FEDERAL BUREAU OF INVESTIGATION

# RYMUR
# (JONESTOWN)

## BB-31B TIM STOEN-LEGAL

**BUFILE:89-4286**
**BULKY 2233**

SUBJECT RYMUR

FILE NUMBER BUFILE 89-4286

SECTION NUMBER

SERIALS BULKY 2233

TOTAL PAGES 265

PAGES RELEASED 265

EXEMPTION(S) USED b6

b7C

BB-316 PTMEMBERS – TIM STOEN - LEGAL

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294 Page Street
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Attorneys for Petitioner

SUPERIOR COURT FOR THE STATE OF CALIFORNIA

IN THE CITY AND COUNTY OF SAN FRANCISCO

In re the marriage of

Petitioner; GRACE LUCY STOEN

and

Respondent: TIMOTHY O. STOEN

No.719-147

REQUEST FOR EXCLUSION OF PUBLIC

C.C. 4360
C.C. 4600

Petitioner requests the above court to issue an order prohibiting the public from inspecting all pleadings and other documents on file herein and for exclusion of the public from all hearings relating to the custody issue.

DATED: 8-11-77

Attorney for Petitioner

BB- 31-b-1

DECLARATION OF GRACE L. STOEN

I am the Petitioner in this action and am moving to regain physical custody of my 5 year old son, JOHN VICTOR STOEN.

I am aware that the PEOPLE'S TEMPLE has gained considerable publicity and attention as of late. I have been contacted numerous times to make public statements and to supply information. I remain concerned that my son's readjustment to a normal and stable homelife will be adversely affected if litigation regarding his custody gains widespread public attention.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 11th day of August, 1977 at San Francisoo California.

GRACE LUCY STOEN

BB- 31- b- 2

HANSEN & HAAS
3009 Sacramento Street
San Francisco, Ca 94118
922-6200

Attorney(s) for Petitioner

Space Below for Use of Court Clerk Only

FILED

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO

In re the marriage of

Petitioner: GRACE LUCY STOEN

and

Respondent: TIMOTHY O. STOEN

CASE NUMBER

PETITION (MARRIAGE)

1. This petition is for:

☐ Legal separation of the parties pursuant to
☐ Civil Code Section 4506(1)
☐ Civil Code Section 4506(2)

☒ Dissolution of the marriage pursuant to:
☒ Civil Code Section 4506(1)
☐ Civil Code Section 4506(2)

Respondent (Petitioner/Respondent) has been a resident of this state for at least six months and of this county for at least three months immediately preceding the filing of this petition.

☐ Nullity of the marriage pursuant to:
☐ Civil Code Section 4400
☐ Civil Code Section 4401
☐ Civil Code Section 4425( )

2. Statistical information:

b6
b7C

a. Husband's social security number: Unknown Wife's social security number: [redacted]

b. Date and place of marriage: 6/27/70, Redwood Valley Calif.

c. Date of separation: 7/3/76 The number of years from date of marriage to date of separation is: ..... years, ..... months, ..... days.

d. There are one (Number) children of this marriage including the following minor children:

| Name | Birthdate | Age | Sex |
|---|---|---|---|
| John Victor Stoen | 1-25-72 | 5 | Male |

Form Adopted by Rule 1281 of Judicial Council of California
Revised Effective January 1, 1972

PETITION (MARRIAGE)

BB-31-6-3

California Minneapolis Service Bureau, Inc.
Established 1934

3. Property statement:

☐ There is no property subject to disposition by the court in this proceeding.

☐ All property otherwise subject to disposition by the court in this proceeding has been disposed of by written agreement of the parties.

☒ The following described property is subject to disposition by the court in this proceeding:

Residential property
Respondent's pension & retirement benefits

4. Petitioner requests that the following described property be confirmed as petitioner's separate property:

5. Petitioner requests that:

a. ☒ Custody of children be awarded: Petitioner
(Petitioner/Respondent/Other [Specify])

b. ☒ Support of children be awarded

c. ☒ Spousal support ..... (set) be awarded Petitioner (Petitioner/Respondent)

d. ☒ Property rights be determined as provided by law

e. ☒ Attorney's fees and costs ..... (set) be awarded Petitioner (Petitioner/Respondent)

and that the court inquire into the status of the marriage and render such judgments and make such injunctive or other orders as are appropriate.

Petitioner declares under penalty of perjury that the foregoing, including any attachments, is true and correct and that this declaration was executed on 2-17-77 at San Francisco, California.

/s/ ..... (Attorney for Petitioner)

/s/ Grace Lucy Stern (Signature) (Typed name)

A declaration under penalty of perjury must be executed within California. An affidavit is required if executed outside California.

BB-31-6-4

JEFFREY A. [illegible]
Attorney at Law
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(415) 922-6200

MARGARET RYAN
Attorney at Law
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(415) 626-[illegible]

Attorneys for Petitioner

SUPERIOR COURT FOR THE STATE OF CALIFORNIA

IN THE CITY AND COUNTY OF SAN FRANCISCO

| | |
|---|---|
| In re the marriage of<br>Petitioner: GRACE LUCY STORN<br>and<br>Respondent: TIMOTHY O. STORN | No. 719-147<br><br>REVISED ORDER RE CHILD CUSTODY |

GOOD CAUSE APPEARING:

1. Petitioner is awarded custody of JOHN VICTOR STORN, age 5, d.o.b. 1/25/72 pending further order of this court.

2. Petitioner's Order to Show Cause Re Custody is continued for further hearing until November 18, 1977, Dept. 13 at 9:00 A.M.

3. Good cause appearing, the REV. JIM JONES is ordered joined as a party to this action pursuant to Section 5159 of the California Civil Code.

4. Pursuant to Section 5154(1)(d) of the California Civil Code, the court directs that service of this order, the summons and petition upon Claimant JONES shall be deemed to have been effected upon proof of the doing of the following acts: (1) the

 BB-31-6-5

MARGARET RYAN
ATTORNEY AT LAW
294 PAGE STREET
SAN FRANCISCO, CA 94102

mailing of a copy of this order, the summons and petition first class postage prepaid, to the REVEREND JIM JONES, c/o PEOPLE'S TEMPLE, 1851 Geary Street, San Francisco, California. Said mailing shall occur no later than September 1, 1977; (2) the mailing of this order, the summons and petition airmail postage to REV. JIM JONES, c/o THE PEOPLE'S TEMPLE AGRICULTURAL MISSION, Guyana. Said mailing shall occur no later than September 1, 1977; (3) the mailing of a copy of this order to CHARLES GARRY, Attorney at Law, 1256 Market Street, San Francisco, California. Said mailing shall occur no later than September 1, 1977; and (4) publication of this order in the Recorder, a newspaper of general circulation for 4 times in 4 successive weeks as provided in Government Code 6064. The last day of publication shall be no later than November 11, 1977. In the alternative, REV. JONES may be personally served.

5. Pursuant to Section 5160(2) of the California Civil Code, Claimant Rev. JIM JONES is ordered to appear before this court on November 18, 1977 Room 481, City Hall, to show cause why Petitioner should not be awarded custody to said minor.

6. Pursuant to Section 5160(2) of the California Civil Code, Claimant REV. JIM JONES is advised that a failure to appear at the time and place designated above may result in a decision adverse to himself.

7. Any previous declaration or statement signed by either Petitioner or Respondent authorizing Claimant JONES to act as guardian of said minor child is hereby declared null and void.

8. The parties and their agents are restrained from removing said minor from the City and County of San Francisco pending

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S FRANCISCO, CA 94102
(415) 626-0970



BB- 31-6-6

further order of this court.

DATED: October 14, 1977

/s/ DONALD B. KING

JUDGE OF THE SUPERIOR COURT

BB-31-6-7

Name, Address and Telephone No. of Attorney(s)

JEFFREY A. BAAS
Hansen & Baas
3600 Sacramento
San Francisco, CA 94118
(415) 922-6300

ATTORNEY FOR: Petitioner

Space Below for Use of Court Clerk Only

SUPERIOR COURT OF CALIFORNIA, COUNTY OF . . . . . .

. . . . . .

(Street address of court or branch court)

In re the marriage of

Petitioner: GRACE LUCY STOCK

and

Respondent: TIMOTHY O. STOCK

CASE NUMBER

712-347

SUMMONS (MARRIAGE)

**NOTICE! You have been sued.** The court may decide against you without your being heard unless you respond *within 30 days. Read the information below.*

**¡AVISO! Usted ha sido demandado.** El tribunal puede decidir contra Ud. sin audiencia a menos que Ud. responda dentro de 30 días. Lea la información que sigue.

1. To the Respondent (See footnote*):

   a. The petitioner has filed a petition concerning your marriage. You may file a written response within 30 days of the date that this summons is served on you.

   b. If you fail to file a written response within such time, your default may be entered and the court may enter a judgment containing injunctive or other orders concerning division of property, spousal support, child custody, child support, attorney's fees, costs, and such other relief as may be granted by the court, which could result in the garnishment of wages, taking of money or property, or other relief.

   c. If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your written response, if any, may be filed on time.

Dated . . . . . , Clerk

(SEAL)

By _____ , Deputy

BB- 31-6-8

* The response and other permitted papers must be in writing and in the form prescribed by the California Rules of Court. They must be filed in this court with the proper filing fee and proof of service of a copy of each on petitioner. The time when a summons is deemed served on a party may vary depending on the method of service. For example, see CCP 415.10 through 415.40.

1983

3. Property statement:

☐ There is no property subject to disposition by the court in this proceeding.

☐ All property otherwise subject to disposition by the court in this proceeding has been disposed of by written agreement of the parties.

☒ The following described property is subject to disposition by the court in this proceeding:

Residential property
Respondent's pension & retirement benefits

4. Petitioner requests that the following described property be confirmed as petitioner's separate property:

5. Petitioner requests that:

a. ☒ Custody of children be awarded: Petitioner
(Petitioner/Respondent/Other [Specify])

b. ☒ Support of children be awarded

c. ☒ Spousal support (not) be awarded Petitioner
(Petitioner/Respondent)

d. ☒ Property rights be determined as provided by law

e. ☒ Attorney's fees and costs (not) be awarded Petitioner
(Petitioner/Respondent)

and that the court inquire into the status of the marriage and render such judgments and make such injunctive or other orders as are appropriate.

Petitioner declares under penalty of perjury that the foregoing, including any attachments, is true and correct and that this declaration was executed on 2-17-77 at San Francisco, California.

/s/ (Signature)

(Attorney for Petitioner)

/s/ Grace Lucy Stoen (Type/print name)

A declaration under penalty of perjury must be executed within California. An affidavit is required if executed outside California.

88-31-6-9

Name, Address and Telephone Number of Attorney(s)

HANSEN & HAAS
3609 Sacramento Street
San Francisco, Ca 94118
922-6200

Attorney(s) for Petitioner

Space Below for Use of Court Clerk Only

ENDORSED
FILED
FEB 28 1977
CARL M. OLSEN, Clerk
[illegible]

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO

In re the marriage of

Petitioner: GRACE LUCY STOEN

and

Respondent: TIMOTHY O. STOEN

CASE NUMBER

[illegible]

PETITION (MARRIAGE)

1. This petition is for:

☐ Legal separation of the parties pursuant to:
☐ Civil Code Section 4506(1)
☐ Civil Code Section 4506(2)

☒ Dissolution of the marriage pursuant to:
☒ Civil Code Section 4506(1)
☐ Civil Code Section 4506(2)

[illegible] has been a resident of this state for at least six months and of this county for at least three months immediately preceding the filing of this petition.
(Petitioner/Respondent)

☐ Nullity of the marriage pursuant to:
☐ Civil Code Section 4400
☐ Civil Code Section 4401
☐ Civil Code Section 4425

2. Statistical information:

b6
b7c

a. Husband's social security number: [illegible] Wife's social security number: [redacted]

b. Date and place of marriage: 6/27/70, Redwood Valley Calif.

c. Date of separation: 7/3/76 The number of years from date of marriage to date of separation is: ____ years, ____ months, ____ days.

d. There are one (Number) children of this marriage including the following minor children:

| Name | Birthdate | Age | Sex |
|---|---|---|---|
| John Victor Stoen | 1-25-72 | 5 | Male |

Form Adopted by Rule 1281 of Judicial Council of California
Revised Effective January 1, 1972

PETITION (MARRIAGE)

BB-31-b-10

California Newspaper Service Bureau, Inc.
Established 1934

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Attorney at Law
294 Page Street
San Francisco, CA 94102
(415) 626-0979

Attorneys for Petitioner

SUPERIOR COURT FOR THE STATE OF CALIFORNIA

IN THE CITY AND COUNTY OF SAN FRANCISCO

| | |
|---|---|
| In re the marriage of<br>Petitioner: GRACE LUCY STOEN<br>and<br>Respondent: TIMOTHY O. STOEN | No. 719-147<br>REVISED ORDER RE CHILD CUSTODY |

GOOD CAUSE APPEARING:

1. Petitioner is awarded custody of JOHN VICTOR STOEN, age 5, d.o.b. 1/25/72 pending further order of this court.

2. Petitioner's Order to Show Cause Re Custody is continued for further hearing until November 18, 1977, Dept. 13 at 9:00 AM.

3. Good cause appearing, the REV. JIM JONES is ordered joined as a party to this action pursuant to Section 5159 of the California Civil Code.

4. Pursuant to Section 5154(1)(d) of the California Civil Code, the court directs that service of this order, the summons and petition upon Claimant JONES shall be deemed to have been effected upon proof of the doing of the following acts: (1) the

MARGARET RYAN
ATTORNEY AT LAW
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SAN FRANCISCO, CA 94102
(415) 626-0979



BB- 31-6-11

mailing of a copy of this order, the summons and petition first class postage prepaid, to the REVEREND JIM JONES, c/o PEOPLE'S TEMPLE, 1851 Geary Street, San Francisco, California. Said mailing shall occur no later than September 1, 1977; (2) the mailing of this order, the summons and petition airmail postage to REV. JIM JONES, c/o THE PEOPLE'S TEMPLE AGRICULTURAL MISSION, Guyana. Said mailing shall occur no later than September 1, 1977; (3) the mailing of a copy of this order to CHARLES GARRY, Attorney at Law, 1256 Market Street, San Francisco, California. Said mailing shall occur no later than September 1, 1977; and (4) publication of this order in the Recorder, a newspaper of general circulation for 4 times in 4 successive weeks as provided in Government Code 6064. The last day of publication shall be no later than November 11, 1977. In the alternative, REV. JONES may be personally served.

5. Pursuant to Section 5160(2) of the California Civil Code, Claimant Rev. JIM JONES is ordered to appear before this court on November 18, 1977 Room 481, City Hall, to show cause why Petitioner should not be awarded custody to said minor.

6. Pursuant to Section 5160(2) of the California Civil Code, Claimant REV. JIM JONES is advised that a failure to appear at the time and place designated above may result in a decision adverse to himself.

7. Any previous declaration or statement signed by either Petitioner or Respondent authorizing Claimant JONES to act as guardian of said minor child is hereby declared null and void.

8. The parties and their agents are restrained from removing said minor from the City and County of San Francisco pending



BB- 31-b-12

MARGARET RYAN
ATTORNEY AT LAW
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further order of this court.

DATED: October 14, 1977

/s/ DONALD B. KING

JUDGE OF THE SUPERIOR COURT

MARGARET RYAN
ATTORNEY AT LAW
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SAN FRANCISCO, CA 94102
(415) 626-0870

 BB- 31-6-13

**Revised Order Re Child Custody.**

SUPERIOR COURT FOR THE STATE of California in the City and County of San Francisco.

In re the Marriage of Petitioner: GRACE LUCY STOEN and Respondent: TIMOTHY O. STOEN —No. 718-147.

Good cause appearing:

1. Petitioner is awarded custody of JOHN VICTOR STOEN, age 5, date of birth January 25, 1972, pending further order of this court.

2. Petitioner's Order to Show Cause Re Custody is continued for further hearing until November 18th, 1977, Dept. 13 at 9:00 a.m.

3. Good cause appearing, the REV. JIM JONES is ordered joined as a party to this action pursuant to Section 5159 of the California Civil Code.

4. Pursuant to Section 5154(1)((d) of the California Civil Code, the court directs that service of this order, the summons and petition upon claimant JONES shall be deemed to have been effected upon proof of the doing of the following acts: (1) the mailing of a copy of this order, the summons and petition first class postage prepaid, to the REV-EREND JIM JONES, c/o PEOPLE'S TEMPLE, 1851 Geary Street, San Francisco, California. Said mailing shall occur no later than September 1, 1977; (2) the mailing of this order, the summons and petition airmail postage to REV. JIM JONES, c/o THE PEOPLE'S TEMPLE AGRICULTURAL MISSION, Guyana. Said mailing shall occur no later than September 1, 1977; (3) the mailing of a copy of this order to Charles Garry, Attorney at Law, 1256 Market Street, San Francisco, California. Said mailing shall occur no later than September 1, 1977; and (4) publication of this order in the Recorder, a newspaper of general circulation for 4 times in four successive weeks as provided in Government Code 6064. The last day of publication shall be no later than November 11th, 1977. In the alternative, REV. JONES may be personally served.

5. Pursuant to Section 5160(2) of the California Civil Code, Claimant REV. JIM JONES is ordered to appear before this court on November 18th, 1977, Room 481, City Hall, to show cause why petitioner should not be awarded custody to said minor.

