

FILED

San Francisco County Superior Court

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7
8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO

10 JAMES COBB, JR.,
11 Plaintiff,

12 vs.

13 PEOPLES TEMPLE OF THE DISCIPLES
14 OF CHRIST, a nonprofit corpora-
15 tion; JAMES WARREN JONES, also
16 known as JIM JONES; TERESA BU-
17 FORD; JEAN F. BROWN; PAMELA G.
18 MOTON; and FIRST DOE through
19 FIFTIETH DOE, inclusive,

20 Defendants.

No.

739907

COMPLAINT FOR COMPENSATORY AND
PUNITIVE DAMAGES FOR INTENTIONAL
INFLECTION OF EMOTIONAL DISTRESS
AND FOR LIBEL ON ITS FACE

21 Plaintiff alleges:

22 FIRST CAUSE OF ACTION

23 1. Defendant PEOPLES TEMPLE OF THE DISCIPLES OF CHRIST ("PEOPLES
24 TEMPLE") is, and at all times herein mentioned was, a nonprofit cor-
25 poration organized and existing under and by virtue of the law of the
26 State of California. Plaintiff is informed and believes and thereon
alleges that the principal place of business of defendant PEOPLES
TEMPLE is at 1859 Geary Boulevard in the City and County of San Fran-

BB-11-a

1 cisco, State of California.

2 2. Plaintiff is informed and believes and thereon alleges that
3 defendants TERESA BUFORD ("BUFORD"), JEAN F. BROWN ("BROWN"), and
4 PAMELA G. MOTON ("MOTON") are, and at all times herein relevant were,
5 residents of the City and County of San Francisco, State of Califor-
6 nia.

7 3. Plaintiff is, and at all times herein relevant was, a resi-
8 dent of the City and County of San Francisco, State of California.

9 4. Plaintiff is ignorant of the true names and capacities of de-
10 fendants sued herein as FIRST DOE through FIFTIETH DOE, inclusive,
11 and therefore sues these defendants by such fictitious names. Plain-
12 tiff will amend this complaint to allege their true names and capaci-
13 ties when ascertained. Plaintiff is informed and believes and there-
14 on alleges that each of the fictitiously named defendants is respon-
15 sible in some manner for the occurrences herein alleged, and that
16 plaintiff's damages as herein alleged were proximately caused by their
17 conduct.

18 5. Defendants JAMES WARREN JONES ("JONES"), also known as JIM
19 JONES, PEOPLES TEMPLE, BUFORD, BROWN, MOTON, and FIRST DOE through
20 FIFTIETH DOE, inclusive, were the agents and employees of their code-
21 fendants JONES, PEOPLES TEMPLE, BUFORD, BROWN, MOTON, and FIRST DOE
22 through FIFTIETH DOE, inclusive, and in doing the things hereinafter
23 alleged were acting within the course and scope of such agency and
24 the permission and consent of their codefendants.

25 6. From June 1967 until September 1, 1973, plaintiff was a mem-
26 ber of defendant PEOPLES TEMPLE, which at all times mentioned herein

1 presented itself as a church. The president and minister of defen-
2 dant PEOPLES TEMPLE at all times herein relevant was defendant JONES.
3 On September 1, 1973, plaintiff terminated his membership in defen-
4 dant PEOPLES TEMPLE, which infuriated defendant JONES and made defen-
5 dant JONES fearful that other members of plaintiff's family then mem-
6 bers of PEOPLES TEMPLE might, by plaintiff's example, be induced to
7 terminate their memberships in PEOPLES TEMPLE.

8 7. At all times herein mentioned the following members of plain-
9 tiff's family were, and still are, members of defendant PEOPLES TEM-
10 PLE: Christine Cobb (mother), John Cobb (brother), Brenda Cobb (sis-
11 ter), Sandra Cobb (sister), Joel Cobb (brother), and Ava Brown (sis-
12 ter).

13 8. Plaintiff is informed and believes and thereon alleges that
14 on or about September 3, 1973, defendant JONES intended, planned, and
15 set in motion a scheme to systematically and periodically cause emo-
16 tional distress in plaintiff and instill fear in him for the safety
17 of his person and the safety of his loved ones. The purpose of de-
18 fendant JONES therein was to deter plaintiff from publicly criticizing
19 defendant JONES and defendant PEOPLES TEMPLE, and to deter plaintiff
20 from attempting to persuade his family members to leave PEOPLES TEM-
21 PLE. Plaintiff is informed and believes and thereon alleges that
22 each of the acts complained of herein was individually and personally
23 ordered by defendant JONES.

24 9. From October 1973 until the present time plaintiff has been
25 subjected by defendant JONES to numerous harrassing and threatening
26 telephone calls received by plaintiff both at his private residence

1 in San Francisco and at the School of Dentistry, University of Cali-
2 fornia, San Francisco, where plaintiff has been, and now is, a dental
3 student. These telephone calls have included the following:

4 a. Anonymous telephone calls in which the caller stated in es-
5 sence: "You have talked against Jim Jones and you will pay for it."

6 b. Anonymous telephone calls in which the caller did not mention
7 any names and stated in essence: "We are going to get you."

