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7 Attorneys for Plaintiffs

8 SUPERIOR COURT OF CALIFORNIA

9 IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO

10
11 PEOPLES TEMPLE OF THE DISCIPLES OF)
12 CHRIST, a nonprofit corporation,)
13 JEAN F. BROWN, and JAMES McELVANE,)

14 Plaintiffs,

15 vs.

16 TIMOTHY OLIVER STOEN,

17 Defendant.

NO.

COMPLAINT FOR TEMPORARY
RESTRAINING ORDER,
PRELIMINARY AND PERMANENT
INJUNCTIONS, AND DAMAGES
[C.C. §§3333, 3422;
C.C.P. §§526, 527]

18
19 Plaintiffs allege:

20 I

21 Plaintiff PEOPLES TEMPLE OF THE DISCIPLES OF CHRIST,
22 hereinafter "PEOPLES TEMPLE," is, and at all times mentioned
23 herein was, a nonprofit corporation organized and existing under
24 and by virtue of the laws of the State of California, with its
25 principal place of business in the City and County of San
26 Francisco. Plaintiffs BROWN and McELVANE are individuals and

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1 are members of plaintiff PEOPLES TEMPLE.

2 II

3 Defendant is, and at all times mentioned herein was,
4 an attorney at law with his office in the City and County of
5 San Francisco.

6 III

7 Defendant served as chief legal counsel for plaintiff
8 PEOPLES TEMPLE from 1970 until approximately August of 1977. He
9 represented plaintiff PEOPLES TEMPLE in various litigation
10 matters, drafted various legal documents for plaintiff PEOPLES
11 TEMPLE, drafted amendments to PEOPLES TEMPLE corporate articles,
12 drafted PEOPLES TEMPLE's corporate bylaws, wrote numerous letters
13 on behalf of plaintiff PEOPLES TEMPLE, and negotiated numerous
14 transactions, including real estate transactions, on behalf of
15 plaintiff PEOPLES TEMPLE, as its attorney. As legal counsel he
16 routinely gave legal advice to the Board of Directors, officers
17 and members of plaintiff PEOPLES TEMPLE, including plaintiffs
18 BROWN and McELVANE.

19 IV

20 During his years as legal counsel to plaintiff PEOPLES
21 TEMPLE, and in the course of the attorney-client relationship
22 between plaintiff PEOPLES TEMPLE and defendant, defendant
23 acquired an intimate knowledge of the confidential affairs of
24 each of the plaintiffs. Defendant obtained confidential
25 information concerning all aspects of plaintiff PEOPLES TEMPLE's
26 organization, finances, real estate transactions, methods of

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1 operation, and relationships with members, former members, and
2 relatives of members.

3
4 V

5 In his capacity as legal counsel for plaintiff PEOPLES
6 TEMPLE, defendant planned, guided and arranged various real
7 estate transactions between it and its members. In particular,
8 defendant planned, advised and arranged the transfer of certain
9 real property in the County of Los Angeles from Wade B. Medlock
10 and Mabel M. Medlock to plaintiff PEOPLES TEMPLE.

11 VI

12 In his capacity as legal counsel for plaintiff,
13 defendant counseled and advised members of plaintiff PEOPLES
14 TEMPLE concerning possible legal problems that might arise as
15 a result of the hostility of some of their relatives to plaintiff
16 PEOPLES TEMPLE. In particular, he advised member Maria Katsaris
17 concerning possible legal problems that might arise because of
18 her father's hostile attitude toward plaintiff. During the course
19 of his consultations with Maria Katsaris, as attorney for
20 plaintiff PEOPLES TEMPLE, defendant obtained confidential
21 information concerning her relationship with her father, STEVEN
22 A. KATSARIS, and certain sexual advances made by her father
23 towards her when she was a child. In April or May, 1977,
24 defendant advised plaintiff PEOPLES TEMPLE and Maria Katsaris
25 that she should go to Guyana to avoid the possibility of her
26 father's instituting conservatorship proceedings against her and
that, in the event her father should pursue her to Guyana, the

1 sexual advances towards her by her father should be made public.

