

Declaration of Diligence

I, Harry S. Berman, declare:

I am, and at all times mentioned herein was, an active member of the State Bar of California and not a party to the above-entitled cause. My business address is 6253 Hollywood Boulevard, Suite 822, Los Angeles, California 90028.

I called the California Secretary of State, Corporate Status Unit, in February and June, 1991, and was advised that the Scientology orders in the Los Angeles Division listed below (hereinafter referred to as "the defendant Scientology orders") have designated the following persons as their agents for service of process:

Church of Scientology Celebrity Center International -
Kendrick Moxon;

Church of Scientology International - Kendrick L. Moxon;

Church of Scientology of California - Timothy Bowles;

Church of Scientology of Los Angeles - Jeanne Paulson;

and

Church of Scientology Western United States - Kendrick L.
Moxon.

The letterhead on Bowles & Moxon's stationary states that Timothy Bowles, Kendrick L. Moxon, and Laurie J. Bartilson are members of the firm and Jeanne M. Paulson and Marcello M. Di Mauro are of counsel to the firm (hereinafter collectively referred to as "Bowles & Moxon" and individually as "Bowles," "Moxon," "Bartilson," "Paulson-Gavigan," and "Di Mauro"). While not

designated as an agent for service of process for any of the defendant Scientology orders, Di Mauro has appeared in proceedings" in the Los Angeles Superior Court with respect to A. J. Young's claim for minimum wages.

I went to the law offices of Bowles & Moxon as listed on the firm's letterhead and pleadings filed with the court, 6255 Sunset Boulevard, Suite 2000, Los Angeles, California 90028 (hereinafter referred to as "the executive suite"), at 12:15 p.m. on October 30, 1991. The receptionist advised me that this is an executive suite; that Bowles, Moxon, Paulson-Gavigan, and Di Mauro were not in; that she is not authorized to sign for the defendant Scientology orders; and that Bowles, Moxon, Paulson-Gavigan, and Di Mauro are rarely there, but that someone picks up their mail on a regular basis.

At 12:35 p.m. on October 30, 1991, I called the telephone number listed on Bowles & Moxon's letterhead, (213) 661-4030 (hereinafter referred to as "Bowles & Moxon's telephone number"), was advised that Bowles, Moxon, Paulson-Gavigan, and Di Mauro were not available, and left a message to have Bowles, Moxon, and Paulson-Gavigan return my call because they were the agents for service of process for the defendant Scientology orders and I wanted to leave copies of summons and complaints with them.

At 3:30 p.m. on October 30, 1991, I called Bowles & Moxon's telephone number and was advised that Bowles was not available, Moxon was not in, and talked to Paulson-Gavigan, who advised me that she can't accept service this week, but maybe next week. When I asked her to set a date on which I could deliver a copy of the summons and complaint for the Church of Scientology of Los Angeles to her she refused to do so. Paulson-Gavigan also advised me at

this time that her present married name is "Gavigan."

At 4:00 p.m. on October 30, 1991, I went to the executive suite and was told that Bowles, Moxon and Paulson-Gavigan were not there.

At 9:15 a.m. on October 31, 1991, I called Bowles & Moxon's telephone number, spoke to a person who identified herself as "Diana Hancock," and was told that Bowles, Moxon, Paulson-Gavigan and Di Mauro were not available to accept service.

At 10:15 p.m. on October 31, 1991, I returned to the executive suite, talked to the receptionist, who identified herself as "Deanne Pennington,^{f1} and was told that no one from Bowles & Moxon has been in the executive suite on October 30 or 31, 1991, and that Bowles & Moxon's telephone number does not ring through to her switchboard. It is to be noted that Bowles & Moxon's telephone number is listed in the most recent edition of the Pacific Bell Smart Yellow Pages as the telephone number for the Church of Scientology of California Office of Special Affairs US Legal Offices, 1301 North Catalina street, Los Angeles, California 90027. Copies of the cover page and page 162 from the Smart Yellow Pages are attached hereto as Exhibit "A" and by reference incorporated herein and made a part hereof as fully as if they were set out at length.

The defendant Scientology orders occupy with other Scientology orders a facility known as "the big blue ship/¹ which is a building complex located on one square block bordered by Sunset Boulevard on the North, North Berendo Street on the East, Fountain Avenue on the South, and North Catalina Street on the West. Bowles & Moxon have , offices on the 4th floor of the complex nearest the entrance at

1413 North Berendo Street, and it is here Bowles & Moxon's telephone number is connected and Bowles, Moxon, and Paulson-Gavigan work on a daily basis.

At 12:00 noon on November 4, 1991, I called Bowles & Moxon's telephone number and was advised that no one from Bowles & Moxon was available to accept service and that the person to whom I was talking was not authorized to give out information over the telephone when I asked when I might expect my calls to be returned.

At 12:15 p.m. on November 4, 1991, I returned to the executive suite and was advised by Deanne Pennington that no one from Bowles & Moxon was in the office, and that she hardly ever sees them.

