

DECLARATION OF VICKI J. AZNARAN

I, VICKI J. AZNARAN, hereby declare as follows:

1. I am over 18 years of age and a resident of the State of Texas. I have personal knowledge of the matters set forth herein and, if called upon to do so, could and would competently testify thereto.

2. From 1972 until 1987, I was a member of various Church of Scientology ("Church") entities. During that time I held a number of important positions in the corporate and ecclesiastical hierarchy of the Church. I was also a devout believer in the religion of Scientology. In March of 1987, my husband Richard Aznaran and I left our positions with the Church and returned home to Texas from California. At the time we left, Richard and I voluntarily executed certain releases and waivers in full settlement of any and all disputes we had with the Church. In April of 1988, notwithstanding our execution of those releases and waivers, Richard and I filed a lawsuit against several Church entities and individuals in the United States District Court for the Central District of California.

3. During the time I was a senior Church executive, I gained first hand knowledge of the manner in which some apostate former Church members had pursued civil claims against the Church, and obtained successful verdicts or judgments or favorable settlements notwithstanding the merits. The courts consistently allowed the Church's adversaries leeway to introduce allegations without regard to the normal rules of procedure and evidence. At the time, this was a source of great concern to me, both as a Scientologist and a Church executive, particularly since my staff duties included responsibilities regarding certain areas of litigation.

4. Thus, having participated in Scientology litigation both as a Church executive and as a litigant against the Church, I bring two distinct, but related, perspectives to this declaration from my personal knowledge and observation. First, at the time my husband and I brought our own suit I understood that the legal system

could be used to pursue my position. Later, upon having sued various Scientology churches and having allied myself with other litigants and their counsel suing Scientology churches, I observed first hand the ways in which the legal system is successfully used by litigants and counsel opposing the Church.

5. The fundamental premise upon which the Church's adversaries and their lawyers operate is the likelihood that courts and juries are willing to believe any allegation made against the Church by a former member, without regard to plausibility, contrary evidence or the true facts. That concept was most succinctly expressed, on videotape, by anti-Scientology litigant, Gerald Armstrong, when he stated that a lack of documents or evidence was no impediment to litigating against the Church when the litigant can "just allege it." The active pursuit of that litigation approach has now led to the formation of a small group of disaffected Scientologists who are now employed by an even smaller number of attorneys who are making a practice of litigating against the Church. This stable of witnesses can be relied upon to furnish "corroboration" for any allegation which an attorney wishes to make against the Church in pleadings at deposition, in affidavits, and ultimately in trial testimony.

6. The process or "just alleging it" begins with the complaint. For example, in the complaint which was filed on our behalf against the Church, there were numerous allegations which were either false or which we could not substantiate. When I was initially deposed in our case, I conceded that numerous portions of the complaint should not have been drafted by counsel in the fashion they were. Thus, for example, in deposition in June, 1988, I testified that the allegation in paragraph 7 of our complaint, that the "[Church] organizations were created solely for the purpose of making money from the sale of copyrights of the book Dianetics..." was not true. I testified that I did not create corporate structures within the Church and that I do not know where this allegation in paragraph 16 of our complaint came from.

7. There were several other improper or incorrect allegations which should not have appeared in the complaint that I had to acknowledge in deposition. As another example, the complaint alleged in paragraph 16 that I worked for Author Services, Inc., in managing the sales of copyright of the book Dianetics. In deposition I testified that I never worked for Author Services, Inc. and was not aware of any such sale of copyrights.

8. Paragraph 16 of the complaint included the allegation that I had been employed as a "missionaire" to remove assets of Defendant Church of Scientology of California to overseas trusts where they could not be accessed. This allegation was false, and it was not an allegation that either my husband or I requested be included in the complaint. I was definitely not employed for that reason, and I have never claimed that I was.

9. It was also alleged in paragraph 16 of the complaint that I was employed as a "missionaire" to "set up sham corporate structures to evade prosecution generally." This allegation is also false. I was never employed for that purpose. I had never even heard of that allegation until I read it in the filed complaint. I did not make that allegation, and I do not know where it came from.