2 VII

3 In February 1977 defendant STOEN joined Reverend Jim
4 Jones and the Peoples Temple commune in Guyana, South America.
5 In September 1976 defendant had sent John Victor Stoen, a four
6 year old boy born to defendant's ex-wife, Grace Stoen, there.
7 Defendant had previously admitted, in an affidavit signed
8 in 1972, that this child was the son of Jim Jones. In that
9 affidavit defendant stated that he had asked Jones to sire
10 a child for him because he had not been able to do so
11 himself and, in his admiration and respect for Jones, wanted
12 him to father the child. See Exhibits C-1, C-2 and C-3,
13 attached hereto.

14 VIII

15 During the period in which defendant was a member of
16 and legal counsel for PEOPLES TEMPLE, he appeared and said he was
17 devoted to the PEOPLES TEMPLE and its cause, and to its Pastor,
18 the Reverend Jim Jones. As late as August 1977, he stated
19 that he had esteem for Jones and that Jones helped him to develop
20 an empathy toward the persecuted. As a result defendant said
21 that he intended to develop a national law firm to help people
22 who are prosecuted on some pretext, for their religious beliefs.
23 At that time, defendant STOEN threatened to file a libel suit
24 against New West Magazine and the Mendocino Grapevine because of
25 various allegations against the PEOPLES TEMPLE and STOEN
26 that appeared in those publications. See Exhibits A and B

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1 attached hereto.

2 IX

3 In August 1977, while still counsel for the plaintiff,
4 a custody battle ensued between defendant, his ex-wife Grace
5 Stoen, and the Reverend Jim Jones. This battle was accompanied
6 by a great deal of publicity. In February 1978 defendant STOEN
7 claimed to have spent over \$18,000 in the attempt to return the
8 boy to Grace Stoen. See Exhibit D, attached hereto. During this
9 battle the affidavit described in Paragraph VII, supra, was
10 made public.

11 X

12 The battle described in Paragraph IX, supra, engendered
13 feelings of great bitterness and hostility in defendant STOEN,
14 directed towards Jim Jones, the PEOPLES TEMPLE, and all of its
15 directors, officers and members. As a result of the bitterness
16 and hostility engendered by this custody battle, defendant began
17 a personal vendetta against Jones, the Temple, its directors and
18 officers and all of its members, including plaintiffs herein.
19 The actions described in the following paragraphs of this
20 Complaint were all taken as a part of this personal vendetta.

21 XI

22 Defendant has solicited and continues to solicit, and
23 has accepted and continues to accept, employment which is
24 adverse to the interests of plaintiffs and each of them, and
25 in the course of that solicitation and employment has used and
26 continues to use confidential information received during the

1 course of his attorney-client relationship with plaintiff PEOPLES
2 TEMPLE.

3 XII

4 On May 22, 1978 defendant filed a complaint for
5 compensatory and punitive damages for libel on its face and for
6 slander, in the Superior Court of the State of California in and
7 for the County of Mendocino, Civil Action #39911, on behalf of
8 Steven A. Katsaris, against, among others, plaintiff PEOPLES
9 TEMPLE. The allegations of that complaint concern the relation-
10 ship between Maria Katsaris and her father, Steven A. Katsaris,
11 and various statements allegedly made concerning that
12 relationship. See Exhibit E attached hereto.

13 XIII

14 On June 7, 1978, defendant filed a complaint for
15 compensatory and punitive damages for conversion based on
16 coercion and for intentional infliction of emotional distress,
17 in the Superior Court of the State of California in and for the
18 County of Los Angeles, Civil Action #243292. That complaint
19 was filed on behalf of Wade B. Medlock and Mabel M. Medlock
20 against, among others, plaintiffs PEOPLES TEMPLE and McELVANE.
21 The subject matter of that action is the real estate transaction
22 referred to in Paragraph V, supra. See Exhibit F attached hereto.

