

1 CHARLES R. GARRY
2 GARRY, DREYFUS, McTERNAN, BROTSKY,
3 HERNDON & PESONEN, INC.
4 1256 MARKET STREET AT CIVIC CENTER
5 SAN FRANCISCO, CALIFORNIA 94102
6 TEL: 864-3131

7 Attorneys for Defendant
8 People's Temple of the Disciples
9 of Christ, a nonprofit corporation

10 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 IN AND FOR THE COUNTY OF MENDOCINO

12 STEVEN A. KATSARIS,

13 Plaintiff,

NO. 39911

14 vs.

15 JAMES WARREN JONES, also known as
16 JIM JONES; SANDRA BRADSHAW, also
17 known as SANDRA INGRAM; PEOPLES
18 TEMPLE OF THE DISCIPLES OF CHRIST,
19 a nonprofit corporation; PAULA
20 ADAMS; and FIRST DOE through
21 FIFTIETH DOE, inclusive,

NOTICE OF MOTION FOR
CHANGE OF VENUE
[CCP § 397(1)]

22 Defendants.

23 TO EACH PARTY AND TO THE ATTORNEY OF RECORD FOR EACH PARTY:

24 YOU AND EACH OF YOU WILL PLEASE TAKE NOTICE THAT on
25 July 21, 1978, at the hour of 9:30 A.M., or as soon thereafter
26 as the matter may be heard, in Department I of the above-entitled
Court, at State and Perkins Streets, Ukiah, California, defendant
Peoples Temple of the Disciples of Christ will move for an order
changing the place of trial of this action to the Superior Court
of the State of California in and for the City and County of

GARRY, DREYFUS, McTERNAN, BROTSKY,
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1 San Francisco.

2 Said motion will be based on this notice of motion, the
3 attached declaration under penalty of perjury of Carol Stahl,
4 the attached memorandum of points and authorities, such supple-
5 mental affidavits as may be filed subsequently herein, such
6 supplemental memoranda of points and authorities as may be filed
7 subsequently herein, and such oral and documentary evidence as
8 may be presented at the hearing of this motion.

9 Dated: July 1st, 1978

GARRY, DREYFUS, McTERNAN, BROTSKY,
HERNDON & PESONEN, INC.

By Charles R. Garry
CHARLES R. GARRY

GARRY, DREYFUS, McTERNAN, BROTSKY,
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MEMORANDUM OF POINTS AND AUTHORITIES
IN SUPPORT OF MOTION FOR CHANGE OF VENUE

- I. A CORPORATE DEFENDANT CAN BE SUED ONLY IN THE COUNTY OF ITS PRINCIPAL PLACE OF BUSINESS, THE COUNTY WHERE THE CONTRACT IS MADE OR IS TO BE PERFORMED, OR WHERE THE OBLIGATION OR LIABILITY ARISES, OR THE BREACH OCCURS.

CCP § 395.5.

- II. IF THERE IS ONE CAUSE OF ACTION WHICH THE DEFENDANT IS ENTITLED TO HAVE TRIED AT HIS RESIDENCE, DEFENDANT IS ENTITLED TO A CHANGE OF VENUE, REGARDLESS OF HOW MANY OTHER CAUSES MAY BE STATED WHICH ARE NOT SUBJECT TO CHANGE.

Johnson v. Superior Court, 232 C.A.2d 212 (1965).

Sanborn v. Pomona Pump Co., 131 C.A. 241 (1933)

(rule applied to corporate defendant).

- III. DEFENDANT HAS A RIGHT TO CHANGE OF VENUE BECAUSE VENUE IN MENDOCINO COUNTY IS IMPROPER FOR THE THIRD CAUSE OF ACTION.

The third cause of action alleges that defendants in San Francisco and in Guyana conspired to libel plaintiff and that certain words were spoken by defendant Adams in Georgetown, Guyana. There is no allegation that these words were spoken, published, or caused to be published by defendants in Mendocino County, nor that the words were heard in Mendocino County. Nor is there any allegation that plaintiff was injured by those words in that county. Thus, there are no allegations of any liability of defendants arising in Mendocino County.

None of the defendants reside in Mendocino County. See Declarations of Stahl. Nor is there any contract involved or alleged in this action.

