

Looking over the answer, I want to make a couple of comments. First of all the only defenses he raises are "unclean hands" besides some general denials. Now, I don't have a law library here, but one thing I remember about the unclean hands doctrine is that the transaction that you raise the defense in has to be the same transaction that the plaintiff is dealing with. That is to say, ~~if xxxxxxxx~~ the defendant has to say the plaintiff acted poorly with respect to the transactions that are the subject of the complaint. Stoen vs. Stoen and the resulting court order in the case with respect to John Stoen is not ~~ix~~ a subject matter of the complaint and so the unclean hands doctrine does not apply. The only reason John Stoen is included in the complaint is to establish a motive and establish malice, but it is not the same transaction or series of transactions--- there is no allegation that Tom represented any member of the church in Stoen v. Stoen, and therefore the first defense of unclean hands should be struck as not being relevant.

The second one "Unclean Hands--Perjury in the Complaint"

I have a hunch that unclean hands doesn't apply here, because the doctrine applies to the subject matter of the lawsuit, and not the way the lawsuit is framed, or allegedly framed.

The third defense-- Suppression of ~~EVIDENCE~~ evidence. Same as the second one, and furthermore we haven't suppressed any evidence in that we can always send Carol back and let her talk.

The Fourth defense --abuse of judicial process. Not an unclean hands doctrine.

I think the biggest problem that he's raised with these things has to do with Charles' reaction to them, and so I want to examine them from that point of view.

The first comment I want to make relates to page 2, lines 22 and those following is that the court never obtained any jurisdiction over Rev. Jim Jones and the fact that the court might have made an order is really irrelevant, I don't know whether it appears in the court record but I remember somebody told me that when counsel asked for an order directing Jones to return Stoen the judge said, well it seems to me like it's a waste of time because he isn't a party, he hasn't been served, and he's out of the jurisdiction, but if you want me to do it, I'll do it. The point that we need to make there is that he's dealing with that as if it were a contempt but it can't be because the court had no jurisdiction over him. There is an allegation that plaintiff PT is the alter ego of Jim Jones, but this is something that I don't know how they're going to go about proving, that a very large corp is the alter ego of an individual. Furthermore I don't know how the hell they can establish that the plaintiff, which is a California corporation is holding anybody in Guyana-- since the plaintiff does not exist in Guyana. I think that point ought to be brought home-- there is a separate Guyanese corporation under Guyanese law, and ~~if xxxxxxxx~~ it has nothing to do with PT which at this point simply funds the Guyanese operation. No more, no less. I would also like to point out that conclusions are to be struck from responsive pleadings that relate to a preliminary injunction. Looking at page three, lines 11-13, is nothing but a conclusory statement-- it says nothing ~~xxx~~ specifically that they have done. It can't in point of fact, because they haven't done anything.

Second defense; Bottom of page four and five. We should take both positions: ~~xxxxxx~~ Lie detector test. We should say its inadmissible, but is admissible on behalf of the defendant then its admissible on behalf of the plaintiff as well, and we should ~~xxxxxx~~ submit our copy of Maria's lie detector test. And give the court either the choice of accepting both or accepting neither.

As far as the radio business: ~~xxxxxxx~~ Whether or not it was a violation of FCC rules has not a thing to do with this lawsuit.

Garry should know that on paragraph d on page 5: What happened was-- first of all ~~ix~~ they weren't stories. They asked me what happened with Maria & Tim regarding her father. I told them what I had in fact gotten from Maria who was then in Georgetown. They came back with hats not complete enough, and I came back with that's all we can remember several times. I went back to Maria and asked her specific questions, asked her to go over it and see if she could remember anything else. She came back with probably some additional details and I went back and relayed that over the radio. That is what happened-- there was no "inconsistency", just clarification of events that occurred over a year ~~xxxx~~ ago/

~~xxxx~~ (SARAH)

The thing that is of some concern is that the main plaintiff in the suit is PT, and we are mainly concerned with TOS having been charged for PT over the years, now acting-- obviously using confidential information against PT. And it's true that it was decided that Carol Stahl sign the complaint because she is the President of the Corporation, and that's the reason that it was.

As far as approving any "version" ending up in paragraph six of the complaint, Gene says he didn't know a goddamn thing about it, because I had no idea what "version" may have been used. Because in fact all I (Gene) know is what I remember of several conversations Tim and I had a couple of conversations that I was with in SF sometime in 1976 and the meeting of April 1977-- wherein I remember very very clearly discussing with him Maria's case and him giving legal advice concerning it.

