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Some stuff to be conveyed to Gary re the Katsaris suit.

Some of this stuff will be ideas, strategies etc. for stalling and defending. ^{The overall idea is to turn this into a Tarndyce v. Tarndyce.} Later there will be a point by point answer to the complaint.

I. Peoples Temple of California as defendant: None of the individual defendants named are alleged to be officers or directors of the church. Jim himself has not been a pastor of PT California since last June (July?) nor has he received any stipend for such services since. A little difficult to see how the corporation (and remember that PT of Calif. is not the same corp as PT of Guyana, and it is the California corp that is being sued.) could have authorized these individuals to be involved in this activity. There is a certain body of law, as we recall, that holds that the corporate employer cannot be held liable for the intentional torts of its employees. So this is an area that will have to be reviewed thoroughly. As far as the PT letterhead is concerned, that's a real problem, but we can allege that it was Laurie Efrein acting on her own with the help maybe of Tim Clancy-- and furthermore that the stuff about molestation was put in by her intentionally, on her own, because she was fucking pissed off at Katsaris. (More on all this later...)

Files in Berkeley or S.F.

As far as an agency relationship goes, the complaint is defective because it doesn't allege specific facts to show an agency relationship, and, as a matter of law, it is not enough to allege an agency relationship generally. Furthermore, as a corporate employer is not liable for the intentional torts of its employees, then any such acts would be ultra vires, as beyond the course and scope of the employees authority. This needs to be researched. Of course although there are some defenses to the corporate involvement, a hell of a lot depends on getting an impartial judge since we may have to put up a hell of a bond to prevent ~~execution~~ execution on the judgment while we go to appeal. Obviously we won't get that in Mendocino. This is where Chalkins consolidation of all the lawsuits strategy comes in-- we consolidate the suits on the basis of a ~~cross~~ cross complaint against Stoen (providing the necessary common issues of law and fact) and get the thing moved. ~~(There are other arguments for changing venue which we'll come to later when we discuss the complaint in more detail.)~~

-- ~~AGAIN:~~ AGAIN:

-- none of these individuals were directors nor officers of the corporation and nothing said or done by any officer of the corp that would have authorized this activity. And, although a few individuals may or may not have gotten together and may or may not have said some stuff which may or may not be provable in court is a long way from sticking the Calif. corp. with this.

-- agency relationship not alleged specifically which case law requires. Could use a special demurrer for failure to state a cause of action against PT corp or for uncertainty. Altho TOS will just amend, but it buys time. May want to let the thing go as is, and not "educate" him in the defects as Charles states, and then hit it at trial-- presuming we all get to trial.

-- Case against Jim is much weaker than that of Sandi- he is not an officer director, nor even an employee (as pastor) of PT Calif. Plus, as we shall see, he did not do the things alleged. (He is working for PT Guyana)

-- case against Paula-- we'll see that she did not do the things alleged. They will have a hard row to hoe if unless they can get the U.S. Embassy officials into court to testify or give a deposition on the case. However, if they get their testimony by way of deposition, then we might have a case for Maria's testimony being brought in by way of deposition as well. (Note: I think Dick McCay may have said something about not having to testify in this thing...)

LAW AND MOTIONS: might try to buy time with all kinds of motions to strike, summary judgement etc. This might be the road to go when and if we get all the various cases consolidated into one fat case-- outside of Mendocino county. At that point, law and motions could be a nice stalling tactic. Could go through all kinds of discovery on issues we will discuss later, and then make motions for summary judgement etc.

Carolyn - please Xerox + send to Charles (or Jean to give to him.) Just some ideas etc. Also send the paper on TOS strategy.

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agree by arbitration and generally in and about the premises to do, perform, transact and accomplish, all and whatever further I may from time to time direct by letter, or other written instruments as fully and effectually as he could himself do and perform the said if personally present and acting therein and all with the powers of assumption, substitution and surrogation, he hereby ratifies and confirms and promising and agreeing to confirm, ratify and allow all and whatever his said Attorneys or other Attorneys who may be assumed or substituted or surrogated to act herein, shall or may be lawfully liable to do or cause to be done in and about the premises under and by virtue of these presents.

THUS DONE AND SIGNED at the City of Georgetown, County of Demerara, Guyana, datum ut supra, in the presence of the subscribing witnesses.

ATTESTOR

WITNESSES:

1.

2.

