIT, "RETAINED"?

MR. DRESCHER: I DON'T BELIEVE --

MR. HERTZBERG: HE DIDN'T SAY, "RETAIN." HE SAID HE CONSULTED.

BY MS. PLEVIN:

Q. I'M ASKING: DID YOU RETAIN AN ATTORNEY?

MR. DRESCHER: WELL, I'M GOING TO OBJECT BECAUSE THE WITNESS WASN'T FINISHED WITH HIS ANSWER TO THE PRECEDING QUESTION.

MS. PLEVIN: I'M SORRY, MR. MISCAVIGE.

THE WITNESS: ON THE PRECEDING QUESTION, LIKE I SAID, I DON'T RECALL NECESSARILY

EVERY NAME. I DO RECALL, I BELIEVE, LLH&M, MAYBE CHRIS COBB -- JUST ONE SECOND.
(ATTORNEY-CLIENT DISCUSSION HELD OFF THE RECORD.)

THE WITNESS: THAT'S IT.

MS. PLEVIN: FOR THE RECORD, LLH&M REPRESENTS LENSKE, LENSKE, HELLER AND --

THE WITNESS: AND MAGNUSON.

MS. PLEVIN: AND MAGNUSON.

Q. AFTER YOU CONFERRED WITH COUNSEL, DID YOU DISCUSS -- WELL, LET ME STRIKE THAT.
WHEN YOU CONFERRED WITH LLH&M, DID YOU -- WAS ANYBODY ELSE WITH YOU BESIDES
COUNSEL? MR. HERTZBERG: YOU MEAN ON EVERY OCCASION?

MR. HELLER: IF THERE WAS MORE THAN ONE.

MR. HERTZBERG: IF THERE WAS MORE THAN ONE.

(ATTORNEY-CLIENT DISCUSSION HELD OFF THE RECORD.)

THE WITNESS: I DON'T RECALL.

MS. PLEVIN: OKAY.

Q. DID YOU DISCUSS THE RESULTS OF YOUR CONFERENCES WITH LLH&M WITH OTHER PERSONS AT
CSC?

A. WHAT DO YOU MEAN "THE RESULTS"? I DON'T UNDERSTAND'.

Q. THE CONTENT, RATHER THAN THE RESULTS.

A. NO.

Q. DID CSC RETAIN LLH&M, TO THE BEST OF YOUR RECOLLECTION?

A. I DON'T RECALL.

MR. DRESCHER: BEFORE HE ANSWERS, WITH RESPECT TO WHAT?

MR. HERTZBERG: HE DOESN'T KNOW.

MS. PLEVIN: WE'LL GO ON.

Q. DID CSC -- DID THE BOARD OF CSC EVER TAKE A VOTE, TO THE BEST OF YOUR KNOWLEDGE,
REGARDING RECOMMENDATIONS MADE BY LLH&M?

MR. HELLER: OBJECT ON RELEVANCE. IT ASSUMES FACTS NOT IN EVIDENCE, THAT THERE WERE
RECOMMENDATIONS.

MR. HERTZBERG: WHY DON'T YOU LAY A FOUNDATION?

BY MS. PLEVIN:

Q. DID LLH&M MAKE ANY RECOMMENDATIONS FOR CSC, TO THE BEST OF YOUR KNOWLEDGE?

MR. HELLER: THAT GETS CLOSE TO ATTORNEY-CLIENT.

MR. LIEBERMAN: I THINK IT'S OBJECTIONABLE.

MR. HERTZBERG: NOW I THINK -- YEAH, THAT'S OBJECTIONABLE.

MS. PLEVIN: I'M NOT GOING INTO SUBSTANCE AT ALL.

MR. HERTZBERG: NO? THAT IS SUBSTANCE.

MR. DRESCHER: THAT IS SUBSTANCE.

MR. HERTZBERG: THAT IS SUBSTANCE.

MS. PLEVIN: ARE YOU INSTRUCTING HIM NOT TO ANSWER?

MR. HERTZBERG: YEAH, WE'RE ASSERTING ATTORNEY-CLIENT PRIVILEGE. I WOULD ALSO NOTE, PARENTHETICALLY, THAT I CONSIDER THIS TO BE COMPLETELY IMMATERIAL TO THIS LAWSUIT, AND WE HAVE NOW REACHED THE THRESHOLD, WHICH YOU HAVE JUST CROSSED, IN MY VIEW, OF INVADING THE -- SEEKING TO INVADE THE ATTORNEY-CLIENT PRIVILEGE.

MR. HELLER: JOIN ON BOTH OBJECTIONS.

MS. PLEVIN: ARE YOU INSTRUCTING HIM NOT TO ANSWER? MR. HERTZBERG: YES, I AM.

qq

BY MS. PLEVIN:

Q. TO THE BEST OF YOUR KNOWLEDGE, DID THE BOARD OF CSC EVER VOTE TO SPIN OUT OR REMOVE THE FLAG SERVICE ORGANIZATION AS AN ENTITY WITHIN CSC? MR. HERTZBERG: ALL RIGHT. I DON'T KNOW WHAT THE WORD "SPIN OUT" MEANS.

MS. PLEVIN: TO DIVEST ITSELF.

MR. HERTZBERG: YOU'RE ASKING FOR A LEGAL CONCLUSION NOW --

MS. PLEVIN: TO THE BEST OF MR. --

MR. HERTZBERG: -- AMONG OTHER THINGS, AND IT'S COMPLETELY IMMATERIAL TO THIS LAWSUIT WHETHER HE REMEMBERS SOMETHING OR NOT ABOUT SOMETHING THAT WAS DONE WITH THE CORPORATION. MR. DRESCHER: MORE THAN THAT -- I'LL JOIN IN THE RELEVANCE OBJECTIONS AND MAKE THE OBJECTION ON THE GROUND THAT IT SEEKS A LEGAL CONCLUSION.

THIRD, ASSERT THAT IT IS VAGUE AND AMBIGUOUS AND UNINTELLIGIBLE FOR THE USE OF "SPIN OUT" OR "DIVEST" IN THIS CONTEXT.

MS. PLEVIN: THE WITNESS IS LEAVING THE ROOM.

MR. DRESCHER: FOURTH, IT ASSUMES FACTS NOT IN EVIDENCE.

MR. HERTZBERG: MR. MISCAVIGE HAS JUST GONE TO THE MEN'S ROOM.

MS. PLEVIN: THANK YOU.

(DISCUSSION HELD OFF THE RECORD.)

THE WITNESS: THE ANSWER TO THE LAST QUESTION IS, I DON'T KNOW.

BY MS. PLEVIN:

Q. DO YOU KNOW WHO WAS ON THE BOARD OF DIRECTORS OF CSC AT THAT TIME?

MR. HERTZBERG: WAIT. WAIT.

MR. DRESCHER: AT THAT TIME?

MR. HERTZBERG: AT WHAT TIME?

MS. PLEVIN: AT THAT TIME, AT THE TIME THAT -- I'LL WITHDRAW THE QUESTION.

Q. DO YOU KNOW WHERE LYMAN SPURLOCK IS AT THE CURRENT TIME?

A. NO, I DON'T.

Q. DO YOU KNOW WHERE HE HAS BEEN AT ANY TIME WITHIN THE LAST SIX MONTHS?

A. I THINK SO.

Q. WHERE IS THAT?

A. I THINK -- I THINK HE WAS ON A SHIP.

Q. WAS HE AT GILMAN HOT SPRINGS AT ANY TIME DURING THE PAST SIX MONTHS?

MR. HERTZBERG: YOU KNOW, MISS PLEVIN, I WOULD LIKE A REPRESENTATION FROM YOU THAT YOU'RE NOT ASKING THESE QUESTIONS FOR THE PURPOSE OF ACTING AS A PROCESS SERVER IN OTHER LAWSUITS BECAUSE I NOW HAVE SERIOUS DOUBTS ABOUT WHAT YOUR EXACT FUNCTION IS IN THIS

DEPOSITION.

MR. LIEBERMAN: WHAT POSSIBLE INTEREST DO YOU HAVE AS TO WHERE LYMAN SPURLOCK IS, ONLY EXCEPT AS A MEANS TO TRY TO ACT AS A PROCESS SERVER FOR OTHER ATTORNEYS? MS. PLEVIN: BECAUSE IT'S QUITE RELEVANT TO THIS LAWSUIT.

MR. HELLER: HOW SO?

MR. LIEBERMAN: WHERE -- HIS PRESENT WHEREABOUTS?

MR. HERTZBERG: HOW IS THAT RELEVANT TO THIS LAWSUIT?

MS. PLEVIN: SO THAT HE COULD BE SUBPOENAED FOR THIS LAWSUIT. PLEASE READ THE COMPLAINT, MR. LIEBERMAN. I UNDERSTAND YOU ARE NOT COUNSEL OF RECORD.

MR. HERTZBERG: WELL, LET ME --

MR. DRESCHER: WELL, LET ME AS COUNSEL OF RECORD, THEN, ASK WHAT IN THE WORLD THE RELEVANCE OF MR. SPURLOCK'S PRESENT LOCATION MAY BE BECAUSE I'M MYSTIFIED. MR.

HELLER: WELL, I UNDERSTAND --

MR. HERTZBERG: HE SAID --

MS. PLEVIN: I --

MR. HELLER: THE PRESENT LOCATION --

MR. HERTZBERG: HE SAID HE DOESN'T KNOW THE PRESENT LOCATION ANYWAY.

MR. HELLER: THAT'S RIGHT. NOW YOU'RE ASKING THE LAST SIX MONTHS.

MS. PLEVIN: I SEEM TO RECALL HAVING HEARD THAT SORT OF QUESTION NUMEROUS TIMES FROM COUNSEL FOR SCIENTOLOGY IN MANY, MANY DEPOSITIONS; BUT, LEAVE THAT AS IT MAY, I WILL WITHDRAW THE QUESTION. I SEE THAT IT CREATES A GREAT DEAL OF PROBLEM. Q. WHERE WERE YOU LIVING IN SEPTEMBER AND OCTOBER OF 1988, MR. MISCAVIGE?

MR. HERTZBERG: THAT IS NOT RELEVANT TO THIS LAWSUIT. PLEASE ASK YOUR NEXT QUESTION.

MS. PLEVIN: ARE YOU INSTRUCTING HIM NOT TO ANSWER?

MR. HERTZBERG: IN 19 --

MS. PLEVIN: SEPTEMBER AND OCTOBER OF 1988.

MR. HERTZBERG: GIVE ME A PROFFER AS TO WHY THAT'S RELEVANT.

BY MS. PLEVIN:

Q. WERE YOU LIVING AT GILMAN HOT SPRINGS IN --

MR. HERTZBERG: MISS PLEVIN --

BY MS. PLEVIN:

Q. -- OCTOBER AND SEPTEMBER OF 1988?

MR. HERTZBERG: LET ME TELL YOU SOMETHING. THIS IS GETTING TO BE ABUSIVE.

MS. PLEVIN: FINE.

MR. HERTZBERG: THIS DEPOSITION IS REACHING THE POINT WHERE IT'S HARRASIVE AND ABUSIVE. MR. MISCAVIGE -- THE ONLY POSSIBLE -- I'M NOT EVEN GOING TO GUESS AT WHAT POSSIBLE --

MS. PLEVIN: I'LL WITHDRAW THE QUESTION. LET'S GO ON.

MR. HERTZBERG: LET'S GO ON IS RIGHT.

BY MS. PLEVIN:

Q. WHAT ARE THE CORPORATE PURPOSES OF ASI?

MR. HERTZBERG: ARE YOU ASKING FOR A LEGAL CONCLUSION?

MS. PLEVIN: I'M ASKING FOR MR. MISCAVIGE'S UNDERSTANDING.

MR. HERTZBERG: WHEN?

MR. DRESCHER: WHEN?

MS. PLEVIN: DURING THE PERIOD OF TIME HE WAS COE.

MR. DRESCHER: OKAY. I'LL OBJECT ON THE GROUNDS --

MS. PLEVIN: CEO.

MR. DRESCHER: I'LL OBJECT ON THE GROUND THAT IT CALLS FOR A LEGAL CONCLUSION.

FURTHER, THAT IT'S VAGUE AND UNSPECIFIC; THAT THE TERM -- IT MAY BE A TERM OR ART AND IT MAYBE NOT, BUT THAT CAN'T BE FOLLOWED FROM THE CONTEXT OF THE QUESTION. BY MS. PLEVIN:

Q. WHAT WAS YOUR UNDERSTANDING, MR. MISCAVIGE, OF THE CORPORATE PURPOSES OF ASI WHILE YOU WERE CEO BETWEEN 1982 AND 1987?

MR. DRESCHER: SAME OBJECTION.

MR. HELLER: AND I'M GOING TO JOIN MR. DRESCHER'S --

MR. DRESCHER: SAME OBJECTIONS AS BEFORE.

MR. HELLER: -- OBJECTION AND PARTICULARLY POINT OUT "THE CORPORATE PURPOSES," I HAVE NO IDEA WHAT THAT MEANS. IF YOU CAN UNDERSTAND IT --

MR. HERTZBERG: HANG ON.

MS. PLEVIN: I'M SORRY, WAS THERE AN INSTRUCTION NOT TO ANSWER?

MR. HERTZBERG: NO, THERE IS NOT.

MS. PLEVIN: OKAY.

MR. HERTZBERG: MISS PLEVIN, I'M GOING TO MAKE A STATEMENT FOR THE RECORD NOW. IT IS ALMOST THREE MORE HOURS OF DEPOSITION OF MR. MISCAVIGE THIS MORNING. ALL WE'RE GETTING FROM YOU ARE GENERAL, VAGUE, TEST YOUR RECOLLECTION QUESTIONS. WHO WAS THE BOARD OF DIRECTORS? WHAT WAS SOME CORPORATE PURPOSE? WHAT IS YOUR UNDERSTANDING OF SOME CORPORATE PURPOSE? QUESTIONS LIKE THAT.

I BELIEVE THAT THIS HAS REACHED THE POINT OF BEING AN ABUSIVE, HARRASIVE DEPOSITION. I HAVE YET TO SEE THE COMPLAINT IN THIS CASE IN FRONT OF YOU IN THE DAY AND A HALF THAT YOU'VE BEEN DEPOSING MR. MISCAVIGE; MUCH LESS SEE YOU READ SOMETHING FROM THE COMPLAINT. YOU HAVE HARDLY MENTIONED YOUR CLIENT'S NAME AT ALL. THE FIRST TIME YOU MENTIONED YOUR CLIENT'S NAME, BY THE WAY, JUST FOR THE RECORD, YESTERDAY CAME AT THREE MINUTES PAST 5:00 O'CLOCK IN THE AFTERNOON; I MADE A NOTE OF IT. THAT'S THE FIRST TIME THE WORDS BENT CORYDON PASSED YOUR LIPS.

I WOULD SUGGEST THAT WE GET DOWN TO THE COMPLAINT, NOT PLAY MEMORY GAMES, GAMES WHETHER A LAYPERSON UNDERSTANDS A LEGAL FUNCTION OF A CORPORATION, AND QUESTIONS OF THE LIKE. IT'S REALLY QUITE EVIDENT THAT YOU'RE BEATING AROUND THE BUSH HERE; AND HAVING FULFILLED YOUR PERCEIVED FUNCTION AS A PROCESS SERVER IN OTHER LITIGATION, UNDER THE SUBTERFUGE OF REQUIRING MR. MISCAVIGE TO COME IN AND ANSWER QUESTIONS TO THIS COMPLAINT, I WOULD SUGGEST YOU GET DOWN TO THE BUSINESS AT HAND.

MS. PLEVIN: ARE YOU INSTRUCTING HIM NOT TO ANSWER?

MR. DRESCHER: WHAT WAS THE QUESTION, PLEASE?

BY MS. PLEVIN:

Q. WHAT IS MR. MISCAVIGE'S UNDERSTANDING OF THE CORPORATE PURPOSES OF ASI?

MR. DRESCHER: IS THERE AN ULTRA VIRES THEORY SOMEWHERE IN THE COMPLAINT I MISSED?

MS. PLEVIN: I'LL TAKE OUT THE WORD "CORPORATE." WHAT IS MR. MISCAVIGE'S UNDERSTANDING OF THE PURPOSES OF OFFICERS OF THE ASI? MR. DRESCHER: I'LL RESTATE THE SAME OBJECTIONS.

MS. PLEVIN: FINE.

MR. HERTZBERG: YOU CAN LET HIM ANSWER IT.

MR. DRESCHER: LET HIM ANSWER IT.

MR. HERTZBERG: YOU CAN ANSWER IT IF YOU UNDERSTAND IT BY THE GENERAL TERM, "PURPOSES." AND THE TIME FRAME AGAIN, I ASSUME, WHICH YOU DIDN'T REPEAT, BUT WHICH YOU HAD PREVIOUSLY ARTICULATED -MS. PLEVIN: WHILE HE WAS EXECUTIVE OFFICER.

MR. HERTZBERG: -- WHILE HE WAS CEO.

MS. PLEVIN: OF COURSE.

THE WITNESS: TO MANAGE THE PERSONAL AFFAIRS OF MR. L. RON HUBBARD AND HIS LITERARY AFFAIRS.

MS. PLEVIN: THANK YOU.

Q. NOW, WHEN WE CONCLUDED YESTERDAY, YOU HAD DISCUSSED TWO OF WHAT YOU RECALLED TO BE THREE CONVERSATIONS WITH DAVID MAYO REGARDING BENT CORYDON. LET ME GO BACK TO THOSE NOTES.

A. COULD I CORRECT THAT BY THE WAY?

Q. PLEASE.

A. THAT MIGHT HAVE BEEN FOUR.

Q. LET'S GO ON TO THE THIRD.

A. I THINK THE LAST ONE I SPOKE TO YOU ABOUT YESTERDAY WAS THE THIRD. I THINK THERE WAS ONE BEFORE THAT.

Q. OKAY.

A. THAT WOULD HAVE BEEN THE THIRD.

Q. THE SECOND IN CHRONOLOGY; THE THIRD IN OUR DISCUSSION.

A. RIGHT.

Q. WHAT WAS DISCUSSED AT THAT TIME?

A. SOMETIME JUST BEFORE BEING ON THE PLANE --

Q. UH-HUH.

A. MAYBE A DAY.

Q. WHERE WAS THAT?

A. THAT WAS AT GILMAN HOT SPRINGS.

Q. WHAT WAS THE COMMUNICATION FROM MR. MAYO?

A. IT WAS ABOUT INFORMATION HE HAD ON THE ONGOING MISSIONHOLDERS CONFERENCE AT FLAGLAND BASE AT THE SAND CASTLE HOTEL AND ALSO IN REFERENCE TO A PREVIOUS ONE THAT APPARENTLY TOOK PLACE ONE MONTH BEFORE; AND THE CONTENT OF THE DISCUSSION WAS,

GENERALLY, ON

THE SUBJECT OF THE MISSIONHOLDERS AND, GENERALLY, I CAN ONLY ASSUME, THE REPORTS HE RECEIVED ON THE MISSIONHOLDERS MUTINY AND ALSO IN REFERENCE TO THE PREVIOUS CONFERENCE THAT TOOK PLACE.

I BELIEVE THE MENTION OF BENT CORYDON WAS SIMILAR IN NATURE TO WHAT I COMMENTED ON YESTERDAY; GENERALLY, THAT BENT'S PROBLEM -- AND HE WASN'T THE ONLY ONE THAT WAS MENTIONED. I'M JUST RECALLING BENT'S NAME HERE, UNLESS YOU WANT ME TO COMMENT ON OTHER INDIVIDUALS -- WAS GENERALLY ONE OF THE ONES WHO WERE JUST STRICTLY MONEY-MOTIVATED IN THEIR PURPOSES, AND WHAT THEY WANTED TO ACCOMPLISH AT THIS MISSIONHOLDERS CONFERENCE WAS TO STUFF THEIR BACK POCKET AND THAT THEY MADE NO BONES ABOUT IT.

HE WAS QUITE CLEAR. WHEN HE HAD SPOKEN TO BENT, BENT MADE IT CLEAR THAT ALL HE WANTED WAS THE MONEY. HE JUST WANTED TO MAKE SURE HE WOULD GET RICH OFF SCIENTOLOGY; THAT WAS GENERALLY IT.

Q. WHAT WAS THE -- WAS THIS THE SOLE SUBSTANCE OF THE CONVERSATION, OR WAS THIS PART OF A LARGER CONVERSATION?

A. THAT WASN'T THE SOLE SUBSTANCE OF THE CONVERSATION. IT WAS PART OF A LARGER CONVERSATION, BUT I DON'T MEAN TO INDICATE THAT IT WAS A LARGE CONVERSATION, BUT IT WAS LARGER THAN JUST WHAT I'VE JUST COMMENTED ON. Q. WAS THIS A MEETING YOU HAD WITH MR. MAYO THAT TOOK PLACE?

A. IF YOU DEFINE "MEETING" AS WHEN PEOPLE HAPPEN TO PASS UPON EACH OTHER AND SEE EACH OTHER AND TALK TO ONE ANOTHER, YES. IF YOU MEAN SOMETHING THAT WAS PREARRANGED OR SOMETHING BEING DONE AS AN OFFICIAL PREARRANGED MEETING, NO.

Q. OKAY. SO THIS WAS A PASSING CONVERSATION?

A. NOT PASSING, BUT HE CAME AND SAW ME. WE DIDN'T JUST HAPPEN TO BE PASSING LIKE TWO BIRDS IN THE AIR. I MEAN, WE WEREN'T JUST SPEEDING ALONG IN TWO OPPOSITE CARS AND HE WAVED ME DOWN; BUT OTHERWISE, I GUESS YOUR DESCRIPTION IS ACCURATE. Q. DID THIS TAKE PLACE IN YOUR OFFICE, TO THE BEST OF YOUR RECOLLECTION?

A. NO.

Q. IN AN OFFICE OR LESS FORMAL?

MR. HERTZBERG: WELL, ASSUMING THAT OFFICES ARE FORMAL.

MR. HELLER: AND THAT A MEETING IS MORE FORMAL. SO TAKE THE QUESTION IN AN OFFICE.

THE WITNESS: IT WOULD BE BOTH, 50-50.

BY MS. PLEVIN:

Q. DID YOU SAY ANYTHING TO MR. MAYO --

A. MAYBE --

Q. -- ON THIS SUBJECT?

A. 60-40.

Q. SORRY.

A. OR MAYBE 60-40.

Q. DID YOU SAY ANYTHING TO MR. MAYO ON THE SUBJECT OF MR. CORYDON?

A. NO, I DIDN'T. I ACTUALLY DIDN'T -- BENT'S NAME -- I THINK THE ONLY TIME I EVER HEARD IT BEFORE THAT WAS THIS CONVERSATION THAT I MENTIONED YESTERDAY WHEREBY DAVID MAYO COMMENTED ON THIS PERSON. I HAD NO IDEA WHO HE WAS. THERE WAS OTHER NAMES BEING TALKED ABOUT THAT I DIDN'T KNOW WHO THEY WERE. THESE WERE INDIVIDUALS I'D NEVER MET NOR HEARD OF, AND THAT'S NOT ALL. I DON'T BELIEVE THAT THE GENERAL CONVERSATION WAS ABOUT BENT CORYDON; JUST TO CLARIFY THAT, TOO, YESTERDAY BECAUSE THERE WAS A CONCERN ABOUT WHAT YOU MEAN BY TALKING ABOUT BENT.

MY RECOLLECTION ISN'T THAT DAVID MAYO CAME TO SEE ME TO TALK ABOUT BENT. IT WAS ABOUT THE MISSIONHOLDERS CONFERENCE. AND AS I SAID, THERE WAS A LARGER CONVERSATION THAT TOOK PLACE.

Q. WHAT ABOUT THE FOURTH INSTANCE?

A. THE FOURTH INSTANCE WAS -- THIS IS JUST TO CLARIFY, FOUR OR FIVE -- I CAN'T EXACTLY PRECISELY TELL YOU THAT. THESE ARE NOT MAJOR MOMENTS. THESE ARE NOT LIKE -- YOU ASKED ME ABOUT A FORMAL MEETING OR WHATEVER. SO THERE MIGHT HAVE BEEN TWO OR THREE AT THIS POINT --

Q. OKAY.

A. -- WHEN I WAS TALKING TO MR. MAYO. THEY WERE ACTUALLY AT THE FLAGLAND BASE AT THE SAND CASTLE HOTEL IN THE VICINITY OF THE FLAGLAND BASE. Q. AFTER YOU ARRIVED WITH MR. MAYO ON THIS PARTICULAR FLIGHT?

A. CORRECT.

Q. WHAT WAS THE SUBSTANCE OF THAT COMMUNICATION?

A. THE WHOLE SUBSTANCE OR ABOUT BENT CORYDON?

Q. AS IT RELATES TO MR. CORYDON.

A. WELL, I DON'T KNOW IF I UNDERSTAND THAT BECAUSE AS IT RELATES TO MR. CORYDON, MAYBE A DOZEN OR -- A DOZEN PEOPLE WERE MENTIONED. THERE WAS OTHER PEOPLE MENTIONED. YOU ONLY WANT TO HEAR WHAT WAS SAID ABOUT BENT CORYDON? I JUST DON'T WANT TO MAKE IT SOUND AS IF WHEN I RELAY THIS IF I ONLY MENTION BENT'S NAME THAT THAT'S ALL THAT WAS MENTIONED. SO --

Q. WELL --

A. IN OTHER WORDS, THE WHOLE CONVERSATION, I DON'T KNOW WHAT YOU MEAN BY "AS IT RELATES TO BENT CORYDON."

Q. OKAY. WHY DON'T YOU TELL ME SPECIFICALLY WHAT WAS SAID ABOUT MR. CORYDON? THEN WE CAN PUT IT IN CONTEXT.

A. AND JUST TO CLARIFY, THE CONTEXT OF THE CONVERSATION WAS ABOUT THE MISSIONHOLDERS MUTINY. THE CONTENT -- IT WAS NOT A MEETING ABOUT BENT CORYDON. THE CONTENT -- IS THAT CLEAR WHAT YOU WANT?

Q. THAT'S FINE.

A. SO WHEN I ANSWER THIS, IF YOU WANT TO HEAR OTHER -- IF YOU WANT TO KNOW IF THAT WAS THE ENTIRETY OF THE CONVERSATION, I JUST WANT IT CLEAR THAT I'M TELLING YOU

WHAT I RECALL IN THAT CONVERSATION ABOUT BENT CORYDON. I THINK BENT CORYDON'S NAME WAS MENTIONED ALONG WITH SEVERAL OTHERS IN A SIMILAR CONTEXT TO THIS. THE CONTENT OF THAT CONVERSATION WAS THAT -- WE ARRIVED AT FLAGLAND BASE. IT WAS VERY ODD BECAUSE WHEN WE WERE ON THE AIRPLANE, DAVE WAS TELLING ME ABOUT THESE REPORTS HE WAS RECEIVING, YOU

KNOW, THE ONES I MENTIONED YESTERDAY ABOUT THE BASEBALL BATS, AND THE MONEY AND OTHER VARIOUS THINGS SUCH AS ASSIGNING JUSTICE ACTIONS TO THE WATCHDOG COMMITTEE.

THE WHOLE MATTER SEEMED UTTERLY, UTTERLY, UTTERLY BIZARRE TO ME. IT WAS JUST -- ACTUALLY -- I WAS SO UNBELIEVABLY NAIVE. I WAS LISTENING TO HIM. WE WERE DISCUSSING IT IN THE MIND OF THIS CAN'T BE LIKE THIS. YOU KNOW HOW YOU GET THESE EXAGGERATED REPORTS. YOU KNOW HOW THE PRESS IS. THE PRESS CAN INFLATE ANYTHING OUT. IT WAS JUST LIKE, YOU KNOW, RUMORS; WE GENERALLY DON'T LISTEN TO RUMORS. IT'S SOMETHING THAT PASSES ALONG THE LINE, AND IT CAN BE ALTERED.

SEPARATELY, I GUESS OUR CONCERN AT THAT POINT WAS THAT BILL FRANKS WAS DOWN THERE, AND APPARENTLY HE HAD SOME INVOLVEMENT IN THIS, AND BILL FRANKS AT THAT TIME WAS THE EXECUTIVE DIRECTOR OF INTERNATIONAL. I'M COMMENTING ON THAT BECAUSE WHEN WE TALKED ABOUT THESE PREVIOUS CONVERSATIONS, BILL FRANKS DOES PLAY A PART IN IT.

WHEN WE ARRIVED AT THE MISSIONHOLDERS CONVENTION, IT WAS AMAZING BECAUSE BILL FRANKS WAS -- BASICALLY, WE SAW HIM ON OUR WAY BACK FROM THE AIRPORT; AND HE WAS ON HIS HARLEY DAVIDSON MOTORCYCLE WITH A NONSTAFF FEMALE FRIEND ON THE BACK OF HIS BIKE. THIS WAS THE SUBJECT OF SOME INTERNAL SCIENTOLOGY ETHICS MATTERS.

I DON'T KNOW IF YOU'RE AWARE OF IT, BUT WE GENERALLY HAVE RULES WITHIN THE SEA ORGANIZATION ON SCIENTOLOGY STAFF ABOUT WHAT WE TERM 2D ACTIVITIES -- THAT'S LITERALLY NUMBER 2, "D," STANDING FOR DYNAMIC. I SAW HIM ON THE BACK OF HIS BIKE; AND WHEN I ARRIVED AT THE SAND CASTLE WHERE I KNEW THAT THE CONVENTION WAS TAKING PLACE, I NO LONGER COULD FIND MR. BILL FRANKS. SO MYSELF ALONG WITH DAVID MAYO AND OTHERS THAT WERE THERE PROCEEDED TO GO TO THE LOCATION WHICH WAS A CONFERENCE ROOM, WHICH WAS AT THE SAND CASTLE HOTEL AT THE FLAGLAND BASE, WHICH IS ONE OF THE HOTELS OWNED BY THE CHURCH OF SCIENTOLOGY IN THAT LOCATION.

WE WALKED IN. WE WERE UTTERLY, UTTERLY STUNNED BECAUSE WE SAW A ROWDY MOB OF PEOPLE. I WOULDN'T BE ABLE TO EVEN TELL YOU EVERYBODY THAT WAS THERE. I WAS UNFAMILIAR, I BELIEVE, WITH ALL -- EVERY, IF NOT -- MAYBE WITH A FEW WITH EXCEPTIONS, I WAS UNFAMILIAR

WITH EVERY FACE IN THE CROWD.

WE WALKED IN. DAVID MAYO WENT UP TO THE PODIUM TO ATTEMPT TO SPEAK, AND HE WAS SHOUTED DOWN BY THIS MOB, WHICH I GUESS WAS SOMEWHERE BETWEEN A HUNDRED AND 200 INDIVIDUALS. THEN THEY STARTED TURNING TO ALL OF US, ASKING US, "WHERE'S OUR BILL? WHERE'S OUR BILL? DO YOU HAVE OUR BILL LOCKED UP?" IT WAS VERY ODD BECAUSE I KNEW THAT BILL WAS SOMEWHERE DOWN THE HALL HAVING SEX WITH THIS GIRLFRIEND OF HIS WHICH HE HAD LATER ON TOLD ME IS WHAT HE HAD DONE.

WELL, AT THAT POINT DAVID TRIED TO TALK, AND THEY JUST WOULD NOT LISTEN TO HIM IN ANY WAY, SHAPE, OR FORM. I DON'T EVEN REMEMBER BENT'S FACE IN THAT CROWD TO TELL YOU THE TRUTH. I DON'T -- LIKE I SAY, THEY WERE UNFAMILIAR FACES WITH ME; SO IT'S HARD FOR ME TO EVEN COMMENT ON THAT. I MEAN, NOW I CAN LOOK BACK, AND I REMEMBER SOME FACES I SAW THERE. I DON'T PARTICULARLY REMEMBER BENT'S EVEN, JUST SO I'M CLEAR ON THIS MATTER. THAT TOOK PLACE.

AFTERWARDS THERE WAS A CONVERSATION FROM -- THAT DAVID HAD WITH ME CONCERNING THE FACT THAT THESE PEOPLE WERE SO ROWDY; THAT THIS WAS VERY ODD BECAUSE HE COULDN'T BELIEVE THEY WOULDN'T LISTEN TO HIM. I THINK DAVID WAS UNDER THE IMPRESSION, OR AT

LEAST SO I PERCEIVED IT, THAT HE WAS A FRIEND OF THE MISSIONHOLDERS IN GENERAL. HE WAS SOMEWHAT STUNNED TO FIND OUT THAT THEY WERE NOT INTERESTED IN LISTENING TO HIM; AND THAT AS A MATTER OF FACT, FOR SOME REASON, THEY HAD STARTED ACCUSING HIM OF HAVING DONE SOMETHING OR ANOTHER TO BILL FRANKS, WHICH WE DIDN'T UNDERSTAND.

THAT WAS THAT CONVERSATION, AND THAT'S WHY I SAY I BELIEVE THERE WERE A COUPLE OF OTHERS IN THAT LOCATION. I GROUPED ALL OF THE CONVERSATIONS AT THE FLAGLAND BASE AS ONE. I BELIEVE THERE WERE SEVERAL OTHERS, BUT THAT'S THE END OF THAT CONVERSATION.

IMMEDIATELY FOLLOWING OUR DEPARTURE FROM THAT CONFERENCE ROOM -- AFTER WE WERE SERIOUSLY INFORMED THAT NOBODY WOULD BE ALLOWED TO SPEAK UNTIL THEY SPOKE TO THEIR BILL, AND AT THAT POINT THEY WERE STAYING THERE. I BELIEVE SOMEBODY INFORMED THEM THAT WE WOULD TRY TO FIND BILL AND I GUESS WE WOULD MEET IN THE MORNING.

AT WHICH POINT THERE WAS A ROAR FROM THE CROWD. "NO WAY"; THAT THEY WANTED TO MEET THAT EVENING. THEN WE INFORMED THEM THAT WE HAD NO IDEA WHERE BILL WAS AT THAT MOMENT, AND WE AGREED TO MEET EARLY IN THE MORNING. THEN WE WENT ABOUT OUR BUSINESS TRYING TO

FIND MR. BILL FRANKS, AND I HAVE -- THAT IS WHEN THAT CONVERSATION TOOK PLACE, AFTER WE LEFT THAT MEETING.

Q. DID YOU EVER SPEAK AT THAT MEETING?

A. YES, I DID.

Q. IN WHAT CAPACITY WERE YOU PRESENT IN SPEAKING AT THAT MEETING? MR. HERTZBERG: I DON'T KNOW WHAT THAT MEANS, "WHAT CAPACITY."

BY MS. PLEVIN:

Q. IN WHAT ROLE? FROM WHAT POST?

MR. HERTZBERG: YOU'RE ASSUMING THERE WAS A POST.

MS. PLEVIN: I DON'T KNOW. WAS HE SPEAKING AS DAVID MISCAVIGE? WAS HE SPEAKING AS CMO? WAS HE SPEAKING AS ACTION CHIEF? CMO INT? MR. HERTZBERG: HE CAN ANSWER THAT SUBJECT TO IF HE CAN RECALL WHAT WAS IN HIS MIND AT THAT TIME AS TO WHAT ROLE HE HAD.

THE WITNESS: DAVID MISCAVIGE.

MS. PLEVIN: OKAY.

THE WITNESS: SCIENTOLOGIST.

qq

BY MS. PLEVIN:

Q. AND DO YOU KNOW WHETHER OR NOT THAT MEETING WAS TAPED?

A. I SEEM TO RECALL THAT MEETING WAS BEING TAPED BECAUSE I KNOW WHEN I ARRIVED AT THE FLAGLAND BASE -- I CAN'T REMEMBER WHO, BUT SOMEBODY TOLD ME THAT THE MISSIONHOLDERS THEMSELVES HAD ARRANGED TO VIDEOTAPE THIS. IN FACT, I SAW SOME PORTION OF THIS TAPE BECAUSE I KNOW THE MISSIONHOLDERS HAD GOTTEN SO ROWDY IN

GENERAL AND WERE SO INTOXICATED THAT AT ONE POINT, I WANTED TO -- SOMEBODY WAS TRYING TO CONVINCING ME -- THE MISSIONHOLDERS CONVENTION WAS SO OUT OF CONTROL THAT ONE OF THE MISSIONHOLDERS HAD ACTUALLY PULLED A BUTCHER'S KNIFE ON A YOUNG KID, ABOUT 16 YEARS OLD, BECAUSE HE FAILED TO PUT THE MACHINE INTO RECORD OR REWOUND OR ERASED SOMETHING. AT ANY RATE, THIS WHOLE EVENT WAS ON VIDEOTAPE OF SOMEBODY PULLING OUT A KNIFE.

WHAT ABSOLUTELY BOGGLED MY MIND ABOUT IT WAS THAT NONE OF THE MISSIONHOLDERS RAN IN DEFENSE OF THIS CHILD BUT INSTEAD JUST TRIED TO COMMUNICATE AS IF THIS WAS JUST A MISCOMMUNICATION WHICH IT SORT OF BLEW MY MIND BECAUSE I DON'T THINK THAT'S THE WAY TO HANDLE A MISCOMMUNICATION IS TO PULL A BUTCHER KNIFE ON A KID.

I DON'T KNOW ANYTHING ELSE ABOUT THAT TAPE OTHER THAN SEEING THAT, AND THAT'S ABOUT THE BEST I CAN RECOLLECT.

Q. YOU DIDN'T TAKE THAT TAPE AFTER THE CONFERENCE?

A. NO, I DIDN'T. DO YOU WANT TO KNOW ABOUT THE OTHER CONVERSATIONS?

Q. WERE THEY -- YOU INDICATED THAT YOU MAY HAVE HAD MORE THAN THE ORIGINAL THREE WHICH HAVE NOW EXPANDED TO FOUR. IF THEY WERE ALL OF THE SAME -- IF THEY WERE ALL REFERRING TO THE MISSIONHOLDERS MUTINY AS YOU'VE CALLED IT --A. UH-HUH.

