

REPORTER'S RECORD
VOLUME 1 OF 2 VOLUMES
TRIAL COURT CAUSE NO. 2012-CI-01272

CHURCH OF SCIENTOLOGY FLAG) IN THE DISTRICT COURT
SERVICE ORGANIZATION, INC.)
)
)
VS.) BEXAR COUNTY, TEXAS
)
DEBRA J. BAUMGARTEN, AKA)
DEBBIE COOK BAUMGARTEN, AKA)
DEBBIE COOK, AND WAYNE)
BAUMGARTEN) 150TH JUDICIAL DISTRICT

HEARING ON MOTION FOR TEMPORARY INJUNCTION

On the 9th day of February, 2012, the following proceedings came on to be heard in the above-entitled and numbered cause before the Honorable Martha Tanner, Judge Presiding, held in San Antonio, Bexar County, Texas.

Proceedings reported by computerized stenotype machine.

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1 (February 9, 2012, 9:45 a.m.)

2 THE COURT: Who is the movant in this?

3 MR. SPENCER: Good morning, Your Honor.

4 George Spencer and Mark Cannan appearing for Plaintiff,
5 Church of Scientology Flag Service Organization,
6 Incorporated. We're here on our request for a temporary
7 injunction. And we're ready to begin.

8 THE COURT: Thank you.

9 MR. JEFFREY: Good morning, Your Honor.

10 THE COURT: Good morning.

11 MR. JEFFREY: Ray Jeffrey and my partner,
12 Dannette Mitchell, and our associate, Diana Wheeler,
13 here for the defendants, Debbie Cook Baumgarten and
14 Wayne Baumgarten. We'll be referring to Ms. Cook as
15 Ms. Cook and Mr. Baumgarten as Mr. Baumgarten, but
16 they're husband and wife.

17 THE COURT: All right. Thank you.

18 MR. SPENCER: Your Honor, I think the
19 first thing, in -- just in order of proceeding, is we
20 received a subpoena from the defendants a little more
21 than 24 hours ago, and we've filed a motion to quash,
22 objections, and I think that it would be appropriate to
23 take that up at the beginning and Mr. Cannan is going to
24 present that.

25 THE COURT: That's fine.

1 MR. SPENCER: And up on the bench is a
2 notebook. There's a pile of briefs. I think the briefs
3 are from the other side, and that notebook has our --
4 some things we'd like you to look at. And -- and I
5 believe -- which tab is it, Mark, is it the --

6 MR. CANNAN: The objections are Tab A.

7 MR. SPENCER: Yeah. Under Tab A.

8 MR. JEFFREY: May we have a copy of that,
9 Your Honor, or know what -- what it is that they've
10 presented?

11 MR. CANNAN: On which, the booklet or the
12 motion?

13 MR. JEFFREY: The booklet. We don't know
14 what's in there.

15 MR. CANNAN: Oh, I'm sorry.

16 MR. SPENCER: I apologize.

17 MR. CANNAN: I think you've probably seen
18 them.

19 (Handing to counsel)

20 THE COURT: You may proceed, Mr. Cannan.

21 MR. CANNAN: Should I approach right here,
22 Your Honor?

23 THE COURT: That's fine.

24 MR. CANNAN: Has the Court had an
25 opportunity to look at the subpoena, itself?

1 THE COURT: I have not.

2 MR. CANNAN: Probably a good place to
3 start would be for -- it -- it's attached to the
4 plaintiff's objection, motion to quash, and motion for
5 protective order that is in the booklet as Tab A. It is
6 Exhibit A to Tab A.

7 (Pause)

8 THE COURT: Okay. I've had a chance to
9 review it. Thank you.

10 MR. CANNAN: Your Honor, there are any
11 number of problems with the subpoena. As -- as you can
12 see from the duces tecum itself, it is extremely
13 extensive, the language, all including, not limited to.
14 If we were here on a motion for protective order with
15 respect to just a request for production, I think we'd
16 have a problem with that.

17 It is obviously enhanced by the fact that
18 it was served late in the afternoon, roughly like
19 4 o'clock, I think, on Wednesday afternoon. I received
20 it at that time. Now --

21 MR. SPENCER: Excuse me. It was Tuesday
22 afternoon. Tuesday.

23 MR. CANNAN: I'm sorry, Tuesday. It's
24 been a tough week.

25 The -- Tuesday afternoon, two days ago,

1 I'm sorry. And the -- you know, less than -- something
2 like 36 hours prior to this hearing.

3 As set forth in the motion, itself, as
4 sworn to, the organization which is a party here, which
5 is the Church of Scientology Flag Service Organization,
6 Inc., is a non-profit corporation incorporated in the
7 state of Florida. Most of its operations -- the bulk of
8 its operations are in Clearwater, Florida.

9 To the extent that that's the party that's
10 here and presumably would be the party to respond to the
11 request for production, obviously, a 36-hour notice for
12 a hearing this morning to produce documents, the bulk of
13 which would be -- assuming they could be identified from
14 this notice, would be in Florida. And we have -- we've
15 secured, as you can see from the motion, that the
16 factual allegations have been verified by a
17 representative of the organization in Florida.

18 That -- that's really the major logistical
19 problem, I suppose, but the technical problems are
20 large, as well. The -- you'll notice that the subpoena,
21 itself, contrary to the requirements, I believe it's
22 Rule 176 -- let me look here real quick. 176.1.

23 One of the basic requirements of the -- of
24 a subpoena under the rules is to identify the person to
25 whom the subpoena is issued.

1 Now, no one is identified by this. It
2 says "Custodian of records," does not identify an
3 organization, and is directed to be served through
4 myself or Mr. Spencer. So, the -- one of the basic
5 principles of serving a subpoena is violated.

6 That's very significant in this case in
7 particular, because as I pointed out, the party -- and
8 presumably that's who they thought they were serving,
9 Church of Scientology Flag Service Organization is a
10 separate and distinct entity. And without going into
11 the details at this point, there are any number of
12 requests included in the subpoena duces tecum that go
13 outside the realm of the Church of Scientology Flag
14 Service Organization, CFSFO, as we'll probably get used
15 to hearing it referred to. That is a separate entity, a
16 separate organization.

17 And to the extent, for example, that some
18 of the documents are documents from the Religion
19 Technology Center, Church of Scientology International,
20 or any other Scientology organization or entity -- and
21 I'm quoting from Paragraph A of the duces tecum -- it's
22 beyond the scope of a properly served subpoena upon the
23 CFSFO.

24 So that the scope of this subpoena, just
25 in its language is too broad, even if we were here on a

1 request for production. The scope is too broad in the
2 identities that are included into it -- in it as to
3 documents that would be produced, and it is technically
4 deficient because it's not directed to a person.

5 The -- and I think all of that's covered
6 within the motion. I think, again, I go back -- if we
7 were here on a motion for protection with respect to a
8 30-day time limit request for production, I think the --
9 some of the same arguments could be made. They are
10 enhanced by the fact that we're here on a temporary
11 hearing -- a hearing on a temporary injunction for which
12 the plaintiff has had notice for week and a half, and
13 then 36 hours prior to the hearing serves this all
14 inclusive, too broad, too vague subpoena. I would ask
15 the Court to quash it and relieve the defendant of any
16 responsibility for --

17 MR. SPENCER: Plaintiff.

18 MR. CANNAN: -- responding to that.

19 Did I say -- I'm so used to -- you know
20 that.

21 THE COURT: You did say "defendant."

22 MR. CANNAN: I'm the plaintiff.

23 THE COURT: Okay. Yes, sir.

24 MR. JEFFREY: Good morning, Your Honor.

25 Mr. Cannan makes it sound pretty

1 complicated. It's not really that complicated. First,
2 I filled out the form that went to process and it asked
3 for the plaintiff's custodian of records. I didn't
4 realize that they just typed it in as custodian of
5 records. So, that great mystery is resolved. They know
6 that what we wanted was the plaintiff's custodian of
7 records. Frankly, I don't even need a person if they're
8 just willing to produce some simple, straightforward
9 documents.

10 This is a case, everything in an
11 injunction is handled on an expedited basis. Last week
12 we were tied up with a motion to dissolve the temporary
13 restraining order, and I apologize to the Court and to
14 Mr. Cannan if he needed 48 hours instead of 36 or
15 whatever it might be, but I'm working as hard as I can.

16 The -- the crux of this matter that we're
17 here about is that they have an agreement that these
18 good folks signed that prevents them from speaking to
19 anyone, anywhere, any time about their life. It's that
20 broad. Their religion, their life over the last 30
21 years, et cetera.

22 So what we did -- because we know that
23 when the agreement was signed these folks were held --
24 this is not hyperbole, Your Honor -- in captivity.

25 This lady wrote letters saying, "Let me

1 out" to her captors, these folks --

2 MR. CANNAN: Your Honor, I don't like to
3 interrupt statements, but we're not here for opening
4 statements on the merits. And I know there are a lot of
5 people out here want to hear these opening statements.
6 But I'd like to address the issue of this overbroad
7 subpoena, because if, as Mr. Jeffreys said, there were
8 some simple documents that he wanted, he didn't ask for
9 them. But I'm here on this subpoena and the motion to
10 quash it, not what this case is all about yet.

11 MR. JEFFREY: It is simple and I'm happy
12 to explain why it's simple, Your Honor.

13 First of all, he makes allusions to all of
14 the other Church of Scientology organizations. Every
15 one of these one, two, three, four, a total of five
16 requests -- every one of them asks for only documents in
17 their possession, custody, control. We're not asking
18 for them to somehow go get documents from another
19 organization. If they have the documents, which we're
20 confident that they have the core documents in this
21 case, they're not available to us. So we're faced with
22 this hearing that involves a prior restraint injunction
23 on free speech, free exercise of religion. It's very
24 important.

25 So we asked, we would like to get these

1 documents. Any documents that she sent out, trying to
2 get out of that captivity, we want them. They've got
3 them. They don't have to go to Clearwater, Florida for
4 them. They videotaped these people while they signed
5 these documents. They also, we happen to know, have
6 alternate hidden video machines at the same time that
7 video other things going on. We asked, give us the
8 videotapes.

9 So what we want is we want the
10 communications that came from these two folks. We want
11 the videos that were taken of them during their
12 captivity. They had earlier escaped, and they have
13 videos and reports relating to their escape. We want
14 that. It's not too much to ask in a matter of this
15 importance. And it's not too broad because we're only
16 asking for what's in their care, custody, control,
17 possession.

18 MR. CANNAN: Your Honor, just by way of
19 illustration: B. All written and electronic documents
20 in plaintiff's possession, custody or control by any
21 staff member of any Scientology entity or organization
22 dated in September or October of 2007.

23 And here's the language, "Concerning or
24 mentioning Debbie Cook Baumgarten or Wayne Baumgarten."
25 That's not the focused inquiry that Mr. Jeffrey just

1 described. And if it was core documents that he wanted,
2 he could have written this in a core document fashion,
3 which wasn't done. We were served with this late --
4 late Tuesday, I'm sorry, late Tuesday, and it didn't ask
5 for core documents. It asked for what it asked for and
6 it's overwhelming to attempt to produce this morning.

7 Frankly, we were getting ready, too, and
8 I'm not sure this is -- I'm being maybe a little
9 cynical. But that's a great way to disrupt somebody's
10 preparation for this type of hearing if you -- if you
11 dump something on them that would take an inordinate
12 amount of time to respond to. And I think it should be
13 quashed in its entirety.

14 MR. JEFFREY: The subpoena was not done
15 for any alternate purpose. The subpoena was done
16 because we would like the videotapes and we would like
17 the documents.

18 And we know from the history of litigation
19 with the Church of Scientology that if you don't ask for
20 it as broadly as you can, they will find a way to move
21 the shell around and say they don't have it or they
22 don't know what you're talking about.

23 So, you know, we're damned if we do and
24 damned if we don't, Your Honor. But I can assure the
25 Court what we want is core documents that relate to -- I

1 mean, anyone that's familiar with this litigation knows
2 what we're asking for in here. And it is beyond ironic
3 for the plaintiff to be complaining about the
4 overbreadth of an agreement or a -- or a court process
5 when you see the TRO that they obtained in this case.

6 So I -- all I have to say, Your Honor, is
7 that we want the subpoena to stand. We want them to
8 produce documents. They don't have to produce every
9 document on the planet, but they have to produce the
10 documents and videos responsive to the subpoena.

11 MR. CANNAN: Is Mr. Jeffreys asking for a
12 continuance? Because we, obviously, can't produce what
13 he's asked for in this timeframe.

14 MR. JEFFREY: We'd be content today -- for
15 this two-day hearing, we'd be content if they'd just
16 produce the stuff that they have. These lawyers have
17 probably every document and video that we would like to
18 see. I -- I'll make that stipulation right here, Your
19 Honor. We'll take whatever they have here with them
20 available to them in San Antonio, Texas.

21 MR. CANNAN: Now they're asking for work
22 product.

23 MR. JEFFREY: No. We don't want their
24 work product, Your Honor.

25 MR. CANNAN: If they're asking for the

1 ones that we've selected and looked at, they're asking
2 for work product. Now, obviously, we're going to
3 introduce -- we'll introduce video here. Everybody will
4 see the videos that are relevant, but we -- we can't
5 comply with this subpoena.

6 THE COURT: Have you showed those videos
7 to opposing counsel?

8 MR. CANNAN: He's never asked for them,
9 Your Honor. As I say, if he'd asked for the core
10 documents, if he'd asked for specific things we may have
11 been able to respond. I don't know what those specific
12 things are, but this is -- this is what we got.

13 MR. JEFFREY: Your Honor, let me -- let me
14 try to narrow it right here in court. How about the
15 letter from this lady saying that she would slit her
16 wrists or attempt to have the police called to -- to get
17 her out of her restraint that she was under? How about
18 just that letter? Could they produce that letter for us
19 to have a fair hearing?

20 MR. CANNAN: I'll represent to the Court
21 I've never seen that letter. So again, we're hearing
22 argument without any, you know, sworn testimony. We're
23 hearing allegations about past Scientology litigation
24 that Mr. Spencer and I certainly are not familiar with
25 and I don't think Mr. Jeffreys was involved, either.

1 We -- what we are faced with is a subpoena
2 with a duces tecum that didn't ask for core documents.
3 We're ready to proceed today. And we -- we can't
4 possibly comply with a late Tuesday, 4:15 subpoena, you
5 know, asking for every document that in any way referred
6 to, was concerning or mentioning the plaintiffs.

7 MR. JEFFREY: This is the electronic age,
8 Your Honor. In the blink of an eye they could get the
9 letters written by Ms. Cook protesting her confinement
10 and asking to be released.

11 I promise you, if they're not in their
12 files, they could have them in the blink of an eye with
13 a phone call.

14 MR. CANNAN: Ms. Cook may allege that
15 certain documents exist. As I say, I don't know that.

16 MR. JEFFREY: She's willing to swear that
17 they do exist. Is Mr. Cannan willing to swear that they
18 don't exist? No, they can't do that.

19 MR. CANNAN: I'm not -- I'm not going to
20 testify.

21 I will represent to the Court that I've
22 not seen the one that he described.

23 THE COURT: How long will it take you to
24 produce the documents he's asking for?

25 MR. CANNAN: Days, I would think.

1 THE COURT: How long?

2 MR. CANNAN: To produce what's on here,
3 you know, literally, days to the extent that it could
4 be --

5 MR. JEFFREY: Your Honor, the litigation
6 is not ended by a ruling on the injunction --

7 THE COURT: I know.

8 MR. JEFFREY: -- regardless of the fact
9 that the injunction may be the most important aspect of
10 this litigation.

11 The -- I'll just tell you right now that
12 we would accept, for purposes of this hearing, the
13 letters written by Ms. Cook to be released from
14 captivity. That -- that would be acceptable, as well as
15 the videos that they have of these people. That is not
16 days and a continuance and all of that. We're being put
17 in a very difficult position because we want some basic
18 evidence, but we don't want to be denied our day in
19 court.

20 MR. CANNAN: You know, I've been involved
21 in temporary injunction hearings before when -- that
22 when the lawsuit is filed and there's some discovery
23 that needs to be done, it's done in a timely and
24 expeditious fashion. And it's done in a focused way
25 with respect to what's going to be at issue in the

1 temporary injunction hearing. We've all been in those.
2 That -- that hasn't been done here. And for Mr.
3 Jeffreys to be attempting to tell us today what he would
4 have liked to have done 10 days ago or, in fact, should
5 have done 10 days ago does not solve the problem. The
6 problem is that the only document that we were served
7 with was overly broad, expansive and couldn't possibly
8 be complied with and should be stricken.

9 THE COURT: All right. I'll ask that you
10 produce the videos and any statements that she made.

11 MR. CANNAN: Can you -- it's going to have
12 to be very specific, Your Honor, because when you say
13 any statements that she made, for example, she's been a
14 member of the Church of Scientology for 29 years.

15 THE COURT: Well, during the time she was,
16 quote, allegedly in captivity.

17 MR. CANNAN: And I don't know when we can
18 get those, Your Honor. I simply can't make any
19 representation as to that.

20 MR. JEFFREY: And we ask for September or
21 October.

22 THE COURT: I'm sorry. What?

23 MR. JEFFREY: I'm sorry. We -- we only
24 asked in our request for September, October of 2007,
25 which is that time period when they escaped, they were

1 kidnapped and returned, and then she was writing these
2 letters and they ultimately signed this agreement. So
3 it's -- it's a narrow period of time. We want the
4 communications out she made saying, let me out, and then
5 the videos, all of the videos that they have. And
6 that -- there's no reason why -- and they can produce
7 that before the end of the proceedings. They don't have
8 to have it for us to start.

9 THE COURT: All right.

10 MR. CANNAN: Your Honor, before the -- is
11 there a time limit and is there something specific?
12 Because, frankly, I can't stand here and say how long
13 it's going to take. I don't know where all the
14 documents are. I don't know the process for acquiring
15 them. I know they're not in my briefcase. So that
16 if -- if we're going to -- is Mr. Jeffreys asking for a
17 continuance --

18 MR. JEFFREY: No.

19 MR. CANNAN: -- for the production of
20 those documents?

21 MR. JEFFREY: No, Your Honor, I'm not.
22 And the general counsel for the church is here. They --
23 they are so aware of these documents it's a travesty
24 that they're sitting here arguing innocently that they
25 don't know what they are or how they could get their

1 hands on them. They could produce them in the blink of
2 an eye.

3 MR. CANNAN: These characterizations I
4 take exception to, particularly. And Mr. Jeffreys --
5 and now I'm not so sure that my characterization of this
6 is something to confuse the issue and cause harassment
7 to us in our final preparations. But I would ask that
8 Mr. Jeffreys be required to give us a written document
9 outlining and specifying the documents that he wants so
10 that there be no question so that if we have a problem
11 with any of the things that are written down, as opposed
12 to this dialogue right here, we can come to the Court
13 and say, we have a problem with Mr. Jeffrey's Number 2,
14 Number 3, Number 7 or whatever it is.

15 MR. JEFFREY: Happy to do it, Your Honor.

16 MR. CANNAN: But I don't think we can
17 comply based upon just this dialogue and these
18 assertions that we've heard from Mr. Jeffreys.

19 MR. JEFFREY: We'll do that at the lunch
20 break and then they -- if they have a problem with it
21 they could let you know.

22 THE COURT: All right.

23 MR. CANNAN: If they -- we'll get it by
24 the lunch break. Is there a time limit for us to have
25 to respond?

1 MR. JEFFREY: How about by tomorrow
2 morning? When -- before we start up tomorrow.

3 MR. CANNAN: And, if necessary, we will
4 apprise the Court tomorrow of the problems we may have
5 in satisfying that.

6 THE COURT: That will be fine.

7 MR. JEFFREY: Thank you, Your Honor.

8 THE COURT: Anybody want to make an
9 opening statement at this time?

10 MR. SPENCER: Yes, I do, Your Honor.

11 THE COURT: Mr. Spencer.

12 MR. SPENCER: Good morning, Your Honor.

13 THE COURT: Good morning.

14 PLAINTIFF'S OPENING STATEMENT

15 MR. SPENCER: Your Honor, this case is --
16 very simply addresses whether the defendants, Ms. Cook
17 and her husband, Mr. Baumgarten, will be required to
18 live up to the agreements that they made back in 2007.
19 Those agreements were agreements, as you will see, that
20 they made freely and knowingly. And for purposes of
21 this morning and the next day, the agreements that they
22 signed were that they would not disclose information
23 about my client, the church, and that they would not
24 disparage the church.

25 The Court may immediately recall that free

1 speech is a constitutionally protected right. And of
2 course it is. But under the law of the state of
3 Florida, which by the terms of the contract is the
4 controlling jurisdiction and the controlling law, we
5 will show you that a party, a person, may waive a right
6 that they would otherwise have under the constitution.

7 That is the same law in the state of
8 Texas, and it has been addressed by the United States
9 Supreme Court. So the constitutional defenses which the
10 defendants have raised to the validity of the agreements
11 they made are legally incorrect and inappropriate.

12 I'll submit to you that we're going to
13 show you that the defendants, contrary to what their
14 counsel just said, knew what they were doing when they
15 signed the agreements.

16 And I want to pause here and say that the
17 way in which the defendants' counsel is approaching this
18 case is very inappropriate and very harmful to the
19 agreements that were made by his clients with my client.

20 My client very consciously entered into
21 these agreements with the defendants. And it did so
22 because the Church of Scientology is the object of
23 intense media scrutiny. The church has a number of
24 prominent celebrity members, Tom Cruise, John Travolta,
25 Kirstie Alley and others. And it frankly has some

1 unconventional beliefs.

2 And because of those things the church
3 recognizes now, and it recognized in 2007 when it
4 entered into these agreements with the two defendants,
5 that it exists in an environment where the news media,
6 and in particular, certain newspapers and other media
7 type outlets will, because of a fascination that they
8 have with the church -- will report and more importantly
9 sensationalize even the most minor event, controversy or
10 criticism involving the Church of Scientology. And of
11 course, that is what the defendants are trying to do in
12 the courtroom today, to circumvent the agreements they
13 made by inviting the press to be here, and really, to
14 have the church lose, even though it wins, by airing
15 their criticisms of the church.

16 Now, Ms. Cook was a high-ranking minister
17 in the church. She, as I understand it, was the head of
18 a staff of perhaps a thousand people. She was a high
19 and prominent member of the ministry of the church, and
20 inherent in that, intrinsically, in that, if she makes
21 criticisms of the church, it is more newsworthy and more
22 subject to being blown out of proportion than it would
23 be if an ordinary member of the church aired similar
24 criticisms.

25 And so, a very important purpose of

1 getting the agreements from these two individuals was
2 that the church wanted to avoid getting into precisely
3 what we have to do here today, which is to argue with
4 them, to have to refute the falsehoods that they are
5 setting forth, and to have to do so in the context of
6 scrutiny, which we do not desire or want.

7 Many, many of Ms. Cook's criticisms of the
8 church are purely theological or doctrinal matters which
9 should be addressed by the internal court of the church,
10 itself. Something that -- I don't know if you're
11 familiar with it, but most churches have an internal
12 system for resolving theological disputes, doctrinal
13 disputes that, of course, is completely separate from
14 the court system that we're here today, and must be
15 because no court, no judge such as yourself has the
16 ability to settle such matters and, of course, that's
17 well-known law.

18 The defendants signed their agreements
19 with my client in October -- October 19th, 2007, and
20 they did so in Florida, and as I say, that's the -- the
21 contracts specify that Florida law applies.

22 They arrived in San Antonio, which is
23 where they wanted to be, a day later, as I understand
24 it. They got here on October 20th. And October 25th,
25 they deposited the two \$50,000 checks that they had

1 received as consideration for signing the agreements,
2 deposited them into a local bank. They, of course,
3 proceeded to spend, use and enjoy that money.

4 In the days that followed, the months, the
5 years that followed, they received additional other
6 things from the church to help them and support them,
7 not as valuable as a hundred thousand dollars, but
8 important and significant, nonetheless, and very helpful
9 to them. All of that they happily accepted, happily
10 used, happily enjoyed.

11 About six weeks ago, over four years after
12 signing the agreements, on New Year's Eve,
13 December 31st, 2011, about six weeks ago, Debbie Cook,
14 with the approval and the endorsement of her husband,
15 the other defendant, Wayne Baumgarten, sent out an
16 e-mail to, as she says it, her friends.

17 It's not certain exactly how many people
18 were initially sent that December 31st e-mail, but it's
19 really not important because in the e-mail itself
20 Ms. Cook urged anyone who got it to forward it on to --
21 and I quote, as many as you can. And that's exactly
22 what happened. The e-mail was spread and then spread
23 again and spread. And it was picked up by the media.

24 To the -- on Monday, January 2nd, the
25 front page of the *Tampa Bay Times* -- and we'll, of

1 course, offer this into evidence during our case. *Tampa*
2 *Bay Times* is a newspaper -- principal newspaper in the
3 area where my client has a major facility in Florida, in
4 the Tampa Bay, St. Petersburg area. But you see what
5 the headline is that day, A Challenge from Inside.
6 Former Scientology exec in Clearwater blasts
7 fundraising. A picture of Ms. Cook in her ministry
8 uniform.

9 Really, that headline says it all. The
10 e-mail that she sent, which is what the newspaper picks
11 up on -- the e-mail that Ms. Cook sent with the approval
12 and the encouragement of her husband, violated both the
13 nondisclosure provisions of the contracts they had
14 signed, and the nondisparagement provisions. And as I
15 say, the -- this headline, and we'll show you others
16 during the course of this hearing, confirm what I just
17 said. This -- this was something that was directly
18 contrary to what they had agreed to do, what they had
19 accepted money for, what they never should have
20 considered doing.