6. Pursuant to Section 5160(2) of the California Civil Code, Claimant REV. JIM JONES is advised that a failure to appear at the time and place designated above may result in a decision adverse to himself.

7. Any previous declaration or statement signed by either petitioner or respondent authorizing claimant JONES to act as guardian of said minor child is hereby declared null and void.

8. The parties and their agents are restrained from removing said minor from the City and County of San Francisco pending further order of this court.

Dated: October 14, 1977.

DONALD B. KING,
Judge of the Superior Court.

Endorsed: Filed Oct. 14, 1977. CARL M. OLSEN, Clerk. By: SUE WALKER, Deputy Clerk.

JEFFREY A. HAAS, 3609 Sacramento Street, San Francisco, California 94118;
MARGARET RYAN, 294 Page Street, San Francisco, California 94102, Attorneys for Petitioner.

No. 45652 Oct 18-4t-Tu-E

Name, Address and Telephone No. of Attorney(s)

JEFFREY A. HAAS
Hansen & Haas
3609 Sacramento
San Francisco, CA 94118
(415) 922-6200

ATTORNEY FOR: Petitioner

Space Below for Use of Court Clerk Only

SUPERIOR COURT OF CALIFORNIA, COUNTY OF . . . . . .

. . . . . .

(Name and address of court or branch court)

In re the marriage of

Petitioner: GRACE LUCY STORM

and

Respondent: TIMOTHY O. STORM

CASE NUMBER

719-147

SUMMONS (MARRIAGE)

**NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.**

**¡AVISO! Usted ha sido demandado. El tribunal puede decidir contra Ud. sin audiencia a menos que Ud. responda dentro de 30 días. Lea la información que sigue.**

1. To the Respondent (See footnote*):

a. *The petitioner* has filed a petition concerning your marriage. You may file a written response within 30 days of the date that this summons is served on you.

b. If you fail to file a written response within such time, your default may be entered and the court may enter a judgment containing injunctive or other orders concerning division of property, spousal support, child custody, *child support, attorney's fees, costs,* and such other relief as may be granted by the court, which could result in the garnishment of wages, taking of money or property, or other relief.

c. **If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your written response, if any, may be filed on time.**

Dated . . . . . , Clerk

(SEAL)

By _____ , Deputy

* The response and other permitted papers must be in writing and in the form prescribed by the California Rules of Court. They must be filed in this court with the proper filing fee and proof of service of a copy of each on petitioner. The time when a summons is deemed served on a party may vary depending on the method of service. For example, see CCP 413.10 through 415.40.

Form Adopted by Rule 1283 of The Judicial Council of California Revised Effective January 1, 1975

(See reverse side for Proof of Service)

SUMMONS (MARRIAGE)

BB-31-6-14

1283

TIMOTHY OLIVER STOEN
120 Montgomery Street, Suite 1700
San Francisco, California 94104

Telephone: (415) 391-5020

Attorney for Plaintiffs

FILED
JUN 7 1978
John L. Corcoran, County Clerk
M. Medaris
BY M. MEDARIS, DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF LOS ANGELES

| | |
|---|---|
| WADE B. MEDLOCK and MABEL M. MEDLOCK, husband and wife,<br>Plaintiffs,<br>vs.<br>JAMES WARREN JONES, also known as JIM JONES; PEOPLES TEMPLE OF THE DISCIPLES OF CHRIST, a nonprofit corporation; ENOLA M. NELSON; ENOLA M. NELSON REALTY; HUGH FORTSYN; JAMES McELVANE; and FIRST DOE through FIFTIETH DOE, inclusive,<br>Defendants. | No C243292<br><br>COMPLAINT FOR COMPENSATORY AND PUNITIVE DAMAGES FOR CONVERSION BASED ON COERCION AND FOR INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS |

Plaintiffs allege:

FIRST CAUSE OF ACTION

1. Plaintiffs are informed and believe and thereon allege that defendant JAMES McELVANE is, and at all times herein mentioned was, a resident of the County of Los Angeles, State of California.

2. Defendant PEOPLES TEMPLE OF THE DISCIPLES OF CHRIST ("PEOPLES TEMPLE") is, and at all times herein mentioned was, a nonprofit cor-

BB-31-b-15

poration organized and existing under and by virtue of the laws of the State of California. PEOPLES TEMPLE at all times herein mentioned represented itself as a church.

3. Plaintiffs are informed and believe and thereon allege that defendant ENOLA M. NELSON is, and at all times herein mentioned was, a real estate broker licensed by the State of California and doing business as defendant ENOLA M. NELSON REALTY at 5760 Rodeo Road, Los Angeles, California.

4. Plaintiffs are informed and believe and thereon allege that defendant JAMES McELVANE is, and at all times herein mentioned was, a real estate salesman licensed by the State of California and doing business as a salesman for defendants ENOLA M. NELSON and ENOLA M. NELSON REALTY.

5. Plaintiffs are informed and believe and thereon allege that defendant JAMES WARREN JONES ("JONES"), also known as JIM JONES, was at all relevant times herein mentioned the president of defendant PEOPLES TEMPLE.

6. Plaintiffs WADE B. MEDLOCK and MABEL M. MEDLOCK are, and at all times herein mentioned were, husband and wife and residents of the County of Los Angeles, State of California.

7. Plaintiffs are ignorant of the true names and capacities of defendants sued herein as FIRST DOE through FIFTIETH DOE, inclusive, and therefore sue these defendants by such fictitious names. Plaintiffs will amend this complaint to allege their true names and capacities when ascertained. Plaintiffs are informed and believe and thereon allege that each of the fictitiously named defendants is re-



31-6-16

sponsible in some manner for the occurrences herein alleged, and that plaintiffs' damages as herein alleged were proximately caused by their conduct.

8. Defendants JONES, PEOPLES TEMPLE, ENOLA M. NELSON ("NELSON"), ENOLA M. NELSON REALTY ("NELSON REALTY"), HUGH FORTSYN ("FORTSYN"), JAMES McELVANE ("McELVANE"), and FIRST DOE through FIFTIETH DOE, inclusive, were the agents and employees of their codefendants JONES, PEOPLES TEMPLE, NELSON, NELSON REALTY, FORTSYN, McELVANE, and FIRST DOE through FIFTIETH DOE, inclusive, and in doing the things hereinafter alleged were acting within the course and scope of such agency and the permission and consent of their codefendants.

9. Plaintiffs are informed and believe and thereon allege that on or about February 1, 1977, in the County of Los Angeles, State of California, defendants, and each of them, knowingly and wilfully conspired and agreed among themselves to unlawfully extort, convert, and misappropriate from plaintiffs, by fraud and deceit and by threats of death and bodily harm, the net proceeds from the forced sale of plaintiffs' real property in the County of Los Angeles, State of California, which said defendants knew to have a fair market value of approximately $190,000.00 and an equity value to plaintiffs of approximately $130,000.00.

10. On February 1, 1977 plaintiffs were the owners of two parcels of real property, herein referred to respectively as the BALDWIN HILLS PROPERTY and the SECOND AVENUE PROPERTY, in the County of Los Angeles, State of California, described as follows:

a. BALDWIN HILLS PROPERTY: a three-bedroom house at 4644



BB- 31-6-17

Don Zarembo Drive, Los Angeles, California, having a fair market value on that date of approximately $125,000.00 and outstanding encumbrances of approximately $40,000.00, thereby constituting an equity value in plaintiffs of approximately $85,000.00.

b. SECOND AVENUE PROPERTY: a triplex and five-room house at 3891 and 3891 3/4 2nd Avenue, Los Angeles, California, having a fair market value on that date of approximately $65,000.00 and outstanding encumbrances of approximately $20,000,00, thereby constituting an equity value in plaintiffs of approximately $45,000.00.

11. Plaintiffs became members of defendant PEOPLES TEMPLE in 1971, whose minister and president was defendant JONES. In 1975 defendant JONES began to pressure plaintiffs to sell all they had, give all proceeds from such sales to defendant PEOPLES TEMPLE, and "go communal". Plaintiffs resisted this pressure, whereupon defendant JONES gradually increased it. Defendant JONES employed various stratagems to induce plaintiffs to sell the above-described properties, one approach being that the money was needed to develop the Peoples Temple Agricultural Mission in Guyana, South America, which was then being established by defendant JONES.

12. Plaintiff WADE B. MEDLOCK is 71 years of age, and plaintiff MABEL M. MEDLOCK is 67 years of age. Plaintiffs worked together in their own maintenance business for 33 years to acquire their equity in the above-described properties as security for their senior years. Neither plaintiff at any time wished to sell either parcel of property or to donate either parcel to anyone, including defendant JONES and defendant PEOPLES TEMPLE. Plaintiffs were living in the BALDWIN



BB-31-b-18

HILLS PROPERTY as their residence at all relevant times until on or about August 1, 1977. Plaintiffs had no appreciable assets beyond the aforesaid properties.

13. On or about February 13, 1977 in the County of Los Angeles, State of California, defendant JONES personally called plaintiffs into the "council room" of the PEOPLES TEMPLE church building at 1366 Alvarado Boulevard, Los Angeles. Present with defendant JONES at said time and place were at least seven other members of defendant PEOPLES TEMPLE, including defendants FORTSYN, NELSON, and McELVANE, all acting as agents for defendant JONES. Defendant JONES at said time and place presented to plaintiffs certain documents previously filled out by defendants NELSON, NELSON REALTY, and McELVANE authorizing the sale of the BALDWIN HILLS PROPERTY and the SECOND AVENUE PROPERTY. The sales prices were listed substantially lower than the fair market values in order to expedite immediate sales. When plaintiffs hesitated, defendant JONES personally order them to sign the documents by stating to plaintiffs the following threat:

> You will either sign these papers or you will die. We are not taking your property but just protecting it.

14. Plaintiffs interpreted the aforesaid statement by defendant JONES as a threat they would be killed if they did not sign the documents presented by him. Plaintiffs were not permitted to read the documents nor to ask questions concerning them. Any and all apparent consents of each plaintiff to the aforesaid authorizations were obtained by defendants solely through duress and menace of unlawful and violent injury to the person of each plaintiff.



BB-31-b-19

15. At the time of signing the aforesaid documents each plaintiff was mindful of having heard defendant JONES say with respect to an individual who had given property to defendant PEOPLES TEMPLE and then reneged and then died, "I killed him."

16. Plaintiffs are informed and believe and thereon allege that defendant JONES ordered the other defendants to act as his agents in coercing their signatures on all other documents which would be required to be signed in escrow in order to result in the proceeds of the sales of the above-described parcels being taken by defendant PEOPLES TEMPLE. All apparent consents by plaintiffs to all such other documents were obtained by defendants solely through reminders of the aforesaid threat of defendant JONES and soley through said duress and menace of unlawful and violent injury to the person of each plaintiff.

17. On May 13, 1977, in the County of Los Angeles, State of California, defendants reminded plaintiffs or the aforesaid threat of defendant JONES and ordered them to sign a document relating to the escrow of the sale of the BALDWIN HILLS PROPERTY (Escrow Number 1183-PW) entitled "Escrow Amendment/Supplement" to Escrow Instructions. A copy of Page 1 of the Disclosure/Settlement Statement for the aforesaid sale is attached as "Exhibit A (Baldwin Hills)" and made a part hereof. A copy of the aforesaid Escrow Amendment/Supplement is attached as "Exhibit B (Baldwin Hills)" and made a part hereof. The aforesaid Amendment/Supplement was addressed to Crestwood Escrow Service in Inglewood, California, and reads as follows:

//////



BB- 31-6-20

> From sellers net proceeds at close of escrow, escrow holder is authorized and instructed to make one-half of net proceeds payable to PEOPLES TEMPLE and one-half payable to MABEL M. MEDLOCK.

The apparent consent of plaintiffs, and each of them, to the aforesaid document was obtained by defendants solely through duress and menace of unlawful and violent injury to the person of each plaintiff.

18. Plaintiffs are informed and believe and thereon allege that defendant JONES, upon learning that plaintiff MABEL M. MEDLOCK had attempted to withhold from defendant PEOPLES TEMPLE her one-half of the proceeds from the sale of the BALDWIN HILLS PROPERTY, was furious and ordered the other defendants to intensify the reminders of the threats constituting duress and menace as above alleged. On May 17, 1977, in the County of Los Angeles, State of California, defendants reminded plaintiff MABEL M. MEDLOCK of the aforesaid threats, and ordered her to sign a document relating to the escrow of the BALDWIN HILLS PROPERTY sale in the form of a letter addressed to Crestwood Escrow Service, a copy of which is attached hereto as "Exhibit C (Baldwin Hills)" and made a part hereof. Said letter reads as follows:

> You have heretofore been handed an instruction by me dated May 13, 1977, providing that certain funds be paid to me at the close of Escrow. I now CANCEL THAT INSTRUCTION.
>
> Instead, please pay all funds due to me from this Escrow to PEOPLES TEMPLE of the Disciples of Christ, a California Corporation.



BB-31-6-21

The apparent consent and authorization of plaintiff MABEL M. MEDLOCK to the aforesaid letter was obtained by defendants solely through said duress and menace of unlawful and violent injury to the person of each plaintiff.

19. On May 13, 1977, in the County of Los Angeles, State of California, defendants reminded plaintiffs of the aforesaid threat of defendant JONES and ordered them to sign a document relating to the escrow of the sale of the SECOND AVENUE PROPERTY (Escrow Number 1074-PW) entitled "Escrow Amendment/Supplement" to Escrow Instructions. A copy of Page 1 of the Settlement Statement for the aforesaid sale is attached as "Exhibit D (Second Avenue)" and made a part hereof. The aforesaid Amendment/Supplement was addressed to Crestwood Escrow Service in Inglewood, California, and reads as follows:

> From sellers net proceeds at close of escrow, escrow holder is authorized and instructed to make one-half of net proceeds payable to PEOPLES TEMPLE and one-half payable to MABEL M. MEDLOCK.

The apparent consent of plaintiffs, and each of them, to the aforesaid document was obtained by defendants solely through said duress and menace of unlawful and violent injury to the person of each plaintiff.

20. Plaintiffs are informed and believe and thereon allege that defendant JONES, upon learning that plaintiff MABEL M. MEDLOCK had attempted to withhold from defendant PEOPLES TEMPLE her one-half of the proceeds from the sale of the SECOND AVENUE PROPERTY, was furious and ordered the other defendants to intensify the reminders of the threats constituting duress and menace as above alleged. On May 17,



BB-31-6-22

1977, in the County of Los Angeles, State of California, defendants reminded plaintiff MABEL M. MEDLOCK of the aforesaid threats, and ordered her to sign a document relating to the escrow of the SECOND AVENUE PROPERTY sale in the form of a letter addressed to Crestwood Escrow Service, a copy of which is attached hereto as "Exhibit E (Second Avenue)" and made a part hereof. Said letter reads as follows:

> You have heretofore been handed an instruction by me dated May 13, 1977, providing that certain funds by paid to me at the close of Escrow. I now CANCEL THAT INSTRUCTION.
>
> Instead, please pay all funds due to me from this Escrow to PEOPLES TEMPLE of the Disciples of Christ, a California Corporation.

The apparent consent and authorization of plaintiff MABEL M. MEDLOCK to the aforesaid letter was obtained by defendants solely through duress and menace of unlawful and violent injury to the person of each plaintiff.

21. On or about July 28, 1977, defendants ordered plaintiffs to vacate their BALDWIN HILLS PROPERTY residence because escrow was about to close. Plaintiffs stated to defendants that they would not have sufficient monies to maintain themselves and requested the sum of $10,000.00 from the net proceeds being claimed by defendant PEOPLES TEMPLE, but defendants stated to plaintiffs that $10,000.00 "is too much" and agreed that plaintiffs should receive the sum of $7,000.00 instead.

22. The sales of both the BALDWIN HILLS PROPERTY and the SECOND



BB-31-b-23

AVENUE PROPERTY were finalized in escrow on or about August 1, 1977, in the County of Los Angeles, State of California, at which time the following net proceeds were paid over to defendant PEOPLES TEMPLE:

a. Net proceeds from sale of BALDWIN HILLS PROPERTY: $37,003.08; and

b. Net proceeds from sale of SECOND AVENUE PROPERTY: $11,506.99.

23. Plaintiffs are informed and believe and thereon allege that in addition to the above-enumerated net proceeds totalling $48,510.07 paid over to defendant PEOPLES TEMPLE, that defendants NELSON and NELSON REALTY were ordered under duress by defendant JONES to pay, and in fact did pay, over to defendant PEOPLES TEMPLE the sum of $5,217.00, which represented their real estate sales commission of $2,535.00 from the sale of the BALDWIN HILLS PROPERTY and $2,682.00 from the sale of the SECOND AVENUE PROPERTY.

24. At all times herein mentioned, and in particular on or about July 31, 1977, plaintiffs were, and still are, the owners and were, and still are, entitled to the possession of the following personal property: Monies constituting the net proceeds from the sales of the above-described properties paid over to defendant PEOPLES TEMPLE.

25. On or about July 31, 1977, the above-mentioned personal property had a value of $48,510.07, and on that date was in the possession of plaintiffs at Los Angeles, County of Los Angeles, State of California.

26. On or about August 1, 1977, in the County of Los Angeles, State of California, defendants converted the aforesaid personal pro-



BB-31-b-24

perty to their own use, as a proximate result of which plaintiffs lost the value of their entire equity in the above-described properties (less the above-mentioned payment of $7;000.00), all to plaintiffs' damage in the sum of ONE HUNDRED TWENTY-THREE THOUSAND DOLLARS ($123,000.00).