23 XIV

24 On June 22, 1978 defendant filed a complaint for
25 compensatory and punitive damages for intentional infliction of
26 emotional distress and for libel on its face, in the Superior

1 Court of the State of California in and for the City and County
2 of San Francisco, Civil Action #739907. That complaint was
3 filed on behalf of James Cobb, Jr., against, among others,
4 plaintiffs PEOPLES TEMPLE and BROWN. The allegations of that
5 complaint concern various incidents about which defendant
6 obtained confidential information during the course of his
7 attorney-client relationship with plaintiff PEOPLES TEMPLE.
8 See Exhibit G attached hereto.

9
10 XV

11 Defendant utilized confidential information obtained
12 during the course of his attorney-client relationship with
13 plaintiff PEOPLES TEMPLE in drafting the complaints described
14 in Paragraphs XII-XIV supra, and will continue to use such
15 confidential information in the prosecution of those actions
16 unless and until he is enjoined by court order from so doing.

17 XVI

18 Defendant's wrongful conduct, as alleged in the
19 preceding paragraphs of this Complaint, unless and until enjoined
20 and restrained by order of this Court, will cause great and
21 irreparable injury to plaintiffs and each of them in that each
22 of their reputations will be damaged by the publicity generated
23 by suits brought against them by defendant in the course of his
24 campaign of harassment and persecution, plaintiffs and each of
25 them will be forced to spend countless hours in the defense of
26 these suits, and plaintiffs and each of them will be prejudiced
in the defense of these actions by defendant's wrongful and

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1 illegal use of confidential information in his prosecution of the
2 suits. Plaintiffs and each of them will be further irreparably
3 injured by the fact that confidential information concerning
4 them is being made public by defendant.

5 XVI

6 Plaintiffs and each of them have no adequate remedy
7 at law for the injuries currently being suffered and which will
8 continue to be suffered unless and until plaintiff is enjoined
9 from his wrongful conduct, since it will be impossible for
10 plaintiffs or any of them to ascertain the precise amount of
11 damage which will be suffered if defendant's wrongful conduct
12 is not enjoined, and since, if defendant is not enjoined,
13 plaintiffs and each of them will be forced to institute a
14 multiplicity of suits to obtain adequate compensation for their
15 injuries.

16 XVII

17 As a proximate result of defendant's wrongful conduct
18 plaintiff PEOPLES TEMPLE has been damaged in the sum of
19 \$50,000,000.00 due to damage to its reputation and in the sum
20 of \$500,000.00 in attorneys' fees. Plaintiffs, and each of
21 them, will be further damaged in like manner so long as defendant's
22 conduct continues. The full amount of such damages is not now
23 known to plaintiffs, or to any of them.

24 XVIII

25 Defendant did the things herein alleged with intent to
26 harass and oppress plaintiffs and each of them, and such acts

1 were done maliciously and oppressively. Plaintiffs, and each
2 of them, are therefore entitled to punitive damages in the sum
3 of \$100,000,000.00.

4 WHEREFORE, plaintiffs, and each of them, pray judgment
5 against defendant as follows:

6 1. For an order requiring defendant to show cause,
7 if any he has, why he should not be enjoined as hereinafter
8 set forth, during the pendency of this action;

9 2. For a temporary restraining order, a preliminary
10 injunction, and a permanent injunction, all enjoining defendant
11 and his agents, servants, and employees, and all persons acting
12 under, in concert with, or for them from:

13 a. Soliciting professional employment from
14 ex-members of PEOPLES TEMPLE, relatives of members of PEOPLES
15 TEMPLE, or from any other persons for the purpose of generating
16 suits against plaintiffs or any of them or against any officers,
17 directors, or members of plaintiff PEOPLES TEMPLE;

18 b. Accepting professional employment adverse to
19 his former client PEOPLES TEMPLE or to any directors, officers
20 or members of PEOPLES TEMPLE, including all plaintiffs herein,
21 during the course of which employment he will have or might have
22 occasion to use any confidential information obtained during
23 the course of the attorney-client relationship between defendant
24 and PEOPLES TEMPLE.