8 c. Telephone calls from Christopher Lewis, a bodyguard of defen-
9 dant JONES and a member of defendant PEOPLES TEMPLE known by plain-
10 tiff to have been prosecuted for first degree murder, who, during
11 each such telephone call, ordered plaintiff not to make contact with
12 some specifically-named person then a member of PEOPLES TEMPLE and
13 threatening plaintiff that if plaintiff did so he would "regret" it
14 and that "this is going to be between you and me."

15 10. From October 1973 until the present time, plaintiff has been
16 subjected by defendant JONES to a "saturation" defamation campaign
17 wherein defendant JONES has falsely, publicly, recurringly, and mali-
18 ciously preached to members of PEOPLES TEMPLE that plaintiff left
19 PEOPLES TEMPLE because:

20 a. plaintiff had become a "terrorist";

21 b. plaintiff had become a "Radical Trotskyite";

22 c. plaintiff had plotted to "blow up" bridges and other faci-
23 lities;

24 d. plaintiff "is planning" to organize and commit acts of
25 "violence" against defendant JONES and the members of PEOPLES TEMPLE;
26 and

1 e. plaintiff had committed acts of sexual perversion with
2 young people.
3 None of the aforesaid charges against plaintiff is true. Plaintiff
4 believes that many members of PEOPLES TEMPLE, including members of
5 his own family, have come to believe, as a result of the aforesaid
6 defamation campaign, that some or all of these false and hideous
7 charges against plaintiff are true.

8 11. In June 1975 five members of defendant PEOPLES TEMPLE sur-
9 rounded plaintiff in Redwood Valley, California while he was attend-
10 ing ceremonies for the graduation of his brother John from Redwood
11 Valley Junior High School. The aforesaid members of PEOPLES TEMPLE
12 threatened plaintiff by stating: "You are in trouble. * * * You will
13 see." When plaintiff attempted to tell his brother John that he
14 loved him, the aforesaid members of PEOPLES TEMPLE dragged John away
15 and prevented plaintiff from talking with him. Plaintiff is informed
16 and believes and thereon alleges that the aforesaid conduct by the
17 PEOPLES TEMPLE members was personally and specifically ordered by de-
18 fendant JONES.

19 12. In April 1976 plaintiff received an anonymous telephone call
20 at his residence in San Francisco wherein a male voice stated:

21 You have been badmouthing Peoples Temple.
22 We know that you have a son. You are put-
ting him in trouble.

23 This telephone call was perceived by plaintiff as coming from defen-
24 dant PEOPLES TEMPLE upon the personal order of defendant JONES, and
25 it has caused the plaintiff great and continuous emotional distress
26 and fear for the life and physical safety of his son, James Cobb III.

1 who was born on September 9, 1975, and who, at the time of the afore-
2 said telephone call, was seven months old. Plaintiff is informed
3 and believes and thereon alleges that defendant JONES ordered the
4 aforesaid telephone call to be made to plaintiff with the intention
5 of inflicting upon him emotional distress and mental suffering.

6 13. On or about June 23, 1977, in the City and County of San
7 Francisco, State of California, defendant JONES knew that he was
8 about to be exposed in the press for various crimes and immoral acts.
9 Plaintiff is informed and believes and thereon alleges that at said
10 time and place defendants, and each of them excepting defendant MOTON,
11 knowingly and wilfully conspired and agreed among themselves to in-
12 tentiously inflict emotional distress and mental suffering on plain-
13 tiff should he ever attempt to re-establish contact with his above-
14 mentioned relatives or with any ex-member of PEOPLES TEMPLE.

15 14. Plaintiff is informed and believes and thereon alleges that
16 on or about June 23, 1977, in the City and County of San Francisco,
17 State of California, defendants, and each of them excepting defendant
18 MOTON, in order to institutionalize the tactics of terror and fraud
19 which had been personal to defendant JONES, who was then preparing
20 to leave the United States permanently for Guyana, South America,
21 knowingly and wilfully conspired and agreed among themselves to estab-
22 lish a permanent administrative department in defendant PEOPLES TEM-
23 PLE which would be responsive and obedient to orders rendered by de-
24 fendant JONES by means of courier and by means of coded messages over
25 international shortwave radio. Defendant BUFORD was appointed by de-
26 fendant JONES to head this department, which was to be known as the

1 "Diversions" department and which was to be divided into the follow-
2 ing de facto "divisions" and to engage in the following "dirty
3 tricks":

4 a. Defectors & Critics Division: To divert individual per-
5 sons, particularly ex-members of PEOPLES TEMPLE and outspoken critics
6 thereof, from publicizing and from organizing in opposition to the
7 practices of defendants JONES and PEOPLES TEMPLE, by threatening
8 such persons with death and injury to their persons and properties,
9 including threats their homes will be burned;

10 b. Government & Media Division: To divert agencies of govern-
11 ment and of the media from investigating the practices of defendants
12 JONES and PEOPLES TEMPLE by:

13 (1) "Bombarding" them with continual mass volumes of let-
14 ters written in longhand by PEOPLES TEMPLE members conscripted as
15 part of "letter-writing committees" which allege various types of
16 unjustified harrassment; and

17 (2) Making anonymous telephone calls to agencies of govern-
18 ment and the media which accuse totally innocent persons selected at
19 random of heinous crimes and immoral acts (particularly crimes and
20 acts related to those for which defendant JONES feared he was about
21 to be accused); and

22 c. General Public Division: To divert the public from focus-
23 ing upon the questionable practices of defendants JONES and PEOPLES
24 TEMPLE by publishing press releases and other communications which
25 falsely accuse the critics of such practices as being sexual deviates,
26 terrorists, drug traffickers, or child molesters.

