

FILED

NOV-1 1978

~~CARL H. STOEN, Clerk~~

~~ST. M. P. AMARILLO, Clerk~~

1 PATRICK SANSFIELD HALLINAN
Hallinan & Blum
2 345 Franklin Street
San Francisco, California 94102
3
4 Telephone: (415) 861-1151
5 Attorney for Defendant
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8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO
10

11 PEOPLES TEMPLE OF THE DISCIPLES
OF CHRIST, a nonprofit corpora-
12 tion, JEAN BROWN, and JAMES
McELVANE,
13

14 Plaintiffs,

15 v.

16 TIMOTHY OLIVER STOEN,

17 Defendant.
18

No. 740531

NOTICE OF MOTION UNDER CCP §
2019 (b)(1) FOR PROTECTIVE ORDER
THAT DEPOSITION NOT BE TAKEN AND
FOR REASONABLE EXPENSES AND AT-
TORNEY'S FEES, POINTS AND AUTH-
ORITIES, SUPPORTING DECLARATION,
AND APPLICATION FOR ORDER SHOR-
TENING TIME FOR SERVICE

Date: November 7, 1978
Time: 9:30 A.M.
Department: 9 Law and Motion

19 To each party and to the attorney of record of each party in this
20 action:

21 PLEASE TAKE NOTICE that on November 7, 1978, at 9:30 A.M., or
22 as soon thereafter as the matter can be heard, in Department 9 (Law
23 and Motion) of the Superior Court, 4th Floor, City Hall, San Francis-
24 co, California, defendant Timothy Oliver Stoen will move the Court
25 for a protective order that the deposition of the persons named in
26 the Notice of Taking Deposition attached hereto, scheduled for Novem-

BB-31-6-143

ber 9 and 10, 1978, not be taken, and for reasonable costs and expenses, including attorney's fees, incurred in this proceeding.

This motion is made on the ground that there is good cause for the order sought in that (1) the items demanded are irrelevant, rendering the deposition a violation of CCP § 2016(b), and (2) the deposition is intended solely to cause, and will have the effect of causing, annoyance, embarrassment, and oppression, thereby violating CCP § 2019(b)(1).

This motion is based on this notice, the Notice of Taking Deposition attached hereto as Exhibit A (three pages), the pleadings, records, and files in this action, the attached memorandum of points and authorities, the attached supporting declaration of defendant, and the attached order shortening time.

DATED: October 31, 1978.

PATRICK SANSFIELD HALLINAN
Attorney for Defendant

1 APPLICATION FOR ORDER SHORTENING TIME FOR SERVICE OF
2 NOTICE OF MOTION FOR PROTECTIVE ORDER AND ORDER

3 I am the attorney for defendant Timothy Oliver Stoen.

4 It is necessary that the time for service of the notice of
5 motion for protective order, the supporting declaration of defendant,
6 and the memorandum of points and authorities, be shortened so that
7 the same may be served not later than five (5) days before the time
8 set for hearing of the motion because of the following facts: the
9 Notices of Taking Deposition filed by plaintiff are self-executing
10 and gave defendant no opportunity to object to their issuance on the
11 valid grounds set forth in defendant's memorandum of points and au-
12 thorities attached hereto; given the press of business, there was
13 insufficient time for defendant's protective order pleadings to be
14 researched and prepared until October 31, 1978; and there will be no
15 hardship on the counsel for PEOPLES TEMPLE because presumably they
16 acquainted themselves with the appropriate discovery law before filing
17 and serving the aforesaid Notices of Taking Deposition.

18 I declare under penalty of perjury that the above is true and
19 correct and that this declaration was executed on November 1, 1978,
20 at San Francisco, California.

21
22
23 Patrick Sarsfield Hallinan
Attorney for Defendant

24
25 ORDER

26 Good cause appearing, IT IS ORDERED that the time for service of

1 the notice of motion for protective order, supporting declaration,
2 and memorandum of points and authorities is shortened so that the
3 same may be served on plaintiff not later than five (5) days before
4 the time set for the hearing of the motion for protective order.
5 Dated: November 1, 1978.

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FRANCIS W. MAYER

Judge

1 CHARLES R. GARRY, ESQ.,
2 GARRY, DREYFUS, McTERNAN, BROTSKY, HERNDON & PESONEN,
3 1256 MARKET STREET
4 SAN FRANCISCO, CA 94102
5 TEL.: 864-3131

6 ATTORNEY FOR PLAINTIFF

7 → NO APPEARANCE NECESSARY, RECORDS ONLY
8 IF YOU DESIRE COPIES CONTACT
9 GAGAN & McDANIELS, 9 FIRST ST.
10 SAN FRANCISCO (PHONE 982-4766)

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 FOR THE CITY & COUNTY OF SAN FRANCISCO