Q. NO, BUT IF THEY HAD -- IF THERE WAS OTHER MATERIAL THAT CAME UP WITH REGARD TO MR. CORYDON, SPECIFICALLY.

A. OKAY. LET ME THINK ABOUT THAT.

Q. NOT ABOUT THE GENERAL CONTEXT, BUT MR. CORYDON.

A. SPECIFICALLY?

Q. YEAH.

A. JUST SO WE'RE CLEAR, THE OTHER ONES WEREN'T SPECIFICALLY ABOUT MR. CORYDON.

Q. I UNDERSTAND THAT.

A. I REALLY WANT THAT --

Q. YOU'VE MADE THAT CLEAR FOR THE RECORD.

A. I DON'T KNOW IF IT'S CLEAR TO YOU. I WANT YOU TO BE CLEAR THAT EVEN WHEN I WAS HEARING THESE FROM DAVID MAYO, I DON'T WANT YOU TO UNDERSTAND THAT DAVID MAYO WAS PLACING A HIGHER SIGNIFICANCE OR A LESSEER SIGNIFICANCE ON BENT CORYDON. Q. YOU'VE SAID THAT AT LEAST THREE TIMES FOR THE RECORD, MR. MISCAVIGE.

A. ALTHOUGH THE COMMENTS I MADE ATTRIBUTABLE TO MR. CORYDON WERE MADE BY MR. CORYDON. OKAY. IN ANSWER TO THE LAST QUESTION, LET ME THINK ABOUT THIS.

Q. WE'RE JUST TALKING ABOUT WITH RELATIONSHIP TO MR. CORYDON.

A. OKAY. OKAY. YES, THERE WAS ONE OTHER. IT WAS NOT WITH DAVID MAYO, BUT WITH BILL FRANKS AS WELL.

Q. WHY DON'T YOU TELL ME ABOUT THAT ONE AND PUT IT WHEN IT WAS, IF YOU COULD?

A. OKAY. WHAT HAD HAPPENED WAS THAT I WAS INFORMED BY BILL FRANKS, AND WAS ALSO INFORMED BY OTHER PEOPLE THAT WERE AT THE MEETING, THAT WHAT HAD HAPPENED IS WHEN

MR. FRANKS WENT DOWN TO THIS MEETING -- AND BY THE WAY, YOU'VE GOT TO UNDERSTAND THERE WAS A PREVIOUS MEETING, AND I THINK IT WAS IN NOVEMBER.

DIRECTLY PRECEDING MR. FRANKS GOING DOWN TO THIS MEETING, THERE WERE VARIOUS ALARMING REPORTS RECEIVED ABOUT HIM ENGAGED IN UNETHICAL 2D ACTIVITIES; NAMELY, THAT HE WAS A MARRIED MAN WHO WAS HAVING AN AFFAIR WITH ANOTHER SCIENTOLOGIST WHO WAS NOT EVEN STAFF. IN ANY EVENT, THIS IS NOT SOMETHING IN SCIENTOLOGY MEETS OUR ETHICAL STANDARDS.

WE HAD SAT DOWN AND DISCUSSED THIS WITH BILL FRANKS IMMEDIATELY PRECEDING HIM REPORTING TO THE MISSIONHOLDERS CONFERENCE WHICH TURNED INTO THE MUTINY AT THE FLAGLAND BASE. IT WAS MYSELF, DAVID MAYO, AND JOHN NELSON WHO WERE SPEAKING TO HIM ABOUT THIS.

I REMEMBER HIM TELLING ME AT LENGTH ABOUT, OH, TWO OR THREE HOURS, THAT HE ABSOLUTELY DID NOT HAVE ANY SEX WITH THIS PERSON; WOULD I PLEASE BELIEVE HIM. AND ODDLY ENOUGH, YOU KNOW, I GUESS HE LOOKED UPON ME AS A FRIEND AND THAT'S WHY HE WAS TELLING ME, JUST BEGGING ME TO PLEASE TRUST HIM.

I WAS VERY NAIVE. I SAID, "OKAY, BILL. YOU KNOW, I DON'T KNOW ANYTHING ABOUT THIS. I'M JUST CURIOUS." YOU KNOW, WE JUST STARTED, YOU KNOW, CLEAN BETWEEN EACH OTHER. NO SOONER HAD WE ENDED THE CONVERSATION, AND A PERSON CAME IN TO GIVE US A REPORT. I DON'T

RECALL WHO, BUT BASICALLY THE PERSON WHO HE WAS HAVING SEX WITH HAD REPORTED HAVING SEX WITH BILL FRANKS. IN ANY EVENT, WHOEVER IT WAS THAT WAS DEALING WITH BILL FRANKS AT THAT POINT, I GUESS, LET HIM REPORT TO THE CONVENTION. SO THE NEXT STEP WAS THAT WE HEARD THERE WAS A MUTINY. WELL, NOW, GOING AFTER THAT FIRST' NIGHT THAT I WAS AT THE MUTINY, AND I FIND -- I DID FIND MR. BILL FRANKS AFTER HE HAD SEX WITH THIS PERSON. I STARTED DISCUSSING THIS MATTER WITH HIM. I ASKED HIM, YOU KNOW, "WHAT IS IT? WHAT

IS GOING ON DOWN HERE?" TO WHICH IT WAS RELAYED TO ME BY HIM AND OTHERS IN THAT ROOM, WHICH I'LL IDENTIFY IF YOU'D LIKE, THAT FOR A FEW DAYS OR AT LEAST A DAY, MR. FRANKS AS TRYING TO LEAD THIS CONVENTION, AND HE WAS UNDER PERPETUAL AND CONSTANT ATTACK FROM THE MISSIONHOLDERS.

AT WHICH POINT AFTER CONSTANT ONSLAUGHT CHALLENGING HIS CREDIBILITY AND VARIOUS POST PERFORMANCE FUNCTIONS, HE FINALLY SNAPPED OUT AND DECIDED THAT HE WAS GOING TO BE THE MISSIONHOLDERS' BOY; AND THEREFORE, HE WAS GOING TO TURN ON ANYBODY ELSE WHO WAS IN ANY OFFICIAL CAPACITY ABOVE HIM.

ONE OF THE THINGS THAT MR. FRANKS RELAYED TO ME AT THIS CONVERSATION WAS, FOR INSTANCE, WITH MR. CORYDON, THAT HE HAD RECITED OR HE HAD INTERVENED ON HIS BEHALF TO -- ON THE BEHEST OF ALAN WALTERS AND DEAN STOKES TO MAKE SURE THAT MR. BENT CORYDON COULD BE A MISSIONHOLDER; THAT MADE ABSOLUTELY NO SENSE TO ME AT THAT TIME, AND I'M NOT QUITE SURE IT MAKES ANY SENSE TO ME AT THIS POINT.

BUT I DO REMEMBER QUITE CLEARLY THAT MR. FRANKS SAID THAT HE HAD BYPASSED NORMAL ON-POLICY CHANNELS. THERE WAS SOME DISPUTE. HE HAD INTERVENED ON MR. CORYDON'S BEHALF AT THE BEHEST OF A FEW OTHER INDIVIDUALS. (DISCUSSION HELD OFF THE RECORD.)

MS. PLEVIN: YOU WERE DISCUSSING --

THE WITNESS: IF YOU COULD JUST READ THE -- JUST THE LAST PART OF MY ANSWER. I THINK IT WAS BASICALLY COMPLETE, BUT I'D JUST LIKE TO MAKE SURE. I CAN'T REMEMBER THE LAST THING THAT I SAID.

MR. HERTZBERG: CAN HE HAVE THE LAST PART REREAD, PLEASE, BY THE REPORTER?

(RECORD READ.)

THE WITNESS: OKAY. I'LL JUST FINISH THE ANSWER, THEN.

MR. HERTZBERG: MISS PLEVIN, DID YOU FIND SOMETHING FUNNY ABOUT THAT? I NOTICED YOU LAUGHING.

MS. PLEVIN: NO. NO. NO, I WAS NOT THINKING ABOUT THAT AT ALL.

MR. HERTZBERG: YOU WERE LAUGHING ABOUT SOMETHING ELSE THEN?

MS. PLEVIN: OH, YES. I THINK I WAS SMILING TO MYSELF.

THE WITNESS: FOLLOWING THAT CONVERSATION, WHICH DIDN'T -- WASN'T ENDED AT THAT POINT, BUT FOLLOWING THAT TIME WHEN THERE WAS THAT CONVERSATION, OF WHICH DAVID MAYO WAS PRESENT AT, HE MADE ANOTHER SIMILAR COMMENT TO ME AS WE WERE LEAVING THE ROOM; I THINK WE WERE GOING TO -- I THINK WE WERE LEAVING TO PROCEED TO A HOTEL TO SLEEP FOR THE NIGHT. IT WAS PRETTY EARLY IN THE MORNING.

HE HAD COMMENTED THAT IT WAS QUITE EVIDENT THAT THE MISSIONHOLDERS -- AND PARTICULARLY SEVERAL INDIVIDUALS OF WHICH BENT WAS ONE NAME -- HAD -- BASICALLY, WERE, YOU KNOW, IN A MONEY-MOTIVATED FRAME OF MIND AND THAT IT SEEMED THE BIG DISPUTE WAS AN INABILITY TO CARRY ON SOME ACTIVITIES THAT THEY WISHED TO ACCOMPLISH OR, BASICALLY IN THE FRAMEWORK OF FOR NUMBER ONE, MEANING THEMSELVES; THAT'S THE END OF MY ANSWER.

BY MS. PLEVIN:

Q. DID YOU EVER HAVE ANY OTHER CONVERSATIONS WITH BILL FRANKS THAT RELATED IN ANY WAY TO MR. CORYDON? A. POSSIBLY THERE WAS ONE OTHER.

Q. DO YOU REMEMBER ANYTHING ABOUT THE CONTENT?

A. THIS WAS AT THAT TIME PRECEDING THIS MISSIONHOLDERS CONFERENCE THAT I'VE BEEN TALKING ABOUT, THE SECOND ONE. IT WAS IN THE CONTEXT OF THE FIRST MISSIONHOLDERS CONFERENCE, AND GENERALLY THAT THERE WAS A -- WHAT DID HE SAY? THERE WAS SOMEWHAT OF A POWER STRUGGLE WITH THE MISSIONHOLDERS ON AN ATTEMPT TO GAIN POWER AND THAT HE WAS GOING TO BE ATTENDING THE SECOND MISSION HOLDERS CONFERENCE BECAUSE THE IDEA IS THAT HE WANTED TO GENERALLY -- THAT HE FELT THE CONFERENCE SHOULD BE TURNED INTO SOMETHING FOR THE

EXPANSION OF SCIENTOLOGY.

I BELIEVE HE MENTIONED AT THAT TIME BENT'S NAME AMONGST SEVERAL OTHERS WHICH INCLUDED ALAN WALTERS, DEAN STOKES, A PERSON NAMED ROARER, I'M NOT SURE, A PERSON FROM NEW YORK, AND MARTIN SAMUELS. THERE MIGHT HAVE BEEN A FEW OTHERS. I'M JUST THROWING THOSE NAMES OUT BECAUSE WHEN I TALK ABOUT THE CONTEXT OF THOSE VARIOUS PEOPLE, THOSE ARE SOME OF THE ONES I REMEMBER. I THINK THAT WAS ABOUT IT IN THAT CONVERSATION.

Q. NOTHING ELSE WITH BILL FRANKS?

A. WELL, THERE WAS OTHER WITH BILL FRANKS, BUT -Q. ABOUT --

A. WHERE BENT WAS MENTIONED?

Q. YEAH, OR AT ANY OTHER TIME WITH MR. FRANKS. MR. HERTZBERG: THAT BENT WAS MENTIONED?

MS. PLEVIN: THAT BENT WAS MENTIONED.

THE WITNESS: OKAY. SPECIFICALLY, BY NAME, I CAN'T RECALL. I CAN'T RECALL RIGHT NOW. AS WE GO THROUGH THIS, MAYBE I'LL REMEMBER ONE, BUT I'M JUST TRYING TO THINK RIGHT NOW, AND THAT'S WHAT I REMEMBER. BY MS. PLEVIN:

Q. DID YOU GIVE ANY ORDERS TO MR. FRANKS REGARDING MR. CORYDON?

A. NO. NOW, YOU'VE GOT TO UNDERSTAND I DIDN'T EVEN KNOW BENT CORYDON. AS A MATTER OF FACT, THE LAST DAY IS THE MOST I -- NOW I COULD RECOGNIZE HIM.

Q. YOU MENTIONED YESTERDAY -- I'M GOING TO GO THROUGH THE LIST OF PEOPLE WITH WHOM YOU'VE HAD SOME DISCUSSION REGARDING BENT CORYDON.

A. OKAY.

Q. STEVE WILLET.

A. UH-HUH.

Q. WOULD YOU TELL US ABOUT HOW MANY CONVERSATIONS WITH THIS PERSON YOU HAVE HAD?

A. ABOUT BENT CORYDON?

Q. YES.

A. WHERE BENT CORYDON WAS MENTIONED?

Q. YES.

A. I BELIEVE ONE.

Q. OKAY. COULD YOU TELL US APPROXIMATELY WHEN THAT WAS?

A. THAT WAS APPROXIMATELY THIS YEAR.

Q. WITHIN 1990 OR WITHIN THE PAST 12 MONTHS?

A. I BELIEVE WITHIN 1990.

Q. OKAY.

A. YEAH, I BELIEVE.

Q. AND WHAT WAS THE SUBSTANCE OF THAT CONVERSATION?

A. THE SUBSTANCE OF THAT CONVERSATION WAS REGARDING MR. WILLET'S CONTACTS WITH THE COUNTY OFFICIALS IN RIVERSIDE AND THE PROPERTY WHERE MR. WILLET IS SOMEWHAT INVOLVED IN CONSTRUCTION AT GILMAN HOT SPRINGS. HE, APPARENTLY, HAS TIMES WHEN HE MEETS WITH VARIOUS COUNTY OFFICIALS, AND THERE WERE OPEN HOUSES FOR THESE COUNTY OFFICIALS AT THE PROPERTY AT GILMAN HOT SPRINGS.

MR. WILLET EXPLAINED TO ME THAT MANY OF THESE PEOPLE HAD COME TO LIKE THE PEOPLE AT THE PROPERTY AT GILMAN HOT SPRINGS VERY MUCH. THEY HAD THEIR LOCAL SOCIAL GATHERINGS THERE. THEY WERE VERY INTERESTED IN WHAT SCIENTOLOGY DID AND VERY INTERESTED IN GOLDEN

ERA PRODUCTIONS AND THE FACILITIES THAT THEY HAD AND THE PROPERTY AND WHAT NICE

PEOPLE SCIENTOLOGISTS WERE.

THEY HAD COMMENTED TO HIM THAT "IT WAS VERY UNFORTUNATE WHAT HAPPENED OUT HERE IN RIVERSIDE. YOU HAD A MISSION" OR ORGANIZATION, I DON'T EVEN KNOW WHAT THEY COMMENTED ON. "YOUR PLACE, YOUR SCIENTOLOGY IN RIVERSIDE; THAT THAT CREATED SUCH A BAD AN INCORRECT IMPRESSION OF WHAT SCIENTOLOGY IS AND IT'S TOO BAD THAT THAT TOOK PLACE BECAUSE WE COME OUT AND SEE YOU, AND YOU'RE NOTHING LIKE THE IMPRESSION WE HAD, AND IT'S UNFORTUNATE ABOUT THAT. WHAT WERE YOU PLANNING ON DOING ABOUT THAT?"

AND, GENERALLY, STEVE MENTIONED TO ME, YOU KNOW, THAT THEY WERE REFERRING TO BENT CORYDON'S MISSION OUT THERE AND THAT HE HAD APPARENTLY WRECKED PUBLIC RELATIONS AND LOCAL PUBLIC RELATIONS AND PUBLIC AFFAIRS ON THE SUBJECT OF SCIENTOLOGY WITH THE LOCAL OFFICIALS AND THAT THEY FELT THAT THIS WAS VERY UNFORTUNATE BECAUSE IT GAVE A VERY BAD MISIMPRESSION ON WHAT SCIENTOLOGY WAS AND WHAT, ITS PEOPLE WERE LIKE.

Q. ANYTHING ELSE?

A. THAT'S WHAT I RECALL.

Q. MR. WILLET, YOU SAID THAT HE IS INVOLVED WITH WORKING ON THE PROPERTY? A. HE HAMMERS NAILS.

Q. IS HE A CONTRACTOR?

A. NO.

Q. HE'S A LABORER?

MR. HERTZBERG: MISS PLEVIN, HE CAN ANSWER THAT QUESTION, IF HE KNOWS WHETHER -MS. PLEVIN: OF COURSE.

MR. HERTZBERG: EXCUSE ME.

MS. PLEVIN: ONLY IF HE KNOWS.

MR. HERTZBERG: EXCUSE ME. I'M NOT SURE WHAT THE RELEVANCE OF THIS IS, WHETHER HE'S A CONTRACTOR -MS. PLEVIN: I'M --

MR. HERTZBERG: -- OR A LABORER.

BY MS. PLEVIN:

Q. IDENTIFY MR. WILLET TO THE BEST THAT YOU CAN, PLEASE.

A. YOU ASKED IF HE WAS A LABORER, DO YOU MEAN DOES HE DO LABOR? NO, NOT REALLY.

Q. OKAY. HE WORKS ON THE PROPERTY. IS IT STEVE WILLET CONTRACTORS? IS HE EMPLOYED BY ONE OF THE CONTRACTORS? A. NO.

Q. HOW WOULD YOU GET IN TOUCH WITH MR. WILLET IF YOU WISHED TO DO SO?

A. I DON'T KNOW.

Q. HAD YOU EVER MET MR. WILLET BEFORE?

A. OH, YES.

Q. IN WHAT CAPACITY?

MR. HERTZBERG: WHEN YOU SAY, "CAPACITY," WHAT DO YOU MEAN?

MR. DRESCHER: WHAT DO YOU MEAN?

MR. HELLER: WHAT DO YOU MEAN?

MR. HERTZBERG: DO YOU MEAN IN WHAT CONTEXT, WHERE DID HE MEET HIM?

MS. PLEVIN: YES.

THE WITNESS: AT GILMAN HOT SPRINGS.

BY MS. PLEVIN:

Q. WHERE HE WAS WORKING?

A. YES.

Q. IS HE A SCIENTOLOGIST TO THE BEST OF YOUR KNOWLEDGE?

A. YES, HE IS.

Q. IS HE POSTED AT GILMAN HOT SPRINGS?

A. I BELIEVE HE IS.

Q. IS HE ON THE ESTATES GROUP?

A. I BELIEVE SO. NO, NOT ESTATES GROUP. HE BUILDS BUILDINGS. HE'S JUST A PASSING COMMENT. I GUESS HE BUILDS BUILDINGS. I MEAN, HE HAMMERS NAILS, JUST LIKE I SAID.

Q. DID YOU RESPOND TO MR. WILLET'S COMMENTARY IN ANY WAY?

A. I SAID, "GEEZ, THAT'S TOO BAD." I SAID, "HOW ARE THE PEOPLE NOW?" HE SAID, "THEY LOVE THE PLACE." HE WAS JUST TELLING ME -- HE WANTED ME TO -- THE MAIN CONTEXT OF THE CONVERSATION WAS THAT HE HAD BROUGHT THE PEOPLE OUT AND HAD A SOCIAL GATHERINGS OR HAD MET WITH THEM. I THINK HE WAS BASICALLY -- HE WAS TRYING TO TELL ME A GOOD STORY ABOUT HIS WORK; HE WAS VERY PROUD OF IT, ALL OF THE GOOD WORK THAT HE HAD DONE THERE AND HOW IMPRESSED THE COUNTY OFFICIALS WERE; THAT'S THE CONTEXT OF IT.

AND THE SIDE LINE COMMENT WAS ABOUT RIVERSIDE, THAT THEY HAD COMMENTED. THE GENERAL COMMENT WAS HIM -- HE WAS PROUD OF HIS WORK. HE WAS BASICALLY TELLING ME THE COUNTY OFFICIALS ALSO THOUGHT IT WAS SPLENDID WORK THAT HE WAS DOING; THAT THE PROPERTY LOOKED

GORGEOUS.

Q. YOU ALSO STATED THAT YOU HAD A DISCUSSION OR DISCUSSIONS WITH VICKI AZANARAN REGARDING MR. CORYDON. A. YES.

Q. ABOUT HOW MANY?

A. I'D HAVE TO REALLY GUESS, BUT I'D BE GUESSING.

MR. HERTZBERG: DON'T GUESS.

BY MS. PLEVIN:

Q. MORE THAN TEN?

A. NO.

Q. ALL RIGHT. SOMEWHERE BETWEEN ZERO AND TEN?

A. YES.

Q. I WON'T HOLD YOU TO IT EXACTLY.

A. OKAY.

Q. IF YOU COULD, PLEASE, GO BACK IN YOUR MIND TO THE FIRST ONE THAT YOU RECALL; DO YOU KNOW APPROXIMATELY WHEN THAT WAS? A. OKAY. I'M GOING TO HAVE TO THINK ABOUT THIS. I WOULD GUESS 1982, ABOUT THEN.

Q. WAS IT AROUND THE TIME OF THE SAN FRANCISCO MISSIONHOLDERS CONFERENCE OF OCTOBER, 1982?

A. YES.

Q. AND WAS THIS IN PERSON?

A. YES.

Q. WHERE DID IT TAKE PLACE?

A. I BELIEVE GILMAN HOT SPRINGS. I'M NOT SURE. IT COULD HAVE BEEN IN LOS ANGELES. I BELIEVE GILMAN HOT SPRINGS.

Q. WHAT WAS THE SUBSTANCE OF THAT COMMUNICATION?

A. MISSIONHOLDERS IN GENERAL.

Q. IN WHAT RESPECT DID IT JUST TOUCH ON MR. CORYDON?

A. APPARENTLY, VICKI KNEW BENT, AND I BELIEVE SHE KNEW HIM OR KNEW HIM PREVIOUSLY. SHE USED TO BE INVOLVED IN -- I THINK SHE WAS A MISSIONHOLDER OR WORKED AT A MISSION HERSELF PREVIOUSLY. I KNOW THAT SHE WAS MARRIED TO DEAN STOKES.

THE GENERAL COMMENT IN REGARDS TO BENT -- AGAIN, I, HIS WAS NOT JUST ABOUT BENT, BUT IT WAS JUST GENERALLY ON THE SUBJECT OF THE MISSIONHOLDERS -- IS THAT SHE FELT THAT WHAT SHOULD BE DONE IS TO WALK UP THERE AND TAKE THE LIKES OF BENT CORYDON AND VARIOUS

OTHER PEOPLE THAT SHE MENTIONED AND SHE -- IF SHE HAD IT HER WAY, SHE WOULD JUST WALK UP AND DECLARE THEM ALL ON THE SPOT AND KICK THEM ALL OUT OF SCIENTOLOGY. SHE SAID SHE KNEW BENT. SHE KNEW DEAN. SHE KNEW -- DEAN I THINK SHE WAS MARRIED TO. ALAN WALTERS SHE KNEW AND SEVERAL OTHER MISSIONHOLDERS; I CAN'T RECALL AT THIS TIME; THAT SHE KNEW THEM.

HER GENERAL OPINION OF THEM WAS THAT THEY WERE SLEAZEBAGS. SHE HAD A VERY, VERY, VERY BAD OPINION OF THESE MISSIONHOLDERS AND THAT THEY WERE BASICALLY SLEAZEBAGS, MONEY-GRUBBING PARASITES AND THAT EVERY SINGLE ONE OF THEM SHOULD BE DECLARED ON THE SPOT AND "THAT'S THE WAY I'D DEAL WITH IT." I BELIEVE THAT'S WHAT SHE SAID.

Q. ARE YOU --

MR. HERTZBERG: I'LL NOTE FOR THE RECORD THAT MR. MISCAVIGE MADE AN IMITATION OF A TEXAS ACCENT.

MS. PLEVIN: AS I WAS ABOUT TO NOTE.

Q. I TAKE IT FROM THAT THAT YOU ARE RECALLING HER WORDS WHEN YOU USE THESE WORDS TO THE BEST YOU CAN?

A. THE LAST ONES. GENERALLY, HER WORDS, OH, YEAH, WHEN I GAVE YOU THAT DESCRIPTION THERE, THOSE WERE HER WORDS. Q. WHAT POSITION DID MISS AZANARAN HAVE AT THAT TIME, IF YOU RECALL?

A. I BELIEVE SHE WAS POSTED WITHIN RELIGIOUS TECHNOLOGY CENTER.

THE REPORTER: EXCUSE ME?

THE WITNESS: WITHIN RELIGIOUS TECHNOLOGY CENTER.

qq

BY MS. PLEVIN:

Q. DO YOU RECALL ANY OTHER COMMUNICATIONS WITH MISS AZANARAN AT ANY TIME REGARDING MR. CORYDON? A. YES.

Q. LET'S TAKE THE NEXT ONE.

A. THESE ARE A LITTLE TOUGH FOR ME TO GIVE, YOU JUST SO I'M CLEAR. I MEAN --

Q. YOU'RE NOT COMMITTING TO EXACT SEQUENCE.

A. EXACTLY. I MEAN, THIS IS - YOU'VE GOT TO UNDERSTAND I'M GOING BACK. THIS IS NOT A BIG DEAL LIKE YOU MIGHT THINK IT IS BECAUSE YOU'RE OBVIOUSLY DEALING WITH BENT. TO ME, IT'S JUST ANOTHER THING. SO IF I MISS ONE, I'LL LET YOU KNOW IF I REMEMBER IT. JUST

SO I'M CLEAR TO THAT.

(DISCUSSION HELD OFF THE RECORD.)

MR. HERTZBERG: MISS PLEVIN HAS SUGGESTED THAT WE BREAK FOR LUNCH NOW. HOW LONG DO YOU WANT TO TAKE, MISS PLEVIN?

MS. PLEVIN: I'VE GOT 25 AFTER 12:00. WHY DON'T WE RECONVENE AT QUARTER AFTER 1:00?

MR. HERTZBERG: THAT'S FINE. AGAIN, IT IS OUR POSITION THAT WE WANT TO GET THROUGH THIS TODAY? IN FACT, WE HAVE TO GET THROUGH IT TODAY. LET'S RECONVENE AT THAT TIME.

MS. PLEVIN: OKAY.

(AT 12:25 P.M., THE DEPOSITION WAS ADJOURNED FOR NOON RECESS.)

(AT 1:20 P.M., THE DEPOSITION OF DAVID MISCAVIGE WAS RECONVENED.)

MS. PLEVIN: I ASKED THE COURT REPORTER OVER LUNCH TO CHECK WITH HER OFFICE TO SEE IF THE OFFICE COULD SEND ANOTHER COURT REPORTER AT 5:00 O'CLOCK, SINCE THIS COURT REPORTER CANNOT STAY LATE, AS PREPARATORY TO THE POSSIBILITY OF ASKING YOU WHETHER OR NOT YOU WOULD BE WILLING TO STAY LATE SO THAT WE CAN CONCLUDE, IF IT APPEARS THAT WE CAN.

MR. HERTZBERG: WHAT ARE YOU -- YES. JUST TO GET A ROUGH IDEA, WHAT DO YOU CONSIDER TO BE THE AMOUNT OF TIME THAT YOU'LL NEED BEYOND 5:00?

MS. PLEVIN: I DON'T KNOW. IT'S QUITE POSSIBLE THAT, DEPENDING ON HOW WE MOVE, WE COULD FINISH. I DON'T KNOW. I'LL KNOW CLOSER TO 5:00 O'CLOCK WHETHER THERE'S A STRONG POSSIBILITY OF OUR FINISHING IF WE STAY LATE OR 4:00 O'CLOCK WHEN SHE CALLS HER OFFICE BACK TO SEE IF THEY'VE GOT SOMEONE.

MR. HERTZBERG: HANG ON A SECOND.

MR. HELLER: ARE YOU SAYING AT THIS STAGE, YOU DON'T THINK THERE'S A POSSIBILITY YOU COULD FINISH BY 5:00? MS. PLEVIN: I THINK IT'S HIGHLY UNLIKELY.

MR. HERTZBERG: ALL RIGHT. LET'S PROCEED.

MS. PLEVIN: NO RESPONSE?

MR. HERTZBERG: LET'S PROCEED. MAYBE WE'LL EVEN FINISH BY 5:00, AND IT WILL OBTAIN THE NEED FOR RELIEF. LET'S MOVE ON.

EXAMINATION (CONTINUED)

BY MS. PLEVIN:

Q. ALL RIGHT. MR. MISCAVIGE, WE WERE DISCUSSING YOUR CONVERSATIONS WITH VICKI AZANARAN IN WHICH THERE WAS SOME DISCUSSION REGARDING BENT CORYDON. YOU HAD GIVEN US ONE. DO YOU NEED TO BE REFRESHED BY THE COURT REPORTER AS TO WHAT THAT WAS? SO WE CAN MOVE ON FROM THERE.

A. YES, I DO.

THE REPORTER: I'M NOT SURE WHAT YOU WANT ME TO READ BACK.

BY MS. PLEVIN:

Q. OKAY. I BELIEVE YOU PLACED IT IN TIME AT APPROXIMATELY THE SAME TIME AS THE OCTOBER 17, '82, MISSIONHOLDERS CONFERENCE IN SAN FRANCISCO. A. DID I TELL ONE CONVERSATION SO FAR?

Q. THAT'S ALL.

A. OKAY. NOW I DON'T NEED TO BE REFRESHED.

Q. OKAY.

MR. HERTZBERG: OKAY.

(ATTORNEY-CLIENT DISCUSSION HELD OFF THE RECORD.)

BY MS. PLEVIN:

Q. SO WHAT WAS THE NEXT CONVERSATION, TAKING INTO ACCOUNT THAT YOU'VE STATED FOR THE RECORD THAT YOU'RE NOT NECESSARILY PUTTING THEM IN EXACT SEQUENCE, WHICH WE UNDERSTAND?

A. ALL RIGHT. SOMETIME SHORTLY AFTER THE MISSIONHOLDERS CONVENTION IN SAN FRANCISCO, MAYBE TWO WEEKS, A MONTH, EVEN UP TO A MONTH AND A HALF.

Q. TO THE BEST OF YOUR RECOLLECTION, WHAT WAS THE SUBSTANCE OF THAT DISCUSSION AS IT RELATED TO MR. CORYDON?

A. GENERALLY, IT WAS ABOUT THE MISSIONHOLDERS AND THAT SHE HAD HEARD ABOUT THE MISSIONHOLDERS CONFERENCE, AND SHE WAS STILL OF THE OPINION THAT ALL OF THESE GUYS SHOULD JUST BE -- MEANING ALL THESE GUYS," MEANING THE MISSIONHOLDERS SHOULD JUST BE DECLARED, AND A COMMENT ABOUT JUST HER EXPERIENCES WITH THE MISSIONHOLDERS, IN WHICH SHE INCLUDED BENT, ALONG THE SIMILAR LINES THAT I MENTIONED EARLIER. SHE HAD NASTY THINGS TO SAY ABOUT THEM. OBVIOUSLY, THAT THEY WERE SCUMBAGS, SLEAZEBAGS, YOU KNOW, MONEY-MOTIVATED, MONEY-GRUBBING; THOSE WERE THINGS SHE COMMENTED ON.

AND HER KNOWLEDGE OR FRIENDSHIP -- I DON'T KNOW -- I CAN'T RECALL EXACTLY HOW SHE KNEW BENT. I DON'T KNOW IF SHE WORKED WITH BENT OR KNEW HIM THROUGH DEAN STOKES OR A MISSION SHE WORKED AT, BUT SHE, PERSONALLY -- DO I WAIT FOR THIS? MR. HERTZBERG: NO.

MS. PLEVIN: IT CAN CREATE CONFUSION. LET'S JUST MAKE SURE WHO IT IS.

(DISCUSSION HELD OFF THE RECORD.)

MS. PLEVIN: PLEASE CONTINUE.

THE WITNESS: -- AND THAT HER GENERAL OPINION, FROM HER HAVING DEALT WITH THE MISSION PEOPLE WHO WORKED IN MISSIONS OR MISSIONHOLDERS OR THE MISSION SHE WAS WORKING AT, WAS THAT THESE PEOPLE, AS A GENERAL WHOLE, WEREN'T REALLY DEDICATED TO SCIENTOLOGY; THAT THEY WERE DILETTANTES, AND THAT THEIR MOTIVE WAS NOT NECESSARILY TOWARDS THE GOALS AND PURPOSES OF SCIENTOLOGY, BUT THROUGH THOSE GOALS AND PURPOSES AND THE POPULARITY OF SCIENTOLOGY TO BENEFIT PERSONALLY OF WHICH SHE INCLUDED BENT CORYDON IN THAT CONTEXT.

MS. PLEVIN: I WANT THE RECORD TO BE CLEAR, MR. MISCAVIGE, BECAUSE PREVIOUSLY YOU USED AN INFLECTION INTENDING TO INDICATE A QUOTATION FROM VICKI AZANARAN.

Q. DID SHE USE THE WORD TO YOU "SCUMBAG" OR "SLEAZEBAG" IN REFERRING TO MR. CORYDON?

A. YES, BUT I DON'T KNOW IF IT WAS JUST BENT CORYDON, BUT DEFINITELY IN REGARDS TO HIM.

Q. INCLUDING HIM, FOR EXAMPLE, AS A MISSIONHOLDER, OR DID SHE SAY -- WOULD IT BE MORE ACCURATE TO SAY THAT SHE SAID THE MISSIONHOLDERS ARE SCUMBAGS OR SLEAZEBAGS?

A. NO, THAT WOULDN'T BE ACCURATE. IT WOULD BE ACCURATE TO THE PEOPLE SHE KNEW.

Q. THE MISSIONHOLDERS --

A. SHE KNEW PERSONALLY.

Q. -- SHE KNEW PERSONALLY?

A. YEAH. I COULDN'T TELL YOU ALL OF THEM THAT SHE KNEW. I DO REMEMBER PARTICULARLY DEAN STOKES, WHO I SAY I THINK SHE WAS MARRIED TO HIM, AND BENT, AND I BELIEVE SHE KNEW ALAN WALTERS. I DON'T KNOW IF SHE KNEW HIM AS A MISSIONHOLDER, AND I THINK POSSIBLY THAT WAS ALL I EVER HEARD THAT SHE ACTUALLY KNEW PERSONALLY.

BUT IT WAS IN REFERENCE TO, YEAH, PERSONAL KNOWLEDGE OF PEOPLE; AND, GENERALLY, IN REGARDS TO THE MISSIONHOLDERS, I WOULD ATTRIBUTE THAT STATEMENT TO THESE PEOPLE SHE KNEW AND AS A CARRY-OVER TO MISSIONHOLDERS IN GENERAL ON DILETTANTISM. Q. DID YOU RESPOND IN ANY WAY TO WHAT MISS AZANARAN SAID TO YOU?

A. "REALLY?"

Q. OKAY, THAT'S WHAT YOU SAID.

A. YEAH, I MEAN. IT WAS --

Q. SORT OF LIKE --

A. I MEAN, JUST, YOU KNOW -- SHE -- I THINK IT'S OBVIOUS BY WHAT I TOLD YOU SHE SAID. I MEAN, SHE, YOU KNOW, PERSONALLY --

MR. HERTZBERG: SHE'S JUST ASKING YOU YOUR RESPONSE.

THE WITNESS: YEAH, THAT WAS ABOUT IT.

BY MS. PLEVIN:

Q. DID YOU AGREE WITH HER?

A. NO, I DIDN'T KNOW. I MEAN, SHE, OBVIOUSLY -- DID I AGREE WITH HER?

MR. HELLER: IF YOU HAD ANY OPINION.

THE WITNESS: IT WASN'T EVEN A MATTER OF AGREEING. I MEAN, SHE WAS TELLING ME HER VIEWPOINT ON THESE PEOPLE. I CERTAINLY -- WELL, ON ONE POINT I CERTAINLY DIDN'T AGREE; THAT WE SHOULD JUST GO AND SEE THE MISSIONHOLDERS AND THAT ALL THE MISSIONHOLDERS SHOULD BE JUST DECLARED; I ABSOLUTELY DISAGREED WITH THAT. AS A MATTER OF FACT, I WASN'T OF THE OPINION THAT ANY OF THEM SHOULD BE DECLARED.

BY MS. PLEVIN:

Q. WHERE DID THIS CONVERSATION TAKE PLACE? A. I THINK IT WAS AT GILMAN HOT SPRINGS.
Q. FACE TO FACE?

A. YES.

Q. ANYBODY ELSE PRESENT?

A. I CAN'T RECALL.

Q. ANYONE ELSE PRESENT AT YOUR EARLIER CONVERSATION?

MR. HERTZBERG: WHAT EARLIER CONVERSATION?

MS. PLEVIN: WITH MISS AZANARAN, THE FIRST ONE YOU DESCRIBED FOR US.

THE WITNESS: POSSIBLY. POSSIBLY STEVE MARLOWE; THAT'S WHO COMES TO MIND. BY MS. PLEVIN:

Q. WAS THAT IN A MEETING OF SOME KIND?

A. WHAT DO YOU MEAN BY "A MEETING OF SOME KIND"?

Q. A SCHEDULED MEETING.

A. NO.

Q. A PLANNED MEETING.

A. NO.

Q. WHAT WAS MR. MARLOWE'S POSITION AT THE TIME, IF YOU RECALL?

A. HE ALSO WAS, I BELIEVE, EMPLOYED BY RTC, AND AT THAT-TIME -- NO, I DON'T KNOW. I DON'T KNOW. I KNOW THAT THEY WERE -- I DON'T KNOW. I'M SORRY. I CAN'T RECALL.