1 15. Plaintiff is informed and believes and thereon alleges that
2 defendant JONES, as part of the conspiracy and agreement above alle-
3 ged, ordered defendant BUFORD to adopt various secretive techniques
4 to carry out the designated threats so they could not be traced as
5 to person or mechanical source, such techniques including the follow-
6 ing:

7 a. Threatening letters: to arrange for such to be typed upon
8 typewriters at various public libraries throughout the San Francisco
9 Bay Area, or upon typewriters obtained second-hand and then discarded
10 into the ocean or Bay; and

11 b. Threatening telephone calls: to type up the threat in the
12 form of a script, ask various individuals loitering or walking along
13 Mission Street in San Francisco to read the script into a tape recor-
14 der as part of a radio "test", and then play the tape over the tele-
15 phone to the person "targeted" immediately after he or she picked up
16 the telephone.

17 16. On or about February 24, 1978, plaintiff attempted to re-
18 establish contact with his mother, Christine Cobb, from whom he had
19 not heard for more than a year. Plaintiff located her at Children's
20 Hospital in San Francisco, where she was employed as a nurse. When
21 plaintiff greeted his mother, who at that time was still a member of
22 defendant PEOPLES TEMPLE, she manifested symptoms of fear and kept
23 looking around to see if she were being watched. When plaintiff
24 asked whether his brothers and sisters had been taken by defendant
25 JONES to Guyana, South America, his mother refused to discuss the mat-
26 ter. Plaintiff is informed and believes and thereon alleges that his

1 mother was then and there in fear of being seen with plaintiff because
2 he had been called a "traitor" by defendant JONES, and his family
3 members had been ordered by defendant JONES to have no contact with
4 him.

5 17. On or about March 3, 1978, plaintiff returned to Children's
6 Hospital in San Francisco to talk with his mother again, and learned
7 that she no longer worked there but had quit without notice a few
8 days before to the complete surprise of the personnel at said hospi-
9 tal. Plaintiff subsequently learned that she had been sent to Guyana
10 upon orders of defendant JONES. Plaintiff is informed and believes
11 and thereon alleges that his mother is presently at "Jonestown",
12 Guyana, South America, under the complete control of defendant JONES
13 and under tragic conditions which violate basic human rights, as out-
14 lined in Exhibit G, which is attached hereto and made a part hereof.

15 18. On March 14, 1978, in the City and County of San Francisco,
16 State of California, defendants sent to plaintiff an unsigned letter
17 threatening him. The letter is attached hereto as Exhibit A and made
18 a part hereof. The letter states:

19 Jim,
20 If you think that you are working only to de-
21 stroy our friend, you're badly underestimating
22 the course you are on. This is going down on
23 the record as a deliberate attempt to starve
24 out hundreds of good people. You'll be remem-
25 bered for much more than just a personal ven-
26 detta.

Even though what you're trying to do is im-
possible, you're going to earn for yourselves
the bitterest of enemies. We have solid evi-
dence that one of your crowd participated in
Chris' death. A whole lot of people not even
associated with us can back that up. Whether

1 or not you decide to respond to this hardly
2 matters now. Since you are no doubt fully
3 aware of who you're in with and what you are
4 working for, I count this communication prob-
5 ably a waste of my time. We have real class
6 enemies to deal with, and really aren't wor-
7 rying about your clumsy efforts. But in the
8 future, don't try to say you didn't know. It
9 won't wash. If you had cared anything about
10 what was right, you would have checked with
11 the officials that live there and have seen
12 the work, and asked them about the kind of
13 society we're building there. But like I
14 said; in the future, don't plead ignorance.

15 19. Plaintiff is informed and believes and thereon alleges that
16 defendant JONES, on or about March 7, 1978, personally ordered, by
17 means of courier and amateur shortwave radio, the sending of the
18 aforesaid letter, and by the same means dictated its wording, using
19 a pre-arranged code. Plaintiff is informed and believes and thereon
20 alleges that defendant JONES knew and intended that his order would
21 be thus received and acted upon in the City and County of San Franci-
22 sco, State of California, so as to result in the making of the afore-
23 said threat and the consequent injury to plaintiff.

24 20. Defendants knew at the time they sent the aforesaid letter
25 of the state of mind of plaintiff as induced by the acts mentioned in
26 paragraphs 8 through 16 herein. This conduct of defendants JONES,
27 PEOPLES TEMPLE, BUFORD, BROWN, MOTON, and FIRST DOE through FIFTIETH
28 DOE, inclusive, in the sending the aforesaid letter, was intentional
29 and malicious and done for the purpose of causing plaintiff to suffer
30 humiliation, mental anguish, and emotional and physical distress.
31 Plaintiff is informed and believes and thereon alleges that the de-
32 fendants, and each of them, knew that plaintiff would regard, as he

1 in fact did regard, the reference to "Chris' death" as a reference
2 to the death of the above-mentioned Christopher Lewis, who was known
3 to have been murdered on the streets of San Francisco in December
4 1977 shortly after returning from Guyana, South America. Defendants
5 thereby intended that plaintiff be placed, as he in fact was, in fear
6 that he would be murdered by the supporters of Christopher Lewis as
7 an act of revenge. Defendants thereby further intended that plain-
8 tiff be placed, as he in fact was, in fear that he would be murdered
9 by the supporters of "our friend", whom defendants knew that plain-
10 tiff would regard, as he in fact did regard, as a reference to defen-
11 dant JONES.