10. Paragraph 12 of the complaint contains the false allegation that my husband and I were forced to "involuntarily abandon [our] identities, spouses, and loyalties..." My deposition testimony established that this was not the case. For example, my husband used to engage in his hobby of target shooting during his years in the Church. We had pets, including a German shepherd which my husband trained in his spare time. I took riding lessons. I also trained in karate, because I was interested in learning that discipline. These were all ways in which my husband and I expressed our individuality while on staff and demonstrate no abandonment, forced or otherwise, of our individual interests.

11. My husband and I both testified to numerous separate, factual errors in the complaint. Our attorney firm, Cummins & White, and later our subsequent

counsel, Ford Greene, were aware of these errors to which we testified. Even though we asked them to, no attempt to file a corrected or amended complaint was ever made, nor did any such correction ever occur.

12. The abusive device most consistently utilized by litigants and counsel adverse to the Church occurs in connection with the filing of declarations or affidavits. It is common knowledge among the stable of disaffected ex-Scientologists who supply such sworn statements that the attorneys dictate the desired content of such testimony with the primary, often sole, purpose of presenting inflammatory accusations that prejudice the Church in the eyes of the court. In such declarations or affidavits, context, the truth, and relevance to the issues in the case are disregarded altogether. As time has passed and this technique has evolved, anti-Church litigants and their counsel have become more and more emboldened in making such declarations and affidavits because the tactic has proven to be so effective in poisoning courts and juries against the Church.

13. The most common and probably the most devastating manifestation of this tactic is the use of allegations concerning the so-called "Fair Game" policy of the Church. The term "Fair Game" has been misrepresented and repeatedly used by the Church's litigation adversaries as a means to create prejudice against the Church. To accomplish that end, counsel fashions a declaration in which the witness identifies an ugly event -- real, imagined, or just plain invented -- and then alleges that it was a deliberate act which was committed by the Church. The idea is to create the false impression that the Church is committing acts of retribution in pursuit of "Fair Game."

14. A central element of exploiting the "Fair Game" tactic is to make certain that the allegations are crafted so they cannot be objectively disproved. In other words, the declarant makes an allegation of a bad or harmful or harassing act that cannot be documented in a tangible form and then alleges that it was done

by the Church pursuant to the Fair Game "policy". By so doing, the declarant has put the Church in the impossible position of trying to prove a negative and trying to prove it without documentation. It becomes a matter of the declarant's word against that of the Church, and by making the act alleged sufficiently despicable, the result is prejudice against the Church.

15. The Fair Game policy was a policy to forward Scientology's belief that any attacks on Scientology by those seeking to destroy it were to be vigorously defended by legal means and never ignored. It was not a policy condoning or encouraging illegal or criminal activities. The policy was misinterpreted by others and was thus canceled. It has since been used by litigants over the years as a vehicle to give credibility to allegations to try to prejudice courts against Scientology. An event happens such as someone's wife dies in a car accident, and the allegation is made that this is a murder committed by the Church pursuant to "Fair Game" policy. This technique is known to those who attack the Church and so they continue to use this term to try to prejudice the courts. These people feel comfortable making scandalous allegations, knowing that the Church does not have such a policy. I am unaware of any allegations of "Fair Game" being made by persons who have simply left the Church. Rather, the charges of Fair Game are invariably made by parties who have subsequently become involved in litigation with the Church and who have started working with other anti-Scientology litigants familiar with this tactic.

16. It has been my experience that these litigants and lawyers become emboldened because the history of Scientology litigation demonstrates that virtually any charge leveled against the Church in litigation by an avowed enemy, no matter how outrageous or unfounded, will be accepted and believed. Based on my experience it is a matter of common knowledge that efforts by the Church to refute such prejudicial allegations have commonly not been believed in the courts.

17. Thus, it has become a routine practice of litigants to make accusations against the Church, including even false allegations of threats of murder, which would be summarily thrown out of court as unsupported and scandalous in other litigation. They do it because it works, and they do it by deliberately mischaracterizing the term "Fair Game". They do it as an intentional means to destroy the reputation of the Church in the context of litigation so what they can win money or force the Church to settle.