Q. THE NEXT CONVERSATION WITH MISS AZANARAN, TO THE BEST THAT YOU RECALL, REGARDING MR. CORYDON.

MR. HERTZBERG: WELL, AGAIN, I THINK JUST SO THE RECORD IS CLEAR, I THINK MR. MISCAVIGE HAS MADE IT CLEAR THAT UNLESS HE STATES OTHERWISE, THE CONVERSATIONS ARE NOT ABOUT BENT CORYDON. THEY ARE CONVERSATIONS IN WHICH MR. CORYDON'S NAME MAY HAVE BEEN EITHER

MENTIONED OR SUBSUMED.

MS. PLEVIN: CORRECT. UNDERSTOOD.

MR. HERTZBERG: I JUST DON'T WANT A MISUNDERSTANDING ON THE RECORD.

THE WITNESS: THE NEXT CONVERSATION WOULD HAVE TAKEN PLACE --

MR. HELLER: WELL, THE OTHER MISUNDERSTANDING -- EXCUSE ME -- TO BE HONEST, I THINK YOU SAID THAT THESE WEREN'T NECESSARILY CHRONOLOGICAL. THE WITNESS: I'M TRYING TO THINK --

MS. PLEVIN: THAT'S BEEN CLARIFIED FOR THE RECORD.

THE WITNESS: I'M TRYING TO THINK CHRONOLOGICALLY JUST SO I'M CLEAR, BUT --

MS. PLEVIN: SURE.

THE WITNESS: IF I MISS ONE HERE OR THERE --

MS. PLEVIN: OKAY.

THE WITNESS: OKAY. THE NEXT CONVERSATION. LET ME JUST ASK YOU SOMETHING.

(ATTORNEY-CLIENT DISCUSSION HELD OFF THE RECORD.)

THE WITNESS: OKAY. THE NEXT CONVERSATION THAT I DON'T REMEMBER THE DATE IS SOMETIME AFTER BENT ANNOUNCED HIMSELF AS A SQUIRREL, FROM MY UNDERSTANDING OF THIS CONVERSATION WITH VICKI, AND AFTER HE, FROM MY UNDERSTANDING FROM THIS CONVERSATION WITH VICKI, EXECUTED AN ILLEGAL CORPORATE SWITCH-OVER OF HIS BUILDING, HIS MISSION BUILDING, AND ALSO SOME OTHER ILLEGAL CORPORATE, SHENANIGANS. I DON'T KNOW THE DATE.

BY MS. PLEVIN:

Q. DID MISS AZANARAN TELL YOU THAT MR. CORYDON HAD ANNOUNCED HIMSELF TO BE A SQUIRREL? A. I DON'T RECALL IF SHE PUT IT THAT WAY.

Q. IT WAS YOUR UNDERSTANDING THAT BY HIS ACTIONS HE WAS A SQUIRREL?

A. NO. I'M RELAYING WHAT TOOK PLACE IN THAT CONVERSATION.

Q. OKAY. FROM WHAT MS. AZANARAN SAID, WHETHER YOU EXPRESSED THIS TO HER OR NOT, WAS IT YOUR UNDERSTANDING THAT MR. CORYDON WAS A SQUIRREL?

A. YES.

Q. ANYTHING ELSE THAT TRANSPIRED IN THAT CONVERSATION?

A. SHE BASICALLY TOLD ME THAT BENT CORYDON HAD A RIVERSIDE MISSION AND THAT HE HAD SOMEHOW TRANSFERRED THE BUILDING, I THINK, INTO HIS NAME. I'M NOT SURE IF THAT'S EXACTLY HOW IT WENT -- INTO HIS NAME PERSONALLY AND HAD LEFT THE CHURCH OR RESIGNED.

AND THE OTHER PART WAS HER COMMENT TO ME THAT, "I TOLD YOU YOU SHOULD NEVER TRUST THESE GUYS. THIS GUY IS A COMPLETE CRIMINAL. HE'S NOW RIPPED OFF THIS BUILDING. I TOLD YOU BEFORE THAT THESE GUYS ARE ONLY INTERESTED IN THEIR OWN MONEY AND BACK POCKET. NOW

THIS GUY HAS TAKEN THE BUILDING BECAUSE HE WAS ONLY INTERESTED IN HIS OWN PRIVATE GAIN, AND HE'S A SQUIRREL AND" -- OH, AND, YOU KNOW, "CAN YOU BELIEVE," YOU KNOW, "PEOPLE IN, GENERAL." I THINK IT WASN'T BENT; I MEAN, THAT "THEY'RE DELUSORY. THEY THINK THAT THEY ARE THE POWER OF SCIENTOLOGY AS A SUBJECT, AND THAT THEY'RE PARASITES, AND THEY DON'T REALIZE THIS"; THAT WAS BASICALLY IT.

Q. WHERE DID THIS CONVERSATION TAKE PLACE?

A. EITHER IN LOS ANGELES OR GILMAN HOT SPRINGS.

Q. WHEN YOU SAY, "LOS ANGELES," ARE YOU REFERRING TO THE CEDARS OF LEBANON COMPLEX OR THE BLUE BUILDINGS? A. NO, I'M REFERRING TO THE CITY.

Q. WOULD IT HAVE BEEN AT THE BLUE BUILDINGS?

A. I DON'T RECALL.

Q. DID SHE HAVE AN OFFICE THERE, DO YOU RECALL?

A. AT THAT TIME I DON'T RECALL, NO.

Q. DID YOU HAVE AN OFFICE IN LOS ANGELES AT THAT TIME?

A. YES.

Q. WHERE WAS THAT?

A. THAT WAS IN LOS ANGELES.

Q. DO YOU RECALL THE ADDRESS?

A. I BELIEVE -- I'D HAVE TO GET THE DATE ON THIS. NO, I DON'T RECALL EXACTLY WHERE IT WAS AT THAT TIME, NO.

Q. BASED ON YOUR -- TO THE BEST OF YOUR RECOLLECTION, DID THIS CONVERSATION TAKE PLACE BEFORE OR AFTER A LAWSUIT HAD BEEN FILED AGAINST MR. CORYDON AND HIS GROUP?

A. I HAVE NO RECOLLECTION OF ANY OF THAT. I DON'T KNOW WHAT YOU MEAN BY THAT EVEN.

Q. OKAY. WELL, ARE YOU AWARE THAT A LAWSUIT WAS FILED?

MR. HERTZBERG: A LAWSUIT?

MS. PLEVIN: IN THE END OF 1982, FILED ON DECEMBER 31, 1982. OF COURSE, YOU WOULDN'T NECESSARILY KNOW THAT.

MR. HERTZBERG: WELL --

MS. PLEVIN: AGAINST MR. CORYDON INDIVIDUALLY AND THE GROUP THAT HE AND THE OTHER INDIVIDUALS WHO WERE ASSOCIATED WITH HIM HAD FORMED CALLED CHURCH OF SCIOLOGOS DEALING WITH THE ISSUES YOU DISCUSSED PREVIOUSLY THAT MS. AZANARAN DISCUSSED WITH YOU. THE WITNESS: I WAS UNDER THE IMPRESSION THAT BENT CORYDON HAD SUED THE CHURCH OF SCIENTOLOGY; IS THAT WHAT YOU MEAN? IS THAT WHAT YOU'RE TALKING ABOUT?

MS. PLEVIN: NO.

THE WITNESS: OKAY. THEN I DON'T KNOW WHAT YOU'RE TALKING ABOUT.

BY MS. PLEVIN:

Q. A LAWSUIT WAS FILED --

A. THIS ONE? THIS LAWSUIT?

Q. NO, I'M NOT TALKING ABOUT THIS LAWSUIT.

A. OKAY.

Q. WE'RE BACK AT THE END OF 1982.

A. OKAY.

Q. I'M TRYING TO PUT THE CONTEXT OF THIS CONVERSATION WITH MISS AZANARAN IN SOME TIME FRAME.

A. OKAY.

Q. THE FIRST OF THE LAWSUITS BETWEEN MR. CORYDON AND HIS ASSOCIATES AND SCIENTOLOGY ENTITIES WAS COMMENCED AT THE VERY END OF 1982 --

A. IS THAT WHEN IT WAS?

Q. -- BY A GROUP CALLING ITSELF THE CHURCH OF SCIENTOLOGY MISSION OF RIVERSIDE AND CLAIMING TO BE THE CHURCH OF SCIENTOLOGY RIVERSIDE.

A. WITH THE CHURCH SUING THEM?

Q. SUING MR. CORYDON AND THE CHURCH OF SCIOLOGOS.

A. ALL RIGHT.

MR. HERTZBERG: IS THAT A QUESTION, OR ARE YOU TELLING HIM THAT NOW?

BY MS. PLEVIN:

Q. ARE YOU AWARE THAT A LAWSUIT WAS FILED?

A. NO.

Q. OKAY. DID YOU EVER BECOME AWARE THAT A LAWSUIT WAS FILED TO GAIN TITLE TO THE MISSION OF RIVERSIDE BUILDING, A BUILDING THAT HAD BEEN THE MISSION OF RIVERSIDE.

MR. DRESCHER: I'M GOING TO OBJECT; THAT'S VAGUE AND AMBIGUOUS, UNINTELLIGIBLE, LACKS FACTS. IT'S JUST INCOMPLETE AND UNINTELLIGIBLE.

MR. HERTZBERG: WHY DON'T YOU REPHRASE IT AND BE MORE SPECIFIC?

MS. PLEVIN: OKAY. LET'S GO BACK.

Q. BASED ON YOUR CONVERSATION WITH MS. AZANARAN, DID YOU SUGGEST TO HER TO TAKE ANY SPECIFIC ACTION?

A. NO.

Q. DID YOU ORDER HER TO TAKE ANY SPECIFIC ACTION?

A. NO, I DIDN'T.

Q. DID YOU CONTEMPLATE A LAWSUIT AGAINST MR. CORYDON AND HIS GROUP?

A. DID I?

Q. YES, YOU.

A. OF COURSE NOT.

Q. TO BE BROAD, A LAWSUIT -- DID YOU CONTEMPLATE A LAWSUIT TO BE BROUGHT ON BEHALF OF ANY SCIENTOLOGY CORPORATION OR ENTITY AGAINST MR. CORYDON --

A. NO.

Q. -- AND HIS GROUP?

A. NO.

Q. OKAY. THERE WAS -- ARE YOU AWARE -- JUST NOW WITH THAT BACKGROUND, ARE YOU AWARE THAT THERE WAS A LAWSUIT FILED AGAINST MR. CORYDON AND HIS GROUP FOR THE POSSESSION AND TITLE TO THE BUILDING THAT WAS THE MISSION OF RIVERSIDE?

MR. HERTZBERG: WE'RE BACK TO THE SAME PROBLEM. YOU SAY, "WITH THAT BACKGROUND." THE BACKGROUND WAS TWO QUESTIONS BY YOU TO WHICH MR. MISCAVIGE --

MS. PLEVIN: WHAT?

MR. HERTZBERG: -- ANSWERED, NO, HE DIDN'T ORDER THAT A LAWSUIT BE BROUGHT.

MS. PLEVIN: ALL RIGHT. STRIKE IT. GO AHEAD.

MR. HERTZBERG: OKAY.

MS. PLEVIN: OKAY.

Q. WERE YOU AT THAT TIME CONCERNED REGARDING THE POSSESSION AND OWNERSHIP OF THE BUILDING IN RIVERSIDE WHICH WAS THE MISSION OF RIVERSIDE BUILDING?

A. WHAT DO YOU MEAN BY "CONCERNED"?

MR. HERTZBERG: WELL --

THE WITNESS: "CONCERNED," WHAT DOES THAT MEAN?

BY MS. PLEVIN:

Q. WELL, MS. AZANARAN TOLD YOU MR. CORYDON HAD TRANSFERRED THAT TO HIS NAME.

A. UH-HUH.

Q. DID YOU CONSIDER AT THAT TIME DOING ANYTHING OR REQUESTING THAT ANYTHING BE DONE TO RECOVER THE POSSESSION OF THAT BUILDING FOR ANY SCIENTOLOGY ORGANIZATION?

MR. HERTZBERG: ALL RIGHT. INSOFAR AS -- OTHER THAN BRINGING A LAWSUIT WHICH HE ALREADY SAID HE DIDN'T CONSIDER THAT. SO YOU'RE TALKING ABOUT, DID HE CONSIDER SOMETHING OTHER THAN A LAWSUIT WHICH HE DIDN'T CONSIDER BRINGING TO BE DONE; IS THAT WHAT YOU'RE ASKING?

MS. PLEVIN: I DON'T KNOW THAT THAT WAS THE PRIOR QUESTION, MR. HERTZBERG.

MR. HERTZBERG: IF YOU UNDERSTAND THE QUESTION, YOU CAN ANSWER IT.

THE WITNESS: I THINK I MIGHT. LET ME CLARIFY THIS. VICKI WAS TELLING ME ABOUT THIS.
MS. PLEVIN: RIGHT.

THE WITNESS: I WASN'T TELLING HER.

MS. PLEVIN: RIGHT.

THE WITNESS: YOU ASKED IF I WAS CONCERNED. DEPENDING ON HOW YOU PUT THE DEFINITION, I GUESS I WAS CONCERNED BECAUSE -- WELL, IT WOULD BE LIKE ME WALKING UP TO YOU AND TELLING YOU SOMEBODY HAD STOLE MY CAR. EVEN THOUGH WE'RE NOT FRIENDS OR ANYTHING, YOU WOULD STILL BE CONCERNED THAT SOMEBODY STOLE MY CAR, OR AT LEAST I HOPE YOU WOULD. TO THAT DEGREE I WAS CONCERNED. DOES THAT ANSWER YOUR QUESTION?

qq

BY MS. PLEVIN:

Q. DID YOU -- STRIKE THAT. AT THAT TIME WHO OR WHAT ENTITY WITHIN SCIENTOLOGY WOULD HAVE BEEN RESPONSIBLE FOR TAKING LEGAL ACTION WITH REGARD TO THE BUILDING IF SUCH WERE TO BE UNDERTAKEN?

MR. HERTZBERG: BEFORE YOU ANSWER THAT, I HAVE A PROBLEM, THE SAME PROBLEM WE HAD YESTERDAY WITH A NUMBER OF QUESTIONS WITH "WOULD HAVE BEEN." IF YOU WANT TO ASK HIM WHETHER SOMEBODY DID TAKE RESPONSIBILITY, IF HE KNOWS, THAT MAKES SOME SENSE. NOW YOU'RE ASKING HIM TO SPECULATE.

MS. PLEVIN: I'M NOT ASKING HIM TO SPECULATE.

MR. HERTZBERG: AND THERE'S ALSO --

BY MS. PLEVIN:

Q. WAS THERE AN ORGANIZATION OR ENTITY IN SCIENTOLOGY AT THAT TIME CHARGED WITH THE RESPONSIBILITY OF LOOKING AFTER THAT TYPE OF INTEREST SUCH AS FILING AN ACTION TO RECOVER POSSESSION AND TITLE OF THE BUILDING? A. I CAN GUESS. I WOULD GUESS -- IF HE WAS THE MISSION OF RIVERSIDE, I GUESS THE CHURCH OF SCIENTOLOGY MISSION OF RIVERSIDE; IS THAT WHAT YOU'RE ASKING ME?

Q. WELL, I DON'T WANT YOU TO GUESS.

A. OKAY.

Q. AT SOME POINT YOU BECAME AWARE THAT MR. CORYDON HAD FILED A LAWSUIT.

A. YES.

Q. TELL ME WHAT, PRECISELY, DID YOU BECOME AWARE OF?

A. WHAT DID I BECOME AWARE OF?

Q. UH-HUH. ANYTHING MORE DETAILED THAN THAT?

A. GENERALLY, THERE WAS AN ARGUMENT ABOUT THE BUILDING, THE OWNERSHIP OF THE BUILDING, WHERE HE WANTED TO KEEP IT. THAT'S ABOUT IT.

Q. AND IT'S YOUR UNDERSTANDING THAT HE COMMENCED THAT LAWSUIT?

A. ISN'T THAT WHAT IT WAS? I KNEW THERE WAS A DISPUTE ABOUT THE BUILDING.

Q. BUT YOU --

A. I THOUGHT IT WAS BENT'S LAWSUIT.

Q. IF YOU WANT ME TO ANSWER THAT QUESTION, I'LL TELL YOU --

MR. HERTZBERG: HE ANSWERED THAT QUESTION.

MR. DRESCHER: OBJECTION.

THE WITNESS: OKAY.

MR. HERTZBERG: HE TESTIFIED THAT THAT WAS HIS UNDERSTANDING, THAT THE FIRST SUIT WAS BROUGHT BY MR. CORYDON.

MS. PLEVIN: OKAY.

Q. WHAT WAS THE NEXT CONVERSATION YOU HAD WITH MS. AZANARAN IN CONNECTION WITH OR RELATING TO MR. CORYDON, WITH THE SAME CAVEATS AS BEFORE THAT WE'RE NOT NECESSARILY DEALING IN SEQUENCE?

A. OKAY. WHAT YEAR IS THIS NOW, ABOUT 1983?

Q. YES.

A. IS THAT GENERALLY WHERE WE ARE?

Q. EARLY '83. HOLD THERE FOR A MOMENT.

A. OKAY.

Q. AS TO THIS PARTICULAR CONVERSATION --

A. OKAY.

Q. -- WHERE MS. AZANARAN WAS RELATING THAT THERE WAS SOME LEGAL THINGS HAPPENING --

A. WELL, I DIDN'T -- WAIT. I DON'T REMEMBER SOME LEGAL THINGS HAPPENING; THAT WASN'T WHAT I SAID.

Q. CORRECT. WHERE MR. CORYDON HAD SEVERED TIES, AND THERE WAS AN ISSUE ABOUT THE BUILDING IN SOME RESPECT; THAT HE HAD --

A. OKAY, AS I STATED IT. AS LONG AS WE'RE --

Q. AS YOU STATED IT.

A. OKAY.

Q. THAT TOOK PLACE IN LOS ANGELES. YOU WEREN'T EXACTLY SURE WHERE. DO YOU KNOW --

A. NO, I DIDN'T SAY THAT.

MR. HELLER: THAT'S NOT THE TESTIMONY.

THE WITNESS: I DIDN'T SAY THAT. I SAID IT WAS GILMAN OR LOS ANGELES.

MS. PLEVIN: OKAY.

Q. AND I --

A. AND I SPECIFICALLY SAID THE CITY, TOO. I MEAN, IT COULD HAVE BEEN OVER DINNER. THE POINT IS THAT -- THE WHOLE POINT IS I REMEMBER HER TELLING ME ABOUT THIS. I COULDN'T TELL YOU HOW LONG AFTERWARDS IT WAS.

Q. OKAY.

A. I JUST KNOW THAT WAS WHAT IT WAS ABOUT.

Q. IS THIS THE CONVERSATION THAT YOU WERE REFERRING TO THAT YOU THINK PERHAPS MR. MARLOWE WAS PRESENT?

MR. HERTZBERG: NO.

THE WITNESS: NO, I THOUGHT YOU SAID IT WAS THE EARLIER ONE.

BY MS. PLEVIN:

Q. AS TO THIS CONVERSATION, DO YOU RECALL IF THERE WAS ANYONE ELSE PRESENT?

A. I'D HAVE TO GUESS.

MR. HERTZBERG: DON'T GUESS.

MS. PLEVIN: OKAY. NOW, LET'S MOVE FORWARD.

THE WITNESS: OKAY.

BY MS. PLEVIN:

Q. WHAT WAS THE NEXT CONVERSATION, TO THE BEST OF YOUR RECOLLECTION IN SEQUENCE, BUT NOT NECESSARILY IN SEQUENCE, IN WHICH THE NAME OF MR. CORYDON FIGURED?

A. LET ME ASK HIM SOMETHING.

(ATTORNEY-CLIENT DISCUSSION HELD OFF THE RECORD.)

THE WITNESS: THERE ARE SEVERAL OTHERS I CAN THINK OF, BUT I DON'T KNOW THE EXACT DATES.

MS. PLEVIN: OKAY.

THE WITNESS: OKAY.

MS. PLEVIN: THAT'S FINE.

THE WITNESS: I CAN GENERALLY PLACE THEM BY INCIDENT FOR YOU.

MS. PLEVIN: OKAY.

THE WITNESS: AND I DON'T -- THAT'S WHY I'M TRYING TO THINK, IS THIS 1983 OR 1984.

MS. PLEVIN: LET'S DO THEM BY INCIDENT OR HOWEVER YOU CAN REMEMBER.

THE WITNESS: GENERALLY, I CAN MERGE A BUNCH OF THEM.

MS. PLEVIN: OKAY.

THE WITNESS: THIS ISN'T ALL OF THEM, BUT A BUNCH OF THEM WOULD BE PRIOR TO ANY EVENT, A SCIENTOLOGY EVENT, THAT WAS BEING HELD WHERE VICKI WAS PRESENT.

MS. PLEVIN: I'M SORRY, I DON'T UNDERSTAND WHAT THAT.

THE WITNESS: DO YOU KNOW WHAT A SCIENTOLOGY EVENT IS?

MS. PLEVIN: YES.

Q. BUT YOU SAID ANY OF THESE WOULD HAVE BEEN PRIOR TO AN EVENT?

A. RIGHT. THE CONVERSATIONS WOULD HAVE BEEN PRIOR TO THAT EVENT ACTUALLY TAKING PLACE IN THAT TIME FRAME, A DAY OR TWO BEFOREHAND OR EVEN THE SAME DAY.

Q. OKAY.

A. ALL RIGHT.

Q. ARE YOU TALKING ABOUT A SPECIFIC EVENT?

A. ANY THAT VICKI WAS AT.

Q. ALL RIGHT.

A. IS THAT CLEAR?

Q. LET ME SEE IF I UNDERSTAND.

A. OKAY.

Q. YOU HAD SEVERAL CONVERSATIONS WITH MISS AZANARAN. YOU CAN'T PUT THEM EXACTLY IN ORDER --

A. RIGHT.

Q. -- BUT IT'S YOUR UNDERSTANDING THEY WOULD HAVE TAKEN PLACE AT ABOUT THE SAME TIME BUT PRIOR TO A SCIENTOLOGY EVENT.

A. NO. EXACTLY WHAT I MEAN IS SHE SPEAKING, I HEARD HER -- NOT THAT THAT WAS A CONVERSATION ABOUT BENT, WHERE THE NAME BENT CORYDON CAME UP WOULD HAVE BEEN PRIOR

TO ONE OF THOSE EVENTS AND MANY OF THEM; IS THAT CLEAR? Q. NO. I'M NOT SURE WHETHER YOU'RE TALKING ABOUT MS. AZANARAN TALKING ABOUT MR. CORYDON AT THE EVENT.

A. NO, I'M NOT.

Q. OKAY.

A. I DON'T KNOW THAT -- MAYBE SHE DID OR MAYBE SHE DIDN'T. THAT'S NOT WHAT I'M TALKING ABOUT. I'M TALKING ABOUT HER JUST SPEAKING, NOT A CONVERSATION, NOT A TWO-WAY COMMUNICATION.

Q. OKAY.

A. ALL RIGHT.

Q. BUT SPEAKING IN --

A. I'LL GIVE YOU AN EXAMPLE.

Q. OKAY.

A. VICKI AZANARAN USED TO SPEAK AT MANY OF THESE PUBLIC EVENTS, AND SHE WOULD OFTEN TALK ABOUT SQUIRRELS. AS A MATTER OF FACT, SHE'S THE ONLY PERSON I KNOW OF WHO EVER SPOKE ABOUT SQUIRRELS. I DON'T BELIEVE ANYBODY ELSE EVER DID BEFORE THAT, DURING THAT, OR AFTER THAT. BEFORE THAT, YOU KNOW, THERE WOULD BE A GENERAL TYPE OF SCHEDULE FOR THE EVENT, AND IT WOULD BE DISCUSSED. YOU KNOW, JUST GENERALLY, THESE CONVERSATIONS WERE JUST VICKI TALKING ABOUT SQUIRRELS AND HER DETEST FOR THEM, AND BENT'S NAME WOULD COME UP FROM TIME TO TIME ABOUT AN EXAMPLE OF CRIMINAL SQUIRRELS; HIS ALONG WITH, I GUESS, DAVID MAYO AS A SQUIRREL. SHE HAD A HEAVY DISTASTE.

I DON'T KNOW, DOES THAT DESCRIBE IT FOR YOU?

Q. YES, I THINK SO.

A. OKAY.

Q. WHO ELSE WAS PRESENT AT ANY ONE OF THESE PARTICULAR CONVERSATIONS, TO THE BEST OF YOUR RECOLLECTION?

A. NUMEROUS PEOPLE COULD HAVE BEEN. IT WAS JUST -- IT WASN'T ANYTHING FORMAL. I MEAN, IT'S JUST YOU'RE THERE, YOU KNOW. IT WAS JUST LIKE WANDERING AROUND. YOU KNOW, THE EVENT'S ABOUT TO START. YOU KNOW, JUST PEOPLE WERE AROUND. SO WHOEVER WAS AROUND AT THOSE EVENTS MIGHT OR MIGHT NOT HAVE HEARD IT.

Q. WERE THESE CONVERSATIONS? WHERE THESE OTHER EVENTS WERE BEING PLANNED, OR WERE THESE CONVERSATIONS WHERE PEOPLE WERE GETTING TOGETHER SORT OF LIKE BACK STAGE OR BEFORE THE EVENT TOOK PLACE? A. OKAY. YEAH. JUST SO WE'RE CLEAR OF WHEN AN EVENT IS, AN EVENT IS WHEN VARIOUS SCIENTOLOGISTS SPEAK TO OTHER SCIENTOLOGISTS.

Q. RIGHT.

A. AND OFTEN THEY TAKE PLACE ON A DATE THAT'S AN OFFICIAL DATE WITHIN SCIENTOLOGY; OKAY?

Q. RIGHT.

A. SOMETIMES THEY WOULD BE BACK STAGE OR SOMETIMES ON THE WAY IN AN AIRPLANE. SOMETIMES WE WOULD GET TOGETHER BEFORE WE WENT ON THE AIRPLANE TO THE EVENT AND DISCUSS THE AGENDA OF THE EVENT. IS THAT CLEAR? Q. YES. DO YOU RECALL A SPECIFIC

INSTANCE WHERE YOU AND VICKI WERE ON A PLANE TOGETHER BEFORE AN EVENT AND DISCUSSED SUCH MATTERS?

A. MEANING ABOUT BENT CORYDON?

Q. YES.

A. NO.

Q. OR IN WHICH THE NAME BENT CORYDON CAME UP.

A. NO, I DON'T.

Q. DO YOU RECALL ANY ONE OF THESE SPECIFIC EVENTS?

A. YES.

Q. OKAY.

A. THERE WAS ONE EVENT, AND I BELIEVE IT WAS IN 19 -- I BELIEVE IT WAS IN 1984.

Q. WHAT WAS THAT?

A. NEAR THE END OF THE YEAR.

Q. UH-HUH.

A. I REMEMBER VICKI GIVING A VERY SERIOUS SPEECH ON THE SUBJECT OF FENCESITTERS AND GETTING OFF THE FENCE. IT WAS POSSIBLY AT THAT ONE OR AT ANOTHER ONE, INCLUDING THE SUBJECT OF. SQUIRRELS AND HOW THEY ALTER THE TECHNOLOGY AND HOW IT'S DISGRACEFUL THAT THEY DO THIS.

Q. WHAT WAS THAT --

A. NUMEROUS TIMES.

Q. WHAT WAS THE TITLE OF THAT FIRST EVENT WHERE FENCESITTERS WERE MENTIONED?

A. I COULDN'T TELL YOU. WE DIDN'T HAVE TITLES FOR THE EVENTS. I DON'T KNOW OF ANY TITLES FOR THE EVENTS. Q. DO YOU RECALL WHAT ORGANIZATION SPONSORED THE EVENT?

MR. HERTZBERG: IF ANY.

THE WITNESS: NO.

BY MS. PLEVIN:

Q. WHAT ABOUT THE NEXT ONE --

A. I DON'T RECALL THAT.

Q. SORRY.

A. THAT'S WHAT I MEAN. NO, I DON'T RECALL.

Q. OKAY.

MR. HERTZBERG: DISREGARD COUNSEL'S COMMENT.

BY MS. PLEVIN:

Q. DURING THIS PERIOD OF TIME, '83, '84, WHERE YOU HAD SEVERAL CONVERSATIONS --

A. UH-HUH.

Q. -- WITH MS. AZANARAN --

A. WELL, ON EVENTS. I MEAN, ANY TIME BEFORE AN EVENT I WOULD TAKE THAT UP TO -- CONVERSATIONS WITH HER BEFORE AN EVENT WOULD BE UP THROUGH 1986.

Q. OKAY.

A. OKAY.

Q. WE'LL COME BACK TO THAT ANOTHER WAY. THE NEXT CONVERSATION THAT YOU HAD IN WHICH THERE WAS SOME DISCUSSION WITH MS. AZANARAN REGARDING BENT CORYDON OR IN WHICH HIS NAME CAME UP, TO THE BEST OF YOUR MEMORY. MR. LIEBERMAN: BY "THE NEXT" I TAKE IT YOU MEAN OTHER THAN THE SERIES OF CONVERSATIONS THAT HE SAID --

MS. PLEVIN: YES.

MR. LIEBERMAN: -- WENT ON THROUGH 1986?

THE WITNESS: JUST SO WE'RE CLEAR ON THAT, I BELIEVE THEY WENT ON THROUGH THE 1980'S. JUST TO MAKE IT CRYSTAL CLEAR, VICKI -(DISCUSSION HELD OFF THE RECORD.)

(RECORD READ.)

THE WITNESS: VICKI AZANARAN WOULD BE THE ONE WHO WOULD -- SHE WOULD MENTION IT. I MEAN, IT WASN'T A HOT SUBJECT OF INTEREST. PARTICULARLY -- YOU KNOW, IT WASN'T A HIGH TOPIC OF CONVERSATION. I MEAN, THERE WERE TIMES, MAYBE, WHEN BENT'S NAME WAS MENTIONED,

BUT IT WAS THE GENERAL SUBJECT OF SQUIRRELS. SHE HAD A VERY HIGH INTEREST IN THAT, WHICH -- I DON'T KNOW: I GUESS THE CONVERSATIONS WOULD BE SOMEWHAT SHORT BECAUSE THEY WEREN'T A COMMON TOPIC THAT EVERYONE WOULD SIT DOWN AND TALK ABOUT.

MS. PLEVIN: OKAY.

THE WITNESS: JUST SO I'M CLEAR.

MS. PLEVIN: OKAY.

Q. DOES THAT EXHAUST, ESSENTIALLY, THE NATURE OF YOUR COMMUNICATIONS WITH MS. AZANARAN IN WHICH THE SUBJECT OF MR. CORYDON AROSE IN ONE WAY OR ANOTHER? MR. HERTZBERG: YOU MEAN EXHAUST HIS PRESENT RECOLLECTION?

MS. PLEVIN: HIS PRESENT RECOLLECTION.

THE WITNESS: NO, IT DOESN'T.

MS. PLEVIN: OKAY.

Q. TELL ME ABOUT WHAT -- THE NEXT ONE THAT YOU HAVEN'T MENTIONED SO FAR.

A. I REMEMBER THAT VICKI AZANARAN TOLD ME THAT BENT CORYDON WENT TO THE GILMAN HOT SPRINGS PROPERTY.

Q. I DON'T UNDERSTAND; THAT HE VISITED THERE? DO YOU RECALL WHAT SHE SAID?

A. YES, I DO.

Q. OKAY.

A. GENERALLY, THAT BENT CAME TO THE PROPERTY AND THAT HE WAS AT THE ENTRYWAY ATTEMPTING TO HARASS THE SECURITY PERSONNEL AND THE STAFF AT THE BASE AND THAT HE HAD COME THERE JUST FOR THE PURPOSES OF HARASSMENT. I THINK HE STOPPED HIS CAR, AND HE WAS THERE

UTTERLY TO HARASS.

AND WHAT SHE WAS COMMENTING ON WAS THAT -- SHE SAID, "IT'S JUST SO OUTRAGEOUS WHAT HE'S DOING BECAUSE ON THE ONE HAND," SHE SAID, "BENT CLAIMS ALL THESE BAD THINGS ARE HIS WORRIES ABOUT THE CHURCH, AND HERE HE COMES JUST TO CAUSE TROUBLE, AND THE GUY IS OBVIOUSLY JUST A TROUBLEMAKER, AND IT'S SO RIDICULOUS WHAT HE'S DONE."

I BELIEVE SHE TOLD ME THAT THE SECURITY OR THE POLICE CAME AND HAD THE SECURITY GUARD ARREST BENT AND THAT TYPICAL OF BENT'S CHILDISH BEHAVIOR IS THAT HE IN TURN ARRESTED THE SECURITY GUARD AT THE PROPERTY WHICH IS PRIVATE PROPERTY THAT HE CAME TO HARASS EVERYBODY.

Q. THAT BENT ARRESTED A SECURITY GUARD?

A. YES, I THINK SHE SAID IN TURN THAT HE DID, A CITIZEN'S ARREST. Q. CAN YOU PLACE THIS ANY MORE CLEARLY IN TIME?

MR. HERTZBERG: DON'T GUESS.

MS. PLEVIN: DON'T GUESS.

THE WITNESS: OKAY. NO.

BY MS. PLEVIN:

Q. DO YOU RECALL IF THERE WAS ANYONE ELSE PRESENT?

MR. HERTZBERG: YOU MEAN WHEN SHE SPOKE TO MR. MISCAVIGE ABOUT THIS? MS. PLEVIN: YES, THANK YOU.

THE WITNESS: I'D HAVE TO GUESS.

BY MS. PLEVIN:

Q. DID YOU EVER HAVE ANY DISCUSSIONS WITH MS. -- STRIKE THAT.

DID THE SUBJECT OF BENT CORYDON EVER COME UP AT ANY MEETINGS THAT YOU HAD WITH MS. AZANARAN AND OTHERS?

MR. HERTZBERG: WELL, I THOUGHT WE'VE BEEN --

MS. PLEVIN: AT ANY TIME.

MR. HERTZBERG: I THOUGHT THAT THAT'S WHAT WE'VE BEEN GOING INTO IN EXCRUCIATING DETAIL FOR THE LAST HOUR AND A HALF. MR. HELLER: YEAH.

MR. HERTZBERG: ISN'T THAT COMPREHENDED BY ALL OF YOUR PRIOR QUESTIONS?

MS. PLEVIN: NOT EXACTLY. I THINK MOSTLY THE PRIOR DISCUSSIONS WERE WITH REGARD TO TWO-WAY COMMUNICATION BETWEEN MR. MISCAVIGE AND MS. AZANARAN WITH THE POSSIBILITY OF ANOTHER PERSON BEING PRESENT. I'M NOW ASKING WHETHER OR NOT ANY OF THESE CONVERSATIONS TOOK PLACE IN THE CONTEXT OF A MEETING WITH OTHER PEOPLE.

MR. HERTZBERG: ALL RIGHT. YOU'RE ASKING ABOUT ANY OF THE CONVERSATIONS THAT HE'S DESCRIBED HERETOFORE?

MS. PLEVIN: YES.

MR. LIEBERMAN: I JUST WANT TO OBJECT TO THE CHARACTERIZATION AS TWO-WAY COMMUNICATIONS. I HAVEN'T HEARD ANY TESTIMONY OR VERY MUCH TESTIMONY WITH RESPECT TO THESE AS TO WHETHER OR NOT THEY WERE TWO-WAY. I'VE HEARD A LOT OF TESTIMONY AS TO WHAT MS. AZANARAN SAID.

MR. HELLER: I WOULD OBJECT ON ASKED AND ANSWERED AS WELL. BASICALLY, I THINK ON EACH OF THESE CONVERSATIONS YOU'VE ASKED HIM, "WAS THERE SOMEONE ELSE THERE?" THEN YOU'VE ASKED ABOUT WHETHER THERE WAS A MEETING OR NOT. HE'S ASKED YOU TO DEFINE THE TERM "MEETING."

MR. HERTZBERG: LET ME SEE IF I -- YOU CAN ASK IT ANY WAY YOU WANT TO, BUT LET ME SEE IF I CAN CLARIFY IT SO WE CAN MOVE ON. I BELIEVE MISS PLEVIN WANTS TO KNOW WHETHER IN ANY OF THE CONVERSATIONS THAT VICKI AZANARAN HAD WITH YOU, AND THAT YOU'VE DESCRIBED, IT WAS IN THE CONTEXT OF A MEETING WITH OTHER PEOPLE.

THE WITNESS: OKAY.

MR. HERTZBERG: IS THE ANSWER NO? THE WITNESS: NO.

BY MS. PLEVIN:

Q. DID YOU EVER HAVE -- WERE YOU EVER PRESENT AT ANY MEETINGS WITH MS. AZANARAN AT WHICH THE SUBJECT OF SQUIRRELS WAS DISCUSSED?

A. WHAT DO YOU MEAN "THE SUBJECT OF SQUIRRELS WAS DISCUSSED"? I JUST WANT TO CLARIFY WHAT YOU MEAN BY "DISCUSSED" AND "THE SUBJECT OF SQUIRRELS." Q. WHAT TO DO ABOUT SQUIRRELS.

MR. HERTZBERG: YOU CAN ANSWER THAT.

THE WITNESS: OH, I MISSED THE QUESTION. I'M SORRY. WHAT DID YOU SAY?