12 21. Defendants did the acts and things herein alleged in para-
13 graphs 18 through 20 pursuant to, and in furtherance of, the conspira-
14 cies and agreements herein alleged in paragraphs 13 through 15.

15 22. As the proximate result of the aforementioned letter, plain-
16 tiff suffered humiliation, mental anguish, and emotional and physical
17 distress, and has been injured in mind and body, all to plaintiff's
18 damages in the sum of NINE HUNDRED THOUSAND DOLLARS (\$900,000.00).

19 23. The sending of the aforementioned letter by defendants was
20 willful, wanton, malicious, and oppressive, and justified the award-
21 ing of exemplary and punitive damages in the amount of SEVEN MILLION
22 DOLLARS (\$7,000,000.00).

23 24. By reason of the aforementioned letter, plaintiff was pre-
24 vented from attending with the required degree of concentration to
25 his usual profession as a graduate student of dentistry, and thereby
26 may have set back his expected date of graduation, thereby losing

1 earnings as a Doctor of Dental Surgery in an amount hereafter to be
2 ascertained.

3 25. As a further proximate result of the aforesaid letter, plain-
4 tiff is informed and believes and thereon alleges he will be required
5 to employ physicians and surgeons to examine, treat, and care for
6 him, and will incur additional medical expenses for hospital bills
7 in an amount which has not yet been ascertained.

8

9

SECOND CAUSE OF ACTION

10 26. Plaintiff reincorporates the allegations of his First Cause
11 of Action as though fully set forth at length herein.

12 27. On March 14, 1978, in the City and County of San Francisco,
13 State of California, defendants published an open letter threatening
14 an act of mass murder of the members of PEOPLES TEMPLE under the
15 control of defendant JONES in Jonestown, Guyana, South America, which
16 necessarily included plaintiff's relatives as described above. A copy
17 of this letter is attached hereto as Exhibit B and made a part hereof.
18 The letter was typed on letterhead stationery of defendant PEOPLES
19 TEMPLE and was addressed "TO ALL U.S. SENATORS AND MEMBERS OF CON-
20 GRESS." This letter read in part:

21

22

23

24

25

26

We at Peoples Temple have been the sub-
ject of harassment by several agencies of
the U.S. Government, and are rapidly reach-
ing the point at which patience is exhausted.

* * * *

It seems cruel that anyone would want to es-
calate this type of bureaucratic harassment
into an international issue, but it is equal-
ly evident that people cannot forever be con-
tinually harassed and beleaguered by such
tactics without seeking alternatives that

1 have been presented. I can say without
2 hesitation that we are devoted to a deci-
3 sion that it is better even to die than
4 to be constantly harrassed from one con-
5 tinent to the next. I hope you can look
6 into this matter and protect the right of
7 over 1,000 people from the U.S. to live
8 in peace.

9 28. On April 18, 1978, in the City and County of San Francisco,
10 State of California, defendants published a press release which "ex-
11 plained" the "decision...to die" as "the unanimous vote of the col-
12 lective community here in Guyana." A copy of this press release is
13 attached hereto as Exhibit C and made a part hereof. This press re-
14 lease had published as its return address "Peoples Temple" and was
15 "For Immediate Release." It was part of a larger packet of materials
16 signed by defendant BROWN. This press release stated in part:

17 The following is a transcript of the mes-
18 sage read to members of the press by Har-
19 riet Tropp, member of Peoples Temple Agri-
20 cultural Project at Jonestown, Guyana,
21 South America. She read the statement via
22 amateur radio phone patch at Charles Garry's
23 office:

24 "I am speaking on behalf of Peoples Tem-
25 ple in response to the grossly false and ma-
26 licious statements that continue to be made
about our community here in Guyana. Indi-
viduals participating in a self-styled group
of 'Concerned Relatives' have now threatened
publicly to hire mercenaries to illegally
enter Guyana and use whatever means neces-
sary, including armed attack and kidnap, to
capture relatives in the Peoples Temple com-
munity.

* * * *

27 "Finally, we would like to address our-
28 selves to a point that has been raised, it
29 seems, about some statement supposedly is-
30 sued officially by Peoples Temple whose con-
31 tents we here are unaware of. It is sup-
32 posed to have been to the effect that we

1 prefer to resist this harrassment and per-
2 secution even if it means death. * * * And
3 we, likewise, affirm that before we will
4 submit quietly to the interminable plotting
5 and persecution of this politically motiva-
6 ted conspiracy, we will resist actively,
7 putting our lives on the line, if it comes
8 to that. This has been the unanimous vote
9 of the collective community here in Guyana."