13 PEOPLES TEMPLE OF THE DISCIPLES
14 OF CHRIST, a nonprofit corporation, No. 740 531
15 et al.

16 vs
17 TIMOTHY OLIVER STOEN

18 NOTICE OF TAKING DEPOSITION

19 SUBPENA
20 DUCES TECUM

21 TO ALL PARTIES: PATRICK S. HALLINAN, ESQ.,
22 345 FRANKLIN STREET
23 SAN FRANCISCO, CA

24 PLEASE TAKE NOTICE THAT THE depositions of Custodians
25 of Records of: RE: TIMOTHY O. (OLIVER) STOEN; TORONTO DOMINION
26 BANK CANADA, ATTN: OPERATIONS OFFICER, ~~BANK OF AMERICA, ATTN:
27 OPERATIONS OFFICER, 555 CALIFORNIA STREET, S.F. CA 94104~~
28 BANK OF AMERICA, ATTN: OPERATIONS OFFICER, 1301 MARKET STREET,
29 S.F. CA., BARCLAYS BANK OF CALIFORNIA, ATTN: OPERATIONS OFFICER,
30 BANK OF NOVA SCOTIA, ATTN: OPERATIONS OFFICER, CHARTERED BANK
31 OF LONDON, ATTN: OPERATIONS OFFICER, (SEE OVER
32 will be taken on behalf of defendant,

33 at 10:00 o'clock A.M. on THURSDAY the 9 day of
34 NOVEMBER 1978 before a Notary Public, for the City and
35 County of San Francisco, State of California, at the offices of
36 GAGAN & McDANIELS, 9 First Street, Room 208, San Francisco,
37 California; said deposition will continue from said date and time
38 over Sundays and legal holidays until completed.

39 DATED this 19 day of OCTOBER 1978

40 By [Signature]
41 Attorney at Law

42 Exhibit A (Page 1 of 3)

BB-31-b-147

(RE: TIMOTHY O. (OLIVER) STOEN, EVERY DETAIL, EVERY ENTRY, EVERY TRANSACTION, EVERY DEPOSIT AND EVERY DISBURSEMENT RELATING TO THIS INDIVIDUAL, EITHER IN HIS OWN NAME OR AS TRUSTEE), SUTRO & CO., INC., ATTN: ARTHUR LENHARDT, VICE PRESIDENT, DEAN WITTER REYNOLDS, INC., ATTN: SALLY KRAFT, MARGIN DEPARTMENT, (RE: TIMOTHY O.(OLIVER) STOEN; COMPLETE AND ENTIRE RECORDS RELATING TO ALL TRANSACTIONS, STOCKS BOUGHT AND SOLD, ANY INSTRUCTIONS THEREIN AND THE DATES).

Exhibit A (Page 2 of 3)

88-31-6-148

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

7 ATTORNEY FOR PLAINTIFF

8 NO APPEARANCE NECESSARY, RECORDS ONLY
9 IF YOU DESIRE COPIES CONTACT
10 GAGAN & McDANIELS, 9 FIRST ST.
11 SAN FRANCISCO (PHONE 982-4766)

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 FOR THE CITY & COUNTY OF SAN FRANCISCO

14 PEOPLES TEMPLE OF THE DISCIPLES
15 OF CHRIST, a nonprofit corporation No. 740 531
16 et al.

17 NOTICE OF TAKING DEPOSITION

18 vs

19 TIMOTHY OLIVER STOEN

20 SUBPENA
21 DUCES TECUM

22 TO ALL PARTIES: PATRICK S. HALLINAN, ESQ.,
23 345 FRANKLIN STREET
24 SAN FRANCISCO, CA

25 PLEASE TAKE NOTICE THAT THE depositions of Custodians
26 of Records of: RE: TIMOTHY O. (OLIVER) STOEN
27 BANK OF AMERICA, INTERNATIONAL DIVISION,
28 ATTN: MR. MICHAEL LEDGERWOOD, 345 MONTGOMERY STREET, S.F.
29 CA 94104 (ANY AND ALL RECORDS RELATING TO TRANSACTIONS OF
30 AND/OR WITH TIMOTHY O. (OLIVER) STOEN, INDIVIDUALLY AND/OR
31 AS TRUSTEE, INCLUDING ALL CORRESPONDENCE.

32 will be taken on behalf of defendant,
33 at 10:00 o'clock A.M. on FRIDAY the 10 day of
34 NOVEMBER 19 78 before a Notary Public, for the City and
35 County of San Francisco, State of California, at the offices of
36 GAGAN & McDANIELS, 9 First Street, Room 208, San Francisco,
37 California; said deposition will continue from said date and time
38 over Sundays and legal holidays until completed.

39 DATED this 20 day of OCTOBER 1978.

40 By Antonia Daniels
41 Attorney at Law

42 88-31-6-149

1 PROOF OF SERVICE BY MAIL

2 I am a citizen of the United States; my business address is 345
3 Franklin Street, San Francisco 94102. I am employed in the City and
4 County of San Francisco, where this mailing occurs; I am over the
5 age of eighteen years and not a party to the within cause. I served
6 the within NOTICE OF MOTION FOR PROTECTIVE ORDER, MEMORANDUM OF
7 POINTS AND AUTHORITIES, SUPPORTING DECLARATION OF DEFENDANT, AND
8 ORDER SHORTENING TIME FOR SERVICE on the following person on the
9 date set forth below, by placing a true copy thereof enclosed in a
10 sealed envelope with postage thereon fully prepaid, in the United
11 States Post Office mail box at San Francisco, California, addressed
12 as follows:

13 Charles R. Garry, Esq.
14 Garry, Dreyfus, McTernan, Brotsky, Herndon & Pesonen
15 1256 Market Street
San Francisco, CA 94102

16 I certify and declare under penalty of perjury that the fore-
17 going is true and correct. Executed on November 1, 1978, at San
18 Francisco, California.

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21 PS/ PAULA E. SMITH
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