At 12:45 p.m. I went to 1413 North Berendo Street, 4th Floor, Los Angeles, California 90027, observed locked double doors marked "Bowles & Moxon," knocked, and was admitted by a person who appeared to be the receptionist. I observed from the office decor and law books that I was in a law office. I advised the person who admitted me that I wanted to see Bowles, Moxon, and Paulson-Gavigan, and that I had copies of summons and complaints for Bowles, Moxon, and Paulson-Gavigan. The person who admitted me then grabbed my left arm in both her hands and started to pull me toward the door, saying, "You can't make service this way. I am not authorized to accept service." She also yelled to other persons in the area to "call the guys," which I assumed was a reference to guards stationed throughout the complex. While being pulled toward the door, I laid copies of the summons and complaints for the defendant Scientology orders on the floor, and then left the office.

At 2:15 p.m. on November 4, 1991, I returned to the executive suite and left copies of the summons and complaints for the

defendant Scientology orders with the receptionist, after informing her of the general nature of the papers. The receptionist advised me that she was not authorized to accept service and calle'd her supervisor, who allowed me to leave copies in the mail slot for Bowles & Moxon, which is within arm reach of the receptionist's desk. I subsequently placed copies in the United States mail on November 4, 1991, at Los Angeles, California, first-class mail, postage prepaid, addressed as follows:

"Church of Scientology Celebrity Center International, a California nonprofit corporation, C/O Kendrick L. Moxon, Esq., Agent for service of process, Bowles & Moxon, 6255 Sunset Boulevard, Suite 2000, Los Angeles, California 90028;

"Church of Scientology International, a California nonprofit corporation, C/O Kendrick L. Moxon, Esq., Agent for service of process, Bowles & Moxon, 6255 Sunset Boulevard, Suite 2000, Los Angeles, California 90028;

"Church of Scientology of California, a California nonprofit corporation, C/O Timothy Bowles, Esq., Agent for service of process, Bowles & Moxon, 6255 Sunset Boulevard, Suite 2000, Los Angeles, California 90028;

"Church of Scientology of Los Angeles, a California nonprofit corporation, C/O Jeanne M. Paulson, Esq., Agent for service of process, Bowles & Moxon, 62 55 Sunset Boulevard, Suite 2000, Los Angeles, California 90028; and

"Church of Scientology Western United States, a California nonprofit corporation, C/O Kendrick L. Moxon, Esq., Agent for service of process, Bowles & Moxon, 6255

Sunset Boulevard, Suite 2000, Los Angeles, California
90028."

On December 3, 1991, I received a telephone call from Di Mauro, who told me that he wanted to confirm that the last day to file responses was on December 16, 1991.

On December 14, 1991, I received certified copies of the Statements By Domestic Nonprofit Corporations files by the defendant Scientology orders with the California Secretary of State. Apparently on the most recent statements filed by the Church of Scientology of Los Angeles and the Church of Scientology Celebrity Center International on October 28, 1991, the agents for service of process for these defendant Scientology orders were changed as follows:

Church of Scientology Celebrity Center International -
Jeanne Gavigan (from Kendrick Moxon); and
Church of Scientology of Los Angeles - Tim Bowles (from
Jeanne Paulson).

At 10:00 a.m. on December 16, 1991, I returned to the executive suite and was told by the receptionist that Bowles and Paulson-Gavigan were not there. At 11:15 a.m. I went to 1404 North Catalina Street, Los Angeles, California 90027, the address given by Paulson-Gavigan to the Secretary of State, and asked the guard for Jeanne Gavigan and advised the guard that I wanted to serve a summons and complaint. I was told that Paulson-Gavigan was not there, and that someone would be sent down to talk to me. After an approximate 10 minute wait a person who identified herself as "Cory Brennen" advised me that Paulson-Gavigan was not available, and
_. that there was no one available to accept service for Paulson-

Gavigan. At 12:40 p.m. I returned to the executive suite and was told by the receptionist that Bowles and Paulson-Gavigan were not there. At 2:15 p.m. I returned to the executive suite and was told by the receptionist that Bowles and Paulson-Gavigan were not there. I left copies of the summons and complaints for the Church of Scientology Celebrity Center International and the Church of Scientology of Los Angeles with the receptionist after informing her of the general nature of the papers. I subsequently placed copies in the United States mail on December 16, 1991, at Los Angeles, California, first-class mail, postage prepaid, addressed as follows:

"Church of Scientology Celebrity Center International, a California nonprofit corporation, C/o Jeanne Gavigan, Esq., Agent for service of process, Bowles & Moxon, 6255 Sunset Boulevard, Suite 2000, Los Angeles, California 90028;

"Church of Scientology Celebrity Centre International, a California nonprofit corporation, C/O Jeanne Gavigan, Esq., Agent for service of process, 1404 North Catalina Street, Los Angeles, California 90027; and "Church of Scientology of Los Angeles, a California nonprofit corporation, C/o Timothy Bowles, Esq., Agent for service of process, Bowles & Moxon, 6255 Sunset Boulevard, Suite 2000, Los Angeles, California 90028. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

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Executed on December 16, 1991, at Los Angeles, California.



Harry S. Berman, declarant