BY MS. PLEVIN:

Q. WHAT TO DO ABOUT SQUIRRELS.

A. WHAT TO DO ABOUT SQUIRRELS?

Q. YES.

A. YES.

Q. DO YOU RECALL APPROXIMATELY WHEN THAT WAS?

A. 1984 OR 1985.

Q. AND WHERE WAS IT? WHERE DID THIS TAKE PLACE?

A. I BELIEVE AT THE COMPLEX. I THINK AT THE COMPLEX.

Q. IN LOS ANGELES?

A. YES.

Q. DO YOU RECALL WHO ELSE WAS PRESENT?

(ATTORNEY-CLIENT DISCUSSION HELD OFF THE RECORD.)

THE WITNESS: I'M NOT SURE IF THIS IS ALL, BUT I THINK JESSE PRINCE AND RICK AZANARAN WERE ALSO PRESENT.

BY MS. PLEVIN:

Q. WHAT WAS THE NATURE OF THE MEETING?

A. OKAY, JUST TO DEFINE "MEETING," I'M DEFINING MEETING AS ANY GROUP OF TWO OR MORE PEOPLE WHO HAPPEN TO BE IN CONVERSATION THAT WASN'T AN OFFICIAL PREARRANGED MEETING. AS A MATTER OF FACT, IN THIS INSTANCE, I HAD JUST DROPPED BY HER OFFICE BECAUSE I WAS IN LOS ANGELES. YOU KNOW, "HOW'RE YOU DOING?" STEP IN SAY, "HI."

Q. THIS TOOK PLACE AT HER OFFICE?

A. YES.

Q. OKAY. AND YOU CAME BY HER OFFICE AND JESSE PRINCE AND RICK AZANARAN WERE PRESENT IN HER OFFICE AT THAT TIME?

A. OR AROUND THE OFFICE, BUT THE WAY THE OFFICE WAS SET UP, I MEAN, YOU'D WALK THROUGH AN OFFICE INTO AN OFFICE AND ACTUALLY DOWN A HALLWAY. SO AT ANY RATE THEY ENDED UP -- THEY DID END UP GATHERING IN THERE. I'M NOT EXACTLY SURE ABOUT RICK AZANARAN; I THINK. I'LL GIVE IT A 90 PERCENT THAT JESSE WAS THERE. I THINK RICK WAS, TOO, POSSIBLY, BUT THOSE ARE THE ONES THAT RING A BELL.

Q. TO THE BEST OF YOUR RECOLLECTION, WHAT WAS THE SUBSTANCE OF THE CONVERSATION REGARDING SQUIRRELS? A. THE SUBSTANCE OF THE CONVERSATION REGARDING SQUIRRELS WAS --

(ATTORNEY-CLIENT DISCUSSION HELD OFF THE RECORD.)

THE WITNESS: OKAY. THIS IS NOT NOW ABOUT -- I DON'T BELIEVE BENT'S NAME WAS MENTIONED.

MR. HERTZBERG: THAT'S THE CONFUSION MR. MISCAVIGE HAD.

MS. PLEVIN: I DIDN'T ASK --

MR. HERTZBERG: I TOLD HIM I THOUGHT YOU WERE ASKING THE GENERAL QUESTION.

MS. PLEVIN: THAT'S CORRECT.

THE WITNESS: THE GENERAL -- THE TOPIC WAS ABOUT THE AAC AND THAT'S THE ADVANCED ABILITY CENTER AND DAVID MAYO SQUIRREL GROUP.

qq

BY MS. PLEVIN:

Q. AND WHAT DID YOU SAY TO MS.

AZANARAN, TO THE BEST OF YOUR RECOLLECTION?

A. I RESPONDED TO WHAT SHE SAID TO ME.

Q. SHE INITIATED THE SUBJECT?

A. YES.

Q. WHAT DID SHE SAY?

A. SHE TOLD ME THAT, APPARENTLY, SHE

HAD BEEN INVOLVED IN OR KNEW ABOUT -- OR I DON'T KNOW EXACTLY WHAT PART SHE HAD IN IT -- OF PEOPLE THAT WERE SCIENTOLOGISTS IN GOOD STANDING ATTENDING A BARBECUE THAT WAS HELD AT THE EVENT AT THE ADVANCED ABILITY CENTER AT SANTA BARBARA IN AN ATTEMPT TO ONE WAY OR THE OTHER TO, I GUESS, BRING THOSE PEOPLE TO THEIR SENSES.

IT WAS THE SUBJECT OF SCIENTOLOGISTS

GOING THERE AND MEETING THESE SQUIRRELS WHO WERE ALTERING THE PACK AND PASSING IT OFF AS SCIENTOLOGY AND THAT THIS HAD SOMEHOW ESCALATED INTO A CONFRONTATION. BY "CONFRONTATION" I MEAN ARGUING OR -- THAT'S ABOUT WHAT I KNOW. BUT IN

ANY EVENT THAT THAT EVENT HAD THEN RESULTED IN SOME FORM OF RESTRAINING ORDER AGAINST BOTH SIDES, HER -- I'M NOT SURE WHO, EXACTLY -- AND THE AAC.

SHE THOUGHT THIS WAS -- SHE THOUGHT

THAT WAS AN APPROPRIATE THING THAT THESE PEOPLE WENT TO THE AAC BARBECUE, AND SHE GOT A KICK OUT OF IT. IT WAS JUST CHILDISH.

I INFORMED HER THAT I THOUGHT THAT

IF SHE KNEW ANYTHING ABOUT THIS OR HAD ANYTHING TO DO WITH IT, I THOUGHT SHE WAS A COMPLETE IDIOT; THAT IN MY ESTIMATION SQUIRRELS WERE ABSOLUTE ZEROS. I DON'T KNOW WHY SHE EVEN PLACED ANY ATTENTION UNITS ON THESE PEOPLE; THAT PER TECH ANY SQUIRREL GROUP WILL EAT ITSELF UP PERSONALLY WITHIN THREE YEARS; THAT SQUIRRELS ABSOLUTELY DETEST THE SUBJECT OF GETTING OFF THEIR OVERTS OR WITHHOLDS AND STAYING CLEAN, AND BECAUSE THEY ARE SUCH OUTFISH CHARACTERS AND OF SUCH LOW MORAL CHARACTER THAT IF JUST LEFT TO THEIR OWN DEVICES, THEY, ONE BY ONE, WILL EAT EACH OTHER ALIVE PERSONALLY WITHIN THE SQUIRREL GROUP.

I TOLD HER THAT IT WAS MY OPINION

THAT IF ANY OF THESE ACTIONS TOOK PLACE, ALL THAT HE WAS DOING OR PARTICIPATING IN DOING WAS GIVING LIFE TO A LIFELESS ACTIVITY, AND I JUST THOUGHT IT WAS SILLY. I TOLD HER IT WAS MY OPINION THAT

THESE PEOPLE WOULD JUST -- IF THERE WAS A SQUIRREL GROUP OR A GATHERING OF SQUIRRELS THAT IT WOULD --IT'S JUST A MATTER OF TIME, AND THEY WILL, BASICALLY, FALL APART.

Q. LET ME SEE IF I UNDERSTAND YOU, MR. MISCAVIGE.

A. OKAY.

Q. SQUIRREL GROUPS, BECAUSE OF A

VARIETY OF FACTORS AS YOU MENTIONED, WILL FALL APART WITHIN THREE YEARS, AND TIME SHOULD'N'T BE WASTED ON THEM.

MR. HELLER: ARE YOU ASKING IF

THAT'S WHAT HE JUST TESTIFIED? I'M SORRY, GO AHEAD, MIKE.

MR. HERTZBERG: YEAH. IS THAT A QUESTION?

THE WITNESS: DO YOU --

MR. HELLER: WOULD YOU ASK THAT -WELL, HE'S --

MR. HERTZBERG: I DON'T UNDERSTAND THAT IN TERMS OF A QUESTION.

BY MS. PLEVIN:

Q. GIVEN YOUR TESTIMONY, MR. MISCAVIGE --

A. YES.

Q. STRIKE THAT.

YOU ARE AWARE THAT RTC FILED A

LAWSUIT AGAINST THE ADVANCED ABILITY CENTER, ARE YOU NOT?

MR. HERTZBERG: WAIT. DO YOU MEAN

NOW, TODAY, IS HE AWARE?

MR. DRESCHER: WELL, FIRST, BEFORE

WE GET TO THE QUESTION OF WHETHER THAT QUESTION CAN BE UNDERSTOOD, TO THE EXTENT I UNDERSTAND IT, I DON'T KNOW THE RELEVANCE.

MR. HERTZBERG: I DON'T UNDERSTAND THE RELEVANCE OF THIS.

MS. PLEVIN: I'M TRYING TO

UNDERSTAND MR. MISCAVIGE'S COMMENTS.

MR. DRESCHER: LIKE YOU --

MR. HERTZBERG: THEY WEREN'T

COMMENTS. FIRST OF ALL, THEY WEREN'T COMMENTS. WHAT YOU ASKED WAS MR. MISCAVIGE'S

P.T., PRESENT TIME, RECOLLECTION, BEST RECOLLECTION, OF A -- OF REMARKS THAT HE MADE TO MS. AZANARAN.

MS. PLEVIN: RIGHT.

MR. HERTZBERG: OKAY, AND HE GAVE THEM TO YOU.

MS. PLEVIN: OKAY.

MR. HERTZBERG: NOW, YOU KNOW, YOU

MAY HAVE A LEGITIMATE FOLLOW-UP QUESTION, BUT I PREFER THAT WE NOT REHASH WHAT HE JUST TOLD YOU BECAUSE THE RECORD SPEAKS FOR --

MS. PLEVIN: THE RECORD WILL SPEAK

FOR ITSELF.

MR. HERTZBERG: -- WHAT HIS

RECOLLECTION IS, AND I'D PREFER THAT WE NOT HAVE AN ARGUMENTATIVE QUESTION.

MS. PLEVIN: I DO NOT INTEND TO. MR. HERTZBERG: OKAY.

BY MS. PLEVIN:

Q. BASED ON YOUR TESTIMONY, MR.

MISCAVIGE, DO YOU THINK IT WOULD BE A USEFUL ENDEAVOR TO FILE A LAWSUIT AGAINST A SQUIRREL GROUP?

MR. HELLER: NO.

MR. HERTZBERG: THAT IS ARGUMENTATIVE, IRRELEVANT.

MR. HELLER: SPECULATIVE.

MR. HERTZBERG: SPECULATIVE AND IMMATERIAL.

MS. PLEVIN: ARE YOU INSTRUCTING HIM NOT TO ANSWER?

MR. HERTZBERG: YES, I AM.

BY MS. PLEVIN:

Q. DO YOU KNOW WHETHER ANY SUCH

LAWSUITS HAVE BEEN FILED AGAINST THE ADVANCED ABILITY CENTER?

MR. DRESCHER: SAME OBJECTION.

MS. PLEVIN: STRIKE THAT.

Q. DO YOU KNOW WHETHER ANY LAWSUITS

HAVE BEEN FILED AGAINST THE ADVANCED ABILITY CENTER IN WHICH RTC WAS A PLAINTIFF?

A. YES.

Q. DO YOU KNOW WHETHER THAT LAWSUIT --STRIKE THAT.

ARE YOU FAMILIAR WITH ANY OF THE CLAIMS IN THAT LAWSUIT?

MR. HERTZBERG: BY WHOM?

MS. PLEVIN: BY RTC.

MR. DRESCHER: I'M GOING TO CONTINUE
MY RELEVANCE OBJECTION.

MR. HELLER: I'LL JOIN.

MR. HERTZBERG: YOU MAY ANSWER IF
YOU'RE FAMILIAR WITH WHAT THE CLAIMS ARE IN THE COMPLAINT.
THE WITNESS: OR ANY OF THEM; IS THAT WHAT YOU SAID?

MS. PLEVIN: YES.

THE WITNESS: YES.

BY MS. PLEVIN:

Q. DO THOSE -- ARE YOU INVOLVED IN ANY
WAY IN THE OVERSIGHT OF THE CONDUCT OF THAT LAWSUIT?

MR. HERTZBERG: I'M NOT SURE --

MS. PLEVIN: ON BEHALF OF RTC.

MR. HERTZBERG: I'M NOT SURE --

MR. DRESCHER: AT THIS POINT, LET ME

INTERPOSE THIS OBJECTION. YOU'VE ALREADY SERVED SUBPOENAS TODAY ON THIS WITNESS IN
TWO LAWSUITS UNRELATED TO THIS ONE. NOW YOU'RE SITTING HERE PROBING WHAT THIS
WITNESS KNOWS ABOUT STILL ANOTHER LAWSUIT THAT'S UNRELATED.

MS. PLEVIN: I'LL STRIKE THE QUESTION.

MR. DRESCHER: I DON'T KNOW WHAT IT HAS TO DO WITH THIS.

MS. PLEVIN: I'LL STRIKE THE QUESTION.

Q. WERE THERE ANY OTHER COMMUNICATIONS
THAT YOU HAD WITH MS. AZANARAN AT ANY TIME THAT RELATED TO MR. CORYDON?

MR. HERTZBERG: OTHER THAN THE ONES HE'S DESCRIBED ALREADY?

MS. PLEVIN: OF COURSE.

MR. HERTZBERG: ALL RIGHT. THE WITNESS: I BELIEVE SO. MS. PLEVIN: OKAY.

Q. COULD YOU TELL ME APPROXIMATELY WHEN THAT WAS?

A. FOR THE RECORD, I WISH YOU WOULDN'T TALK WHILE I'M ANSWERING THE QUESTIONS.

MR. HERTZBERG: THE RECORD WILL

REFLECT YOUR OBSERVATION.

MS. PLEVIN: MY CLIENT WAS

WHISPERING IN MY EAR WITHOUT BEING AUDIBLE EVEN TO ME. I COULD HARDLY HAVE BEEN --

MR. HERTZBERG: MR. MISCAVIGE

INDICATES TO ME THAT HE'S BEING DISTRACTED.

MS. PLEVIN: GIVEN THE FREQUENCY

WITH WHICH EVERYONE ELSE HERE HAS WHISPERED AMONGST EACH OTHER FOR TWO DAYS RUNNING, MY CLIENT'S WHISPERING ABOUT SIX WORDS IN MY EAR IS NOT DISTRACTING.

NOW, COULD WE GO BACK TO THE

QUESTION, PLEASE. I DID NOT INTEND TO INTERFERE WITH MR. MISCAVIGE'S THOUGHT PROCESSES.

MR. HERTZBERG: THAT'S WHAT THREW

HIM OFF.

MR. HELLER: YOU ASKED HIM ABOUT ANY

OTHER CONVERSATIONS; HE SAID HE THOUGHT SO.

MS. PLEVIN: OKAY.

Q. WOULD YOU PLEASE DESCRIBE THEM TO

US?

A. THIS CONVERSATION, I BELIEVE IT WAS

IN 1986 IN AN AIRPLANE EN ROUTE TO TORONTO, CANADA.

Q. WERE YOU SITTING WITH MS. AZANARAN?

A. AT TIMES.

Q. AND WHAT WAS THE SUBSTANCE OF THIS CONVERSATION?

A. ON THE SUBJECT OF -- SQUIRRELS IN

GENERAL WAS THE SUBJECT OF THE CONVERSATION THAT SHE BROUGHT UP.

Q. WAS THIS PRIOR TO THE FIRST ANNIVERSARY EVENT FOR THE INTERNATIONAL ASSOCIATION OF SCIENTOLOGISTS?

MR. HERTZBERG: YOU KNOW, IF WE HAVE

THE DATE -- I DON'T KNOW WHAT THE RELEVANCE OF THIS IS. I MEAN, TO USE THAT AS FIXING IT. DON'T WE HAVE THE DATE ALREADY?

MS. PLEVIN: NO, WE DON'T.

MR. HERTZBERG: WE DON'T? WHY DON'T

YOU JUST ASK HIM WHAT THE DATE IS? WE'RE BACK TO MEASURING --

THE WITNESS: I DID GIVE A DATE. SAID 1986.

MR. LIEBERMAN: HE SAID 1986.

MR. HERTZBERG: THAT'S NOT A SUFFICIENT DATE?

MS. PLEVIN: I'LL STRIKE IT, MR.

HERTZBERG. YOU DON'T HAVE TO MAKE SUCH A BIG ISSUE.

MR. HERTZBERG: I'LL TELL YOU WHAT.

MY PURPOSE IS TO GET THE DEPOSITION MOVING AND --

MS. PLEVIN: AND THESE KINDS OF --

THESE KINDS OF INTERPOSITIONS ACTUALLY CREATE PROLONGATION, UNNECESSARILY, FOR MINOR POINTS THAT COULD JUST GO AND COME. INSTEAD YOU MAKE --

MR. HERTZBERG: WHY DON'T YOU GET TO THE CONVERSATION?

MS. PLEVIN: YOU MAKE BIG POINTS ABOUT THE NONSENSE.

Q. WHAT WAS THE CONTENT OF THE CONVERSATION, MR. MISCAVIGE?

A. THE CONTENT OF THE CONVERSATION WAS,

JUST IN GENERAL, HER CONTINUING DETEST OF SQUIRRELS AND MY CONTINUING TO TELL HER MY FEELINGS ABOUT IT. AND TO CLARIFY THAT, IT'S

REALLY A PHILOSOPHICAL AND RELIGIOUS NATURE ON THE SUBJECT OF SQUIRRELS, IN THAT TECHNICALLY -- BY "TECHNICALLY," I AM REFERRING TO THE ACTUAL TECHNOLOGY OF SCIENTOLOGY.

IN THAT TECHNOLOGY, IT STATES QUITE

CLEARLY THAT PEOPLE WHO HAVE OVERTS OR WITHHOLDS, NATTER, ARE CRITICAL, AND BLOW FROM AREAS -- BY "BLOW," I MEAN WILL HAVE SUDDEN DEPARTURES. THAT TECHNOLOGY ALSO STATES THAT SQUIRREL GROUPS, HISTORICALLY -- BY "SQUIRREL GROUPS," I DEFINED ANY ONE OR TWO, AT LEAST, PEOPLE WHO ARE ALTERING THE TECHNOLOGY OF SCIENTOLOGY OR ENTIRELY INVENTING TECHNOLOGY AND CALLING IT SCIENTOLOGY, USUALLY FOR THEIR OWN PERSONAL MEANS, THAT'S WHAT I DEFINE SQUIRREL GROUP AS -- THAT THESE PEOPLE, PERSONALLY, BY THEMSELVES, WILL EAT EACH OTHER

UP.

BY "EAT EACH OTHER UP," I TAKE THAT

TO MEAN THAT THEY WILL HAVE A PARTING OF WAYS; THAT THEY WILL ARGUE AMONGST EACH OTHER; THAT QUITE SHORTLY THEY WILL BE AT EACH OTHERS' THROATS; WHEREAS, THEY ORIGINALLY HAD FANCIED SOME DISPUTE WITH SCIENTOLOGY AS A SUBJECT WILL NOW HAVE A DISPUTE WITH THEMSELVES AND THAT THEY WILL GO SEPARATE WAYS AND THAT THIS GATHERING OF PEOPLE THAT DO WHATEVER THEY DO WILL NO LONGER EXIST OF THEIR OWN ACCORD.

AND THAT IS BECAUSE THE TECHNOLOGY

THAT THEY WILL NOT USE WITH EACH OTHER IS BASICALLY MAINTAINING A HIGH MORAL CHARACTER AND STAYING CLEAN WITH ONE ANOTHER. BY THAT I MEAN

NOT LYING TO EACH OTHER OR COMMITTING VARIOUS OVERTS -- AND THAT'S O-V-E-R-T-S.

AS A RESULT, THEIR DYNAMICS WILL GO

COMPLETELY OUT OF BALANCE, AND THEY WILL GO THEIR SEPARATE WAYS AND THAT IS MY FEELING ABOUT SQUIRRELS IN GENERAL; AND THAT TECHNOLOGY, BASICALLY, SAYS THAT AS A STATEMENT AND NOT A STATEMENT OF ANYTHING ELSE EXCEPT PURE TECHNICAL DATA AS TO WHAT ONE CAN EXPECT.

I ADOPT THAT IN THAT I DO NOT PLACE

HIGH CREDIBILITY OR IMPORTANCE ON ANY OF THESE INDIVIDUALS, AND AT BEST MAYBE ONE-ONE-HUNDRED BILLIONTH OF ANY ATTENTION UNITS I HAVE AT ANY GIVEN TIME WOULD BE DEVOTED TO THEM BECAUSE THEY HAVE, BASICALLY, LEFT THE CHURCH, AND THEY HAVE NOTHING TO DO WITH ME AND THAT IS TO CLARIFY WHAT I MEANT BY THAT CONVERSATION WHICH HAPPENED ON TWO OCCASIONS WITH VICKI AZANARAN; THAT'S THE END OF MY ANSWER.

Q. AS A SCIENTOLOGIST, MR. MISCAVIGE --

A. YES.

Q. -- WHO HAS HAD A VARIETY OF

POSITIONS AND RESPONSIBILITIES, IS IT --

A. WELL, AS A SCIENTOLOGIST. I AM A SCIENTOLOGIST; THAT HAS NOTHING TO DO WITH POSITION OR RESPONSIBILITY, BUT AS A SCIENTOLOGIST, OKAY.

Q. WHO HAS ALSO HAD A VARIETY OF POSITIONS AND RESPONSIBILITY.

A. OKAY.

Q. IS IT IMPORTANT THAT THOSE

RESPONSIBILITIES BE PERFORMED ACCORDING TO SOURCE; IS THAT A CORRECT STATEMENT?

MR. HERTZBERG: YOU MAY ANSWER.

THE WITNESS: NO.

BY MS. PLEVIN:

Q. SOURCE IS THE MATERIAL -- THE WORD

OF L. RON HUBBARD?

A. SOURCE, AS USED IN SCIENTOLOGY, REFERS TO L. RON HUBBARD.

Q. OKAY.

A. MEANING HE IS THE SOURCE OF THE TECHNOLOGY OF DIANETICS AND SCIENTOLOGY.

Q. OKAY.

A. ALL RIGHT.

Q. NOW, WITH THAT UNDERSTANDING THAT

I'M USING THAT DEFINITION OF SOURCE --

A. OKAY.

Q. -- I'LL REASK THE QUESTION.

A. VERY WELL.

Q. IS IT IMPORTANT THAT RESPONSIBILITY
BE EXERCISED AND ACTIONS TAKEN ACCORDING TO SOURCE?

A. HOW DO YOU DEFINE "RESPONSIBILITY"?

Q. WE COULD GET BACK INTO THE AREA WE
HAD SO MUCH DIFFICULTY WITH YESTERDAY.

A. NO, THAT WAS "FUNCTION."

Q. ESSENTIALLY --

A. WELL, IT'S SIMILAR HERE. I THINK YOU HAVE A DIFFERENT DEFINITION OF
"RESPONSIBILITY."

Q. LET'S USE YOURS. WHAT'S YOUR DEFINITION OF "FUNCTION"?

A. I MEAN, I'M NOT THE ONE WHO ASKED
THE QUESTION. I WANT TO KNOW WHAT YOU MEAN IN THAT SENSE.

Q. PLEASE DEFINE "RESPONSIBILITY."

MR. HERTZBERG: NOW, SEE, THAT'S NOT

A PROPER QUESTION, "DEFINE RESPONSIBILITY." YOU ASKED A QUESTION. THE WITNESS SAYS
HE ISN'T SURE WHAT YOU MEAN BY AN IMPORTANT TERM IN THE QUESTION. HE'S ASKING FOR
CLARIFICATION.

IF YOU DON'T WANT TO CLARIFY IT,

LET'S GO ON TO THE NEXT QUESTION. IF YOU DO WANT TO CLARIFY IT, PLEASE CLARIFY IT.

MR. HELLER: WELL, THIS. IS --

BY MS. PLEVIN:

Q. DO YOU NOT UNDERSTAND THE WORD RESPONSIBILITY, MR. MISCAVIGE?

MR. HERTZBERG: HE SAID HE DOESN'T

KNOW WHAT YOU MEAN BY IT. HE WANTS TO TRY TO ANSWER YOUR QUESTION; BUT HE HAS TO
UNDERSTAND, BEFORE HE CAN ANSWER THE QUESTION, WHAT YOU MEAN BY IT, AND THAT'S WHAT
HE ASKED YOU.

MR. HELLER: I'M GOING TO OBJECT TO

RELEVANCE TO BOTH OF THESE QUESTIONS, PARTICULARLY THE PREDECESSOR QUESTION. IT'S
ALL VERY INTERESTING, BUT WHAT'S IT GOT TO WITH WHY WE'RE HERE AND THIS LAWSUIT?

BY MS. PLEVIN:

Q. WELL, LET'S TAKE A LOOK FROM THE
POINT OF VIEW OF THE CHAIRMAN OF THE BOARD OF
RTC.

THE CHAIRMAN OF THE BOARD OF RTC
PERFORMS -- HAS CERTAIN ZONES OF RESPONSIBILITY; IS THAT CORRECT?

A. AS ANYBODY DOES, OF COURSE.

Q. OKAY. AND IN DOING THOSE THINGS
WHICH ARE PART OF THE CHAIRMAN OF THE BOARD'S ZONE OF RESPONSIBILITY, IS IT
IMPORTANT THAT THEY BE -- THAT THOSE THINGS BE DONE ACCORDING TO SOURCE, AS YOU
DEFINE SOURCE?

A. "THOSE THINGS"?

Q. THOSE ACTIONS.

A. I MEAN, IF YOU'RE ASKING ME IF AN
AUDITING SESSION IS SUPPOSED TO BE DONE ACCORDING TO HCOB TECHNOLOGY, YES.

Q. WHAT ABOUT ADMINISTRATIVE POLICIES, AREN'T THEY ALSO SOURCE MATERIAL?

A. ADMINISTRATIVE POLICIES?

Q. THE GREEN VOLUMES.

A. YOU MEAN HCO POLICY LETTERS? Q. YES.

A. THAT WERE ACTUALLY WRITTEN BY L. RON HUBBARD?

Q. YES.

A. SO WHAT'S THE QUESTION?

Q. THEY ARE SOURCE?

A. NO, THEY'RE NOT. L. RON HUBBARD IS SOURCE.

Q. BUT THEY REPRESENT THE STATEMENTS OF L. RON HUBBARD; IS THAT RIGHT?

A. NO. I THINK THEY ARE THE STATEMENTS OF L. RON HUBBARD.

MR. HELLER: HE SAID THEY'RE WRITTEN
BY HIM.

MS. PLEVIN: THEY ARE THE STATEMENTS
OF L. RON HUBBARD, OKAY.

MR. HERTZBERG: AREN'T WE GETTING A LITTLE FAR AFIELD HERE?

MS. PLEVIN: NO, WE'RE NOT.

MR. HERTZBERG: IT SEEMS TO ME --

MS. PLEVIN: NO, WE'RE NOT.

MR. HERTZBERG: WELL, LET ME MAKE MY
RECORD, PLEASE. PLEASE DON'T INTERRUPT ME.

IT SEEMS TO ME WHAT WE'VE DONE NOW

IS WE'VE DIGRESSED FROM ONE OF THE ONLY ARGUABLY RELEVANT AREAS OF QUESTIONING IN
THIS DEPOSITION UP TO NOW, NAMELY, CONVERSATIONS IN WHICH MR. MISCAVIGE HAS
MENTIONED --

MS. PLEVIN: THE DEPONENT HAS LEFT THE ROOM.

MR. HERTZBERG: YES.

MS. PLEVIN: PROBABLY TO GO TO THE BATHROOM.

MR. DRESCHER: INDEED, TO GO TO THE BATHROOM ROOM; THAT'S WHAT HE TOLD ME.

MS. PLEVIN: FINE.

MR. HERTZBERG: WE HAVE DIGRESSED,

MISS PLEVIN, FROM WHAT IS ARGUABLY THE ONLY RELEVANT AREA OF INQUIRY SO FAR INTO A
SORT OF ECCLESIASTIC DEBATE, FOR LACK OF A BETTER WORD. I REALLY DON'T KNOW WHERE
THIS IS HEADED, BUT LET'S WAIT UNTIL MR. MISCAVIGE GETS BACK.

MR. DRESCHER: I JOIN IN THAT.

MR. HELLER: YEAH. IF YOU WANT TO

TELL US WHAT THE RELEVANCE IS -- BUT I HAVEN'T THE FOGGIEST NOTION.

MR. HERTZBERG: LET'S GO BACK ON THE RECORD WHEN HE GETS BACK.

MR. HELLER: OKAY.

(DISCUSSION HELD OFF THE RECORD.) BY MS. PLEVIN:

Q. WE'RE BACK ON THE RECORD.

A. OKAY.

MS. PLEVIN: WHAT WAS THE PENDING QUESTION?

(RECORD READ.)

BY MS. PLEVIN:

Q. HCO PL'S ARE POLICY LETTERS WHICH

HAVE THE FORCE OF SCRIPTURE; IS THAT CORRECT?

A. WHAT'S CORRECT IS THAT HCO POLICY LETTERS ARE HCO POLICY LETTERS.

Q. DO THEY HAVE THE FORCE OF SCRIPTURE?

A. YOU'RE GOING TO HAVE TO DEFINE FOR ME WHAT YOU MEAN BY THAT.

Q. THE WORD OF L. RON HUBBARD.

A. WELL, THEY'RE WRITTEN BY L. RON

HUBBARD; SO I DON'T KNOW HOW YOU CAN HAVE THE FORCE OF WRITTEN BY L. RON HUBBARD. THEY'RE SIGNED BY L. RON HUBBARD.

IF YOU'RE ASKING ME, ARE THEY SIGNED

BY L. RON HUBBARD, THE ANSWER IS YES.

Q. L. RON HUBBARD'S STATEMENTS

REGARDING TECHNOLOGY AND POLICY ARE SCRIPTURE; IS THAT CORRECT?

A. NO.

Q. OKAY. LET'S SEE IF WE CAN WORK WITH

THAT ONE AND COME BACK TO ANOTHER ONE, HOWEVER, AT THE MOMENT.

A. OKAY.

Q. I'M NOT GOING TO WITHDRAW IT. I'M CHANGING MY MIND.

MR. HERTZBERG: WITHDRAW WHAT?

THE WITNESS: I THOUGHT I ANSWERED IT.

MS. PLEVIN: THE PRIOR QUESTION THAT I'M COMING BACK TO.

qq

Q. REFERRING TO THE LAWSUIT IN WHICH RTC IS A PLAINTIFF AGAINST AAC, I PREVIOUSLY ASKED YOU WHETHER YOU HAVE OVERSEEN THE CONDUCT OF THAT LAWSUIT.

MR. HERTZBERG: ALL RIGHT. WE'RE' NOT GOING TO ANSWER THAT QUESTION, WHICH I THINK, CLEARLY, IS ANOTHER ATTEMPT BY YOU, FOR WHATEVER MOTIVATION, TO OBTAIN SOME KIND OF DISCOVERY FOR SOME OTHER LITIGATION WHICH YOU'VE ALREADY SHOWN THAT YOU'RE, AT LEAST IN SOME CASES, WILLING TO ACT AS A PROCESS SERVER AS OPPOSED TO COUNSEL IN THIS PARTICULAR CASE.

MS. PLEVIN: NO, QUITE CLEARLY -- QUITE CONTRARY, MR. HERTZBERG. WE HAVE CONTENTED THAT IN MANY INSTANCES THE POWER EXERCISED AND THE INTENTIONAL CONDUCT EXERCISED BY THE DEFENDANTS IN THIS LAWSUIT AGAINST ADVERSARIES IS EXERCISED VIA LAWSUITS, HARASSMENT THROUGH LAWSUITS AND SO FORTH.

MR. HERTZBERG: PLEASE ASK YOUR NEXT QUESTION.

MS. PLEVIN: SO I WILL RESTATE THE QUESTION SO THE RECORD IS CLEAR WITH THAT UNDERSTANDING.

Q. HAVE YOU HAD, MR. MISCAVIGE, RESPONSIBILITY FOR THE OVERSIGHT OF THE CONDUCT OF THE LAWSUIT AGAINST AAC?

MR. HERTZBERG: YOU'VE ASKED IT THREE TIMES NOW. WE'RE WASTING A LOT OF TIME. HE'S NOT GOING TO ANSWER IT FOR THE REASONS THAT WE GAVE BEFORE. MS. PLEVIN: ALL RIGHT, I JUST WANTED TO BE VERY CLEAR. ONE MORE ATTEMPT ON THE PRIOR QUESTION.

Q. ARE HCO PL'S TO BE FOLLOWED EXACTLY?

A. WHAT DO YOU MEAN BY THAT? "FOLLOWED EXACTLY"? WHILE READING THEM? I WOULD THINK SO.

MR. HERTZBERG: BY WHOM?

BY MS. PLEVIN:

Q. BY IMPLEMENTING THEM --

A. IF YOU'RE READING THEM.

MR. HERTZBERG: WAIT.

THE WITNESS: I'M SORRY.

MR. HERTZBERG: BY WHOM? AND ALSO SUBJECT TO MR. MISCAVIGE'S INQUIRY.

MS. PLEVIN: BY THE PERSON IMPLEMENTING THEM IN HIS OR HER CAPACITY AS A STAFF MEMBER.

THE WITNESS: THAT'S A CONTRADICTION. YOUR QUESTION DOESN'T MAKE SENSE AS STATED.

MS. PLEVIN: PLEASE READ THE QUESTION BACK.

(RECORD READ AS FOLLOWS: "QUESTION: ARE HCO PL'S TO BE FOLLOWED EXACTLY?")

MS. PLEVIN: WITH THE CLARIFICATION, PLEASE, THAT FOLLOWED.

MR. HERTZBERG: YOU'LL HAVE TO STATE THE CLARIFICATION.

THE WITNESS: THAT'S THE QUESTION?

MR. HERTZBERG: THERE IS NO QUESTION.

BY MS. PLEVIN:

Q. HCO PL'S, ARE THEY TO BE FOLLOWED EXACTLY BY THE STAFF PERSON WHO IS IN THE ROLE OF HAVING TO IMPLEMENT THEM FOR THE DIVISION THAT THEY'RE ACTING IN, THEIR POST?

MR. HERTZBERG: I'M CONFUSED AT LEAST ON A COUPLE OF POINTS, AND THEN MR. MISCAVIGE CAN ANSWER. FIRST OF ALL, I DON'T KNOW WHICH ONES YOU'RE REFERRING TO. SECONDLY, I DON'T KNOW WHAT YOU MEAN BY "STAFF MEMBER." WHAT STAFF MEMBER OF WHERE? THIRDLY, UNDER WHAT CIRCUMSTANCES? THOSE ARE -- AT THE VERY LEAST, THOSE ARE COMPLETELY VAGUE IN TERMS OF THE QUESTION THAT YOU'VE ASKED.

BY MS. PLEVIN:

Q. DO YOU UNDERSTAND THE QUESTION, MR. MISCAVIGE? A. (NO AUDIBLE RESPONSE.)

Q. LET'S TAKE WHAT WE'VE GOT.

A. NO. I DIDN'T GIVE A MISUNDERSTOOD. THAT'S WHAT I THINK. I DON'T -- ARE THE HCO POLICIES -- JUST TO CLARIFY, WE'RE TALKING ABOUT 5,000, OR POSSIBLY MORE, HCO POLICY LETTERS THAT ARE IN EXISTENCE. Q. ALL RIGHT.

A. ARE YOU ASKING ME WHEN SOMEBODY READS IT, ARE THEY TO FOLLOW IT? WHAT ARE YOU ASKING ME?

Q. NO.

A. OKAY.

Q. NO.

A. OKAY, I DON'T UNDERSTAND IT.

Q. HCO POLICY -- HCO PL'S ARE WRITTEN AS INSTRUCTION OR GUIDANCE OR DIRECTION WITH RESPECT TO HOW PEOPLE, HOW STAFFS, HOW ORGANIZATIONS PERFORM FUNCTIONS.

A. THAT'S YOUR MISUNDERSTOOD. YOU'RE ASSUMING THAT. I DISAGREE WITH YOUR DEFINITION.

Q. FINE. WHAT IS THE DEFINITION OF AN HCO PL?

A. IT'S A HUBBARD COMMUNICATIONS OFFICE POLICY LETTER. IT MEANS AN ISSUE THAT'S WRITTEN ON -- WITH GREEN INK AND IT APPEARS -- IT'S NOT WRITTEN; IT'S PRINTED ON GREEN INK ON WHITE PAPER, AND IT'S WRITTEN BY L. RON HUBBARD.

Q. AND THEY ARE --

A. IT IS A POLICY LETTER. IT GENERALLY DEALS WITH THE SCIENTOLOGY THIRD DYNAMIC TECHNOLOGY AS OPPOSED TO FIRST DYNAMIC TECHNOLOGY, WHICH YOU WOULD FIND MORE NORMALLY IN RED ON WHITE ISSUES, MEANING THAT IT IS RED INK PRINTED ON WHITE PAPER, AND IT'S CALLED A HUBBARD COMMUNICATIONS OFFICE BULLETIN, WHICH IN MOST INSTANCES, ALTHOUGH NOT ALL, GENERALLY DISCUSSES TECHNICAL PROCEDURES FOR AUDITING OR PROCESSING.

Q. OKAY. AS THIRD DYNAMIC PROCEDURES, THEY RELATE TO HOW THE PERSON INTERACTS OR RELATES TO THE THIRD DYNAMIC WHICH IS THE GROUP?

A. THEY DON'T. YOU'RE GIVING ME AN ALL-CONCLUSIVE STATEMENT THAT'S INCORRECT. LOOK IT, A LOT OF THESE -- I WILL STATE THEY ARE WRITTEN BY L. RON HUBBARD IF THEY ARE OFFICIAL, AND BY THAT -- I THROW IN THAT BECAUSE THERE HAVE IN THE PAST BEEN HCO POLICY LETTERS THAT APPEAR TO BE WRITTEN BY L. RON HUBBARD BUT WHICH WEREN'T; YET THEY HAD HIS NAME. WE'VE MADE EVERY ATTEMPT TO FIND THESE AND TO LOCATE THEM AND CLARIFY THAT MATTER. DOES THIS MEAN STOP?