27. At the time of the conversion, defendants were fully aware that the property was the property of plaintiffs and that plaintiffs were entitled to possession thereto, and notwithstanding that knowledge, defendants wrongfully, maliciously, and with intent to injure plaintiffs, converted it as hereinabove alleged. By reason thereof, plaintiffs are entitled to exemplary and punitive damages in the sum of TWELVE MILLION DOLLARS ($12,000,000.00).

SECOND CAUSE OF ACTION

28. Plaintiffs reincorporate the allegations of their First Cause of Action as though fully set forth at length herein.

29. Plaintiffs are informed and believe and thereon allege that on or about June 16, 1977, in the City and County of San Francisco, State of California, defendants, and each of them excepting defendants NELSON and NELSON REALTY, knowingly and wilfully conspired and agreed among themselves to intentionally inflict emotional distress and mental suffering on plaintiffs should they refuse to follow defendant JONES to "Jonestown", Guyana, South America, and thereby become unable effectively to protest and complain to legal authorities about the above-alleged unlawful extortion and conversion. Said infliction of emotional distress and mental suffering was to be done by threats of



BB-31-b-25

death and bodily injury made by persons in the County of Los Angeles, State of California, who would be selected by, and who would act upon the express orders of, defendant JONES in Guyana, South America. Defendant JONES would transmit such orders in pre-arranged code by courier and by international shortwave amateur radio.

30. On or about January 20, 1978, in the County of Los Angeles, State of California, defendant FORTSYN telephoned plaintiffs and made the following threat twice, once to each plaintiff:

> You know what happened to Chris.
> Jim wants you to come to Guyana.

31. At the time of defendant FORTSYN making the above-mentioned threat, the defendants, and each of them, knew that plaintiffs would regard, as they did in fact regard, the name "Chris" as a reference to Christopher Lewis, a member of defendant PEOPLES TEMPLE and bodyguard of defendant JONES known publicly to have been murdered on the streets of San Francisco, California in December 1977 shortly after returning from Guyana, South America. At said time the defendants, and each of them, also knew that plaintiffs would regard, as they in fact did regard, the name "Jim" as a reference to defendant JONES.

32. Plaintiffs are informed and believe and thereon allege that defendant JONES on or about January 14, 1978, personally ordered, by means of courier and amateur shortwave radio, the making of the aforesaid threat, and by the same means dictated its wording, using a prearranged code. Plaintiffs are informed and believe and thereon allege that defendant JONES knew and intended that his order would be thus received and acted upon in the County of Los Angeles, State of Cali-



BB-31-b-26

fornia so as to result in the making of the aforesaid threat and the consequent injury to plaintiffs.

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

34. Upon being threatened by FORTSYN as above alleged, plaintiffs became fearful that they would be murdered by defendants. As the proximate result of the aforementioned threat, plaintiffs suffered humiliation, mental anguish, and emotional and physical distress, and have been injured in mind and body, all to plaintiffs' damages in the sum of SIX HUNDRED THOUSAND DOLLARS ($600,000.00) each.

35. As a further proximate result of the aforementioned threat, plaintiffs are informed and believe and thereon allege they will be required to employ physicians and surgeons to examine, treat, and care for them, and may incur medical expenses for hospital bills in an amount which has not yet been ascertained.

36. The aforementioned acts of defendants were willful, wanton, malicious, and oppressive, and justify the awarding of exemplary and punitive damages in the amount of TWO MILLION DOLLARS ($2,000,000.00).

THIRD CAUSE OF ACTION

37. Plaintiffs reincorporate the allegations of their First and Second Causes of Action as though fully set forth at length herein.

38. On or about March 26, 1978, in the County of Los Angeles, State of California, defendant McELVANE approached plaintiff WADE B. MEDLOCK. Plaintiff WADE B. MEDLOCK said to McELVANE:

I don't believe in Jim anymore.



BB-31-b-27

Defendant McELVANE at said time and place then made the following threat to plaintiff WADE B. MEDLOCK in the presence of plaintiff MABEL M. MEDLOCK:

> You better watch out. What happened to Chris could happen to you.

39. At the time of defendant McELVANE making the above-mentioned threat, the defendants, and each of them, knew that plaintiffs would regard, as they did in fact regard, the name "Chris" as a reference to Christopher Lewis as above alleged.

40. Plaintiffs are informed and believe and thereon allege that defendant JONES on or about March 19, 1978, personally ordered, by means of courier and amateur shortwave radio, the making of the aforesaid threat, which was to be rendered by defendant McELVANE after he approached plaintiff WADE B. MEDLOCK and ascertained that said plaintiff's attitude was one likely to cause trouble for defendants JONES and PEOPLES TEMPLE. Plaintiffs are informed and believe and thereon allege that defendant JONES knew and intended that his order would be thus executed by defendant McELVANE in the County of Los Angeles, State of California so as to result in the making of the aforesaid threat and the consequent injury to plaintiffs.

41. Defendants did the acts and things herein alleged pursuant to, and in furtherance of, the conspiracy and agreement alleged in paragraph 29 herein.

42. Upon being threatened by defendant McELVANE as above alleged, plaintiffs became even more fearful that they would be murdered by defendants. As the proximate result of the aforementioned threat,



BB- 31-b-28

plaintiffs suffered humiliation, mental anguish, and emotional and physical distress, and have been injured in mind and body, all to plaintiffs' damages in the sum of SIX HUNDRED THOUSAND DOLLARS ($600,000.00) each.

43. As a further proximate result of the aforementioned threat, plaintiffs are informed and believe and thereon allege they will be required to employ physicians and surgeons to examine, treat, and care for them, and may incur medical expenses for hospital bills in an amount which has not yet been ascertained.

44. The aforementioned acts of defendants were willful, wanton, malicious, and oppressive, and justify the awarding of exemplary and punitive damages in the amount of TWO MILLION DOLLARS ($2,000,000.00).

WHEREFORE, plaintiffs pray judgment as follows:

1. For general damages in the sum of $2,523,000.00.
2. For medical and related expenses according to proof.
3. For punitive damages in the sum of $16,000,000.00.
4. For costs of suit herein incurred.
5. For such further and other relief as the court may deem proper.

DATED: June 6, 1978.

Timothy Oliver Stoen

TIMOTHY OLIVER STOEN
Attorney for Plaintiffs



BB-31-6-29

Trial by jury is demanded on all issues.

DATED: June 6, 1978.

Timothy Oliver Stoen

TIMOTHY OLIVER STOEN
Attorney for Plaintiffs



BB-31-b-30

GW.

**GREAT WESTERN SAVINGS** AND LOAN ASSOCIATION

Form Approved OMB No. 63-R1501

A. U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

# DISCLOSURE/SETTLEMENT STATEMENT

B. TYPE OF LOAN: 1. ☐ FHA 2. ☐ FmHA 3. ☐ CONV. UNINS. 4. ☐ VA 5. ☐ CONV. INS.

6. FILE NUMBER

7. LOAN NUMBER: 4-337401-2

8. MORTG. INS. CASE NO.

*If the Truth-in-Lending Act applies to this transaction, a Truth-in-Lending statement is attached as page 3 of this form.*

C. NOTE: This form is furnished to you prior to settlement to give you information about your settlement costs, and again after settlement to show the actual costs you have paid. The present copy of the form is:

☐ ADVANCE DISCLOSURE OF COSTS. Some items are estimated, and are marked "(E)." Some amounts may change if the settlement is held on a date other than the date estimated below. The preparer of this form is not responsible for errors or changes in amounts furnished by others. Prorations of taxes and assessments are based on assumption that such items are not delinquent.

☐ STATEMENT OF ACTUAL COSTS. Amounts paid to and by the settlement agent are shown. Items marked "(p.o.c.)" were paid outside the closing; they are shown here for informational purposes and are not included in totals.

D. NAME OF BORROWER: DONALD H. HILL, [illegible] CRESTWOOD DR., LOS ANGELES, CA. 90008

E. SELLER: WADE B. MEDLOCK

F. LENDER: GREAT WESTERN SAVINGS AND LOAN ASSOCIATION, 4431 CRENSHAW BL., LOS ANGELES, CA. 90043

G. PROPERTY LOCATION: [illegible] CRESTWOOD DR., LOS ANGELES, CA. 90008

H. SETTLEMENT AGENT: CRESTWOOD ESCROW SERVICE, 401 E. MANCHESTER BL.

PLACE OF SETTLEMENT: INGLEWOOD, CA. 91301

I. DATES: LOAN COMMITMENT [illegible]; ADV. DISCLOSURE; SETTLEMENT 7/[illegible]/77; DATE OF PRORATIONS (if different from settlement)

## J. SUMMARY OF BORROWER'S TRANSACTION

| | |
|---|---|
| 100 GROSS AMOUNT DUE FROM BORROWER | |
| 101 Contract sales price | 84,500.00 |
| 102 Personal property | |
| 103 Settlement charges to borrower (from line 1400, Section L) | 1,609.51 |
| 104 | |
| 105 | |
| Adjustments for items paid by seller in advance | |
| 106 City/town taxes to | |
| 107 County taxes to | |
| 108 Assessments to | |
| 109 to | |
| 110 to | |
| 111 to | |
| 112 to | |
| 120 GROSS AMOUNT DUE FROM BORROWER | 86,109.51 |
| 200 AMOUNTS PAID BY OR IN BEHALF OF BORROWER | |
| 201 Deposit or earnest money | 14,337.50 |
| 202 Principal amount of new loan(s) | 71,825.00 |
| 203 Existing loan(s) taken subject to | |
| 204 | |
| 205 | |
| Credits to borrower for items unpaid by seller | |
| 206 City/town taxes to | |
| 207 County taxes 7/1/77 to 7/8/77 | 32.03 |
| 208 Assessments to | |
| 209 to | |
| 210 to | |
| 211 to | |
| 212 to | |
| 220 TOTAL AMOUNTS PAID BY OR IN BEHALF OF BORROWER | 86,194.53 |
| 300 CASH AT SETTLEMENT REQUIRED FROM OR PAYABLE TO BORROWER | |
| 301 Gross amount due from borrower (from line 120) | 86,109.51 |
| 302 Less amounts paid by or in behalf of borrower (from line 220) | 86,194.53 |
| 303 CASH ☐ REQUIRED FROM OR ☐ PAYABLE TO BORROWER | 85.02 |

## K. SUMMARY OF SELLER'S TRANSACTION

| | |
|---|---|
| 400 GROSS AMOUNT DUE TO SELLER | |
| 401 Contract sales price | 84,500.00 |
| 402 Personal property | |
| 403 | |
| 404 | |
| Adjustments for items paid by seller in advance | |
| 405 City/town taxes to | |
| 406 County taxes to | |
| 407 Assessments to | |
| 408 to | |
| 409 to | |
| 410 to | |
| 411 to | |
| 420 GROSS AMOUNT DUE TO SELLER | 84,500.00 |
| *NOTE: The following 500 and 600 series sections are not required to be completed when this form is used for advance disclosure of settlement costs prior to settlement.* | |
| 500 REDUCTIONS IN AMOUNT DUE TO SELLER | |
| 501 Payoff of first mortgage loan | 29,271.39 |
| 502 Payoff of second mortgage loan | 6,123.24 |
| 503 Settlement charges to seller (from line 1400, Section L) | |
| 504 Existing loan(s) taken subject to | |
| 505 2nd Trust Deed | 4,225.51 |
| 506 L. A. County Tax Collector | 1,767.59 |
| 507 Mallable Mortgage | 140.72 |
| 508 | |
| 509 | |
| Credits to borrower for items unpaid by seller | |
| 510 City/town taxes to | |
| 511 County taxes 7/1/77 to 7/8/77 | 32.83 |
| 512 Assessments to | |
| 513 to | |
| 514 to | |
| 515 to | |
| 520 TOTAL REDUCTIONS IN AMOUNT DUE TO SELLER | 47,496.92 |
| 600 CASH TO SELLER FROM SETTLEMENT | |
| 601 Gross amount due to seller (from line 420) | 84,500.00 |
| 602 Less total reductions in amount due to seller (from line 520) | 47,496.92 |
| 603 CASH TO SELLER FROM SETTLEMENT | 37,003.00 |

WHITE: FILE COPY — CANARY: BORROWER'S COPY — PINK: SELLER'S COPY — GOLDENROD: ESCROW HOLDER

HUD-1 (9-75)



EXHIBIT A (BALDWIN H[illegible] 88-31-6-31

401 EAST MANCHESTER BLVD., SUITE 209
INGLEWOOD, CALIFORNIA 90301
678-3233

# ESCROW AMENDMENT/SUPPLEMENT

Escrow No. 1183-PW Escrow Officer Pat Worrill Date May 13, 1977

To: CRESTWOOD ESCROW SERVICE:

My previous instructions in the above-numbered escrow are hereby modified — supplemented in the following particulars only

From sellers net proceeds at close of escrow, escrow holder is authorized and instructed to make one-half of net proceeds payable to PEOPLES TEMPLE and one-half payable to MABEL M. MEDLOCK. All other terms and conditions are to remain the same.

END OF INSTRUCTION.....

Wade B. Medlock

Mabel M. Medlock

RETURN TO ESCROW

Each of the above-signed states he has read the foregoing instructions and understands and agrees to them

EXHIBIT B (BALDWIN HILLS)

BB- 31-6-32

To: CRESTWOOD ESCROW SERVICE
401 East Manchester Boulevard, Suite 209
Inglewood, California 90301

Re: Escrow No. 1183-PW
Escrow Officer: Pat Worrill

Gentlemen:

You have heretofore been handed an instruction by me dated May 13, 1977, providing that certain funds be paid to me at the close of Escrow. I now CANCEL THAT INSTRUCTION.

Instead, please pay all funds due to me from this Escrow to PEOPLES TEMPLE of the Disciples of Christ, a California Corporation.

Dated: at Los Angeles, this 17th day of May, 1977.

END OF INSTRUCTION.....

Mabel M. Meulock

Mabel M. Meulock

Receipt is hereby acknowledged of a copy of this document.

Mabel M. Meulock

EXHIBIT C-(BALDWIN HILLS) BB- 31-6-33

A. U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**SETTLEMENT STATEMENT**

B. TYPE OF LOAN: 1 [ ] FHA 2 [ ] FmHA 3 [ ] CONV. UNINS. 4 [ ] VA 5 [ ] CONV. INS.

6. FILE NUMBER | 7. LOAN NUMBER

8. MORTGAGE INSURANCE CASE NUMBER

C. NOTE: This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "(p.o.c.)" were paid outside the closing; they are shown here for informational purposes and are not included in the totals.

D. NAME OF BORROWER: Froumu, Larry D. & Brenda Beverly

E. NAME OF SELLER: Med Locke Wado B & Mabel M.

F. NAME OF LENDER: Western Mortgage Corp. 18406 Hawthorne Blvd. Ste. 203 Torrance, Calif. 90504

G. PROPERTY LOCATION: 3891, 3891 3/4 2nd Ave. Los Angeles, California

H. SETTLEMENT AGENT: Crestwood Escrow Service

PLACE OF SETTLEMENT: 401 E. Manchester Blvd., Ste. 209 Inglewood, California 90301

I. SETTLEMENT DATE: 8/1/77

**J. SUMMARY OF BORROWER'S TRANSACTION**

| | |
|---|---|
| **100. GROSS AMOUNT DUE FROM BORROWER** | |
| 101. Contract sales price | 44,700.00 |
| 102. Personal property | |
| 103. Settlement charges to borrower (line 1400) | 1,230.64 |
| 104. | |
| 105. | |
| Adjustments for items paid by seller in advance | |
| 106. City/town taxes to | |
| 107. County taxes to | |
| 108. Assessments to | |
| 109. | |
| 110. | |
| 111. | |
| 112. | |
| 120. GROSS AMOUNT DUE FROM BORROWER | 45,930.64 |
| **200. AMOUNTS PAID BY OR IN BEHALF OF BORROWER** | |
| 201. Deposit or earnest money | 1,325.00 |
| 202. Principal amount of new loan(s) | 44,700.00 |
| 203. Existing loan(s) taken subject to | |
| 204. | |
| 205. | |
| 206. | |
| 207. | |
| 208. | |
| 209. | |
| Adjustments for items unpaid by seller | |
| 210. City/town taxes to | |
| 211. County taxes 7-1-77 to 8-1-77 | 89.41 |
| 212. Assessments to | |
| 213. | |
| 214. | |
| 215. | |
| 216. | |
| 217. | |
| 218. | |
| 219. | |
| 220. TOTAL PAID BY/FOR BORROWER | 46,114.41 |
| **300. CASH AT SETTLEMENT FROM/TO BORROWER** | |
| 301. Gross amount due from borrower (line 120) | 45,930.64 |
| 302. Less amounts paid by/for borrower (line 220) | (46,114.41) |
| 303. CASH ( ) FROM ( ) TO BORROWER | 183.77 |

**K. SUMMARY OF SELLER'S TRANSACTION**

| | |
|---|---|
| **400. GROSS AMOUNT DUE TO SELLER** | |
| 401. Contract sales price | 44,700.00 |
| 402. Personal property | |
| 403. | |
| 404. | |
| 405. | |
| Adjustments for items paid by seller in advance | |
| 406. City/town taxes to | |
| 407. County taxes to | |
| 408. Assessments to | |
| 409. | |
| 410. | |
| 411. | |
| 412. | |
| 420. GROSS AMOUNT DUE TO SELLER | 44,700.00 |
| **500. REDUCTIONS IN AMOUNT DUE TO SELLER** | |
| 501. Excess deposit (see instructions) | |
| 502. Settlement charges to seller (line 1400) | 5,714.25 |
| 503. Existing loan(s) taken subject to | |
| 504. Payoff of first mortgage loan | 15,352.35 |
| 505. Payoff of second mortgage loan | 5,037.00 |
| 506. Peoples Temple | 11,506.99 |
| 507. | |
| 508. | |
| 509. | |
| Adjustments for items unpaid by seller | |
| 510. City/town taxes to | |
| 511. County taxes 7-1-77 to 8-1-77 | 89.41 |
| 512. Assessments to | |
| 513. | |
| 514. | |
| 515. | |
| 516. | |
| 517. | |
| 518. | |
| 519. | |
| 520. TOTAL REDUCTION AMOUNT DUE SELLER | 37,700.00 |
| **600. CASH AT SETTLEMENT TO/FROM SELLER** | |
| 601. Gross amount due to seller (line 420) | 44,700.00 |
| 602. Less reductions in amount due seller (line 520) | (37,700.00) |
| 603. CASH ( ) TO ( ) FROM SELLER | 7,000.00 |

EXHIBIT D (SECOND AVENUE)

BB-31-6-34

To: Crestwood Escrow Service
401 East Manchester Boulevard, Suite 209
Inglewood, California 90301

Re: Escrow No. 1074-RW
Escrow Officer Pat Worrill

Gentlemen:

You have heretofore been handed an instruction by me dated May 13, 1977, providing that certain funds be paid to me at the close of Escrow. I now CANCEL THAT INSTRUCTION.