21 The damage, and the problem was compounded
22 by a quote, unquote, explanatory letter that Ms. Cook
23 then sent to the *Tampa Bay Times*, which as I say simply
24 encouraged further reporting, further -- further media
25 scrutiny, further violation of the agreements and

1 violations of exactly what my client wanted to avoid in
2 the first place.

3 When the church's lawyer sent Ms. Cook and
4 Mr. Baumgarten a letter asking them to stop doing this
5 they refused and taunted the church by saying that,
6 you'll never sue us, you'd be afraid to come into a
7 courtroom. They turned their claimed lack of money into
8 a further taunt, saying that, you know, if the church
9 sues us, if you sue us, you'll never be able to get any
10 money from us. It would not be valuable to do so.

11 And they unapologetically said in response
12 that they intended to continue criticizing the church,
13 again, in violation of the very agreements that they had
14 made in its most fundamental ways.

15 They have now, in the past several weeks,
16 linked up with people who make a full-time job out of
17 attacking the church, and who actually tragically, in my
18 view, are using the defendants, Ms. Cook and her
19 husband, Mr. Baumgarten, as tools or pawns for their
20 purposes in attacking the church.

21 In the agreements that the defendants
22 entered into with my client they stipulated many things.
23 They stipulated that there would be irreparable injury
24 if they violated the agreement. They stipulated that an
25 injunction was appropriate. They stipulated that what

1 we're asking the Court to do here today is exactly what
2 should happen when they do these type of things. And
3 they need to be held to the agreement that they made.

4 This is a straightforward, frankly,
5 contract case. We're -- it's unfortunate -- very
6 unfortunate from the church's perspective that it has to
7 be here to seek the relief that it is. It's entitled to
8 a temporary injunction to prohibit the defendants from
9 violating the contracts that they made until we can have
10 a final trial on the merits.

11 And because what was bargained for is so
12 central to what this case is about, let me say that I
13 believe that the appropriate thing in terms of the way
14 this case should proceed is that the Court should
15 require Mr. Jeffrey, the counsel for the defendants, not
16 to continue his challenges about the bad things that he
17 claims were done. You've heard -- you've gotten a
18 flavor of that already.

19 I believe the Court can see that by doing
20 that, by being given this -- this pulpit in which to
21 make those claims, it is a direct violation of the very
22 agreements that these -- that his clients entered into.

23 He wants to use this courtroom as a
24 vehicle for doing an end around the temporary
25 restraining order that's in place -- Judge Casseb

1 granted us a temporary restraining order. Their motion
2 to dissolve, which was heard by Judge Littlejohn last
3 Friday was denied in all important ways.

4 They want to use the hearing as a way to
5 do what they know they can't do under the restraining
6 order, which is to criticize and attack the church,
7 release information that they learned while they were
8 members of the church and while Ms. Cook was a very high
9 official.

10 So we would ask that we be permitted to
11 put on our case in chief. And I will represent to the
12 Court that I believe that at the conclusion of that we
13 will demonstrate to you that any of the claims that
14 Mr. Jeffrey would make about their defense of undue
15 influence or duress are legally irrelevant and
16 immaterial, in addition to being false. And to give us
17 the benefit of what we -- what our client bargained for,
18 which was not to have all of this stuff -- all of these
19 falsehoods thrown around.

20 As I say, I believe that and am confident
21 that we can show you that under controlling law their
22 claims that they're going to try to trash the church
23 with are legally irrelevant and immaterial. So that
24 would be my request to you.

25 THE COURT: Thank you.

1 Mr. Jeffrey.

2 MR. JEFFREY: Thank you, Your Honor.

3 Mr. Spencer, thank you.

4 MR. SPENCER: So I'm asking for a ruling
5 that Mr. Jeffrey be required to not get into those
6 subjects that I have identified at this time until after
7 we've been permitted to offer our evidence.

8 There's nothing unusual about that. As
9 the Court knows, the rules permit the defendants to
10 reserve their opening statement until afterwards. I
11 mean, this is not some unprecedented thing that we're
12 asking for. What we're asking for is that the spirit of
13 the contracts, which everybody entered into and I
14 know -- and they're going to claim that they -- you
15 know, duress and undue influence, but these are the
16 contracts they unquestionably signed and we will show
17 you that we ought to get the value, the bargain that was
18 made and ask that they be -- their counsel be required
19 to reserve his opening statement, if at all, until after
20 we've offered our case in chief.

21 MR. JEFFREY: Your Honor, they want to
22 muzzle my clients and now they want to muzzle me in
23 court.

24 I have a -- an opening statement that
25 details the law and in a plain, factual way recites the

1 facts that apply. I don't know if you have available to
2 you with everything going electronic these days our
3 answer, but we have pleaded a number of very specific
4 defenses, legal defenses to their claims. And if you
5 think about what they're saying is that, Judge, this
6 contract trumps everything else, but don't let them show
7 you why the contract is not enforceable.

8 I think the Court at least needs to hear
9 an opening statement to know what issues Your Honor is
10 dealing with. And I would respectfully ask that I be
11 allowed to give my opening statement, and I certainly am
12 not asking to reserve my opening statement.

13 THE COURT: Okay. Okay. I'll allow you
14 to make your opening statement, but I would like to keep
15 it to a factual basis.

16 MR. JEFFREY: Thank you, Your Honor.

17 THE COURT: I do not -- I can, on CoVis,
18 pull this up, but it's very difficult to do.

19 MR. JEFFREY: I have a copy -- that's why
20 I brought a copy of the answer for you.

21 (Handing to the Court)

22 THE COURT: Thank you.

23 MR. JEFFREY: May it please the Court.

24 MR. SPENCER: And, Judge, you do have our
25 petition which has the agreements in that notebook

1 that's up at the bench.

2 THE COURT: Yes, sir.

3 MR. SPENCER: All right. And as I
4 understand it, he is not to go into a bunch of factual
5 detail in his opening statement. He can simply say that
6 they have pled duress or undue influence and that they
7 expect to be able to prove it without -- without getting
8 into all of the details.

9 THE COURT: I'm not going to limit his
10 opening statement. But I would like for you to stick to
11 the --

12 MR. JEFFREY: I will, Your Honor.

13 THE COURT: -- facts that you think you
14 can prove.

15 DEFENDANTS' OPENING STATEMENT

16 MR. JEFFREY: Yes.

17 Your Honor, thank you very much for your
18 time this morning and hearing this important matter.

19 I think it's worth noting, even though you
20 as a judge, more than any of us in practice, deal with
21 injunctions on a fairly regular basis, that injunctive
22 relief is still recognized by the law as an
23 extraordinary remedy, because it's a compulsion of the
24 Court to do something or refrain from doing something.

25 And important to this hearing, the remedy

1 of an injunction, the power of equity that you have as a
2 judge, comes in the arena of ethics and fair play and a
3 full consideration of what are the circumstances that
4 we're dealing with.

5 The injunctive order carries with it the
6 threat of punishment for contempt of Court, as we know.
7 For these very reasons, the plaintiff, not the
8 defendants, bear a heavy burden of proof. They have to
9 prove that they are entitled, under equity, to obtain an
10 injunction.

11 The plaintiff must prove three broad
12 categories of things:

13 One, that it has a probable right to
14 relief in the case.

15 Two, that it faces a risk of imminent harm
16 and,

17 Three, that this harm is a unique sort of
18 harm in that it's irreparable and the plaintiff cannot
19 be adequately compensated in damages.

20 The plaintiff's burden of proof, simply
21 stated, is protection against an unfair, oppressive --
22 what could be an unfair, oppressive court order. And
23 with regard to prior restraint like this, basically a
24 lifetime of silence.

25 The agreement and the injunctive relief

1 sought was described to you as being a very limited
2 thing, don't say damaging things, and I'm trying -- I
3 can't even remember what the other one was, but it
4 sounded very limited. And that's not at all what we're
5 dealing with here.

6 I've practiced law for 27 years. I've
7 never seen a contract like this before. It is the
8 800-pound gorilla in analyzing whether or not they are
9 entitled to this injunctive relief that they seek.

10 I would just like to point out to the
11 Court, this is both the terms of the agreement that
12 they're seeking to enforce and then also the terms of
13 the injunction that they want imposed. And -- give me
14 just one moment, Your Honor.

15 THE COURT: Certainly.

16 MR. JEFFREY: The agreement and the order
17 both -- the temporary restraining order, which is
18 expiring, have detailed complex paragraphs. They
19 prohibit -- and this is not hyperbole or argumentation.
20 They -- the agreement literally prohibits my clients
21 from ever communicating in any way with anyone anything
22 about Scientology or Scientologists.

23 The breadth of this can be understood in
24 part by understanding who Ms. Cook and her husband are.

25 Ms. Cook spent her -- has spent her entire

1 adult life, until she got out of there and came to San
2 Antonio, Texas, within the cloistered confines of the
3 Church of Scientology. Her husband was born into the
4 Church of Scientology, every one of his family members
5 is a Scientologist.

6 Every acquaintance and friend that they
7 had, in Mr. Baumgarten's circumstances, in his entire
8 life, and Ms. Cook, for her entire adult life, is in the
9 Church of Scientology. Was. They're now shunned
10 because of this court action.

11 And the agreement -- this is under what
12 they're seeking under threat of contempt of Court, an
13 injunctive order that would mean that Ms. Cook could not
14 speak to her husband anything about the last 30 years of
15 her life. Her husband could not speak to her. They
16 can't speak to any Scientologists.

17 When the TRO -- we had to get relief from
18 the temporary restraining order because they couldn't
19 talk to me when they got sued and served with the
20 temporary restraining order. They couldn't talk to
21 witnesses. They were -- and this is very important,
22 Your Honor, they are forbidden under the terms of this
23 agreement, with going to the FBI or to the police to
24 report actual serious crimes that they have experienced
25 or seen or know of during their time in the Church of

1 Scientology. It is -- and it means that and it says
2 that.

3 They may not testify in any matter. They
4 can't assist in an investigation. They can't testify in
5 any matter. The only way they can testify is if they're
6 served with -- and I'd never heard this term before, a
7 non-collusive subpoena. So, for example, it often
8 happens, someone needs to serve -- sometimes a lawyer
9 needs to get served or a witness, and the constable
10 calls and says, hey, I need to serve you with some
11 papers, will you be at your office? Yes. That would be
12 a violation of the agreement. If you just agree to make
13 yourself available to receive the subpoena, you would be
14 in violation of the agreement and the injunction.

15 So they -- they couldn't even subpoena
16 themselves to come testify in court because that -- they
17 would be agreeing with themselves to receive the -- I
18 guess they could run away from it or something. It's to
19 the point, Your Honor, of absurdity.

20 They're required to not even -- not assist
21 anyone who is hostile to Scientology or any
22 Scientologist. And I gave this example in the
23 restraining order hearing. If they're driving down
24 Highway 281 and someone is broken down on the side of
25 the road, they would have to verify with that person

1 that he doesn't have, or she, some hostility towards Tom
2 Cruise or the Church of Scientology or something before
3 they could assist him.

4 To say that the agreement and the
5 injunctive request is extreme is an understatement.
6 Ms. -- well, let me just move on with the factual or
7 with the legal parameters that the Court is dealing with
8 here today.

9 So the -- what the plaintiff is trying to
10 do is use this agreement in two ways:

11 One, they're using the agreement as the
12 basis for the lawsuit. I'm suing you because you broke
13 this agreement. Fair enough.

14 And then they're also saying that the
15 agreement, itself -- or at least they argued this
16 before, I don't -- I anticipate they will argue it
17 again -- the agreement itself somehow satisfies their
18 burden of proof for an injunction. They don't even have
19 to prove what they need to prove for an injunction,
20 because the agreement says something about them getting
21 an injunction.

22 Okay. In response to all of this, Your
23 Honor, we intend to prove that the plaintiff is not
24 entitled to an injunction. The agreement is clearly
25 unenforceable for several well-recognized legal reasons.

1 We're not doing any cutting edge law in
2 this case, I promise, Your Honor. The legal defenses
3 all come from the same set of facts that we intend to
4 present in the courtroom through qualified testimony.

5 And, also, I would note that the facts
6 will show that Ms. Cook and her husband did not actually
7 even breach the agreement under a reasonable
8 interpretation of the agreement. If the Court is
9 supposed to give a reasonable interpretation to an
10 agreement, we didn't violate it.

11 And I would like to just detour slightly
12 to the e-mail that prompted this whole thing.

13 I'm a Catholic. If a priest retired or a
14 bishop retired and -- but was still a Catholic and still
15 cared about the church and still believed in
16 Catholicism, and one day came along and was bothered by
17 things that he saw and knew and wrote a letter to his
18 fellow Catholics saying, hey, we're spending quite a bit
19 of time having bingo night, building nice new buildings,
20 but we're forgetting the essential purpose that we're
21 here for, which is to minister to the poor, to preach
22 the gospel, to do those sorts of things that we
23 Christians believe in.

24 That's essentially what she sent out.
25 It's a -- if you -- I urge the Court at some point to

1 read the e-mail. It's very -- can be obscure reading
2 because in Scientology they have a lot of their own
3 terminology and nomenclature, they use lots of acronyms
4 and abbreviations and that sort of thing. So it's a
5 little challenging, but the Court will have no problem
6 with the testimony and understanding it.

7 When we prove that the agreement is
8 unenforceable, the plaintiff's injunction request has to
9 fail because, Number 1, under the circumstances that we
10 intend to prove, the plaintiff has no equitable right to
11 get an injunction because equity requires clean hands.
12 We say that all the time, we don't have that many
13 opportunities to really deal with that in a court case.
14 The plaintiff's hands in this case are absolutely
15 unclean.

16 Number 2, when we prove that this
17 agreement is unenforceable, the plaintiff's request for
18 an injunction will fail because that means they have no
19 probable right to recovery in the case.

20 And finally, we will prove the plaintiff
21 doesn't have a risk of imminent, irreparable harm.

22 So why is the agreement unenforceable?
23 You've heard me say that, that it's unenforceable. Why
24 is the plaintiff barred from getting an injunction
25 because of its unclean hands?

1 There are well-founded defenses that apply
2 in this case.

3 We pled these defenses in our answer,
4 which Your Honor has.

5 Number 1, they signed the agreement under
6 extreme duress and undue influence. And I'm not enough
7 of a legal scholar to really tell the difference. Both
8 of those are recognized in Texas, duress and undue
9 influence, but they seem like two sides of the same
10 coin.

11 Also, the plaintiff's behavior was
12 unlawful and oppressive in obtaining the signature on
13 this agreement.

14 The agreement, itself, is unconscionable
15 as that term is used in law.

16 The agreement is unconstitutional. It's
17 clearly unconstitutional in the prior restraint aspects.
18 And as I said, it's a very far-reaching agreement and it
19 does contain a -- it actually has them waiving certain
20 constitutional rights.

21 But it's interesting, these are Texans,
22 Your Honor. They're like me, I wasn't born here, but I
23 got here as quick as I could. And they got here as
24 quick as they could. And they're full-fledged Texans,
25 and they have rights under the Texas Constitution.

1 The right of free speech under the Texas
2 Constitution, it is absolutely clear, is broader than
3 the right to free speech under the United States
4 Constitution. And our Texas Supreme Court has proudly
5 proclaimed that.

6 So, there's no waiver of their Texas
7 Constitutional rights under this agreement. They waived
8 Florida and California -- it was very specific, Florida
9 and California and United States. We're not agreeing
10 that those are valid waivers, but I want to point out
11 that very important limitation on this.

12 The courts have made clear, yeah,
13 constitutional rights may be waived. Has to be clear.
14 It has to be specific undertaking, et cetera.

15 And I think we have a brief on that for
16 Your Honor.

17 But another thing about these waive --
18 this waiver or supposed waiver of constitutional rights
19 is that it's free expression or free speech only.
20 Specifically says that.

21 What about our Florida constitutional
22 right to free exercise of religion? What about our
23 United States right -- constitutional right to free
24 exercise of religion? And guess what? We have it in
25 Texas, too.

1 We will show to you that what she did in
2 this case is directly called for and required of her as
3 a Scientologist.

4 By the way, this lady -- and it should not
5 be understated. She is one of the most recognizable
6 faces of Scientology in the world and not in a bad way.
7 In a loved and revered way.

8 The Mecca of Scientology is in Clearwater,
9 Florida, and it is called the Church of Scientology Flag
10 Service Organization. It is the church of worship that
11 Scientologists literally from all over the planet want
12 to go to in their lives and attend religious services
13 and receive religious services. And for 17 years this
14 lady was the face of that church, and she was the head
15 of that church. There was no one above her in the sense
16 of a chain of command within that church. So she feels
17 a very deep spiritual burden to do what she's required
18 to do as a Scientologist.

19 In response to something that Mr. Spencer
20 said, these are not disgruntled Scientologists who have
21 turned on Scientology and they hate Scientology. They
22 love their religion. They were extremely happy in their
23 religion. That's what the evidence will be. And in no
24 way, shape, or form did Ms. Cook attempt in any way to
25 harm her religion. She was trying to help.

1 So, constitutional waivers, no waiver of
2 her exercise -- her right to freely exercise her
3 religion.

4 The -- and this -- I will not go into
5 intimate details in any way right now in my opening
6 statement, but I need to just categorize what we intend
7 to prove through the witnesses.

8 At the time the agreement was signed the
9 defendants had literally been kidnapped, and they had
10 been held against their will for two to three weeks at a
11 secured residential compound that is -- I don't want to
12 say often, but has been used more than once by the
13 plaintiff for that purpose, to restrain and hold
14 somebody.

15 At the residential compound the
16 plaintiff -- and this is important, it's the plaintiff
17 doing these things on the subject of unclean hands and
18 duress. The plaintiff created a pervasive atmosphere of
19 intimidation and restraint. There was the constant
20 presence of security guards. They could go nowhere.
21 They couldn't leave their quarters without a security
22 guard. Security fences with motion detectors, locked
23 gates, extensive video surveillance. Wherever you go
24 there you're under surveillance by video. And, of
25 course, they were under orders not to leave and not to

1 be allowed to leave.

2 A key part -- to understand these folks'
3 desire to get out of there and to sign anything put in
4 front of them, and to smile for the camera when it was
5 videoed, is something that's very unpleasant, but we
6 will have to cover in the testimony in this case. There
7 was an ever present -- and it -- I'm surprised, Your
8 Honor, that I'm here in a courtroom talking about this.
9 I'm not a criminal lawyer, I'm a civil lawyer.

10 There was an ever present threat of
11 violence and mental and emotional abuse and degradation
12 of the worst sort.

13 Over the previous several months -- we're
14 talking about the year 2007 -- Ms. Cook was beaten, she
15 was tortured, she was degraded beyond belief. She was
16 made to watch the torture and beatings and degradation
17 of others, and not just one or two. She was confined in
18 inhumane conditions. This is before they got to the
19 residential compound. She had very serious medical
20 conditions, denied medical care.

21 It has taken her four years since she left
22 the church to get her mental and physical health back.
23 She's at about 85 percent is her own guess on the scale.

24 Several weeks before this agreement was
25 signed Ms. Cook and her husband literally escaped from

1 the church's control and fled from Florida to go to see
2 her father in North Carolina.

3 They were lured with promises to come back
4 to Florida, and they came back to Florida with an
5 express agreement with the church executives or
6 hierarchy or whatever you want to call them, that they
7 would not go to this residential compound that is
8 essentially -- it can be a benign place as long as
9 you're allowed to come and go. But if it's -- if you're
10 not, it's a prison. And they had an express agreement
11 to come back and stay in a facility that was not locked
12 down, where Ms. Cook could get much needed medical care.
13 And on that basis they came back to Florida.

14 As they came out of baggage claim, there
15 was a black Suburban waiting for them. They were taken
16 into it. And right when they got to the crossroads
17 between going to the place they had agreed to go and
18 going -- and the way to the residential compound, they
19 were told there's been a change in plans. Turn, gates
20 opened, vehicle drives through, and that's -- by the
21 way, there's no pedestrian exits at this residential
22 compound. There's only the drives in and out with the
23 guarded gates. The gates opened, they drove in, and
24 they spent three weeks in there until they signed this
25 agreement.

1 When Ms. Cook and her husband signed this
2 agreement, that as I mentioned, they would have signed
3 anything to get out of there -- as you might expect,
4 Ms. Cook was a physical and emotional wreck. She had
5 nightmares every single night about her experiences
6 leading up to that time.

7 She went to the extreme measure of --
8 they -- they just couldn't get them to let -- they
9 couldn't get the church to keep their agreement, to just
10 come back and take care of some things and let them go.
11 Weeks went by. She was in bed, basically the entire
12 time.

13 She went to the extreme measure of --
14 well, she wrote more than one. I mean, just desperate,
15 frantic letters, saying, let us out. She was terrified
16 that as long as she was in that state of captivity she
17 could go back to the old things she had suffered before,
18 torture, et cetera.

19 Those letters, she doesn't have a copy,
20 she -- all she was able to do was get a letter to them.

21 Finally, she sent them a letter -- an
22 extreme letter that said she was going to slit her
23 wrists or something like that, and she had managed to
24 get ahold of her mother with a cell phone that they had
25 on them, and she had called her mother and told her

1 mother that if she wasn't out in a few days to call the
2 police.

3 Ms. Cook and Mr. Baumgarten didn't want
4 the police called, because that would mean -- number --
5 first of all, it's no guarantee you get out. They could
6 just take you off to some other place.

7 Second, what they desperately wanted was
8 to be allowed to leave the church and for Mr. Baumgarten
9 to still be able to speak to his sons and to his father.

10 With that letter things changed. The
11 church representatives -- and, by the way, all of the
12 major church entities were involved in this. They all
13 had representatives there. When it's convenient to them
14 they claim this great separation between the
15 organizations. Every organization that you're going to
16 hear about in this matter had someone there, and they
17 were -- knew about this captivity and they directed the
18 captivity.

19 They said they would let them out finally.
20 And they were overjoyed. They packed up their
21 belongings from a life in the Church of Scientology and
22 were ready to leave.

23 Then they were told, no, you've got to
24 wait one more day. There's someone flying in from
25 California with papers that you have to sign. So they

1 had a long night and the next day, yes, some -- the
2 lawyer that had flown in -- the lawyer for the mother
3 church in California, had flown in with papers and they
4 had this elaborate thing with the head of security there
5 and video cameras and -- and all of this.

6 The last thing on this lady's mind and
7 this man's mind was to rock the boat, to do anything but
8 smile, nod, sign, initial, whatever was asked of them.
9 There was literally a van waiting outside with their
10 belongings in it to take them out of that compound.

11 The plaintiff, in the short time I've been
12 in this litigation, loves to talk about these \$50,000
13 payments. Well, we know that contracts are not
14 enforceable if there's no consideration given. And we
15 intend to prove to you, Your Honor, in addition to all
16 our other defenses, that there was no consideration
17 given for this oppressive agreement.

18 Directly contrary to the statement in the
19 agreement about the \$50,000 and the statement in their
20 petition on file herein, the plaintiff did not pay
21 \$50,000 to Ms. Cook or her husband. There was -- you
22 will hear about \$50,000, and we'll make absolutely clear
23 what that was.

24 The mother church, the Church of
25 Scientology International, the place where

1 overwhelmingly this lady experienced the torture and
2 inhumane confinement and all this stuff that's hard to
3 even believe, it was their attorney who flew in with
4 their check for \$50,000.

5 These folks were going to sign that
6 contract whatever it said, don't ever talk to anybody --
7 they were going to sign that -- they -- for nothing.
8 There was no negotiation, would it be 500 or 10,000.
9 There was nothing. They were shocked when they were
10 handed a check, each of them, for \$50,000. Stunned.

11 And the lawyer from California, from the
12 mother church, said that he came with a personal message
13 from David Miscavige, who is the supreme leader of
14 everything to do with Scientology in the world. They
15 had a personal message from him that -- along the lines
16 of, want to make sure there's no hard feelings and we
17 know how hard it will be for you to start your life over
18 in a new place with nothing.

19 Ms. Cook ran a 100 to 150 million-dollar
20 organization. She made about 10,000 bucks a year. And
21 I can assure you I'm not here complaining about that.
22 She worked joyfully and she loved working in that church
23 in Florida.

24 They had a little bit of money to start
25 over. The requirement to be let out was not just

1 signing the agreement, but basically, they were required
2 to disappear. And if they would do that, then the
3 church would allow them to still have communication with
4 family members who were in the church. And they could
5 still associate with Scientologists. And, in fact, they
6 were more or less in good standing with the church when
7 they left.

8 The church wanted to send them to a
9 village in New Zealand, and they were able to at least
10 get some compromise there, you know. A small village in
11 New Zealand or San Antonio, Texas. It sounds kind of
12 funny. But what it was was they were supposed to drop
13 out of sight, never be heard from again, go somewhere
14 without a big Scientology presence. There's no big
15 Scientology church in San Antonio. There's some public
16 parishioners, but it's -- this is not a hot bed of
17 Scientology here in San Antonio. So that was acceptable
18 to the church.

19 They knew -- they didn't really -- they
20 knew nobody in San Antonio, they had no friends, they
21 had no job prospects. They had nothing. They just got
22 in the car and drove.

23 The \$50,000 checks were from the mother
24 church, from the 500-acre facility in California where
25 this lady was tortured and beaten.

1 There's no consideration for this
2 agreement with this plaintiff. It was presented to them
3 as a gift from David Miscavige, through the mother
4 church. They signed, left Florida, drove to San
5 Antonio.

6 For the first couple of years Ms. Cook was
7 unable to even work. They had -- they lived on that
8 money. They were able to put a little down -- down
9 payment on a house. I think they bought a car. So it
10 was much needed, let me tell you.

11 Wayne worked, but he didn't really make
12 much money. And then over time, as she got her health
13 back, and they were allowed to associate with
14 Scientologists, they built up a startup marketing
15 company that within a couple of years was doing pretty
16 well. Did Internet marketing and mail marketing and
17 that sort of thing.