Q. NO, GO AHEAD. I'M LISTENING.

MR. HERTZBERG: HE WAS CONFUSED BECAUSE YOU STARTED WAVING YOUR FINGER AT HIM. MS. PLEVIN: NO. NO.

MR. HERTZBERG: SO HE DIDN'T KNOW.

MS. PLEVIN: IT WAS MORE OR LESS TO MYSELF. I'M SORRY. GO AHEAD.

THE WITNESS: OKAY. AND YOU'RE -- FROM WHAT I GATHER YOU'RE STATING IS THAT HCO POLICY LETTERS RELATE TO AN INTERACTION BETWEEN INDIVIDUALS OR AN EXACT SERIES OF STEPS TO BE TAKEN ON ANY INDIVIDUAL POST WITHIN A SCIENTOLOGY ORGANIZATION.

THERE I HAVE TO DISAGREE BECAUSE ANY SCIENTOLOGIST CAN READ AN HCO POLICY LETTER AND NOT BE EMPLOYED OR A STAFF MEMBER AT ANY SCIENTOLOGY ORGANIZATION, AND YET HE COULD STILL READ THEM.

SECOND OF ALL, THEY AREN'T AN INSTRUCTION SHEET. THEY'RE NOT WRITTEN LIKE A MANUAL FOR A WASHING MACHINE, BUT INSTEAD AND, IN MANY CASES, THEY CONTAIN STATEMENTS BY L. RON HUBBARD OF A SCIENTOLOGICAL NATURE. BY THAT I MEAN JUST THAT THEY ARE STATEMENTS, OBSERVATIONS ABOUT LIFE.

I DON'T KNOW WHAT YOU MEAN WHEN YOU ASKED ME, "DO YOU FOLLOW THEM?" DO YOU READ ALONG WORD BY WORD AND FOLLOW AN OBSERVATION? AN OBSERVATION IS AN OBSERVATION.

IF I SAID THE BUILDING WAS BLUE, I DON'T KNOW HOW YOU FOLLOW THAT OBSERVATION. THAT'S WHY I'M CONFUSED.

MS. PLEVIN: ALL RIGHT.

Q. IF IN AN HCO PL, ON THE SUBJECT OF HOW TO DEAL WITH FINANCES -- AN OFFICIAL HCO PL, WRITTEN BY HUBBARD, AND IT DESCRIBES PROCEDURES DEALING WITH FINANCES, THAT PROCEDURE IS TO BE IMPLEMENTED BY THE APPROPRIATE DIVISIONS THAT DEAL WITH FINANCES IN A SCIENTOLOGY ORGANIZATION; IS THAT CORRECT?

MR. HERTZBERG: WAIT. YOU'VE ASKED A VERY, VERY GENERAL QUESTION. I DON'T WANT A MISUNDERSTANDING ON THIS RECORD. YOU'RE ASKING, FIRST OF ALL, A HYPOTHETICAL. SECONDLY, MR. MISCAVIGE SAID THERE ARE LIKE 5,000 OF THESE POLICY LETTERS TO BEGIN WITH. IT'S A QUESTION BY WHOM?

MS. PLEVIN: AS I STATED IN THE QUESTION, MR. HERTZBERG, BY THE PERSON IN THE FINANCIAL AREA OF RESPONSIBILITY IN A SCIENTOLOGY ORGANIZATION.

MR. HERTZBERG: YOU MAY ANSWER IT IF YOU UNDERSTAND IT.

THE WITNESS: IF THERE WAS A POLICY LETTER ABOUT FINANCES? I CAN'T ADOPT THAT. YOU'RE GOING TO HAVE TO TELL ME WHAT YOU MEAN BY THAT. THAT'S A VERY GENERAL STATEMENT. I CAN'T ADOPT THAT. I'M SORRY. MS. PLEVIN: OKAY.

MR. HERTZBERG: DO YOU HAVE ONE -- LET ME MAKE A SUGGESTION. DO YOU HAVE A LETTER THAT RELATES TO THIS CASE THAT YOU WANT TO ASK HIM ABOUT? NO? YOU'RE SHAKING YOUR HEAD IN WHAT'S COMMONLY THE NEGATIVE MODE. MS. PLEVIN: I AM --

MR. HERTZBERG: SO I WILL INTERPRET THAT TO MEAN NO.

MR. HELLER: THEN WHY ARE WE FOLLOWING THIS WHOLE LINE OF INQUIRY --

MS. PLEVIN: I AM --

MR. HELLER: -- IF THAT'S A NO?

MS. PLEVIN: I AM -- I DON'T INTEND TO RESPOND TO THOSE COMMENTS. I BELIEVE THE QUESTIONS ARE SUFFICIENTLY CLEAR.

MR. HERTZBERG: OKAY.

MR. DRESCHER: BUT --

MR. HERTZBERG: IT'S ALSO CLEAR THAT --

MS. PLEVIN: AND THE FAILURE TO ANSWER IS AN ATTEMPT TO CREATE A DIFFICULT RECORD. I'M GOING TO GO ON AND ATTEMPT TO COME BACK AT ANOTHER TIME FOR IT, IF WE CAN. I'M NOT GOING TO WASTE ADDITIONAL TIME NOW.

MR. HERTZBERG: ALL RIGHT. LET ME JUST MAKE IT CLEAR. NO ONE IS TRYING TO CREATE A DIFFICULT RECORD. I THINK THE DIFFICULTY IS WITH THESE QUESTIONS WHICH APPARENTLY ARE ABSTRACT, NOW, WITH RESPECT TO THE POLICY LETTERS THAT YOU DON'T HAVE IN RELATION TO THIS CASE. BUT LET US MOVE ON BECAUSE WE CONCUR HEARTILY IN THAT.

MS. PLEVIN: THIS ONE MIGHT BE PERTINENT TO THIS ISSUE. HERE IS AN HCO PL OF OCTOBER 29, 1962 SIGNED BY L. RON HUBBARD, EXCLUSIVE OF THE NONTYPED PORTIONS, THE ASTERISKS AND THE UNDERLINING (INDICATING). MR. DRESCHER: I DON'T SEE A SIGNATURE.

BY MS. PLEVIN:

Q. ARE YOU FAMILIAR WITH THIS POLICY LETTER, MR. MISCAVIGE?

A. I'M JUST READING IT HERE.

MR. HERTZBERG: NOW, YOU'RE MAINTAINING, MISS PLEVIN, THAT THAT 1962 LETTER MAY BE RELEVANT IN SOME WAY TO THIS CASE?

MS. PLEVIN: YES.

MR. DRESCHER: I DIDN'T HEAR THE RESPONSE.

MS. PLEVIN: YES.

THE WITNESS: OKAY, I'VE READ THIS.

BY MS. PLEVIN:

Q. ARE YOU FAMILIAR WITH THIS POLICY LETTER, MR. MISCAVIGE?

A. I BELIEVE I'VE SEEN IT BEFORE.

Q. IS THIS POLICY LETTER CURRENT?

A. WELL --

MR. HELLER: CURRENT?

THE WITNESS: WELL, IF YOU CONSIDER --

MS. PLEVIN: STRIKE THAT.

THE WITNESS: -- 28 YEARS AGO CURRENT.

BY MS. PLEVIN:

Q. POLICY LETTERS, I BELIEVE YOU STATED YESTERDAY, UNLIKE HCOB'S -- POLICY LETTERS WRITTEN BY L. RON HUBBARD CANNOT BE WITHDRAWN; IS THAT CORRECT?

A. WELL, IT'S NOT THE EXACT STATEMENT I MADE. POLICY LETTERS WHICH STAY IN PRINT, YES, THAT IS A CORRECT -- THAT'S A CORRECT STATEMENT. I DON'T KNOW WHAT "WITHDRAWN" MEANS; THAT'S WHY I'M EXPLAINING WHAT I MEAN.

Q. WELL, COULD THEY BE OVERRULED?

A. COULD THEY BE OVERRULED? HOW DO YOU MEAN? IT'S A WRITING. YOU KNOW, YOU'RE ASKING ME ABOUT A PIECE OF PAPER. I MEAN, CAN YOU OVERRULE A BOOK? I DON'T KNOW WHAT THAT MEANS.

Q. LET'S PUT IT THIS WAY, MR. MISCAVIGE, COULD YOU WRITE A POLICY LETTER WHICH STATES WHAT HUBBARD SAID IN THIS POLICY LETTER IS INCORRECT; WOULD THAT BE A PERMISSIBLE THING FOR YOU TO DO AS A SCIENTOLOGIST OR AS CHAIRMAN OF THE BOARD OF RTC?

A. TO ANSWER YOUR QUESTION, I DO NOT AND WILL NOT AND CANNOT WRITE HCO POLICY LETTERS, PERIOD. YOU'RE ASKING ME ABOUT THIS HCO POLICY LETTER, CAN I STATE WHAT HE SAYS IS UNTRUE. DO YOU WANT TO ASK ME SOMETHING SPECIFICALLY ABOUT THIS? BECAUSE I'M NOT SURE

EXACTLY WHAT YOU'RE ASKING ME ABOUT.

Q. FIRST OF ALL, CAN THIS BE CANCELLED?

A. CANCELLED? NO, BUT I DON'T UNDERSTAND WHEN YOU SAY THAT. IF YOU SEND A LETTER TO SOMEBODY, CAN YOU CANCEL THAT LETTER? THERE'S MY ANSWER TO YOUR QUESTION. MS. PLEVIN: LET'S MARK THIS NEXT IN ORDER.

MR. LIEBERMAN: THAT'S NO. 37.

MS. PLEVIN: YES.

(THE DOCUMENT REFERRED TO WAS MARKED BY THE C.S.R. AS PLAINTIFF'S EXHIBIT 3 FOR IDENTIFICATION AND IS ATTACHED HERETO.)

BY MS. PLEVIN:

Q. ANY OTHER COMMUNICATIONS WITH MS. AZANARAN THAT YOU HAVEN'T MENTIONED SO FAR?

A. WE'RE OFF THIS (INDICATING)?

Q. FOR NOW.

A. OKAY. GIVE ME THE QUESTION AGAIN. I'M SORRY.

Q. ANY OTHER COMMUNICATIONS WITH MS. AZANARAN THAT YOU CAN RECALL REGARDING -- OR IN WHICH MR. CORYDON WAS MENTIONED AS THE SUBJECT IN ANY WAY, APART FROM THE ONES YOU'VE ALREADY DISCUSSED?

A. BEING THAT THAT WAS ABOUT HALF AN HOUR AGO, I CAN'T REMEMBER THE LAST ONE I DISCUSSED. RECALLING THAT, I BELIEVE THAT WAS THE LAST DISCUSSION, WHAT I WAS COMMENTING ON AT THAT TIME.

Q. WHICH WAS IN MS. AZANARAN'S OFFICES, AND THERE WAS A DISCUSSION -- ACTUALLY, TO BE CLEAR, IT WAS A DISCUSSION ABOUT SQUIRRELS, WHICH WAS THE LAST CONVERSATION YOU RECALLED. IT WASN'T SPECIFICALLY ABOUT MR. CORYDON. A. RIGHT.

Q. ALL RIGHT. AND AT THE PRESENT TIME YOU DON'T RECALL ANY ADDITIONAL CONVERSATIONS WITH MS. AZANARAN.

MR. LIEBERMAN: ABOUT WHAT?

MS. PLEVIN: ABOUT MR. CORYDON.

THE WITNESS: ABOUT MR. CORYDON?

MS. PLEVIN: YES.

THE WITNESS: NOT SQUIRRELS?

MS. PLEVIN: YES.

THE WITNESS: NO.

MS. PLEVIN: OKAY.

THE WITNESS: BY THE WAY, WITH THE CAVEAT THAT I'M NOT HOLDING FIRM TO THAT. I MEAN, I REMEMBER THAT THAT SEEMED TO BE THE LAST CONVERSATION.

BY MS. PLEVIN:

Q. IS THERE ANY --

A. I BELIEVE WE AGREE ON THAT.

Q. IS THERE ANYTHING YOU MIGHT LOOK AT OR ANY WAY YOU MIGHT REFRESH YOUR RECOLLECTION TO DETERMINE WHETHER OR NOT THERE WERE ANY ADDITIONAL CONVERSATIONS?

A. I WOULD HAVE TO SIT AND PONDER IT BECAUSE MY TROUBLE IN RECOLLECTING IT IS THAT NONE OF THEM ARE A MAJOR EVENT --

Q. OKAY.

A. -- IN MY LIFE OR IN ANY ACTIVITY THAT I'VE EVER BEEN INVOLVED IN.

Q. DID YOU EVER HAVE ANY CONVERSATIONS WITH RICK AZANARAN REGARDING MR. CORYDON OR IN WHICH THE NAMES --

(DISCUSSION HELD OFF THE RECORD.)

BY MS. PLEVIN:

Q. DID YOU HAVE ANY CONVERSATIONS AT ANY TIME WITH RICK AZANARAN RELATING TO OR REFERRING TO MR. CORYDON?

A. YES.

Q. MORE THAN ONE?

A. I BELIEVE IT WAS TWO.

Q. LOOKING TOWARDS THE FIRST ONE --

A. OKAY.

Q. -- COULD YOU TELL US WHAT THE SUBSTANCE OF THAT CONVERSATION WAS, PLEASE?

A. THAT WAS ABOUT THE TIME THAT BENT CORYDON, APPARENTLY, DROVE TO THE GILMAN HOT SPRINGS PROPERTY AND STARTED HARASSING THE GUARDS IN AN ATTEMPT, I GUESS, JUST TO HARASS. THE CONVERSATION WAS, RICK AZANARAN, WHO I BELIEVE WAS OR HAD SPOKEN TO THE SECURITY GUARDS THERE AND HAD HEARD ABOUT THIS AND ABOUT BENT DRIVING THERE AND HARASSING AND TAKING PICTURES OF PEOPLE RANDOMLY AND THAT THERE WAS -- THE SAME

CONVERSATION, THE SAME CONTENT, THAT HE HAD GONE THERE TO HARASS AND THAT THE POLICE HAD COME AND BENT HAD LEFT.

Q. ANYTHING ELSE TAKE PLACE IN THAT CONVERSATION?

A. I DON'T THINK SO, NO.

Q. DID YOU SAY ANYTHING TO MR. AZANARAN IN RESPONSE TO WHAT HE SAID TO YOU? A. "AMAZING."

Q. THAT'S ALL?

A. SOMETHING, THAT WAS JUST ABOUT IT. IT WAS JUST AN ACKNOWLEDGMENT.

Q. DID YOU EVER GIVE MR. AZANARAN AN ORDER TO BEAT MR. CORYDON UP?

A. ABSOLUTELY NOT.

Q. DID YOU EVER GIVE MR. AZANARAN AN ORDER TO SEE IF HE COULD GET HIM ARRESTED BY CLAIMING THAT MR. CORYDON WAS TRESPASSING ON THE PROPERTY AND CREATING TROUBLE?

A. NO. I BELIEVE THAT BENT CORYDON WAS ARRESTED FOR TRESPASSING ON THE PROPERTY, ACCORDING TO WHAT RICK AZANARAN TOLD ME; THAT HE WAS TRESPASSING ON THE PROPERTY AND WAS CREATING TROUBLE.

I WAS OF THE UNDERSTANDING THAT THAT'S WHAT THE LOCAL POLICE FORCE CONSIDERED IT TO BE AS RELATED BY RICK AZANARAN, BUT I HAVE NO PERSONAL KNOWLEDGE OF THAT OTHER THAN THE CONVERSATION THAT I HAD WITH RICK.

Q. I AM NOW ASKING -- JUST TO MAKE SURE THAT YOU UNDERSTAND THAT WHAT I'M ASKING IS SOMETHING DIFFERENT: DID YOU ASK MR. AZANARAN OR ORDER MR. AZANARAN AT ANY TIME TO SEE IF HE COULD GET MR. CORYDON ARRESTED FOR TRESPASSING BY TELLING THE POLICE THAT HE WAS A THREAT TO THE PROPERTY, EVEN IF THAT WAS NOT SO?

A. NO. I'M NOT EVEN -- DO I UNDERSTAND -MR. HERTZBERG: YOU ANSWERED IT.

MR. HELLER: YEAH.

BY MS. PLEVIN:

Q. NOW, YOU INDICATED THAT YOU HAD TWO CONVERSATIONS WITH MR. AZANARAN, TO THE BEST OF YOUR RECOLLECTION.

A. RIGHT.

Q. WHEN WAS THE NEXT ONE?

A. THIS ONE I'M A LITTLE HAZY ON, BUT I BELIEVE IT WAS IN 1986. I BELIEVE HE TOLD ME THAT HE WAS -- HE HAD A PROPERTY IN CREST LINE, CALIFORNIA, AND THAT BENT HAD COME BY THE PROPERTY OR HE THOUGHT BENT HAD; THAT'S ABOUT WHAT I REMEMBER ABOUT THAT. Q. NOTHING ELSE?

A. NO.

Q. HE DIDN'T SAY ANYTHING TO MR. AZANARAN?

A. I'M NOT SURE IF HE SAID HE CAME THERE. HE CAME THERE OR HE SAW HIM AND HE CAME OR HE DROVE UP TO THE PROPERTY, SOMETHING LIKE THAT. I'M PRETTY HAZY ON THAT.

Q. AT THE TIME THAT YOU WERE CEO OF ASI, WHICH IS '82 THROUGH '87, DID YOU HOLD ANY OTHER POSTS OR CORPORATE POSITIONS AT ANY OTHER SCIENTOLOGY ORGANIZATION?

MR. HERTZBERG: I BELIEVE THAT THAT WAS ASKED AND ANSWERED YESTERDAY.

MS. PLEVIN: I DON'T BELIEVE SO.

MR. HELLER: I'M GOING TO OBJECT BECAUSE YOU SAID, "ANY OTHER SCIENTOLOGY ORGANIZATION."

(ATTORNEY-CLIENT DISCUSSION HELD OFF THE RECORD.)

MR. HERTZBERG: COULD YOU REREAD THE QUESTION, PLEASE?

(RECORD READ AS FOLLOWS: "QUESTION: AT THE TIME THAT YOU WERE CEO OF ASI, WHICH IS '82 THROUGH '87, DID YOU HOLD ANY OTHER POSTS OR CORPORATE POSITIONS AT ANY OTHER SCIENTOLOGY ORGANIZATION?")

MR. HERTZBERG: ALL RIGHT. I THINK MR. MISCAVIGE -- HE HAS A QUESTION ABOUT A LEGAL IMPLICATION OF SOMETHING ABOUT WHETHER IT FITS INTO YOUR DEFINITION, BUT WHY DON'T YOU ANSWER?

THE WITNESS: I WAS A TRUSTEE OF RTC AT THAT TIME, DURING THAT TIME PERIOD; IS THAT WHAT YOU MEAN?

MS. PLEVIN: YES.

THE WITNESS: OKAY, YES, I WAS.

BY MS. PLEVIN:

Q. ANYTHING ELSE?

(ATTORNEY-CLIENT DISCUSSION HELD OFF THE RECORD.)

THE WITNESS: NO.

qq

Y NEVER INDICATED TO YOU THAT MR. DE WOLF MIGHT FILE A CLAIM UNLESS THERE WAS A SETTLEMENT WITH HIM REGARDING THE ESTATE?

A. ABSOLUTELY NOT.

MR. HELLER: THAT'S AS YOU WELL KNOW, MISS PLEVIN.

MS. PLEVIN: I KNOW NO SUCH THING, MR. HELLER.

MR. HELLER: MR. DE WOLF TOLD YOU HE NEVER THOUGHT ABOUT IT, AND HE TOLD YOU WHY --

MS. PLEVIN: PLEASE DON'T ATTRIBUTE THAT TO ME.

MR. HELLER: AND HE TOLD YOU WHY THERE WAS NO CONTRACT WITH MR. CORYDON. SO THE QUESTION'S JUST INGENUOUS.

MS. PLEVIN: AND HE SAID DIFFERENT THINGS TO MR. CORYDON AT DIFFERENT TIMES. SO

THAT'S A LITTLE BIT OF UNNECESSARY DIGRESSION. THE WITNESS: I'M HERE.

MS. PLEVIN: THANK YOU.

Q. WHAT'S A SEC-CHECK?

A. IT STANDS FOR SECURITY CHECK.

Q. HOW IS A SECURITY CHECK USED, OR WHY IS A SECURITY CHECK USED?

A. YOUR STATEMENT MAKES NO SENSE.

Q. HAVE YOU EVER PARTICIPATED IN CONDUCTING A SECURITY CHECK?

A. ALL RIGHT.

MR. HERTZBERG: I JUST WANT TO ASK -- I JUST WANT TO ASK A QUESTION. ARE YOU MAINTAINING IN THIS LAWSUIT THAT MR. MISCAVIGE EITHER DIRECTLY SEC-CHECKED MR. CORYDON OR ORDERED SOMEBODY TO SEC-CHECK MR. CORYDON; IS THAT AN ALLEGATION IN THIS COMPLAINT?

MS. PLEVIN: I AM ENTITLED TO ASK QUESTIONS WHICH ARE OF A BACKGROUND NATURE RELATED TO ALLEGATIONS IN THE COMPLAINT, MR. HERTZBERG. YOU APPEAR NOT TO LIKE THAT VERY MUCH. I CAN'T HELP THAT.

MR. HERTZBERG: NO. IT'S NOT -- I'LL TELL YOU WHAT I DON'T LIKE. MY CLIENT DOESN'T LIKE IT EITHER, AND HE'S ENTITLED TO NOT LIKE IT AS MUCH AS I DON'T LIKE IT. WHAT I DON'T LIKE IS THAT WE WASTE HIS VALUABLE TIME. HIS CAREER IS NOT THIS LAWSUIT. HE HAS A FUNCTION TO PERFORM. HE HAS RESPONSIBILITIES TO PERFORM. THIS IS A WASTE OF HIS TIME.

THIS IS PRECISELY -- THIS VERY QUESTION, AND YOUR RESPONSE TO IT, IS PRECISELY THE PROBLEM WE'RE SCRAPING THE BOTTOM OF THE BARREL. WE ARE GRASPING AT STRAWS HERE. YOU HAVE -- MS. PLEVIN: WELL, DO YOU WANT TO INSTRUCT --

MR. HERTZBERG: I'M ASKING YOU --

MS. PLEVIN: -- HIM NOT TO ANSWER? AND WE'LL MOVE ON.

MR. HERTZBERG: I'M ASKING TO YOU SHOW ME ANYWHERE IN THE COMPLAINT WHERE IT IS ALLEGED THAT MR. MISCAVIGE SEC-CHECKED MR. CORYDON OR DIRECTED SOMEBODY TO SEC-CHECK HIM.

MS. PLEVIN: AS YOU KNOW MR. HERTZBERG, THE COMPLAINT ALLEGES A CONSPIRACY. THE COMPLAINT ALLEGES THAT MR. MISCAVIGE WAS PART OF THE CONSPIRACY. THE COMPLAINT ALLEGES THAT PART OF THE CONSPIRACY AND PART OF THE INTENTIONAL INFLECTION OF EMOTIONAL STRESS INCLUDED PROLONGED SEC-CHECKS OF MR. CORYDON.

MR. HERTZBERG: I BELIEVE BY DIANE HUBBARD; ISN'T THAT CORRECT? IN 19 -- IN LIKE 1981? MS. PLEVIN: NOT A -- NO. NO, YOU'RE WRONG.

MR. LIEBERMAN: EARLIER.

MR. DRESCHER: EARLIER.

MR. HERTZBERG: EARLIER THAN THAT.

MS. PLEVIN: AGAIN, WRONG. THERE ARE OTHER ALLEGATIONS, AND THERE IS OTHER TESTIMONY REGARDING SEC-CHECKS DONE OF MR. CORYDON AT OTHER TIMES. MR. HERTZBERG: ALL RIGHT.

NOW --

MS. PLEVIN: IF YOU HAVEN'T READ THE TRANSCRIPTS, I'M NOT GOING TO GO THROUGH THE PROLONGED DEPOSITION TESTIMONY.

MR. HERTZBERG: I'M NOT INTERESTED IN --

MR. DRESCHER: THE ISSUE IS WHETHER YOU HAVE.

MR. HERTZBERG: -- THE TRANSCRIPT. IT'S WHAT THE COMPLAINT SAYS.

MS. PLEVIN: ARE YOU GOING TO INSTRUCT MR. --

MR. HERTZBERG: NO, I'M NOT GOING TO.

MS. PLEVIN: -- MISCAVIGE NOT TO ANSWER?

MR. HERTZBERG: BUT I'M JUST ASKING YOU --

MS. PLEVIN: WOULD YOU --

MR. HERTZBERG: NO.

MS. PLEVIN: -- READ THE QUESTION BACK, PLEASE, MISS COURT REPORTER.

MR. HERTZBERG: THIS IS GETTING RIDICULOUS.

qq

(RECORD READ AS FOLLOWS: "QUESTION: HAVE YOU EVER PARTICIPATED IN OR CONDUCTED A SEC-CHECK?")

THE WITNESS: BY THE WAY, THAT'S S-E-C --

THE REPORTER: RIGHT.

THE WITNESS: -- HYPHEN CHECK. I'VE BEEN SEC-CHECKED; DOES THAT ANSWER YOUR QUESTION? YOU'RE ASKING ME HAVE I EVER PARTICIPATED IN THEM. MS. PLEVIN: WELL --

THE WITNESS: THAT'S A TERM I WOULDN'T --

MS. PLEVIN: OKAY. YOU WERE --

THE WITNESS: I'VE BEEN SEC-CHECKED.

BY MS. PLEVIN:

Q. HAVE YOU EVER CONDUCTED A SEC-CHECK?

A. I DON'T KNOW WHAT THAT MEANS.

Q. HAVE YOU EVER BEEN THE AUDITOR ASKING QUESTIONS OF THE PERSON BEING SEC-CHECKED?

A. YES.

Q. HAVE YOU EVER -- HOW MANY TIMES?

MR. HERTZBERG: WHY DON'T ASK YOU HIM IF HE EVER SEC-CHECKED MR. CORYDON; THAT MIGHT BE A GERMANE QUESTION?

MR. HELLER: OR AUDITED HIM.

MR. HERTZBERG: NOW YOU'RE GOING TO ASK HIM IN HIS PARTICIPATION IN THE CHURCH, IN DOING THINGS WITHIN SCIENTOLOGY, YOU'RE GOING TO ASK HIM WHETHER HE SEC-CHECKED SOMEBODY ELSE WHO IS NOT INVOLVED IN THIS LAWSUIT. I AM CONFIDENT YOU'RE NOT GOING TO ASK HIM

WHETHER HE HAS EVER SEC-CHECKED MR. CORYDON, WHICH WOULD BE THE ONLY RELEVANT QUESTION.

MS. PLEVIN: ARE YOU GOING TO INSTRUCT HIM NOT TO ANSWER? MR. HERTZBERG: NO, I'M NOT.

MS. PLEVIN: PLEASE ANSWER.

THE WITNESS: WHAT WAS THE QUESTION AGAIN, PLEASE?

BY MS. PLEVIN:

Q. HOW MANY TIMES --

A. HOW MANY TIMES --

Q. -- HAVE YOU CONDUCTED A SEC-CHECK?

(ATTORNEY-CLIENT DISCUSSION HELD OFF THE RECORD.)

THE WITNESS: HUNDREDS.

BY MS. PLEVIN:

Q. HAVE YOU EVER PARTICIPATED IN CONDUCTING A -- STRIKE THAT. HAVE YOU EVER -- DO YOU KNOW WHAT A GANG-BANG SEC-CHECK IS?

MR. HERTZBERG: NOW, LET'S MAINTAIN -- NOW, MISS PLEVIN, WOULD YOU TELL ME WHETHER THERE IS A REFERENCE IN THE COMPLAINT TO MR. CORYDON BEING GANG-BANG SEC-CHECKED?
THE WITNESS: I'LL ANSWER THAT.

MS. PLEVIN: ARE YOU GOING TO INSTRUCT HIM NOT TO ANSWER?

MR. HERTZBERG: NO, I'M NOT, BUT I'M ASKING YOU BECAUSE -- I'M ASKING YOU BECAUSE I WANT TO MAKE A RECORD FOR WHATEVER JUDGE WE APPEAR IN FRONT OF ON THESE QUESTIONS THAT WE ARE UTTERLY WASTING TIME WITH MATTERS WHICH ARE NOT EVEN ALLEGED IN THIS COMPLAINT

TO HAVE BEEN DONE TO MR. CORYDON.

YOU MAY ANSWER THE QUESTION.

THE WITNESS: COULD YOU GIVE ME THE QUESTION, PLEASE? BY MS. PLEVIN:

Q. WHAT IS A GANG-BANG SEC-CHECK?

A. FROM WHAT I UNDERSTAND THAT'S A SQUIRREL TERMINOLOGY. I DON'T BELIEVE THAT'S AN OFFICIAL SCIENTOLOGY TERM AT ALL, AND I DON'T ADOPT SQUIRREL STATEMENTS OF ANYTHING. SO IF YOU WANT TO KNOW WHAT A -Q. WHAT IS YOUR UNDERSTANDING --

A. -- SQUIRREL HAS TO SAY ABOUT SOMETHING, YOU'D HAVE TO ASK HIM. I'M NOT GOING TO

INTERPRET A SQUIRREL'S TECHNOLOGY.

Q. HAVE YOU EVER OBSERVED OR PARTICIPATED IN A SEC-CHECK IN WHICH MORE THAN ONE PERSON WAS CONDUCTING THE SEC-CHECK?

A. THAT'S MANIFESTLY IMPOSSIBLE. IF YOU WANT A DISCUSSION OF TECHNOLOGY, I CAN GO INTO IT.

(ATTORNEY-CLIENT DISCUSSION HELD OFF THE RECORD.)

MS. PLEVIN: I'M SHOWING YOU A TWO-PAGE DOCUMENT ENTITLED "INTERNATIONAL WATCHDOG COMMITTEE. HCO PL, 23 DECEMBER, 1981"

(INDICATING).

Q. ARE YOU FAMILIAR WITH THIS DOCUMENT?

A. LET'S SEE. LET ME READ THIS HERE. NO.

Q. YOU'VE NEVER SEEN THIS DOCUMENT BEFORE?

A. I DON'T BELIEVE SO, NO.

Q. ARE YOU FAMILIAR WITH THE HCO PL, 29 MAY, '60, ENTITLED "INTERNATIONAL COUNSEL" TO WHICH IT REFERS, IF YOU LOOK AT THE FOURTH PARAGRAPH ON THE FIRST PAGE, WHICH ALSO SAYS THAT THAT PARTICULAR HCO PL WAS LATER MODIFIED BY HCO PL, 9 MAY, '63 OF THE SAME TITLE?

A. DO YOU HAVE THAT, PLEASE?

Q. I MAY. I DON'T THINK I HAVE IT IN THIS FILE WITH ME. IF I DO HAVE IT, I'LL BRING IT OUT LATER. ARE YOU FAMILIAR WITH THAT, IN ANY EVENT?

MR. HERTZBERG: CAN YOU ANSWER THAT QUESTION WITHOUT LOOKING AT IT?

THE WITNESS: I'D HAVE TO LOOK AT IT. IS THAT IT?

MS. PLEVIN: THAT'S IT.

THE WITNESS: THAT'S PART OF IT, OKAY.

MR. LIEBERMAN: DO YOU HAVE ANOTHER COPY?

MR. HERTZBERG: DO YOU HAVE A COPY THAT DOESN'T HAVE WORDS MISSING?

MS. PLEVIN: I DON'T THINK THERE ARE ANY MISSING. IT'S JUST --

MR. HERTZBERG: -- BECAUSE OF BLACK STREAKS.

MS. PLEVIN: IT'S JUST THE EDGE OF A THICK VOLUME, AND IT HAS A DARK END ON IT.

THE WITNESS: IT DOESN'T END.

MS. PLEVIN: WAIT A SECOND.

THE WITNESS: I'LL WAIT.

MS. PLEVIN: LET ME SEE IF I HAVE THE OTHER PAGES.

THE WITNESS: GO AHEAD. I'LL WAIT.

MS. PLEVIN: IS SOMETHING PARTICULARLY FUNNY MR. RATHBUN, MR. LIEBERMAN?

MR. LIEBERMAN: NO.

MS. PLEVIN: I'D LIKE THE RECORD TO REFLECT THAT FOR VIRTUALLY ALL OF THE AFTERNOON, MR. RATHBUN, MR. LIEBERMAN, MR. HELLER, AND OCCASIONALLY MR. HERTZBERG, HAVE BEEN WALKING UP AND DOWN, OFTEN IN GROUPS, OFTEN CONFERRING, WHILE TESTIMONY IS BEING TAKEN, QUESTIONS ARE BEING ANSWERED.

THE ATMOSPHERE HERE HAS BEEN ONE OF A ZOO AND NOT ONE OF MY MAKING. I FIND THAT THIS COMBINED WITH THE EXTENSIVE SECURITY ATMOSPHERE SURROUNDING THIS WHERE MY CLIENT IS NOT PERMITTED TO GO TO THE BATHROOM UNESCORTED, WHERE THERE ARE SECURITY MEN WITH WALKIE-TALKIES DOWN IN THE LOBBY, IN THE RECEPTION AREA, WHERE WHEN WE GO TO LUNCH IN A CONFERENCE ROOM THAT MR. DRESCHER HAS PROVIDED, WE ARE OBSERVED AND ESCORTED, HAS BEEN OPPRESSIVE IN THE EXTREME, WHICH I DON'T BLAME MR. DRESCHER FOR. IT'S A SCIENTOLOGY MATTER; I'M QUITE SURE.

BUT I -- IT IS -- BUT THE CIRCUMSTANCES UNDER WHICH WE HAVE BEEN SUBJECTED TO IN ORDER TO TAKE THIS DEPOSITION AND WHICH HAS BEEN, IN ADDITION, THE ATMOSPHERE IN WHICH THE DEPOSITION HAS BEEN CONDUCTED IS EXTRAORDINARY AND CONTRARY TO WHAT -- AND TOTALLY CONTRARY TO REASON AND GOOD FAITH AND IS AN EMBARRASSMENT FOR THE PROFESSION TO PERMIT IT.

NOW WE'RE HAVING TO CONTINUE WITH THIS SORT OF CONDUCT AFTER ALL OF THIS TIME TO -- TRYING TO GET THIS RESOLVED AND CONCLUDED. IT IS OPPRESSIVE IN THE EXTREME. I WOULD LIKE TO BE ABLE TO GET THIS DEPOSITION CONCLUDED. I DON'T KNOW IF WE ARE GOING TO BE GETTING IT CONCLUDED TODAY AT ALL, AND I WOULD SAY THAT THE CONDUCT OF COUNSEL HAS NOT CONTRIBUTED TO THAT POSSIBILITY BUT HAS, IN FACT, INTERFERED WITH IT.

MR. DRESCHER: MISS PLEVIN, JUST TO MAKE SURE THAT THE SCOPE AND SPECIFICS OF YOUR OBJECTIONS ARE CLEAR FOR THE RECORD, WHAT I'VE HEARD YOU COMPLAIN ABOUT IN THAT LAST STATEMENT IS THAT THE WITNESS HAS CONVERSED WITH COUNSEL DURING THE DEPOSITION; THAT COUNSEL HAVE CONVERSED WITH EACH OTHER DURING THE DEPOSITION; THAT YOU HAVE FOUND IT OPPRESSIVE TO HAVE BEEN PROVIDED A CONFERENCE ROOM HERE AT WYMAN, BAUTZER AT YOUR REQUEST; THAT YOU FIND IT OPPRESSIVE TO HAVE LUNCH PROVIDED FOR YOU EACH OF THE LAST TWO

DAYS; THAT YOU FIND IT OPPRESSIVE OR UNUSUAL THAT A LAW FIRM OF SOME 140 OR 150 LAWYERS TAKES SOME CARE TO MAKE SURE THAT OPPOSING COUNSEL HERE DO NOT HAVE FREE ACCESS TO THE CORRIDORS, THE HALLWAYS, THE CONFERENCE ROOMS AND THE OFFICES, MOST OF THE DOORS OF WHICH ARE LEFT OPEN FOR THE CONVENIENCE OF THOSE WORKING THERE. TO THE EXTENT THAT'S OFFENDED YOU, I CAN ONLY SAY I'M SORRY.

TO THE EXTENT THAT THERE HAS BEEN ANY SORT OF DELAY OR DISRUPTION OF THIS PROCEEDING, I DON'T QUITE SEE HOW THAT CAN BE BY TEE CONSULTATION THAT NORMALLY TAKES PLACE BETWEEN COUNSEL AND THE WITNESS OR COUNSEL AND THE CLIENT, AS JUST HAPPENED AS I WAS SPEAKING BETWEEN MISS PLEVIN AND MR. CORYDON.

NOR DO I SEE HOW ANYTHING HAS DELAYED THIS DEPOSITION BEYOND THE FACT THAT WE HAVE SPENT THE BETTER PART OF TWO DAYS TRYING TO FIGURE OUT WHAT LAWSUIT YOU'RE TAKING THIS DEPOSITION FOR.

TO THE EXTENT YOU'VE CHARACTERIZED THE PROCEEDINGS AS A ZOO, I DON'T KNOW WHAT THAT MEANS. ALL I KNOW IS THAT IF YOU'RE INSULTED BY FREE LUNCH, INSULTED BY HAVING AN OFFICE AND TELEPHONE AND XEROX FACILITIES AND MY SECRETARY MADE AVAILABLE TO YOU, WELL, THEN, I'M SORRY.

