

1 PATRICK SANSFIELD HALLINAN  
Hallinan & Blum  
2 345 Franklin Street  
San Francisco, California 94102  
3  
4 Telephone: (415) 861-1151  
5 Attorney for Defendant  
6  
7

8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO

10 PEOPLES TEMPLE OF THE DISCIPLES )  
OF CHRIST, a nonprofit corporation,) )  
11 JEAN BROWN, and JAMES McELVANE, ) )  
12 Plaintiffs, ) NO. 740531  
13 v. ) ANSWER TO COMPLAINT  
14 TIMOTHY OLIVER STOEN, ) )  
15 Defendant. ) )  
16

17 Defendant answers to complaint herein as follows:

18 1. Defendant denies each and every allegation of paragraphs  
19 III, IV, V, VI, X, XI, XV, XVI (first paragraph so numbered), XVI  
20 (second paragraph so numbered), XVII, and XVIII.

21 2. Answering paragraph VII, defendant admits that in  
22 February 1977 he joined the PEOPLES TEMPLE commune in Guyana,  
23 South America, but denies each and every other allegation therein.

24 3. Answering paragraph VIII, defendant admits the allegations  
25 in the second and third sentences (lines 18-20), but denies each  
26 and every other allegation therein.

BB-31-6-47  
-1-

1           4. Answering paragraph IX, defendant admits that in February  
2 1978 he claimed that he and his wife have spent over \$18,000 in  
3 the attempt to return their son to them both, but denies each  
4 and every other allegation therein.

5           5. Answering paragraph XIII, defendant denies the allegations  
6 contained in lines 21 and 22.

7           6. Answering paragraph XIV, defendant denies the allegations  
8 contained in the sentence in lines 4 through 8.

9 FIRST DEFENSE: UNCLEAN HANDS--DISOBEDIENCE OF COURT ORDER

10           7. Plaintiffs are guilty of wrongful conduct, contempt of  
11 court, and unclean hands in connection with the transaction and  
12 subject matter of their suit (i.e., an alleged personal vendetta  
13 involving the custody of defendant's child John Victor Stoen) in  
14 that they are contumaciously detaining said child in direct  
15 violation of a California Superior Court order granting joint  
16 legal custody of the child to defendant Stoen and his wife Grace.  
17 On November 18, 1977, in Civil Case No. 719147, the Superior Court  
18 of the State of California for the City and County of San Francisco  
19 found that Rev. Jim Jones, the leader of plaintiff PEOPLES TEMPLE,  
20 had been properly served and determined that he is in violation  
21 of its order to appear. The Court ordered:

22           a. "that Reverend Jim Jones will immediately deliver  
23 the minor, JOHN VICTOR STOEN, to the Petitioner";

24           b. that "the District Attorney of the City and County of  
25 San Francisco shall take all actions necessary to locate Reverend  
26 Jim Jones and to secure Reverend Jim Jones' compliance with this

1 order";

2 c. that petitioner "is granted leave to institute contempt  
3 proceedings against the Reverend Jim Jones."

4 A copy of the Order is attached hereto as Exhibit A and made  
5 a part hereof.

6 Upon being served this order on November 18, 1977, PEOPLES  
7 TEMPLE attorney Charles Garry was quoted in the November 19 "San  
8 Francisco Examiner" as saying, "Jones will have to decide how to  
9 respond to the court action." Plaintiff PEOPLES TEMPLE, as the  
10 alter ego of Reverend Jim Jones, is currently holding John Victor  
11 Stoen in Guyana, South America. Plaintiffs PEOPLES TEMPLE, BROWN,  
12 and McELVANE are knowingly aiding and abetting in the continuing  
13 disobedience of this Superior Court order.

14 SECOND DEFENSE: UNCLEAN HANDS--PERJURY IN COMPLAINT

15 8. Plaintiffs are guilty of perjury, conspiracy to commit  
16 perjury, fraud, and unclean hands in connection with the trans-  
17 action of their suit in that they knowingly conspired to, and did  
18 in fact, include perjury as paragraph VI (and elsewhere) of their  
19 verified complaint. Paragraph VI alleges, inter alia, that  
20 defendant consulted with PEOPLES TEMPLE member Maria Katsaris and  
21 "obtained confidential information concerning ... certain sexual  
22 advances made by her father towards her when she was a child."  
23 Paragraph VI further alleges that in April or May, 1977, defendant  
24 advised "Maria Katsaris that she should go to Guyana to avoid the  
25 possibility of her father's instituting conservatorship proceedings."