Garry should know that this-- paragraph e, page 5-- there was no "version" What was decided that rather than have a lot of people giving Garry info, people who were not at all versed in legal matters, and couldn't separate relevant from irrelevant info, it would be better not to confuse things, since conducting legal matters at a distance of 5,000 miles isn't the easiest thing in the first place, and isn't helped by miscommunications and confusion. So we decided that Gene and Sandy would be the best to give Garry his info that he needs, along with June, since Jean Brown wasn't having the best success in sorting out what was and what was not important.

Carol Stahl: Since the principal plaintiff was PT the logical person to verify was Carol Stahl--President of the Corp. When we're talking about what Carol Stahl may or may not have been knowledgeable to, let us remember that Carol Stahl was a member of PT from about 1968. One of the oldest members of PT -- one of the first in California. Has been in the center of the Temple organization for years and years' and years, intimately connected with Tim and certainly enough connected with Temple and familiar with Temple organization and activity to know that although she may not have been personally acquainted with ~~xxxx~~ every last thing that was in that complaint, she knew enough about Maria Katsaris and other matters to know that the essence of the complaint and all the basic allegations of ~~xxxx~~ the complaint and basic moving facts were true. And she was competent to do that, although she may not have known every single last detail. I want to make a point here on page six-- the "because she was expendable to operations in SF and could be shipped to Guyana". ~~Wxx~~ Something in fact was said to the effect that Carol had not seen her daughter in over a year, and her daughter was in fact sick at the time, but more important she hadn't seen her in a long time, and Carol, as a qualified teacher who's contract was up, and who would not be needed in the States right away-- it seemed logical for her to come down to see her kid and help in the school. We have a very large school here-- fully accredited by Guyana-- and we needed more teachers, and she is a highly qualified certificated teacher.

Page 6, paragraph H. The "version" ending up in so and so... it's a bunch of conclusionary stuff that needs to be struck. We said things that we knew to be true-- the lie detector test should be attached, probably to Maria's affidavit, and indicating that Gene, Jones etc. had seen the lie detector test and as far as we were concerned Maria's story was true and correct. This is very important because it goes to malice. Because having excellent reason to believe her story was correct and it was very easy to believe and understand-- from what Maria told us the acts he did while he was drunk and we could understand from that he might very well pass a lie detector test because he might not remember his activity... I think this much detail is important because it goes to state of mind which is part of unclean hands... We believed her story to be true because 1) we had seen a lie detector test indicating that what she was saying was true, and 2) because she told us her dad did these things when he was drunk, and so in fact, we want the lie detector test to go in with our affidavit, contraverting Page 6, paragraph H -- not only saying we believe it to be true but we have very good reasons to believe it to be true and that what TOS is saying is false and maliciously false. Furthermore, we'd asked Maria these same questions over a period of better than a year and a half and she'd given us consistent story over this period of time.

Now with respect to this specific "story" on consolidation, if we want to we can point ~~xxx~~ out that the only thing that had to do with specifics

had to do with trying to pin down the the exact dates when some of these conversations took place which is very difficult to do and will be because we didn't document them at the time, and secondly that the discussions with respect to any attorney had to do with a suggestion that we file a motion to have all these law suits consolidated under the consolidation provisions of the code of civil procedure because Garry was strugng out having to defend them all up and down and because we felt that there are common issues of fact and law and it would be cheaper and more convenient to handle them in one suit. The rationale they give for this is all in their head. Bullshit.

If we can get all these things in there especially the lie detector test-- its going to be difficult for them-- and I think that the lie detector test as a result of these allegations will be admissable to prove our motivation (good and valid reason to believe her story to be true before we filed against TOS. We beleieved it before, but before we went ahead and filed we wanted to be sure so she took a lie detector test, and based on the results of that document we decided to go ahead and file. We felt that although we'd always believed her story to be true, our subjective feeling for her as a long time friend and co-worker wasn't sufficient and there should be something objective done to substantiate the thing before we actually decided to file. So we went ahead and did it.)

As far as the third defense unclean hands-- First of all, all these allegations filed on information and belief are a nullity under California law. Furthermore I think we should point out ~~that nobody has asked for any evidence from her, and their not going to be in a position to complain until such time as discovery has been denied and it hasn't. She can be back in the Staes in 48 hours with a ticket. We think that the reason that all this is thrown in here is to make Charles angry and upset,~~ with us. A divisive tactic.