AND IN MY PRESENCE

QUOD ATTESTOR
A NOTARY PUBLIC

VENUE: The current Press Demo articles and so on tie in very directly to the complaint that we could show that an aura of adverse publicity has been intentionally created dealing with the very issues that are subject to litigation and its not coincidental. Plaintiffs have acted in such a way as to develop a climate of prejudice and hatred intentionally. Can cite the CR petition as part of this deliberate effort to create such prejudice-- distribute carefully to media etc. Some depositions might be taken on PD people as to how all this publicity arose etc. The complaint itself we shall see contains admissions that can be used to show prejudicial climate created by this publicit

~~XXXXXXXXXX~~
CROSS COMPLAINT: We might consider filing a cross complaint against the PD on the grounds that it negligently designated Sandy and a church spokesperson, ~~XXXXXXXXXX~~ when in fact she never presented herself as such, and thus directly caused PD of Calif to be sued. We could ~~XXXX~~ cross-complain and ask indemnification for damages and costs. That should complicate matters nicely for a bit longer-- discovery, depositions etc. etc.

ATTORNEYS: One thing to consider is that each of these defendants is entitled to a separate attorney. That means that each attorney can file separate ~~XXXXXXXXXX~~ answers, separate motions-- at different times-- ~~XXXXXXXXXX~~ separate hearing dates. Moreover, each one is entitled to one affidavit of prejudice against one judge without cause. Thus, in addition to bogging things up, we could, if venue change didn't go too well, at least knock a lot of Mendocino judges out of the box. The lawyers could work together on the case, and maybe would be (hopefully) amenable to Garry's direction etc. Indeed, they each wouldn't have to do all that much work, if Garry prefers it that way. If nothing else we might cause Mendocino county to spend \$100,000 to get some out of county judge in to try the fucking thing. Garry should pick friends of his, and maybe someone from Mendocino to do routine appearances.

Of course, if we get it consolidated we won't have so much of a problem, but multiple attorneys could still be good to tie the ~~xxx~~ thing up.

We may want to set the case up so as to appear that the ~~XXXXXXXXXX~~ defendants are at cross-purposes among themselves-- this would help to make a jury conclude that there was no organizational conspiracy since all the defendants are fighting among themselves. Also such a strategy might allow a jury to cut the case down the middle and let the corporation off the hook, while sticking Bradshaw and Jones as individuals. If we succeed in doing that we would have ~~xxx~~ won even though we would have technically lost.

OTHER ISSUES:

SECOND CAUSE OF ACTION: pp. 19. "KATSARIS ALSO SAID CHURCH OFFICIALS TOLD U.S. EMBASSY ETC." This statement raises a possibly interesting issue. The plaintiff "atsaris published the thing himself. ~~XXXXXXXXXX~~ All ~~XXXXXXXXXX~~ and did (as an individual) and all we did was to reiterate his statement. This is supported by the fact that the whole molestation thing was brought out by Katsaris before our alleged slander on the CR petition which was published to the public media and members of Congress etc. ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~ So we have a really interesting issue here where we are accused of making a libellous statement but the plaintiff himself is making the same statements, and tying himself into these statements in the public ~~xxxx~~ and in the press. This probably goes to mitigation of damages but it might go to something else as well.

There are ^{potentially} all kinds of interesting appellate issues in the case, but unless we can get the church extricated from this, we won't be able to afford the bond required to keep writs of attachment off while appeal is pending.

Now the Letterhead thing makes this damn difficult, unless we can show that Laurie put the molestation thing intentionally, on her own, and thus they should be suing her for slander, not us. This will be tough, especially if they introduce a bunch of press releases etc, that show this one fits in with the course of conduct etc. of PD for ~~XXXXXXXXXXXXXXXXXXXX~~ press releases etc. Of course, if they do that we can argue that ~~x~~ the fact that none of the previous press releases ever contained anything libellous etc., helps support our contention that it was Laurie's own intentional malicious addition (which fact she will testify in court to, of course) *also a reason for multiple lawsuits*

~~xxxx~~ MORE ON THE SECOND CAUSE OF ACTION, pp. 19: "IN SF TODAY, CHURCH SOKESMAN, SB, SAID KATSARIS'S Daughter, 'will CONTINUE TO STATE THIS BECAUSE THIS IS THE TRUTH.'"

Now on what basis can this be construed as a statement from the church since it is obvious that what SB was making was a statement on behalf of Maria? The only thing that ties this statement to the church are the words "church spokesmen" ~~which~~ which was the language of the PD. Sandi herself never represented herself as such. Thus we counter sue the Press democrat for negligence on the ground that she ~~XXXXXXXXXX~~ did not represent herself as church spokesman, and as a result of their negligence in labelling her, the PD has opened us up for a lawsuit...