Instead, please pay all funds due to me from this Escrow to PEOPLES TEMPLE of the Disciples of Christ, a California Corporation.

Dated: at Los Angeles, this 17th day of May, 1977.

END OF INSTRUCTION.....

Mabel M. Medlock
Mabel M. Medlock

Receipt is hereby acknowledged
of a copy of this document.
Mabel M. Medlock

EXHIBIT E (SECOND AVENUE BB-31-6-35

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

| | |
|---|---|
| WADE B. MEDLOCK et al<br>Plaintiffs<br>v.<br>JAMES WARREN JONES et al<br>Defendants. | CASE NUMBER<br><br>CERTIFICATE OF ASSIGNMENT |

A civil action or proceeding presented for filing in a district other than the Central District must be accompanied by this certificate. An action for personal injury, wrongful death or damage to property presented for filing in the Central District must be accompanied by this certificate. If the ground is the residence of a party, name and residence shall be stated.

[X] The undersigned declares that the above entitled matter is filed for proceedings in the Central District of the Superior Court under Rule 2, Section 3 of this court for the checked reason:

| | | Nature of Action | Ground |
|---|---|---|---|
| [ ] | 1 | Adoption | Petitioner resides within the district |
| [ ] | 2 | Conservator | Petitioner or conservatee resides within the district |
| [ ] | 3 | Contract | Performance in the district is expressly provided for |
| [ ] | 4 | Equity | The cause of action arose within the district |
| [ ] | 5 | Eminent Domain | The property is located within the district |
| [ ] | 6 | Family Law | Plaintiff, defendant, petitioner or respondent resides within the district |
| [ ] | 7 | Forceable Entry | The property is located within the district |
| [ ] | 8 | Guardianship | Petitioner or ward resides within the district |
| [ ] | 9 | Habeas Corpus | No action pending, the person is held within the district |
| [ ] | 10 | Mandate* | The defendant functions wholly within the district |
| [ ] | 11 | Name Change | The petitioner resides within the district |
| [ ] | 12 | Personal Property | The property is located within the district |
| [ ] | 13 | Probate | Decedent resided or petitioner resides within the district |
| [ ] | 14 | Prohibition* | The defendant functions wholly within the district |
| [ ] | 15 | Review* | The defendant functions wholly within the district |
| [ ] | 16 | Small Claims Appeal | The lower court is located within the district |
| [ ] | 17 | Title to Real Property | The property is located within the district |
| [X] | 18 | TORT | The cause of action arose within the district |
| [ ] | 19 | TORT* | The cause of action arose outside of this county |
| [ ] | 20 | Transferred Action | The lower court is located within the district |
| [ ] | 21 | Unlawful Detainer | The property is located within the district |

The residence of the petitioner, respondent, deceased, conservatee, ward, plaintiff, or defendant

..... is
(Name)

I declare under penalty of perjury that the foregoing is true and correct and this declaration was executed on June 7, 1978 at Los Angeles, California.

Timothy Oliver Stern
(Signature of Attorney)

*Prerogative writs concerning a court of inferior jurisdiction and Tort Actions arising outside of the county may be filed in Central District only.



BB-31-6-36

PARENTAL CONSENT

AND POWER OF ATTORNEY

STATE OF CALIFORNIA )
COUNTY OF Mendocino ) ss.
UNITED STATES OF AMERICA)

I, Grace L. Stoen and Timothy Stoen hereby declare:

1. I am the natural parent /xxxxxxxxxx/ of John Stoen, a minor, born April 27, 1974.

2. I hereby consent to said minor going to Guyana, South America, to live and be cared for there under the Guardinaship or custody of Joyce Touchette.

I hereby appoint Sharon Cobb of Redwood Valley, Calif. and Jim Jones of S. F., Calif. and Helen Swinney of Redwood Valley, Calif. as my attorneys-in-fact, jointly and severally, to take any and all action any of them deem fit for the welfare of said minor. By this power of attorney, I give each of the aforesaid attorneys-in-fact the right to the care, custody, supervision, and control of said minor anywhere throughout the world, and to travel anywhere with said minor throughout the world.

Executed on this 9th day of March, 1976, at Ukiah, California

SIGNED Grace L. Stoen
Timothy O Stoen

Wkr

6

BB- 31-6-37

STATE OF CALIFORNIA )
COUNTY OF ) ss.
UNITED STATES OF AMERICA)

On March 9th before me, the Undersigned, A Notary Public in and for said County and State, personally appeared Grace L. Stoen and Timothy Stoen known to me to be the person whose names are subscribed to the within instruments and acknowledged to me that they executed the same.

WITNESS MY HAND AND OFFICIAL SEAL.

Official Seal
James R. Randolph
Notary Public - Calif.
Principal Office in
Mendocino County
My commission expires Oct. 7, 1978

James R Randolph

31-6-38

DEAR, GENE,

AM REALLY ENJOYING GUYANA. THE PEOPLE ARE SO CONSIDERATE AND HELPFUL. AM VERY IMPRESSED BY THE GOVERNMENT LEADERS.

MY SON, JOHN VICTOR, IS WITH ME AND DOING GREAT. HE CAN READ, HAS DEVELOPED HIS MOTOR COORDINATION TREMENDOUSLY, AND IS LEARNING ALL KINDS OF INTERESTING THINGS ABOUT NATURE. TOM GRUBBS AND HIS OTHER TEACHERS ARE GIFTED THEORETICALLY AND PRACTICABLY. HE IS RECEIVING LOTS OF LOVE AND AFFECTION, AND IS HAPPY AS A LARK.

HAVE BEEN ATTENDING TO VARIOUS LEGAL MATTERS, WATCH I WILL BE REPORTING ON SOON.

REGARDS TO ALL. SINCERELY, Timothy Allen

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FOR

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EUGENE CHAIKIN, ESQUIRE

P.O. BOX 15023

SAN FRANCISCO, CALIFORNIA

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U.S.A.

AIR MAIL

BB- 31-6-39

TO CAROLYN LAYTON

Law Office Report #54 November 4, 1978 page 1 from June

1. P.T. v. Stoen lawsuit:

   a. Without consulting any of us, Charles filed in October a notice of deposition for examination of Stoen's bank records. We knew nothing of this until Nov. 1, when Hallinan filed a responsive motion for protective order against such deposition. See copies attached. At that time Charles filed a responsive declaration in support of his motion for deposition. Hallinan attached as exhibits to TOS's supporting declaration copies of excerpts from letter sent to media accusing Stoen of things, and copy of letter sent to Franchise Tax Board accusing TOS of working against P.T. Charles blew up when he saw the exhibits and said here was another example of how we do things without his authorization. Well, this deposition business was done without our authorization. Charles told Jean that this was done in consultation with Mazor, and that Mazor had the account number of a Swiss bank account and told Charles he didn't know whose it was, and Charles said if it wasn't Stoen then it must be ours. He said this to Mazor. This whole operation was done by Charles in conjunction with Mazor, not with us.

      If you read TOS's declaration, you will see his usual pattern of sticking in irrelevant stuff in order to attach outrageous exhibits, and this time he focuses on letter campaigns. The letter to the Franchise Tax Board is a form letter which would have been used by someone to re-write, and his publicizing it informs us that someone has given it to him. However, the issue of the deposition concerns bank accounts and has nothing to do with letter-writing.

      The hearing on the deposition is this coming Tuesday, November 7. Charles will not be there. He will be in Santa Rosa on another case. Tom called him in an effort to change his mind and get him to appear for us, but Charles became angry and explained that this was a strategy of his because Pesonen is on intimate terms with the judge, that he meets with him in his chambers a lot of cases, and Charles does not have a good relationshp with the judge involved. He was angry at our telling him what to do. Same old story.

2. Medlock v. P.T.:

   The hearing on the motion for change of venue lost, and the judge ruled against us. So Charles and a new attorney in his office, Neil Rosenbaum, who is not a California attorney, but is licensed through the N.Y. + Pa. bars and did the research and writing of the pleadings, filed a Petition for Writ of Mandate. See attached. I talked with Rosenbaum a little because I had to come in and sign a verification. He is young, English accent, careless enough that he forgot to add the verification til after Charles had taken the papers to LA to file them so the verification had to be sent in late. He was in a rush and I didn't get to talk to him much, but he's part-time and will only be there for a month, after which he will be working for a judge.

BB- 31-b-40

TO CAROLYN LAYTON



3. Apostolic Corp. - The past decision up to now has been to let the corporation lapse, don't formally dissolve it. Attached is copy of the latest we've received from Franchise Tax Board. In the past we were told to ask Bentzman about this, and when we did, he asked the usual questions about where are the records, did you file a return, and why didn't you. We already know the answer; no return was filed; the penalties are greater for not filing than for filing and not paying. The records are not here of course. So any help Bentzman can give is extremely limited and I would rather not pursue it with him anyway. As these forms come in, are we to continue to ignore them as if they didn't exist? What will eventually happen in re to "enforcement action"?

   Another thing with Apostolic: we've received the attached checks from time to time, and when I sent a questin over about them some time ago, I got a note back from Maria saying "a letter needs to be written asking that these checks be reissued in the name of the president of the corporation because it has been dissolved, and include corp. resolution." Well, I asked about this when I went overseas, and Sarah and Chaikin didn't have any final answer on it mainly becaus the corporation is not dissolved and the minutes of the corporation were back here and we didn't know who the current officers were who would sign such a letter. I have looked up in theminutes the current status of the corp and officers and this is it: Terry Carter, is president; Annie Moore is secretary; and Mike Prokes is Vice President. There is no treasurer. The corporation made an official resolution discontinuing corporate operations as of January 31, 1977. Nothing further was done to dissolve the corporation. Going through the file I found the attached Dissolution form which was sent by Janet Evans of the Stark firm, which you may wish to re-examine should there be a change of heart.

4. Truth Enterprises, Inc. - on law office report #53, section III, under "Tax Things for Tish, Item 1" I described a problem we're having with the Board of Equalization because of the error in Harold's having posted SF Bart tax onto the use tax permit quarterly reports. Tish sent a radio message back saying phone the person in charge of that Board, say account is closed, that records were sent to Tish and she will correspond with them there, no longer operative, and do nothing without consultation." May I remind you folks that the letter sent to the Board explaining that the SF Bart tax inclusion is a bookkeeper's error, was not done without consultation; rather it was done via radio instructions received July 16, 1978, and further that I discussed this whole thing with Tish when I went overseas and she said nothing about any change in direction. Bonnie informs us this weekend that the Board called the Ranch Friday and asked about the SF Bart tax inclusion, and Bonnie told them that the bookkeeper was in San Francisco and the business itself wasn't. The telephone call will be made and the latest info re bookkeeper Tish, etc will be conveyed, but we are dubious what will happen after that. Meanwhile, we're still waiting for instructions on how to dissolve Truth as a corporation - were

promised instructions via the radio last July but have heard nothing further, and no one had anything to give me when I went overseas.
See Tim Clancy's latest memo on Truth Enterpreises, attached.
We would like to have some direction on this please.

5. See law office report #53, section III, tax things for Tish, Item 14. This concerns the notice from the Franchise Tax Bd that we received for several months, just labeled "LE, 1859 Geary" and eventually came addressed "LE TEMPLE."
The latest on this isthat I called Bentzman to help us by calling Franchise Tax Board, but he did not have time, so I called Franchise Tax Board myself. I explained how we had been receiving these notices for several months but douldnt identify them until the latest that came addressed LE TEMPLE, and it finally dawned on us that they must mean the church, and I explained that ours was a tax exempt charitable church corporation, and we did not pay income tax and this did not make sense. It didnt make sense to the woman I talked to either, and she agreed that it must be a computer error, expecially after I pointed out toher the mix up in the account number, which had been spaced out to look like a social security number but after we doubled checked, it turned out to be our federal employer identification number, divided up to resembele a social security number. She said dont worry and that whe would send us an explanation. In the meantime I typed up a letter for attorney Bentzman's signature, confirming the telephone call, and he signed it and it went to SF and Sacramento Franchise Tax Boards. The next day he called Franchise Tax Board himself and they explained after checking that the reason for the mix-up was that the Bank of Montreal had been sending interest statements to the Franchise Tax Board. Apparently every month the Bank of Montreal sends us interest statements on a savings account we have there and Jean Brown deposits that interest into a P.T. account. That must have been interpreted as income by the Franchise Tax Board and thus the sli-up. This is still going on and being unraveled, and a letter is going to the Bank of Montreal explaining the situation.
As far as Tish's radio instructions of 11/1 in which she said tell Bentzman to do nothing, get an extension of time, and send her full copies of reports Bentzman filed on annual information returns - by the time those instructions came, the phone call had already been made and the letter sent to the Franchise Tax Board. Also, see Law Office Report #26, dated April 20, 1978 (I am attaching a copy of it) re the late filing of the annual information returns. Tish says there was a mistake on those forms. Sorry but we did not have any clearer directions to go on, nor did we have any figures othe than past years to compare. So we did what had to be done in order to get the forms in on time, and Jean and Bentaman and I sat down together and prepared the info returns for 1974, 1976 and 1975, and they all went intogether at once, late but finally it was resolved as you will see from the attachment.

6. Stockton property in the name of P.T. - former Loren Roberts property. Loren Roberts does not come to the church any more and is hostile. His sister Lorine Davis left some months ago also. Years ago he turned over deeds on his property in Stockton and it was recorded in P.T.'s name. At the same time he turned over pinck slips on cars and personal papers, and we still have some of those papers. He eventually sold his house himself, but the Stockton property remained in our name and we are still stuck with it. At one point the City wanted to demolish it and I think that was done because it was a public eyesore. Now there are back taxes on it, dating back to 1972, in the total amount of $766.36. See attached statement of delinquent taxes. McElvane has always said we should pay this because of negative p.r. value, but I have disagreed because the property has been ours for years. We have neglected it and it has been sold to the State for taxes because it ran past the 5 year limit - but we're still listed as owner, along with the State, and we get the tax bill.

   We have just received a letter from McFarland Energy Inc. wanting to lease for oil and gas exploration purposes, for 5 years, pooling this lease with group of other leases to have a large enough block of land in which to drill a gas well, at $5.00 per acre rental, or $10 per single lot. In other words, they are offering us $10 to lease out the lot.
   a. How do we get rid of this property?
   b. Do we have to pay back taxes? What will happen if we dont?
   c. Should we sign the lease and accept the oil/gas offer?

7. Clearances on people to go over:

   a. Esther Johnson, mother in law of Coty Johnson, and son Bobbie. Lives in LA. Her husband, dad of Bobbie, is not a member. They are not separated. He wants her and Bobbie to go, and he has signed consent for the child to go. He has asked her when will she be going overseas, because he wants to move his daughter in the house when she leaves. He told her he bought her clothes to take overseas and he doesnt understand why she's not gone yet. He says he doesnt want his son to get in with the LA gangs. Vee thinks that the real reason for him wanting to get Esther out of there is that he has another woman he wants to bring into the house. The husband has in the past attended the church 6 times; he doesnt go to any other church. The child Bobbie is 12years old.

   b. Melvin Lowery - he is officially off probation as of October 26, and we have the attached Certificate of Discharge to prove it. Archie needs him to stay and work on the crew, because as Archie puts it, he has only 3 consistent worksers - Melvin, Don Davis, and David Gallie. So as far as we are concerned, legally Melvin is okay to go, but it will be awhile because of the tremendous workload on the crew, with the crating and the packing of the barrels, etc.