18 Ms. Cook continued to have nightmares
19 every night for a couple of years, fearing she was back.

20 2011, what happened? December 31st of
21 2011. Why are we here?

22 Well, things had gradually changed.
23 Number 1, Ms. Cook finally had some strength. She felt
24 a spiritual calling that -- you've got to realize she --
25 the things you're going to hear about in the testimony,

1 she knew that was going on. She didn't run to the
2 media. She had been approached many times by media
3 to -- to tell her story. She's known all over the
4 world.

5 She didn't talk to the media. She refused
6 interviews. Chief -- Mr. Baumgarten's mother had passed
7 away. See, she was in a church-funded nursing home. He
8 was very worried about what would happen with her. He
9 certainly wouldn't have been able to talk to her, but
10 who -- who knows.

11 So December 31st, kind of an auspicious
12 date, of 2011, Ms. Cook wrote a constructive,
13 spiritually uplifting e-mail to every Scientologist she
14 knew. And it is bothersome that you are read from there
15 that she said, send it to others. She said, keep this
16 among us Scientologists. When the -- when the -- one of
17 those Scientologists that got it sent it to the news,
18 she attempted damage control.

19 You can read, Your Honor, the letter she
20 wrote to the *Tampa Bay Times*. It is as conciliatory and
21 positive as you can be. This is an internal church
22 matter discussing, you know, doctrine and policy. It's
23 not anything that should concern anyone in the outside
24 world. I love Scientology. I love the teachings of L.
25 Ron Hubbard. She does to this day. She loves the

1 religion of Scientology.

2 I'm just about done here, Your Honor.

3 The response was swift and firm. Their
4 business was destroyed in a matter of months. They --
5 the church, in the form of one of their top lawyers,
6 wrote a cease and desist letter, presenting them with a
7 lovely permanent injunction they would have to sign,
8 basically saying all the stuff I've described to the
9 Court earlier.

10 They, of course, stopped all
11 communications between them and their family members who
12 were in the Church of Scientology. Any friends or
13 acquaintances they had from their entire lifetime in the
14 Church of Scientology knew, if you talk to them, you
15 could be out.

16 They spread poisonous falsehoods, I mean
17 it was a concerted campaign. She -- in fact, you can
18 read in the *San Antonio Express-News* from last week that
19 the church spokesman said she never had a position of
20 significance or authority, or something -- something
21 like that, in the Church of Scientology.

22 Ms. Cook tried to downplay the controversy
23 in the press. She wrote to them and said, look, I am
24 not trying to start a public fight with you. I'm trying
25 to raise significant issues about the church and the

1 direction of the church.

2 It continued. She wrote another e-mail
3 and said, if you don't leave me alone this stuff could
4 go public. That's what they call extortion. If you
5 don't stop harassing, doing all these things. That's
6 not extortion. That's saying, leave me alone.

7 Ex parte TRO. And, so, the Court now has
8 to evaluate in the actual injunction hearing where
9 there's -- it's contested and where there's evidence.
10 Do -- are they able to prove their right to an
11 injunction? You must decide, in order to even figure
12 that out, was the contract that is executed under these
13 circumstances -- is that an enforceable contract upon
14 which they're likely to prevail on the merits in the
15 case? If not, no -- they don't deserve an injunction
16 and the Court's equity isn't given out that easy.
17 Equity is not cheap.

18 So the clean hands has to be decided, and
19 then if -- even if you were -- and I would -- I hate to
20 even think about it, but if you were to say, oh, well,
21 the circumstances of this agreement are okay, and the
22 plaintiff's behavior was okay, you would have to decide
23 the legal effect of the contract's terms.

24 Was it breached? We say no. How was
25 it -- how is it a breach of an agreement with the Church

1 of Scientology to write a letter to the Church of
2 Scientology saying, hey, this -- this isn't -- doesn't
3 seem right to me. She didn't talk about beatings and
4 tortures and that kind of thing the way that it has to
5 be talked about in this case. She really said nothing
6 damaging or disparaging about the church.

7 So if -- if she's writing back to the
8 party that she has the confidentiality agreement or
9 whatever you want to call it -- if she's writing back to
10 that party and she's not even saying anything damaging
11 or disparaging, but rather constructive, how is that a
12 breach of the agreement, unless the agreement is
13 completely unreasonable?

14 We also think the agreement is ambiguous
15 because, again, it doesn't say in there anywhere, with
16 all of its breadth and all of its specificity, it never
17 says, who is she not supposed to communicate with.
18 Doesn't -- the outside world, the media, whomever. It's
19 just literally every human being that lives and breathes
20 on the planet, I guess, because it's silent.

21 Well, I submit to the Court that that's
22 ambiguous and the Court would have to determine what was
23 the intention of the parties. She can't even
24 communicate with the church with whom she has the
25 agreement?

1 And last, I want to point out that the
2 Court is dealing here with very important constitutional
3 rights; her right to exercise her religion and her right
4 to speak freely. And to the extent that they're going
5 to argue that she waived those rights, you have to look
6 like a hawk at that agreement and see, if it's not right
7 narrow in there, buttoned down, consideration, and
8 everything else, the law does not frown -- I mean, does
9 not smile on these waivers.

10 One last thing, also, Judge, with regard
11 to the constitutional issues. The injunction requires
12 also -- and what we're here about today is a temporary
13 injunction that goes till the end of the lawsuit,
14 when -- when the subject would be a permanent
15 injunction, if that was still around as an issue.

16 The injunction would require silence
17 concerning this suit. In other words, she can't talk to
18 anybody about this suit. That constitutes a gag order.
19 And when we're talking about a gag order, it's broader
20 than just these two people's rights. It also includes
21 the rights of the public to know and the press to
22 report. And a waiver done by them does not quell the
23 rights of the press and of the citizens of this country
24 to hear about what is going on in this public
25 proceeding.

1 Last thing, and Mr. Spencer on -- I've
2 said last thing a couple of times and I apologize for
3 that.

4 When -- there's another legal defense, as
5 if I didn't have enough recited already, and that is
6 estoppel. This church -- I believe it was this
7 plaintiff, last week, went to court in Florida and filed
8 a brief saying that when it comes to contracts between
9 it and its members, that is a religious matter, upon
10 which the Courts must not pass judgment. And
11 essentially the Court has no jurisdiction over such
12 matters.

13 So in Florida last week the courts don't
14 have the power to hear and decide a matter concerning a
15 contract between the church and one of its members. And
16 this week we're here in Texas with them telling the
17 Court, it's just a simple contract case, enter an
18 injunction and we're going to pursue this lawsuit
19 against these people, as though there's not any
20 inconsistency there.

21 And that gives rise to the concept of
22 estoppel. They've judicially admitted that the Court
23 does not have authority to decide matters concerning its
24 contracts with its members.

25 Texas courts do respect freedom of

1 contract. I'm a commercial litigator. I'm litigating
2 over contracts all the time. I recognize that and I
3 honor that. But as here, the courts should not honor
4 and do not honor an unconscionable contract that's
5 forced upon broken and defenseless citizens.

6 And if you look at our brief, the fact
7 situations in the cases of duress and unconscionable
8 contracts and -- they pale in comparison to what these
9 people went through before they signed their names to
10 these agreements.

11 The injunction should be denied, Your
12 Honor.

13 THE COURT: All right. Thank you. I'm
14 sure everybody needs a short break. Let's take 10
15 minutes.

16 (Recess from 11:10 a.m. to 11:22 a.m.)

17 THE COURT: Would you like to call your
18 first witness?

19 MR. SPENCER: I'd like to invoke the Rule,
20 if I may, Your Honor.

21 THE COURT: All right. Let me get
22 everybody who is going to testify to please stand and
23 raise their right hands at this time.

24 (Five witnesses were sworn)

25 THE COURT: Okay. Ladies and gentlemen,

1 the Rule has been invoked. That means that if you're
2 not a party to the lawsuit you must remain outside the
3 presence and hearing of any of the testimony. And
4 you're further instructed you may not discuss your
5 testimony with anyone except the attorneys in this
6 matter. And if you fail to follow that instruction
7 you'll not be allowed to testify.

8 Yes, sir.

9 MR. JEFFREY: Your Honor, I'd like to
10 ask -- we have two potential witnesses, depending upon
11 the testimony, and they were, in fact -- they're --
12 they're both here in the courtroom, Mike Rinder and
13 Marty Rathbun, and they were both in -- basically in
14 charge of this whole aspect of different organizations
15 of the Church of Scientology; that is, how do you
16 muzzle, how do you get an agreement that you can hold
17 over someone's head, that sort of thing. They were in
18 charge of that during their time, and over the legal
19 department and everything else.

20 And, so, there is an exception within the
21 Court's discretion that a part -- a witness who -- whose
22 testimony -- I'm misstating the legal rule, but I'm sure
23 Your Honor recalls it, where if it's an indispensable
24 aspect of our case for them to listen on the testimony
25 so that they can rebut because of some specialized

1 knowledge --

2 THE COURT: Are they experts?

3 MR. JEFFREY: -- then they may be exempted
4 from -- from the Rule. Sometimes it's used with expert
5 witnesses and they are, I guess, expert witnesses, but
6 that's not the specific basis that I'm giving. So I
7 would ask that they be exempted from the Rule.

8 MR. SPENCER: We totally disagree with
9 that. He just said they're not experts. They're
10 witnesses, potential witnesses. They need to be out in
11 the hall with everybody else.

12 THE COURT: I agree.

13 MR. JEFFREY: Here it is, Your Honor.

14 MR. SPENCER: She's -- she's ruled that
15 they need to leave.

16 THE COURT: Let's leave them outside at
17 this time.

18 MR. JEFFREY: Yes. Thank you, Your Honor.

19 THE COURT: Uh-huh.

20 Would you like to call your first witness?

21 MR. SPENCER: I certainly will. Call
22 Debbie Cook as an adverse party.

23 THE COURT: All right. I understand --
24 you attorneys know that you have -- the Rule has been
25 invoked, so if you see witnesses that come in the

1 courtroom I will not know that they're your witnesses.
2 Please instruct your witnesses before they come into the
3 courtroom to check with my clerk.

4 MR. SPENCER: Yes, sir. And Mr. Mansell,
5 who we anticipate will be our witness, is our client
6 representative.

7 THE COURT: Okay. Let me call my court
8 clerk just a second to indicate to him.

9 (Pause)

10 THE COURT: Okay. You may proceed.

11 MR. SPENCER: Thank you, Your Honor. May
12 I proceed?

13 THE COURT: You may.

14 DEBRA JEAN COOK BAUMGARTEN,
15 being duly sworn, testified as follows:

16 CROSS-EXAMINATION

17 BY MR. SPENCER:

18 Q. Good morning, Ms. Cook.

19 A. Good morning.

20 Q. And is Ms. Cook the name that you prefer to go
21 by as opposed to Baumgarten?

22 A. That's fine.

23 Q. Would you please, then, state your complete
24 name?

25 A. My complete name is Debra Jean Cook Baumgarten.

1 Q. And have you been sworn here this morning?

2 A. Yes.

3 Q. To tell the truth?

4 A. Yes.

5 Q. Ms. Cook, you served as a volunteer for the Sea
6 Organization, which is the religious order of the
7 Scientology religion for 28 years; is that correct?

8 A. That's correct.

9 Q. For 17 of those years you were the captain of
10 the plaintiff, the Church of Scientology Flag Service
11 Organization in Clearwater, Florida, correct?

12 A. Yes, sir.

13 Q. And that's kind of a long name, Church of
14 Scientology Flag Service Organization. Is that
15 sometimes abbreviated to Flag?

16 A. Yes.

17 Q. Or FSO, maybe?

18 A. Either one, yes.

19 Q. Okay. You'd be familiar if I use those?

20 A. Yes, I would.

21 Q. Okay. Thank you.

22 The position of captain, that's the
23 position you had in the organization, is the highest
24 ranking member of the Flag Service Organization?

25 A. Yes.

1 Q. Your husband, Wayne Baumgarten, was also a
2 staff member of the Church of Scientology Flag Service
3 Organization and a member of the Sea Organization?

4 A. Yes. That's correct.

5 Q. Flag is the largest Scientology church in the
6 world, correct?

7 A. Yes.

8 Q. And I'm sure you took pride in your position as
9 a captain in it?

10 A. Yes.

11 Q. Because the position of captain is prestigious;
12 is that correct?

13 A. Yes.

14 Q. Substantial?

15 A. Yes.

16 Q. Influential?

17 A. Yes.

18 Q. Now, you and your husband, Wayne Baumgarten,
19 resigned from the positions that you held, that we've
20 just been talking about, in October 2007, due to a
21 medical situation that you had, correct?

22 A. That wasn't the only reason. That was part of
23 the -- that was a part of the reason.

24 Q. And at the time of your resignations, you and
25 your husband met with an attorney for the church. We

1 heard about that from your lawyer.

2 A. Right.

3 Q. Would you -- let me show you a video. And I'm
4 going to get you to -- we're going to stop it and get
5 you to identify what's going on.

6 A. Okay.

7 (Video started)

8 Q (BY MR. SPENCER) Wait a minute, let's back up
9 before we get the sound. Okay. That seems good.

10 (Video started)

11 QUESTION: "2007. We're in Clearwater,
12 Florida. My name is Elliot Abelson. You are Debbie
13 King?

14 ANSWER: "Cook.

15 QUESTION: "Cook, rather. That's a good
16 start. We try to get a little humor in here because
17 we're taping, as you know, and it's showbiz time. We're
18 here a serious matter -- on a serious matter. We're
19 here to formalize the signing of an agreement and
20 general release between Debbie Cook and Church of
21 Scientology FSO, and also covering this agreement is
22 CSI, Church of Scientology International NRTC. Now,
23 what's happening is that you are leaving the Sea
24 Organization; is that right?

25 ANSWER: "That's right."

1 MR. CANNAN: Let's stop it there for just
2 a moment.

3 (Video stopped)

4 Q. (BY MR. SPENCER) The -- you've got a view of the
5 video that we played a couple of lines from.

6 Is that you on the right-hand side of the
7 screen?

8 A. Yes, that is.

9 Q. And is the other person that's shown in the
10 video Elliot Abelson, the lawyer for the church?

11 A. Yes.

12 Q. And he had come from California to meet with
13 you?

14 A. Yes.

15 Q. Was there a person operating the video camera?

16 A. I believe so. I believe that that was the
17 Security Chief Paul Kellerhals, I believe. I'm not a
18 hundred percent sure.

19 Q. Well, really, where I wanted to go, was there
20 anybody in the room at this time other than yourself,
21 the lawyer for the church, Mr. Abelson, and whoever it
22 was that was operating the camera? Was there anybody
23 else in there?

24 A. To be honest, I mean, for sure there was the
25 security chief. I don't remember who else was there.

1 Q. Okay.

2 A. Okay.

3 Q. And we heard repeatedly from your lawyer here
4 this morning that you love the Scientology religion.

5 A. That's correct.

6 Q. He wasn't -- he was speaking for you when he
7 said that?

8 A. That's right, yes.

9 Q. And you are extremely happy in that religion.
10 That was what I wrote down that he said. Was he correct
11 when he said that?

12 A. I have --

13 MR. JEFFREY: Your Honor, I have to object
14 to vagueness and confusion. He's -- he's confusing
15 tenses. He needs to make himself clear. Was she happy?
16 Is she happy in the church?

17 MR. SPENCER: This is -- this is an
18 adverse party witness.

19 THE COURT: I understand. But if you'd
20 rephrase it, please.

21 MR. SPENCER: All right.

22 THE COURT: Thank you.

23 Q. (BY MR. SPENCER) You heard your lawyer say that
24 you were extremely happy in -- in your religion?

25 A. Yes.

1 Q. All right. And do you consider yourself, as
2 you sit here today, to be a good Scientologist?

3 A. Yes, I do.

4 Q. Have you considered yourself to be a good
5 scientologist at all times?

6 A. Yes.

7 Q. Okay. Now a good scientologist -- and I'm --
8 like your lawyer, Mr. Jeffrey, I'm learning about this
9 as we get into the case. But it's my understanding that
10 a -- being a good scientologist, you are trustworthy, is
11 that correct?

12 A. Yes.

13 Q. Being a good scientologist, you're a person
14 that speaks the truth.

15 A. That's correct.

16 Q. A person who's word can be relied on.

17 A. Yes.

18 Q. Now, had you ever met Mr. Abelson before?

19 A. Yes, I had.

20 Q. Okay. And you knew that he had come from
21 California to meet with you and -- for this contract
22 signing?

23 A. Yes.

24 Q. And in fact, he'd come all the way across the
25 country for this, hadn't he, from California to Florida?

1 A. I don't know where he'd come from. I knew that
2 we had to wait another day for him to arrive, so I knew
3 he was arriving from somewhere.

4 Q. Right. Right. And you knew that he was going
5 to be relying on the answers you gave?

6 A. There was no thought -- I had no thought about
7 it. I didn't even know he was -- I didn't -- had no
8 idea who it was that was arriving for what reason. I
9 knew I had to sign papers.

10 Q. Well, when you were talking to him on this
11 video, you knew that he was going to rely on what you
12 said.

13 A. Yeah.

14 Q. And certainly you didn't try to lie to him, did
15 you?

16 A. No.

17 Q. Let's tee it back up.

18 (Video started)

19 QUESTION: "Have you been a member of the
20 Sea Organization?

21 ANSWER: "28 years.

22 QUESTION: "And you're doing this
23 voluntarily?

24 ANSWER: "I am.

25 QUESTION: "No one has made any threats or

1 forced you to do anything?

2 ANSWER: "Not at all whatsoever.

3 QUESTION: "Have you had a good 28 years
4 in the Sea Organization?

5 ANSWER: "I've had a very, very good 28
6 years.

7 QUESTION: "Very interesting, hasn't it
8 been?

9 ANSWER: "Yes.

10 QUESTION: "Can you tell me what position
11 you held in FSO?

12 ANSWER: "Sure. I was the head of FSO or
13 captain of FSO for 17 years and --

14 QUESTION: "That was the highest position?

15 ANSWER: "Yeah.

16 QUESTION: "Was that a position of heavy
17 responsibility?

18
19 ANSWER: "(Nodding head).

20 QUESTION: "Is there part of you that's
21 going to miss that?

22 ANSWER: "Uh-huh. Of course.

23 QUESTION: "Of course."

24 (Video stopped)

25 Q. (BY MR. SPENCER) It was -- were you crying

1 because you were leaving? Is that what we -- it's hard
2 to see on that tape, but were you crying at that time?

3 A. I was crying at that time. And --

4 Q. It was -- it was a huge loss for you to leave
5 this position in Sea Org because you felt you'd been
6 doing good there; is that correct?

7 A. No. No. That's not correct.

8 Q. You didn't feel that you had done good in the
9 Sea Org?

10 A. That wasn't why I was crying, I guess is what I
11 was saying.

12 Q. You -- it was a huge loss for you to leave your
13 position in Sea Org, right?

14 A. No. But it was a loss for me to leave the Sea
15 Org.

16 Q. It had been your life?

17 A. That's right.

18 Q. You had enjoyed your time in Sea Org?

19 A. When I -- enjoyed, I wouldn't say I enjoyed it,
20 no. I mean --

21 Q. Well, it's a tough and demanding position,
22 isn't it?

23 A. Very. Very.

24 Q. And you thought you had done good for other
25 people as a result of your service in the ministry of

1 the Scientology religion.

2 A. Yes.

3 Q. Okay. That's a better way to say it.

4 A. Thank you.

5 Q. And as -- as this video is being taken, you are
6 leaving the senior position that we talked about as
7 captain in the Sea Org that you'd held for almost 20
8 years?

9 A. Right.

10 MR. SPENCER: Let's start the tape again.

11 (Video started)

12 QUESTION: "Do you have a medical
13 condition that has made it difficult for you to perform
14 up to your expectations?

15 ANSWER: "Uh-huh.

16 QUESTION: "And how long has that been
17 going on?

18 ANSWER: "For about eight years.

19 QUESTION: "Has FSO, the church provided
20 medical treatment and helped you through this?

21 ANSWER: "A lot, yes. Many, many things.
22 Everything that I ever asked for, ever dreamed of, it
23 was tremendous amount of help and assistance."

24 (Video stopped)

25 Q. (BY MR. SPENCER) As we had touched on at the

1 start of your testimony, the reason you were leaving the
2 Sea Org and the FSO was because of a medical condition
3 that made it difficult for you maintain the schedule you
4 needed to maintain in Sea Org, correct?

5 A. Yes.

6 MR. SPENCER: Let's do another couple --
7 start it up.

8 (Video started)

9 QUESTION: "So you have very strong,
10 positive feelings about the Church of Scientology?

11 ANSWER: "Very much.

12 QUESTION: "And is it your desire that
13 they continue with what I consider -- I consider
14 astounding growth and help to the planet?

15 ANSWER: "Absolutely."

16 (Video stopped)

17 Q. (BY MR. SPENCER) And that's -- what you just
18 said to Mr. Abelson on tape in 2007 is exactly what we
19 said a minute ago. You're -- you love the church?

20 A. Uh-huh. Yes. I do.

21 Q. Loved it on October 19th, 2007?

22 A. Yes.

23 Q. And it was your desire and fervent expectation
24 and hope that the religion of Scientology would expand
25 throughout the planet?

1 A. Yes.

2 (Video started)

3 QUESTION: "And in signing this agreement
4 and in signing what you're going to be doing, you have
5 said to me and said to others that you have no desire to
6 interfere in any way with the church's growth or its
7 reputation or talk about any of the confidential matters
8 that have come to your attention?

9 ANSWER: "Definitely not.

10 QUESTION: "Well, the church -- we -- and
11 I'm an attorney, but others and I am present during
12 those conversations, some of them, have offered their
13 help to you and your husband in the transition.

14 ANSWER: "(Nodding)

15 QUESTION: "Do you feel what's been
16 offered is fair and generous?

17 ANSWER: "Far more than fair and far more
18 than generous.

19 QUESTION: "It's touched you, actually,
20 hasn't it?

21 ANSWER: "Uh-huh.

22 QUESTION: "I -- I feel the same way about
23 it, but I think it says something about the gratitude
24 for what you've done and the -- the fact that you have
25 not made any demands or threats. In fact, you have

1 never discussed what the church would do for you or for
2 giving you any money to get you started; is that right?

3 ANSWER: "(Nodding)."

4 QUESTION: "And I had a little bit of a
5 hard time today getting you to accept what the church is
6 offering."

7 ANSWER: "Uh-huh."

8 QUESTION: "But I was able to persuade you
9 it was in good faith?"

10 ANSWER: "Yes."

11 MR. SPENCER: Stop it.

12 (Video stopped)

13 Q. (BY MR. SPENCER) You just heard that Mr. Abelson
14 was talking to you about the agreement that you made,
15 that you would not discuss confidential matters that
16 you'd learned during the church?

17 A. Yes, sir.

18 Q. And then he talks, as we heard, with you about
19 the money that you were going to receive, and as we'll
20 see, you do receive that day. And, indeed, as you
21 expressed recently in an e-mail, the hundred thousand
22 dollars -- 50,000 to you, 50,000 to your husband -- that
23 y'all received at that time was, as you said, to not
24 tell about things in the Church of Scientology, to
25 maintain confidentiality and other terms of the

1 agreement, right?

2 MR. JEFFREY: Your Honor, if -- if he's
3 going to question her from a document, I'm not sure what
4 document it is, she doesn't have it. Either he's
5 impeaching her or -- regardless of how he uses it, she
6 should be allowed to see the document.

7 MR. SPENCER: Well, let's just make it
8 real simple.

9 Q. (BY MR. SPENCER) It was your understanding at
10 the time, October 19th, 2007, that the church was giving
11 you \$50,000, and your husband \$50,000 to maintain the
12 confidentiality and other terms of the agreement, right?

13 A. To be honest, that -- that was not my
14 understanding. My understanding was that the church was
15 giving me and -- each of us \$50,000 to -- because we
16 were expected to go -- not go to family, but we were
17 expected to go to a town that we did not have any --
18 anything set up. We had to start a whole new life,
19 basically, and because to -- to help with medical. That
20 was what I understood.

21 Q. And -- and a part of starting this new life was
22 you understood, as -- as Mr. Abelson was talking about
23 on the tape with you, as part of starting a new life,
24 you were going to get -- you were going to abide by the
25 confidentiality provisions that were in the agreement,

1 right?

2 A. I understood I signed and agreed to the
3 agreement.

4 Q. Right. And the \$50,000 was -- was what you
5 were paid for that?

6 A. I didn't understand any connection between the
7 two at the time.

8 Q. You now do, though, don't you?

9 A. I now do, yeah.

10 Q. That they're connected?

11 A. Yes.

12 Q. Thank you.

13 (Video started)

14 QUESTION: "I asked if anybody made any
15 promises or threats to get you to sign these papers
16 other than some money and -- and also the promise that
17 we're going to help you with employment and -- and
18 finding housing, and if you have any other difficulties
19 you've been given some contact names.

20 ANSWER: "Uh-huh. That's right."

21 (Video stopped)

22 Q. (BY MR. SPENCER) As the church lawyer,
23 Mr. Abelson, is saying there, there were some additional
24 points that were agreed to that are set out in the
25 document, right? In addition to paying you \$50,000

1 there were some additional points that you agreed to,
2 right?

3 A. In -- in the agreement itself, you mean? I'm
4 sorry, I'm not --

5 Q. Well, let's -- let's it -- that probably was a
6 poor question.

7 The church assisted you with housing after
8 you and your husband came to San Antonio by paying for
9 it, correct?

10 A. They assisted me -- they -- they paid for like
11 a room for us to stay in, which we stayed in for about
12 four weeks before we got our own apartment. So they --
13 they paid for that for the first -- I think it was about
14 four or five weeks.