MR. HERTZBERG: I WANT TO ADD SOMETHING --

MS. PLEVIN: I'M GOING TO --

MR. HERTZBERG: -- TO THAT STATEMENT --

MS. PLEVIN: -- RESPOND TO MR. DRESCHER, FIRST. AS I SAID TO MR. DRESCHER, I DO NOT THINK THIS HAS ANYTHING TO DO WITH THE MATTERS YOU SPOKE TO ABOUT A ROOM BEING PROVIDED AND LUNCH. AND OF COURSE, AS YOU KNOW, YESTERDAY I OFFERED -- I TOLD YOU QUITE SPECIFICALLY THAT I WOULD OFFER TO PAY; THAT'S NOT THE POINT HERE. THE POINT HERE IS -- AND I'M SURE THE RECORD WILL REFLECT -- THE DEGREE TO WHICH THERE HAS BEEN CONFERENCING BETWEEN MR. MISCAVIGE AND MR. HERTZBERG AND/OR OTHER COUNSEL BETWEEN VIRTUALLY EVERY QUESTION, WITH FEW EXCEPTIONS, WILL SHOW UP IN THE TRANSCRIPT, AND THAT AT THE SAME TIME THERE HAVE BEEN NUMEROUS CONFERENCES AMONG COUNSEL THEN RELAYING THOSE ADVICES TO MR. MISCAVIGE AND THE TIMES IN WHICH THE QUESTIONS SEEM TO BE SO DIFFICULT OR PROBLEMATIC THAT FOUR COUNSEL AND CLIENT TRAIPE ENMASSE OUTSIDE OF THE DEPOSITION ROOM FOR UPWARDS OF FIVE AND TEN MINUTES BEFORE RETURNING IN ORDER TO ANSWER THE QUESTIONS.

THOSE THINGS ARE THE THINGS WHICH I THINK DEMONSTRATE THAT THIS HAS -- THAT THE CONDUCT -- THAT THE WAY IN WHICH YOU HAVE APPROACHED THIS DEPOSITION .HAS BEEN TO BE OBSTRUCTIVE; AND OF COURSE, THE RECORD WILL SPEAK TO ITSELF WITH RESPECT TO OBSTRUCTIVE OBJECTIONS AND EVASIONS.

MR. HERTZBERG: ALL RIGHT. NOW, I'M GOING --

MR. LIEBERMAN: MISS PLEVIN IS INTENT ON FILIBUSTERING THIS SO THAT SHE THEN CAN MAKE AN EXCUSE -MS. PLEVIN: NO.

MR. LIEBERMAN: -- FOR NOT COMPLETING THE DEPOSITION.

MS. PLEVIN: NO.

MR. LIEBERMAN: NOW ASK YOUR NEXT QUESTION.

MR. HERTZBERG: I WANT TO --

MS. PLEVIN: I INTEND TO.

MR. HERTZBERG: I WANT TO SAY SOMETHING ELSE BEFORE WE MOVE ON. I'LL BE BRIEF.

I THINK TO THE EXTENT THAT THERE HAS BEEN SECURITY HERE, IT'S WELL -- THE PURPOSE IS A VERY VALID PURPOSE, IN VIEW OF A COUPLE OF FACTORS, WHICH INCLUDE YOUR CLIENT'S TESTIMONY IN HIS OWN DEPOSITION IN THIS CASE THAT HE WENT TO GILMAN HOT SPRINGS FOR THE SPECIFIC PURPOSE OF ANNOYING THE PEOPLE OVER THERE; THAT'S HIS DEPOSITION TESTIMONY UNDER OATH, AND AMONG OTHER REASONS, FOR PURPOSES WHICH RELATE TO WHAT WAS EVIDENT FROM YOUR CONDUCT AT THE INITIAL -- AT THE BEGINNING OF THE SESSION THIS MORNING, AND WHAT -- THAT AN ULTERIOR PURPOSE WAS THAT YOU WERE SERVING AS A PROCESS SERVER FOR LAWYERS IN OTHER CASES; THAT'S NO. 1.

MS. PLEVIN: INCLUDING FOR MY CLIENT.

MR. LIEBERMAN: IN WHICH YOU ARE NOT THE ATTORNEY.

MR. HERTZBERG: AND NO. 2 -- THEN WE CAN MOVE ON. I THINK REGARDLESS OF WHETHER YOU ARE RIGHT OR WRONG ABOUT ANYTHING THAT YOU SAID ABOUT THE COUNSEL OR THE FACILITIES HERE -- AND, OF COURSE, I DON'T AGREE WITH ANY PART OF WHAT YOU SAID -- I THINK THE RECORD WILL VERY MUCH -- AND THE TAPE FOR THAT MATTER, WHICH YOU HAVE HAD RUNNING -- WILL DEMONSTRATE THAT THE DEPONENT HAS BEEN NOTHING BUT COURTEOUS, SOLICITOUS

AND PATIENT BEYOND REASON IN THE FACE OF WHAT IS OBVIOUSLY A HARRASIVE DEPOSITION AND WHICH ALSO HAS HAD A COMPONENT THAT I HAVE NEVER HEARD OF BEFORE, THE PRETEXT OF BRINGING HIM IN TO THE DEPOSITION SO THAT YOU CAN SERVE HIM AS A PROCESS SERVER IN OTHER LITIGATION IN WHICH YOU'RE NOT COUNSEL OF RECORD.

NOW LET'S MOVE ON BECAUSE WE WANT TO FINISH THIS DEPOSITION TODAY JUST AS MUCH AS YOU DO.

MS. PLEVIN: THERE IS NO PRETEXT HERE. THIS DEPOSITION IS BEING CONDUCTED BECAUSE MR. MISCAVIGE IS A DEFENDANT IN THE CASE IN WHICH THERE ARE MANY CHARGES MADE. I HAVE EVERY RIGHT TO DEPOSE MR. MISCAVIGE AND THAT IS WHAT WE'RE HERE TO DO. I HAVE EVERY RIGHT TO DEPOSE HIM ALONG -- ABOUT A SERIES OF ISSUES AND MATTERS WHICH I RECOGNIZE ARE NOT WELCOME BY COUNSEL FOR THE VARIOUS CHURCH OF SCIENTOLOGY ENTITIES BUT NEVERTHELESS WHICH IS MY DUTY AND RIGHT TO PROCEED WITH.

MR. HELLER: PROCEED.

MR. DRESCHER: COUNSEL FOR THOSE ENTITIES WOULD LIKE TO SAY THAT HE WOULD WELCOME A QUESTION NOW AND AGAIN RELEVANT TO THIS LAWSUIT. MR. HERTZBERG: LET'S MOVE ON.

MR. DRESCHER: I WISH YOU WOULDN'T TRY TO --

MR. HERTZBERG: LET'S MOVE ON. LET'S FINISH IT.

MR. DRESCHER: -- ASSERT SOMETHING THAT'S IN MY MIND.

MR. HERTZBERG: LET'S FINISH IT.

(DISCUSSION HELD OFF THE RECORD.)

MS. PLEVIN: I'M SHOWING YOU A TWO-PAGE DOCUMENT ENTITLED "EXECUTIVE DIRECTIVE. INT FINANCE ED 1" (INDICATING).

THE WITNESS: YES. I HAVE THAT IN MY HAND.

BY MS. PLEVIN:

Q. ARE YOU FAMILIAR WITH THAT DOCUMENT?

A. NO.

Q. YOU'VE NEVER SEEN THIS DOCUMENT BEFORE?

A. I DON'T BELIEVE SO, NO.

Q. DO YOU KNOW WHO ON THE WATCHDOG COMMITTEE WOULD BE FAMILIAR WITH THIS DOCUMENT?

MR. DRESCHER: DID I MISS SOMETHING, OR DID HE JUST TESTIFY THAT HE HADN'T SEEN IT?

MR. LIEBERMAN: IF HE'S NOT FAMILIAR WITH THE DOCUMENT, HOW WOULD HE KNOW WHO IS FAMILIAR WITH IT?

BY MS. PLEVIN:

Q. THE DOCUMENT REFERS TO INT FINANCE. DO YOU KNOW WHO ON THE WATCHDOG COMMITTEE WOULD HAVE KNOWLEDGE OF THIS DOCUMENT?

MR. HERTZBERG: ALL RIGHT. YOU'RE ASKING HIM TO GUESS NOW, SINCE HE NEVER SAW THE DOCUMENT, TO SPECULATE AS TO ALL OF THE PEOPLE ON THE PLANET WHO MAY HAVE SEEN THIS

DOCUMENT -MS. PLEVIN: NO.

MR. HERTZBERG: -- AT ONE TIME?

MS. PLEVIN: NO, THAT WAS NOT THE QUESTION.

MR. HERTZBERG: WELL, THAT'S HOW I HEARD IT.

MS. PLEVIN: THAT WAS NOT THE QUESTION, MR. HERTZBERG. THE QUESTION WAS: WHO, TO MR. MISCAVIGE'S BEST UNDERSTANDING, ON THE WATCHDOG COMMITTEE MIGHT BE FAMILIAR WITH THIS DOCUMENT -MR. HERTZBERG: ALL RIGHT.

MS. PLEVIN: -- PRESUMABLY BECAUSE THEY HAVE INT FINANCE RESPONSIBILITIES OR THE LIKE.

Q. CAN YOU ANSWER THAT QUESTION?

A. I THINK SO.

Q. WHO WOULD THAT BE?

A. I DON'T KNOW. I LOOKED FOR AN INITIAL HERE. IT JUST SAYS, "WDC," AND ALSO, AS I COMMENTED YESTERDAY, I'M JUST NOTICING IN PASSING THAT THIS IS AN ED. WATCHDOG COMMITTEE MEMBERS, I KNOW, HAVE CHANGED FROM TIME TO TIME. SO I REALLY COULDN'T ANSWER THAT. IT'S EIGHT YEARS AGO. SO, NO, I DON'T KNOW.

(DISCUSSION HELD OFF THE RECORD.)

BY MS. PLEVIN:

Q. I'M SHOWING YOU A SINGLE-PAGE DOCUMENT REGARDING THE WATCHDOG COMMITTEE. HAVE YOU EVER SEEN THAT DOCUMENT BEFORE (INDICATING)? A. I BELIEVE SO, YES.

Q. DO YOU SEE WHERE IT SAYS, "LRH PERS COMM"?

A. YES.

Q. I BELIEVE THAT MEANS --

A. AT THE BOTTOM OF THE PAGE.

Q. -- PERSONAL COMMUNICATOR; IS THAT WHAT THAT WOULD SIGNIFY, FOR THE RECORD?

A. YES, THAT'S WHAT IT IS.

Q. FOR THE BOARD OF DIRECTORS?

A. IT SAYS ON THE ISSUE, "LRH PERS COMM FOR THE BOARD OF DIRECTORS." ARE YOU ASKING ME TO LOOK AT THAT?

Q. YES.

A. I SEE THAT, YES.

Q. OKAY. LOOKING AT THIS DOCUMENT, CAN YOU DETERMINE WHAT BOARD OF DIRECTORS THAT IS REFERRING TO?

A. NO, IT DOESN'T SAY.

Q. WELL, WHAT CORPORATION ISSUED -- BY LOOKING AT THIS, CAN YOU TELL WHAT CORPORATION ISSUED THIS DOCUMENT?

MR. HELLER: IF A --

MR. HERTZBERG: IF A BOARD OF DIRECTORS ISSUED IT.

MR. HELLER: IF A CORPORATION ISSUED IT, THANK YOU.

THE WITNESS: IT SAYS, "BD" AT THE BOTTOM. I DON'T KNOW, NO. NO, IT DOESN'T SAY. NO, I CAN'T.

BY MS. PLEVIN:

Q. WHEN DID YOU FIRST SEE THIS DOCUMENT, TO THE BEST OF YOUR RECOLLECTION?

A. I GUESS SOMETIME IN 1979. I'M GUESSING THAT BECAUSE IT'S A 1979 DATE.

Q. I BELIEVE YOU TESTIFIED YOU WERE ON THE WATCHDOG COMMITTEE COMMENCING SOMETIME IN 1979, APPROXIMATELY; IS THAT RIGHT?

A. LATER IN THE YEAR THAN THIS. I THINK I SAID THE LATTER PART OF THE YEAR.

Q. IS THIS AN ACCURATE DESCRIPTION OF THE PURPOSE OF THE WATCHDOG COMMITTEE IN PARAGRAPH 27?

A. NO.

Q. THIS WAS NOT AN ACCURATE DESCRIPTION AT THAT TIME? IN WHAT WAY IS IT INCORRECT?

A. OH, THAT -- YOU'RE ASKING ME AT THAT TIME?

Q. AT THAT TIME, OF COURSE.

MR. HELLER: WELL, WAS THIS --

THE WITNESS: I WAS NEVER TOLD THIS, I MEAN, PERSONALLY. NO, I DON'T -- THAT DOESN'T REFRESH ANYTHING TO ME.

BY MS. PLEVIN:

Q. THIS IS NOT -- IT IS NOT YOUR UNDERSTANDING THAT THAT WAS THE PURPOSE AT THAT TIME?

A. MY -- NO. MY STATEMENT IS: I DON'T KNOW IF -- THIS MAY HAVE BEEN OR THIS MAY NOT HAVE BEEN, I DON'T KNOW. IN 2 APRIL, 1979, I DON'T KNOW. I WAS NOT PART OF THE WATCHDOG COMMITTEE. MS. PLEVIN: LET'S IDENTIFY THIS AS NEXT IN ORDER, PLEASE.

(THE DOCUMENT REFERRED TO WAS MARKED BY THE C.S.R. AS PLAINTIFF'S EXHIBIT 4 FOR IDENTIFICATION AND IS ATTACHED HERETO.)

MS. PLEVIN: I'M SHOWING YOU A THREE-PAGE DOCUMENT ENTITLED "CENTRAL BUREAUX ORDER 621, NOVEMBER 29, 1979" (INDICATING).

THE WITNESS: OKAY. THIS HAS WRITING ON IT.

MS. PLEVIN: I REALIZE SOMEBODY WROTE IN THE NAME OF THE PERSON WHO THOSE INITIALS MAY STAND FOR. FOR OUR PURPOSES, WE COULD COMPLETELY CROSS THAT OUT. I RECOGNIZE THAT BUT THAT'S THE ONLY COPY I HAVE. THE WITNESS: DO YOU KNOW WHO WROTE THIS?

MS. PLEVIN: NO, I DO NOT.

THE WITNESS: WHERE DID THIS COME FROM?

MS. PLEVIN: I DON'T KNOW WHO WROTE THAT.

MR. HERTZBERG: IT CAME FROM MISS PLEVIN, APPARENTLY.

THE WITNESS: ALL RIGHT.

MS. PLEVIN: WE COULD JUST --

MR. HERTZBERG: THE PENDING QUESTION IS WHAT?

MR. HELLER: WHAT'S THE QUESTION?

BY MS. PLEVIN:

Q. ARE YOU FAMILIAR WITH THE DOCUMENT?

A. THIS DOCUMENT? NO.

Q. HAVE YOU EVER SEEN A POLICY LETTER OR ORDER ENTITLED "BYPASS OF MANAGEMENT SECTOR, HANDLING OF"?

A. A POLICY LETTER ON THAT?

Q. OR A CENTRAL BUREAU ORDER.

A. ISN'T THAT WHAT THIS IS?

Q. WELL, IF YOU'RE NOT FAMILIAR WITH THIS DOCUMENT, I'M JUST --

A. NO, I'M NOT.

Q. -- TRYING TO EXPAND TO CLARIFY WHETHER YOU'RE FAMILIAR WITH A DOCUMENT OF THAT NAME.

A. NO.

Q. ARE YOU FAMILIAR WITH THE PRACTICE OF BYPASS?

A. "THE PRACTICE OF BYPASS," I DON'T KNOW WHAT THAT MEANS.

Q. THAT MANAGEMENT SECTORS CAN BE BYPASSED IN THE CONTEXT OF AN ACTION BECAUSE SOMEONE IS FALLING DOWN ON THE JOB, SO TO SPEAK.

A. AS STATED, NO. JUST TO CUT THIS SNORT. I THINK I CAN -- OKAY.

(ATTORNEY-CLIENT DISCUSSION HELD OFF THE RECORD.)

BY MS. PLEVIN:

Q. I'M SORRY. WHAT WERE YOU SAYING?

A. I ANSWERED YOU.

MS. PLEVIN: WOULD YOU, PLEASE, READ BACK THE ANSWER?

MR. HELLER: HE SAID, "AS STATED, NO."

BY MS. PLEVIN:

Q. WHAT DOES "BYPASS" MEAN?

A. IN NORMAL ENGLISH DEFINITION, I GUESS, TO PASS SOMETHING BY.

Q. DOES IT HAVE A SIGNIFICANCE AS MANAGEMENT POLICY WITHIN SCIENTOLOGY?

A. THE WORD "BYPASS"?

Q. CORRECT.

MR. HERTZBERG: YOU MEAN NOW?

MS. PLEVIN: YES.

THE WITNESS: I MEAN, NOW YOU'RE ASKING ME A TECHNICAL QUESTION IN REFERENCE TO -- JUST ONE SECOND.

(ATTORNEY-CLIENT DISCUSSION HELD OFF THE RECORD.)

MR. HERTZBERG: HE'S CONFUSED. MR. MISCAVIGE SAID TO ME THAT HE'S CONFUSED BY WHAT YOU MEAN.

MS. PLEVIN: OKAY.

(ATTORNEY-CLIENT DISCUSSION HELD OFF THE RECORD.)

MR. HERTZBERG: COULD YOU REITERATE WHAT YOU'RE LOOKING FOR? HE WANTS TO BE HELPFUL, BUT HE DOESN'T KNOW WHAT YOU MEAN.

BY MS. PLEVIN:

Q. ARE YOU FAMILIAR WITH THE IDEA THAT A STAFF PERSON OR AN AREA OF RESPONSIBILITY OR A ZONE OF RESPONSIBILITY CAN BE IN A CONDITION OF DANGER?

A. I'M FAMILIAR THAT ANY AREA OF LIFE IN ANY INDIVIDUAL LIVING IN THIS WORLD CAN BE IN A CONDITION OF DANGER.

Q. AS AN ORGANIZATIONAL MATTER, WHEN AN ENTITY OR A DIVISION IS IN A CONDITION OF DANGER --

A. OKAY.

Q. -- IS IT THE DUTY OF MANAGEMENT TO BYPASS INTO THAT AREA AND TAKE CHARGE TO MAKE SURE THAT THINGS GET BACK ON TRACK AND OUT OF THE CONDITION OF DANGER?

A. WELL, WOULD YOU CLARIFY TO ME WHAT YOU MEAN BY "MANAGEMENT"?

Q. A SENIOR.

A. OKAY, I'LL ANSWER THE QUESTION, THEN. IF A DIVISION IN KEOKUK ORG IS IN A CONDITION OF DANGER -- AND THAT'S THE TREASURY DIVISION AND THAT'S IN A CONDITION OF DANGER BECAUSE FOR SOME REASON OR ANOTHER THEY HAVE UNPAID BILLS THAT HAVE GONE OVERTIME, AND

THEY HAVE NOT BEEN HANDLED BY THE TREASURER SECRETARY, THE MANAGEMENT OF THAT ORG IS THE AC AND THE EC. IT WOULD BE PART OF THE HANDLING OF THE DANGER CONDITION FOR A MEMBER OF THAT "A" -- WELL, OF THE EC AT THAT POINT, IF IT WAS THE TREASURY SECRETARY. THE TREASURY SECRETARY COULD APPLY THE CONDITION OF DANGER TO THE DIRECTOR OF DISBURSEMENTS WHO HAD NOT PAID THE BILL; IF THE TREASURY SECRETARY DIDN'T DEAL WITH THAT, THEN THAT COULD BE DEALT WITH BY THE HCO EXEC SEC; AND THEN IF IT WAS NOT HANDLED, BY THE EXECUTIVE DIRECTOR APPOINTED TO HANDLE THE DANGEROUS SITUATION.

BY "MANAGEMENT" I'M REFERRING TO THE ORG MANAGEMENT AND THAT IS A PRIME -- THAT IS A MANAGEMENT OF THAT ORG OR THE MANAGEMENT OF THAT ORG. Q. DOES BYPASS, SUCH AS YOU HAVE JUST DESCRIBED IT --

A. UH-HUH.

Q. -- EVER OCCUR BETWEEN ORGS, A SENIOR ORG BYPASSING THE ED OR CO OF A JUNIOR ORG?

A. THESE ARE VERY HYPOTHETICAL. GIVE ME -- WHO DO YOU MEAN? WHAT DO YOU MEAN BY THAT, "BYPASSING"?

Q. ALL RIGHT.

A. I WANT TO BE UTTERLY PRECISE HERE. I WANT TO UNDERSTAND WHAT SHE MEANS BY THIS.

MR. HERTZBERG: SHE'S GOING TO TRY TO EXPLAIN IT TO YOU.

MS. PLEVIN: OKAY. WHY DON'T YOU TAKE A LOOK AT THIS; LOOK AT THE MAGAZINE ITSELF (INDICATING).

THE WITNESS: OKAY.

MR. LIEBERMAN: DO YOU HAVE A COPY FOR COUNSEL?

THE WITNESS: THERE'S ONE.

MS. PLEVIN: THIS IS A MAGAZINE, A MULTIPAGE MAGAZINE, ENTITLED "HIGH WINDS," SUBTITLE, "ETHICS AND EXPANSION, THE MAGAZINE OF THE SEA ORGANIZATION, ISSUE 10."
THE WITNESS: YES.

BY MS. PLEVIN:

Q. HAVE YOU EVER --

A. I SEE THAT.

Q. -- SEEN THIS BEFORE?

A. I BELIEVE SO, YES. I THINK SO, YES.

Q. LET'S TAKE A LOOK AT PAGE -- WELL, THEY'RE NOT NUMBERED BUT -- OR AT LEAST IT'S NOT VISIBLY NUMBERED.

A. THERE'S NUMBERS HERE. HERE, WHY --

Q. OH.

A. -- DON'T YOU LOOK AT THIS ONE, AND YOU'LL COME TO IT. HERE, THERE'S NUMBERS HERE.

Q. OH, ON YOURS, YES.

A. YES.

Q. OKAY. ON THE ORIGINAL IT'S EASILY SEEN, "6."

A. OKAY.

Q. THE TOP OF THE PAGE SAYS, "THE SEA ORG REMOVES ALL STOPS TO EXPANSION."

A. OKAY.

Q. NOW, IF YOU WOULD READ, PLEASE, WHAT IT SAYS ABOUT THE STEVENS CREEK ORG, STARTING AT THE BOTTOM IN THE CENTER COLUMN.

A. UH-HUH.

Q. UP TO, BUT NOT GOING BEYOND, WHERE IT SAYS, "ZURICH ORG."

A. OKAY. JUST SO I'M CLEAR, YOU WANTED ME TO READ FROM STEVENS CREEK ORG TO THE LAST COPY ON PAGE 7.

Q. YES.

A. OKAY, I'VE DONE THAT.

Q. THAT DESCRIBES A SEA ORG MISSION GOING INTO THE STEVENS CREEK ORG AND FINDING THAT -- I'M READING FROM THE FOURTH PARAGRAPH ON PAGE 7:

"THE IN-ETHICS EXECS AND STAFF MEMBERS WERE VALIDATED FOR THEIR HARD WORK. TWO EXECS WHO REFUSED TO GET THE SHOW ON THE ROAD WERE REMOVED AND REPLACED WITH GUNG-HO IN-ETHICS EXECUTIVES."

NOW, DOES THAT REFER TO THE SEA ORG GOING INTO THE STEVENS CREEK MISSION AND REMOVING PERSONNEL FROM THE STEVENS CREEK MISSION?

MR. HERTZBERG: JUST FOR THE RECORD, BEFORE HE ANSWERS THE QUESTION, ARE YOU MAINTAINING THAT THE STEVENS CREEK ORG HAS SOMETHING TO DO WITH THIS LAWSUIT?

MS. PLEVIN: I AM TALKING ABOUT THE KIND OF POWER EXERCISED BETWEEN CORPORATIONS BY OTHER ENTITIES WITHIN SCIENTOLOGY SUCH THAT THERE IS NO CORPORATE INTEGRITY OF THE CORPORATIONS WHICH ARE THUS INVADDED. MR. HERTZBERG: FINE. WITHOUT CONCEDING THAT IS IN THE LEAST BIT RELEVANT, HE MAY ANSWER.

MR. HELLER: WELL, WAIT I --

MR. DRESCHER: I'LL COMMENT --

MR. HELLER: -- HAVE ONE FURTHER OBJECTION. THE QUESTION ASKS HIM TO INTERPRET A DOCUMENT WHICH SPEAKS FOR ITSELF, A DOCUMENT WHICH WE HAVEN'T ESTABLISHED THAT IN FACT WAS WRITTEN OR HAD ANYTHING TO DO WITH THE DEPONENT WHICH IS IMPROPER.

MR. DRESCHER: AND TO THE EXTENT THAT THIS IS HARKENING THIS ALTER EGO BUSINESS, I DON'T SEE ANY RELATIONSHIP BETWEEN ANY OF THIS AND MR. CORYDON WHICH, OF COURSE, IS A PREREQUISITE OF AN ALTER EGO THEORY IN THIS CASE.

qq

BY MS. PLEVIN:

Q. DO YOU UNDERSTAND THE QUESTION, MR. MISCAVIGE?

A. I THINK YOU ASKED ME DOES THIS REPRESENT A SEA ORG MISSION -- GIVE IT TO ME AGAIN. I WANT TO UNDERSTAND WHAT YOU'RE SAYING. MS. PLEVIN: WHY DON'T YOU READ BACK THE QUESTION, PLEASE?

(RECORD READ AS FOLLOWS: "QUESTION: DOES THAT REFER TO THE SEA ORG GOING INTO THE STEVENS CREEK MISSION AND REMOVING PERSONNEL FROM THE STEVENS CREEK MISSION?") THE WITNESS: I UNDERSTAND THE QUESTION.

MS. PLEVIN: OKAY.

THE WITNESS: IT'S STEVENS CREEK ORG, BY THE WAY, NOT MISSION.

MS. PLEVIN: OKAY.

THE WITNESS: I'LL READ IT. IT SAYS,

"THE IN-ETHICS EXECS AND STAFF MEMBERS WERE VALIDATED FOR THEIR HARD WORK. TWO EXECS WHO REFUSED TO GET THE SHOW ON THE ROAD WERE REMOVED AND REPLACED WITH GUNG-HO, IN-ETHICS EXECUTIVES." THAT'S ALL I KNOW ABOUT IT. IT DOESN'T SAY HOW THEY WERE REMOVED OR WHO REMOVED THEM. SO I DON'T KNOW THE ANSWER TO YOUR QUESTION.

MS. PLEVIN: LET'S MARK THIS AS NEXT IN ORDER.

(THE DOCUMENT REFERRED TO WAS MARKED BY THE C.S.R. AS PLAINTIFF'S EXHIBIT 5 FOR IDENTIFICATION AND IS ATTACHED HERETO.)

BY MS. PLEVIN:

Q. MR. MISCAVIGE, I'M SHOWING YOU A TWO-PAGE DOCUMENT "GUARDIAN ORDER GO 121689," I BELIEVE, AND FOLLOWED BY THE INITIALS "MSH, DECEMBER 16, 1969" (INDICATING). ARE YOU FAMILIAR --

A. I DON'T SEE WHERE YOU SEE "MSH," I'M SORRY.

Q. IT'S BLURRED.

A. OH, I SEE. OKAY.

Q. IT'S BEEN COPIED TOO MANY TIMES. FOR IDEAL PURPOSES --

A. OKAY.

Q. AFTER THE NUMBER.

A. OKAY.

Q. ARE YOU FAMILIAR WITH THIS DOCUMENT?

A. NO, I'M NOT.

Q. ARE YOU FAMILIAR WITH AN ORDER ISSUED BY MARY SUE HUBBARD THAT REQUIRED OR ORDERED THE INVESTIGATION AND CULLING OF INFORMATION FROM PC FILES FOR SCIENTOLOGISTS WHO WERE DEEMED TO BE ENEMIES? A. AM I FAMILIAR WITH AN ORDER -- NO.

(ATTORNEY-CLIENT DISCUSSION HELD OFF THE RECORD.)

THE WITNESS: THAT'S MY ANSWER.

BY MS. PLEVIN:

Q. WAS THERE ANY SUCH ORDER, TO THE BEST OF YOUR KNOWLEDGE?

A. I HAVE NO IDEA.

Q. WAS THERE EVER ANY PRACTICE, TO THE BEST OF YOUR KNOWLEDGE, OF CULLING PC FILES BY THE GUARDIAN'S OFFICE?

MR. HERTZBERG: ARE YOU ASKING WHETHER HE HAS PERSONAL KNOWLEDGE OF WHETHER THAT OCCURRED?

MS. PLEVIN: I'M ASKING WHETHER HE HAS ANY KNOWLEDGE THAT THAT MAY HAVE OCCURRED, AND THEN WE CAN EXPLORE THE BASIS OF THE KNOWLEDGE.

MR. HERTZBERG: THAT IT MAY HAVE OCCURRED, LIKE HE MIGHT HAVE HEARD THAT SOMEBODY ALLEGED THAT?

MR. HELLER: RIGHT; WAS THAT THE QUESTION?

MS. PLEVIN: WE'LL START WITH THAT.

THE WITNESS: I HAVE HEARD IN THAT CONTEXT.

BY MS. PLEVIN:

Q. DID YOU EVER CONFIRM THAT THAT HAPPENED?

A. NO.

Q. ARE YOU EVER AWARE THAT SUBSEQUENT -- LET'S GO BACK TO -- WHEN DID YOU HEAR OF THAT PARTICULAR PRACTICE AS HAVING BEEN ALLEGED?

A. SOMETIME BETWEEN 1981 AND THE PRESENT, BUT I WOULD EVEN PUT THAT BETWEEN 1981 AND 1985.

Q. DID YOU EVER ORDER PC FILES TO BE CULLED?

A. NO, I DIDN'T.

Q. DID YOU EVER ORDER THE PC FILE OF BENT CORYDON TO BE CULLED?

A. NO, I DIDN'T.

Q. DID YOU EVER ORDER MATERIAL OF -- STRIKE THAT.

DO YOU KNOW WHAT I -- WHEN I SAY, "CULLED," I MEAN EXAMINED AND INFORMATION TAKEN OUT OF IT THAT WAS DAMAGING TO THE PERSON OR COULD BE INTERPRETED AS BEING DAMAGING TO THAT PERSON OR UPSETTING TO THAT PERSON THAT IT GOT AROUND THAT -- WHAT THEY SAID IN SESSION.

A. SO WHAT WAS THE QUESTION THEN?

Q. WITH THAT UNDERSTANDING --

A. OF WHAT YOU'RE TALKING ABOUT, WHAT YOU'RE STATING "CULLED" MEANS? Q. YES. DID YOU EVER ORDER PC FILES TO BE CULLED?

A. NO.

Q. DO YOU KNOW OF ANYBODY WHO EVER DID?

A. NO.

Q. DID MARY SUE HUBBARD EVER DO THAT?

A. I HAVE NO IDEA.

Q. DID YOU EVER SEE ANY DECLARATIONS OF PERSONS WHO CLAIMED THAT THEY DID IT? A. THAT THEY DID WHAT?

Q. CULLED PC FILES ON ORDERS FROM NORMAN STARKEY AND YOURSELF.

A. SOMEBODY WROTE A DECLARATION THAT SAID I ORDERED PC FOLDERS CULLED?

Q. DID YOU EVER SEE DECLARATIONS? LET'S START WITH NORMAN STARKEY. WITHDRAW THE FIRST ONE.

DID YOU EVER SEE ANY DECLARATIONS WHICH SAID THAT NORMAN STARKEY HAD ORDERED PC FILES TO BE CULLED? A. I DON'T THINK SO.

Q. PRIOR TO TODAY, HAVE YOU NEVER BEEN ASKED WHETHER PC FOLDERS WERE EVER CULLED BY RTC?

MR. LIEBERMAN: ASKED BY WHOM?

MS. PLEVIN: EXCEPT COUNSEL.

MR. HELLER: ANYBODY? EVERYBODY?

THE WITNESS: WAS I EVER ASKED IF PC FILES WERE EVER CULLED BY SOMEBODY?

MS. PLEVIN: YES.

THE WITNESS: AS A MATTER OF FACT, NO.

BY MS. PLEVIN:

Q. I'M SHOWING YOU A SINGLE-PAGE DOCUMENT ENTITLED "INTELLIGENCE SPECIALIST TRAINING ROUTINE. TR L," AND ASK YOU IF YOU'VE EVER SEEN THIS DOCUMENT BEFORE (INDICATING). A. NO, I HAVEN'T.

Q. DID YOU EVER HEAR OF TR L?

A. HAVE I EVER HEARD OF TR L? YES, I HAVE HEARD OF AN ALLEGATION THAT THERE IS SOMETHING CALLED TR L.

Q. WHAT IS IT THAT YOU'VE -- WHAT IS YOUR UNDERSTANDING OF WHAT TR L IS IN THE CONTEXT OF THOSE ALLEGATIONS?

A. A PLOY BY DISAFFECTED SCIENTOLOGISTS SUING THE CHURCH OF SCIENTOLOGY TO BLACK PROPAGANDA ANYBODY IN SCIENTOLOGY BY TRYING TO USE BROAD SWEEPING STROKES TO STATE THAT THEY LIE; THAT'S MY UNDERSTANDING OF WHAT THAT IS. Q. HAVE YOU EVER REVIEWED A

MULTIPAGE DOCUMENT ENTITLED "THE INFORMATION FULL HAT"

A. I DON'T BELIEVE SO.

Q. -- A GUARDIAN OFFICE TRAINING DOCUMENT CHECK SHEET?

A. A GUARDIAN'S OFFICE DOCUMENT?

Q. CORRECT.

A. ABSOLUTELY NOT.

Q. DID YOU EVER LISTEN TO A TAPE OF AN LRH AIDES CONFERENCE REGARDING COVERT OPERATIONS?

A. NO.

Q. OR SEE A TRANSCRIPT OF THAT CONFERENCE OR SUCH A CONFERENCE?

A. I DON'T BELIEVE SO. BUT IF YOU HAVE A TRANSCRIPT, I'LL TAKE A LOOK AT IT AND LET YOU KNOW.

Q. I DO.

(DISCUSSION HELD OFF THE RECORD.)

MS. PLEVIN: WE'LL COME BACK TO THAT ONE.

MR. HERTZBERG: LET THE RECORD REFLECT THAT SEVERAL MINUTES HAVE GONE BY WHILE MISS PLEVIN SEARCHED FOR AN EXHIBIT.

MS. PLEVIN: I WILL ACKNOWLEDGE AT LEAST THREE, PROBABLY NOT MORE THAN THREE.

Q. HAVE YOU EVER SEEN THIS DOCUMENT, "18 JANUARY, 1981, BRIEFING: NEW ISSUE LINE FOR HCOPLS/HCOBS" (INDICATING)?

A. NO.

Q. ARE YOU FAMILIAR WITH THE FACT THAT -- STRIKE THAT.

ARE YOU FAMILIAR WITH THE PROCEDURES ESTABLISHED BY L. RON HUBBARD IN JANUARY OF 1981 REGARDING HCO PL'S AND HCOB'S?

A. NO, AND I DON'T BELIEVE THAT THERE WERE -- YOU ASSUME THERE WERE PROCEDURES ESTABLISHED BY HIM IN JANUARY OF 1981, AND I SERIOUSLY DOUBT THAT BECAUSE I DON'T BELIEVE THERE WAS ANY COMMUNICATIONS TO ANYBODY, AT LEAST NOT TO MY KNOWLEDGE, UNLESS POSSIBLY

-- ANYWHERE FROM L. RON HUBBARD IN 19 -- JANUARY, 1981. I HAVE NO RECOLLECTION OF THAT WHATSOEVER.

Q. WHAT ABOUT IN 1982?

A. ON THE SUBJECT OF NEW ISSUE LINE FOR HCOPLS/HCOBS? THERE WAS NO -- YOU'RE ASKING ME IF THAT'S SOMETHING -- WHAT IS YOUR QUESTION? Q. ON ANY SUBJECT.

A. SOME LINES ESTABLISHED BY L. RON HUBBARD ON WHAT? MIMED ISSUES. I DON'T -- I CAN'T -- I HAVE TO SAY NO TO ANYTHING ON THAT.

Q. I'M SHOWING YOU A THREE-PAGE DOCUMENT ENTITLED -- WELL, IT'S AN HCO PL OF 15 AUGUST, 1960, DEPARTMENT OF GOVERNMENT AFFAIRS. ARE YOU FAMILIAR WITH THAT DOCUMENT (INDICATING)? A. I'VE SEEN IT BEFORE. IF YOU'D LIKE ME TO READ IT, I WILL.

Q. IS THIS -- WAS THIS POLICY EVER CANCELLED?

A. I DON'T KNOW.

MS. PLEVIN: LET'S MARK THAT AS NEXT IN ORDER, PLEASE.

MR. HERTZBERG: THAT'S ASSUMING IT WAS EVER IN EFFECT. HE SAID HE HASN'T SEEN THE DOCUMENT BEFORE. SO I DON'T WANT HIM TO ASSUME FACTS NOT IN EVIDENCE.

THE WITNESS: I DID.

MR. HERTZBERG: I WANT THE RECORD TO BE CLEAR.

THE WITNESS: I THINK I'VE SEEN THIS BEFORE.

(THE DOCUMENT REFERRED TO WAS MARKED BY THE C.S.R. AS PLAINTIFF'S EXHIBIT 6 FOR IDENTIFICATION AND IS ATTACHED HERETO.)