18. The term "fair game" has become a catch phrase for those who attack the Church. When I was in the Church I never heard it referred to as a policy to be used, the only time it was discussed was in reference to litigation in which it was being alleged by Church adversaries. When I was in the Church, I knew that litigants opposing the Church were constantly making fair game allegations against us and that those allegations were nonsense. I also know the frustration those allegations caused because of the willingness of courts and juries to embrace them. From my experience in litigating against the Church, I can see that nothing has changed in this regard. I also know from my experiences in suing the Church and from my association with other litigation adversaries of the Church that they know that "Fair Game" as they portray it is not Church policy. "Fair Game" exists only as a litigation tactic employed AGAINST the Church.

19. There are other things I have seen and experienced in anti-Scientology litigation that seem very unusual to me. There is a group or "team" of anti-Scientology witnesses who are being paid for their testimony, and based on my experience, this testimony is being altered and falsified, either by the witnesses themselves or the attorneys. For example, Graham Berry, counsel of record for a defendant in the case of CSI V. FISHMAN, filed numerous declarations from ex-Scientologists after the lawsuit was dismissed which had been purchased for many thousands of dollars. Mr. Berry told me that these payments were made possible because his client had insurance coverage.

20. In February of 1994, Mr. Berry called my husband and me and offered to hire us at the rate of \$125 per hour for us to study materials in the FISHMAN case and to write declarations supporting issues Mr. Berry wished us to support in the FISHMAN case. Mr. Berry gave us an advance of \$2,500, which we were expected to bill against services rendered. He told us that because his client in the FISHMAN case had insurance coverage, the insurance money enabled him to do this. He said he was able to get the insurance company to pay our salaries by naming us as "experts", which also enabled the use ((of)) our declarations without regard to whether we were actually witnesses to the events at issue in the FISHMAN case, which we were not.

21. Mr. Berry told us he had assembled a team of former Scientologists for use in litigation, all of whom were employed by him in the FISHMAN case as so-called experts. Although we were not eager to get involved in FISHMAN's litigation, we agreed to do ((so)) because the \$2,500 advance by Mr. Berry was attractive. Mr. Berry sent us some documents from the court record in the FISHMAN case, which I read, since I was being paid \$125 per hour to do so.

22. I know from subsequent conversations I have had that Andre Tabayoyon is similarly employed, as are Vaughn and Stacy Young and others, each paid to create declarations for Mr. Berry when he needs them. On the basis of my knowledge of the Church and the declarants, I can state that these individuals are not "experts" in any recognized sense of the word as I understand it. They are nothing more than witnesses who are being paid to make sworn statements against the Church. More than just being paid, they are actually employed by Mr. Berry as a source of signed declarations of testimony or as a "source" of allegations, the need for such is decided by him.

23. Later in February 1994, Mr. Berry called us again. He said that the Church had dismissed the FISHMAN case and he needed declarations from us on an immediate basis for use in his motion to recover attorneys fees and costs. I

thought this was odd, since it seemed to me that one would support such a motion with receipts, bills, invoices, and such. Even though it seemed senseless to provide declarations after the case was dismissed, I told him I would provide a declaration because he had already paid and I would rather have done this than return the money he had paid us. He then told us what areas of testimony he wanted us to cover in the declarations. Accordingly, I transmitted to Mr. Berry's firm EIGHT-page declaration which I had prepared on my word processor and signed on the last page bearing the date of February 24, 1994.

24. I recently learned that Mr. Berry actually filed a NINETEEN-page declaration purportedly signed by me. Mr. Berry attached my signature to a declaration which I never saw or authorized.

25. Passages inserted without my knowledge or authorization in the version of my declaration filed by Mr. Berry include statements that are untrue and/or about which I have no personal knowledge. Not only did I not make these statements, I never heard of them before. The following are some examples of these falsities:

a) In my declaration there are statements concerning "Project Quaker" which are false. In fact I have never heard of "Project Quaker" and the statement in the version of my declaration Mr. Berry filed (paragraph 7) was not in the declaration I sent to Mr. Berry. It could not have been as I have never heard of "Project Quaker";

b) The statements in the filed declaration concerning the death of Michelle Miscavige's mother were added to without authorization by me. This included mention of the death of Heber Jentsch's wife which is not something I had ever spoken to Mr. Berry about, and I have no knowledge and never heard anything that indicated there was anything unusual about Mr. Jentsch's wife death. She died of natural causes. The statement concerning Flo Barnett's death were not put in context and were not meant to imply that there was any wrongdoing surrounding her death.