6 29. Plaintiff is informed and believes and thereon alleges that
7 on or about June 23, 1977, in the City and County of San Francisco,
8 State of California, defendants, and each of them excepting defendant
9 MOTON, knowingly and wilfully conspired and agreed among themselves
10 to publicly threaten the collective death of all members of defen-
11 dant PEOPLES TEMPLE if ever defendant JONES felt he was being perse-
12 cuted or unduly harrassed. Plaintiff is informed and believes and
13 thereon alleges that defendant then and there referred to such a
14 threat euphemistically as a threat of "revolutionary suicide" when
15 in actuality it was a megalomaniacal threat of "mass murder" which
16 would result in the death of minor children not old enough to make
17 voluntary and informed decisions about serious matters of any nature,
18 much less insane proposals of collective suicide. One of the pur-
19 poses of defendants in entering into this conspiracy and agreement
20 was to deter the governments of the United States and of the Coopera-
21 tive Republic of Guyana from disregarding the demands made of them by
22 defendant JONES. Another purpose was to deter ex-members ("defectors")
23 of defendant PEOPLES TEMPLE from publicly criticizing defendant JONES
24 and from organizing in opposition to his practices.

25 30. Plaintiff is informed and believes and thereon alleges that
26 defendant JONES, on or about March 7, 1978, personally ordered, by

1 means of courier and amateur shortwave radio, the sending of the
2 above-mentioned open letter of March 14, 1978, and by the same means
3 dictated its wording, using a pre-arranged code. Plaintiff is in-
4 formed and believes and thereon alleges that defendant JONES knew and
5 intended that his order would be thus received and acted upon in the
6 City and County of San Francisco, State of California, so as to re-
7 sult in the sending of said open letter and the consequent injury to
8 plaintiff.

9 31. Plaintiff is informed and believes and thereon alleges that
10 defendant JONES, on April 17, 1978, personally ordered the publica-
11 tion of the above-mentioned press release of April 18, 1978, and
12 personally dictated its wording to Harriet Tropp, and personally su-
13 pervised Harriet Tropp's reading thereof so as to be heard in the
14 City and County of San Francisco, State of California on April 17,
15 1978, and so as to result in the publication of said press release
16 in the City and County of San Francisco, State of California on April
17 18, 1978.

18 32. Defendants published the aforesaid March 14 open letter
19 about a "decision...to die" and the aforesaid April 18 press release
20 explaining that decision as "the unanimous vote of the collective
21 community here in Guyana" with the intent and for the purpose of
22 causing plaintiff, as part of the class of persons having relatives
23 under defendant JONES' domination at Jonestown, to suffer humiliation,
24 mental anguish, and emotional and physical distress. Defendants knew
25 that their reference to the "collective community" which had made the
26 "unanimous vote" to die would be interpreted by plaintiff, as it in

1 in fact was, as a reference to the threatened mass murder of plain-
2 tiff's brother Joel (age 12), sister Brenda (age 15), brother John
3 (age 18), sister Sandra (age 21), sister Ava (age 26), and mother
4 Christine. Plaintiff read the March 14 open letter and the April 18
5 press release shortly after they were published by defendants. At-
6 tached as Exhibit D and made a part hereof is an article from the
7 June 15, 1978 issue of the "San Francisco Chronicle" newspaper which
8 is entitled, "Grim Report From Jungle." Said article purports to be
9 an eye-witness account by "defector" Deborah Layton of the acts of
10 defendant JONES and shows that plaintiff's interpretation of the
11 March 14 open letter and the April 18 press release as a reference
12 to mass murder was accurate. Plaintiff is informed and believes and
13 thereon alleges that the aforesaid article on Deborah Layton is true
14 and correct in all respects.

15 33. Defendants did the acts and things alleged in this Second
16 Cause of Action pursuant to, and in furtherance of, the conspiracies
17 and agreements herein alleged.

18 34. As the proximate result of the aforementioned acts, plain-
19 tiff suffered humiliation, mental anguish, and emotional and physical
20 distress, and has been injured in mind and body, all to plaintiff's
21 damages in the sum of SIX HUNDRED THOUSAND DOLLARS (\$600,000.00).

22 35. The aforementioned acts of defendants were willful, wanton,
23 malicious, and oppressive, and justify the awarding of exemplary and
24 punitive damages in the amount of FOUR MILLION DOLLARS (\$4,000,000.00).

25 36. By reason of the aforementioned acts of defendants, plain-
26 tiff was prevented from attending with the required degree of concen-

1 tration to his usual profession as a dental student, and thereby may
2 have set back his expected date of graduation, thereby losing earn-
3 ings as a Doctor of Dental Surgery (D.D.S.) in an amount hereafter
4 to be ascertained.

5 37. As a further proximate result of the aforesaid acts of de-
6 fendants, plaintiff is informed and believes and thereon allèges that
7 he will be required to employ physicians and surgeons to examine,
8 treat, and care for him, and will incur additional medical expenses
9 for hospital bills in an amount hereafter to be ascertained.

10

11 THIRD CAUSE OF ACTION

12 38. Plaintiff reincorporates the allegations of his First and
13 Second Causes of Action as though fully set forth at length herein.

14 39. Plaintiff is informed and believes and thereon alleges that
15 on or about June 23, 1977, in the City and County of San Francisco,
16 State of California, defendants, and each of them excepting defendant
17 MOTON, knowingly and wilfully conspired and agreed among themselves
18 to falsely defame and falsely accuse plaintiff of whatever immoral
19 and criminal acts they could contrive should he ever attempt to inter-
20 fere with the allegiance of his above-mentioned relatives to defen-
21 dant PEOPLES TEMPLE as a collectivist society whose members, inclu-
22 ding plaintiff's relatives, would be required to devote total allegi-
23 ance to defendant JONES and to terminate all meaningful family ties.
24 One of the purposes of said conspiracy and agreement was to deter
25 plaintiff from attempting to re-establish even minimal contact with
26 any of his relatives above-mentioned.