BB- 31-6-43

8. Law Office overseas supplies - Shipments are going out with each person that goes over, in duffel bags. We have been able to procure everything so far, and I think the only thing we will have to buy is the ~~xxxxxxxxx~~ legal ruled pleading paper, the onionskin paper, and the batteries, earphones, foot pedal, and cassettes for the tape recorders. Otherwise, ~~xx~~ we have access to everything else. It has to go out little by little in the duffel bags, because there is such a rush on Patty's christmas stuff, and both items have equal priority.
If we crate it, you wont get it for a year. So, into duffel bags it will go. Don Davis has been able to score a great deal in his late night garbage runs, in the financial district outside of stationary stores, etc. I have packed up a bunch of beautiful large legal size envelopes he found, about 200 of them white Japanese rice paper, beautiful grain to it, and some more manila envelopes which are imprinted First Class Mail on them. He found a huge crate of the stuff and that will fo over on one of the regular crates, but I scavenged about 300 out for us.
Be sure to check the inventories - I labeled everything and wrapped each item in plastic, labeled "BEA ORSOT, LAW OFFICE, RUSH" or BEA GRUBBS. I wanted to keep the law office stuff out of Patty's bags because I was afraid that Patty's bags would go on upriver but apparently everything is all mixed up so check each enventory carefully to catch the stuff before it goes on to Patty.

9. One question that was asked previously was how many people remain back here who gave property.
LA is still ehecking on this, but Vee recalls:
Clara Causey - she stopped coming, didn't want to leave her children.
Hunnicutts - they are working on wife's passport.
Dorothy Lewis - not ready yet.
Exie Eleby - Vee says there is no way that Exie would ever leave Melita Gibson, the child of which she is legal guardian and Jean Gibson is the natural mother, behind. So that puts us in an awkward position as Jean Gibson's latest attitude is relief that the child light remain with her rather than go with Exie overseas. If we get court permission for the child to travel with Exie, we risk Jean Gibson's atitude; if we have Exie remain, we risk problems because hers is the case where the deed is being challenged byher son who says it was a forgery and he never signed over his interest to her before she gave it to P.T. We have heard nothing further from him on that, and Vee remembers that Exie's son is very ill in the hospital right now so that may be done with...

10. Mary Baldwin is overseas. She should write to her children right away. Apparently one daughter is a co-signer on her checks, and has not been able to cash the cheks since Mary went over, but told Vee she is planning to sign Mary'sname to them and will not go through the process of forwarding the checks to Mary. Has not heard from Mary at all and this does not help the situation. When Mary lived in LA, she did not know how to write and this may be one reason she has not writen to children, but by now, knowing Jonestown, she may have been taught to write - someone should look into this case.

BB-31-6-44

11. Taxes

a. Shanda and Bruce Oliver - someone should sit down with them and fill out the attached card - no refund will come without it. It's probably because they're married and Shanda's first income tax return using the name Oliver.

b. Annette Jones - latest received from IRS on tax liability due.

c. Danny & Edith Kutulas - statement of adjustment to account on 1974 income tax return. I'm not sure if this is a bill or a refund. Judging from the code number explanation on the reverse side for #01 and 30, it sounds like there was a penalty for not filing and tax unpaid when due; but then the penalty was eliminated...???

d. Patricia Cartmell - latest notice from IRS on tax due for 1975, $39.66

12. Sale of Ernest Jones property - escrow has closed and the money is held up until a 2nd trust deed is cleared up - apparently Ernest Jones owed on a 2nd trust deed and Mac needs to know if it was paid off and to whom and where can he get proof of it being paid off without having to go to a title company and paying $13 an hour for them to make a search. See attached page describing the deed of trust in question. We used to have a file onthis property but I cannot find it anywhere, and the sale is held up until this is settled. This question has been asked over the radio but in case more clarification is needed, here it is.

13. Ray and Agnes Jones refund on 1973 taxes - when I was overseas, Tish suggested possible way to try to get refund on tax which was filed way past statute of limitations, alleging having been out of the country and records missing, etc. Here is a notice from the IRS for tax returns filed for Ray and Agnes for 1973, dening the refund because the return was filed more than 3 years after due date. I checked our file on the return that was prepared by Harold/Tish earlier this year and the refund they would be getting is $600. So please have someone (Jann Gervich) get together with Tish and with Ray and Agnes and prepare such a letter and send it in, either to me to forward on or direct to IRS. Considering the amount of refund involvedm it might be worth it, but I dont know what the odds are that they will get anything. On closer look, they also got a denial letter for 1972, so please combine into 1 letter their request for reconsideration for both the 1973 and 1972 returns. Copies of letters from IRS are attached.

14. After I got back from overseas, waiting for me was a note from Harriet asking for stuff to bring with me to overseas - well it didnt reach me til I got back but what I'm wondering is, will you still want the stuff: She asks for xeroxes of rough drafts of TOS letters, drafts of corporate documents that he did; names of cases he represented us on, etc. Medlock file. LA apartment file.

BB- 31-6-45

and xeroxes of any other thing where he shows himself as our counsel. Will you still need this foryour work with Mark? Sorry I didnt get the note til I came back because obviously it would have helped a great deal, considering the content of Charles briefcase when we got there.

15. FOIA on Tom Adams FCC License - attached is copy of latest letter from the attorney in Washington who is pursuing FOIA for us to try to find the Goldwater file. The FOIA stuff hasnt bent sent us by the attorney yet; tomorrow Tpm is going to call him in the morning and ask him to send whatever file material he finds directm to Tom rather in care of Bentzman so that we bypass Garry's office, since the monitored conversations may very likely contain our remarks about Garry et al. and that could prove to be embarrassing and uncomfortable. We want to get the file direct, and we want to deal direct with the attorney in washington, becase as it stands now, we are paying double, a bill to the Washington attorney and a bill to Bentzman for the time that he has us in his office explaining ~~whatxwexex~~ the Washington attorney's letters to us and setting up conference calls.

BB-31-b-46

PATRICK SARSFIELD HALLINAN
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Telephone: (415) 861-1151

Attorney for Defendant

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO

| | |
|---|---|
| PEOPLES TEMPLE OF THE DISCIPLES OF CHRIST, a nonprofit corporation, JEAN BROWN, and JAMES McELVANE,<br><br>Plaintiffs,<br><br>v.<br><br>TIMOTHY OLIVER STOEN,<br><br>Defendant. | NO. 740531<br><br>ANSWER TO COMPLAINT |

Defendant answers to complaint herein as follows:

1. Defendant denies each and every allegation of paragraphs III, IV, V, VI, X, XI, XV, XVI (first paragraph so numbered), XVI (second paragraph so numbered), XVII, and XVIII.

2. Answering paragraph VII, defendant admits that in February 1977 he joined the PEOPLES TEMPLE commune in Guyana, South America, but denies each and every other allegation therein.

3. Answering paragraph VIII, defendant admits the allegations in the second and third sentences (lines 18-20), but denies each and every other allegation therein.

BB-31-6-47

4. Answering paragraph IX, defendant admits that in February 1978 he claimed that he and his wife have spent over $18,000 in the attempt to return their son to them both, but denies each and every other allegation therein.

5. Answering paragraph XIII, defendant denies the allegations contained in lines 21 and 22.

6. Answering paragraph XIV, defendant denies the allegations contained in the sentence in lines 4 through 8.

FIRST DEFENSE: UNCLEAN HANDS--DISOBEDIENCE OF COURT ORDER

7. Plaintiffs are guilty of wrongful conduct, contempt of court, and unclean hands in connection with the transaction and subject matter of their suit (i.e., an alleged personal vendetta involving the custody of defendant's child John Victor Stoen) in that they are contumaciously detaining said child in direct violation of a California Superior Court order granting joint legal custody of the child to defendant Stoen and his wife Grace. On November 18, 1977, in Civil Case No. 719147, the Superior Court of the State of California for the City and County of San Francisco found that Rev. Jim Jones, the leader of plaintiff PEOPLES TEMPLE, had been properly served and determined that he is in violation of its order to appear. The Court ordered:

a. "that Reverend Jim Jones will immediately deliver the minor, JOHN VICTOR STOEN, to the Petitioner";

b. that "the District Attorney of the City and County of San Francisco shall take all actions necessary to locate Reverend Jim Jones and to secure Reverend Jim Jones' compliance with this

 BB-31-6-48

order";

c. that petitioner "is granted leave to institute contempt proceedings against the Reverend Jim Jones."

A copy of the Order is attached hereto as Exhibit A and made a part hereof.

Upon being served this order on November 18, 1977, PEOPLES TEMPLE attorney Charles Garry was quoted in the November 19 "San Francisco Examiner" as saying, "Jones will have to decide how to respond to the court action." Plaintiff PEOPLES TEMPLE, as the alter ego of Reverend Jim Jones, is currently holding John Victor Stoen in Guyana, South America. Plaintiffs PEOPLES TEMPLE, BROWN, and McELVANE are knowingly aiding and abetting in the continuing disobedience of this Superior Court order.

SECOND DEFENSE: UNCLEAN HANDS--PERJURY IN COMPLAINT

8. Plaintiffs are guilty of perjury, conspiracy to commit perjury, fraud, and unclean hands in connection with the transaction of their suit in that they knowingly conspired to, and did in fact, include perjury as paragraph VI (and elsewhere) of their verified complaint. Paragraph VI alleges, inter alia, that defendant consulted with PEOPLES TEMPLE member Maria Katsaris and "obtained confidential information concerning ... certain sexual advances made by her father towards her when she was a child." Paragraph VI further alleges that in April or May, 1977, defendant advised "Maria Katsaris that she should go to Guyana to avoid the possibility of her father's instituting conservatorship proceedings."

All of the allegations of paragraph VI of the complaint,

including particularly the aforementioned, are false. Defendant is informed and believes and thereon alleges that these allegations were contrived for the sole purpose of getting defendant removed as attorney for Steven Katsaris. Incorporated herein by reference is the Declaration by Steven A. Katsaris opposing Application for Preliminary Injunction, filed in the within action and signed by Steven A. Katsaris. Said declaration includes as an exhibit within the lawsuit attached thereto a hand-written letter sent by Maria Katsaris to her father in August 1977 which is inconsistent with the aforesaid allegations. Said declaration also includes as an exhibit a professional polygraph report, dated May 3, 1978, of a lie detector examination voluntarily undertaken by Steven Katsaris; it concludes that he "is telling the truth" in answering "no" to the itemized test questions, including "Did you ever make any sexual advances toward Maria Katsaris?"

Defendant is informed and believes and thereon alleges that on July 1 and 2, 1978, the falsehoodscontained in paragraph VI of the complaint were knowingly contrived, with no participation whatever by Maria Katsaris, in two long conversations conducted over international shortwave radio between Jonestown, Guyana and San Francisco, California on equipment owned by plaintiff PEOPLES TEMPLE and operated by its members, including plaintiff BROWN. Defendant is informed and believes and thereon alleges with respect to these conversations that:

a. the participants therein were all members of PEOPLES TEMPLE and were acting as agents of plaintiffs PEOPLES TEMPLE,

BROWN, and McELVANE;

b. the participants in Jonestown, Guyana included Teresa Buford and Harriet Tropp; those in San Francisco included June Crym, Tom Adams, and plaintiff BROWN;

c. codes were used for real names and events throughout these conversations in violation of the regulations of the Federal Communications Commission;

d. inconsistent stories were put forward and discussed as to what statement should be given attorney Charles Garry (code names "Dr. Iverson" and "Pete") by plaintiffs BROWN and McELVANE as to exactly "when" defendant advised Maria Katsaris, as to the subjects of defendant's consultations with her, as to the course of action he suggested for her, and as to the intermediaries used in the consultations to allow for different geographical locales for "attorney" and "client";

e. a participant in Jonestown indicated that PEOPLES TEMPLE members Eugene Chaikin, Sandra Bradshaw, and Jim Jones would be the persons who would have the final approval on the version to be submitted to Garry;

f. it was decided that neither BROWN nor McELVANE, although the only individual plaintiffs in the action, would be allowed to verify the complaint containing the false story because they were too important to the current operations of PEOPLES TEMPLE in the United States to risk, should worse come to worst, a perjury indictment;

g. it was decided instead that Carol Stahl, the president

of plaintiff PEOPLES TEMPLE only in name, would verify the complaint even though she was unknowledgeable as to the relevant facts because she was expendable to operations in the United States and could be shipped to Guyana;

h. the version ending up as paragraph VI of the complaint was finally approved by Chaikin, Bradshaw, and Jones as the story best calculated to induce a judge to erroneously believe that defendant had misused confidential information in the suit filed by Steven Katsaris against Jim Jones and PEOPLES TEMPLE in Mendocino County on May 16, 1978; and

i. the aforesaid participants decided it would be too difficult to contrive a satisfactory "specific" story with respect to misuse of confidential information by defendant in the Medlock lawsuit and the Cobb lawsuit, and therefore Garry was to be told to formulate a consolidated complaint for an injunction so as to use the false specific allegations relating to Steven Katsaris as a lever for removing defendant from the Medlock suit and the Cobb suit (for which only "generalized conclusions" would be alleged).

The allegations inserted into paragraph VI of the complaint in this action are totally false. The complaint was verified "under penalty of perjury" by the president of plaintiff PEOPLES TEMPLE, i.e., Carol Stahl, on July 3, 1978.

THIRD DEFENSE: UNCLEAN HANDS--SUPPRESSION OF EVIDENCE

9. Plaintiffs are guilty of contempt, wrongful conduct, and unclean hands in connection with the transaction and subject

matter of their suit in that they have willfully conspired to suppress, and have in fact suppressed, evidence necessary to a proper disposition of the suit (including the application for a preliminary injunction), i.e., the testimony of Carol Stahl, president of plaintiff PEOPLES TEMPLE. Carol Stahl is the only person to have signed the verification of the complaint herein (pursuant to the requirement that a verification be attached to any complaint which serves as the application for an injunction). Defendant is informed and believes and thereon alleges that on or about July 4, 1978, plaintiffs ordered Carol Stahl immediately to leave the United States so as to be outside the jurisdiction of this court, and that she did in fact so leave. Defendant is informed and believes and thereon alleges that the purpose of plaintiffs was to prevent Carol Stahl from being cross-examined at an evidentiary hearing on the preliminary injunction and thereby revealing the perjury in paragraph VI and elsewhere in the complaint.

Defendant is informed and believes and thereon alleges with respect to the above-mentioned international shortwave radio conversations held on July 1 and 2, 1978, that:

a. a participant in San Francisco advised Jonestown that Charles Garry regarded Carol Stahl as a necessary person to have available for the hearing;

b. someone in Jonestown said that Eugene Chaikin would disapprove and that it would be too dangerous to the interests of PEOPLES TEMPLE to have her testify under oath, and that she

was too unknowledgeable anyway; and

c. a story was contrived between Jonestown and San Francisco, which was to be delivered to Garry and the court, to the effect that Carol Stahl's daughter in Guyana required a doctor outside the country, thereby necessitating Stahl's presence as guardian to make the arrangements.

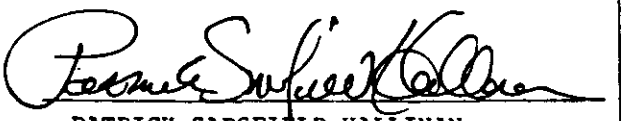
FOURTH DEFENSE: UNCLEAN HANDS--ABUSE OF JUDICIAL PROCESS

10. Plaintiffs are guilty of wrongful conduct, the tort of abuse of process, and unclean hands in connection with the transaction and subject matter of their suit in that they had ulterior purposes in filing the lawsuit and committed willful acts in the use of process not proper in the regular conduct of a judicial proceeding. Defendant is informed and believes and thereon alleges that these ulterior purposes were to: a) divert the attention of the public and media from the savage and illegal practices of PEOPLES TEMPLE and Jim Jones itemized in the three lawsuits filed on behalf of Steve Katsaris, Wade and Mabel Medlock, and James Cobb, Jr., respectively; b) coerce defendant to expend his energies and limited funds in defending this sham lawsuit based on perjured allegations so as to inhibit his prosecuting of the three above-mentioned legitimate lawsuits brought on behalf of truly oppressed victims of PEOPLES TEMPLE; and c) introduce as part of a court record a document (Exhibit C-2 of the complaint) which plaintiffs know is totally false and spurious and which plaintiffs know is so utterly lacking in legal significance that it could not be introduced in either of the two custody proceedings,

involving the same child John Victor Stoen, brought in California and Guyana, respectively.

The willful acts in the use of process not proper include those set forth in the first three affirmative defenses set forth above and those inherent in the description of the ulterior purposes of plaintiffs set forth above.

WHEREFORE defendant prays that plaintiffs take nothing by this action and that defendant be awarded costs and all other just relief.



PATRICK SARSFIELD HALLINAN
for defendant

 BB- 31-6-55

VERIFICATION

I am the defendant in this action; the foregoing answer is true of my own knowledge, except as to those matters stated in it on my information and belief, and as to those matters I believe it to be true.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on August 1, 1978, at San Francisco, California.