In approximately September 1985, when I was the Deputy Inspector General of Religious Technology Center ("RTC"), I learned that Mary Florence Barnett, Mrs. Miscavige's mother, had committed suicide. She had been involved with a group of disaffected former Scientologists who practiced altered versions of Scientology. I only know that after hearing about her death both David and Shelly Miscavige were very upset over the fact that Flo Barnett had killed herself. I also wish to make known that I have seen mention in an affidavit by Vaughn Young that David Miscavige ordered the matter "hushed up." This was stated in the context of indicating wrongdoing on Mr. Miscavige's part and insinuating he had some participation in the matter. A careful and literal reading of the statement shows that Mr. Young never actually says he knows Mr. Miscavige was involved in this suicide, or that there was any evidence of such, but by innuendo his statement still leaves this impression. To my knowledge there was never any order by David Miscavige or anyone else to keep the matter quiet. If any such order existed it would most likely have been given to me. And since I took actions to make the matter quite well known and never heard anybody, let alone David Miscavige, ask for the matter to be hushed up, I know this statement and the innuendo to be false;

c) the entirety of paragraph 16 on page 10 of the declaration filed by Mr. Berry concerning L. Ron Hubbard and the IRS was written by someone other than me and was inserted into my declaration without my knowledge or authorization. This entire paragraph makes unfounded and outrageous allegations intended to create the impression that David Miscavige or any other Scientologist would want Mr. Hubbard to die in order to avoid supposed IRS problems. This is unthinkable to any Scientologist, and I never heard this or any similar statement made by anyone in the Church.

d) Paragraph 15 of the declaration claims that "Earle Cooley Esq. and others convinced the San Luis Obispo coroner not to do any autopsy on Hubbard's body" implying there was something hidden or covered up about Mr. Hubbard's

death. This is false. It was not written by me and I know of no such thing. I was in a position to have knowledge of this matter and I know that Mr. Hubbard died of natural causes and the statement attributed to me is a complete fabrication.

e) There is also a statement made in paragraph 18 that Mike Rinder's child received "Hubbard's baby care technology." The implication is that the child's death had something to do with Scientology which I never believed to be the case. I did not make this statement and have no information that this was the case.

f) In fact, paragraphs 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35A and 35B were not in the version of the declaration that I sent to Mr. Berry to be filed. He added them after the fact, and I never saw them before this declaration was filed and I never gave authorization for Mr. Berry to add any of these things to my declaration.

g) The statements concerning the Church of Scientology International ("CSI") and whether the Time article concerned CSI, and the corporate structure of the Church (paragraph 20) were also not in the version I signed and sent to Mr. Berry. And again, I know the statement to be entirely false.

h) One other point I wish to clarify concerning the use of "End of Cycle." There is nothing in Scientology writings which relates the term "End of Cycle" to connote murder or suicide. To my knowledge, this characterization of the term "End of Cycle" was invented by Steven Fishman. I have never heard this term used by the Church to mean "suicide" or "murder" and even though I am a disaffected ex-Scientologist, I know it to be a false allegation. Its only use is to smear the Church for litigation purposes as detailed earlier. I earlier verbally told Mr. Berry this when he first contacted me for this exact information.

26. I gave no authorization for my declaration to be changed after I sent the signed copy of it to Mr. Berry and the charges made to my declaration were

made without my knowledge or consent. Mr. Berry never contacted me after he filed the manufactured 19 page version of my declaration. Had I not later obtained a copy of the declaration filed by Mr. Berry from another source, I never would have found out about any of these alterations.

I declare under the penalty of perjury under the laws of the United States of America, and under the laws of each individual state thereof, including the laws of the states of California and Texas, that the foregoing is true and correct.

Executed this 19th day of May, 1994 in Dallas, Texas.

VICKI J. AZNARAN