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CONCLUSION

For all of the reasons stated above and in the declaration filed in support of this motion, defendant People's Temple of the Disciple of Christ is entitled to a change of venue to the City and County of San Francisco.

Dated: July 1st, 1978

GARRY, DREYFUS, McTERNAN, BROTSKY,
HERNDON & PESONEN, INC.

By Charles R Garry
CHARLES R. GARRY

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DECLARATION OF SANDRA L. BRADSHAW

I, SANDRA L. BRADSHAW, hereby declare as follows:

I am informed that I am one of the defendants named in the action of Katsaris v. James Warren Jones, et al., No. 39911, in the Superior Court of the State of California in and for the County of Mendocino.

I lived in the County of Mendocino, California, from October 1971 through March 25, 1977. During that time, I worked for the County of Mendocino, first as a Juvenile Hall Counselor and then for the last five years in the capacity of a Deputy Probation Officer.

During the last week of March, 1977, I took two weeks off; at the end of that time, I requested and received a three months leave of absence from my job. After the three months, I was not able to return to my job, due to personal reasons. I then met with Mr. Thomas Martin, Chief Probation Officer, and told him I would not be returning. That was approximately July 11, 1977.

I have not been in Mendocino County since that time, except for one day when I picked up the things I had left in my office, several months later. I have not been a resident of Mendocino County since March 25, 1977.

I have lived in San Francisco, California since April, 1977.

Executed on July 1, 1978 at San Francisco, California.

I declare under penalty of perjury that the foregoing is true and correct.

SANDRA L. BRADSHAW

#-5

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7 Attorneys for Defendant
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13 Plaintiff,

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14 vs.

15 JAMES WARREN JONES, also known as
16 JIM JONES; SANDRA BRADSHAW, also
17 known as SANDRA INGRAM; PEOPLES
18 TEMPLE OF THE DISCIPLES OF CHRIST,
19 a nonprofit corporation; PAULA
20 ADAMS; and FIRST DOE through
21 FIFTIETH DOE, inclusive,

DECLARATION OF MERITS
IN SUPPORT OF MOTION FOR
CHANGE OF VENUE
[CCP § 396b]

22 Defendants.

23 I, CAROL STAHL, say:

24 I am the President of the People's Temple of the Disciples
25 of Christ, a nonprofit corporation, a defendant in the above-
26 entitled action.

27 I have fully and thoroughly stated the case in this cause,
28 and all the facts and circumstances connected therewith to my
29 counsel, MR. CHARLES R. GARRY, who is an attorney and counselor
30 at law duly admitted to practice in all courts of the State of

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1 California; after such statement, I am advised by said counsel,
2 and verily believe, that I have a good and valid defense to the
3 alleged cause of action set forth in the complaint herein, on the
4 merits.

5 Executed on July 14 1978, at San Francisco, California.

6 I declare under penalty of perjury that the foregoing
7 is true and correct.

CAROL STAHL
President, People's Temple of
the Disciples of Christ

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18 TEMPLE OF THE DISCIPLES OF CHRIST,
19 a nonprofit corporation; PAULA
20 ADAMS; and FIRST DOE through
21 FIFTIETH DOE, inclusive,

DECLARATION OF
CAROL STAHL IN SUPPORT
OF MOTION FOR
CHANGE OF VENUE
[CCP § 397(1)]

22 Defendants.

23 I, CAROL STAHL, say:

24 I am the President of the People's Temple of the Disciples
25 of Christ, a nonprofit corporation, and a defendant in the above-
26 entitled action.

At the time of the commencement of this action, and
ever since that time, the People's Temple of the Disciples of
Christ has been a nonprofit corporation with its principal place
of business in the City and County of San Francisco. At no part

GARRY, DREYFUS, McTERRAN, BROTSKY,
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1 of said time was the principal place of business of the People's
2 Temple of the Disciples of Christ in the County of Mendocino,
3 California. See Exhibit A, attached hereto and incorporated
4 here by reference.

5 I am informed and believe, and on such information and
6 belief, allege that at the time of the commencement of this action,
7 and ever since that time, none of the other defendants in this
8 action has been a resident of Mendocino County, California.

9 Defendants James Warren Jones and Paula Adams are, and have been
10 during all of said time, residents of Jonestown, Guyana. Defendant
11 Sandra Bradshaw is, and during all of said time has been, a
12 resident of the City and County of San Francisco, California.

