CHARLES R. GARRY GARRY, DREYFUS, MCTERNAN, BROTSKY, 2 HERNDON & PESONEN, INC. 1256 MARKET STREET AT CIVIC CENTER 3 SAN FRANCISCO, CALIFORNIA 94102 TEL: 864-3131 Δ 5 Attorneys for Defendant People's Temple of the Disciples of Christ, a nonprofit corporation 6

IN THE SUPERIOR COURT OF .THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF MENDOCINO

10 STEVEN A. KATSARIS,

Plaintiff,

FIFTIETH DOE, inclusive,

NO. 39911

vs.

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JAMES WARREN JONES, also known as

JIM JONES; SANDRA BRADSHAW, also

known as SANDRA INGRAM; PEOPLES TEMPLE OF THE DISCIPLES OF CHRIST, a nonprofit corporation; PAULA ADAMS; and FIRST DOE through

NOTICE OF MOTION FOR

CHANGE OF VENUE [CCP § 397(1)]

Defendants.

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

YOU AND EACH OF YOU WILL PLEASE TAKE NOTICE THAT on July 21, 1978, at the hour of 9:30 A.M., or as soon thereafter 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 Disicples 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, HERNDON & PESONEN, INC.
1236 MARKET STREET AT CIVIC CENTER SAN FRANCISCO. CALIFORNIA \$4102
TEL: 864-3131

San Francisco.

Said motion will be based on this notice of motion, the attached declaration under penalty of perjury of Carol Stahl, the attached memorandum of points and authorities, such supplemental affidavits as may be filed subsequently herein, such supplemental memoranda of points and authorities as may be filed subsequently herein, and such oral and documentary evidence as may be presented at the hearing of this motion.

Dated: July \$ 1978

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

CHARLES R. GARRY

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GARRY, DREYFUS, MCTERNAN, BROTSKY, HERNDON & PESONEN, INC. 1256 MARKET STREET AT CIVIC CENTER 5AN FRANCISCO CALIFORNIA 94102 TEL: 864-3131

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.

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 1, 1978

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

CHARLES R. GARRY

GARRY, DREYFUS, MCTERNAN, BROTSKY, HERNDON & PESONEN, INC.
1285 MARKET STREET AT CIVIC CENTER SAN FRANCISCO, CALIFORNIA 94102
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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 <u>Katsaris v. James Warren Jones</u>, 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.

1 CHARLES R. GARRY į GARRY, DREYFUS, MCTERNAN, BROTSKY, HERNDON & PESONEN. INC. 1256 MARKET STREET AT CIVIC CENTER 3 SAN FRANCISCO, CALIFORNIA 94102 TEL: 864-3131 4 5 Attorneys for Defendant People's Temple of the Disciples 6 of Christ, a nonprofit corporation 7 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA 8 9 IN AND FOR THE COUNTY OF MENDOCINO 10 STEVEN A. KATSARIS, 11 Plaintiff, NO. 39911 12 VS. 13 JAMES WARREN JONES, also known as · DECLARATION OF MERITS JIM JONES; SANDRA BRADSHAW, also IN SUPPORT OF MOTION FOR . 14 known as SANDRA INGRAM; PEOPLES CHANGE OF VENUE TEMPLE OF THE DISCIPLES OF CHRIST, [CCP § 396b] 15 a nonprofit corporation; PAULA ADAMS; and FIRST DOE through 16 FIFTIETH DOE, inclusive, 17 Defendants. 18 19 I, CAROL STAHL, say: I am the President of the People's Temple of the Disciples 20 of Christ, a nonprofit corporation, a defendant in the above-21 22 entitled action. 23 I have fully and thoroughly stated the case in this cause, and all the facts and circumstances connected therewith to my 24 counsel, MR. CHARLES R. GARRY, who is an attorney and counselor

26 at law duly admitted to practice in all courts of the State of

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GARRY, DREYFUS, MCTERNAN, BROTSKY,
HERNDON & PESONEN, INC.
1286 MARKET STRET AT CIVIC CENTER
5AN FRANCISCO, CALIFORNIA 94102
TEL: 864-3131

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

Executed on July 1978, at San Francisco, California.

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

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

-2-

CHARLES R. GARRY
GARRY, DREYFUS, MCTERNAN, BROTSKY,
HERNDON & PESONEN, INC.
1256 MARKET STREET AT CIVIC CENTER
SAN FRANCISCO, CALIFORNIA 94102
TEL: 864-3131

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

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF MENDOCINO

STEVEN A KATSARIS,

Plaintiff,

NO. 39911

vs.

JAMES WARREN JONES, also known as JIM JONES; SANDRA BRADSHAW, also known as SANDRA INGRAM; PEOPLES TEMPLE OF THE DISCIPLES OF CHRIST, a nonprofit corporation; PAULA ADAMS; and FIRST DOE through. FIFTIETH DOE, inclusive, DECLARATION OF CAROL STAHL IN SUPPORT OF MOTION FOR CHANGE OF VENUE [CCP § 397(1)]

Defendants.

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I, CAROL STAHL, say:

I am the President of the People's Temple of the Disciples of Christ, a nonprofit corporation, and a defendant in the above-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

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

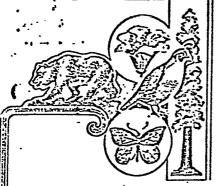
Defendants James Warren Jones and Paula Adams are, and have been during all of said time, residents of Jonestown, Guyana. Defendant Sandra Bradshaw is, and during all of said time has been, a resident of the City and County of San Francisco, California.

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

There is no contract alleged or involved in this action. Executed on July 1, 1978, at San Francisco, California.

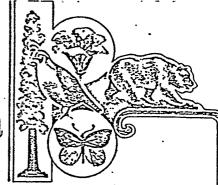
I declare under penalty of perjury that the foregoing is true and correct.

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



State of Calliformia

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 Foreg Eu

Secretary of State

EXHIBIT A

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ENDORSED

ENDORSED

ENDORSED

The she office of the Secretary of State
of the State of California

PEOPLES TEMPLE OF THE DISCIPLES OF CHRIST DEC 3 1 1976

A CALIFORNIA CORPORATION . MARCH FONG EU, Secretary of State

CERTIFICATE OF AMENDMENT OF ARTICLES

By JAMES E. HARRIS

Deputy

ENCORPORATION OF PEOPLES TEMPLE OF THE DISCIPLES OF CHRIST

Archie Ijames and Jean F. Brown certify:

- 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 James, Vice President

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, Vice President

Jean F. Brown, Assistant Secretary

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GARRY, DREYFUS, MCTERNAN, BROTSKY HERNDON & PESONEN, INC.
1235 MARKET STREET AT CIVIC CENTER
5AN FRANCISCO, CALIFORNIA \$1102

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

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

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

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

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

arles R. Garry