Timothy Oliver Stoen

TIMOTHY OLIVER STOEN

BB- 31-6-56

THE ANNEXED INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN MY OFFICE. ATTEST, CERTIFIED

CROXTON

MAR 3 - 1978

CARL M. OLSEN, COUNTY CLERK OF SAN FRANCISCO AND EX-OFFICIO CLERK OF THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE COUNTY OF SAN FRANCISCO

C. E. Bertholet DEPUTY

ENTERED
No. 4603 Vol. 3
NOV 21 1977
CARL M. OLSEN, Clerk
By [signature]
Deputy Clerk

FILED
San Francisco County Clerk
NOV 18 1977
CARL M. OLSEN, Clerk
By [signature]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Attorney at Law
3609 Sacramento Street
San Francisco, CA 94118
(415) 922-6200

MARGARET RYAN
Attorney at Law
294 Page Street
San Francisco, CA 94102
(415) 626-0979

Attorneys for Petitioner


SUPERIOR COURT FOR THE STATE OF CALIFORNIA

IN THE CITY AND COUNTY OF SAN FRANCISCO

| | |
|---|---|
| In re the marriage of<br>Petitioner: GRACE LUCY STOEN<br>and<br>Respondent: TIMOTHY O. STOEN | No. 719-147<br>ORDER RE CHILD CUSTODY |

The matter of the order to show cause re the custody of the minor child JOHN VICTOR STOEN, born January 25, 1972 came on regularly for hearing on November 18, 1977 in Department 13 of the above entitled court. Petitioner GRACE LUCY STOEN was present personally and through her attorneys of record, Jeffrey Haas and Margaret Ryan. Respondent TIMOTHY O. STOEN appeared in pro per. There was no appearance by Claimant JIM JONES.

GOOD CAUSE APPEARING, the court made the following finding and orders:

1. Based upon the declarations on file it is found that


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BB- 31-6-57

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MAR 3 - 1978

GEO. M. GLOVER, COUNTY CLERK OF SAN FRANCISCO, AND EX-OFFICIO CLERK OF THE SUPERIOR COURT OF THE STATE OF CALIFORNIA AND FOR THE COUNTY OF SAN

Claimant Reverend Jim Jones had actual notice of the pendency of the proceedings, of his joinder, of this court's order directing him to appear and of the instant hearing.

2. It is also found that contrary to the order of this court that Reverend Jim Jones failed to appear before this court on November 18, 1977 at 9:00 AM.

3. Based on testimony offered at the hearing of November 18, 1977 and a written stipulation filed therein, the court finds and orders that it is in the best interest of the minor child, JOHN VICTOR STOEN that his physical custody, care and control be awarded to Petitioner GRACE LUCY STOEN, his natural mother. Reasonable visitation will be reserved to Respondent TIMOTHY O. STOEN. Petitioner and Respondent will share joint legal custody. This court hereby fully incorporates by reference the stipulation between the parties signed on November 18, 1977 and the order arising therefrom.

4. It is ordered that Reverend Jim Jones will immediately deliver the minor, JOHN VICTOR STOEN, to the Petitioner, GRACE LUCY STOEN, or to her authorized representative.

5. It is ordered that pursuant to Section 4604 of the California Civil Code, the District Attorney of the City and County of San Francisco shall take all actions necessary to locate Reverend Jim Jones and to secure Reverend Jim Jones' compliance with this order.

6. It is further ordered that Petitioner is granted leave to institute contempt proceedings against the Reverend Jim Jones.

7. Based on testimony offered at the hearing on November 18, 1977 by both Petitioner and Respondent and notarized documents

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[illegible]



BB-31-6-58

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MAR 3 - 1978

[illegible], COUNTY CLERK OF SAN FRANCISCO AND EX-OFFICIO CLERK OF THE [illegible] COURT OF THE STATE OF CALIFORNIA [illegible]

C E Patrick
COURT

provided to and filed with the court, the court finds and orders that all previous statements signed by either Petitioner or Respondent or both authorizing one JOYCE TOUCHETTE, JIM JONES, or any other person to act as guardian of said minor child is hereby declared null and void.

ORDERED this 18th day of November, 1977 and signed the 18th day of November, 1977.

Frank G. Finnegan
JUDGE OF THE SUPERIOR COURT
FRANK G. FINNEGAN

[illegible] 4603 [illegible] 9

MARGARET RYAN
ATTORNEY AT LAW
[illegible]
SAN FRANCISCO, CA [illegible]
[illegible]



BB- 31-6-59

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Attorney for Defendant

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO

| | |
|---|---|
| PEOPLES TEMPLE OF THE DISCIPLES OF CHRIST, a nonprofit corporation, JEAN BROWN, and JAMES McELVANE,<br><br>Plaintiffs,<br><br>v.<br><br>TIMOTHY OLIVER STOEN,<br><br>Defendant. | NO. 740531<br><br>MEMORANDUM OF POINTS AND AUTHORITIES IN OPPOSITION TO APPLICATION FOR PRELIMINARY INJUNCTION |

I. A PRELIMINARY INJUNCTION CANNOT BE ISSUED BECAUSE PLAINTIFFS ARE BARRED BY THE DOCTRINE OF UNCLEAN HANDS.

A. A party seeking the interposition of a court of equity must come into court with clean hands. Where plaintiffs' conduct means they have unclean hands, a preliminary injunction will be denied. London v. Marco (1951) 103 Cal App2d 450, 453, 229 P2d 401.

B. As defendant's verified answer makes clear, plaintiffs PEOPLES TEMPLE, BROWN, and McELVANE have come into this court with flagrantly unclean hands.



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1. First, they are aiding and abetting in the disobedience by Jim Jones of a California Superior Court order dated November 18, 1977, which involves the subject matter of this action, i.e., an alleged personal vendetta concerning the custody of John Victor Stoen.

2. Secondly, plaintiffs have unclean hands in that it appears they have knowingly contrived to insert perjury into paragraph VI of the verified complaint. On July 1 and 2, 1978, they contrived a totally false story best calculated to induce a judge to erroneously believe that defendant acquired confidential information concerning the lawsuit filed by Steven Katsaris. To do so, plaintiffs had to contumaciously manipulate and dupe their attorney.

3. Thirdly, plaintiffs have unclean hands in that it appears they have suppressed evidence which is necessary to the disposition of this case. On July 1 and 2, 1978, they arranged for Carol Stahl, the nominal president of PEOPLES TEMPLE and the only person they were willing to let verify the complaint, to leave the United States and the jurisdiction of this court. It appears they did this to prevent her being cross-examined at an evidentiary hearing and thereby revealing the perjury in paragraph VI of the complaint.

4. Fourthly, plaintiffs have unclean hands in that they are abusing the judicial process. It appears they have ulterior motives: (a) to divert the attention of the media and the public from the savage and unlawful acts itemized in the three lawsuits



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filed against them by defendant, (b) to coerce Timothy Stoen to expend his energies and limited funds in defending this sham lawsuit of plaintiffs based on perjured allegations so as to inhibit his prosecuting of the three legitimate lawsuits brought on behalf of truly oppressed victims of PEOPLES TEMPLE; and (c) to introduce as part of a court record a document (Exhibit C-2 of the complaint) which plaintiffs know is totally false and spurious, and which plaintiffs know is so utterly lacking in legal significance that it could not be introduced in either of the two custody proceedings, involving the same child John Victor Stoen, brought in California and Guyana, respectively. None of the foregoing acts of unclean hands are proper in the use of the judicial process.

II. A PRELIMINARY INJUNCTION CANNOT BE ISSUED BECAUSE PLAINTIFFS HAVE NOT ALLEGED SPECIFIC FACTS BUT SIMPLY HEARSAY CONCLUSIONS.

A. Unless a statement which is in the nature of a conclusion is supported by the specific facts or circumstances on which it rests, it is insufficient to sustain an application for an injunction. Willis v. Lauridson (1911) 161 Cal 106, 108, 118 P 530. The facts alleged must be so specific that the court can infer the conclusions drawn by plaintiff were correct. Provident Land Corp. v. Provident Irrigation Dist. (1937) 22 Cal App2d 105, 79 P2d 392. Inferences, generalities, presumptions, and conclusions have no place in a pleading asking for an injunction. Davitt v. American Bakers' Union (1899) 124 Cal 99, 56 P 775. The



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facts must be so specific that if they were shown to be false, the verifier of the complaint would be subject to an indictment for perjury. Ancora-Citronelle Corp. v. Green (1974) 41 CA3d 146, 115 CR 879 ("The availability of criminal sanctions for perjury was calculated to insure that injunction applications be substantially supported by a truthful factual representation, and made in good faith.").

B. Clearly, the complaint and declaration filed by plaintiffs herein are totally insufficient as to specificity of facts. Plaintiffs allege three theories for the removal of Timothy Stoen as attorney on the three complaints already filed by him. (Since there are no facts alleged as to future "soliciting" or "accepting" of professional employment, and no facts alleged as to any specific items of "confidential" information likely to be disclosed in the future, plaintiffs' complaint herein should be interpreted as one to enjoin defendant from "prosecuting any complaints already filed.")

The first theory is unlawful "solicitation". But there is not one fact, not one date, not one conversation put forward as to when any solicitation occurred as to Steven A. Katsaris, Wade and Mabel Medlock, or James Cobb, Jr. As their declarations show, each of these victims of PEOPLES TEMPLE approached Timothy Stoen on their own initiative and requested his help.

The second theory of plaintiffs is that defendant filed his lawsuits out of a "personal vendetta". While defendant acknowledges he has animus towards PEOPLES TEMPLE and their savage practices, there is no showing whatever that he acted "solely"



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out of spite, which is what Rule 2-110 of the California State Bar Rules of Professional Conduct pertains to. If anything, defendant has shown an extremely objective and nonvindictive attitude towards plaintiffs in light of their provocative threats (see his declaration) that he would be killed and that Jim Jones would commit "the ultimate sacrifice" (i.e. kill John Victor Stoen) if defendant did not back off on his custody proceedings. The best test, of course, in determining whether defendant is acting "solely" out of spite is to review the complaints he drafted on behalf of Katsaris, the Medlocks, and Cobb. The wrongdoing of PEOPLES TEMPLE and Jim Jones were therein supported by allegations of (1) specific facts (2) verified under penalty of perjury (3) by persons in a position to know.

The third and final theory of plaintiffs in seeking this injunction is that defendant misused "confidential" information. For some reason, plaintiffs were unable to come up with anything specific on either Medlocks or Cobb. As to Medlocks, they alleged that defendant "planned, advised and arranged the transfer of" their property. No dates, no facts as to the contents of his advice, no facts as to what acts he took to "arrange" the transfer. As to Cobb, plaintiffs do not allege anything except the very generalized conclusion that the allegations of Cobb's complaint "concern various incidents about which defendant obtained confidential information during the course of his attorney-client relationship with plaintiff PEOPLES TEMPLE." What incidents? The threats to kill Jim Cobb? The department of "Diversions"?



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The plan to murder 1100 people? For some reason, plaintiffs have chosen not to itemize these "incidents".

There remains, then, only one conceivable theory under which the plaintiffs may proceed: the alleged misuse of confidential information affecting the Katsaris lawsuit. In paragraph VI of PEOPLES TEMPLE's complaint, the defendant is alleged to have acquired confidential information from Maria Katsaris regarding possible conservatorship proceedings instituted by her father and regarding her having been sexually abused by him. But there is no declaration from Maria Katsaris. She is the only person who could possibly know what she told Timothy Stoen (who denies in his verified declaration that any such conversations took place). The questions become obvious: is PEOPLES TEMPLE afraid to produce Maria Katsaris and let her testify in court? If so, is it because their complaint does contain perjury in paragraph VI? Is plaintiffs' decision to use Carol Stahl as the sole verifier for the purpose of providing a colorable defense of "hearsay" to an indictment for perjury?

To summarize, plaintiffs have totally failed on any theory to allege specific facts which have been verified by someone in a position to know whether they are true or false. Their application for an injunction should, for this reason alone, be denied.

III. A PRELIMINARY INJUNCTION CANNOT BE ISSUED BECAUSE PLAINTIFFS ULTIMATE CASE IS, IF NOT A SHAM, UTTERLY DOUBTFUL.

A. An injunction cannot be granted where plaintiff's ultimate right to relief is doubtful. Thayer Plymouth Center, Inc.



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v. Chrysler Motors Corp. (1967) 255 Cal App2d 300, 305-306, 63 Cal Rptr 148; West v. Lind (1960) 186 Cal App2d 563, 569, 9 Cal Rptr 288.

B. Plaintiffs' underlying case for damages is utterly doubtful. They cannot obtain damages if they have no theory of a violation of a legal right. But the only theory they have available to them, taking a look only at plaintiffs pleadings and construing all ambiguous interpretations in their favor, is paragraph VI. And the failure of plaintiffs to file a declaration by Maria Katsaris verifying those allegations shows a reluctance to let her come forward and testify at a trial on the lawsuit. Furthermore, if the declarations and answer filed on behalf of the defendant are considered, there appears no reasonable possibility that a jury or judge could believe the allegations of paragraph VI. Hence plaintiffs' ultimate case is, if not a sham, utterly doubtful.

IV. A PRELIMINARY INJUNCTION CANNOT BE ISSUED BECAUSE IT WOULD VIOLATE THE CONSTITUTIONAL GUARANTEES OF FREEDOM OF SPEECH AND RIGHT TO COUNSEL.

A. An injunction cannot be granted where it would interfere with the constitutional guarantees of freedom of speech. US Const, Amend I; Calif Const, Art I, §9; Rosicrucian Fellowship v. Rosicrucian Fellowship Non-Sectarian Church (1952) 39 Cal2d, 145, 245 P2d 481. The right to be represented in a civil case by counsel of one's choice is fundamental. The refusal to recognize or allow appearance or representation by such counsel is a denial



BB- 31-b-66

of due process and therefore an act in excess of jurisdiction. US Const, Amend XIV; Calif Const, Art I, §7(a); Witkin, 1 Cal. Proc., 2d, Jurisdiction, §194; See Ex parte Gordan (1891) 92 C. 478, 28 P. 489.

B. The declarations of Steven A. Katsaris, Wade and Mabel Medlock, and James Cobb state that Timothy Stoen is their choice of counsel and request he not be removed. Katsaris says his interest will be "gravely compromised" if Mr. Stoen were no longer to represent him. He gives his reasons as including the fact that Mr. Stoen is "extremely capable", and he attaches Stoen's professional resume and character references. Any injunction of a court would constitute a prior restraint on the freedom of speech of everyone involved, in violation of the Federal and State constitution, and would also constitute a violation of the constitutional rights of Katsaris and the Medlocks and Cobb to the counsel of their constitutional choice.

There is no adequate competing consideration because, interalia there is no irreparable injury threatened. No specific future acts of "solicitation" or "accepting" of professional employment are alleged by plaintiffs. No specific "confidential" information as to type or source, is alleged as likely to be disclosed. In reality plaintiffs appear to have one aim in mind; the removal of Stoen from pending cases as the attorney for the persons claiming to be victimized by them. Even if plaintiffs' allegations had been more specifically pleaded and even if they were true, they would have an adequate remedy of damages at law, i.e. ascertainable



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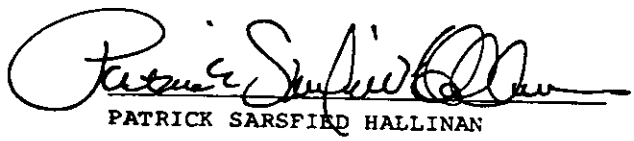
damages resulting from the existing lawsuits of Katsaris, Medlocks, and Cobb.

FOR EACH AND ALL OF THE ABOVE REASONS, THE APPLICATION BY PLAINTIFFS FOR A PRELIMINARY INJUNCTION SHOULD BE DENIED.

Respectfully submitted,



PATRICK SARSFIELD HALLINAN

Attorney for Defendant



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SUPERIOR COURT OF CALIFORNIA

IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO

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| PEOPLES TEMPLE OF THE DISCIPLES OF CHRIST, a nonprofit corporation, JEAN BROWN, and JAMES McELVANE,<br><br>Plaintiffs,<br><br>vs.<br><br>TIMOTHY OLIVER STOEN,<br><br>Defendant. | NO.<br><br>ORDER TO SHOW CAUSE AND TEMPORARY RESTRAINING ORDER |

On reading the Complaint, supporting Declarations, and Points and Authorities on file in this action, and it appearing from these that this is a proper case for issuance of an order to show cause and a temporary restraining order, and that unless a temporary restraining order issues, plaintiffs will suffer irreparable injury before the matter can be heard on notice,

IT IS ORDERED that defendant, TIMOTHY OLIVER STOEN, appear before this Court in the courtroom of Department



BB-31-b-69

No. _____, at _____ on _____, then and there to show cause why a preliminary injunction should not be issued enjoining defendant from:

1. Soliciting professional employment from ex-members of PEOPLES TEMPLE, relatives of members of PEOPLES TEMPLE, or from any other persons for the purpose of generating suits against plaintiffs or any of them or against any officers, directors or members of plaintiff PEOPLES TEMPLE;

2. Accepting professional employment adverse to his former client PEOPLES TEMPLE or to any directors, officers or members of PEOPLES TEMPLE, including all plaintiffs herein, during the course of which employment he will have or might have occasion to use any confidential information obtained in the course of the attorney-client relationship between defendant and PEOPLES TEMPLE;

3. Disclosing under any circumstances any confidential information obtained during the course of the attorney-client relationship between defendant and PEOPLES TEMPLE, and between defendant and any officers, directors or members of PEOPLES TEMPLE, including all plaintiffs herein, unless such disclosure is with the written consent of the PEOPLES TEMPLE:

4. Prosecuting any complaint already filed which was filed in violation of the attorney-client privilege or the prohibition against accepting employment adverse to a former client, during the course of which defendant will have, or might have, occasion to use any confidential information obtained

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during the course of the attorney-client relationship between defendant and PEOPLES TEMPLE.