15 Q. Was that what some people would call a
16 residence hotel; is that what you're referring to?

17 A. Yes. That's correct.

18 Q. And would you have any dispute if the church's
19 records show that that cost about \$2,000 to pay for
20 the -- as you say, approximately a month that you and
21 your husband stayed there? Does that sound about right
22 to you?

23 A. I'm not sure, actually, but it was probably
24 about that.

25 Q. All right. \$2,000, more or less? Okay. At

1 least we agree on that, right?

2 A. Yes.

3 Q. And then the church staff offered to help you
4 find a job?

5 A. No.

6 Q. They didn't?

7 A. No.

8 Q. Was Kathy True going to do that?

9 A. I don't know -- to be honest, I actually didn't
10 remember that until I see it now. And there was never
11 any assistance in finding a job, to my knowledge, unless
12 they did it unbeknownst to me. But to my knowledge, no.

13 Q. Okay.

14 MR. SPENCER: Let's go back to the tape.

15 (Video started)

16 QUESTION: "It's my understanding you're
17 going to have a medical -- that you're departing and
18 it's classified as a medical leave of absence.

19 ANSWER: "Uh-huh.

20 QUESTION: "And I can assure you that that
21 fact is a fact that is not going to be publicized in any
22 way by FSO or any church entity. It's a private matter.
23 It has to do with your health and we keep it private.
24 You've also said you're pretty much going to stay away
25 from Scientology during this year.

1 ANSWER: "Uh-huh.

2 QUESTION: "And that between you and your
3 family, you and your husband who are scientologists,
4 there will be minimum contact.

5 ANSWER: "Yes, sir.

6 QUESTION: "You haven't had anything to
7 drink or any drugs that might affect your ability to
8 understand.

9 ANSWER: "No. Not at all.

10 QUESTION: "With respect to your
11 treatment, not medical, but during the last few weeks
12 where there have been issues of your leaving or not
13 leaving, have you been treated well?

14 ANSWER: "I have been treated very well.

15 QUESTION: "You've had plenty of sleep?

16 ANSWER: "Plenty of sleep.

17 QUESTION: "Probably much more than you
18 ever had on post.

19 ANSWER: "That's right.

20 QUESTION: "I've given -- I've given you
21 documents in front of us and you have had time to read
22 it over?

23 ANSWER: "Yes, I have.

24 QUESTION: "Did you understand it?

25 ANSWER: "I did understand it, yes.

1 QUESTION: "Did you have any questions --
2 do you have any questions about it?

3 ANSWER: "I have no questions.

4 QUESTION: "I told you I think we have
5 dictionaries out here and I told you I would answer any
6 questions before. And you really don't have any
7 questions.

8 ANSWER: "That's right.

9 QUESTION: "Your husband had a couple.

10 ANSWER: "Yes.

11 QUESTION: "And you've made one change
12 which was a pickup.

13 ANSWER: "Yes.

14 QUESTION: "By your husband. And that was
15 just --

16 ANSWER: "A typo.

17 QUESTION: "A typo.

18 ANSWER: "Right.

19 QUESTION: "And that was on -- at the end
20 and you changed -- and I should probably have you
21 initial the change --

22 ANSWER: "Okay.

23 QUESTION: " -- when we -- when we go
24 through it. All right. Would you take a look at the
25 document now that's in front of you. It hasn't left

1 your presence?

2 ANSWER: "Right.

3 QUESTION: "That's the same document you
4 reviewed.

5 ANSWER: "Right.

6 QUESTION: "If you could initial the
7 bottom of each page where there's a little squiggly
8 straight line.

9 ANSWER: "(Witness complying).

10 QUESTION: "And did we -- because that
11 page where there was -- yeah. I think we did. Oh, it
12 was in the -- that's right, in the addendum. All right.
13 Now there's a signature page.

14 ANSWER: "Uh-huh.

15 QUESTION: "And if you could sign there.

16 ANSWER: "Why does it have for that?

17 QUESTION: "This is for the church to sign
18 when we give you a copy.

19 ANSWER: "All right.

20 (Witness complying)

21 QUESTION: "Okay. Just a couple more
22 questions.

23 ANSWER: "Uh-huh.

24 QUESTION: "And then I think (Inaudible).
25 You've been (Inaudible) during these years?

1 ANSWER: "Yes.

2 QUESTION: "No question Scientology is a
3 spiritual religion?

4 ANSWER: "No question.

5 QUESTION: "And you've had spiritual gain
6 and lots of it?

7 ANSWER: "Yes.

8 QUESTION: "And other people.

9 ANSWER: "Yes.

10 QUESTION: "And you have high regards for
11 the staff that you work with?

12 ANSWER: "Yes.

13 QUESTION: "And how about the boss?

14 ANSWER: "Very much. David, yes.

15 QUESTION: "I'm talking about David, David
16 Miscavige. Okay. I'm going to hold this up and the
17 videographer is going to zero in. The reason we're
18 doing this is so we have a record, obviously.

19 ANSWER: "I understand.

20 QUESTION: "Okay. That's Page 1. And
21 Page 3. And this is Page 6. This is Page 10, the
22 signature page. And this is Page 11, the addendum where
23 the minor change was made. So we're going to -- I
24 understand you're going to San Antonio to live.

25 ANSWER: "That's correct.

1 QUESTION: "And the church is help buying
2 housing for you.

3 ANSWER: "Yes.

4 QUESTION: "And we've indicated to you
5 that we're going to help with the employment situation.

6 ANSWER: "Yes.

7 QUESTION: "If you have any medical issues
8 or records, et cetera, we will help. We have given you
9 the names of two people to contact -- have regular
10 contact with.

11 ANSWER: "Uh-huh.

12 QUESTION: "Not only on whatever basis you
13 decide, but, you know, if things are going really bad or
14 if there's a problem or that outside world as you and I
15 have discussed is sometimes difficult to adjust to or
16 you have questions on what to do, we'll help you.

17 ANSWER: "(Nodding).

18 QUESTION: "It's a -- hopefully a
19 continuing sort of non-relationship relationship.
20 Finally, as part of that -- part of that agreement,
21 there are some strict confidentiality rules which you
22 understand?

23 ANSWER: "Correct.

24 QUESTION: "And you had agreed well before
25 that you are going to keep things that are recited here

1 as confidential and you know to be confidential
2 confidential.

3 ANSWER: "Uh-huh.

4 QUESTION: "For your interest and our
5 interest.

6 ANSWER: "Yes.

7 QUESTION: "The last thing is I have a
8 check here for you for \$50,000. This is part of the
9 agreement and in gratitude for what you've done and as
10 part of the consideration for the agreement and
11 especially we know you're going to have some medical
12 bills and hopefully this is going to help a whole lot.
13 There's the check.

14 (Handing to witness)

15 QUESTION: "I'm sure I'm saying this --
16 you know, we've met, but you don't know me very well,
17 but there's a lot of people that are going to say and
18 are saying good luck and I'm saying now, good luck to
19 you.

20 ANSWER: "Thank you.

21 QUESTION: (Inaudible).

22 ANSWER: "Thank you.

23 QUESTION: "You're welcome."

24 MR. SPENCER: Stop.

25 (Video stopped)

1 MR. SPENCER: Your Honor, may I approach
2 the witness?

3 THE COURT: You may.

4 Q. (BY MR. SPENCER) Ms. Cook, I have marked as
5 Exhibit 1 a copy of that \$50,000 check that we saw you
6 receive. Is -- is that, in fact, the check -- a copy of
7 the check that you received that day?

8 A. Yes, sir. It is.

9 Q. All right. And then on the back of it it shows
10 that you deposited it into a bank account on
11 October 25th, 2007?

12 A. Yes.

13 MR. SPENCER: We offer Plaintiff's Exhibit
14 1.

15 (Handing to counsel)

16 MR. JEFFREY: Excellent. That's fine,
17 Your Honor.

18 THE COURT: Plaintiff's 1 will be
19 admitted.

20 (Plaintiff's Exhibit 1 admitted)

21 MR. SPENCER: Your Honor, is your bench
22 going to get too cluttered if I give you copies of these
23 exhibits?

24 THE COURT: No. I would appreciate that.
25 Because it's hard for me to --

1 MR. JEFFREY: Your Honor, especially in
2 view of the --

3 (Handing to counsel)

4 MR. JEFFREY: Yeah, a subpoena -- for
5 example, this video was subpoenaed and all these
6 documents were subpoenaed, and I would ask that they
7 give us a copy of everything, at least that they're
8 using in court.

9 THE COURT: Okay.

10 MR. SPENCER: As I understand it, he
11 hasn't even given us the list of what he wants.

12 THE COURT: That's true. He's not.

13 (Handing to the Court)

14 THE COURT: Thank you.

15 MR. SPENCER: Yes. Start the tape again.

16 (Video started)

17 QUESTION: "Well, it's still
18 October 19th and you're back.

19 ANSWER: "Right.

20 QUESTION: "You're back because I had
21 messed up and forgot to have you initial certain
22 passages within the document.

23 ANSWER: "Right.

24 QUESTION: "And I want to do that now.
25 There's four of them.

1 ANSWER: "But that's Wayne's.

2 QUESTION: "That would be helpful if I did
3 yours.

4 ANSWER: "Yeah.

5 QUESTION: "He did initial them. This is
6 page 4 and there's a place to initial besides a place
7 you already initialed, under that specific paragraph.
8 Just to be safe, why don't you read to yourself
9 paragraph J.

10 (Witness complying)

11 ANSWER: "Right.

12 (Handing pen to witness)

13 ANSWER: "All right.

14 QUESTION: "And on page 5 there's one.
15 Top Paragraph K.

16 (Pause)

17 ANSWER: "Right.

18 QUESTION: "And if you'll go to page 8 at
19 the top.

20 ANSWER: "Right.

21 QUESTION: "Now we are finished.

22 ANSWER: "Okay.

23 QUESTION: "You're off to San Antonio.

24 I'm back to LA. And you -- you have a nice husband and
25 he's really supportive and I think that you guys are

1 going to do real good.

2 ANSWER: "Yeah. We're going to try.

3 Thank you very much.

4 QUESTION: "You're welcome. Bye-bye.

5 ANSWER: "Bye-bye."

6 (Video stopped)

7 Q. (BY MR. SPENCER) As you just saw, you spotted
8 that Mr. Abelson had given you the wrong document, given
9 you your husband's, right?

10 A. Yes.

11 Q. And you had to correct him on that?

12 A. Yes.

13 Q. Did that video that we just watched accurately
14 portray what happened there that day when you were in
15 the room with Mr. Abelson?

16 A. Yes.

17 MR. SPENCER: I'm going to mark that,
18 then, as Plaintiff's Exhibit 2 and we offer it in
19 evidence.

20 MR. JEFFREY: No objection to the video,
21 Your Honor. I would just ask for a copy.

22 THE COURT: Certainly. Plaintiff's 2 will
23 be admitted.

24 I tell you what, since we're at noon, you
25 want to take a break and we'll see you back at 1:30?

1 (Plaintiff's Exhibit 2 admitted)

2 MR. SPENCER: Certainly, Your Honor.

3 THE COURT: Why don't you take a few
4 minutes to give him the list, if you would.

5 MR. JEFFREY: We'll prepare one and e-mail
6 it or fax it over to him because we've got to sit down
7 and --

8 THE COURT: That will be fine.

9 MR. JEFFREY: -- make sure we do it right.

10 THE COURT: You may step down.

11 MR. SPENCER: Back at 1:30; is that
12 correct, Your Honor?

13 THE COURT: Yes, sir.

14 MR. SPENCER: Thank you, Your Honor.

15 (Recess from 11:55 a.m. to 1:30 p.m.)

16 MR. SPENCER: Your Honor, may it please
17 the Court, we had previously asked that the cameras not
18 be in the courtroom, which you overruled, but we now
19 have this camera immediately behind our counsel table.
20 I don't know what that distance is, but it looks to me
21 like less than 6 feet, you know, looking at what we're
22 doing here. This is very invasive and intrusive and we
23 request that the camera be removed.

24 MR. JEFFREY: They can put it behind on
25 our side, Your Honor. We don't care.

1 MS. MITCHELL: There's no issue over here.

2 THE COURT: I think he's right. It's
3 invasive there behind him.

4 MR. JEFFREY: We would not object if it's
5 on this side.

6 THE COURT: That's fine. That's fine.
7 But they're entitled to privacy.

8 MR. SPENCER: If it please the Court, I'm
9 prepared to continue with my examination of Ms. Cook.

10 THE COURT: All right. If you would come
11 up here, please, ma'am, I'd appreciate it. And you are
12 still under oath.

13 THE WITNESS: Yes.

14 THE COURT: Okay. Thank you. You may
15 proceed.

16 MR. SPENCER: Thank you. May I approach?

17 THE COURT: Certainly.

18 Q. (BY MR. SPENCER) Ms. Cook, is the document
19 marked as Exhibit 3 a copy of the agreement that you
20 signed in October 2007, that we watched you sign on the
21 video?

22 A. Yes, sir.

23 MR. SPENCER: We offer Plaintiff's Exhibit
24 3.

25 MR. JEFFREY: I'm sorry. What is it, Your

1 Honor? Is it the agreement?

2 MR. SPENCER: Yes, it is.

3 MR. JEFFREY: That's fine. As long as you
4 tell me that's the agreement, that's fine.

5 THE COURT: Three will be admitted.

6 (Plaintiff's Exhibit 3 admitted and handed
7 to the Court)

8 Q. (BY MR. SPENCER) I just have a few questions for
9 you about that.

10 A. Okay.

11 Q. Ms. Cook, as we saw on the video, you initialed
12 each of the pages in that original agreement that's
13 now -- copy is now Exhibit 3, correct?

14 A. Yes.

15 Q. And you signed it?

16 A. Yes.

17 Q. And you understood that by signing it and
18 initialing it you were creating legal obligations for
19 all of the parties that are parties to the agreement,
20 right?

21 A. Yes.

22 Q. Okay. And those parties are, of course,
23 yourself, right?

24 A. Yes.

25 Q. And then the Church of Scientology Flag Service

1 Organization?

2 A. Yes.

3 Q. And then it's also for the benefit, you'll see,
4 of a number of other related Scientology entities, isn't
5 it?

6 A. Yes.

7 Q. Those include the Church of Scientology
8 International?

9 A. Yes.

10 Q. I believe they're the ones that the check is
11 drawn on their account; is that correct?

12 A. Yes.

13 Q. The \$50,000 check you got?

14 A. Yes.

15 Q. And as you just acknowledged, they're included
16 in the agreement -- in the terms of the agreement?

17 A. Yes.

18 Q. As well as Religious Technology Center?

19 A. Yes.

20 Q. And then it continues -- we won't read the
21 whole thing, but it goes on from the bottom of the first
22 page and over on to the next, doesn't it?

23 A. Yes, it does.

24 Q. All right. This morning everyone heard your
25 lawyer -- your attorney, Mr. Jeffrey, say that you were

1 subjected to duress and undue influence.

2 A. Yes.

3 Q. Where did -- where did that occur?

4 A. It occurred there where I was in the Hacienda
5 Gardens apartment complex, and it also occurred in
6 California -- in Hemet, California at the Scientology
7 International Base.

8 Q. Those two places?

9 A. Yes.

10 Q. Any others?

11 A. It also occurred in other buildings at -- in
12 Florida -- Clearwater, Florida.

13 Q. Would that --

14 A. That would be all.

15 Q. That would be all. When did the duress and
16 undue influence start?

17 A. It started, I guess -- it started in 2005.

18 Q. All right. And when did it end?

19 A. When I left in 2007, until recently, but --
20 yeah. It -- yeah.

21 Q. The duress and the undue influence left --
22 ended -- when you left Florida?

23 A. It ended October 2007 when I left Florida.

24 Q. Okay. So October 20th, 2007, you were no
25 longer under undue influence or duress, right?

1 A. Right.

2 Q. Now we've already marked the check -- the
3 \$50,000 check that you, yourself, got. And you know,
4 don't you, that your husband also got a \$50,000 check
5 that same day?

6 A. Yes.

7 Q. Okay. And I believe I asked you this, but you
8 agreed with me that as shown on the copy of the check
9 that we've marked in evidence, you endorsed and
10 deposited your \$50,000 check on October 25th?

11 A. Yes.

12 Q. Okay. And since then you and your husband
13 proceeded to use that money, correct?

14 A. Yes. That's correct.

15 Q. To spend it?

16 A. Yes.

17 Q. On things that you needed or wanted, correct?

18 A. Yes.

19 Q. You understood and knew that it would not only
20 be contrary to Scientology ethics, but would also be
21 fraudulent to accept that \$50,000 unless you intended to
22 comply with the terms of the agreement, didn't you?

23 A. Can -- can you give me the question again? I'm
24 sorry.

25 Q. Certainly. I'd be happy to.

1 You understood and knew that it would not
2 only be contrary to the Scientology ethics that we spoke
3 about earlier, to be a person who can be relied on, a
4 person of their word?

5 A. Uh-huh.

6 Q. It would be contrary to that, but it would also
7 be affirmatively fraudulent if you had accepted \$50,000
8 from the church unless you intended to live up to your
9 end of the agreement, correct?

10 MR. JEFFREY: Your Honor, she already
11 testified that at the time she drew no connection
12 between the \$50,000 and the agreement. He said now
13 you -- he then got her to admit now she knows there's a
14 connection.

15 MR. SPENCER: Excuse me, Your Honor.
16 These speaking objections have no purpose other than to
17 try to prompt the witness as to what to say.

18 THE COURT: Sustained.

19 MR. SPENCER: And I object. Thank you,
20 Your Honor.

21 Q (BY MR. SPENCER) What I said was right, wasn't
22 it?

23 A. I understand that if I did something like I
24 took the upper level materials and I, you know -- that
25 these -- that they're the sacred protected materials and

1 I, you know, put them out to broad public or if I did
2 something that was an outright -- you know, an outright
3 violation of our ethics codes, that that -- that that
4 would be not okay. Does that answer your question?

5 Q. Well, in other words, you -- you believe that
6 as long as you live up to the spirit of your agreement
7 that you entered into, the one that's marked as
8 Exhibit 3, then it's okay for you to accept the money,
9 right?

10 A. No. I understood when I accepted the money --
11 first of all, I never expected, never asked for and
12 didn't -- had no clue I was going to be given this
13 money. I understood when I was given the money that it
14 was to help me because I was in a very serious physical
15 condition, that I needed -- was going to need medical
16 assistance, and because of various demands being put on
17 the circumstances of my leaving that we did not plan on,
18 that was what I understood the money was for, and to
19 basically make nice at the end. That was what I
20 understood at the time. And granted, I'll knowledge
21 that I was out of it and -- you know -- but that was my
22 understanding.

23 Q. Well, you intended to comply with the agreement
24 when you signed it? You intended to live up to what
25 you --

1 A. I intended to -- to sign whatever I had to sign
2 in order to leave.

3 Q. And you intended to live up to your end of the
4 bargain on -- when you signed it, didn't you?

5 A. My bargain was I -- I --

6 Q. We can argue --

7 A. -- I signed the pieces of paper that they
8 wanted me to sign so that I could go.

9 Q. So you had no intent to live up to your end of
10 the bargain, you just wanted to get out of there?

11 A. I really -- to be honest, the only thing that
12 was in my mind was to -- to be able to leave.

13 Q. You took the \$50,000, right?

14 A. I did.

15 Q. And you deposited it in a bank in San Antonio?

16 A. Yes, I did.

17 Q. And nobody forced you to do that, did they?

18 A. No.

19 Q. Let's fast forward to March 2009. You asked
20 the church to pay an income tax bill which had been
21 assessed against you and your husband in connection with
22 the hundred thousand dollars that you received in
23 October 2007. Do you remember that?

24 A. I -- I would like to clarify that. That was --
25 when I got the hundred thousand dollars I -- we paid the

1 income tax. We paid our income taxes, including the
2 full income tax for that money. And it came back
3 from -- we got something that came back basically that
4 we had not covered Social Security. And that was based
5 on my accountant then told me that it should have
6 been -- if it was, like a severance pay it should have
7 been given to me as pay, that it was wrongly
8 categorized, and that I should ask the church to put it
9 into -- you know, put it as a W2, not as a 1099, et
10 cetera, and this went back and forth. And I was -- what
11 I was asking the church was to do that, was to correct
12 it and put it into the format that my accountant was
13 recommending. And, instead, the -- the church didn't
14 want to do that and wanted to pay that Social Security
15 bill or debt.

16 Q. Well, let me show you your actual e-mail that
17 you wrote.

18 A. Okay.

19 Q. Let me hand you Exhibit 4 -- Plaintiff's
20 Exhibit 4. And I'll tell you what, so it doesn't get so
21 cluttered, I'm going to put this back.

22 A. Okay.

23 Q. Back here.

24 Look over that, if you would.

25 (Witness complying).

1 A. This says what I just said.

2 Q. Okay. So Plaintiff's Exhibit --

3 (Handing to the Court).

4 THE COURT: Thank you.

5 MR. JEFFREY: Do I get a copy, George?

6 MR. SPENCER: I'm not sure I've got enough
7 of that one. You can look at this one before I offer
8 it.

9 MR. JEFFREY: Okay.

10 THE COURT: Do you want to see this one?

11 MR. JEFFREY: Your Honor, please keep that
12 one and I'll look at this.

13 MR. SPENCER: There you go.

14 (Handing to counsel)

15 MR. JEFFREY: Thank you.

16 MR. SPENCER: Your Honor, we offer
17 Plaintiff's Exhibit 4.

18 (Pause)

19 MR. JEFFREY: You're offering the whole
20 string?

21 MR. SPENCER: Yes. And we can go through
22 it one by one if you'd like.

23 MR. JEFFREY: Okay. No, I don't mind, but
24 I would just like to see what they are.

25 MR. SPENCER: Certainly. Of course.

1 (Pause)

2 MR. JEFFREY: I have no objection.

3 THE COURT: Four will be admitted.

4 (Handing to counsel and to the witness)

5 Q. (BY MR. SPENCER) Plaintiff's Exhibit 4 is your
6 e-mail exchange with Kathy True, correct?

7 A. Yes.

8 Q. About this income tax issue?

9 A. Yes.

10 Q. And you asked for money and it was sent to you,
11 wasn't it?

12 A. Yes. I didn't ask for money. I asked for a
13 resolution of this issue and it was resolved with money
14 and it was sent to me.

15 Q. Is Plaintiff's Exhibit 5 a copy of the check
16 that was used to resolve that tax issue?

17 A. Yes.

18 MR. SPENCER: We offer Plaintiff's Exhibit
19 5.

20 (Handing to counsel)

21 MR. JEFFREY: No objection.

22 THE COURT: Five will be admitted.

23 (Plaintiff's Exhibit 5 admitted)

24 MR. SPENCER: Again, just so you don't get
25 so much in your hands.

1 Q. (BY MR. SPENCER) Exhibit 5 is a copy of a
2 \$6,502.40 check payable to you, correct?

3 A. Yes, it is.

4 Q. Which you deposited on what, April 9th, 2009?
5 Does that seem right to you?

6 A. Yeah.

7 Q. Okay. The date of the check, itself, is
8 April 7th, 2009, and the codes on the back of the check
9 above your endorsement show that it was deposited by you
10 on April 9th, 2009, correct?

11 A. Yes.

12 Q. Okay. And of course, you weren't under any
13 duress or undue influence when you deposited that check,
14 were you?

15 A. No. I was not.

16 Q. Now, you and your husband have never returned
17 any of the money that you received from the church, have
18 you?

19 A. No. We have not.

20 Q. Haven't returned the \$50,000 you got, correct?

21 A. Correct.

22 Q. Haven't returned the \$50,000 your husband got,
23 correct?

24 A. That's correct.

25 Q. Didn't return that 6,000 some odd dollars?

1 A. No.

2 Q. You never offered to return any of that money
3 to the church, did you?

4 A. No. We did not.

5 Q. And the moving expenses, the church helped you
6 with that, didn't they -- your move from Florida to San
7 Antonio?

8 A. They paid for the hotel that we stayed in for
9 the four weeks. That was all that --

10 Q. Didn't they pay for the expense of moving your
11 belongings?

12 A. No.

13 Q. And your husband's motorcycle?

14 A. Oh, yes. Maybe. There were -- majority of the
15 things we took we took in the van with us, which was my
16 brother's van. But there were some things that were
17 shipped afterwards, so, yes, I'm sorry. That is
18 correct. There were -- there were some bins and there
19 was his motorcycle.

20 Q. And the church paid for shipping?

21 A. Yes. The church paid for those, yes.

22 Q. You know your husband's signature?

23 A. Yes, I do.

24 Q. Let me hand you Plaintiff's Exhibit 6, which is
25 the agreement and general release between your husband

1 and the church, and we'll turn to the next to the last
2 page. It's numbered 11. Is that your husband's
3 signature?

4 A. Yes, it is.

5 MR. SPENCER: All right. We offer
6 Plaintiff's Exhibit 6.

7 MR. JEFFREY: Is that --

8 MR. SPENCER: Yes. Yes, it is.

9 MR. JEFFREY: No objection, Your Honor.

10 THE COURT: Plaintiff's 6 will be
11 admitted.

12 (Plaintiff's Exhibit 6 admitted and handed
13 to counsel)

14 Q. (BY MR. SPENCER) Thank you. And you recall, do
15 you not, that the two agreements are the same, except
16 one has your name and one has his?