26 All of the allegations of paragraph VI of the complaint,

-3-BB-31-6-49

1 including particularly the aforementioned, are false. Defendant  
2 is informed and believes and thereon alleges that these allegations  
3 were contrived for the sole purpose of getting defendant removed  
4 as attorney for Steven Katsaris. Incorporated herein by reference  
5 is the Declaration by Steven A. Katsaris opposing Application for  
6 Preliminary Injunction, filed in the within action and signed  
7 by Steven A. Katsaris. Said declaration includes as an exhibit  
8 within the lawsuit attached thereto a hand-written letter sent by  
9 Maria Katsaris to her father in August 1977 which is inconsistent  
10 with the aforesaid allegations. Said declaration also includes as  
11 an exhibit a professional polygraph report, dated May 3, 1978, of  
12 a lie detector examination voluntarily undertaken by Steven Katsaris;  
13 it concludes that he "is telling the truth" in answering "no"  
14 to the itemized test questions, including "Did you ever make any  
15 sexual advances toward Maria Katsaris?"

16 Defendant is informed and believes and thereon alleges that  
17 on July 1 and 2, 1978, the falsehoods contained in paragraph VI of  
18 the complaint were knowingly contrived, with no participation  
19 whatever by Maria Katsaris, in two long conversations conducted  
20 over international shortwave radio between Jonestown, Guyana and  
21 San Francisco, California on equipment owned by plaintiff PEOPLES  
22 TEMPLE and operated by its members, including plaintiff BROWN.  
23 Defendant is informed and believes and thereon alleges with respect  
24 to these conversations that:

25 a. the participants therein were all members of PEOPLES  
26 TEMPLE and were acting as agents of plaintiffs PEOPLES TEMPLE,

1 BROWN, and McELVANE ;  
2 b. the participants in Jonestown, Guyana included Teresa  
3 Buford and Harriet Tropp; those in San Francisco included June  
4 Crym, Tom Adams, and plaintiff BROWN;  
5 c. codes were used for real names and events throughout  
6 these conversations in violation of the regulations of the  
7 Federal Communications Commission;  
8 d. inconsistent stories were put forward and discussed  
9 as to what statement should be given attorney Charles Garry  
10 (code names "Dr. Iverson" and "Pete") by plaintiffs BROWN and  
11 McELVANE as to exactly "when" defendant advised Maria Katsaris, as  
12 to the subjects of defendant's consultations with her, as to the  
13 course of action he suggested for her, and as to the intermediaries  
14 used in the consultations to allow for different geographical  
15 locales for "attorney" and "client";  
16 e. a participant in Jonestown indicated that PEOPLES TEMPLE  
17 members Eugene Chaikin, Sandra Bradshaw, and Jim Jones would be  
18 the persons who would have the final approval on the version to be  
19 submitted to Garry;  
20 f. it was decided that neither BROWN nor McELVANE, although  
21 the only individual plaintiffs in the action, would be allowed  
22 to verify the complaint containing the false story because they  
23 were too important to the current operations of PEOPLES TEMPLE  
24 in the United States to risk, should worse come to worst, a  
25 perjury indictment;  
26 g. it was decided instead that Carol Stahl, the president

1 of plaintiff PEOPLES TEMPLE only in name, would verify the  
2 complaint even though she was unknowledgeable as to the relevant  
3 facts because she was expendable to operations in the United States  
4 and could be shipped to Guyana;

5 h. the version ending up as paragraph VI of the complaint  
6 was finally approved by Chaikin, Bradshaw, and Jones as the story  
7 best calculated to induce a judge to erroneously believe that  
8 defendant had misused confidential information in the suit filed  
9 by Steven Katsaris against Jim Jones and PEOPLES TEMPLE in  
10 Mendocino County on May 16, 1978; and

11 i. the aforesaid participants decided it would be too  
12 difficult to contrive a satisfactory "specific" story with  
13 respect to misuse of confidential information by defendant in  
14 the Medlock lawsuit and the Cobb lawsuit, and therefore Garry was  
15 to be told to formulate a consolidated complaint for an injunction  
16 so as to use the false specific allegations relating to Steven  
17 Katsaris as a lever for removing defendant from the Medlock suit  
18 and the Cobb suit (for which only "generalized conclusions" would  
19 be alleged).

20 The allegations inserted into paragraph VI of the complaint  
21 in this action are totally false. The complaint was verified  
22 "under penalty of perjury" by the president of plaintiff PEOPLES  
23 TEMPLE, i.e., Carol Stahl, on July 3, 1978.