IT IS FURTHER ORDERED that, pending the hearing on the order to show cause, defendant, his agents, officers, employees, and representatives, and all persons acting in concert or participating with him, are hereby enjoined from:

1. Soliciting professional employment from ex-members of PEOPLES TEMPLE, relatives of members of PEOPLES TEMPLE, or from any other persons for the purpose of generating suits against plaintiffs or any of them or against any officers, directors or members of plaintiff PEOPLES TEMPLE;

2. Accepting professional employment adverse to his former client PEOPLES TEMPLE or to any directors, officers or members of PEOPLES TEMPLE, including all plaintiffs herein, during the course of which employment he will or might have occasion to use any confidential information obtained in the course of the attorney-client relationship between defendant and PEOPLES TEMPLE;

3. Disclosing under any circumstances any confidential information obtained during the course of the attorney-client relationship between defendant and PEOPLES TEMPLE, and between defendant and any officers, directors or members of PEOPLES TEMPLE, including all plaintiffs herein, unless such disclosure is with the written consent of the PEOPLES TEMPLE;

4. Prosecuting any complaint already filed which was filed in violation of the attorney-client privilege or the

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prohibition against accepting employment adverse to a former client, during the course of which defendant will have, or might have, occasion to use any confidential information obtained during the course of the attorney-client relationship between defendant and PEOPLES TEMPLE.

IT IS FURTHER ORDERED that a copy of the Complaint, Declarations, and Points and Authorities, together with a copy of this Order to Show Cause and Temporary Restraining Order, be served on defendant not later than

_____.

Dated: _____

_____
JUDGE OF THE SUPERIOR COURT

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 BB- 31-6-72

| NAME AND ADDRESS OF ATTORNEY: TELEPHONE NO. 864-3131 | FOR COURT USE ONLY: |
|---|---|
| CHARLES R. GARRY, ESQ.<br>GARRY, DREYFUS, McTERNAN, BROTSKY, HERNDON & PESONEN, INC.<br>1256 Market Street at Civic Center<br>San Francisco, California 94102<br>ATTORNEY FOR Plaintiffs | |
| Insert name of court, judicial district or branch court, if any, and Post Office and Street Address:<br>Superior Court of the State of California<br>City and County of San Francisco<br>City Hall, San Francisco, California | |

PLAINTIFF:
PEOPLES TEMPLE OF THE DISCIPLES OF CHRIST, a nonprofit corporation, JEAN F. BROWN, and JAMES McELVANE

DEFENDANT:
TIMOTHY OLIVER STOEN

| SUMMONS | CASE NUMBER: |
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**NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.**

**¡AVISO! Usted ha sido demandado. El Tribunal puede decidir contra Ud. sin audiencia a menos que Ud. responda dentro de 30 días. Lea la información que sigue.**

1. TO THE DEFENDANT: A civil complaint has been filed by the plaintiff against you. (See footnote*)
   a. If you wish to defend this lawsuit, you must, within 30 days after this summons is served on you, file with this court a written pleading in response to the complaint. (If a Justice Court, you must file with the court a written pleading or cause an oral pleading to be entered in the docket). Unless you do so, your default will be entered upon application of the plaintiff, and this court may enter a judgment against you for the relief demanded in the complaint, which could result in garnishment of wages, taking of money or property or other relief requested in the complaint.
   b. If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your written response, if any, may be filed on time.

DATED: . . . . . Clerk, By _____, Deputy

(SEAL)

2. NOTICE TO THE PERSON SERVED: You are served
   a. ☐ As an individual defendant.
   b. ☐ As the person sued under the fictitious name of: . . . . . .
   c. ☐ On behalf of: . . . . . .
   Under: ☐ CCP 416.10 (Corporation) ☐ CCP 416.60 (Minor)
   ☐ CCP 416.20 (Defunct Corporation) ☐ CCP 416.70 (Incompetent)
   ☐ CCP 416.40 (Association or Partnership) ☐ CCP 416.90 (Individual)
   ☐ Other:
   d. ☐ By personal delivery on (Date): . . . . . .

*The word "complaint" includes cross-complaint, "plaintiff" includes cross-complainant, "defendant" includes cross-defendant, singular includes the plural and masculine includes feminine and neuter. A written pleading, including an answer, demurrer, etc., must be in the form required by the California Rules of Court. Your original pleading must be filed in this court with proper filing fees and proof that a copy thereof was served on each plaintiff's attorney and on each plaintiff not represented by an attorney. The time when a summons is deemed served on a party may vary depending on the method of service. For example, see CCP 413.10 through 415.40.

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SUPERIOR COURT OF CALIFORNIA

IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO

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|---|---|
| PEOPLES TEMPLE OF THE DISCIPLES OF CHRIST, a nonprofit corporation, JEAN F. BROWN, and JAMES McELVANE,<br><br>Plaintiffs,<br><br>vs.<br><br>TIMOTHY OLIVER STOEN,<br><br>Defendant. | NO.<br><br>COMPLAINT FOR TEMPORARY RESTRAINING ORDER, PRELIMINARY AND PERMANENT INJUNCTIONS, AND DAMAGES [C.C. §§3333, 3422; C.C.P. §§526, 527] |

Plaintiffs allege:

I

Plaintiff PEOPLES TEMPLE OF THE DISCIPLES OF CHRIST, hereinafter "PEOPLES TEMPLE," is, and at all times mentioned herein was, a nonprofit corporation organized and existing under and by virtue of the laws of the State of California, with its principal place of business in the City and County of San Francisco. Plaintiffs BROWN and McELVANE are individuals and

BB- 31-6-74

are members of plaintiff PEOPLES TEMPLE.

II

Defendant is, and at all times mentioned herein was, an attorney at law with his office in the City and County of San Francisco.

III

Defendant served as chief legal counsel for plaintiff PEOPLES TEMPLE from 1970 until approximately August of 1977. He represented plaintiff PEOPLES TEMPLE in various litigation matters, drafted various legal documents for plaintiff PEOPLES TEMPLE, drafted amendments to PEOPLES TEMPLE corporate articles, drafted PEOPLES TEMPLE's corporate bylaws, wrote numerous letters on behalf of plaintiff PEOPLES TEMPLE, and negotiated numerous transactions, including real estate transactions, on behalf of plaintiff PEOPLES TEMPLE, as its attorney. As legal counsel he routinely gave legal advice to the Board of Directors, officers and members of plaintiff PEOPLES TEMPLE, including plaintiffs BROWN and McELVANE.

IV

During his years as legal counsel to plaintiff PEOPLES TEMPLE, and in the course of the attorney-client relationship between plaintiff PEOPLES TEMPLE and defendant, defendant acquired an intimate knowledge of the confidential affairs of each of the plaintiffs. Defendant obtained confidential information concerning all aspects of plaintiff PEOPLES TEMPLE's organization, finances, real estate transactions, methods of

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BB-31-6-75

operation, and relationships with members, former members, and relatives of members.

V

In his capacity as legal counsel for plaintiff PEOPLES TEMPLE, defendant planned, guided and arranged various real estate transactions between it and its members. In particular, defendant planned, advised and arranged the transfer of certain real property in the County of Los Angeles from Wade B. Medlock and Mabel M. Medlock to plaintiff PEOPLES TEMPLE.

VI

In his capacity as legal counsel for plaintiff, defendant counseled and advised members of plaintiff PEOPLES TEMPLE concerning possible legal problems that might arise as a result of the hostility of some of their relatives to plaintiff PEOPLES TEMPLE. In particular, he advised member Maria Katsaris concerning possible legal problems that might arise because of her father's hostile attitude toward plaintiff. During the course of his consultations with Maria Katsaris, as attorney for plaintiff PEOPLES TEMPLE, defendant obtained confidential information concerning her relationship with her father, STEVEN A. KATSARIS, and certain sexual advances made by her father towards her when she was a child. In April or May, 1977, defendant advised plaintiff PEOPLES TEMPLE and Maria Katsaris that she should go to Guyana to avoid the possibility of her father's instituting conservatorship proceedings against her and that, in the event her father should pursue her to Guyana, the

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sexual advances towards her by her father should be made public.

VII

In February 1977 defendant STOEN joined Reverend Jim Jones and the Peoples Temple commune in Guyana, South America. In September 1976 defendant had sent John Victor Stoen, a four year old boy born to defendant's ex-wife, Grace Stoen, there. Defendant had previously admitted, in an affidavit signed in 1972, that this child was the son of Jim Jones. In that affidavit defendant stated that he had asked Jones to sire a child for him because he had not been able to do so himself and, in his admiration and respect for Jones, wanted him to father the child. See Exhibits C-1, C-2 and C-3, attached hereto.

VIII

During the period in which defendant was a member of and legal counsel for PEOPLES TEMPLE, he appeared and said he was devoted to the PEOPLES TEMPLE and its cause, and to its Pastor, the Reverend Jim Jones. As late as August 1977, he stated that he had esteem for Jones and that Jones helped him to develop an empathy toward the persecuted. As a result defendant said that he intended to develop a national law firm to help people who are prosecuted on some pretect, for their religious beliefs. At that time, defendant STOEN threatened to file a libel suit against New West Magazine and the Mendocino Grapevine because of various allegations against the PEOPLES TEMPLE and STOEN that appeared in those publications. See Exhibits A and B

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attached hereto.

IX

In August 1977, while still counsel for the plaintiff, a custody battle ensued between defendant, his ex-wife Grace Stoen, and the Reverend Jim Jones. This battle was accompanied by a great deal of publicity. In February 1978 defendant STOEN claimed to have spent over $18,000 in the attempt to return the boy to Grace Stoen. See Exhibit D, attached hereto. During this battle the affidavit described in Paragraph VII, supra, was made public.

X

The battle described in Paragraph IX, supra, engendered feelings of great bitterness and hostility in defendant STOEN, directed towards Jim Jones, the PEOPLES TEMPLE, and all of its directors, officers and members. As a result of the bitterness and hostility engendered by this custody battle, defendant began a personal vendetta against Jones, the Temple, its directors and officers and all of its members, including plaintiffs herein. The actions described in the following paragraphs of this Complaint were all taken as a part of this personal vendetta.

XI

Defendant has solicited and continues to solicit, and has accepted and continues to accept, employment which is adverse to the interests of plaintiffs and each of them, and in the course of that solicitation and employment has used and continues to use confidential information received during the



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course of his attorney-client relationship with plaintiff PEOPLES TEMPLE.

XII

On May 22, 1978 defendant filed a complaint for compensatory and punitive damages for libel on its face and for slander, in the Superior Court of the State of California in and for the County of Mendocino, Civil Action #39911, on behalf of Steven A. Katsaris, against, among others, plaintiff PEOPLES TEMPLE. The allegations of that complaint concern the relationship between Maria Katsaris and her father, Steven A. Katsaris, and various statements allegedly made concerning that relationship. See Exhibit E attached hereto.

XIII

On June 7, 1978, defendant filed a complaint for compensatory and punitive damages for conversion based on coercion and for intentional infliction of emotional distress, in the Superior Court of the State of California in and for the County of Los Angeles, Civil Action #243292. That complaint was filed on behalf of Wade B. Medlock and Mabel M. Medlock against, among others, plaintiffs PEOPLES TEMPLE and McELVANE. The subject matter of that action is the real estate transaction referred to in Paragraph V, supra. See Exhibit F attached hereto.

XIV

On June 22, 1978 defendant filed a complaint for compensatory and punitive damages for intentional infliction of emotional distress and for libel on its face, in the Superior

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Court of the State of California in and for the City and County of San Francisco, Civil Action #739907. That complaint was filed on behalf of James Cobb, Jr., against, among others, plaintiffs PEOPLES TEMPLE and BROWN. The allegations of that complaint concern various incidents about which defendant obtained confidential information during the course of his attorney-client relationship with plaintiff PEOPLES TEMPLE. See Exhibit G attached hereto.

XV

Defendant utilized confidential information obtained during the course of his attorney-client relationship with plaintiff PEOPLES TEMPLE in drafting the complaints described in Paragraphs XII-XIV supra, and will continue to use such confidential information in the prosecution of those actions unless and until he is enjoined by court order from so doing.

XVI

Defendant's wrongful conduct, as alleged in the preceding paragraphs of this Complaint, unless and until enjoined and restrained by order of this Court, will cause great and irreparable injury to plaintiffs and each of them in that each of their reputations will be damaged by the publicity generated by suits brought against them by defendant in the course of his campaign of harassment and persecution, plaintiffs and each of them will be forced to spend countless hours in the defense of these suits, and plaintiffs and each of them will be prejudiced in the defense of these actions by defendant's wrongful and

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illegal use of confidential information in his prosecution of the suits. Plaintiffs and each of them will be further irreparably injured by the fact that confidential information concerning them is being made public by defendant.

XVI

Plaintiffs and each of them have no adequate remedy at law for the injuries currently being suffered and which will continue to be suffered unless and until plaintiff is enjoined from his wrongful conduct, since it will be impossible for plaintiffs or any of them to ascertain the precise amount of damage which will be suffered if defendant's wrongful conduct is not enjoined, and since, if defendant is not enjoined, plaintiffs and each of them will be forced to institute a multiplicity of suits to obtain adequate compensation for their injuries.

XVII

As a proximate result of defendant's wrongful conduct plaintiff PEOPLES TEMPLE has been damaged in the sum of $50,000,000.00 due to damage to its reputation and in the sum of $500,000.00 in attorneys' fees. Plaintiffs, and each of them, will be further damaged in like manner so long as defendant's conduct continues. The full amount of such damages is not now known to plaintiffs, or to any of them.

XVIII

Defendant did the things herein alleged with intent to harass and oppress plaintiffs and each of them, and such acts

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were done maliciously and oppressively. Plaintiffs, and each of them, are therefore entitled to punitive damages in the sum of $100,000,000.00.

WHEREFORE, plaintiffs, and each of them, pray judgment against defendant as follows:

1. For an order requiring defendant to show cause, if any he has, why he should not be enjoined as hereinafter set forth, during the pendency of this action;

2. For a temporary restraining order, a preliminary injunction, and a permanent injunction, all enjoining defendant and his agents, servants, and employees, and all persons acting under, in concert with, or for them from:

a. Soliciting professional employment from ex-members of PEOPLES TEMPLE, relatives of members of PEOPLES TEMPLE, or from any other persons for the purpose of generating suits against plaintiffs or any of them or against any officers, directors, or members of plaintiff PEOPLES TEMPLE;

b. Accepting professional employment adverse to his former client PEOPLES TEMPLE or to any directors, officers or members of PEOPLES TEMPLE, including all plaintiffs herein, during the course of which employment he will have or might have occasion to use any confidential information obtained during the course of the attorney-client relationship between defendant and PEOPLES TEMPLE.

c. Disclosing under any circumstances any confidential information obtained during the course of the

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attorney-client relationship between defendant and PEOPLES TEMPLE, and between defendant and any officers, directors or members of PEOPLES TEMPLE, including all plaintiffs herein, unless such disclosure is with the written consent of the PEOPLES TEMPLE.

d. Prosecuting any complaint already filed, which was filed in violation of the attorney-client privilege or the prohibition against accepting employment adverse to a former client, during the course of which the defendant will have, or might have, occasion to use any confidential information obtained during the course of the attorney-client relationship between defendant and PEOPLES TEMPLE.

3. For damages in the sum of $50,500,000.00 plus damages in such further sums as may be sustained and as are ascertained before final judgment herein;

4. For punitive damages in the sum of $100,000,000.00;

5. For costs of suit herein incurred; and

6. For such other and further relief as the Court deems proper.

Dated: July ___, 1978.

CHARLES R. GARRY
Attorney for Defendants



BB- 31-6-83

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

I. PLAINTIFFS ARE ENTITLED TO A PRELIMINARY INJUNCTION TO PRESERVE THE STATUS QUO PENDING A DETERMINATION OF THE MERITS OF THIS ACTION.

In determining whether to grant a preliminary injunction the trial court must balance the equities and determine which party is more likely to be injured by the exercise of its discretion. The discretion must then be exercised in favor of that party. Continental Bakery Co. v. Katz, 68 Cal. 2d 512 at 528 (1968); California State Univ., Hayward v. National Collegiate Athletic Ass'n., 47 Cal. App. 3d 533 at 544 (1975).

In the above-entitled case the equities are clearly on the side of plaintiff. The facts, as set forth in the Complaint and in the Declaration of Carol Stahl, show that defendant STOEN is engaged in a personal vendetta against plaintiff PEOPLES TEMPLE, the Reverend Jim Jones, and all of the other plaintiffs herein. In the course of that vendetta he has solicited, and continues to solicit, professional employment adverse to his former clients, plaintiffs herein, in the course of which he has disclosed, and will continue to disclose, confidential information obtained during the course of his attorney-client relationship with plaintiffs. This conduct is prohibited by California Business and Professions Code Section 6068(e), which states:

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It is the duty of an attorney: . . .

(e) To maintain inviolate the confidence, and at every peril to himself to preserve the secrets, of his client.

The conduct engaged in by defendant and described in the Complaint and Declaration of Carol Stahl in the within-entitled case is also prohibited by California State Bar Rules of Professional Conduct, Rules 2-101, 2-110, and 4-101. Rule 2-101 states in pertinent part:

> A member of the State Bar shall not solicit professional employment by advertisement or otherwise.