17 A. Yes, I do.

18 Q. All right. Now, from the day that you and your
19 husband signed those two agreements, October 19th, 2007,
20 through December 30th, 2011 --

21 A. Uh-huh.

22 Q. -- the church never tried to use those
23 contracts to keep you from talking to other people, did
24 they?

25 A. Initially, for the first year and a half, yes.

1 After that we got -- some things were resolved about
2 that and then we were able to communicate with other
3 Scientologists for the first little over -- over a year.
4 We weren't really supposed to be -- we weren't supposed
5 to be -- we weren't supposed to be communicating with
6 Scientologists, we were -- so in that way --

7 Q. Well, let me -- let me see if I can make this
8 clearer. Your lawyer, in his opening statement, said
9 that the contracts as written wouldn't let you -- if you
10 saw somebody that had a flat tire on the side of the
11 road you all couldn't stop and help without first asking
12 them a bunch of questions like, are you people
13 anti-Scientology, or something like that. The church
14 has never attempted to enforce these agreements in such
15 ridiculous ways, has it?

16 A. No. Not -- not anything like that.

17 Q. I mean, that's just totally made up, isn't it?

18 A. Well, he --

19 Q. Made up by your lawyer. I mean, the church --

20 A. He's giving an extreme -- extreme example --

21 Q. Exactly.

22 A. -- to make a point, but, no, nothing extreme
23 like that ever happened, no.

24 Q. The church wasn't -- church wasn't threatening
25 you with, we're going to hold you as having violated the

1 agreement if you do something like that. They never
2 said anything like that, did they?

3 A. No. Not -- not until January.

4 Q. Yeah. Not until you sent your December 31,
5 2000 e-mail did the church make any threats at all, did
6 it?

7 A. That's correct.

8 Q. Okay. Ms. Cook, let me hand you Plaintiff's
9 Exhibit 7 and ask you if that's an e-mail you sent on
10 Saturday, December 31, 2011 at 10 p.m.

11 A. Yes.

12 MR. SPENCER: Offer Plaintiff's Exhibit 7.
13 (Handing to counsel)

14 MR. JEFFREY: Your Honor, I have no
15 objection, just as I have no objection to most of these
16 exhibits, but I think proper protocol is to show me the
17 exhibit and then tender to the witness and offer. I
18 would just like to see the exhibit before it's handed to
19 my client.

20 MR. SPENCER: Well, I think it's
21 inappropriate to ask a bunch of questions, you know,
22 about the contents of it and stuff like that, but I
23 think the correct way is the way I've done it, to get
24 her to identify it and then offer it.

25 THE COURT: I agree.

1 MR. SPENCER: Thank you.

2 MR. JEFFREY: Just as long as I get to see
3 it.

4 THE COURT: Of course.

5 MR. JEFFREY: Thank you, Your Honor.

6 MR. SPENCER: Is it admitted?

7 THE COURT: Any objections to this
8 exhibit?

9 MR. JEFFREY: No objection.

10 THE COURT: All right. Seven will be
11 admitted.

12 (Plaintiff's Exhibit 7 admitted and handed
13 to the Court)

14 Q. (BY MR. SPENCER) Now, Exhibit 7 starts out --
15 after identifying you as the person that sends it and
16 the time it's being sent, starts out with, Dear
17 Scientologists, correct? The e-mail?

18 A. No. Most of it -- most of the e-mails -- the
19 e-mails that we sent actually had a name.

20 Q. Okay. Well, the -- and, actually, I say it
21 starts out. Let's just go through Exhibit 7 line by
22 line. It starts out, From Debbie Cook, and it has your
23 e-mail address, right?

24 A. Well, I didn't actually -- I should have looked
25 at this a little more closely, but this is not my e-mail

1 address. I mean, this is the e-mail. I'm quite certain
2 that what this e-mail is is it's someone take -- took my
3 e-mail and sent it out to their list, using another
4 e-mail address.

5 Q. Exact -- as you had suggested they do, right,
6 in there?

7 A. Well, I didn't suggest exactly that, but I did
8 suggest that people pass it along to other
9 Scientologists.

10 Q. Okay. You're satisfied that the text of this
11 is what you --

12 A. Yes.

13 Q. -- what you wrote on December 31st?

14 A. Yes.

15 Q. Okay. Where it says on Exhibit 7, Dear
16 Scientologists, in the ones that you originally sent,
17 did it have people's specific names?

18 A. Yes, it did.

19 Q. And -- and do you know the name of each person
20 that you sent it to by specific name?

21 A. Like do I know them now in my head?

22 Q. I wouldn't expect --

23 A. No.

24 Q. How many did you -- how many people did you
25 send it to?

1 A. I sent it to my friends that I had accumulated
2 on Facebook, which was a couple thousand people.

3 Q. 2,000? 8,000? How many is a couple of
4 thousand?

5 A. It was a little over 3,000.

6 Q. And would you be able to -- certainly not from
7 memory, I wouldn't think, but -- but would you be able
8 to determine the identities of the approximately 3,000
9 people that you originally sent this e-mail to?

10 A. I mean, if I had my records I could -- I could
11 but --

12 Q. Yeah. Yeah. I'm certainly not asking you to
13 do it --

14 A. Yeah.

15 Q. -- here in the courtroom, but you would be able
16 to do it if you had access to things that you have?

17 A. Yes.

18 Q. Okay. We would know exactly who you sent it to
19 and what their names were?

20 A. Yes.

21 Q. Okay. And you -- is the subject line, Message
22 from Debbie Cook, former Captain FSO, is that something
23 that's been added by someone else or was that something
24 you had?

25 A. That was something that was added.

1 Q. That is correct, though, that you, Debbie Cook
2 are a former Captain FSO?

3 A. That is correct.

4 Q. I think that was about the first question I
5 asked you --

6 A. That's right.

7 Q. -- today.

8 All right. Turn, if you would -- we're
9 going to look at a couple of other things, but in terms
10 of how this got spread, turn to the last page of it, at
11 the very top line. Would you just read that sentence,
12 please? Read it out loud.

13 A. "The other thing you can do is to send this
14 e-mail to as many others as you can, even if you do it
15 anonymously."

16 Q. All right. And then you -- so you were urging
17 people to -- the 3,000 people that you initially sent it
18 to, to send it on to their friends, as well, correct?

19 A. Yes. Their -- I mean, I made it clear, also,
20 that keep it among Scientologists and not the media.

21 Q. You say that in the next line, I -- I agree.

22 A. Yes.

23 Q. But, you know, once something's out there you
24 can't control it, can you?

25 A. That's true.

1 Q. I mean, you've found that out the hard way,
2 haven't you?

3 A. That's right.

4 Q. Okay. Now, you did not send this e-mail to the
5 church, itself, did you?

6 A. No, I didn't.

7 Q. You did not send it, that is, to FSO?

8 A. Right.

9 Q. You didn't send it to your point of contact,
10 Kathy True?

11 A. That's correct.

12 Q. Instead, you sent it out to 3,000 other
13 Scientologists.

14 A. That's correct.

15 Q. And in the e-mail you -- we're not going to go
16 through the whole thing at this time, but you voice many
17 criticisms of what is going on in the church, do you
18 not?

19 A. I mean, I don't feel that they're criticisms, I
20 feel that they are points of scripture that I am
21 encouraging other Scientologists to follow and to see to
22 it that only points of our scriptures are followed, and
23 not other things.

24 Q. Well, yes, ma'am. And -- but you -- you use
25 words like violate scripture in your e-mail, don't you?

1 That the church is violating scripture?

2 A. I believe so.

3 Q. Yes. And what you're saying is that the church
4 has adopted policies that are not appropriate and
5 directly violate LRH policy and tech. Do you remember
6 writing that?

7 A. Yes.

8 Q. And what does LRH policy and tech mean?

9 A. It means that basically policy that are written
10 in policies letters or bulletins that are written by the
11 founder of Scientology, Mr. Hubbard. And they are --
12 and it's clear in our scriptures that, particularly from
13 a policy letter called Keeping Scientology Working, that
14 every Scientologist plays a part in making sure that
15 Scientology stays pure to its scriptures and -- and
16 doesn't go off in any other direction.

17 Q. Yes, ma'am. And just, again, so that
18 non-Scientologists will be able to follow this, LRH --
19 when you say that the church is violating LRH policy,
20 that's L. Ron Hubbard?

21 A. That's right.

22 Q. LRH. And he is the founder of Scientology?

23 A. Yes. That's correct.

24 Q. And you further say violating LRH policy and
25 tech. And "tech" means technology?

1 A. Yes, sir.

2 Q. And that's a serious charge for you to make,
3 isn't it?

4 A. Yes. Those are -- the technology is what's
5 covered in bulletins and that's the technology that
6 are -- that's --

7 Q. That's at the center and the heart of the
8 religion of Scientology, isn't it?

9 A. Yes. Both --

10 Q. Okay.

11 A. Both policy and tech are.

12 Q. Of course.

13 A. Yes.

14 Q. Right. And so you, in your e-mail of
15 December 31, 2011, are disputing the church leadership's
16 interpretation of the church's founder, L. Ron
17 Hubbard's, policy and tech, right?

18 A. I don't -- I don't think I'm disputing, I think
19 I'm clearly saying what, you know --

20 Q. You're saying --

21 A. -- on certain issues this is what L. Ron
22 Hubbard is saying should be done and --

23 Q. And you're saying --

24 A. -- and I'm asking them to only follow L. Ron
25 Hubbard policy and tech.

1 Q. And you're saying you know what the true L. Ron
2 Hubbard policy and tech is and the church leadership
3 doesn't?

4 A. Well, I quote it in the e-mail.

5 Q. Okay. And you're critical of the church
6 leadership in not doing what you believe to be true
7 Scientology.

8 A. I hope I left that up to one's interpretation.
9 I don't -- I tried to keep the e-mail clearly to, you
10 know, certain things that are happening and referring to
11 L. Ron Hubbard reference -- you know, quotes from him
12 about those matters.

13 Q. To -- to make your case, to bolster the
14 argument you were making?

15 A. Okay.

16 Q. Now, these -- these are theological disputes,
17 are they not, what's -- what's the correct way to
18 implement your church's founder's teachings and
19 policies, that's a theological issue, isn't it?

20 A. I guess so, yes.

21 Q. Doctrinal, would that be a word you'd agree
22 with?

23 A. Yes.

24 Q. Okay. Now, do you remember that in the
25 agreements that you and your husband signed there was a

1 provision that if you had a dispute you could go to the
2 church's own court system for resolving such theological
3 or doctrinal disputes? Do you remember that?

4 A. Yes.

5 Q. Okay. Did -- why didn't you do that?

6 A. Because I didn't feel that I was trying to
7 resolve a dispute. I was trying to communicate a
8 message to my Scientologist friends that it's up to them
9 to follow Hubbard's policies and up to them to, you
10 know, only support those things that were based on
11 Hubbard's policies.

12 Q. Well, the point is you didn't take the steps
13 outlined in your agreement that you had made back in
14 2007 to submit such disputes to the church court, right?

15 A. That's correct.

16 Q. And among the things that you were critical of
17 in your December 31 e-mail were fundraising actions that
18 were being taken by the church, correct?

19 A. That's correct.

20 Q. In fact, you say -- and I'm sorry the pages
21 aren't numbered, but it's the next to the last page of
22 the exhibit. Down towards the -- almost the very
23 bottom. Says, "Stop supporting any of the activities
24 that are being done to forward off-policy fundraising in
25 your area."

1 Did you find that in there?

2 A. Yes, I see that.

3 Q. Did I read that correctly?

4 A. Yes -- yes, you did.

5 Q. And that's what you asked your several
6 thousands of friends -- Scientology friends to do,
7 right?

8 A. Yes.

9 Q. Stop -- stop supporting the church?

10 A. No. No.

11 Q. In that way. Stop --

12 A. No. It does not say that.

13 Q. Well, you're right. It says, Stop supporting
14 --

15 A. In fact --

16 Q. "Stop supporting any of the activities that are
17 being done to forward off-policy fundraising in your
18 area."

19 That's what you told them.

20 A. Off-policy being defined as those things that
21 were not and never were directed by L. Ron Hubbard.
22 And, in fact, I do encourage that they donate to the
23 church in this e-mail. I don't discourage them from
24 donating, I discourage them from donating to things that
25 were never directed by Mr. Hubbard.

1 Q. Well, let's look up above that, then.

2 MR. JEFFREY: What page?

3 MR. SPENCER: We're still on the same
4 page, it's just the immediate --

5 MR. JEFFREY: I'm lost. Short attention
6 span. What page were you on?

7 MR. SPENCER: It's the next to the last.

8 MR. JEFFREY: Okay.

9 MR. SPENCER: Have you got it?

10 MR. JEFFREY: Six.

11 MR. SPENCER: Okay.

12 Q. (BY MR. SPENCER) Just look right up above what I
13 just had you read a moment ago. And you say, "First and
14 foremost, withdraw your support from off-policy
15 actions."

16 You wrote that, didn't you?

17 A. Yes, I did.

18 Q. Continuing. "Stop donating to anything other
19 than your own services and actual Bridge progress."

20 You wrote that, didn't you?

21 A. That's right.

22 Q. "Simply demand to see an LRH reference that
23 says you are required to make other such donations."

24 A. Right.

25 Q. When did you become aware that this e-mail you

1 sent on December 31st had been picked up by the media?

2 A. I believe it was the next day. It was the
3 Tampa -- *Tampa Bay Times* that had the first article that
4 I was aware of. Actually, maybe it was -- no, maybe it
5 was *The Village Voice*, I'm sorry. It was *The Village*
6 *Voice* that was first.

7 Q. Well, I pulled out of my stack, I pulled out
8 the *Tampa Bay Times*.

9 A. Yes. Sorry.

10 Q. So we'll go -- if it's okay with you, we'll
11 mark that one first, all right?

12 A. Okay.

13 Q. Let me hand you Plaintiff's Exhibit 8 and ask
14 if -- this is the Monday, January 2, 2012 edition of the
15 *Tampa Bay Times*. This is the newspaper article that you
16 saw that had picked up your e-mail?

17 A. Yes. That's right.

18 MR. SPENCER: Offer Plaintiff's 8.

19 (Handing to counsel).

20 MR. JEFFREY: No objection, Your Honor.

21 THE COURT: Plaintiff's 8 will be
22 admitted.

23 (Plaintiff's Exhibit 8 admitted)

24 (Off-the-record discussion between
25 counsel)

1 (End of discussion)

2 MR. SPENCER: With the Court's permission,
3 we're going to pull out and make available to opposing
4 counsel and to the Court a copy that just is this
5 particular portion of the paper. I mean, there are
6 other -- obviously, there are other things in the
7 newspaper as published. We're going to get just this
8 article and give it to the Court.

9 THE COURT: That will be fine. Thank you.

10 (Handing to counsel)

11 Q. (BY MR. SPENCER) I'm going to let you have the
12 original one. And we're going to put this back down.

13 All right. You've got the actual
14 newspaper itself there in front of you?

15 A. Yes, I do.

16 Q. What was the headline in the really large print
17 or font that the *Tampa Bay Times* ran that morning?

18 A. It says, "A Challenge From Inside."

19 Q. And then in smaller, but still large letters
20 what does it read underneath that?

21 A. "Former Scientology Exec in Clearwater Blasts
22 Fundraising."

23 Q. Okay. And there's a -- and that photograph
24 that's you in your uniform?

25 A. Yes, it is.

1 Q. Okay. And what is it -- how does it identify
2 you in the newspaper? Just read what's right there
3 beside your photograph.

4 A. "Debra J. Cook, a long-time leader at
5 Scientology's spiritual headquarters in Clearwater."

6 Q. Doesn't it continue, "Sent"?

7 A. Yes. "Sent a New Year's e-mail to thousands of
8 current and former members."

9 Q. Okay. So that's the identification of you that
10 the newspaper used?

11 A. Yes.

12 Q. When did you read this article first?

13 A. When it came out. The 2nd -- on the 2nd.

14 Q. Now, how did -- I -- do you subscribe to the
15 *Tampa Bay Times* here in -- living in San Antonio?

16 A. No, I don't.

17 Q. How did it come to your attention that this
18 article had been written?

19 A. I don't remember. I think someone e-mailed me
20 about it. Someone e-mailed me and said that -- said
21 that this article was out.

22 Q. Who was that?

23 A. I -- I'm sorry, I cannot remember. I mean, I
24 got about a thousand e-mails -- answers. I got a lot of
25 e-mail answers. I -- I don't remember, I'm sorry.

1 Q. And then -- and then what did you do, having
2 received that, to try to learn what was actually in the
3 newspaper article?

4 A. I went online to look it up and read the
5 article.

6 Q. Okay. And did the online version that you
7 see -- that you saw then, is it substantially the same
8 as what you have before you that was in the newsprint
9 copy? Same headline, same picture?

10 A. Yes.

11 Q. Okay. And does that *Tampa Bay Times* headline
12 and the story cast the church in a -- in your opinion,
13 in a favorable or an unfavorable light?

14 A. I think it -- I mean, it's to some degree
15 unfavorable.

16 Q. Former scientologist exec in Clearwater blasts
17 fundraising.

18 A. Yes.

19 Q. That's unfavorable, isn't it?

20 A. Yes.

21 Q. Let me hand you Plaintiff's Exhibit 9. Do you
22 recognize that? Is that the article that ran in *USA*
23 *Today* on January 3rd, I believe?

24 A. It's definitely an article that ran, I'm -- I'm
25 assuming you're right that it was *USA Today*, I --

1 Q. Well, let me show you where that -- where I see
2 that.

3 A. Yeah.

4 Q. Is that right?

5 A. Yes. That's correct.

6 MR. SPENCER: We offer Plaintiff's Exhibit
7 9.

8 (Handing to counsel)

9 MR. JEFFREY: No objection, Your Honor.
10 Thank you.

11 THE COURT: Plaintiff's 9 will be
12 admitted.

13 (Plaintiff's Exhibit 9 admitted)

14 Q. (BY MR. SPENCER) And did you -- did you see
15 Plaintiff's Exhibit 9? Did you see that article when it
16 came out?

17 A. Yes, I did.

18 Q. And that's -- that's the next day. That's on
19 January 3rd, right?

20 A. Yes. That's correct.

21 Q. The *Tampa Bay Times* article was on the 2nd.
22 The *USA Today* newspaper article was on the 3rd. Is the
23 *USA Today* article, in your opinion, a -- something that
24 puts the church in a favorable or an unfavorable light?

25 A. Unfavorable.

1 Q. Let me hand you Exhibit 10. Do you recognize
2 this as an article that ran in *The Economist* on
3 January 7, 2012?

4 A. Yes.

5 (Handing to counsel)

6 MR. SPENCER: You're okay? I'd offer
7 Plaintiff's Exhibit 10.

8 MR. JEFFREY: No objection.

9 THE COURT: 10 will be admitted.

10 (Plaintiff's Exhibit 10 admitted)

11 MR. SPENCER: Judge, I'm going to hand
12 you -- I got behind on giving things up to you.

13 THE COURT: That's okay. I'm -- I'm used
14 to being ignored.

15 Q. (BY MR. SPENCER) Exhibit 10, you read that at
16 the time?

17 A. Uh-huh.

18 Q. And it was -- it appeared in *The Economist* on
19 January 7th, 2012?

20 A. Yes.

21 Q. And it says just in the first sentence here,
22 "Debra Cook was once a dowdy defender of Scientology,
23 helping it to contest critics' claims that it is a
24 ruthlessly run money making cult based on bogus science,
25 but on New Year's Eve, Ms. Cook, who spent more than 17

1 years in the organization's leadership, wrote an
2 explosive e-mail to 12,000 members complaining that its
3 chairman, David Miscavige, is mismanaging its finances
4 and breaking its internal rules."

5 That was the report that was made?

6 A. Yes. That's -- that's what it says.

7 Q. And in your opinion, does that -- does that
8 story in *The Economist* place the church in a favorable
9 or an unfavorable light?

10 A. That story definitely puts it on an unfavorable
11 light.

12 Q. When you asked the people who received your
13 e-mail, the ones you sent -- sent it to, to send it to
14 as many others as you can --

15 A. Uh-huh.

16 Q. -- you did that to try to undermine
17 Scientologists' confidence in the current leadership of
18 the church, correct?

19 A. No. That's not correct.

20 Q. You -- you sent it to them to build up their
21 confidence in the leadership of the church?

22 A. I sent it to them to remind them --

23 Q. Excuse me. I mean, did you or did you not send
24 it to them to build up confidence in the leadership of
25 the church?

1 A. Neither, no. I didn't.

2 Q. We've already established that your e-mail is
3 critical of the leadership -- current leadership of the
4 church, right?

5 A. Yes, I guess.

6 Q. Well, I mean -- just in the words of the *Tampa*
7 *Bay Times*, the first of the ones we looked at, former
8 Scientology exec in Clearwater blasts fundraising.

9 A. Yes, but I --

10 Q. Pretty critical, right?

11 A. But that's -- that's what *the Tampa Bay Times*
12 is saying. That's not what I'm saying.

13 Q. Right, but --

14 A. It's not what my e-mail says. My -- my e-mail
15 doesn't say I'm blasting anybody.

16 Q. But that's the interpretation that was placed
17 upon it by that newspaper, isn't it?

18 A. Yes.

19 Q. Let's look at Plaintiff's Exhibit 11. It's a
20 new e-mail. Is Plaintiff's Exhibit 11 an e-mail you
21 sent?

22 A. Yes, it is.

23 MR. SPENCER: Offer Plaintiff's Exhibit
24 11.

25 (Handing to counsel)

1 (Pause)

2 (Handing to the Court)

3 MR. JEFFREY: No objection, Your Honor.

4 THE COURT: Plaintiff's 11 will be
5 admitted.

6 (Plaintiff's Exhibit 11 admitted)

7 Q. (BY MR. SPENCER) Ms. Cook, in your -- in that
8 e-mail it's one you sent to June and Eddie Camacho?

9 A. Yes.

10 Q. And it starts out, "Hi, June and Eddie. By now
11 you have probably seen the e-mail we sent out to our
12 Scientologist comm lines."

13 Did I read that correctly?

14 A. Yes. That's correct.

15 Q. And Scientologist comm lines, what does that
16 mean?

17 A. Defined as basically Scientologists that we are
18 in communication with that we have -- that we converse
19 with.

20 Q. Okay. So the C-O-M-M is communications --

21 A. Short.

22 Q. -- abbreviated?

23 A. Yes.

24 Q. Okay. You say to your -- these are friends of
25 yours, June and Eddie Camacho?

1 A. Yes, they are.

2 Q. Okay. When you say, "You have probably seen
3 the e-mail we sent out to our Scientologist comm lines,"
4 that's referring to the one we marked previously, the
5 one you sent on New Year's Eve, right?

6 A. Yes. That's correct.

7 Q. Okay. And you say we sent it, not I sent it,
8 right?

9 A. That's correct. I say that.

10 Q. And you say to our, not my, Scientologist comm
11 lines, right?

12 A. That's correct.

13 Q. Continuing in this e-mail: "In many ways, we
14 really did not want to do something like this." Not --
15 you didn't say in many ways I really did not want to do
16 something like this, did you?

17 A. No, I did not.

18 Q. You use the plural, we?

19 A. That's right.

20 Q. And you continue throughout that first
21 paragraph to use we, our, plural words, right?

22 A. That's correct.

23 Q. And at the very bottom, where you -- the end of
24 it, it says, "All our love, Debbie and Wayne," correct?

25 A. That's correct.

1 Q. And this -- so this e-mail is clearly from you
2 and Wayne to your friends, June and Eddie Camacho,
3 right?

4 A. That's correct.

5 Q. And it's describing the e-mail that you and
6 Wayne sent out on December 31st, right?

7 A. Yes. I mean -- yes.

8 Q. That's what you say, yeah?

9 A. That's correct.

10 Q. Let me -- I took it away from you, so it's my
11 fault that you don't have it in your hand. And I was
12 going to find the December 31 e-mail. Here it is. It's
13 Exhibit 7.

14 (Handing to witness)

15 Now, that e-mail that you sent on
16 December 31st discusses your knowledge of and
17 information you have concerning the Scientology
18 religion, doesn't it?

19 A. Yes, it does.

20 Q. And it discloses information concerning your
21 knowledge of the Scientology religion and its staff,
22 correct?

23 A. Are you referring to like my -- when I say my
24 training and whatnot?

25 Q. Yeah.

1 A. Yes.

2 Q. The e-mail you sent on December 31st clearly
3 discloses information concerning your knowledge of the
4 Scientology religion, correct?

5 A. Yes.

6 Q. And, further, clearly discloses information you
7 have about the church's staff, correct?

8 A. Yes.

9 Q. Further, your December 31 e-mail discloses
10 experiences that you had with the Scientology religion
11 and its staff?

12 A. Yes.

13 Q. Now, when you accuse the church of deviating
14 from policies laid out by L. Ron Hubbard, the founder of
15 the religion, did -- in your e-mail, did you think that
16 you were enhancing or damaging the reputation of the
17 persons who were responsible for implementing the
18 policies you were critical of?

19 A. I mean, I -- I mean, I think it's obvious that
20 it would hurt their reputation. That wasn't the purpose
21 or the intention.

22 Q. But clearly your e-mail is damaging to their
23 reputations?

24 A. Yes.

25 Q. You knew, did you not, when you sent the

1 e-mail -- the December 31 e-mail to 3,000 of your
2 friends, you knew you were acting contrary to the terms
3 of your written agreement with the church?

4 A. No.

5 Q. Didn't -- you didn't think about that?

6 A. I didn't feel that it -- I felt that I was very
7 careful not to violate my agreement.

8 Q. How long had you spent before December 31st
9 composing that e-mail, to get it ready to be sent?

10 A. Couple of weeks.

11 Q. Working on it off and on?

12 A. Yeah.

13 Q. And then you finally sent it out on New Year's
14 Eve?

15 A. Yes.

16 Q. I just have to ask, had you -- had you been
17 drinking? I mean, New Year's Eve, a lot of people would
18 have been.

19 A. No. Not -- no -- I mean...

20 Q. 10 o'clock on New Year's Eve, nothing to drink?

21 A. No.

22 Q. Okay. When you sent out your e-mail, your
23 December 31 e-mail, you anticipated that the church
24 would sue you for doing that -- for violating your
25 agreement, didn't you?