25 c. Disclosing under any circumstances any
26 confidential information obtained during the course of the

1 attorney-client relationship between defendant and PEOPLES TEMPLE,
2 and between defendant and any officers, directors or members
3 of PEOPLES TEMPLE, including all plaintiffs herein, unless such
4 disclosure is with the written consent of the PEOPLES TEMPLE.

5 d. Prosecuting any complaint already filed, which
6 was filed in violation of the attorney-client privilege or the
7 prohibition against accepting employment adverse to a former
8 client, during the course of which the defendant will have,
9 or might have, occasion to use any confidential information
10 obtained during the course of the attorney-client relationship
11 between defendant and PEOPLES TEMPLE.

12 3. For damages in the sum of \$50,500,000.00 plus
13 damages in such further sums as may be sustained and as are
14 ascertained before final judgment herein;

15 4. For punitive damages in the sum of \$100,000,000.00;

16 5. For costs of suit herein incurred; and

17 6. For such other and further relief as the Court
18 deems proper.

19 Dated: July __, 1978.

20
21
22 CHARLES R. GARRY
Attorney for Defendants
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1 MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF
2 MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY
3 INJUNCTION

4 I. PLAINTIFFS ARE ENTITLED TO A PRELIMINARY INJUNCTION TO
5 PRESERVE THE STATUS QUO PENDING A DETERMINATION OF THE
6 MERITS OF THIS ACTION.

7 In determining whether to grant a preliminary injunction
8 the trial court must balance the equities and determine which party
9 is more likely to be injured by the exercise of its discretion.
10 The discretion must then be exercised in favor of that party.
11 Continental Bakery Co. v. Katz, 68 Cal. 2d 512 at 528 (1968);
12 California State Univ., Hayward v. National Collegiate Athletic
13 Ass'n., 47 Cal. App. 3d 533 at 544 (1975).

14 In the above-entitled case the equities are clearly
15 on the side of plaintiff. The facts, as set forth in the
16 Complaint and in the Declaration of Carol Stahl, show that
17 defendant STOEN is engaged in a personal vendetta against
18 plaintiff PEOPLES TEMPLE, the Reverend Jim Jones, and all of the
19 other plaintiffs herein. In the course of that vendetta he has
20 solicited, and continues to solicit, professional employment
21 adverse to his former clients, plaintiffs herein, in the course
22 of which he has disclosed, and will continue to disclose,
23 confidential information obtained during the course of his
24 attorney-client relationship with plaintiffs. This conduct is
25 prohibited by California Business and Professions Code Section
26 6068(e), which states:

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1 It is the duty of an attorney: . . .

2 (e) To maintain inviolate the confidence, and
3 at every peril to himself to preserve the secrets,
4 of his client.

5 The conduct engaged in by defendant and described in the
6 Complaint and Declaration of Carol Stahl in the within-entitled
7 case is also prohibited by California State Bar Rules of
8 Professional Conduct, Rules 2-101, 2-110, and 4-101. Rule 2-101
9 states in pertinent part:

10 A member of the State Bar shall not solicit
11 professional employment by advertisement or
12 otherwise.

13 Rule 2-110 states:

14 A member of the State Bar shall not accept
15 employment to accomplish any of the following
16 objectives, nor shall he do so if he knows
17 or should know that the person who employs
18 him wishes to accomplish any of the following
19 purposes:

20 (1) Bring a legal action, conduct a defense,
21 or assert a position in litigation, or other-
22 wise take steps, solely for the purpose of
23 harassing or maliciously injuring any person
24 or to prosecute or defend a case solely out
25 of spite.

26 (2) Present a claim or defense in litigation
that is not warranted under existing law, unless
it can be supported by good faith argument for
an extension, modification or reversal of
existing law.

(3) Take or prosecute an appeal solely for
delay, or for any other reason not in good
faith.

Rule 4-101 states:

A member of the State Bar shall not accept
employment adverse to a client or former
client, without the informed and written consent
of the client or former client, relating to a
matter in reference to which he has obtained
confidential information by reason of or in

1 the course of his employment by such client
2 or former client.