②) because Maria asked her to do it

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2. To enter into, sign, execute and deliver all contracts, deeds, documents, agreements, guarantees, bonds or other documents of a like nature, and to open and operate a bank account in any of the banks in Guyana in the name of the Appearer.

3. AND generally for him and in his name, to collect, ask for, demand, sue for, levy, recover and receive of and from all and every person and persons whomsoever all and every sum or sums of money, principal and interest, costs, charges, expenses, rents and arrears of rent, goods, wares, and debts, merchandise, effects and things whatsoever which any person or persons whomsoever may now or at any time hereafter have in his or her, or their hands, custody or possession due, owing and payable or belonging to him or upon or by virtue of any bill of exchange, telegraphic trade, dealings, or otherwise, howsoever nothing excepted or reversed, and for the purpose aforesaid to account, and to call to account and reckoning and view, examine, state, settle and adjust all accounts and balances thereof, to receive and on receipt of the same or of any part thereof and of any or every sum or sums of money to be received by the said Attorneys, and to grant good and sufficient receipts, releases or discharges for the same in due form of law and in case of refusal and delay by or on part of all or any person or persons whomsoever to make and render just and true account, payment and satisfaction in the premises thereto to compel them and to effectually prosecute one or more suits, action or actions before all Courts and before all Judges, Magistrates, Justices and Ministers of the Law as Complainants, Plaintiffs or defendants, as the case may be, and then and there to prosecute, claim, demand, answer and reply in and to all suits, matters and causes and to defend any actions or suits, consent to sentence as the case may be that may be brought or taken against him by any person or persons whomsoever and to take all necessary legal proceedings and to pursue, impede, seize, detain, sequester, arrest, attach, imprison, condemn, and out of prison again to release and deliver, also to compound, compromise, conclude and

I have a copy of what Maria makes me to play for you

so therefore we are entitled to indemnification by the PD as least as far as the Second Cause of Action is concerned.

PAGE 9, PP 31: How can there be an allegation that PT, which is alleged to be a Calif corp, was acting in Guyana where it has no officers and directors and where in fact there is an entirely different corporate entity functioning. One of the things that will have to be clarified is just what the hell are we talking about when we talk about Peoples Temple? If we are PT Calif, then the question is what evidence can be adduced to to the fact that PT, a Calif Corp. functions in Guyana-- which in truth and fact it does not. Therefore, none of this radio traffic can be PT- Calif, radio traffic (from BR) end at any rate) since there are no employees, officers or directors of PT Calif in Guyana. So its really interesting, that aside from the facts of what was or was not said over the radio, how could PT-Calif have done it since it does not function in Guyana? So we need to know what sort of law, what sort of evidence applies in this context-- maybe in theory PT Calif can function in Guyana, but in light of the fact that ~~there is~~ there is a PT of Guyana which functions in Guyana etc, this doesnt seem to be the case.

PAULA ADAMS; deny all that shit. What happened in fact was that Maria made a tape and asked Paula to take it in to Dick McCoy and play it for him, which she did. Paula made no such statement. In fact, she made no statement beyond the one that "I have something to play for you". After it was played she took the tape and left, without comment on its contents. This event was explicitly asked to be confidential-- I believe Maria, on the tape asked that McCoy keep it in confidence. She went in at Maris request, not at the direction of PT of Guyana.

~~ANOTHER POSSIBLE STRATEGY~~

In fact :

PRESS RELEASE; Did not come from Jim, not dictated at all. Laurie pissed at Steve Ktsaris and stuck the shit in the press release without consulting about molestation. Not authorized or directed to do it.

Ideas for the press release were given by Harriet Tropp and I think Carolyn Layt. (in code) and not dictated word for word at all. Again, neither of those persons are officers or directors of PT- Calif.

THE FOLLOWING IS A POINT BY POINT RESPONSE TO COMPLAINT. SOME OF THE DETAILS HAVE ALREADY BEEN DISCUSSED ABOVE.