1 A. I did not.

2 Q. Isn't that what you told Mr. Becker, local
3 scientologist, Michael Becker?

4 A. No. I didn't tell him I thought --

5 Q. Well, maybe -- maybe I didn't -- I didn't -- I
6 phrased it a little too generally. Didn't you tell
7 Mr. Becker that, quote, the church could sue us, close
8 quote, when -- when he asked you what response you
9 expected to get from the church for your e-mail?

10 A. I don't remember that. I don't know.

11 Q. You're not disputing it. You could have said,
12 that, couldn't you?

13 A. It's possible. I don't remember.

14 Q. Okay. And this statement, the church could sue
15 us, Mr. Becker then asked you, what do you mean by that?
16 Do you remember that?

17 A. I don't remember this. I'm sorry.

18 Q. Well, see if this -- this helps you, prompts
19 you to recall this conversation.

20 A. Okay.

21 Q. Mr. Becker said he spoke to you about your
22 e-mails, and asked you what response you expected from
23 the church, and you said that the church could sue us.
24 And you say, although you don't specifically remember
25 that, that makes sense that you might have said that.

1 Correct so far?

2 A. No. I -- to be honest, I -- I did not expect
3 the church to sue me. I did not -- I definitely did not
4 expect that. I expected possibly a couple of people
5 from the church would come -- would contact us or would
6 come to see us. That's what I expected.

7 Q. And you expected that because you knew that the
8 church would see what you did as a violation of your
9 agreements, right?

10 A. No. I knew that the church would not be happy
11 about what I did. I didn't see it as a violation of the
12 agreement.

13 Q. Did you go back and review the agreement before
14 you sent the e-mail?

15 A. I did.

16 Q. And studied it page by page, line by line, to
17 see what you agreed to back in 2007?

18 A. Yes.

19 Q. And based on your study and analysis of it, you
20 came to the belief that your December 31 e-mail was not
21 a violation of your agreement?

22 A. Yes.

23 Q. And that was something you carefully did?

24 A. Yes.

25 Q. Because you wanted to make sure you didn't

1 violate the agreement, right?

2 A. Yeah.

3 Q. Now, the church did not immediately sue you,
4 did they?

5 A. No.

6 Q. Instead, their lawyer sent you a letter, right?

7 A. That's correct.

8 Q. Let me hand you Exhibit 12. Is that a copy of
9 the letter sent to you and your husband by attorney Gary
10 Soter, dated January 19, 2012?

11 A. Yes, it is.

12 MR. SPENCER: We offer Plaintiff's Exhibit
13 12.

14 MR. JEFFREY: No objection.

15 THE COURT: 12 will be admitted.

16 (Plaintiff's Exhibit 12 admitted)

17 (Handing to the Court)

18 THE COURT: Thank you.

19 Q. (BY MR. SPENCER) In the letter that you received
20 from Mr. Soter -- you and your husband received, asked
21 you all to confirm your willingness to continue to abide
22 by the agreement by signing a document, correct?

23 A. That's correct.

24 Q. All right. Now, you didn't do that.

25 A. That's correct.

1 Q. Instead, you wrote a letter back to Mr. Soter,
2 didn't you?

3 A. Yes, I did.

4 MR. SPENCER: And I need to get some more
5 exhibits. This would be 13, I believe, Your Honor.

6 THE COURT: Yes, sir.

7 Q. (BY MR. SPENCER) Ms. Cook, is Plaintiff's
8 Exhibit 13 a copy of the letter by e-mail that you sent
9 to Gary Soter on January 26, 2012?

10 A. Yes.

11 MR. SPENCER: Offer Plaintiff's Exhibit
12 13.

13 MR. JEFFREY: No objection.

14 THE COURT: 13 will be admitted.

15 (Plaintiff's Exhibit 13 admitted)

16 (Handing to the Court)

17 MR. JEFFREY: May I see 16? What was the
18 previous one?

19 MR. SPENCER: That would be 12.

20 MR. JEFFREY: Or 12.

21 MR. SPENCER: Mr. Soter's letter?

22 MR. JEFFREY: No, the letter sent back.

23 MR. SPENCER: Her letter?

24 MR. JEFFREY: Uh-huh.

25 (Handing to counsel)

1 (Pause)

2 Q. (BY MR. SPENCER) Now, do you have Exhibit 13 up
3 there with you, your e-mail back to Mr. Soter?

4 A. Yes, I do.

5 Q. All right. In there, towards the bottom of the
6 first page, you tell Mr. Soter, "You can sue away, but I
7 have no money for you to take."

8 Did I read that correctly?

9 A. Yes, you did.

10 Q. And as you've already -- I think you told us
11 you all have already spent the hundred thousand dollars
12 that you received back in 2007 from the church?

13 A. Yes.

14 Q. Was the point you were trying to make when you
15 told Mr. Soter, the attorney for the church, you can sue
16 away, but I have no money for you to take -- was the
17 point you were trying to make that if the church filed a
18 lawsuit against you, a money damage lawsuit -- judgment
19 would have no value?

20 A. Let's see. I was trying to tell him that they
21 wouldn't be able to get money from us because we don't
22 have it. So that was what I was trying to say.

23 Q. And you said it quite well, that if the church
24 sues you and tried to get money damages for what you had
25 done to it, the church wouldn't have anything worth

1 getting, would it?

2 A. Right.

3 Q. And then you continue, if you'd turn to the
4 next page of Exhibit 13. Up at the top, you say, "I am
5 going to play an active role in the fate of the religion
6 I love."

7 A. Yes.

8 Q. I read that correctly?

9 A. Yes.

10 Q. All right. And so by -- by saying that to the
11 church's attorney you were communicating to him and to
12 the church that you intended to keep writing and keep
13 circulating more e-mails of the type that you sent on
14 December 31st, right?

15 A. Well, that's an interpretation in it. That
16 I -- I basically wanted to communicate that I'm still an
17 active Scientologist and that I still love my -- I still
18 love Scientology and I'm going to be active.

19 Q. Well -- right. And that would include sending
20 out further future e-mails like the one you sent out on
21 December 31st, right?

22 A. Well, it would include doing what I felt would
23 be in best interest of Scientology and Scientologists.
24 It wouldn't necessarily include that.

25 Q. That might not be the only thing, but it was

1 certainly something you were saying you could quite well
2 do in the future, right?

3 A. I don't -- you know, I'm not going to say that
4 because, hopefully, it would include more along the
5 lines of speaking -- having dialogue with the church --
6 you know, management or whatnot to straighten some of
7 these things out. That would be much more preferred.

8 Q. Well, now, that's -- you didn't try that on
9 December 31st, did you?

10 A. No, I didn't, but I did try it before I left.

11 Q. And then you -- and then you -- you did not --
12 when you were -- you're the person that wrote
13 Exhibit 13, right?

14 A. Yes. That's correct.

15 Q. Okay. And you're responding to the church's
16 lawyer's request that you not violate the agreement you
17 made any further. You didn't write to Mr. Soter and
18 say, Mr. Soter, I may not be willing to sign the
19 injunction you sent me, but I promise you and the church
20 I'll not send out any further e-mails like the one I
21 sent out on December 31st. You didn't write him that,
22 did you?

23 A. No, I did not.

24 Q. Instead you said, I'm going to keep -- I'm
25 going to play an active role in the fate of the religion

1 I love.

2 A. Yes. That's right.

3 Q. You were going to continue on with the course
4 that you had set for yourself on December 31st.

5 A. Well, that last thing you said is -- is an
6 interpretation. That's not what I said.

7 Q. A reasonable and valid interpretation, isn't
8 it?

9 A. Yes.

10 Q. So you really can't fault the church for coming
11 into court and trying to get an order -- and, in fact,
12 getting an order to make you stop doing that?

13 A. Yes, I can. I can definitely.

14 Q. Well, you told the church that if they get a
15 money judgment against you it will be worthless, right?

16 A. Right.

17 Q. And you told those -- it's a reasonable
18 interpretation that your response to Mr. Soter was, I'm
19 going to keep doing this?

20 A. That's not what I said.

21 Q. Well, your testimony will -- is what it is.

22 In your e-mail to Mr. Soter you -- this is
23 back on the first page. Do you have it there in -- turn
24 to the first page.

25 A. On the -- yes. Okay.

1 Q. Yeah. Your -- it's Exhibit 13. It's your
2 e-mail --

3 A. Yes.

4 Q. -- of January 26 to Mr. Soter.

5 The third paragraph, it's the first
6 paragraph that's more than one sentence long. You
7 wrote, "I do not knowledge the agreement and general
8 release signed on the 19th of October, 2007 as a legally
9 valid document due no the circumstances of signing it."

10 You wrote that?

11 A. Yes, I did.

12 Q. Had you ever communicated that position to the
13 church before that date, January 26, 2012?

14 A. No.

15 Q. And as you say, you and your husband have spent
16 all the money that the church paid you in October -- in
17 October of 2007, right?

18 A. That's correct.

19 Q. So, certainly you have no plans to return that
20 money to the church?

21 A. That's correct.

22 Q. Do you intend to comply or do you intend to
23 violate the promises that you made in your agreement
24 with the church in October 2007?

25 A. I intend from this point forward to handle, by

1 whatever means, whether it's through this lawsuit or
2 through communication with the church -- I intend to
3 sort out this agreement so that -- because it's not
4 right. So I intend to pursue that and resolve that
5 matter.

6 Q. Certainly your -- your view is that you don't
7 have to comply with the agreement because of things like
8 what your lawyer said, right?

9 A. I don't know, that question is a little too --

10 Q. Well, maybe -- maybe I didn't ask it very well.
11 Your lawyer this morning listed a whole bunch of reasons
12 why, in his view, you shouldn't have to live up to the
13 agreement you made with the church in October 2007.

14 A. Right.

15 Q. I mean, everybody in the courtroom heard that.

16 A. Yes.

17 Q. And just, yes or no, is it your -- is it your
18 plan, going forward here this afternoon, tomorrow, the
19 next day, throughout the time this case is pending, to
20 do whatever you see fit and what's right, because in
21 your view you don't have to comply with the agreement
22 you made because, according to your lawyer, it's not
23 valid?

24 MR. JEFFREY: Objection, asked and
25 answered, Your Honor.

1 THE WITNESS: No.

2 THE COURT: Respectfully overruled.

3 Q. (BY MR. SPENCER) Go ahead and answer.

4 A. So, no. I don't intend to -- I intend to get
5 it resolved -- get the matter of the release resolved
6 before doing anything else.

7 Q. So you're going to honor the -- you're saying
8 you're going to honor the contract as written until this
9 case can be finally tried to a jury?

10 A. No. No.

11 Q. No, you're not, are you?

12 A. It's neither. I -- I'm hoping to resolve it
13 in -- through this hearing as to whether this -- you
14 know, it's -- obviously it's now to a point of it's a
15 matter in the Court decision, and of course I will honor
16 the Court's decision.

17 Q. But you're not going to honor the promises you
18 made unless the Court makes you, correct?

19 A. It's just an impossible question, because I am
20 here in court today. Tomorrow we will resolve it.
21 Either the Court will rule that there will be an
22 injunction against me, in which case I will obviously
23 adhere to it, or the Court will rule that there isn't.

24 Q. Okay. But you're -- you're going to keep the
25 money you and your husband got and in fact have spent,

1 but continue to dispute in court the church's right to
2 enforce the contract, right? That part's right, isn't
3 it?

4 A. That part is correct, yeah.

5 MR. SPENCER: Your Honor, could I have
6 just one moment?

7 THE COURT: You know what, why don't we
8 just take this afternoon break now?

9 MR. SPENCER: Thank you.

10 THE COURT: All rise.

11 (Recess from 2:45 p.m. to 3:05 p.m.)

12 THE COURT: You may be seated.

13 MR. SPENCER: Thank you, Your Honor. We
14 pass the witness at this time.

15 MR. JEFFREY: Didn't tell me that little
16 surprise, Your Honor.

17 May I cue up the video?

18 THE COURT: You may.

19 MR. JEFFREY: Thank you. Is this
20 courtroom technology or is this Clemens and --

21 (Video started)

22 QUESTION: "It is October 19, 2007, we're
23 in --

24 (Video stopped)

25 MR. JEFFREY: I'm going to try to operate

1 this, if I can, Your Honor. Just one moment.

2 DIRECT EXAMINATION

3 BY MR. JEFFREY:

4 Q. Ms. Cook, would you just look at your image
5 frozen there on the screen for a minute?

6 A. Yes.

7 Q. That take you back five years?

8 A. Yes.

9 Q. One question I have for you, after watching
10 this video: Is that woman that we see there on the
11 video back in October 19 of 2007 nodding her head,
12 murmuring and crying the same woman that ran an
13 organization of a thousand to 1,400 staff people and
14 represented the Church of Scientology?

15 MR. SPENCER: Excuse me, Your Honor.
16 Objection, argumentative, leading.

17 THE COURT: All right. Sustained. You
18 want to rephrase that?

19 MR. JEFFREY: Yes.

20 Q. (BY MR. JEFFREY) When we look at October 19 of
21 the 2007, one of the issues for the Court is your -- was
22 your state of mind. And that's what I'm asking you
23 about, Ms. Cook. As you look back then, that lady that
24 we see and that behavior that we see on the television
25 screen, is that how you looked a year before or two

1 years before?

2 A. Generally, no. I mean, generally, years before
3 I was -- I was in much better physical condition and I
4 was, you know, very active and -- no. Considerably
5 different.

6 Q. When -- for example, when we listen to the
7 video, we have no problem hearing loud and clear the
8 attorney from Los Angeles, correct?

9 A. Correct.

10 Q. And many times your responses on that video are
11 so low that they're almost inaudible.

12 MR. SPENCER: Again, he's leading his
13 witness. It's completely improper.

14 THE COURT: Sustained.

15 Q. (BY MR. JEFFREY) Would you explain to us why
16 your voice was so low and you nodded and hunched over as
17 you answered the questions?

18 MR. SPENCER: Again, I have -- I really
19 apologize to have to make this many objections, but his
20 question now assumes that he got the first leading
21 question answered by her. He's just continuing to ask
22 leading questions and being the one who's testifying and
23 not the witness and I object.

24 MR. JEFFREY: Your Honor, I went to law
25 school quite a while ago, but a why question is not a

1 leading question. A leading question is one that calls
2 for a yes or no. It's a fair question.

3 MR. SPENCER: A leading question is one
4 that suggests the answer to the witness.

5 THE COURT: Respectfully overruled.
6 Please proceed.

7 MR. JEFFREY: Okay.

8 Q. (BY MR. JEFFREY) I'll try to ask it then again
9 as -- as close as I can.

10 The behavior that we see on the screen,
11 would you tell us whether or not that represents, in a
12 year before, two years before, three years before how
13 you would have presented yourself in such a situation?

14 A. No. It doesn't. It -- I was -- I was very
15 upset. I was physically ill and -- so, no, it doesn't
16 represent anything like what I was like prior to that.

17 Q. And why were you crying? You cried more than
18 once in that video, didn't you?

19 A. Yes, I did.

20 Q. Why were you crying, because you were going to
21 miss your friends so much and they had been so nice to
22 you?

23 MR. SPENCER: Leading.

24 THE COURT: Sustained.

25 Q. (BY MR. JEFFREY) Why were you crying?

1 A. I was crying because I had put my whole life
2 into what I was doing. I had put everything -- my whole
3 life was Scientology and working at the church, and I
4 was very unhappy that it was ending this way.

5 Q. What was your goal that day? What did you seek
6 to accomplish, if the day went well?

7 A. I was -- I was getting out. I was leaving.

8 Q. Why is that such a big deal, just leaving
9 somewhere? You're staying in an apartment there. Why
10 is it a big deal to be able to leave?

11 A. I had actually -- I had actually left about
12 four weeks prior to that for various reasons and -- and
13 I was convinced to come back for a very short period of
14 time, under certain circumstances, to handle any final
15 wrap up to my leaving and to -- to leave in a way that
16 the church considered more proper. And I did it under
17 certain agreements as to where we would stay and how it
18 would be done. And things didn't happen that way at
19 all.

20 I ended up in a different location than
21 what was agreed and I was in -- such that I couldn't
22 leave. I was basically imprisoned in there. And it was
23 only finally when I demanded that I would either have my
24 mother call the police or I would do something drastic
25 in order to get out, was I finally able to go.

1 Q. And where were you located when this video was
2 shot and you signed this agreement and initialed the
3 agreement and talked to the lawyer from Los Angeles?
4 Where, physically, were you?

5 A. We were in Clearwater, Florida. It was in a --
6 a fenced-in area. It was -- it's called the Hacienda
7 Gardens and it's where the apartments -- where the staff
8 live. And it was an office -- I guess one of the
9 apartments had been converted into an office, and we
10 were taken over to -- from my apartment to this office
11 in the same complex.

12 Q. Well -- so you're at the Hacienda Gardens.
13 Could you just walk out of your apartment and then walk
14 out of the Gardens?

15 MR. SPENCER: Your Honor, if I may, object
16 to this entire line of questioning which, as I interpret
17 it, is your duress, undue influence defense that you
18 have asserted.

19 Your Honor, under the uncontested evidence
20 out of Ms. Cook's own mouth, she and her husband
21 ratified the contracts that they made. We certainly
22 dispute and believe it's totally false that they were
23 subjected to duress and undue influence, but if they
24 were, hypothetically, that was totally cured and solved
25 legally by their receipt and use of the money after they

1 got to Texas, years later, continued to accept benefits,
2 never offered to pay them back. That is a ratification
3 of the contract, even if, assuming -- and we certainly
4 do not agree with this, but even if it had been procured
5 by duress and undue influence.

6 This is fundamentally --

7 MR. JEFFREY: Your Honor, this is a
8 lengthy, speaking objection, which Mr. Spencer already
9 said he does not believe in. I'm entitled to examine
10 the witness and he can make whatever argument he wants
11 at the end of the case.

12 This is ridiculous.

13 MR. SPENCER: No. It's -- it's an
14 objection that the evidence is irrelevant and
15 immaterial, and I'm explaining the legal reason why that
16 is. If the Court would like to take that up out of the
17 presence of the witness, I'm delighted to have that done
18 so that that cures the speaking objection. And I'd like
19 to do that, in fact.

20 MR. JEFFREY: Yes, Your Honor, after I get
21 to examine my witness on the exact same points he's
22 making. That's how it works. There's a
23 cross-examination and then a direct examination. Enough
24 said.

25 THE COURT: All right. Respectfully

1 overruled.

2 Q. (BY MR. JEFFREY) You're in the Hacienda Gardens.
3 What keeps you from getting out of bed, walking out the
4 door, and going back to North Carolina or San Antone,
5 Texas?

6 A. Well, there's -- there's guards. It's
7 basically -- it's -- clearly, I'm not able to leave.
8 I -- I now have no vehicle to leave with, and I have
9 security guards -- security cameras, an 8-foot or
10 higher -- at least 8 feet high fence. And the only way
11 out is through the security guards.

12 Q. What kind of security precautions were on that
13 fence? Was there anything to alert someone if someone
14 grabbed onto the fence?

15 A. There were motion detectors.

16 Q. Was there a gate in the fence around this
17 entire compound that a pedestrian could walk up and open
18 the gate and just walk out?

19 A. No.

20 Q. Was there a gate controlled by guards by which
21 vehicles could drive in and out?

22 A. Yes.

23 Q. Is that how you came in?

24 A. Yes.

25 Q. Is that how you finally left after two or three

1 weeks, on October 19 of 2007?

2 A. Yes.

3 Q. Aside from the physical constraints, what were
4 your orders from the church as to whether or not you
5 could leave?

6 A. We clearly were not able to leave. It was --
7 it was expected that I would -- that they would take
8 us -- they would do whatever they were going to do
9 before we would be given authority to leave, which could
10 have been months.

11 Q. What was your physical, medical condition at
12 the time that you signed that agreement back on
13 October 19 of 2007?

14 A. I was very ill. I was in a tremendous amount
15 of pain. I had -- I had been some time ago diagnosed
16 with fibromyalgia. And later, when I went -- when I did
17 go get medical help, there was many other things that --
18 including walking pneumonia, numerous other viruses and
19 things that I was actually very, very sick, and I was
20 very -- in -- unable to work, very physically exhausted,
21 in a lot of pain.

22 Q. The lawyer from Los Angeles said something
23 like, hey, are we treating you well, and you been
24 getting lots of sleep. Do you remember that on the
25 video?

1 A. Yes, I do.

2 Q. Would you tell the Court what -- whether you
3 were getting lots of good sleep and everything was just
4 peachy keen?

5 A. Well, the -- the three weeks that I was in the
6 Hacienda, right before leaving, I was basically in bed.
7 I wasn't able to sleep that much, just because of the
8 amount of pain that I was in. But I -- I was resting
9 and trying -- you know, trying to sleep.

10 Q. When you were awake, what was your state of
11 mind in terms of anxiety and fear?

12 A. I was very -- I was very, very scared about
13 being there, because I was scared that I was going to be
14 taken to the Int base, to the international base. So I
15 was very scared and anxious about the possibility of
16 that happening.

17 Q. When you had nightmares at night, what were the
18 nightmares about?

19 A. The nightmares were about different experiences
20 that I'd had when I was at the international base.

21 Q. And the international base, this \$50,000 check
22 we keep hearing about, that's the Church of Scientology
23 International?

24 A. Yes. That's correct.

25 Q. And that's who wrote that check to you for

1 \$50,000?

2 A. Yes. That's correct.

3 Q. And that's the base you were at in California?

4 A. Yes.

5 Q. When you say that you had fear about being
6 taken back to the international base, fear of what? And
7 I don't mean to go into particular incidents or
8 anything, but generally speaking, fear of what? What
9 would happen to you?

10 A. Fear that I would be placed back into -- it was
11 a place called "The Hole," and it was basically a series
12 of double-wide trailers that were -- had been put
13 together that we were kept in. And I was actually
14 basically locked up in for about seven weeks.

15 Q. Well, in addition to being confined in The
16 Hole, since you were already confined there at Hacienda
17 Gardens, what types of things, just -- not incidents,
18 but general categories, what types of things happened to
19 you at The Hole?

20 A. There were basically times when we would be
21 made to do these confessions where you stand up in front
22 of 30 or 40 or even one time a hundred people, yelling
23 at you. I was put in a trash can, cold water poured
24 over me, slapped, things like that. And it would -- one
25 time went on for 12 hours.

1 Q. So violence?

2 A. Yes.

3 Q. What about degradation?

4 A. There were times when some -- there were some
5 individuals that were physically beaten up. There was
6 definitely times where I was, you know, accused of being
7 a homosexual or a lesbian or just different things like
8 that.

9 Q. Okay. As you sat there that day, October 19 of
10 2007, I think you said your goal was just to get
11 released, to get out of there.

12 A. That's correct.

13 Q. What -- what was the situation in terms of --
14 as you were sitting there, leaning forward with your
15 hands clasped, were you -- did you have everything ready
16 to go?

17 A. Yes. Everything was completely packed, had
18 been loaded into a minivan and our whole -- pretty much
19 our worldly possessions were in the minivan, and we were
20 ready to go.

21 Q. And were you ready to go just that day,
22 October 19 of 2007, or were you ready to go even before
23 that?

24 A. We were ready to go before that, but then we
25 were asked -- we were told to wait because someone was

1 coming from California or someone was coming to -- was
2 flying in. Someone was flying in.

3 Q. On October 18 were you excited and looking
4 forward to leaving?

5 A. Yes.

6 Q. And then you were told, wait, no, one more day?

7 A. Yes.

8 Q. Someone was coming from California to bring you
9 papers. Is that -- would you tell us whether or not
10 that is a -- good news to your ears at that time to hear
11 of someone coming from California to deal with you or
12 bad news?

13 A. I don't know. Actually, I don't --

14 Q. Okay. Not a very well asked question. Did you
15 have fond associations with the church's activities in
16 California?

17 A. No, I did not.

18 Q. As you sat in that room being asked those
19 questions by that lawyer from Los Angeles, what thoughts
20 did you have of causing any trouble?

21 A. None. Absolutely none.

22 Q. What did you try to do to look cooperative and
23 compliant?

24 MR. SPENCER: Objection, Your Honor.

25 Again, he's repeatedly leading his witness. He's

1 testifying.

2 THE COURT: Sustained. You want to
3 rephrase that?

4 Q. (BY MR. JEFFREY) How did you try to present
5 yourself so as to not cause trouble?

6 A. I definitely -- I mean, I was very cooperative.
7 I was -- you know, yes, yes, yes, and absolutely, and
8 I -- you know, I would have signed that, you know, I
9 stabbed babies over and over again and loved it. I
10 would have done anything, basically, at that point.

11 Q. As you sat there, what freedom did you have --
12 freedom of will to refuse to sign that agreement?

13 A. Well, if I had refused to sign the agreement I
14 wouldn't have been able to leave.

15 Q. Even if through some miracle you escaped, what
16 would the repercussions have been for you and your
17 husband?

18 MR. SPENCER: Objection, speculation.
19 Something that never happened.

20 THE COURT: Sustained.

21 MR. JEFFREY: I can ask it better, Your
22 Honor.

23 Q. (BY MR. JEFFREY) What were you told by the
24 church as to whether or not there would be any effect on
25 you and your husband if you left the church and the

1 church was unhappy?

2 A. Okay. Well, we -- we were told -- because
3 this -- this happened the first time. We did leave in
4 that way and the -- we were told that basically we
5 would -- there's a practice in Scientology where you
6 get -- you get declared to be a suppressive person. In
7 other words, it's like an issuance that you are banned
8 from the church, like being excommunicated. And then
9 any Scientologists that are connected with you in any
10 way are told that they -- they need to disconnect from
11 you, cease to be in communication with you. If they --
12 and if they don't, then they, themselves -- well, the
13 same thing will happen to them, basically.