1 40. At all times herein mentioned plaintiff was, and now is,
2 a dental student at the School of Dentistry, University of California,
3 San Francisco, where he is a candidate for the degree of Doctor of
4 Dental Surgery. At all times herein mentioned plaintiff has been,
5 and now is, a resident of the City and County of San Francisco, State
6 of California. Plaintiff has resided in the City and County of San
7 Francisco for five (5) years and at all times has enjoyed a good re-
8 putation both generally and in his occupation.

9 41. On March 14, 1978, in the City and County of San Francisco,
10 State of California, defendants published an open letter defaming
11 plaintiff, a copy of which is attached hereto as Exhibit B and made
12 a part hereof. This open letter was typed on letterhead stationery
13 of defendant PEOPLES TEMPLE and addressed "TO ALL U.S. SENATORS AND
14 MEMBERS OF CONGRESS." The letter read in part:

15 We at Peoples Temple have been the sub-
16 ject of harassment by several agencies of
17 the U.S. Government, and are rapidly reach-
18 ing the point at which patience is exhaus-
19 ted. Radical Trotskyite elements which de-
20 fected from our organization when we re-
21 fused to follow their violent course have
22 been orchestrating a campaign against us.
23 Two of these, Michael Cartmell and Jim Cobb,
24 were actually discovered making ammunition
25 several years ago. These same two persons
26 have boasted about knowing persons in the
IRS and FCC and using them to get back at
Peoples Temple. They also vowed recently
to several witnesses that they would see to
it that our group of over 1,000 U.S. citi-
zens (currently conducting a highly success-
ful agricultural project in Guyana) were
starved out by having funds cut off from
the U.S.

42. Plaintiff is informed and believes and thereon alleges that

1 defendant JONES, on or about March 7, 1978, personally ordered, by
2 means of courier and amateur shortwave radio, the sending of the
3 aforesaid letter, and by the same means dictated its wording, using
4 a pre-arranged code. Plaintiff is informed and believes and thereon
5 alleges that defendant JONES knew and intended that his order would
6 be thus received and acted upon in the City and County of San Franci-
7 sco, State of California, so as to result in the publishing of the
8 aforesaid letter and the consequent injury to plaintiff.

9 43. Defendants did the acts and things herein alleged pursuant
10 to, and in furtherance of, the conspiracy and agreement above alleged.

11 44. The publication of the aforesaid letter was made of and con-
12 cerning the plaintiff and was so understood by those who read it.

13 45. The entire letter is false as it pertains to plaintiff.

14 46. The aforesaid letter is libelous on its face. It clearly
15 exposes plaintiff to hatred, contempt, ridicule, and obloquy because
16 it accuses him of the morally reprehensible crimes and acts of advo-
17 cating revolutionary violence, of membership in a communist political
18 party which advocates revolutionary violence, of making ammunition
19 for aims of revolutionary violence, and of fraud and deceit.

20 47. The aforesaid letter was seen and read by officials, employ-
21 ees, and other persons in the offices of each member of the United
22 States Congress and by other persons whose names are not known to
23 plaintiff.

24 48. As a proximate result of the above-described publication,
25 plaintiff has suffered loss of his reputation, shame, mortification,
26 and hurt feelings all to his general damages in the sum of TWO HUNDRED

1 THOUSAND DOLLARS (\$200,000.00).

2 49. As a further proximate result of the above-described publi-
3 cation, plaintiff has suffered the following special damages: injury
4 to his profession, all to his injury in the sum of ONE HUNDRED THOU-
5 SAND DOLLARS (\$100,000.00).

6 50. The above-described publication was published by the defen-
7 dants because of their feelings of hatred and ill will toward the
8 plaintiff and with a desire to oppress plaintiff and thus plaintiff
9 seeks an award of punitive damages in the sum of TWO MILLION DOLLARS
10 (\$2,000,000.00).

11
12 FOURTH CAUSE OF ACTION

13 51. Plaintiff reincorporates the allegations of his First, Sec-
14 ond, and Third Causes of Action as though fully set forth at length
15 herein.

16 52. On May 10, 1978, in the City and County of San Francisco,
17 State of California, defendants published a press release defaming
18 plaintiff, a copy of which is attached hereto as Exhibit E and made
19 a part hereof. This press release stated in part:

20 The statement of the 'Concerned Relatives'
21 was signed by a sordid crew of individuals
22 who, among other things, have tried black-
23 mail; have embezzled from Peoples Temple
24 while infiltrating it; have even been in-
25 volved in the manufacture of ammunition
26 and have advocated ridiculous and mad
schemes of violence in order to achieve
revolutionary 'ends' in the classic manner
of agent provocateurs. Included in the
group are people who have used and traf-
ficked in drugs; some who have molested
children, including their own...; who have

1 operated credit card rackets, forged checks,
2 stolen money from the treasury in the amount
3 of thousands of dollars; who have actually
4 abused and treated black youngsters as house
5 slaves; who have engaged in welfare fraud
6 and who have exhibited a series of highly
7 unstable personal patterns in their private
8 lives, e.g. sadism.

9 They are organizers, collaborators, and
10 recruits, both paid and volunteer, in a con-
11 spiracy that has tried every trick in the
12 book to--in the words of one of them--,'de-
13 stroy' us.