13 The complaint in this action contains three causes of
14 action, all based on alleged libel of plaintiff by defendants.
15 The third cause of action alleges that defendant Adams spoke
16 certain words in Georgetown, Guyana. The words allegedly spoken
17 in Georgetown, Guyana were not spoken or heard, and were not
18 published, nor caused to be published, by any of the defendants
19 in Mendocino County, California.

20 There is no contract alleged or involved in this action.

21 Executed on July 1st, 1978, at San Francisco, California.

22 I declare under penalty of perjury that the foregoing is
23 true and correct.

24
25
26
CAROL STAHL

President, People's Temple of
the Disciples of Christ

State
of
California

OFFICE OF THE SECRETARY OF STATE

I, *MARCH FONG EU*, Secretary of State of the State of California, hereby certify:

That the annexed transcript has been compared with the record on file in this office, of which it purports to be a copy, and that same is full, true and correct.

IN WITNESS WHEREOF, I execute
this certificate and affix the Great
Seal of the State of California this

JAN 5 - 1977



March Fong Eu

Secretary of State

Exhibit "A"

f-10

ENDORSED
FILED

In the office of the Secretary of State
of the State of California

PEOPLES TEMPLE OF THE DISCIPLES OF CHRIST
A CALIFORNIA CORPORATION

DEC 31 1976

MARION FONG EU, Secretary of State

CERTIFICATE OF AMENDMENT OF ARTICLES
OF

By JAMES E. HARRIS
Deputy

INCORPORATION OF PEOPLES TEMPLE OF THE DISCIPLES OF CHRIST

Archie Ijames and Jean F. Brown certify:

1. They are the Vice President and Assistant Secretary, respectively, of Peoples Temple of the Disciples of Christ, a California Corporation.
2. At a meeting of the Board of Directors of said corporation, duly held at 1859 Geary Avenue, San Francisco, on November 1, 1976, the following resolution was adopted:

RESOLVED, that Article IV of the Articles of Incorporation of this Corporation be amended to read as follows:

"The City and County in this state where the principal office for the transaction of the business of the corporation is located in the City and County of San Francisco."

3. The members of said corporation have an unequal voting power. The members entitled to cast eight (8) votes have consented by resolution at a meeting held at 1859 Geary Boulevard, San Francisco, California on November 1, 1976, to the adoption of said amendment, and the wording of the amended articles, as set forth in the members' resolution, is the same as that set forth in the Directors' resolution in Paragraph 2 above.

4. The total number of votes entitled to be voted for or to consent to said amendment is nine (9).

Archie Ijames
Archie Ijames, Vice President

Jean F. Brown
Jean F. Brown, Assistant
Secretary

Each of the undersigned declares under penalty of perjury that the matters set forth in the foregoing certificates are true and correct. Executed at San Francisco, California on November 1, 1976.

Archie Ijames
Archie Ijames, Vice President

Jean F. Brown
Jean F. Brown, Assistant
Secretary

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1 PROOF OF SERVICE BY MAIL --- 1013(a), 2015.5 C.C.P.

2
3 I am a citizen of the United States; my business address is
4 1256 Market Street at Civic Center, San Francisco 94102. I am
5 employed in the City and County of San Francisco, where this
6 mailing occurs; I am over the age of eighteen years and not a party
7 to the within cause. I served the within Notice of Motion for
8 Change of Venue, Memorandum of Points and Authorities in Support
9 of Motion for Change of Venue, Declaration of Merits in Support
10 of Motion for Change of Venue, Declaration of Carol Stahl in
11 Support of Motion for Change of Venue, and Declaration of Sandra
12 L. Bradshaw, on the following person on the date set forth
13 below, by placing a true copy thereof enclosed in a sealed
14 envelope with postage thereon fully prepaid, in the United States
15 Post Office mail box at San Francisco, California, addressed
16 as follows:

17 Timothy Oliver Stoen, Esq.
18 120 Montgomery Street, Suite 1700
19 San Francisco, California 94104

20 I certify or declare under penalty of perjury that the
21 foregoing is true and correct.

22 Executed on July 1, 1978 at San Francisco, California.

23
24 
25 Charles R. Garry
26