14 And, so, basically, that -- that had a lot
15 of effect for, particularly my husband, whose mother and
16 father and sisters and their kids and his own two sons
17 are all Scientologists. And basically he would -- he
18 would lose his ability to communicate with his entire
19 family. And also my brother -- would be the same for me
20 with my brother. So that was what we had to face if we
21 didn't do it right.

22 Q. Separate and apart from family, what about
23 friends and acquaintances you'd known for years and
24 years while on staff with the church?

25 A. The same -- it would have been the same thing,

1 even people that I've been close friends with for 20
2 years or whatever, I wouldn't be able to communicate
3 with.

4 Q. So when the Court looks at state of mind on
5 October 19 of 2007, in summary, you were afraid, you
6 were exhausted and sick, and you were confined. Is that
7 a fair summary?

8 A. Yes, sir.

9 Q. And I need to go back in time a little bit just
10 to explain how we got to that point on October 19 of
11 2007, okay?

12 A. Okay.

13 Q. You didn't start out in the church as the
14 captain over the largest church -- the Mecca of
15 Scientology in the world, did you?

16 A. No, I did not.

17 Q. Give Her Honor, if you would, just an idea of
18 how you got into the church and, without great lengthy
19 detail, and then what your career path was within the
20 church.

21 A. Okay. When I was 14 years old my brother got
22 introduced to Scientology. He'd read a Dianetics book
23 and was very excited about it. And I had just had -- a
24 very traumatic thing had happened to me in my life and I
25 was very upset about it. And he told me about this

1 Dianetics book and he took me down to a small
2 organization where we lived. We grew up in Charlotte,
3 North Carolina.

4 And I did a course and I received some
5 counseling on this traumatic thing that had happened,
6 which really helped me to deal with it. And after
7 that I -- I did other courses.

8 By the time I was 15 I was actually -- I'd
9 had a good amount of training. I actually did some
10 work -- I worked at the little organization in
11 Charlotte. And when I was 17 I joined the Sea
12 Organization -- I joined Flag, basically, which is a
13 full-time commitment for a lifetime, basically, of
14 full-time, you know, working, completely dedicating
15 yourself to it.

16 And I worked -- I did many lower jobs and
17 worked my -- worked my way up. After 10 years or so I
18 became like the deputy to the captain, and then after
19 that I ended up being the captain for 17 years.

20 Q. What is the role of -- just within the world of
21 Scientology, what is the role of the Flag -- Church of
22 Scientology Flag Service Organization among
23 Scientologists around the world, just so that we have an
24 understanding of that? What function does it fill?

25 A. It basically serves as sort of the Mecca of the

1 Scientology religion. It delivers advanced services
2 that no other Scientology organization delivers, plus it
3 also delivers everything that they deliver. It's a huge
4 organization, but it's like the ultimate -- it's like
5 the pinnacle. It's the top -- the top organization that
6 all Scientologists from all over the world aspire to
7 come to and do come to.

8 We delivered courses and counseling in 15
9 different languages, had -- I don't know -- I hope I
10 answered your question.

11 Q. No. No. That -- that's very well answered.

12 Tell us how you felt about your job. I
13 think Mr. Spencer asked you something about, well, it
14 was prestigious or something. How did you feel about
15 doing that job, that role in the church in terms of
16 fulfillment?

17 A. That job was very tough for me. It was a lot
18 of work. You're -- you handle a lot of -- a lot of
19 trauma in people's lives. We had -- on average we had
20 probably close to 2,000 people there on service at any
21 one time. It was, you know, a huge -- huge area of
22 responsibility, over a thousand employees. A large
23 amount of money that was made and that -- you know, a
24 lot to do. It was very -- a lot of work, but I had a
25 tremendous passion for what I did. I had a tremendous

1 love for what we did every day there, and the results
2 that we would -- that we got with helping people with
3 all manner of things.

4 Q. Was this a nine-to-five, five-day-a-week job?

5 A. No. It was actually nine in the morning until
6 usually midnight at night, seven days a week, 52 weeks a
7 year.

8 Q. Was that something that, despite the demands,
9 that you enjoyed? The work.

10 A. I enjoyed -- I enjoyed helping people. I --
11 there was many things -- many aspects about the work
12 that I enjoyed. I don't know if enjoyed is the best
13 word. But, you know, it was very rewarding and I had a
14 very deep love and purpose for what I was doing.

15 Q. When -- as you look back on yourself in your
16 20s and 30s, describe what your health was like.

17 A. Well, I was in great health. I would run all
18 day long, and drink coffee and, you know, I -- I worked
19 and I was in excellent health.

20 By about the year 2000 I was in more and
21 more pain. I was having to take aspirin or equivalents
22 to aspirin in order to be able to continue to work
23 because I was in a lot of pain. I didn't really know
24 why that was. And I did seek medical help. We did a
25 lot of different medical tests and I was finally

1 diagnosed with fibromyalgia and myofascial pain syndrome
2 by a leading rheumatologist at the Mayo Clinic.

3 Q. And forgive me if it came out there, but I was
4 distracted for a second. About what year was that when
5 you began experiencing these -- these health problems?

6 A. It was about the year 2000.

7 Q. Describe for us how that went. Were you just
8 in bad health from then on right up until October of
9 2007?

10 A. No. I did a lot of work to fix myself. I quit
11 smoking. I quit all caffeine. I went on a much
12 healthier diet. I exercised, I cut back my schedule so
13 that I could get proper sleep. I went to see a
14 specialist on fibromyalgia in LA and I went on to a
15 protocol that included taking certain medications.

16 And over a period of time -- like it took
17 time. It was long and hard, but after several years I
18 got to a point where I would say by about 2004 where I
19 was fully back to good health. I was -- I was fine. I
20 could -- I was working and there was no problem.

21 Q. So 2004, then, you were in good health and you
22 were the captain of the Flag Service Organization in
23 Clearwater, Florida?

24 A. Yes. That's correct.

25 Q. Did any changes begin to occur in your career

1 in 2004 into 2005?

2 A. Yes. I started being called by Mr. Miscavige,
3 who is like the head -- the top leader in Scientology.
4 And I started being called out to do different things,
5 not in Florida. I traveled to Spain and I traveled to
6 the west coast and I -- I went and spent a couple of
7 months in LA with him, working on different projects.
8 And I went to the international base in California, and
9 I went to England and I went to different -- basically a
10 lot of different locations and did a lot of additional
11 work that was not my normal routine in Florida.

12 Q. Who was running the show in Florida while you
13 were spending long periods of time in California and
14 having to go to Spain or England or wherever?

15 A. I -- I mean, I was still running things. I
16 was -- you know, I was using some of my top executives
17 to -- to handle a lot of matters on the ground, but I
18 was still staying in touch with them and tracking things
19 and giving directions on things to be done and -- and
20 then I would come back and I would catch up on
21 everything and, you know, try and -- basically I was
22 still continuing -- I was still -- I was still the
23 captain and I was still fully responsible for that --
24 for that whole organization and its operations. But in
25 addition I was having to do a lot of additional

1 functions.

2 Q. Give us an idea of the amount of work and the
3 amount of work demands you were experiencing with all
4 these new duties, getting called to other places.

5 A. Well, it became very erratic. I -- like, for
6 example, I would -- I would go to the international base
7 and I would work with Mr. Miscavige on getting ready for
8 a big event and that would be three or four weeks of
9 work ahead of time. We went on to a schedule of
10 sleeping every other night for maybe six hours or so,
11 but every other night no sleep at all. Like you go
12 basically almost 48 hours, sleep, 48 hours, sleep.
13 Eating became very erratic.

14 All of the things that I had done
15 basically to become healthy became sort of impossible
16 with the -- the lifestyle between flying, very, very
17 stressful situations. Like I had to go -- I went to
18 England and I had to basically corral the five or 600
19 people at that England base to get them prepared for a
20 huge event and, you know, work on the setups for the
21 event and fly people in from all over the place.

22 And then, of course, when the event was
23 held, then we were expected to make very, very high
24 levels of income, of money. And it was many -- just
25 many, many nights for weeks and weeks on end of very

1 little sleep, very, very high stress, very erratic food,
2 things like that. No exercise.

3 Q. I want to talk about the stress aspect of it.
4 In addition to the demands of the job, at some point did
5 you begin witnessing and then even experiencing things
6 that involved violence and degradation?

7 A. Yes, I did.

8 I started -- there were times where --
9 yes, I did many times. For example --

10 MR. SPENCER: Well, Your Honor, object to
11 the narrative nature of the answer. And, also, I
12 believe haven't we already gone through this?

13 MR. JEFFREY: No. We haven't.

14 THE COURT: I don't believe so.

15 MR. JEFFREY: No, I'll ask a specific
16 question, Your Honor.

17 THE COURT: All right. Thank you.

18 Q. (BY MR. JEFFREY) In the year 2005 -- you and I
19 have talked before today, haven't we?

20 A. Yes, we have.

21 Q. Okay. So I know a little bit of what's coming.

22 A. Yes.

23 Q. In the year 2005, what was the first thing that
24 you witnessed that personally horrified and frightened
25 you?

1 A. I witnessed Mr. Miscavige physically punching
2 in the face and wrestling to the ground another very
3 senior executive at Scientology International level.

4 Q. In 2005 did you learn about The Hole?

5 A. Yes, I did.

6 Q. How did you find out about it?

7 A. Mr. Miscavige briefed me about it and explained
8 that he had put about 40 executives of Scientology
9 International into -- basically locked up into a room
10 called The Hole, and he took me there personally and
11 showed me.

12 Q. Did Mr. Miscavige tell you about things that he
13 did to humiliate and punish executives such as yourself
14 and others --

15 MR. SPENCER: Your Honor, this just is --
16 is totally leading, I mean, he --

17 THE COURT: Sustained.

18 MR. SPENCER: And the whole thing is him
19 testifying.

20 And further, I would note that it's not
21 been established that the person who is speaking has a
22 relationship with the plaintiff as opposed to a
23 different entity, so hearsay.

24 MR. JEFFREY: I'll be happy to ask a
25 non-leading question, Your Honor.

1 THE COURT: All right. Thank you.

2 Q. (BY MR. JEFFREY) What did Mr. Miscavige tell you
3 about methods employed to discipline high level persons
4 such as yourself working in Scientology?

5 MR. SPENCER: Excuse me, Your Honor,
6 before she answers that, may I take her briefly on voir
7 dire?

8 THE COURT: You may.

9 VOIR DIRE EXAMINATION

10 BY MR. SPENCER:

11 Q. Ms. Cook, Mr. Miscavige, did he work for FSO?

12 A. No. He did not.

13 MR. SPENCER: All right. Objection,
14 hearsay.

15 MR. JEFFREY: Yeah. I'll ask a little
16 lead-in so Your Honor can evaluate that.

17 DIRECT EXAMINATION (Resumed)

18 BY MR. JEFFREY:

19 Q. Ms. Cook, what is Mr. Miscavige's role in the
20 world of Scientology?

21 A. His position is as Chairman of the Board of the
22 Religious Technology Center. And the Religious
23 Technology Center, from my understanding, is an
24 organization that is established simply and solely to
25 protect and ensure that the trademarks and service marks

1 of Scientology are -- are kept secure.

2 Q. And so you've been describing for us that you
3 were out in California working for extended periods for
4 the Church of Scientology International?

5 A. Yes. That's correct.

6 Q. And who directed all of your activities while
7 at the Church of Scientology International?

8 A. Mr. Miscavige.

9 Q. And when -- as we go -- and we're focusing on
10 the 2000s, when you were in Clearwater, Florida, running
11 the Flag Service Organization there, who would regularly
12 direct you as a superior in your job duties?

13 A. Mr. Miscavige.

14 Q. In your experience in depth, in the inside of
15 the world of Scientology, is there any barrier between
16 any of these organizations in terms of Mr. Miscavige's
17 authority and instruction?

18 A. No.

19 MR. JEFFREY: Your Honor, then I would ask
20 a question about what was said by Mr. Miscavige.

21 THE COURT: You may proceed.

22 MR. SPENCER: Your Honor, I still -- I
23 don't think that they've established that he is an
24 employee or agent of the plaintiff. It's hearsay.

25 THE COURT: Okay. It is hearsay.

1 Sustained on hearsay.

2 Q. (BY MR. JEFFREY) While you were working out in
3 California, if we go to the year 2006, was there a
4 fellow that went from Florida there to work with you
5 named Mark Ginge?

6 A. Mark Ginge Nelson.

7 Q. Mark Ginge Nelson. G-I-N-G-E?

8 A. Yes.

9 Q. Is that correct?

10 A. Yes. That's correct.

11 Q. What happened with Mr. Nelson, who came with
12 you from Florida to California to work at international?

13 A. He attended several meetings with me, with
14 Mr. Miscavige, and he also -- we also went together when
15 we went to the international base. He witnessed this
16 physical abuse that I mentioned earlier about another --
17 about Mr. Miscavige hitting another executive, and he
18 also came with me to -- when I was shown -- when we were
19 both shown The Hole. And when we were in LA, after
20 that, we -- he --

21 MR. SPENCER: Well, Your Honor, I hate to
22 break her up, but this is a very lengthy narrative
23 that's way beyond the question that was asked.

24 THE COURT: Sustained.

25 MR. SPENCER: I object.

1 Q. (BY MR. JEFFREY) When you were in Los Angeles
2 with Mr. Ginge Nelson, what happened that you observed?

3 A. Okay. He was -- he originated that he did not
4 agree with physical beatings or the -- this room, this
5 locked up -- you know, these executives being locked up.
6 And for this he was beaten up by Mr. Miscavige's
7 assistant. It was -- her title is a communicator. And
8 he was also beaten up by two other guys that were there
9 in the meeting with us, which was Henning -- I can't
10 remember Henning's last name and Francois De Jeust.
11 They were two pretty big guys. And he was actually
12 taken back into a room and he was beaten up physically
13 for a couple of hours.

14 Q. Anything else happen with Mr. Ginge Nelson on
15 your trip to Los Angeles?

16 A. Yes.

17 Q. What was that?

18 A. He was made to lick the bathroom floor clean --
19 well, lick the bathroom floor for over -- it was like at
20 least a half an hour.

21 Q. Did you ever begin to receive or were you ever
22 the recipient of any violence?

23 A. Yes, I was.

24 Q. And describe that for us. Did it begin all at
25 once in full force or did it begin in small ways?

1 A. It was -- it was small ways, different --
2 different incidents of it. One time I was called into a
3 conference room and asked some questions and he ordered
4 his -- his secretary to slap me. And she slapped me so
5 hard I fell -- fell over into the chairs.

6 One time he -- Mr. Miscavige ordered his
7 communicator to break my finger if I didn't answer his
8 question.

9 Q. Was anything done with your finger?

10 A. It was bent back very hard. It was not broken.

11 Q. Did you ever have things like water thrown in
12 your face or that sort of thing?

13 A. Yes. There were numerous times when a bottle
14 of water would be picked up and the water just, you
15 know, thrown across -- thrown at you.

16 Q. Now these things, getting ordered to have
17 someone slap you down or throw water in your face or
18 break your finger, what were the horrible crimes that
19 you would commit that would cause these punishments to
20 be inflicted?

21 A. Just not answer a question fast enough or maybe
22 your expression displeased him, you know, maybe you were
23 smiling or you shouldn't have been smiling or you
24 were -- you -- maybe you were glaring at him or
25 something like that.

1 Q. Did you ever witness any incidents of violence
2 or torture or degradation in England?

3 A. Yes. Yes, I did. I was at a meeting with
4 Mr. Miscavige and with -- that he was having with
5 several top international executives. And then he
6 ordered a man named Bob Keenan to take those other
7 executives and throw them into the lake. At the time it
8 was -- it was in October and it was very cold in
9 England. And -- anyway, so they were taken down to the
10 lake. I was told to go with them. And they weren't
11 actually thrown in by the guy that he -- but they were
12 made to go into the lake -- ice cold lake.

13 Q. Did you, yourself, ever receive physical
14 violence from Mr. Miscavige?

15 A. I -- really the only one physical incident
16 where he was very angry and he walked around a long --
17 very long conference table to get to me. He was yelling
18 and he came up like as if he was going to choke me, but
19 he didn't. He only -- he basically grabbed my shoulders
20 and shook me while he was yelling at me.

21 Q. Let's talk about how you ended up in The Hole.

22 When did that happen?

23 MR. SPENCER: Your Honor, this is
24 something that for sure he's already covered with this
25 witness.

1 MR. JEFFREY: We haven't told any of the
2 circumstances of her going in The Hole or what happened
3 to her.

4 THE COURT: Respectfully overruled.

5 MR. JEFFREY: Thank you.

6 Q. (BY MR. JEFFREY) How did -- when was it that
7 this happened?

8 A. So that was in May 2007. I was at the
9 international base. Mr. Miscavige was not there, but I
10 was supposed to be doing numerous things at the
11 international base under his directions. He was -- you
12 know, I was on the phone to him every day, sometimes
13 several times a day, and there were certain things that
14 he was very unhappy that weren't -- he was very unhappy
15 about that weren't done to his satisfaction or --
16 anyway, I was on the phone to him. I was in an office.
17 Someone was pounding on the door. Because I was on the
18 phone to him, I didn't answer. I was trying to be on
19 the phone and talk to him.

20 And then after some -- the beating stopped
21 and then someone pried the window open of the office
22 that I was in and two big guys came in through the
23 window. And Mr. Miscavige said to me on the phone, "Are
24 they there?"

25 And I said, "Yes, they are."

1 And he said, "Goodbye." And two men
2 physically took me away to -- to this trailer area which
3 is called The Hole.

4 Q. Where is The Hole?

5 A. The Hole is at the Int base. It's the
6 international base which is a -- it's like a 500-acre
7 area of land where, you know, all the international
8 management offices are as well as the -- like audio
9 visual productions, whatnot, are also there.

10 Q. And is it an attractive place, overall?

11 A. Yeah. It's beautiful.

12 Q. Is it very rural?

13 A. Yes, it is.

14 Q. And so that we're clear as we talk about
15 terminology, this international base, this is the home
16 of what's called the mother church?

17 A. Yes. That's correct.

18 Q. You told us that The Hole consisted of a couple
19 of, I think, double-wide trailers?

20 A. Yes.

21 Q. What made it a hole -- The Hole rather than a
22 couple of double-wide trailers that people were living
23 in? Describe it for us.

24 A. It had bars on the windows and the one entrance
25 was guarded by security 24 hours a day.

1 And it contained in it -- at the time that
2 I went into The Hole in May of 2007 there was over a
3 hundred top Scientology International executives that
4 had been put there. And The Hole basically was some
5 kind of a slang term that had been coined long before I
6 got there. And it was where you actually -- you ate
7 there, you slept there on the floor and, you know, you
8 never left with the exception of a brief period to go
9 take a shower and come back.

10 Q. When you say slept there on the floor, did you
11 have cots or bunks or some kind of beds?

12 A. No. You slept in a -- you were given a
13 sleeping bag. You slept on the floor in a sleeping bag.

14 Q. And what were the conditions like on the floor
15 to sleep?

16 A. Well, there were ants. The place was infested
17 by ants, so ants would crawl on you. And there was a --
18 a two-week period during that time when all the
19 electricity had been shut off, as ordered by
20 Mr. Miscavige. And this was, of course, in summer in
21 the desert, and so the temperature in there was about a
22 hundred and six.

23 Q. What would y'all do all day long? You're 24
24 hours a day in The Hole. What would go on? Did it have
25 a routine or --

1 A. There was no routine. It sort of depended on
2 different things, but most of what was going on were
3 these bizarre confessions that are -- I would really
4 like to state that they are not any kind of standard
5 Scientology practice.

6 Q. And in the confessions, were you the only one
7 that had to do confessions or did others have to do
8 confessions?

9 A. Everyone did them.

10 Q. And were there any other forms of discipline
11 other than the confessions?

12 A. There were -- I mean, there were times where
13 there was beatings. There was -- there was, you know, a
14 couple of very violent times where people were -- a
15 couple of guys were physically beaten up by many other
16 men in The Hole.

17 Q. What did you do --

18 A. Being demanded to confess to something that
19 they really didn't do, and so then it would drag out for
20 hours and they were being beaten and demanded to
21 confess.

22 Q. Confess what? I'm not --

23 A. Well, in that particular example, it was
24 Guillaume Lesevre, who was the Executive Director
25 International, and Marc Yager, who was the commanding

1 officer of the top -- of really the watchdog committee.
2 And it was demanded that they confess to being
3 homosexuals and having homosexual activity between the
4 two of them.

5 Q. And then they were beaten?

6 A. Yes. They were beaten.

7 Q. Did you get lots of good sleep there in The
8 Hole?

9 A. No, did not. There was -- every night you
10 never knew when you were going to be allowed to go to
11 sleep. There were many times, I would say most nights,
12 woken up -- I was woken up during the night because
13 there was a phone call that -- from Mr. Miscavige. And
14 in some cases I was expected to participate in that
15 phone call, or maybe there was some project that The
16 Hole had been given to do, and we would go for some days
17 around the clock trying to get it done, things like
18 that.

19 Q. Why didn't you just take off and get away from
20 The Hole?

21 A. It's not possible. It's absolutely not
22 physically possible. You couldn't make it past
23 security. The windows were barred.

24 Right from the beginning when I went in I
25 obviously was trying to figure out or plotting how to --

1 how to get out and -- but, anyway, it's just not -- not
2 possible.

3 Q. When you had to go through these confessions,
4 what sort of physical effects did they have on you?

5 A. Well, they had very heavy spiritual and mental
6 effects. In terms of physical effects, I mean, you had
7 to stand there for long periods of time. As I said, one
8 time was for 12 hours. Sometimes it was only for two or
9 three hours, but, still, it was -- I was not in good
10 physical condition at all. It was very hard for me to
11 do. It was also -- you know, if you had the -- the cold
12 water being poured over you, that was also, you know,
13 uncomfortable.

14 And also at the time I had -- I had an
15 unusual phenomena happening that I had not had happen
16 before in that I was very swollen. My legs and my feet
17 had gotten very, very swollen to more than double their
18 size. It was not like a little bit swollen, they were
19 very swollen. And I -- I -- and so it was particularly
20 uncomfortable to stand.

21 Q. When those two men grabbed you and dragged you
22 off to The Hole, did you get to stop and pick up your
23 medications and things that you might like to have with
24 you down there?

25 A. No, I did not.

1 Q. What was your situation as far as being able to
2 take your medications that you needed and your
3 supplements and that sort of thing?

4 A. I wasn't able to. I didn't have access to
5 them.

6 But at one point I -- I did go to the
7 security guards several times, asking that I needed
8 medical assistance, that I needed to get my medications,
9 and that I also was very concerned that I was having
10 pains in my chest and I had these very severely swollen
11 legs and feet and I needed medical help.

12 And after the -- about the third request,
13 someone came from -- there was like a person within the
14 international base whose job was to be a medical
15 liaison, and she came and interviewed me and she did go
16 to my room and get the medications that I had been
17 taking.

18 So after about three or four weeks I was
19 able to resume those medications. I was not allowed to
20 go to the doctor to get these other -- these other
21 things checked out, but I was given those medications.

22 Q. Did you suddenly, miraculously get better?

23 A. No, I did not.

24 Q. So that's after about three weeks. How many
25 weeks did you spend there all tolled?

1 A. About seven weeks.

2 Q. And would you give us some idea, in your own
3 words, of after you're in there for four or five or six
4 weeks, how do you feel as a human being?

5 A. You feel completely degraded. Very, very, sort
6 of terrified that you may have to go through another one
7 of these confessions or maybe that you would get beaten
8 up or, you know, you're also -- because you haven't been
9 sleeping, you're in a horrific mental state.

10 Q. Were you used to, in your life, getting beaten
11 up? Was that something you were used to?

12 A. No. Never.

13 Q. And you were a 40-something-year-old woman with
14 a very, very respected job?

15 A. Yes.

16 Q. Well, how in the world did it come to be that
17 you're not in The Hole today and you're here in San
18 Antonio, Texas? How did you get out of The Hole?

19 A. I got out of The Hole because I managed --
20 basically there was about to be a huge event at Flag,
21 where I had worked, you know, for so long. I'd been the
22 captain there for 17 years. And there was about to be a
23 huge event that Mr. Miscavige was holding. And the
24 preparations for that event were in trouble. The people
25 that had been assigned to do them really didn't know

1 Flag very well, and so I had been called out of The Hole
2 to -- sort of to review some of these preparations.

3 And I communicated that I was very, very
4 concerned about this, that I felt it would be a problem
5 for the event. And through various communications and
6 my proposals on how I could help do something about it,
7 I was allowed to come out of The Hole and return to Flag
8 to help -- help make -- help do what I could to make
9 this event a success.

10 And after that I was allowed to stay at
11 Flag. So that was like -- on 27 June I came out and I
12 flew to Florida. And then -- anyway. I'm sorry, I
13 think I answered your question.

14 Q. That's good. I need to -- we need to break it
15 up with question and answer for the Court.

16 A. Yeah.

17 Q. Before we get back to Florida, I want to ask
18 you a question, something I forgot to ask. All these
19 confessions, confessing, confessing, confessing, what is
20 the one big crime that has to be, sort of, confessed
21 over and over again in different variations?

22 A. The one big crime?

23 Q. I'm not asking a very good question. Does it
24 relate to Mr. Miscavige?

25 MR. SPENCER: Objection, leading.

1 THE COURT: All right. Sustained.

2 Q. (BY MR. JEFFREY) What are the sorts of things
3 that, generally speaking, when these confessions are
4 done, that you're being prodded to reveal?

5 A. You know, your own -- things you've done that
6 are bad in some way or in some way you've -- you've been
7 a traitor to -- to Mr. Miscavige or you've lied or
8 you've somehow betrayed, you know, your trust. These
9 types of things.