THE WITNESS: WERE YOU ASKING ME TO READ THIS OR NOT? I WASN'T SURE.

MS. PLEVIN: NO, THAT'S OKAY. I ONLY HAVE ONE OF THE TRANSCRIPT OF THE AIDES CONFERENCE AT THIS TIME; IF YOU'D JUST TAKE A LOOK AT IT (INDICATING). DON'T READ THE WHOLE THING, BUT LET ME KNOW IF YOU'RE FAMILIAR WITH IT AND CONFER WITH COUNSEL, SINCE I REALIZE I DON'T HAVE A COPY FOR HIM, AND HE MIGHT WANT TO HAVE ONE.

THE WITNESS: NO, I'VE NEVER READ THIS. BY MS. PLEVIN:

Q. YOU'VE NEVER READ THAT?

A. NO, I HAVEN'T.

Q. AND YOU'VE NEVER HEARD THAT NAME? A. NO, I HAVEN'T.

Q. HAVE YOU EVER HEARD ANY DISCUSSION ABOUT AN AIDES CONFERENCE BY L. RON HUBBARD REGARDING COVERT OPERATIONS?

(ATTORNEY-CLIENT DISCUSSION HELD OFF THE RECORD.)

MR. HERTZBERG: OTHER -- MY CLIENT IS CONCERNED, MISS PLEVIN, THAT TO ANSWER TO THIS QUESTION WOULD BREACH AN ATTORNEY-CLIENT PRIVILEGE. SO I WANT TO -- MS. PLEVIN: IF THE ONLY CONTEXT OF HIS HEARING OF THAT WOULD BE IN THE CONTEXT OF AN ATTORNEY-CLIENT PRIVILEGE, I'M NOT ASKING FOR THAT COMMUNICATION. THE WITNESS: OKAY.

MS. PLEVIN: I'M SHOWING YOU A TWO-PAGE DOCUMENT THAT'S AN HCOB OF 21 JANUARY, AD10 (INDICATING).

Q. ARE YOU FAMILIAR WITH THIS DOCUMENT?

A. I'VE SEEN THIS DOCUMENT BEFORE, YES, NOT THIS ONE. I MEAN, I'VE -- I ASSUME THAT THIS IS A COMPLETE REPRESENTATION OF THE ONE I'VE SEEN, WITH THAT ASSUMPTION. Q. OKAY. WOULD YOU -- IF YOU KNOW, WOULD YOU EXPLAIN THE DESIGNATION "AD10" AT THE TOP?

A. "AFTER DIANETICS," MEANING 1960, TEN YEARS AFTER THE PUBLICATION OF "DIANETICS,

THE MODERN SCIENCE OF MENTAL HEALTH."

Q. WAS THAT A DESIGNATION USED AS A SUBSTITUTION FOR THE USUAL YEAR DESIGNATION BY L. RON HUBBARD FOR A PERIOD OF TIME IN 1960?

A. I DON'T KNOW. IN 1960? THIS WAS WRITTEN BEFORE I WAS BORN.

Q. ARE THERE MANY DOCUMENTS THAT YOU'RE AWARE OF THAT CARRY THAT TYPE OF DESIGNATION, AD10, AD11?

A. NOT NECESSARILY AD10 OR AD11. SOMETIMES I'VE SEEN AD USED IN PLACE OF THE ACTUAL YEAR.

Q. ARE YOU AWARE OF WHETHER OR NOT THIS PARTICULAR BULLETIN WAS EVER REISSUED?

A. "REISSUED"? WHAT DO YOU MEAN BY "REISSUED"?

Q. REDISTRIBUTED, RECOPIED, REDISTRIBUTED.

A. WELL, THOSE HAVE TWO DIFFERENT MEANINGS. I MEAN, WHEN YOU SAY, "REISSUED," IT MEANS, I GUESS, THAT SOMEBODY TURNED ON THE PRESS AND REPRINTED A COPY OF IT. I DON'T KNOW ABOUT THAT BUT -Q. IS IT STILL IN FORCE, TO THE BEST OF YOUR KNOWLEDGE?

A. "IN FORCE"? WHAT DO YOU MEAN?

Q. CURRENT POLICY.

A. IT'S NOT A POLICY. IT'S AN HCOB.

Q. I UNDERSTAND THAT.

A. I DON'T KNOW WHAT YOU MEAN BY "IN FORCE." IT'S A STATEMENT ABOUT SOMETHING. IT'S A RELIGIOUS DISCUSSION AND A PHILOSOPHICAL DISCUSSION ON THE SUBJECT OF JUSTIFICATION. YOU ASKED ME IF IT'S STILL IN FORCE. IT'S A STATEMENT. Q. OKAY.

A. IS THAT WHAT YOU MEAN?

Q. YES.

A. OKAY.

Q. AND THIS IS -- THIS IS SOURCE, IS IT NOT?

A. NO. L. RON HUBBARD IS SOURCE.

MS. PLEVIN: LET'S IDENTIFY THIS AS NEXT IN ORDER, PLEASE.

(THE DOCUMENT REFERRED TO WAS MARKED BY THE C.S.R. AS PLAINTIFF'S EXHIBIT 7 FOR IDENTIFICATION AND IS ATTACHED HERETO.)

MR. LIEBERMAN: WHAT IS EXHIBIT K ON THE BOTTOM OF THIS?

MS. PLEVIN: IT'S BEEN USED AS AN EXHIBIT IN SOME DOCUMENT OR OTHER. THE BATES STAMP NUMBERS ARE AN EXHIBIT DESIGNATION AND ARE, OF COURSE, NOT PART OF THE DOCUMENT ITSELF.

MR. HERTZBERG: WELL, DO YOU KNOW --

MR. LIEBERMAN: DO YOU KNOW WHERE --

MR. HERTZBERG: DO YOU KNOW WHERE IT'S BEEN EXHIBIT K?

MS. PLEVIN: I MAY HAVE USED IT.

MR. HERTZBERG: I'M SORRY?

MS. PLEVIN: I MAY HAVE USED IT.

MR. HERTZBERG: WHERE?

MR. LIEBERMAN: IN WHAT CONTEXT?

MS. PLEVIN: I DON'T KNOW. I'M NOT SURE.

THE WITNESS: AND JUST TO CLARIFY, I'D HAVE TO CHECK TO SEE IF -- YOU WERE ASKING ME THAT QUESTION -- I'M ASSUMING YOU'RE GIVING ME SOMETHING THAT IS AN ACCURATE REPRESENTATION OF THAT ISSUE AND ASSUMING THAT THERE ISN'T ANYTHING THAT CHANGES THIS, BUT I AM ALSO STATING THAT THIS IS A STATEMENT OF A MECHANISM THAT OCCURS WITH A PERSON BEING A BEING; AND, THEREFORE, WHEN YOU ASKED ME IF IT'S STILL IN FORCE, I TAKE THAT QUESTION TO MEAN COULD SOMEBODY STILL OBSERVE THIS TO BE THE CASE.

MS. PLEVIN: YES.

THE WITNESS: IN OTHER WORDS, THE STATEMENTS MADE IN HERE -- COULD SOMEBODY ELSE WALK AROUND THE WORLD AND OBSERVE THIS TO BE THE CASE? BECAUSE THIS IS A STATEMENT. IT DOESN'T -- UNLESS I READ THE WHOLE THING, I DON'T THINK IT COULD SAY ANYTHING ELSE. SO I

THINK I'M CLEAR ON WHAT I SAID THERE.

MS. PLEVIN: OKAY. I'M SHOWING YOU A SEVERAL-PAGE DOCUMENT ENTITLED "HOLLYWOOD GUARANTY BUILDING" (INDICATING). THE WITNESS: UH-HUH.

MS. PLEVIN: IT'S FOUR PAGES.

THE WITNESS: OKAY.

BY MS. PLEVIN:

Q. THE PICTURE ON THE FRONT I BELIEVE IS THE BUILDING AT THE INTERSECTION OF HOLLYWOOD AND IVAR; IS THAT CORRECT? A. YES. WELL, IT'S A DRAWING, BUT IT LOOK SIMILAR.

Q. A DRAWING.

A. YEAH.

Q. ARE YOU FAMILIAR WITH THIS DOCUMENT? HAVE YOU EVER SEEN IT BEFORE?

A. NO, I HAVEN'T.

Q. LOOK AT THE LAST PAGE WHERE IT SAYS, "FOR MORE INFORMATION ABOUT THE HCB," SO FORTH AND SO FORTH, "PLEASE WRITE" -MR. HERTZBERG: "HGB."

MS. PLEVIN: "HGB" I THOUGHT THAT'S WHAT I SAID, "PLEASE WRITE PUBLIC OFFICER HGB, 6331 HOLLYWOOD BOULEVARD."

Q. ARE YOU FAMILIAR -- IS THERE, TO YOUR KNOWLEDGE, A PUBLIC OFFICER HGB THAT'S LOCATED AT THAT BUILDING?

MR. HERTZBERG: HE CAN ANSWER THAT QUESTION, BUT NOW I'M GETTING THAT FEELING THAT WE ARE SO FAR AFIELD FROM THIS COMPLAINT AGAIN THAT -MS. PLEVIN: WELL, I'LL TIE IT IN.

MR. HERTZBERG: I CAN'T IMAGINE WHY WE'RE WASTING TIME ON THIS, BUT YOU MAY ANSWER.

MS. PLEVIN: I'LL TIE IT IN.

THE WITNESS: THE ONLY KNOWLEDGE I HAVE OF THAT IS THIS. SO IT'S THE SAME KNOWLEDGE YOU HAVE OF IT. I HAVE NO OTHER KNOWLEDGE OF THAT.

BY MS. PLEVIN:

Q. OKAY. THE STATEMENT -- IF YOU'LL TURN TO THE SECOND PAGE --

A. OKAY. YOU'RE TALKING ABOUT THIS BEING THE SECOND PAGE (INDICATING)?

Q. THE FIRST PAGE OF TEXT.

A. ALL RIGHT.

Q. THE SECOND PAGE OF THE DOCUMENT.

A. OKAY.

Q. IS THAT -- I'M GOING TO FIRST -- THE FIRST PARAGRAPH, THE THIRD SENTENCE,

"THE MANAGEMENT OF SCIENTOLOGY" -- "MANAGEMENT" IN CAPS, THE WORD "MANAGEMENT" WITH THE INITIAL "M" IN CAPS, "THE MANAGEMENT OF SCIENTOLOGY HAS A KEY PURPOSE, THE EXPANDING OF ORGS TO SAINT HILL SIZE. THE HGB WAS SET UP TO FACILITATE THE ACCOMPLISHMENT OF

THAT PURPOSE IN THE SHORTEST POSSIBLE TIME."

IS THAT CONSISTENT WITH YOUR UNDERSTANDING OF THE SETTING UP OF THE HGB? MR. HELLER: OBJECT ON RELEVANCE.

MS. PLEVIN: FINE.

MR. HERTZBERG: I DON'T KNOW WHAT THAT MEANS.

MR. DRESCHER: I'LL JOIN IN THAT. I DON'T UNDERSTAND THAT QUESTION EITHER. MR. HERTZBERG: YEAH.

BY MS. PLEVIN:

Q. DO YOU UNDERSTAND THE QUESTION, MR. MISCAVIGE?

A. NO.

Q. DO YOU KNOW WHO PURCHASED THE HOLLYWOOD GUARANTY BUILDING?

MR. HELLER: OBJECT ON RELEVANCE. ARE YOU DOING A FINANCIAL DISCOVERY AT DEPOSITION NOW? THE WITNESS: DO I ANSWER THIS?

MR. HERTZBERG: GO AHEAD.

THE WITNESS: NO.

BY MS. PLEVIN:

Q. DO YOU KNOW WHO CURRENTLY OWNS IT?

A. NO.

Q. DID YOU EVER HEAR OF AN ORGANIZATION CALLED BUILDING MANAGEMENT SERVICES?

MR. HERTZBERG: NOW I'M GOING TO ASK YOU WHAT THE RELEVANCE OF THIS IS. IT SOUNDS TO ME LIKE YOU'RE MOVING INTO AN AREA OF FINANCIAL DISCOVERY WHICH IS CLEARLY IMPROPER. I WANT TO KNOW IF I'M MISTAKEN IN THAT BECAUSE -MS. PLEVIN: I DON'T INTEND TO GO ANY FURTHER. I JUST WANT TO KNOW IF HE KNOWS.

MR. HELLER: NO. WHAT'S THE RELEVANCE OF THIS QUESTION? YOU WENT PRETTY FAR ALREADY.

MR. HERTZBERG: I DON'T INTEND TO GO ANY FURTHER.

MR. HELLER: DO YOU WANT HIM TO ANSWER? WELL, THAT'S MR. HERTZBERG.

MR. HERTZBERG: NOT AS FAR AS I'M CONCERNED.

MR. HELLER: I DON'T SEE THE RELEVANCE.

MR. HERTZBERG: I DON'T INTEND TO GO ANY FURTHER ON THIS.

MS. PLEVIN: THAT'S OKAY. YOU'RE GOING TO INSTRUCT HIM NOT TO ANSWER?

MR. HERTZBERG: IN VIEW OF YOUR FAILURE TO EVEN BEGIN TO ASSERT ANYTHING THAT'S RELEVANT ABOUT IT, LET'S MOVE ON.

qq

BY MS. PLEVIN:

Q. HAVE YOU EVER SEEN THIS DOCUMENT, MR. MISCAVIGE; THIS IS A FOUR-PAGE DOCUMENT "P.A.B. NO. 53" (INDICATING)? IT WAS TWO-HOLE PUNCHED PREVIOUSLY, AND THE 53 IS TAKEN OUT, "PROFESSIONAL AUDITOR'S BULLETIN." A. DO YOU HAVE -- THERE'S SOMETHING UP HERE.

Q. YEAH. IT'S "P.A.B. NO. 53, PROFESSIONAL AUDITOR'S BULLETIN."

A. OKAY.

Q. THAT WAS WHERE IT WAS TWO-HOLE PUNCHED PREVIOUSLY.

A. ALL RIGHT.

Q. HAVE YOU EVER SEEN THIS BEFORE?

A. I THINK SO.

Q. HAVE YOU EVER REFERRED TO THIS DOCUMENT IN THE CONTEXT OF DISCUSSIONS ABOUT HOW TO TREAT SQUIRRELS?

A. NO. IS THAT IN HERE?

Q. YES.

A. NO.

Q. HAVE YOU EVER REFERRED TO THIS DOCUMENT IN ANY DISCUSSION OR MEETING WHATSOEVER?

A. NO, I HAVE NOT.

MR. HERTZBERG: LET ME -- I WANT TO BE CLEAR BECAUSE I WANT TO GO BACK TO THE QUESTION, THE PRIOR QUESTION, WHEN YOU ASKED HIM -- I'D LIKE YOU TO -- I'D LIKE YOU TO REASK THE QUESTION, MISS PLEVIN, WHETHER HE EVER SAW THE DOCUMENT. I'D LIKE HIM TO ANSWER THAT QUESTION WHETHER HE EVER SAW IT ASIDE FROM --

(ATTORNEY-CLIENT DISCUSSION HELD OFF THE RECORD.)

MR. HERTZBERG: -- ASIDE FROM THE CONTEXT OF THIS LAWSUIT. IN OTHER WORDS, THERE ARE ALLEGATIONS REGARDING THIS DOCUMENT IN THIS LAWSUIT; AND, THEREFORE, IT MAY WELL BE THAT MR. MISCAVIGE SAW THE DOCUMENT IN CONNECTION WITH THIS LAWSUIT. AND I THINK SO THAT THE RECORD IS CLEAR, YOU SHOULD ASK HIM WHETHER HE EVER SAW IT OTHER THAN IN THAT CONTEXT SINCE YOUR CLIENT INJECTED IT INTO THE LITIGATION.

BY MS. PLEVIN:

Q. WHEN DID YOU FIRST SEE THIS DOCUMENT, MR. MISCAVIGE? (ATTORNEY-CLIENT DISCUSSION HELD OFF THE RECORD.)

MR. HERTZBERG: WOULD YOU HAVE TO SPECULATE? YOU CAN ANSWER.

THE WITNESS: I DON'T KNOW THE FIRST TIME I SAW IT. I MEAN, I MIGHT HAVE BEEN GLANCING THROUGH A VOLUME, AND I MIGHT HAVE SEEN A COVER OF IT. BUT BY SEEING IT
-BY MS. PLEVIN:

Q. HAVE YOU EVER READ THE DOCUMENT PREVIOUSLY?

A. YES.

Q. PRIOR TO THE COMMENCEMENT OF THIS LAWSUIT?

A. WHEN DID THIS LAWSUIT COMMENCE?

Q. 1988, AUGUST OF 1988.

A. NO.

Q. TO THE BEST OF YOUR KNOWLEDGE, THIS WAS WRITTEN BY L. RON HUBBARD?

A. I WOULD ASSUME SO. IT DOESN'T HAVE A SIGNATURE ON IT, BUT IT SAYS, "PROFESSIONAL AUDITOR'S BULLETIN FROM L. RON HUBBARD." SO -- I HAVEN'T SEEN A HANDWRITTEN MANUSCRIPT OR A TYPED VERSION; BUT I WOULD ASSUME SO. Q. DO YOU RECOGNIZE MR. HUBBARD'S HANDWRITING?

A. DO I RECOGNIZE HIS HANDWRITING?

MR. HERTZBERG: DO YOU MEAN WHEN, NOW? DO YOU HAVE HIS HANDWRITING?

MS. PLEVIN: I'M ASKING HIM. HE SAID IT WASN'T IN MR. HUBBARD'S HANDWRITING.

THE WITNESS: WELL, THERE'S NO INDICATION HERE. EVEN IT DOESN'T --

MR. LIEBERMAN: THERE'S NO HANDWRITING ON IT.

MR. HERTZBERG: THERE'S NO HANDWRITING HERE.

THE WITNESS: EVEN IF IT'S TYPED L. RON HUBBARD --

MS. PLEVIN: I UNDERSTAND THAT. YOU COMMENTED --

THE WITNESS: YOU ASKED ME IF --

MS. PLEVIN: YOU COMMENTED --

THE WITNESS: -- TO THE BEST OF MY KNOWLEDGE IT WAS WRITTEN BY HIM.

MS. PLEVIN: YES.

THE WITNESS: I WOULD SAY --

MS. PLEVIN: THAT'S WHAT I ASKED, AND YOU --

THE WITNESS: IF I RECOGNIZED --

MS. PLEVIN: -- MADE A RESPONSE AND MY NEXT QUESTION WAS: CAN YOU RECOGNIZE -- DO YOU RECOGNIZE THE HANDWRITTEN MATERIALS OF L. RON HUBBARD?

MR. DRESCHER: I THINK THE --

MR. HELLER: WHY DON'T YOU ASK HIM --

MR. DRESCHER: -- PROPER FOUNDATION FOR THE QUESTION IS --

MR. HELLER: -- IF HE'S FAMILIAR WITH IT?

MR. DRESCHER: -- FAMILIARITY WITH HIS HANDWRITING.

BY MS. PLEVIN:

Q. ARE YOU FAMILIAR WITH THE HANDWRITING OF L. RON HUBBARD?

A. I'VE SEEN SOME.

MS. PLEVIN: BEFORE WE GO FORWARD, THIS IS TO BE MARKED NEXT IN ORDER WHICH MR. LIEBERMAN HAS ASKED --

MR. LIEBERMAN: NO. 8.

MS. PLEVIN: -- WHAT THE NUMBER IS. IT IS 8.

(THE DOCUMENT REFERRED TO WAS MARKED BY THE C.S.R. AS PLAINTIFF'S EXHIBIT 8 FOR IDENTIFICATION AND IS ATTACHED HERETO.)

BY MS. PLEVIN:

Q. HAVE YOU EVER SEEN THIS DOCUMENT, MR. MISCAVIGE? THIS IS A -- LEVEL O CHECK SHEET IS A HUNDRED-PAGE VOLUME WHICH, OBVIOUSLY, THIS IS NOT. THESE ARE PAGES -- RUN FROM PAGES 50 TO 55. ARE YOU FAMILIAR WITH IT IN THIS -- AT ALL? MR. HERTZBERG:

DO YOU MEAN PAGES 50 THROUGH 55?

MS. PLEVIN: YES.

THE WITNESS: I'D HAVE TO READ ALL OF THEM TO TELL YOU.

BY MS. PLEVIN:

Q. BUT THE LEVEL O CHECK SHEET WAS A COMPILATION OF MATERIALS WRITTEN BY L. RON HUBBARD?

A. I'VE NEVER HEARD OF THE LEVEL O CHECK SHEET.

Q. ARE FAMILIAR WITH THE FOLLOWING STATEMENT BY L. RON HUBBARD:

"THE LAW CAN BE USED VERY EASILY TO HARASS; AND ENOUGH HARASSMENT ON SOMEBODY WHO IS SIMPLY ON THE THIN EDGE ANYWAY, WELL KNOWING THAT HE IS NOT AUTHORIZED, WILL GENERALLY BE SUFFICIENT TO CAUSE HIS PROFESSIONAL DECEASE. IF POSSIBLE, OF COURSE, RUIN HIM UTTERLY."

MR. HERTZBERG: OKAY. BEFORE HE ANSWERS THAT, I HAVE A PROBLEM WITH THAT SINCE I DON'T KNOW -- WHEN YOU SAY, "ARE YOU FAMILIAR WITH THESE WORDS OF L. RON HUBBARD?" ARE YOU TESTIFYING THAT YOU KNOW THAT THOSE ARE HIS WORDS? MS. PLEVIN: I DON'T INTEND TO. I'M ASKING MR. MISCAVIGE IF HE UNDERSTANDS THESE WORDS TO BE THE WORDS OF L. RON HUBBARD. LET ME BACK UP.

Q. "THE PURPOSE OF A SUIT IS TO HARASS AND DISCOURAGE RATHER THAN TO WIN"; LET'S JUST FOCUS ON THAT SENTENCE.

A. SO WHAT'S THE QUESTION NOW?

Q. IS IT YOUR UNDERSTANDING THAT THOSE ARE THE WORDS AND SENTIMENTS OF L. RON HUBBARD?

A. NO. IT IS MY UNDERSTANDING THAT YOU HAVE JUST READ A SENTENCE OFF OF SOMETHING OUT OF CONTEXT IN A VERY LENGTHY DOCUMENT. I DON'T KNOW IF THAT'S THE SENTIMENTS AT ALL. IF YOU READ THOSE WORDS EXACTLY, POSSIBLY, BUT THE POINT IS THAT I CANNOT ANSWER ANY

FURTHER THAN THAT.

MR. LIEBERMAN: CAN I HAVE A ONE-MINUTE CONFERENCE WITH THE CLIENT?

(ATTORNEY-CLIENT DISCUSSION HELD OFF THE RECORD.)

(DISCUSSION HELD OFF THE RECORD.)

MR. HERTZBERG: I'D LIKE TO MAKE A STATEMENT. MY CLIENT INFORMS ME THAT YOU ASKED A QUESTION EARLIER WITH AN IMPRECISION, WHICH IS OF GREAT SIGNIFICANCE IN TERMS OF SCIENTOLOGISTS. SO HE ANSWERED THE QUESTION IN THE CONTEXT OF YOUR MISSTATEMENT, AND HE WANTS THE RECORD TO BE ABSOLUTELY CLEAR SO THAT THERE'S NO IMPRESSION --

MS. PLEVIN: FINE.

MR. HERTZBERG: -- LATER ON.

MS. PLEVIN: FINE.

MR. HERTZBERG: I'M GOING TO IDENTIFY WHAT IT IS. MS. PLEVIN: OKAY.

MR. HERTZBERG: YOU ASKED HIM WHETHER HE WAS FAMILIAR WITH LEVEL ZERO, AND HE SAID --

MR. LIEBERMAN: LEVEL O.

MR. HERTZBERG: EXCUSE ME, WITH LEVEL O; AND, IN FACT, HE SAID HE WAS NOT. AND THAT IS BECAUSE THERE IS NO SUCH THING AS LEVEL O. (DISCUSSION HELD OFF THE RECORD.)

MR. HERTZBERG: AND IN FACT, MR. MISCAVIGE ADHERES TO HIS ANSWER IN THAT RESPECT BECAUSE THERE IS NO SUCH THING AS LEVEL O IN SCIENTOLOGY.

HE DOES WANT TO POINT OUT, SO THERE IS NO POSSIBILITY OF CONFUSION AT SOME SUBSEQUENT DATE, THAT THERE IS SUCH A THING AS LEVEL ZERO, WHICH IS A RATHER SUBSTANTIAL DOCUMENT WHICH IS NOT THIS DOCUMENT THAT YOU SHOWED HIM. MS. PLEVIN: YOU KNOW --

MR. HERTZBERG: ALL RIGHT. SO I JUST WANT TO BE CLEAR ON THAT BEFORE WE MOVE ON TO THE NEXT AREA.

MS. PLEVIN: OKAY.

Q. YOU ARE FAMILIAR, THOUGH, MR. MISCAVIGE, WITH A LENGTHY DOCUMENT THAT'S CALLED LEVEL ZERO CHECK SHEET OR MAGAZINE ARTICLES ON LEVEL ZERO CHECK SHEET?

A. I'M AWARE OF THE EXISTENCE OF IT. I AM NOT FAMILIAR WITH THE CONTENTS FROM FRONT TO BACK.

Q. DO YOU KNOW WHETHER THE CONTENTS FROM FRONT TO BACK ARE A COMPILATION OF MATERIALS WRITTEN AT DIFFERENT TIMES, OR IS IT A SINGLE DOCUMENT ON A SINGLE SUBJECT?

A. NO, I DON'T KNOW. I'D HAVE TO LOOK AT IT.

Q. WE'LL MAKE A COMPLETE SET AVAILABLE TO YOUR COUNSEL.

A. OKAY.

Q. I'M SHOWING YOU A THREE-PAGE DOCUMENT --

A. I WANT TO CORRECT SOMETHING MR. HERTZBERG SAID. I'M NOT -- THAT I'M NOT TESTIFYING IS THE LEVEL ZERO CHECK SHEET (INDICATING).

MR. HERTZBERG: RIGHT.

THE WITNESS: I'M TRYING TO BE EXTREMELY PRECISE HERE. I REALIZE IT MIGHT SOUND LIKE AN IMPRECISION OR SLICING HAIRS, BUT IT IS VERY PRECISION IN SCIENTOLOGY. I'M NOT SAYING THAT IS "THE" LEVEL ZERO CHECK SHEET. I AM SAYING TO YOU -- AND I THINK WE GAVE THE UNDERSTANDING -- THAT I'M AWARE OF THE EXISTENCE OF SOMETHING LIKE THAT (INDICATING), WHICH I GUESS IS MORE COMPLETE, THAT SAYS ON IT, "LEVEL ZERO CHECK SHEET."

MS. PLEVIN: CORRECT.

MR. HERTZBERG: FINE. WHAT HE MEANS IS -MS. PLEVIN: I THINK THAT'S UNDERSTOOD. THE WITNESS: OKAY.

MR. HERTZBERG: JUST SO IT'S CLEAR WHEN HE WAS REFERRING TO "THAT," MR. MISCAVIGE WAS --

MR. PLEVIN: POINTING TO --

MR. HERTZBERG: -- POINTING TO THE LAST DOCUMENT YOU HAD IN FRONT OF HIM.

MS. PLEVIN: YES. THIS IS BOARD POLICY LETTER OF 30 MAY, 1974, OVER THE SIGNATURE OF ALTHEA C. TAYLOR ACTING LRH, PERS SEC FOR LRH, PERS COMM AS ORDERED BY L. R. -- L. RON HUBBARD, FOUNDER (INDICATING). THE WITNESS: ALETHEA, JUST SO YOU KNOW.

MS. PLEVIN: THANK YOU.

THE WITNESS: OKAY.

BY MS. PLEVIN:

Q. ARE YOU FAMILIAR WITH THIS DOCUMENT?

A. NO, I'M NOT.

Q. ARE YOU FAMILIAR WITH THE PROCEDURE FOR HANDLING HOSTILE CONTACTS OR DEAD AGENTING, HOSTILE PERSONS?

A. CAN I ASK YOU: ARE YOU ASKING ME, AM I FAMILIAR WITH THIS IN THAT CONTEXT?

Q. ARE YOU FAMILIAR WITH --

A. I'M NOT FAMILIAR WITH THIS ISSUE.

Q. OR THE DATA IN THIS ISSUE.

A. I HAVEN'T READ THE ISSUE; DO YOU WANT ME TO?

Q. PLEASE DO, YES.

A. I'M NOT FAMILIAR WITH THIS DOCUMENT AT ALL. I'M ABOUT TWO-THIRDS OF THE WAY THROUGH THE PAGE, AND I AM NOT FAMILIAR WITH THIS.

I NOTICE THAT IT ALSO SAYS, "PASSAGES FROM DG PRO WW WRITEUPS," WHICH I KNOW, FACTUALLY, I'VE NEVER READ. SO I'M NOT FAMILIAR WITH THIS IF THAT'S WHAT YOU'RE ASKING ME.

Q. THIS DOCUMENT WOULD APPEAR TO BE, BY LOOKING AT IT, A COMPILATION OF EXCERPTS FROM OTHER DOCUMENTS.

ARE YOU SAYING THAT YOU'RE NOT FAMILIAR WITH THIS AS A COMPILATION, OR ARE YOU SAYING THAT YOU'RE NOT FAMILIAR WITH ANY OF THE MATERIAL IN IT?

A. I'M SAYING IT'S A BOARD POLICY LETTER WHICH DOESN'T EVEN EXIST IN SCIENTOLOGY ANY LONGER. I'M NOT FAMILIAR WITH THIS DOCUMENT, AND I READ THERE THAT IT SAYS, "A COMPILATION." I HESITATE TO ANSWER THAT BECAUSE IF IT IS SOMETHING PULLED OUT OF MULTIPLE PAGES OR WHATEVER, I HAVE NO IDEA -- I MEAN, I DON'T FEEL SAFE ANSWERING THAT. BY "SAFE," I MEAN I'M NOT GOING TO BE QUOTED ON SOMETHING --

Q. OKAY?

A. -- WITHOUT BEING CERTAIN.

Q. OKAY.

MR. HERTZBERG: I ALSO WANT TO NOTE FOR THE RECORD THAT THE DOCUMENT IN FRONT OF THE CLIENT, MR. MISCAVIGE, HAS AN UNNUMBERED FRONT PAGE. THE NEXT PAGE IS PAGE 8, AND THE NEXT PAGE IS PAGE 9. I DON'T KNOW WHAT YOUR PURPOSE WAS IN DOING THAT. I CAN'T IMAGINE THAT IT IS GOING TO EXPEDITE THIS INQUIRY AT ALL OR BE RELEVANT AT ALL UNDER THE CIRCUMSTANCES.

MS. PLEVIN: I'LL ALSO NOTE THAT THE DOCUMENT IS STAMPED 943 CONSECUTIVELY TO 94 -- 945. MR. HERTZBERG: BY WHOM?

MS. PLEVIN: THAT'S OKAY.

MR. HERTZBERG: NO. NO, NOT OKAY. BY WHOM?

MS. PLEVIN: THOSE ARE OUR BATES STAMPS ON IT.

MR. HELLER: SO?

MR. HERTZBERG: YOUR BATES STAMPS?

MR. LIEBERMAN: I'LL ALSO NOTE THAT THE STAMP IS ALTERED BY HANDWRITING.

MS. PLEVIN: BECAUSE IT WAS ILLEGIBLE. THE STAMPS WERE --

MR. HERTZBERG: LET ME -- LET THE RECORD --

MS. PLEVIN: -- CREATING A PROBLEM.

MR. HERTZBERG: -- BE CLEAR HERE BECAUSE WE'VE ALREADY HAD -- WE'VE ALREADY HAD AT LEAST ONE PROBLEM WITH AN ALTERED DOCUMENT TODAY IN -MS. PLEVIN: HE --

MR. HERTZBERG: -- THE DEPOSITION TODAY. DID -- ARE YOU -- IS THAT YOUR BATES STAMP?

MS. PLEVIN: YES.

MR. HERTZBERG: OKAY. THAT DOESN'T CHANGE MY OBSERVATION, THEN, ABOUT GIVING MR. MISCAVIGE A DOCUMENT PURPORTING TO BE A COMPLETE DOCUMENT WITH ONE FRONT PAGE AND THEN THE NEXT PAGE IS PAGES EIGHT AND NINE NUMBERED, OR WHATEVER YOUR BATES STAMP NUMBERS ARE.

MS. PLEVIN: FINE.

MR. HERTZBERG: ALL THAT MEANS IS YOU TOOK A DOCUMENT, PUT IT TOGETHER IN SOME WAY OR MAY HAVE COMBINED SOME DOCUMENTS AND YOU, TOBY PLEVIN, CONSECUTIVELY BATES STAMP NUMBERED THEM. MS. PLEVIN: MAKE WHATEVER ASSUMPTIONS YOU WISH, MR. HERTZBERG.

MR. HERTZBERG: THE DOCUMENT SPEAKS FOR ITSELF.

I DO THINK, THOUGH, THAT WE SHOULD HAVE AN UNDERSTANDING -- AN ASSUMPTION WHICH YOU MAY TELL ME IS INCORRECT, THAT ANY FUTURE DOCUMENTS THAT YOU SHOW TO MR. MISCAVIGE ARE NOT COMPOSITE DOCUMENTS THAT YOU'VE PUT TOGETHER FOR WHATEVER PURPOSE AND BEING PRESENTED AS A SINGLE DOCUMENT.

MS. PLEVIN: WELL, I'LL STATE VERY CLEARLY FOR THE RECORD THAT IT IS NEVER MY INTENT TO PRESENT OR CREATE OR REPRESENT THAT A DOCUMENT IS OTHER THAN WHAT IT IS ORIGINALLY AND WAS INTENDED TO BE OR COMBINED WITH ANY OTHER DOCUMENTS OR INCOMPLETE IN ANY FASHION --

MR. HERTZBERG: OKAY.

MS. PLEVIN: -- WHATSOEVER.

MR. HERTZBERG: ALL RIGHT. LET'S MOVE ON. MAY I INQUIRE, MISS PLEVIN: DO YOU HAVE QUESTIONS FOR MR. MISCAVIGE OTHER THAN IN THE CONTEXT OF SHOWING HIM DOCUMENT AFTER DOCUMENT AT THIS POINT? MS. PLEVIN: YES, I DO.

MR. HERTZBERG: YOU DO?

MS. PLEVIN: OKAY. HERE'S A TWO-PAGE DOCUMENT ENTITLED "FOUNDER, HCO PL, 1 SEPTEMBER, '66. RA REISSUED 10, DECEMBER, 1980."

MR. HERTZBERG: I'M GOING TO MAKE AN OBSERVATION NOW. WE HAVE BEEN HERE FOR THE LAST SEVERAL HOURS GOING THROUGH DOCUMENTS THAT ARE BEING DUG OUT OF YOUR BRIEFCASE IN NO ORDER THAT I CAN PERCEIVE, WHICH ARE VERY OLD IN TIME, MOST OF WHICH MR. MISCAVIGE COULD NOT IDENTIFY AND NONE OF WHICH YET REFER TO BENT CORYDON, SQUIRRELS, WITH THE EXCEPTION, POSSIBLY, OF ONE DOCUMENT, OR MISSIONS.

MS. PLEVIN: OKAY.

MR. HELLER: OR THIS LAWSUIT OR ANY ALLEGATION IN IT OR ANYTHING CONNECTED TO THE LAWSUIT.

MR. HERTZBERG: ALL RIGHT. I THINK WE'RE WASTING A LOT OF TIME. I HOPE THAT YOU'RE NOT JUST SHOWING HIM THESE DOCUMENTS ONE AFTER ANOTHER UNTIL THE DAY HAS BEEN WILD AWAY, AND THEN YOU CAN CLAIM THAT YOU STILL NEED MR. MISCAVIGE TO COME BACK FOR SOME PURPOSE.

MR. HELLER: THEY APPEAR TO BE PRECISELY THE TACTIC.

BY MS. PLEVIN:

Q. HAVE YOU EVER SEEN THIS DOCUMENT BEFORE, MR. MISCAVIGE?

A. THIS ONE? THIS REISSUE -- IT SAYS, "REISSUED 10 DECEMBER, 1980." Q. YEAH.

A. IT ALSO SAYS, "REVISED AND REISSUED BY THE BOARD OF DIRECTORS OF THE CHURCH OF SCIENTOLOGY OF CALIFORNIA WITH THE CONCURRENCE OF L. RON HUBBARD, FOUNDER." I HAVEN'T SEEN THIS DOCUMENT. I'VE SEEN THE DOCUMENT, THE ORIGINAL, 1 SEPTEMBER, 1966, AND MAYBE IT'S "R" I DON'T THINK I'VE SEEN THIS ONE.

Q. ARE YOU AWARE OF WHETHER OR NOT IT WAS REISSUED IN DECEMBER OF 1980?

A. I WOULD ONLY HAVE TO ASSUME BECAUSE IT SAYS THAT.

Q. FOR THE RECORD, WE'LL NOTE THAT THAT'S AN ASSUMPTION.

A. OKAY.

Q. NOW, ON DECEMBER 10, 1980, WAS MR. HUBBARD IN COMMUNICATION WITH CHURCH OF SCIENTOLOGY OF CALIFORNIA, TO THE BEST OF YOUR KNOWLEDGE?

MR. HERTZBERG: ON --

MS. PLEVIN: TO THE BEST OF YOUR KNOWLEDGE.

MR. DRESCHER: THE QUESTION IS WHETHER HE KNEW THAT ON THAT SPECIFIC DATE, TEN YEARS AGO --

MS. PLEVIN: WELL--

MR. DRESCHER: -- MR. HUBBARD WAS IN COMMUNICATION WITH THE CSC?