24 THIRD DEFENSE: UNCLEAN HANDS--SUPPRESSION OF EVIDENCE

25 9. Plaintiffs are guilty of contempt, wrongful conduct, and  
26 unclean hands in connection with the transaction and subject

1 matter of their suit in that they have willfully conspired to  
2 suppress, and have in fact suppressed, evidence necessary to a  
3 proper disposition of the suit (including the application for a  
4 preliminary injunction), i.e., the testimony of Carol Stahl,  
5 president of plaintiff PEOPLES TEMPLE. Carol Stahl is the only  
6 person to have signed the verification of the complaint herein  
7 (pursuant to the requirement that a verification be attached  
8 to any complaint which serves as the application for an  
9 injunction). Defendant is informed and believes and thereon  
10 alleges that on or about July 4, 1978, plaintiffs ordered Carol  
11 Stahl immediately to leave the United States so as to be outside  
12 the jurisdiction of this court, and that she did in fact so leave.  
13 Defendant is informed and believes and thereon alleges that the  
14 purpose of plaintiffs was to prevent Carol Stahl from being  
15 cross-examined at an evidentiary hearing on the preliminary  
16 injunction and thereby revealing the perjury in paragraph VI  
17 and elsewhere in the complaint.

18 Defendant is informed and believes and thereon alleges  
19 with respect to the above-mentioned international shortwave radio  
20 conversations held on July 1 and 2, 1978, that:

21 a. a participant in San Francisco advised Jonestown that  
22 Charles Garry regarded Carol Stahl as a necessary person to have  
23 available for the hearing;

24 b. someone in Jonestown said that Eugene Chaikin would  
25 disapprove and that it would be too dangerous to the interests  
26 of PEOPLES TEMPLE to have her testify under oath, and that she

1 was too unknowledgeable anyway; and

2 c. a story was contrived between Jonestown and San Francisco,  
3 which was to be delivered to Garry and the court, to the effect  
4 that Carol Stahl's daughter in Guyana required a doctor outside  
5 the country, thereby necessitating Stahl's presence as guardian  
6 to make the arrangements.

7 FOURTH DEFENSE: UNCLEAN HANDS--ABUSE OF JUDICIAL PROCESS

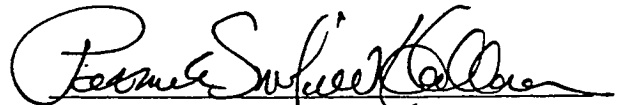
8 10. Plaintiffs are guilty of wrongful conduct, the tort of  
9 abuse of process, and unclean hands in connection with the  
10 transaction and subject matter of their suit in that they had  
11 ulterior purposes in filing the lawsuit and committed willful  
12 acts in the use of process not proper in the regular conduct  
13 of a judicial proceeding. Defendant is informed and believes  
14 and thereon alleges that these ulterior purposes were to: a) divert  
15 the attention of the public and media from the savage and illegal  
16 practices of PEOPLES TEMPLE and Jim Jones itemized in the three  
17 lawsuits filed on behalf of Steve Katsaris, Wade and Mabel Medlock,  
18 and James Cobb, Jr., respectively; b) coerce defendant to expend  
19 his energies and limited funds in defending this sham lawsuit  
20 based on perjured allegations so as to inhibit his prosecuting of  
21 the three above-mentioned legitimate lawsuits brought on behalf  
22 of truly oppressed victims of PEOPLES TEMPLE; and c) introduce as  
23 part of a court record a document (Exhibit C-2 of the complaint)  
24 which plaintiffs know is totally false and spurious and which  
25 plaintiffs know is so utterly lacking in legal significance that  
26 it could not be introduced in either of the two custody proceedings,



1 involving the same child John Victor Stoen, brought in California  
2 and Guyana, respectively.

3 The willful acts in the use of process not proper include  
4 those set forth in the first three affirmative defenses set  
5 forth above and those inherent in the description of the ulterior  
6 purposes of plaintiffs set forth above.

7  
8 WHEREFORE defendant prays that plaintiffs take nothing by  
9 this action and that defendant be awarded costs and all other  
10 just relief.

11  
12 

13 PATRICK SANSFIELD HALLINAN  
14 for defendant  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

VERIFICATION

I am the defendant in this action; the foregoing answer is true of my own knowledge, except as to those matters stated in it on my information and belief, and as to those matters I believe it to be true.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on August 1, 1978, at San Francisco, California.

*Timothy Oliver Stoen*  
TIMOTHY OLIVER STOEN

BB- 31-6-56