10 Q. And during all that time, while you were in The
11 Hole, and while -- and in -- even maybe in the weeks
12 leading up to that, were you having any communications
13 with your husband?

14 A. No. During the time I was in The Hole you're
15 not allowed any communications. So I wasn't able to
16 communicate with my husband, my family. I wasn't able
17 to communicate with Flag. I wasn't able to communicate
18 with anyone outside of The Hole.

19 Q. To your knowledge, did anyone in the world,
20 other than a few top people in the church, Mr. Miscavige
21 and some others, and the ones that were in The Hole with
22 you, did anybody else in the world know that you were in
23 The Hole or that you were even missing?

24 A. No.

25 Q. So there came a point in late June of 2007 -- I

1 interrupted you in the progress of -- of your account.
2 Late June of 2007 where there was something going on
3 that -- that really only you could do. And so you were
4 allowed to get out of The Hole.

5 A. Right. That's right.

6 Q. Okay. So did they just buy you a plane ticket
7 and send you back to Florida or how did that work?

8 A. No. I went with -- I was escorted with -- I
9 went with several people at the same time. And when I
10 arrived at Flag, a full-time -- one person was put with
11 me to be with me full-time to basically make sure I
12 didn't leave. Even if I went to the bathroom, she
13 accompanied me to the bathroom. She had a radio and
14 phone and whatnot. So if there was any problem she
15 could have alerted security or whatnot.

16 Q. And was she a Flag person or was she with
17 international or what? Do you remember?

18 A. She was really a representative of
19 international. She was not Flag Service Organization.

20 Q. Right there with you in Clearwater?

21 A. Yes.

22 Q. Going to the bathroom?

23 A. Yes.

24 Q. From the time that you went into The Hole until
25 you and your husband -- I'm jumping forward a little

1 bit -- fled shortly before this October 19 video --

2 A. Yes.

3 Q. -- when were you ever not escorted or watched
4 or guarded?

5 A. I mean never. I didn't have a -- after --
6 after, I don't remember, maybe a week or two I didn't
7 have a full-time guard with me physically. But I was
8 always in one of the Flag buildings. I wasn't allowed
9 to drive anymore, so I couldn't drive between buildings.
10 I couldn't -- you know, if I had to go somewhere then
11 someone had to drive me. And so I would go from, you
12 know, the main work buildings to the birthing building
13 and back again, you know, with someone -- with someone
14 basically taking me.

15 Q. When you got back to Clearwater, Florida in --
16 at the end of June of 2007, what was your physical
17 state?

18 A. I was really a physical wreck. I was very,
19 very sick. I was very exhausted. I was in a tremendous
20 amount of pain, and I was also in a horrific mental
21 state.

22 Q. What did everyone know at Flag as to where
23 you'd been or what you'd been doing?

24 A. They really didn't know. They -- I mean, I
25 think they -- they knew that I had been at the

1 international base. They had thought that I had been
2 working on preparations for this big event there, which
3 was partly true. They had no idea what had really
4 happened.

5 Q. Well, why didn't you just come back and start
6 telling everybody, gosh, you wouldn't believe, they've
7 got this thing called The Hole and you get beaten up and
8 water poured on you and all that? Why didn't you tell
9 everybody?

10 A. Because, first of all, it's something that is
11 not covered in any L. Ron Hubbard policy that I'd ever
12 read. It was not something that I considered to be
13 standard or okay. From my viewpoint it was very, very,
14 very off-the-rails what was happening, so I wouldn't --
15 I wouldn't dare tell lower -- you know, the -- the
16 general staff what was happening at their international
17 management base, number one.

18 Number two, it would be very treasonous to
19 do something like that. It would be considered very
20 treasonous to say anything bad about Mr. Miscavige.

21 Q. Did you even come back and your first night
22 back in bed with your husband, pillow talk, tell him
23 about what was going on?

24 A. No, I did not.

25 Q. Was it apparent? Did you give outward signs

1 that you were not in good shape?

2 A. Not -- I don't think it was obvious. Maybe --
3 I mean, my husband certainly knew. Maybe some people
4 that were -- worked close with me, but generally, no.

5 Q. When you got back to Flag at the end of June of
6 2007, were you able to go back to your old healthy ways
7 of getting proper sleep, proper diet and exercise and
8 all of that, medical care?

9 A. I mean, it -- it was drastically better, for
10 sure. It wasn't -- it was still a stressful situation.
11 I still had almost daily communication from
12 Mr. Miscavige, things that he expected to be done. You
13 know, there was still very stressful -- I definitely was
14 able to -- to sleep more and things were more -- more
15 back to normal, but not -- not fully.

16 Q. You came back to run a big event. How
17 demanding was that?

18 A. That was very demanding. I mean, initially,
19 yes, the -- the -- the big event was very stressful and
20 a lot of -- many late nights. Then after, I guess,
21 about a -- a few weeks it got better. It was never
22 great. It was never like you were able to recover.

23 Q. And I asked you about eating well when you got
24 back. What was the chow like in The Hole?

25 A. It was -- it was horrible. It was basically

1 like a big pot of slop and you'd line up with your
2 little -- and you'd get a bowl of slop that you ate for
3 breakfast, lunch and dinner.

4 Q. Can you tell -- give us any more identification
5 than slop?

6 A. It was kind of like leftovers. It was kind
7 of -- it was like bits of meat or bits of stuff. It was
8 like a -- it was like a soupy kind of leftovers thrown
9 into a pot and cooked and barely edible.

10 Q. Did the security on you -- would you tell us
11 whether or not there was any changes in your -- your
12 securities, the guards that were following you --
13 following you around and observing you, as the time went
14 on back at Flag? What I'm getting at is at some point
15 y'all escaped.

16 A. Yes.

17 Q. How did that happen?

18 A. I mean, basically after we'd been back for a
19 few months, maybe it relaxed a little bit. What we
20 ended up doing was the person that drove us in in the
21 morning, I asked her to drive by the building where the
22 food -- the dining hall for the staff. And she got out
23 of the van and ran in to go pick up some food, and while
24 she had run in I jumped into the driver's seat and we
25 drove off with the van.

1 Q. You -- you said "we drove off."

2 A. My husband and I. And we went -- we took the
3 van to a car rental place and we left -- we left the van
4 with the keys and everything there. And we rented a car
5 and we proceeded to drive to North Carolina, where my
6 father lives.

7 Q. Did you have any encounters with Church of
8 Scientology folks on your drive from Florida in the rent
9 car to try to get to your dad in North Carolina?

10 A. Yes. On the way we stopped in South Carolina.
11 We stopped in a dining room, like a cafe, to get a
12 sandwich. And we were sitting there eating and we
13 looked up and Kathy True from Flag was standing there.

14 Q. What's her role in this world?

15 A. Her job is what's called like external
16 security. And basically it's like any kind of external
17 matters that the church considers to be a threat or a
18 security situation.

19 Q. Had you told anybody you were stopping for
20 lunch or a sandwich at a cafe somewhere in South
21 Carolina?

22 A. No, I had not.

23 Q. How in the world did they track you down to an
24 eating spot in South Carolina?

25 A. There's a procedure when someone of

1 significance or, you know, someone who has been on, you
2 know, sort of top -- I don't know how to describe it.
3 Anyway, there's a procedure basically where a number of
4 people are put on to tracking you down, basically. When
5 it first happens, you know, people are sent out to the
6 airport, to the bus station or this or that or you're,
7 you know, tracked down where your family lives, and
8 start basically a whole operation to try and find you
9 and get you back.

10 Q. Had you ever had to be involved in a search
11 like that, yourself, as captain at Flag?

12 A. Yes, I had.

13 Q. And there you are captain at Flag, involved in
14 some search for someone who's left. And -- and who was
15 directing you in your activities in that search?

16 A. Well, in that particular one that was when an
17 executive named Ben Shaw blew, he -- he left. And he --
18 and I was getting direction from Mr. Miscavige on the --
19 getting him found and getting him handled.

20 Q. And there you were in your position as captain
21 of the Flag Service Organization, but you were getting
22 directly instructed on how to do things by
23 Mr. Miscavige?

24 A. Yes. That's correct.

25 Q. And whatever happened with Mr. Shaw?

1 A. We did find him. Actually, his -- his wife
2 contacted him and he was convinced to come back. And --
3 yeah, and he got worked with to get him to agree to
4 stay. And he's still there today.

5 Q. So, you're in South Carolina in a diner, in
6 walks Kathy True from security in the Church of
7 Scientology. What happened?

8 A. So she basically wanted us to -- to turn around
9 and come back to Flag with her. And I told her that I'd
10 already contacted my father. He's expecting us to
11 arrive within hours. We're absolutely going to see him.

12 And she basically got me to agree to meet
13 with her and talk with her in North Carolina, where my
14 father is. And I said that, you know, after I'm
15 finished visiting with my father, during the day, in the
16 evenings I would be willing to -- to speak with her.

17 Q. Why did you tell -- make a point of telling her
18 that your father was expecting you in just a few hours?

19 A. Because I could -- I understood that she had
20 every intention of making sure that I did come back one
21 way or another. And, in fact, when we walked out of the
22 diner our car had been boxed in by other cars. And
23 there were about, I don't know, four other guys that
24 were with Kathy True that were out there.

25 Q. Were these little bookish sorts?

1 A. No. These were big, burly guys. Well, at
2 least a couple of them were. And, anyway, we were boxed
3 in by cars and with these guys standing there. And so
4 she had to tell them that, you know, that basically
5 that -- to let us go. Yeah.

6 Q. And so you went on to your dad's house?

7 A. Yes, I did.

8 Q. And what happened, then, while you were at your
9 dad's with regard to your returning to this --
10 ultimately to this room on the videotape on October 19
11 of 2007? What happened?

12 A. So Kathy talked to us about -- to both my
13 husband and myself about coming back to Flag. I made it
14 clear that I had absolutely no intention of going back,
15 that I was done with this. And she made a point that,
16 you know, if we didn't go back and handle it right that
17 basically we would -- all of Wayne's -- my husband's
18 family would be made to disconnect from him and we would
19 be basically excommunicated from Scientology.

20 And in going over this we negotiated an
21 agreement, which was that we would be willing to come
22 back for a very short time, a few days, in order to, you
23 know, do any final procedures that needed to be done,
24 including, you know, signing any normal non-disclosure
25 bonds or whatever, and -- and that we agreed that we

1 would not go to the Scientology compound or whatever,
2 that we would actually go to the location where Wayne's
3 mother was. It was an assisted living facility that had
4 apartments and that the church used for a number of its
5 elderly or medical situations with staff.

6 And this was -- she consulted with,
7 supposedly, the RTC representative, basically,
8 Mr. Miscavige's representative at Flag, and this was all
9 okayed and agreed upon that that's where we would stay
10 while we were there in Florida handling this matter.

11 Q. Let me pause you for just a second and ask a
12 couple of specific questions.

13 First of all, when you drove away from
14 Clearwater in a rent car, did you -- did you feel calm
15 and happy and, gosh, glad we got that behind us, or what
16 was your state of mind?

17 A. No. I was very scared. I was -- you know,
18 very freaked out. You know, it was pretty radical
19 action that we'd done. And I was also expecting to be
20 followed and chased and whatnot.

21 Q. Did you think about getting a gun or doing
22 anything like that to protect yourself?

23 A. No. I didn't -- I didn't think about getting a
24 gun.

25 Q. While you were there in North Carolina at your

1 dad's home, how did it sound to you, the prospect of
2 going back to a Scientology facility in Clearwater,
3 Florida?

4 A. Well, I -- I did not want to do it. The only
5 reason why I conceded to do it was really for my
6 husband, because I didn't want my husband to lose his
7 whole family. That would be a real travesty. So he --
8 you know, that was the only reason. I -- I did not want
9 to go back.

10 Q. And in fairness to your husband, had you told
11 him about being in The Hole and being tortured and all
12 those sorts of things?

13 A. No. I had not.

14 Q. So as far as what you had communicated to him,
15 he knew things had gotten bad, but he didn't know the
16 depth of it?

17 A. That's correct.

18 Q. So describe for us how you get from North
19 Carolina back to Clearwater, Florida, heading back
20 towards this room on the videotape.

21 A. So -- because we went in a rented car, Kathy
22 convinced us that we should fly back with her. I
23 visited with my father for, I guess, about five days.
24 And then we flew back with Kathy True, which she
25 arranged, basically. We flew back with her to -- to

1 Florida -- to Tampa. We flew into Tampa on a direct
2 flight.

3 Q. So you had an escort from security, Kathy True?

4 A. Yes. And we went down to baggage claim and
5 there was -- there was a van or an SUV there to pick us
6 up. She walked us in. We went in. I don't think we
7 had any baggage. And we got in the van and drove off.

8 Q. And when -- I had said it was a black Suburban.
9 That's what I thought. Was it a Suburban or a van?

10 A. To be honest, I don't remember.

11 Q. Okay. We'll ask Wayne about that.

12 A. Yeah.

13 Q. So you got into the van or the Suburban and you
14 headed off. Where did you think you were heading?

15 A. We thought we were going to where we had agreed
16 to go, that -- that was this -- it was called the Regal
17 Palms and it was an assisted living facility where his
18 mom was staying.

19 Q. His mom was a long-time Scientologist?

20 A. Yes, she was.

21 Q. And is -- why would you feel any better about
22 going to the Regal Palms than going to the Hacienda
23 Gardens, where you ended up on this video?

24 A. Because it was -- it's not a Scientology
25 facility. They have no -- no control over that

1 property. There's no guards, no fences. You're free to
2 come and go as you please. And, also, the other reason
3 was because I -- I was in pretty bad shape and I could
4 get some medical assistance there.

5 Q. So you're heading towards the Regal Palms, I
6 think you said it was?

7 A. Yes.

8 Q. And what happened?

9 A. Well, when we were on the way there I was told
10 by Francine Lattiseur that there's been a change and
11 that we're going to be staying at the Hacienda.

12 Q. Did you say, wow, that sounds great?

13 A. No, I didn't.

14 Q. What happened?

15 A. She -- I mean, I was very upset about this. We
16 were both very upset about it. She assured us that, you
17 know, that -- that basically I would be taken care of,
18 that I would get medical help, that I would be able to
19 rest, et cetera, and basically convinced me, you know --
20 I don't know. Couldn't jump out of a moving van,
21 basically. We were taken to the Hacienda.

22 Q. And when you drive up to the Hacienda, is there
23 a gate?

24 A. There was a gate and the guard has to open the
25 gate.

1 Q. And you pulled through the gate?

2 A. We pulled through the gate and went in.

3 Q. And then the gate closes?

4 A. That's right.

5 Q. Was that the agreement that you had with the
6 plaintiff that you were going to come back and go to an
7 enclosed compound, the Hacienda Gardens, or was it to go
8 to the Regal Palms, an unsecured facility?

9 A. The agreement was to go to the Regal Palms, an
10 unsecured facility.

11 Q. Did the plaintiff live up to that agreement?

12 A. No. Definitely not.

13 Q. Did the plaintiff give you any choice about
14 whether you were going to like it or not like it?

15 A. No, sir.

16 Q. When you worked out this deal with the head of
17 security, going all the way up to David Miscavige, did
18 you prepare a multi-page document and have her sit down
19 in front of a video camera and execute it?

20 A. No, I didn't.

21 Q. So, you were going back for two or three days.
22 How long were you back there in the Hacienda Gardens?

23 A. Well, we were there about -- a little over
24 three weeks.

25 Q. What in the world takes three weeks to exit the

1 organization properly?

2 A. Well, it would have been much longer. It
3 was -- basically, I was mostly trying to rest and to get
4 into some kind of physical condition to be able to --
5 they wanted to do more -- a confessional. They wanted
6 to do what they call like a leaving confessional, where
7 you're asked about anything that you may have done
8 against the organization before you leave, so that you
9 don't leave with things that you've done that were bad
10 that have not been disclosed.

11 And so Wayne -- Wayne was -- my husband
12 was made to do like physical labor work at the Hacienda
13 under guard and he had started to do his confessional --
14 confession procedure, and I wasn't able to yet.

15 Finally, after about three weeks I started
16 to do mine, but it actually went very poorly, probably
17 because of my many bad experiences prior to that on
18 these confession procedures. And so I had like a real
19 serious melt down, and just decided I wasn't going to --
20 I wasn't going to continue this any longer.

21 Q. On -- on these confessionals, you have an exit
22 confessional. I want the Court to understand what we're
23 talking about.

24 When it comes to church teaching, if
25 someone wants to leave the Church of Scientology, does

1 that indicate that there's something wrong with them?

2 MR. SPENCER: Your Honor, excuse me. I
3 think this really is getting way into theological and
4 doctrinal matters that -- that are not appropriate to
5 get into in a Court of law.

6 MR. JEFFREY: What I'll demonstrate, Your
7 Honor, is that the confessional is a circular that you
8 can never satisfy and they'll never let you go. That's
9 the purpose of this. I don't care about the doctrine or
10 the theology of it.

11 THE COURT: Okay. I'll allow a little
12 latitude.

13 MR. JEFFREY: Okay.

14 Q. (BY MR. JEFFREY) What I'm getting at, Ms. Cook,
15 is if a Scientologist wants to leave Scientology, what
16 does that say about the Scientologist, within the
17 teachings?

18 A. Well, it can be indicative of -- that the
19 person has done something bad or done bad things, either
20 against Scientology or -- or done bad things otherwise
21 that he's not disclosed, maybe he's living some kind of
22 unethical life or something, and that that can cause you
23 to want to leave.

24 Q. And if you confess this bad thing -- fully
25 confess this bad thing as a Scientologist, then should

1 that make you then no longer want to leave?

2 MR. SPENCER: Your Honor, this -- that's
3 leading, but also, I mean, I think he's -- he's made the
4 limited point that you were going to permit him. I
5 think he needs to move on.

6 MR. JEFFREY: I asked the first part of
7 it, Your Honor, but I didn't get to ask the second part
8 of it. I don't understand what's so horrible.

9 THE COURT: Respectfully overruled.
10 Please proceed.

11 MR. JEFFREY: Thank you.

12 Q. (BY MR. JEFFREY) If I'm a Scientologist and I
13 say, hey, I want -- if I'm Debbie Cook and I say, hey, I
14 want to leave Scientology, and I go through a
15 confession, and I confess properly this bad thing, would
16 I still want to leave Scientology? I'm talking about
17 within the practice and theory.

18 A. If that's the -- if that's the basis that's --
19 that's causing you to leave and you, you know, relieve
20 yourself of it, then, yes, you would feel, you know,
21 that you no longer need that -- you no longer have that
22 desire to leave.

23 Q. And if you finish the confession and you still
24 want to leave, what does that indicate?

25 A. It -- I mean, I'll explain that that is an

1 interpretation that has come about and has happened more
2 recently where, you know, it can be -- drag on and go on
3 and on and on. It can drag out for months. I
4 actually -- we have a friend of ours that tried to leave
5 the --

6 MR. SPENCER: Well, Your Honor, this --

7 MR. JEFFREY: I didn't ask -- I'm sorry,
8 Your Honor.

9 THE COURT: All right.

10 Q. (BY MR. JEFFREY) The point being, I realize you
11 don't believe this is appropriate Scientology.

12 A. Right.

13 Q. But in the practice, as of October of 2007, if
14 they say, okay, you want to leave, we've got to wrap
15 everything up, you have to come and do your confession,
16 right?

17 A. Yes. Yes.

18 Q. That's what they were asking you and Wayne to
19 do, correct?

20 A. Yes.

21 Q. And if you did your confession and you still
22 wanted to leave, what would that indicate under this new
23 practice about how good your confession was?

24 A. That it wasn't done and it could keep being
25 extended and extended and more and more until -- you

1 know, until you reached that point where you no longer
2 wanted to leave. That is how it could have gone.

3 Q. Then you've fully confessed everything and you
4 don't leave?

5 A. Right.

6 Q. So you said you had had a concern -- earlier, I
7 think, when Mr. Spencer was questioning you, you had a
8 concern when you were there, you'd been there for three
9 weeks in bed the whole time, that this could go on for
10 months and months?

11 A. Right. That's right.

12 Q. So they call you in and say, hey, we're going
13 to do your confession now. How well did you react to
14 that?

15 A. I didn't react well at all. But I did try and
16 cooperate initially, but then it -- it went very, very
17 poorly.

18 Q. For want of a better term, did you freak out?

19 A. Yes, I did. Very severely.

20 Q. And what did you do?

21 A. I came back to the apartment and I wrote them a
22 letter and I -- actually first, before I did that, I
23 called my mother, and I said -- I told her that I was
24 trying to leave and that this was really dragging out.
25 And -- she knew the circumstances in which I came back.

1 She had also expected it to only take a few days because
2 I had told her that. So I told her, this is really
3 dragging out, so -- that I was going to tell the church
4 that basically if I wasn't out in three days that I'd
5 instructed her to call the police.

6 Q. And you called her on a cell phone. Did you
7 get a Scientology-issued cell phone when they drove you
8 into the Hacienda Gardens?

9 A. No. It was like a throw-away phone that we'd
10 bought while we were -- when we were out, when we'd
11 originally first left, and we refused to turn it back
12 in. We refused to give it in. And so I kept it with
13 me.

14 Q. That was the one thing you successfully
15 resisted?

16 A. That's right.

17 Q. And in fact, was Wayne threatened with violence
18 if he didn't turn over the phone?

19 A. Yes, he was.

20 Q. Wayne is a pretty big guy, isn't he?

21 A. Yes, he is.

22 Q. He's martial arts trained?

23 A. Yes, he is.

24 Q. He won that battle?

25 A. Yes, he did.

1 Q. You wrote a letter, as you described, saying
2 that you were going to call your mother. You also
3 threatened to harm yourself if you were desperate
4 enough?

5 A. Yeah. Well, after the phone call, then I wrote
6 a letter and I basically said that I'd told my mother
7 that if I wasn't out in three days to call the police,
8 and that if for any reason that that didn't work that I
9 would take whatever steps necessary to get out, even if
10 I had to slit my wrists, something along those lines.

11 Q. As a Scientologist, do you believe in
12 committing suicide?

13 A. No, I don't.

14 Q. Is that beyond the pale for you?

15 A. It is, yes.

16 Q. Is that how desperate you are that you would
17 even threaten that?

18 A. Yes.

19 Q. So was that the only letter you had ever sent
20 while you were back during this two or three weeks at
21 the Hacienda Gardens to the folks at the church?

22 A. No.

23 Q. Had -- what were you asking or communicating in
24 these letters to the church?

25 A. I wasn't -- I wasn't happy. I wasn't happy

1 about how things were going, really wasn't what we
2 agreed on. I wasn't going to go through some torturous
3 several months of, you know, these confessions and
4 whatnot. I just wasn't going to do it, and that I
5 wanted out.

6 Q. Well, if they hadn't kept their agreement with
7 you, why didn't you just run down to the court and get a
8 TRO?

9 A. Because I couldn't get out of the Hacienda.

10 Q. So after that last desperate letter, what
11 happened?

12 A. So then things changed after that last
13 desperate letter. There were some people that started
14 meeting with my husband. They really didn't meet with
15 me much, but they met with my husband to basically let
16 him know that we were going to be allowed to leave. We
17 were told that we could start packing. Yeah.

18 Q. So, did you do that? Did you start packing up
19 your lifelong belongings?

20 A. Yes. Started packing and getting ready to go.

21 Q. Now, tell us about the things that were agreed
22 upon with regard to you departing. For example, why
23 couldn't you just drive out and go wherever you wanted
24 to go?

25 A. Okay. So we -- we were told basically that we

1 couldn't -- we had planned to go to live with Wayne's
2 sister. Wayne's sister lived in California and had a
3 large house and extra room and he'd even talked to his
4 sister about that. And she was happy about that and --
5 so we were planning that.

6 And so Wayne was told that he -- that we
7 couldn't -- we weren't allowed to go to California, that
8 it wasn't wanted that we go live with family or whatnot.
9 But that, you know, we --

10 MR. SPENCER: Excuse me. I believe this
11 conversation that was not to her, it was to someone
12 else, so this would be hearsay clearly. We object on
13 that basis.

14 THE COURT: Sustained.

15 Q. (BY MR. JEFFREY) What were --

16 THE COURT: Are you at a point, Counsel,
17 where we can stop for the day?

18 MR. JEFFREY: Yes.

19 THE COURT: Okay. Let's do that. I have
20 monitoring in the morning and a 9:15 motion to enter, so
21 if you come at 9:30 we'll rock and roll.

22 MR. JEFFREY: Thank you.

23 THE COURT: Uh-huh. You may step down.

24 (Overnight recess at 4:42 p.m.)

25

1 STATE OF TEXAS

2 COUNTY OF BEXAR

3 I, Glyn E. Poage, Official Court Reporter in and
 4 for the 166th District Court of Bexar County, State of
 5 Texas, do hereby certify that the above and foregoing
 6 contains a true and correct transcription of all
 7 portions of evidence and other proceedings requested in
 8 writing by counsel for the parties to be included in
 9 this volume of the Reporter's Record in the above-styled
 10 and numbered cause, all of which occurred in open court
 11 or in chambers and were reported by me.

12 I further certify that this Reporter's Record of
 13 the proceedings truly and correctly reflects the
 14 exhibits, if any, offered by the respective parties.

15 I further certify that the total cost for the
 16 preparation of this Reporter's Record is \$_____ and
 17 was paid/will be paid by _____.

18 WITNESS MY OFFICIAL HAND this the _____ day of

19 _____, _____.

20 _____
 21 Glyn E. Poage, CSR, RDR, CRR
 22 Official Court Reporter
 23 166th District Court
 24 Bexar County, Texas
 25 100 Dolorosa
 San Antonio, Texas 78205
 Telephone: (210) 335-2640
 CSR No. 359
 Expiration: 12/31/12
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