3 An attorney is forbidden to do either of two things
4 after severing his relationship with a former client. He may
5 not do anything which will injuriously affect his former client
6 in any matter in which he formerly represented him nor may he
7 at any time use against his former client knowledge or information
8 acquired by virtue of the previous relationship. Wutchumma Water
9 Co. v. Bailey, 216 Cal. 564 at 573 (1932); Sheffield v. State Bar,
10 22 Cal. 2d 627 at 630 (1943); Earl Scheib, Inc. v. Superior Court
11 of Los Angeles County, 253 Cal. App. 2d 703 at 706.

12 The courts have interpreted these rules to forbid
13 subsequent representation of another against a former client
14 not merely when the attorney will be called upon to use
15 confidential information obtained in the course of the former
16 employment, but in every case when, by reason of such subsequent
17 employment, he may be called upon to use such confidential
18 information. Galbraith v. State Bar, 218 Cal. 329 at 332-333
19 (1933); Sheffield v. State Bar, supra at 630; Earl Scheib, Inc.
20 v. Superior Court of Los Angeles County, supra at 707.

21 The injunction sought herein seeks only to restrain
22 defendant from engaging in conduct which is clearly prohibited
23 by Business and Professions Code Section 6068(e) and Rules
24 2-101, 2-110, and 4-101 of the State Bar Rules of Professional
25 Conduct, as those Rules have been interpreted by the California
26 Supreme Court. This restraint is necessary to prevent further

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1 damage to plaintiffs from defendant's disclosure of confidential
2 information and the adverse publicity generated by that disclosure.
3 The injunction is also necessary to protect the plaintiffs from
4 the necessity of defending themselves against suits filed only
5 as a result of the unethical conduct of defendant.

6 The purpose of a preliminary injunction is to preserve
7 the status quo pending the final determination of the merits of
8 the action. Continental Bakery Co., supra at 528; United States
9 Hertz, Inc. v. Niobrara Farms, 41 Cal. App. 3d 68 at 79 (1974).
10 Such preservation is obviously crucial in this case. Defendant
11 filed three suits in the course of the thirty day period between
12 May 22 and June 22, 1978. If he is not restrained by court order,
13 he will continue to solicit adverse employment and to file
14 suits against plaintiff, all to the detriment of plaintiff's
15 reputation, and to their damage through the disclosure of
16 confidential information, and the expenditure of time, money and
17 energy in defense of these suits. The status quo can be
18 preserved only by the issuance of the court order requested herein.

19
20 II. PLAINTIFFS ARE ENTITLED TO A TEMPORARY RESTRAINING ORDER,
21 BECAUSE PLAINTIFFS WILL SUFFER IRREPARABLE INJURY UNLESS
22 DEFENDANT IS RESTRAINED BY COURT ORDER, PENDING A
HEARING ON THIS MATTER, FROM THE ACTIONS COMPLAINED OF
HEREIN.

23 C.C.P. §527(a) provides that a temporary restraining
24 order may be granted without notice where great or irreparable
25 injury would result to the applicant before the matter can be heard
26 on notice.

1 Defendant in this case is involved in a personal
2 vendetta against plaintiffs. In the course of this vendetta
3 he has already filed three suits against plaintiffs and has
4 disclosed much confidential information concerning plaintiffs.
5 Only one of these complaints has been served upon any of the
6 plaintiffs to this date. But if defendant is not immediately
7 restrained from proceeding with the vendetta pending a hearing
8 on this matter, he may succeed in serving plaintiffs with the
9 remaining two complaints, which will generate further damaging
10 publicity. If not restrained, he may also disclose further
11 confidential information and file further suits, all to the
12 irreparable injury of plaintiffs and each of them, as described
13 above and in the Declaration of Stahl.

14
15 CONCLUSION

16
17 For all of the reasons stated above, plaintiffs
18 respectfully request that the Temporary Restraining Order
19 and the Order to Show Cause attached hereto issue forthwith.
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