GENE WANTS TO PUT IN HIS AFFIDAVIT THAT HE HAS NO RECOLLECTION OF DISAPPROVING OF HER TESTIFYING UNDER OATH (CAROL) and that he thinks she can testify to anything for which she has first hand knowledge.

FOURTH DEFENSE. Medlock and Cobb suits. Gene doesnt know a fucking thing about the Cobb suit. But he knows a considerable bit about the Medlock case because he discussed the Medlock case with Stoen. We discussed it in our law office meetings on a number of occasions. I consulted with Tim in the Los ngeles church concerning the Medlock case. I know for a fact that he consulted with the Medlocks directly about that, and that he discussed their case with Rev. Jones. I was present in a group discussion of the Medlocks. So I have excellent first hand knowledge of his participating with the church in that very transaction, ~~as legal counsel for the church.~~ (TOS)

As a matter of fact, this information and belief stuff should be struck. ~~The purposes of the plaintiff, whatever the hell our motivation may be, if in fact we have a good case against Stoen, which we obviously do---is irrelevant. Now all this information and belief stuff the three defenses and all these allegations-- TOS knows as well as we do that information set forth on information and belief in a pleadings with respect to an injunction MATTER ARE A NULLITY. Therefore there is only one reason that TOS put all this stuff in here and that is because he wanted it available for media use, putting us in a position where we could not sue for defamation. And the proof of this is that every single time that he has filed a complaint against us in any one of these proceedings it has been immediately followed by articles in newspapers. Big splashy articles in newspapers. Therefore the motivation behind this is ~~pretty obvious as to who would be doing what. We are more inclined to say that the defendet is using this answer in a spurious way because he has included material that is not admissable, he has included material that he knows is a nullity-- and obviously they weren't included for the purpose of the lawsuit because they are not receivable by the court and TOS knows that. The purpose of including them was to make it available for publicity purposes.~~~~

THE POINTS AND AUTHORITIES

1. Page 2, pp 1-- unclean hands because aiding and abetting disobedience of Calif court order. Nothing in complaint or declarations that indicate how thats being done. A statement to thst effect in the points and authorities is meaningless.

Perjury in the verified complaint-- well, that has to be proven. But one legal point is that conduct in the proceedings of litigation is something entirely different than the transaction itself and it is the transaction that we are talking about re: unclean hands. As a matter of fact, it appears to me that the whole answer in the vitriolic and inflammatory way its written lends itself more to publicity than it does towards a judicially responsive pleading because obviously these things are all subject to motions to strike-- which shouldbe made.

Suppression of evidence . again, a ridiculous argyment-- since they haven't asked her for anything-- how do they know?

Abuse of judicial process--

General nature of complaint-- they do have a point. complaint is not specific enough-- needs to be remedied with specific affidabits before it goes to a hearing.

We will come up with things specifically on "edlorks and Cobb. We need to ~~xxxxxxx~~ remedy this when Charles gets here. Specific affidavits.

Incidentally, the P&A talks about all kinds of crap that isnt under oath-- diversions, threats etc. and even if it were, I don't know that iys its at all relevant.

I think we need to add a declaration from Maraia, however I would like to point out that she is not the only person who could ~~xxxxxxx~~ know ~~xxxxxxx~~ what she told Stoen. I can rememebr some conversations where I was present. (Gene)

I don't know what the problem with producing Maria is-- nobody has asked for her. Its ridiculous.

The allegation that the case is a "sham". Look, the basic meat of the case is that Stoen acted as our attorney. We can prove that with documenys and affidavits beyond a shadow of a doubt. That he had specific knowlege concerning all phases of the corporation including its asset structure etc. The fact of the matter is that the court can take judicu knowledge that he is acting as attorney in a whole bunch of cases which are adverse to the Temple. We've got a prima facie case. It has to be dealt with on that basis.

Freedom of speexh and rights to counsel-- Bullshit. No freedom of speech where its limoted by a license, and there is very clear law to that effect. Traditionally lawyers have had restrictions placed on them, and unless TOS is arguing that the whole code with respect to limitations on aty confidentiality are violations of first amendment-- which is pretty hard to believe.

The declarations of Katsris, Cobb and Medlock are irelevant. It really doesnt make any difference because if he is violating his atty-client relationship with the church then he is, and he is not entitled to proceed, regardless of their feeling on the matter. Asfar as Medlocks saying they never discussed the mater with Stoen, that just plain isn't true.