FIRST CAUSE OF ACTION:

- pp. 1. deny. andi is not a resident of Mendocino.
- pp. 2 admit
- pp. 4. deny possible demurrer or motion to strike,
- pp. 5. deny. ~~Insufficient~~ Insufficient facts to support allegation of conspiracy directed by Jones many months prior etc. comment re: "purposes" of alleged conspiracy-- irrelevant. Poss. motion to strike.
- pp. 7. deny. defendants did not publish Laurie Efrein and Tim Clancy published. They are suing the wrong ~~defendants~~ people.
- pp. 8 deny. (Jim didnt dictate any exact wording. To the best of our memory, he didnt say anything regarding the press release or ~~Pauli's~~ statements.)
- pp. 9 deny
- pp. 10. Exhibit C was widely distributed by plaintiff to Congress, media, and Ktsaris himself ~~published~~ published molestation thing in it. Possible estoppel situation. A venue argument, since it was published by PD ~~which~~ which, by plaintiffs own admission, is widely read in Mendocino County and Ukiah esp. (Second Cause of Action, PPs. 18 and 25)
- pp. 11 deny. Maria took a polygraph and shows she is telling the truth. Attach it. (Their citing the polygraph in complaint is prejudicial as hell. Might as well even it up.)
- pp. 12. deny
- pp. 13. ~~Sandy~~ Sure it was ~~published~~ *check with Stateide on this for* Sandy, Laurie Efrein etc. not authorized by directors, officers etc. Mailed to press: admit. But it was Laurie who mailed it.
- pp. 24. deny
- pp. 15 deny
- pp. 16 deny

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GUYANA

COUNTY OF DEMERARA

POWER OF ATTORNEY

BE IT KNOWN that on this day of
 before me

A Notary Public practicing in the State of Guyana,
personally came and appeared
of Jonestown, Port Kaituma, North West Region,
State of Guyana, South America.

WHICH APPEARER stated and declared that for
divers good causes and reasons he has made, nominated,
constituted and appointed

of Lot 121, Third Street, Alberttown,
Georgetown, Demerara, Guyana, jointly or severally
to be his true and lawful Attorneys in the State of
Guyana until revocation hereof, to represent him in
all matters, circumstances and things wherein he or
those whom he represents may be interested or
concerned including the following:

1. To purchase and sell property whether real or personal, movable or immovable, and to grant and take on lease all property wheresoever whether real or personal and/or to receive and pass all transports and leases thereof and to accept any Bill of Exchange or Mortgage on all or any of such property and on payment being made to cancel documents in connection therewith and to appear before any Judge of the High Court or any Registrar or other Officer of the High Court of the Supreme Court of Judicature or any Magistrate or Minister or Justice for all or any of the aforesaid purposes.

SECOND CAUSE OF ACTION

PP. 17 DENY

pp. 18 admit. Venue argument.

pp.19 ~~admit. Venue argument.~~ deny. "defendants" not so. Sandi called on behalf of Maria, and not as church spokesperson. Allege that article was instigated and placed in PD by Katsaris, his attorney, and his agents; also that PD negligienly labelled Sandi church ~~spokesman~~ spokesamn etc. (Grounds for counter- claim). Also that Katsaris published the staement himself so estoppel applies. (maybe?)

pp. 20 deny

pp. 21 deny

pp.22 deny

pp. 23. deny. allege it is true.

pp.24 de.y. allege he exposed himself.

pp.25 admit. Venue argumeny.

pp. 26 deny

pp. 27 deny

pp.28 deny

THIRD CAUSE OF ACTION

pp. 29 deny

pp. 30 special demurrer-- irrelevance

pp. 31. deny. Note that "PEOPLES TEMPLE" is a Calif. corp, ^{for the suit} not in Guyana at all.

pp. 32 deny

pp.33 deny

pp. 34 deny

pp. 35 deny.

pp. 36 deny

pp.37 deny

pp.38 deny.

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agree by arbitration and generally in and about the premises to do, perform, transact and accomplish, all and whatever further I may from time to time direct by letter, or other written instruments as fully and effectually as he could himself do and perform the said if personally present and acting therein and all with the powers of assumption, substitution and surrogation, he hereby ratifies and confirms and promising and agreeing to confirm, ratify and allow all and whatever his said Attorneys or other Attorneys who may be assumed or substituted or surrogated to act herein, shall or may be lawfully liable to do or cause to be done in and about the premises under and by virtue of these presents.

THUS DONE AND SIGNED at the City of Georgetown, County of Demerara, Guyana, datum ut supra, in the presence of the subscribing witnesses.

ATTESTOR

WITNESSES:

GAROLYN

1.

2.

AND IN MY PRESENCE

NOTED ATTESTOR
NOTARY PUBLIC