14 Conspiring with other individuals, lead-
15 ers in the group have lied about us, getting
16 the worst kind of smear and innuendo-filled
17 articles in the press. They have sent out
18 aides to bribe people to lie about us; who
19 have used the devices and 'dirty trick'
20 methods of Cointelpro that have been used
21 repeatedly to harass other progressive or-
22 ganizations.

23 They have tried a host of schemes: sab-
24 otaging our communications; instituting bog-
25 us investigations that get headline cover-
26 age while turning up nothing; using lies,
distortions, faceless accusers to create an
aura of implied guilt; they have attempted
to cut off pensions to elderly people in
our organization, at our beautiful agricul-
tural project in Guyana, in an effort to
actually starve them out. They have tried
to use the Offices of high officials in the
State Department, everyone they could think
of to sabotage our work here, which has
been described by thousands of visitors as
a model of cooperation, earning praises all
over the world. They have circulated lies
about us everywhere and have even tried to
send undercover agents hired to snatch away
children illegally and violently from their
rightful parents and homes, and have tried
to bribe and pay off officials to help them.
It is all documented fact.

24 53. Plaintiff is informed and believes and thereon alleges that
25 defendant JONES, on or about May 1, 1978, personally ordered, by means
26 of international amateur shortwave radio, the publication of this

1 press release, and by the same means dictated its exact wording.
2 Plaintiff is informed and believes and thereon alleges that the voice
3 of defendant JONES rendering the aforesaid order and dictation was
4 heard in the City and County of San Francisco, State of California,
5 by all other named defendants and by FIRST DOE through TENTH DOE, in-
6 clusive, who thereupon acted upon said order pursuant to the conspir-
7 acy and agreement mentioned in paragraph 39 herein. Plaintiff is in-
8 formed and believes and thereon alleges that defendant JONES knew and
9 intended that his order would be thus heard and acted upon in the
10 City and County of San Francisco, State of California, so as to re-
11 sult in the publication of the aforesaid press release and the con-
12 sequent injury to plaintiff.

13 54. Defendants did the acts and things herein alleged pursuant
14 to, and in furtherance of, the conspiracies and agreements above al-
15 leged, including such alleged in paragraph 39 herein.

16 55. The publication was made of and concerning the plaintiff and
17 was so understood by those who read the publication. Attached as
18 Exhibit G and made a part hereof is the "statement" referred to by
19 the above-mentioned press release. It is a 49-page document signed
20 by plaintiff, and is entitled: "Accusation of Human Rights Viola-
21 tions by Rev. James Warren Jones Against Our Children and Relatives
22 at the Peoples Temple Jungle Encampment in Guyana, South America."
23 It was served publicly on PEOPLES TEMPLE officials in San Francisco
24 on April 11, 1978. It is attached hereto for the purpose of showing
25 that the publication of the above-mentioned press release was made of
26 and concerning the plaintiff and was so understood by those who read

1 the press release.

2 56. The entire press release is false as it pertains to plain-
3 tiff.

4 57. The above-mentioned press release is libelous on its face.
5 It clearly exposes plaintiff to hatred, contempt, ridicule, and ob-
6 loquy because it accuses him, as a member of the class of "Concerned
7 Relatives" listed in the "statement" referred to in the press release,
8 of the morally reprehensible crimes and acts of: extortion, emezzle-
9 ment, sabotage, conspiracy to commit violence, sale of illegal drugs,
10 sexual abuse of children, racketeering, forgery, grand theft, child
11 abuse, racism, welfare fraud, assault, deceit, false reports to gov-
12 ernment, revolutionary violence, kidnapping, bribery, and every other
13 malicious charge that the author of the press release "projected" and
14 contrived.

15 58. The press release above-mentioned was seen and read by per-
16 sons entering and leaving the Federal Building at 450 Golden Gate
17 Avenue, San Francisco, California, on May 10, 1978. Plaintiff is in-
18 formed and believes and thereon alleges that it was also mailed to
19 all major newspapers, television stations, and radio stations in the
20 State of California and the Cooperative Republic of Guyana, South
21 America, and that it was also mailed to all members of the United
22 States Congress and to the leading officials of the Executive Branch
23 of the United States government in Washington, D. C., including the
24 White House and the State Department.

25 59. As a proximate result of the above-described publication,
26 plaintiff has suffered loss of his reputation, shame, mortification,

1 and hurt feelings all to his general damages in the sum of THREE HUN-
2 DRED THOUSAND DOLLARS (\$300,000.00).

3 60. As a further proximate result of the above-described publi-
4 cation, plaintiff has suffered the following special damages: injury
5 to his profession, all to his injury in the sum of ONE HUNDRED THOU-
6 SAND DOLLARS (\$100,000.00).

7 61. The above-described publication was published by the defen-
8 dants because of their feelings of hatred and ill will toward the
9 plaintiff and with a desire to oppress plaintiff and thus plaintiff
10 seeks an award of punitive damages in the sum of THREE MILLION DOL-
11 LARS (\$3,000,000.00).

12
13 FIFTH CAUSE OF ACTION

14 62. Plaintiff reincorporates the allegations of his First, Sec-
15 ond, Third, and Fourth Causes of Action as though fully set forth at
16 length herein.