~~the~~ COBB Suit-- the fact is that for years & years Cobb had been doing all kinds of nasty things to us--badmouthing us etc. and TOS knew the whole background-- and so even though TOS may be alleging that the "unlawful" acts, the particular dates may be subsequent to the time he terminated his relationship is not relevant. The background he had regarding the history of the Cobb-PT relationship, as to the functioning of the church, etc. are extremely relevant to these lawsuits-- evidentiary in some instances--perhaps. The information upon which these suits are based (cobb & Katsaris) and information relating to them goes years back, and he was ~~xxxx~~ privy to all that.

Medlock is the same thing. With respect to the Medlocks-- he participated in it, because the thing started a very long time back, but on page 7, paragraph 14-- we do need specific declarations to remedy the generaliy of the complaint.

Page 7, line 15-- several of us knew because we were ther at the time. Not just Maria. We were all their in basically a law office situation where that was discussed.

All these staements where TOS says " if she were called to testify and she did so truthfully, she would tesify etc." are subject to a motion to strikke None of it is admissable because it is not a staement of fact. It simply is conjecture about what sbmebody might say. Not evidentiary. In a hearing on a preliminary injunction based on declarations the same rulse of evidence apply to the declarations that would apply if the person were present in

*Stoen's  
deposition*

court and speaking. This would not be evidentiary if Tim were called in a witness box. Just conjecture. Should be struck,

*Spies Declaration*

But just as a factual thing: ~~xxx~~ Maria doesn't make the claim that she talked to TOS regarding her father & conservatorships after Feb. 1977, on the contrary she says it was the previous fall-- Fall of 1976. Also, no one disputes that ~~xxx~~ she was in the US in the Spring of 1977. Nobody even said anything about her being in that meeting in April of 1977, but that she was discussed there-- her situation-- and he gave advice regarding it.

Paragraph 16-- re: John. There are several things we should say about that. We ought to get a half a dozen affidavits to the effect that TOS said on numerous occasions that John was Jim's kid, not his, which he did. Repeatedly. ~~xxxxxx~~ Secondly, the document itself constitutes an admission and as such it most certainly is relevant, and contrary to his position that "everyone there knows the document is false & spurious" that simply is not so. Although we cannot testify that we were in the bedroom we all took TOS's word for it, and Grace's as well, ~~xxx~~ in that they constantly told us that John wasn't his child. As a matter of fact, TOS told Gene that he and his wife had no sexual relationship during the period of John's conception.

Page 9, paragraph 17: Not relevant to any of the issues in the case. However in respect to TOS's returning in two to six weeks that's hard to imagine in that when he left he didn't notify anybody that he was leaving nor where he was going-- including by the way, John. ~~xxxxxxx~~ As a matter of fact, for a period-- maybe a few months, the organization had no idea of his whereabouts whatsoever. If that was his intention then he certainly managed to keep it to himself-- very conveniently.

Line 14, page 10: Long dissertation regarding mind-programming. Don't see how this is relevant-- his belief or lack of belief is not evidentiary. What is relevant is where he points out in page 10, lines 25- 26 what his true motivation for doing all this is-- that is, simply, that he wishes to obtain John Victor. That really is his motivation, and the reason for his abusing his relationship ~~xxxxxxxxx~~ as an attorney is because he is so incensed over the John Victor issue.

We ought to also point out that the matter of John is presently being litigated by all the parties in the courts of Guyana, and it's very difficult to see how on earth he thinks he can influence those proceedings by his activities in the U.S. So it is pure vindictiveness. ~~xxxxxxxxx~~ An example of his vindictiveness again is that he attached the entire "Inside PT" story-- all of which is hearsay and not admissible to the declaration. In addition attached to it an unsigned, typewritten letter addressed to "Jim" which obviously has no foundation attached to it, because there is no way of attaching a foundation to it-- all of which is specifically intended to be as prejudicial as it could possibly be-- totally non-evidentiary. It really shows the level of malice this guy has. If we want to use Tim's methodology, I think if Pat Allinan were asked to testify, he would testify that he wrote all the documents and he simply permitted them to go in with him as attorney of record. Gene says-- he read all these documents, worked with TOS as lawyer for four or five years and recognizes beyond a shadow of a doubt that it is all TOS's style.

Finally, it is true that people have a right to hire an attorney of their choice. The fact remains-- why would all these people be so anxious to have Tim if it were not for the fact that he has this tremendous background & experience of PT and a lot of info they can use.