MS. PLEVIN: WELL, IN DECEMBER OF -- LET ME WITHDRAW IT AND REPHRASE IT.

Q. AT VARIOUS TIMES, MR. MISCAVIGE, ISN'T IT TRUE THAT MR. HUBBARD WAS UNAVAILABLE AND GENERALLY NOT IN CONTACT WITH MOST PEOPLE AND WAS FAIRLY MUCH CONSIDERED IN HIDING?

A. WELL, WITHOUT THE LAST PART --

MR. HERTZBERG: WHOA. HOW CAN HE KNOW WHETHER -- WHAT MR. HUBBARD -- WHAT OTHER PEOPLE PERCEIVED OF MR. HUBBARD, WHETHER HE WAS IN HIDING OR NOT?

MR. HELLER: DO YOU HAVE A QUESTION?

MR. HERTZBERG: ASK THE QUESTION.

MR. HELLER: ASK THE QUESTION, PLEASE.

MR. HERTZBERG: THAT IS ABSURD.

BY MS. PLEVIN:

Q. IT IS TRUE MR. HUBBARD WAS IN HIDING FOR MANY YEARS STARTING IN 1979 AND '80; ISN'T THAT TRUE? THAT MOST SCIENTOLOGISTS DIDN'T KNOW WHERE HE WAS?

A. WELL, I DISAGREE --

MR. HERTZBERG: WELL, I DISAGREE.

THE WITNESS: -- WITH THAT, YEAH, SCIENTOLOGISTS NOT KNOWING WHERE HE WAS AND HIDING. I'LL ADOPT THE FIRST, SCIENTOLOGISTS NOT KNOWING WHERE HE WAS, AND I WILL NOT ADOPT THE LATTER.

MS. PLEVIN: OKAY, THAT'S FAIR.

THE WITNESS: ALL RIGHT.

BY MS. PLEVIN:

Q. DO YOU KNOW WHETHER AT ABOUT THE PERIOD OF DECEMBER, 1980, HIS WHEREABOUTS WERE KNOWN TO THE CHURCH OF SCIENTOLOGY OF CALIFORNIA?

MR. HERTZBERG: I DON'T KNOW WHAT --

THE WITNESS: THE CHURCH OF SCIENTOLOGY --

MR. HELLER: WHAT DO YOU MEAN "THE CHURCH OF SCIENTOLOGY"?

MR. HERTZBERG: -- THAT MEANS. THE CHURCH OF SCIENTOLOGY IS NOT A PERSON. IT'S A CORPORATE ENTITY.

BY MS. PLEVIN:

Q. DO YOU UNDERSTAND THE QUESTION? CAN YOU ANSWER THE QUESTION, MR. MISCAVIGE?

MR. DRESCHER: WELL, I SURE DON'T. I DON'T KNOW --

MR. HERTZBERG: DO YOU UNDERSTAND THE QUESTION?

MR. DRESCHER: -- HOW A CORPORATION CAN KNOW.

MS. PLEVIN: THROUGH ITS OFFICERS AND DIRECTORS.

MR. DRESCHER: WELL, IF THAT'S YOUR QUESTION --

MR. HELLER: THEN ASK THE QUESTION.

MR. HERTZBERG: THEN ASK THE QUESTION.

MS. PLEVIN: OKAY.

MR. HERTZBERG: DO YOU KNOW WHETHER IN DECEMBER OF 1980 THE OFFICERS AND DIRECTORS OF THE CHURCH OF SCIENTOLOGY KNEW WHERE HUBBARD WAS?

MR. LIEBERMAN: ALL OF THEM OR SOME OF THEM OR ANY ONE OF THEM?

MR. HELLER: LET'S ALL TAKE A VOTE ON IT.

MR. HERTZBERG: WELL, SINCE WE HAVE TO ASK THE QUESTIONS, I GUESS WE CAN. I'M SORRY.

MR. LIEBERMAN: SORRY.

MR. HERTZBERG: DO YOU UNDERSTAND THE QUESTION?

MS. PLEVIN: ANY ONE OF THEM WOULD BE FINE.

MR. HERTZBERG: DO YOU KNOW WHETHER ANY --

THE WITNESS: I DON'T KNOW, NO.

MR. HERTZBERG: HE DOESN'T KNOW.

MS. PLEVIN: I'M SHOWING YOU A TWO-PAGE DOCUMENT "SEA ORGANIZATION" ON TOP, RELIGIOUS TECHNOLOGY CENTER, CONDITIONS ORDER 5, NOVEMBER 25, 1982 (INDICATING).

Q. ARE YOU FAMILIAR WITH THIS DOCUMENT?

A. I DON'T BELIEVE SO, NO. LET ME GLANCE AT THIS; OKAY?

Q. SURE.

A. YOU ASKED ME IF I'VE SEEN THIS.

Q. ARE YOU FAMILIAR WITH THIS DOCUMENT?

A. NO, I'M NOT FAMILIAR WITH IT.

Q. ARE YOU FAMILIAR WITH ITS CONDITIONS ORDER?

A. NO, I'M NOT.

Q. ARE YOU FAMILIAR WITH THE PRACTICE OF WRITING -- STRIKE THAT.

LET'S TAKE A LOOK AT THE COMMAND CHANNELS BOOKLET.

A. OKAY.

MR. LIEBERMAN: ARE YOU THROUGH WITH THIS DOCUMENT?

MS. PLEVIN: YES.

THE WITNESS: JUST TO CORRECT, MAYBE I'VE SEEN THIS; MAYBE NOT. I'M NOT FAMILIAR WITH THIS. I WAS READING IT. IT DOESN'T RING A BELL.

BY MS. PLEVIN:

Q. IS IT AN OPERATIVE ORDER AS FAR AS YOU KNOW?

A. THIS?

Q. YES, CONDITIONS ORDER 5.

A. THIS, NO.

Q. LOOKING AT PAGE 48 OF THE COMMAND CHANNELS BOOKLET --

A. OKAY.

Q. -- ON THE BOTTOM THERE'S A BOX REGARDING KNOWLEDGE REPORTS. IS THAT POLICY STATEMENT CURRENTLY IN EFFECT?

A. LET ME JUST READ THIS.

Q. SURE.

A. WHEN YOU SAY "THAT POLICY STATEMENT," WHAT DO YOU MEAN?

Q. THAT KNOWLEDGE REPORTS BE WRITTEN ABOUT PERSONS WHOSE CONDUCT IS OFF POLICY.

A. WELL, THERE'S A POLICY LETTER REFERENCED HERE, "HCO POLICY LETTER OF 22 JULY, 1982, KNOWLEDGE REPORTS."

Q. IS THAT STILL IN EFFECT? STRIKE THAT.

HAS THAT BEEN IN EFFECT CONTINUOUSLY FROM THE DATE IT WAS ISSUED TO NOW TO THE BEST OF YOUR KNOWLEDGE?

A. THE POLICY LETTER?

Q. YES.

A. YES.

qq

MR. HERTZBERG: MISS PLEVIN, I'M LETTING MR. MISCAVIGE ANSWER THESE QUESTIONS; BUT, AGAIN, I CAN'T IMAGINE WHAT THIS HAS TO DO WITH THE LAWSUIT. I DON'T REMEMBER ANY CLAIMS BY MR. CORYDON THAT KNOWLEDGE REPORTS WERE WRITTEN AGAINST HIM, AND -MS. PLEVIN: OKAY.

MR. HERTZBERG: -- WE'RE REALLY WASTING TIME.

MS. PLEVIN: I THINK THAT'S PART OF THE COMPLAINT, BUT --

MR. HELLER: IT

MS. PLEVIN: I CAN TELL YOU WHAT'S IN THE COMPLAINT.

MR. HELLER: THAT'S NOT PART OF THE COMPLAINT; SO THAT'S NOT CORRECT. THERE'S NOTHING ABOUT KNOWLEDGE REPORTS IN THE COMPLAINT.

MR. HERTZBERG: WE'LL GO OFF THE RECORD.

(DISCUSSION HELD OFF THE RECORD.)

MR. HERTZBERG: WHILE MR. MISCAVIGE WENT TO THE MEN'S ROOM, I ASKED MISS PLEVIN HER ESTIMATE OF THE AMOUNT OF TIME THAT WAS REQUIRED TO FINISH THIS DEPOSITION TODAY. SHE STATED THREE HOURS, WHICH, OF COURSE, IS A TIME THAT SHE KNEW WAS BEYOND THE TIME THAT

THE COURT REPORTER COULD STAY. SHE ALSO KNEW FROM THE CONVERSATION THE COURT REPORTER HAD WITH HER OFFICE THAT THERE WAS NO SUBSTITUTE COURT REPORTER WHO COULD COME IN; AND, THEREFORE, THERE WAS NO POSSIBILITY TO CONTINUE FOR THREE MORE HOURS TODAY.

MY POSITION, MISS PLEVIN, AS I STATED TO YOU OFF THE RECORD, BUT I WANT IT ON THE RECORD: YOU NOTICED THE DEPOSITION FOR TWO DAYS. YOU TOLD ME ON THE TELEPHONE ON AT LEAST ONE, IF NOT MORE, OCCASIONS THAT YOU THOUGHT YOU WOULD BE ABLE TO DO MR. MISCAVIGE'S DEPOSITION IN TWO DAYS MAXIMUM, OR LESS.

WE WERE HERE FOR A SUBSTANTIAL AMOUNT OF TIME YESTERDAY. I BELIEVE THE RECORD WILL SHOW SIX AND A HALF HOURS OF INTERROGATION. WE WERE HERE PROMPTLY AT ALL TIMES YESTERDAY AND TODAY; AND MY POSITION IS THAT WHEN THIS COURT REPORTER LEAVES, IF YOU DON'T HAVE SOMEBODY TO SUBSTITUTE FOR THE COURT REPORTER, THIS DEPOSITION IS OVER. I WANT THAT TO BE MADE PLAIN. WE WOULD BE WILLING TO STAY EXTRA HOURS IF YOU'D MADE ARRANGEMENTS; BUT IF YOU HAVEN'T, IT CAN'T BE DONE.

I WOULD SUGGEST THAT IN THE REMAINING 20 MINUTES YOU CHOOSE QUESTIONS THAT YOU THINK -- IF YOU HAVE ANY THAT ARE MORE IMPORTANT THAN OTHER QUESTIONS BECAUSE WE ARE NOT GOING TO COME BACK INTO THIS DEPOSITION ABSENT A COURT ORDER. MS. PLEVIN: YOU'RE FINISHED?

MR. HERTZBERG: YES.

BY MS. PLEVIN:

Q. MR. MISCAVIGE, ARE YOU AWARE THAT ANY ONE OR MORE LAWSUITS WERE COMMENCED TO PREVENT THE PUBLICATION OF THE BOOK "L. RON HUBBARD, MESSIAH OR MADMAN"?

MR. LIEBERMAN: COULD WE HAVE A TIME PERIOD? ARE YOU ASKING WHETHER HE'S AWARE NOW, OR ARE YOU ASKING WHETHER HE WAS AWARE AT THE TIME?

MS. PLEVIN: LET'S START WITH NOW.

Q. ARE YOU AWARE NOW THAT THERE WERE ANY LAWSUITS FILED TO PREVENT THE PUBLICATION OF "L. RON HUBBARD, MESSIAH OR MADMAN" ABOUT THE TIME IT WAS DUE TO BE RELEASED WHICH WAS THE MIDDLE OF 1987, APPROXIMATELY?

MR. HERTZBERG: OKAY. SO WHEN YOU ASKED THAT QUESTION, THAT WOULD INCLUDE HIS AWARENESS -- BECAUSE ALLEGATIONS WERE MADE IN THE COMPLAINT WHICH HAS BEEN BROUGHT AGAINST HIM, YOU WOULD INCLUDE IF HE WAS AWARE FROM THAT SOURCE 'OR FROM ANY OTHER

SOURCE? MS. PLEVIN: WE'LL START WITH, IS HE AWARE OF IT NOW.

THE WITNESS: "MESSIAH OR MADMAN," THAT'S BENT'S BOOK?

MS. PLEVIN: YES.

THE WITNESS: OKAY. I WAS CONFUSED. I'M SORRY. I WAS AWARE THAT THERE WAS, I THINK, A LAWSUIT.

MS. PLEVIN: YEAH.

THE WITNESS: I HEARD SOMETHING ABOUT THAT.

BY MS. PLEVIN:

Q. WHEN DID YOU FIRST BECOME AWARE THAT THERE WAS A LAWSUIT WITH REGARD TO THE BOOK?

A. I DON'T KNOW THE EXACT TIME, BUT I KNOW THAT IT HAD TO DO WITH -- I DON'T KNOW. I THINK IT HAD TO DO WITH THE COVER OF THE BOOK.

Q. ONE OF THE LAWSUITS -- THERE WERE SEVERAL LAWSUITS, MR. MISCAVIGE. ONE OF THE LAWSUITS HAD TO DO WITH THE COVER OF THE BOOK.

A. I WAS --

MR. HERTZBERG: WAIT, WAIT. THAT'S NOT A QUESTION.

MS. PLEVIN: NO, IT ISN'T.

MR. HERTZBERG: OKAY. HE SAID HE WAS FAMILIAR WITH A LAWSUIT HAVING TO DO WITH THE COVER OF THE BOOK.

MS. PLEVIN: OKAY.

MR. HERTZBERG: OKAY.

MR. HELLER: HAVE YOU GOT A QUESTION?

BY MS. PLEVIN:

Q. WHEN DID YOU BECOME AWARE OF THAT LAWSUIT? THAT WAS THE QUESTION.

MR. HELLER: FINE.

THE WITNESS: I THINK THERE WAS AN ARTICLE WRITTEN ABOUT THIS. WASN'T THERE A PRESS ARTICLE IN, POSSIBLY, "PUBLISHERS WEEKLY"?

BY MS. PLEVIN:

Q. DID YOU HAVE NO INFORMATION ABOUT THE LAWSUIT APART FROM WHAT YOU READ IN SOME TRADE JOURNAL; IS THAT WHAT YOU'RE SAYING?

A. I THOUGHT YOU ASKED ME WHEN I BECAME AWARE OF THAT. NO, I WASN'T SAYING THAT.

Q. OKAY.

A. I MAY HAVE HEARD OF IT ELSEWISE. I THINK THAT WAS IN REFERENCE TO -- I MENTIONED A CONVERSATION ABOUT THE COVER OF BENT'S BOOK HAVING A LETTER ON IT. I THINK AT

THAT POINT I WAS AWARE THAT THERE HAD BEEN A SUIT TO CHANGE THE COVER BECAUSE IT HAD A -IT WAS A RIP-OFF OF "DIANETICS."

Q. WHEN DID YOU -- SORRY.

A. THAT'S WHAT I'M TALKING ABOUT.

Q. WHEN DID YOU FIRST BECOME AWARE OF THE LAWSUIT ABOUT THE COVER?

A. WELL, I DON'T KNOW THE DATE, BUT I WILL TRY TO TIME TRACK IT FOR YOU. I KNOW THAT -- I BELIEVE THAT THE SUIT HAD BEEN WON. SO WHENEVER THAT WOULD HAVE BEEN OR AFTER THAT POINT, THAT'S WHEN IT WOULD HAVE BEEN; THAT APPARENTLY THE "DIANETICS" COVER COULDN'T BE USED.

Q. THE FIRST TIME YOU BECAME AWARE OF THAT LAWSUIT WAS AFTER IT HAD BEEN FILED; IS THAT WHAT YOU'RE SAYING? A. NO. I BELIEVE THE ISSUE WAS OVER WITH. I MEAN, MAYBE THE SUIT WAS EVEN DONE. I CAN'T EVEN -- OKAY.

Q. LET ME CLARIFY.

A. AT ANY RATE IT WOULD HAVE BEEN AFTER THE LAWSUIT.

Q. AFTER THE LAWSUIT WAS FILED?

A. OBVIOUSLY, BUT IT WASN'T DIRECTLY AFTER; THAT'S NOT A TIME FRAME I HAVE. I KNOW THERE WAS SOME ISSUE ABOUT A RIP-OFF OF THE "DIANETICS" COVER; THAT WAS ONE. Q. WERE YOU EVER --

A. OKAY, SO WHENEVER THAT IS; THAT'S HOW I COULD BEST PLACE IT.

Q. WERE YOU INVOLVED IN ANY DISCUSSIONS REGARDING THE FILING OF SUCH A LAWSUIT PRIOR TO ITS BEING FILED?

A. NO.

Q. SO IT'S CLEAR IN MY MIND, YOUR TESTIMONY, THEN, IS THAT YOU DIDN'T HEAR ABOUT IT UNTIL, AS YOU SAID, THE LAWSUIT WAS WON. I THINK THOSE WERE YOUR WORDS.

MR. HERTZBERG: IT'S BEEN ASKED AND ANSWERED. YOU CAN ANSWER IT ONE MORE TIME.

THE WITNESS: I THINK THE LAWSUIT WAS WON; I'D HAVE TO SAY THAT. HERE'S WHAT I -- EXACTLY --

MS. PLEVIN: I'M JUST FOCUSING ON THE TIME.

THE WITNESS: WELL, WAS THE LAWSUIT --

MS. PLEVIN: NOT WHETHER --

THE WITNESS: -- WON?

MS. PLEVIN: -- IT WAS WON OR LOST.

THE WITNESS: OKAY. THAT TIME, BUT THE --

MS. PLEVIN: BUT --

THE WITNESS: IN OTHER WORDS, DID --

MS. PLEVIN: OKAY.

THE WITNESS: THAT THE COVER --

MS. PLEVIN: THAT'S ALL.

THE WITNESS: -- TO RIP OFF "DIANETICS" COULDN'T BE USED.

MS. PLEVIN: OKAY.

THE WITNESS: OKAY.

BY MS. PLEVIN:

Q. PRIOR TO THE PUBLICATION OF THE BOOK, DID YOU INSTRUCT ANYONE TO TRY TO FIND OUT WHAT THE CONTENT OF THE BOOK WAS GOING TO BE?

A. NO.

Q. DID YOU ISSUE ANY ORDERS OR REQUEST THAT ANY ORDERS BE ISSUED TO OTHERS TO TRY TO FIND OUT WHAT THE CONTENT OF THE BOOK WAS GOING TO BE?

A. NO.

Q. DID YOU INSTRUCT OR ORDER ANYONE TO ATTEMPT TO STEAL A COPY OF THE MANUSCRIPT?

A. OF COURSE NOT.

Q. DID YOU EVER SEE A COPY OF THE MANUSCRIPT OF THE BOOK BEFORE OR AFTER IT WAS PUBLISHED IN MANUSCRIPT FORM?

A. NO.

Q. DO YOU KNOW OF ANYONE WHO DID SEE --

A. NO.

Q. -- A COPY OF THE MANUSCRIPT IN MANUSCRIPT FORM BEFORE OR AFTER IT WAS PUBLISHED?

A. NOT THE BOOK.

Q. THE MANUSCRIPT. YOU KNOW, PRIOR TO IT COMING OUT IN HARD COPY.

A. NO.

Q. THE MANUSCRIPT OF THE BOOK.

A. NO.

Q. DID YOU EVER SEE A COPY OF THE DUST JACKET? YOU KNOW WHAT I MEAN BY THE TERM "DUST JACKET"?

A. THE PAPER THAT WRAPS AROUND THE BOOK.

Q. CORRECT. DID YOU EVER SEE A COPY OF THE PROPOSED DUST JACKET WHICH WAS THE SUBJECT OF THE LAWSUIT?

(ATTORNEY-CLIENT DISCUSSION HELD OFF THE RECORD.)

THE WITNESS: I DON'T BELIEVE I EVER SAW THE DUST JACKET. I BELIEVE THERE WAS A PICTURE OF IT IN SOME PUBLICATION, LIKE A PHOTOGRAPH OF IT, YOU KNOW, PRINTED. MS. PLEVIN: OKAY.

THE WITNESS: BUT THE DUST JACKET -- WHEN YOU SAY -- I JUST WANT TO BE CLEAR ON THIS BECAUSE I ASSUME YOU'RE SAYING THERE WAS AN ACTUAL DUST JACKET.

MS. PLEVIN: CORRECT.

THE WITNESS: I NEVER SAW THAT, NO.

BY MS. PLEVIN:

Q. BUT YOU SAW SOME -- TO THE BEST OF YOUR RECOLLECTION YOU SAW SOME REPRESENTATION OF WHAT THE DUST JACKET WAS THAT WAS CONSIDERED THE OFFENDING DUST JACKET? A. I THINK SO.

Q. DO YOU RECALL WHAT PUBLICATION THAT WAS?

A. NO.

Q. ARE YOU FAMILIAR WITH ANY POLICY REGARDING THE PUBLICATION OF ENTHETA ABOUT L. RON HUBBARD, E-N-T-H-E-T-A?

A. HOW DID YOU SPELL THAT?

Q. E-N-T-H-E-T-A.

A. OKAY. ANY POLICY? PLEASE, I DON'T UNDERSTAND WHAT YOU MEAN BY THAT.

Q. OKAY. IS IT A POLICY -- STRIKE THAT.

A POLICY TO PREVENT THE PUBLICATION OR MAKE MORE DIFFICULT THE PUBLICATION OF BOOKS CRITICAL OF L. RON HUBBARD.

A. I DON'T KNOW OF ANY SUCH POLICY. BY "POLICY" I TAKE IT YOU'RE REFERRING TO A POLICY LETTER; IS THAT WHAT YOU MEAN BY THIS?

Q. LET'S START WITH THAT, POLICY LETTER.

A. NO. IN ANY CASE, I JUST WANT TO -- IN ANY EVENT, NO MATTER HOW YOU DEFINE "POLICY," NO.

Q. GUARDIAN ORDER?

A. NO. "NO" MEANING I -- YOU ASKED ME IF THERE'S A GUARDIAN ORDER. I HAVE NO KNOWLEDGE OF ANY GUARDIAN'S ORDER LIKE THAT, NO.

Q. ARE YOU AWARE OF ANY LAWSUITS THAT HAVE BEEN FILED TO PREVENT THE PUBLICATION OF BOOKS THAT ARE CRITICAL OF L. RON HUBBARD, LAWSUITS WHICH HAVE BEEN FILED BY OR ON BEHALF OF NEW ERA AND/OR THE EUROPEAN VERSION OF NEW ERA PUBLICATIONS, DK?

MR. HELLER: I'M CONFUSED.

MR. HERTZBERG: HE CAN ANSWER THAT, BUT, YOU KNOW, I GET --

MR. HELLER: I'M VERY CONFUSED BY THE QUESTION. ANY LAWSUITS THAT HAVE BEEN FILED TO PREVENT A BOOK THAT'S BEEN CRITICAL OF L. RON HUBBARD, MEANING THAT'S WHY THE LAWSUIT WAS FILED, OR THERE WAS A LAWSUIT FILED AND THE BOOK WAS CRITICAL OR WHAT?

MAYBE YOU'RE --

BY MS. PLEVIN:

Q. DO YOU UNDERSTAND THE QUESTION, MR. MISCAVIGE? A. WELL, LET ME TELL YOU WHAT I THINK YOU SAID. Q. OKAY.

A. AM I AWARE OF A POLICY REGARDING STOPPING THE PUBLICATION OF SOMETHING THAT'S ENTHETA ABOUT L. RON HUBBARD FROM NEW ERA PUBLICATIONS? WHY DON'T YOU TELL ME WHAT YOU SAID? I'M GOING TO LISTEN CLOSELY. Q. OKAY.

A. IT WAS PRETTY LONG THERE.

Q. OKAY. ARE YOU AWARE OF WHETHER LAWSUITS HAVE BEEN FILED FOR THE PURPOSE OF ATTEMPTING TO STOP THE PUBLICATION OF ENTHETA ABOUT L. RON HUBBARD?

MR. HERTZBERG: FOR THAT PURPOSE, THAT THE PURPOSE WAS TO STOP ENTHETA AS OPPOSED TO SOME LEGAL PURPOSE; IS THAT WHAT YOU'RE ASKING? BECAUSE I DON'T WANT HIM TO BE TRICKED. THIS QUESTION --

MS. PLEVIN: I AM NOT ATTEMPTING TO TRICK HIM.

MR. HERTZBERG: LET ME JUST SAY THAT THIS QUESTION IS, IN MY POINT OF VIEW --

MS. PLEVIN: I'M SORRY?

MR. HERTZBERG: IT'S SUBJECT TO MISINTERPRETATION, AND I DON'T WANT TO --

MS. PLEVIN: OKAY.

MR. HERTZBERG: WHAT -- CORRECT ME IF I'M WRONG -- I THINK MISS PLEVIN IS ASKING: ARE YOU AWARE OF ANY LAWSUITS THAT WERE FILED WHERE THE SOLE PURPOSE OF THE LAWSUIT, TO THE EXCLUSION OF ANY OTHER PURPOSE, WAS TO STOP AN ENTHETA ABOUT MR. HUBBARD; THAT'S AS OPPOSED TO FILING A SUIT BECAUSE A COVER MAY VIOLATE --

THE WITNESS: I GET IT.

MR. HERTZBERG: -- SOME STATUTE OR --

THE WITNESS: I GET IT.

MR. HERTZBERG: -- THERE MIGHT BE COPYRIGHT VIOLATIONS OR SOMETHING ELSE LIKE THAT; THAT'S WHAT -- THE WITNESS: NO.

MR. HERTZBERG: -- SHE'S ASKING YOU.

THE WITNESS: OKAY.

MS PLEVIN: WITH ONE EXCEPTION, I DON'T NECESSARILY SAY THAT'S THE SOLE PURPOSE. I DON'T ATTEMPT THAT TO BE A TRICK QUESTION. THERE HAVE BEEN LAWSUITS -- IF I MAKE COMMENTARY, MR. HERTZBERG GETS FURIOUS. SO I HAVE A PROBLEM IN MAKING COMMENTARY. BUT THERE ARE LAWSUITS THAT HAVE BEEN FILED ON COPYRIGHT GROUNDS. I AM SUGGESTING THAT WE TAKE -- THAT THE PURPOSE OF THOSE LAWSUITS, SUBSTANTIALLY, WAS NOT TO PROTECT COPYRIGHTS BUT TO STOP THOSE BOOKS FROM BEING PUBLISHED.

Q. IS THAT YOUR UNDERSTANDING OF WHAT THOSE LAWSUITS WERE ABOUT?

A. NO.

MR. HERTZBERG: LET'S GO ON THE RECORD AND --

THE WITNESS: BY THE WAY, THOSE LAWSUITS, I DON'T -- I'M ASSUMING THAT THOSE LAWSUITS -- I DON'T KNOW WHAT YOU MEAN BY "THOSE LAWSUITS."

MS. PLEVIN: ALL RIGHT.

THE WITNESS: OKAY.

MR. HERTZBERG: I ALSO WANT THE REGARD TO REFLECT I'M NOT FURIOUS ABOUT ANYTHING EXCEPT TO THE EXTENT IF I'M ANGRY ABOUT ANYTHING, IT'S TWO THINGS: WHAT YOU'VE DONE ABOUT THE LENGTH OF THIS DEPOSITION, WHICH WAS CONTRARY TO MY UNDERSTANDING, AND WHAT YOU DID THIS MORNING WHEN YOU ACTED AS A PROCESS SERVER FOR ATTORNEYS IN OTHER CASES; I'M FURIOUS ABOUT THAT.

BY MS PLEVIN:

Q. DO YOU KNOW SOMEONE BY THE NAME OF DENNIS CLARK?

A. YES.

Q. DO YOU KNOW -- IS HE PRESIDENT -- OR HAS HE BEEN PRESIDENT OF CCHR? A. I DON'T KNOW.

Q. IN WHAT -- DO YOU KNOW WHETHER HE HAS A POSITION WITH ANY SCIENTOLOGY ENTITY OR ORG, OR IS THIS -- WELL, TO START WITH, IS HE A SCIENTOLOGIST?

A. I BELIEVE HE IS.

Q. DO YOU KNOW WHETHER HE HAS A POST?

A. OKAY. I COULD ASK YOU WHAT THAT MEANS, BUT LET ME JUST -- I'LL ANSWER IT IN THIS FRAMEWORK JUST SO IT'S CLEAR: BY "A POST" -- I ASSUME YOU HAVE A POST, TOO. SO IN THAT CONTEXT, IT'S A LABEL, AND I BELIEVE THAT DENNIS CLARK -- I DON'T KNOW IF THIS IS HIS POST, BUT CCHR SPOKESMAN.

Q. OKAY.

A. I DON'T KNOW IF THAT'S AN OFFICIAL POST, BUT I'M JUST PUTTING THAT LABEL ON HIM, AS I WOULD PUT ATTORNEY LABEL ON YOU. Q. FAIR.

A. THAT WAY -- OKAY, GO AHEAD.

Q. DO YOU KNOW WHETHER OR NOT MR. CLARK EVER ATTEMPTED TO BEAT UP BENT CORYDON?

A. NO.

Q. DO YOU KNOW WHETHER OR NOT HE WAS EVER ASKED OR INSTRUCTED TO FIND BENT CORYDON AND BEAT HIM UP?

A. NO.

Q. DO YOU KNOW SOMEONE BY THE NAME OF KURT WEILAND?

A. YES.

Q. ARE YOU AWARE OF WHETHER HE WAS EVER UNDER INSTRUCTIONS TO ASSAULT BENT CORYDON ON ANY WAY?

A. NO.

Q. DO YOU KNOW WHETHER HE EVER DID?

A. NO.

Q. DID IT EVER COME TO YOUR ATTENTION THAT IT WAS ALLEGED THAT HE DID?

A. IS THAT SOMETHING MENTIONED IN THIS LAWSUIT?

Q. YES IT IS.

A. THEN I GUESS I READ IT IN THERE WHEN I READ THE LAWSUIT.

Q. DID YOU EVER AUTHORIZE A LETTER TO BE SENT TO THE "ST. PETERSBURG TIMES" THREATENING TO SUE IT IF IT PUBLISHED A REVIEW OF THE BOOK, "L. RON HUBBARD, MESSIAH OR MADMAN"? A. NO, I DIDN'T.

Q. DO YOU KNOW WHETHER ANYONE AUTHORIZED THAT LETTER TO BE SENT ON BEHALF OF ANY SCIENTOLOGY ORGANIZATION OR CHURCH?

MR. DRESCHER: ASSUMES FACTS NOT IN EVIDENCE.

MR. HELLER: EXACTLY.

BY MS PLEVIN:

Q. DO YOU KNOW WHETHER ANYONE DID AUTHORIZE ANYONE TO DO THAT?

MR. DRESCHER: OBJECTION.

MR. HERTZBERG: SAME PROBLEM.

MR. DRESCHER: SAME OBJECTION.

MR. HERTZBERG: IF THERE WAS SUCH A LETTER.

MS PLEVIN: ASSUMING THERE WAS SUCH A LETTER.

THE WITNESS: NO.

MS. PLEVIN: FINE

THE WITNESS: NO, I DON'T KNOW. AND I'VE NEVER SEEN SUCH A LETTER EITHER, SINCE THAT SEEMS TO BE APPROPRIATE TO WHAT'S HAPPENING HERE

MS. PLEVIN: OFF THE RECORD FOR A SECOND,

(DISCUSSION HELD OFF THE RECORD.)

BY MS. PLEVIN:

Q. WHAT'S THE FUNCTION OF THE OSA?

A. THAT MEANS OFFICE OF SPECIAL AFFAIRS. NOW, "FUNCTION" TELL ME WHAT YOU MEAN BY THAT, JUST SO WE'RE CLEAR RIGHT NOW WHEN YOU ASK ME THAT.

Q. OKAY. ZONES OF RESPONSIBILITY.

A DEALING WITH LEGAL AFFAIRS AND PUBLIC MATTERS.

Q. DOES IT EMPLOY ATTORNEYS?

A. "IT"?

Q. LET ME CLARIFY THAT.

A. OKAY.

Q. ATTORNEYS WHO ARE EMPLOYEES OF OSA, RATHER THAN RETAINED BY ANY CHURCH ENTITY.

A. I DON'T KNOW.

MR. HERTZBERG: I DON'T KNOW WHAT THE RELEVANCE OF THIS IS, MISS PLEVIN.

BY MS. PLEVIN:

Q. IT HAS FUNCTIONS WHICH ARE BOTH LEGAL AND NONLEGAL, HOWEVER?

MR. HERTZBERG: I WANT THIS TO BE CLEAR.

MR. DRESCHER: YEAH.

MR. HERTZBERG: I HOPE YOU'RE NOT IMPLYING IT HAS FUNCTIONS THAT ARE ILLEGAL AND LEGAL.

MS. PLEVIN: NO.

MR. HERTZBERG: AND THAT WAS IMPLIED BY THE WAY YOU PHRASED THAT QUESTION.

MR. LIEBERMAN: NO.

MS. PLEVIN: FUNCTIONS IN THE LEGAL ARENA AND AS WELL AS IN MATTERS NOT PERTAINING TO LEGAL MATTERS, LAWSUITS, SO FORTH.

THE WITNESS: SHOULD I ANSWER THIS QUESTION.

MR. HERTZBERG: YES. YES OR NO.

THE WITNESS: YES.

BY MS. PLEVIN:

Q. DO YOU SUPERVISE THE FUNCTIONS OF THE OSA WITH REGARD TO ITS HANDLING OF LEGAL MATTERS?

A. NO.

Q. DOES ANYONE AT RTC HAVE RESPONSIBILITY FOR OVERSEEING THE ACTIVITIES OF OSA WITH REGARD TO LAWSUITS, IN GENERAL?

A. WHAT DO YOU MEAN BY "OVERSEE"?

Q. A PERSON WHO WOULD BE THE SENIOR OF OSA WITH REGARD TO LAWSUITS AND THE CONDUCT OF LAWSUITS.

A. IN RTC?

Q. YES.

A. NO.

Q. IN ASI?

A. NO.

(ATTORNEY-CLIENT DISCUSSION HELD OFF THE RECORD.)

MR. HERTZBERG: JUST SAY YOU WANT HER TO CLARIFY.

THE WITNESS: JUST SO I'M CLEAR I UNDERSTAND WHAT YOU'RE ASKING: IS RTC THE SENIOR OF SOMEBODY IN OSA IN DEALING WITH LAWSUITS; IS THAT THEIR DUTY?

MS. PLEVIN: CORRECT.

THE WITNESS: THAT'S HOW I'M ANSWERING THE QUESTION. OKAY.

BY MS. PLEVIN:

Q. DOES ANYONE EXERCISE THAT FUNCTION, EVEN THOUGH IT IS NOT THEIR DUTY?

A. NO. I'M -- NO.

Q. DO YOU KNOW WHERE NORMAN STARKEY IS?

MR. HERTZBERG: I'M NOT GOING TO ALLOW HIM TO ANSWER THAT QUESTION, PARTICULARLY IN VIEW OF WHAT HAPPENED THIS MORNING, MISS PLEVIN, SINCE YOU'RE A PROCESS SERVER AS WELL AS AN ATTORNEY. MR. HELLER: I'LL JOIN.

MS. PLEVIN: AS A POTENTIAL WITNESS IN THIS LAWSUIT --

MR. HERTZBERG: WELL --

MS. PLEVIN: -- I'M ENTITLED TO TRY TO FIND OUT WHERE HE'S LOCATED.

MR. HERTZBERG: I CAN'T -- IN VIEW OF WHAT HAPPENED, I CAN'T TRUST ANY MORE THAT THAT'S -- EVEN IF THAT WERE A VALID REASON FOR THAT QUESTION, I CAN'T TRUST ANY MORE WHAT YOUR PURPOSE IS IN SEEKING ADDRESSES.

MS. PLEVIN: WELL --

MR. HERTZBERG: WHEN YOU COME IN HERE AFTER NOTICING MY CLIENT'S DEPOSITION AND YOU COME IN HERE AND THEN YOU GO ON THE RECORD AND THEN YOU SERVE HIM OR TRY TO SERVE HIM WITH PROCESSES IN VARIOUS CASES THAT YOU'RE NOT INVOLVED IN, I CAN'T TAKE THAT AT FACE

VALUE.

MS. PLEVIN: THEN I HAVE TO ASK WHETHER IT IS YOUR PURPOSE, MR. HERTZBERG, TO ASSIST PEOPLE IN AVOIDING SERVICE OF PROCESS? MR. HELLER: HOW SO?

MR. HERTZBERG: ASK THE NEXT QUESTION, PLEASE.

THE REPORTER: I HAVE 5:00 O'CLOCK.

MS. PLEVIN: THE COURT REPORTER JUST INFORMED ME THAT SHE HAS TO LEAVE; IT'S 5:00 O'CLOCK.

I AM NOT FINISHED. I DON'T THINK WE NEED TO PROLONG THE RECORD WITH REGARD TO THE SIGNIFICANCE OF OUR VIEWS ON THAT.

I WILL NOT CONCLUDE THE DEPOSITION. I WILL ADJOURN IT, SUBJECT TO WHATEVER SUBSEQUENT PROCEEDINGS MAY HAPPEN OR NEGOTIATIONS MAY HAPPEN ON THAT SUBJECT AND LET'S LEAVE IT AT THAT FOR NOW. MR. HERTZBERG: ALL RIGHT. I DON'T WANT THE RECORD TO BE UNCLEAR IN ANY WAY. WE CONSIDER YOUR DEPOSITION OF MR. MISCAVIGE IN THIS CASE NOW TERMINATED.

MS. PLEVIN: THAT'S YOUR -- YOU HAVE MADE THAT RECORD. YOU HAVE MADE THAT CLEAR.

MR. HERTZBERG: OKAY.

MS. PLEVIN: NO STIPULATION.

(WHEREUPON, AT 5:00 P.M., THE DEPOSITION OF DAVID MISCAVIGE WAS ADJOURNED SINE DIE.)

qq