17 63. On May 15, 1978, in the City and County of San Francisco,
18 State of California, defendants published a letter defaming plaintiff,
19 a copy of which is attached hereto as Exhibit F and made a part here-
20 of. This letter stated in part:

21 Dear Manager,
22 What you publicize is your business. But
23 a bit of information on some of the people
24 you are using as sources to spread lies about
25 Peoples Temple might cause you to question
26 the credibility of those sources. Given their
backgrounds and past actions, their motives
for attacking an interracial, highly construc-
tive organization are obviously not "Concern"
for their relatives which they claim to have
in Guyana. A recent official statement of the

1 U.S. Department of State proves once and for
2 all that the allegations they are making are
3 lies. What their true motives are, no one in
4 the media seems interested in exploring and
5 disclosing. But it does no credit to you as
6 journalists that you take them at face value.
7 Consider your sources. Their credits are
8 listed below, and there are affidavits to
9 back up every statement.
10 * * *

11 Jim Cobb:

12 Was put through college and dental school
13 by poor, hard-working black people - - but
14 instead of paying them back he joined a pseudo-
15 "revolutionary commando" group.

16 Stole guns and rifles and manufactured am-
17 munition.

18 Plotted to blow up a bridge.

19 Forced young men and women to bow before
20 him and kiss his genitals, calling them ra-
21 cist pigs if they refused to do so.
22 * * *

23 There is much, much more. I personally
24 know all these people, and I saw their names
25 mentioned on a petition presenting themselves
26 as loving, concerned relatives and friends of
people overseas at the Peoples Temple mission,
and I felt I had to write something to you to
inform you of what I know to be true of them.

64. Plaintiff is informed and believes and thereon alleges that
defendant JONES, on or about May 10, 1978, personally ordered, by
means of courier and amateur shortwave radio, the sending of the
aforesaid letter, and by the same means dictated its wording, using
a pre-arranged code. Plaintiff is informed and believes and thereon
alleges that defendant JONES knew and intended that his order would
be thus received and acted upon in the City and County of San Franci-
sco, State of California, so as to result in the publishing of the
aforesaid letter and the consequent injury to plaintiff.

65. Defendants did the acts and things herein alleged pursuant to,
and in furtherance of, the conspiracies and agreements above alleged,

1 including that alleged in paragraph 39 herein.

2 66. The publication of the aforesaid letter was made of and con-
3 cerning the plaintiff and was so understood by those who read it.

4 67. The entire letter is false as it pertains to plaintiff.

5 68. The aforesaid letter is libelous on its face. It clearly
6 exposes plaintiff to hatred, contempt, ridicule, and obloquy because
7 it accuses him of the morally reprehensible acts and crimes of theft,
8 sabotage, sexual perversion, racism, fraud, and deceit.

9 69. The aforesaid letter is libelous on its face for the addi-
10 tional reason that it clearly exposes plaintiff to hatred, contempt,
11 ridicule, and obloquy because it impliedly accuses him of lying in
12 the face of a "recent official statement of the U.S. Department of
13 State", a statement which does not exist and which never did exist.

14 70. The aforesaid letter was seen and read by persons employed
15 by various newspapers, radio stations, and television stations.
16 Plaintiff is informed and believes and thereon alleges that this let-
17 ter was mailed to all major newspapers, television stations, and
18 radio stations in the State of California and the Cooperative Republic
19 of Guyana, and that it was also mailed, with an appropriately modi-
20 fied introductory paragraph, to all members of the United States Con-
21 gress and to the leading officials of the Executive Branch of the
22 United States government in Washington, D. C., including the White
23 House and the State Department. It was read by other persons whose
24 names are not known to plaintiff.

25 71. As a proximate result of the above-described publication,
26 plaintiff has suffered loss of his reputation, shame, mortification,

1 and hurt feelings all to his general damages in the sum of SIX HUN-
2 DRED THOUSAND DOLLARS (\$600,000.00).

3 72. As a further proximate result of the above-described publi-
4 cation, plaintiff has suffered the following special damages: injury
5 to his profession, all to his injury in the sum of ONE HUNDRED THOU-
6 SAND DOLLARS (\$100,000.00).

7 73. The above-described publication was published by the defen-
8 dants because of their feelings of hatred and ill will toward the
9 plaintiff and with a desire to oppress plaintiff and thus plaintiff
10 seeks an award of punitive damages in the sum of FOUR MILLION DOLLARS
11 (\$4,000,000.00).

12
13 WHEREFORE, plaintiff prays judgment as follows:

- 14 1. For general damages in the sum of \$2,600,000.00.
15 2. For special damages in the sum of \$300,000.00.
16 3. For medical and related expense according to proof.
17 4. For lost earnings according to proof.
18 5. For punitive damages in the sum of \$20,000,000.00.
19 6. For such further and additional relief as the court may deem
20 proper.

21 DATED: June 19, 1978.

22
23 *Timothy Oliver Stoen*
24 TIMOTHY OLIVER STOEN
25 Attorney for Plaintiff
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Trial by jury is hereby demanded on all issues.

DATED: June 19, 1978.

Timothy Oliver Stoen
TIMOTHY OLIVER STOEN
Attorney for Plaintiff

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VERIFICATION

I am the plaintiff in this action; the foregoing complaint is true of my own knowledge, except as to matters stated in it on my information or 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 June 19, 1978, at San Francisco, California.

James Cobb, Jr.
JAMES COBB, JR.