Rule 2-110 states:

> A member of the State Bar shall not accept employment to accomplish any of the following objectives, nor shall he do so if he knows or should know that the person who employs him wishes to accomplish any of the following purposes:
> (1) Bring a legal action, conduct a defense, or assert a position in litigation, or otherwise take steps, solely for the purpose of harassing or maliciously injuring any person or to prosecute or defend a case solely out of spite.
> (2) Present a claim or defense in litigation that is not warranted under existing law, unless it can be supported by good faith argument for an extension, modification or reversal of existing law.
> (3) Take or prosecute an appeal solely for delay, or for any other reason not in good faith.

Rule 4-101 states:

> A member of the State Bar shall not accept employment adverse to a client or former client, without the informed and written consent of the client or former client, relating to a matter in reference to which he has obtained confidential information by reason of or in

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the course of his employment by such client or former client.

An attorney is forbidden to do either of two things after severing his relationship with a former client. He may not do anything which will injuriously affect his former client in any matter in which he formerly represented him nor may he at any time use against his former client knowledge or information acquired by virtue of the previous relationship. Wutchumma Water Co. v. Bailey, 216 Cal. 564 at 573 (1932); Sheffield v. State Bar, 22 Cal. 2d 627 at 630 (1943); Earl Scheib, Inc. v. Superior Court of Los Angeles County, 253 Cal. App. 2d 703 at 706.

The courts have interpreted these rules to forbid subsequent representation of another against a former client not merely when the attorney will be called upon to use confidential information obtained in the course of the former employment, but in every case when, by reason of such subsequent employment, he may be called upon to use such confidential information. Galbraith v. State Bar, 218 Cal. 329 at 332-333 (1933); Sheffield v. State Bar, supra at 630; Earl Scheib, Inc. v. Superior Court of Los Angeles County, supra at 707.

The injunction sought herein seeks only to restrain defendant from engaging in conduct which is clearly prohibited by Business and Professions Code Section 6068(e) and Rules 2-101, 2-110, and 4-101 of the State Bar Rules of Professional Conduct, as those Rules have been interpreted by the California Supreme Court. This restraint is necessary to prevent further

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damage to plaintiffs from defendant's disclosure of confidential information and the adverse publicity generated by that disclosure. The injunction is also necessary to protect the plaintiffs from the necessity of defending themselves against suits filed only as a result of the unethical conduct of defendant.

The purpose of a preliminary injunction is to preserve the status quo pending the final determination of the merits of the action. Continental Bakery Co., supra at 528; United States Hertz, Inc. v. Niobrara Farms, 41 Cal. App. 3d 68 at 79 (1974). Such preservation is obviously crucial in this case. Defendant filed three suits in the course of the thirty day period between May 22 and June 22, 1978. If he is not restrained by court order, he will continue to solicit adverse employment and to file suits against plaintiff, all to the detriment of plaintiff's reputation, and to their damage through the disclosure of confidential information, and the expenditure of time, money and energy in defense of these suits. The status quo can be preserved only by the issuance of the court order requested herein.

II. PLAINTIFFS ARE ENTITLED TO A TEMPORARY RESTRAINING ORDER, BECAUSE PLAINTIFFS WILL SUFFER IRREPARABLE INJURY UNLESS DEFENDANT IS RESTRAINED BY COURT ORDER, PENDING A HEARING ON THIS MATTER, FROM THE ACTIONS COMPLAINED OF HEREIN.

C.C.P. §527(a) provides that a temporary restraining order may be granted without notice where great or irreparable inury would result to the applicant before the matter can be heard on notice.

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Defendant in this case is involved in a personal vendetta against plaintiffs. In the course of this vendetta he has already filed three suits against plaintiffs and has disclosed much confidential information concerning plaintiffs. Only one of these complaints has been served upon any of the plaintiffs to this date. But if defendant is not immediately restrained from proceeding with the vendetta pending a hearing on this matter, he may succeed in serving plaintiffs with the remaining two complaints, which will generate further damaging publicity. If not restrained, he may also disclose further confidential information and file further suits, all to the irreparable injury of plaintiffs and each of them, as described above and in the Declaration of Stahl.

CONCLUSION

For all of the reasons stated above, plaintiffs respectfully request that the Temporary Restraining Order and the Order to Show Cause attached hereto issue forthwith.

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DECLARATION OF CAROL STAHL IN SUPPORT OF COMPLAINT FOR TEMPORARY RESTRAINING ORDER, PRELIMINARY AND PERMANENT INJUNCTIONS, AND DAMAGES

Carol Stahl declares:

1. I am president of plaintiff PEOPLES TEMPLE OF THE DISCIPLES OF CHRIST (hereinafter "PEOPLES TEMPLE"), a nonprofit corporation.

2. I have personal knowledge of the following facts and am competent to testify as to the truth of these facts if called as a witness.

3. Defendant TIMOTHY OLIVER STOEN served as legal counsel for PEOPLES TEMPLE from 1970 until approximately July of 1977. He represented plaintiff PEOPLES TEMPLE in various litigation matters, drafted various legal documents for plaintiff PEOPLES TEMPLE, drafted amendments to PEOPLES TEMPLE corporate articles, drafted PEOPLES TEMPLE's corporate bylaws, wrote numerous letters on behalf of plaintiff PEOPLES TEMPLE, and negotiated numerous transactions, including real estate transactions, on behalf of plaintiff PEOPLES TEMPLE, as its attorney. As legal counsel he routinely gave legal advice to the Board of Directors, officers and members of plaintiff PEOPLES TEMPLE, including plaintiffs BROWN and McELVANE.

4. On June 5, 1978 I was personally served on behalf of PEOPLES TEMPLE with a complaint for compensatory and punitive damages, filed in the Superior Court of the State of California in and for the County of Mendocino, Civil Action #39911.

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This complaint was filed by defendant STOEN on behalf of Steven Katsaris and against, among others, plaintiff herein PEOPLES TEMPLE. PEOPLES TEMPLE has already been forced to spend considerable time, energy and funds in responding to this suit. I am aware of at least two other suits filed by STOEN against PEOPLES TEMPLE and the other plaintiffs in this action, though none of the plaintiffs herein has yet been served with these complaints. One of these complaints was filed on June 7, 1978 in the Superior Court in and for the County of Los Angeles, Civil Action #24392. This complaint was filed by defendant STOEN on behalf of Wade B. and Mabel M. Medlock against, among others, plaintiffs herein PEOPLES TEMPLE and McELVANE. The other complaint was filed on June 22, 1978 in the Superior Court in and for the City and County of San Francisco, Civil Action #739907. That complaint was filed by STOEN on behalf of James Cobb, Jr. against, among others, plaintiffs herein PEOPLES TEMPLE and BROWN. These complaints may be served upon the plaintiffs herein, or any of them, any day. As soon as the above-described complaints are served on plaintiffs, or any of them, plaintiffs and each of them will be forced to expend more time, energy and funds responding to these suits.

5. In drafting these complaints defendant utilized and revealed confidential information obtained during the course of his attorney-client relationship with plaintiffs and each of them, without the consent of plaintiff PEOPLES TEMPLE or any other plaintiff herein.

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6. The filing of each of the suits described in Paragraph 4 supra generated a multitude of news stories adverse to plaintiff PEOPLES TEMPLE and to the other plaintiffs herein. These stories appeared in newspapers throughout California. The adverse publicity generated by these complaints was particularly adverse in the County of Mendocino, the location of one of the actions. This publicity has caused irreparable damage to the reputation of the PEOPLES TEMPLE and of the other plaintiffs herein.

7. Defendant solicited the professional employment within the course of which he filed the suits described in Paragraph 4. He continues to solicit employment adverse to the interests of his former clients, PEOPLES TEMPLE and the other plaintiffs herein, for the purpose of harassing and destroying these plaintiffs.

8. Defendant STOEN's solicitation of employment adverse to his former clients, plaintiffs herein, and his violation of the attorney-client privilege of these former clients is a part of a personal vendetta of defendant STOEN against the PEOPLES TEMPLE. He will continue this solicitation and violation of the attorney-client privilege unless and until he is restrained by court order from so doing.

9. The activities described in the preceding paragraphs of this Declaration have caused, and will continue to cause if not immediately restrained, irreparable injury to the reputation of plaintiff PEOPLES TEMPLE and the other

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 BB-31-6-91

Ukiah, Mendocino County, California Tuesday, August 23, 1977

## Stoen reacts to Grapevine article

# Ukiah weekly target of $5 million lawsuit

By GEORGE HUNTER

Timothy Oliver "Tim" Stoen, former assistant district attorney for Mendocino County whose beliefs are closely linked to those of the Rev. Jim Jones, pastor of the Peoples Temple Church, is preparing to file a $5 million lawsuit against the Mendocino Grapevine, a Ukiah weekly.

Stoen, who flew here last weekend from New York City to confer with Ukiah attorney Pat Finnegan, told the Daily Journal that he would also seek damages of some $13 million from New West, a San Francisco bi-weekly magazine which has carried two "expose" articles relating to Peoples Temple and its pastor.

Stoen said that an article appearing in a recent issue of the Ukiah weekly had damaged his reputation. "I intend to practice law here in Ukiah and it is essential that I clear my name," Stoen said.

"I must show the world that a newspaper cannot wrongfully hurt innocent people without being brought to account."

Noting that he was prepared to do battle on all levels, Stoen said: "I'm a street fighter. People will come to appreciate that fact that I'm a street fighter.

"I feel like Alfred Dreyfus," Stoen said, referring to the French Army officer of the 19th century who was convicted by an Army court and imprisoned on Devil's Island for defending his religious beliefs.

"I'm experienced enough with our jury system to believe in it. I'll put my trust in the system," Stoen said.

Stoen reacted strongly to inferences that he was "afraid" of Rev. Jones. "I want to dispel that allegation," he said.

The former assistant district attorney also was sharply critical to charges that he had used his public office to spy for Jones. "I've always made known my esteem for Jim Jones," he said. "I have nothing to hide and no one can show a single instance where I ever used my public office to show favoritism toward the church.

Stoen charged that the reporting of New West magazine was irresponsible in that the magazine article quoted the Mendocino Grapevine verbatim. Stoen said he would prove the statements to be untrue and malicious in motivation and that the Grapevine violated the newspaper canon of ethics, giving Stoen no chance to reply to the accusations.

The demands for retraction and damages will be contained in a complaint filed here. The suit against New West magazine will be filed in San Francisco.

Stoen was "loaned" to San Francisco city and county in 1975 to prosecute voter fraud after a large-scale scandal surfaced. Out of 39 indictments returned by the Grand jury, 37 convictions were obtained. Stoen was then asked by San Francisco District Attorney Joseph Freitas to accept the post of special prosecutor with a large staff of attorneys to fight organized crime and public corruption. Stoen accepted the post then resigned when he felt that he was needed in Guyana, a small South American country, to help Jones in establishing a communal-type center, Jonestown, for minorities and the underprivileged.

Stoen has established residence in Manhattan in order that he may be admitted to the New York State bar.

"Jones has helped me develop an empathy toward the persecuted," Stoen said. "I intend to develop a national law firm to help people who are prosecuted, on some pretext, for their religious beliefs. Stoen said he was worried about "creeping totalitarianism" that left no room for dissent.

Stoen hopes to attract idealistic young attorneys to his organization.

FORMER ASSISTANT DA TIM STOEN
"Dreyfus-like inquisition"

BB-31-6-93

EXHIBIT A

THE
MENDOCINO GRAPEVINE
AUGUST 25, 1977 The Weekly Newspaper of Mendocino County, California NUMBER 166 20¢

People Temple Libel Threat

# Peoples Temple Articles Bring Libel Suit Threat

By Vicki Allen

The recent disclosures about the Peoples Temple have resulted in the threat of a libel suit against New West Magazine and the Mendocino Grapevine.

Although no such lawsuit has been filed, a high official of the controversial church says it's coming.

Tim Stoen, former assistant district attorney of Mendocino County, appeared in Ukiah last weekend to consult with attorney Pat Flanagan.

In an interview with the Ukiah Daily Journal, Stoen announced his plans to seek $13 million in damages against New West and $5 million against the Grapevine.

Stoen then left town and could not be reached for comment by the Grapevine. Flanagan said he does not know when Stoen will return.

The Grapevine has not been asked for a retraction and has not received a list of the statements alleged to be libelous.

Articles about the Peoples Temple appeared in the July 21, July 28, Aug. 4 and Aug. 18 issues of the Grapevine.

After New West printed the conclusions of its extensive investigation into the practices of the church, news reports were also published in the San Francisco Examiner, the San Francisco Chronicle and the Press Democrat.

According to Flanagan, Stoen hasn't seen the articles in those publications.

"The articles in the Grapevine came to Tim's attention first," the attorney said.

"We had to start somewhere so we started in Ukiah."

"It's all speculation," said Pam Stephens, the attorney for the Grapevine, who pointed out no suit had been filed.

"Until we receive their claims, we cannot assess what the problem is and we cannot respond."

Once the Grapevine learns what is alleged to be defamatory, Stephens said, then a response will be prepared.

Coincidentally, the day after Stoen announced his legal plans, the San Francisco Examiner published a copyrighted story about a tape recording of Stoen which is being given to the California Attorney General.

According to the page one article, the San Francisco District Attorney's Office says it is turning over a tape of Stoen arranging a payment to an ex-member of the Peoples Temple who claims his name was forged on a property transfer document.

The San Francisco DA's office is investigating allegations that temple leaders beat members and forced others to turn property

BB- 81-12-94

over to the church.

Tim Reiterman, who wrote the Examiner article with Nancy Dooley, said he was not aware Stoen was in the country and had no knowledge of the intended lawsuit.

Finnegan said he doesn't know when the suit will be filed.

The demand for a retraction will be "as specific as we can make it," he said.

"Nobody is being sued yet," Finnegan added. "My plans right now are to file a demand for a retraction."

He also said, "Anything I file will be filed on behalf of Tim Stoen. I'm concerned solely with articles that reflect adversely on Tim Stoen."

If a libel suit is brought against the Grapevine, it will be filed in Mendocino County, Finnegan said. A suit against New West would be filed in San Francisco.

According to the original New West article, 30 parcels of property in Mendocino County were deeded to the Peoples Temple from 1968.

That Aug. 1 copyrighted story contains statements from Grace Stoen, who claims her husband notarized questionable gifts of property to the church.

The magazine also says a 22-year-old Ukiah man, who took his own life in 1975, was convinced by Stoen to turn over $10,000 to the church. The article quotes the man's mother.

Former temple members have also told reporters that Stoen appeared to be afraid of the Rev. Jim Jones.

The articles in New West, the Grapevine and other publications were based on interviews with former church members who told of Peoples Temple leaders staging phony cancer cures, lying to the congregation about contributions collected at services, beating members and pressuring them to donate property.

Life inside the temple was said to be "a mixture of Spartan regimentation, fear and self-imposed humiliation."

Rev. Jones started the unorthodox church in Redwood Valley with 100 members in 1965.

The membership reportedly climbed to 20,000 when bases were established in San Francisco and Los Angeles.

Stoen, the church's chief legal advisor, has been a member for several years.

He left his job in the Mendocino County DA's office in May, 1976 to become a special prosecutor for voter fraud in San Francisco County. He resigned from the San Francisco District Attorney's Office in April to join Rev. Jones in Guyana, South America.

Stoen's wife, Grace, who left him earlier this year, is now seeking custody of their five-year-old son.

"I intend to practice law here in Ukiah and it is essential that I clear my name," Stoen said to the Journal article by editor George Hunter.

He also said, "I'm a street fighter," and compared himself to French Army officer Alfred Dreyfus, who was sentenced to Devil's Island in the last century.

Although the article says Stoen plans to practice law in Ukiah, it also says he has established residence in New York because he intends to open a law firm to defend people who are prosecuted for their religious beliefs.

It is not known when Stoen left Guyana.

In the Journal article, Stoen said he was given no opportunity to respond to the accusations made against him, but the Grapevine has been unable to discover his whereabouts.

Rev. Jones has been in Guyana and Charles Garry, the San Francisco attorney who has been representing the Peoples Temple, has declined to comment.

Last week's Grapevine carried a lengthy article titled "The Other Side of Peoples Temple," based on the church's own newspaper and statements made by prominent people in defense of the church.

Ironically, the New West article noted the Peoples Temple's activities in social and medical programs and its support of the press.

The church supported the four Fresno newsmen who went to jail rather than reveal the names of their news sources and in 1974, the Peoples Temple made donations of more than $4,000 to 14 media organizations "in defense of a free press."

According to a July 20 article in the Press Democrat, donations included $300 each to that newspaper and to the Ukiah Daily Journal.

There is more irony in the fact that Stoen's Ukiah attorney is a member of the same law firm that is representing Journal publisher Dean DeVries in his lawsuit against the Grapevine and the Grapevine's cross-complaint charging anti trust activities.

BB-31-b-95

POWER OF ATTORNEY

I, the undersigned, am the father of John V. Stoen, a minor of the age of 4.

I hereby name and appoint James W. Jones, Maria Katsaris, Joyce Touchette, Paula Adams, Jan Wilsey, Debbie Touchette, Helen Swinney, and Eva Pugh, jointly and severally, my attorney(s) in fact with full power and authority to take all steps, exercise all powers and rights, that I might do in connection with said minor. Without limiting the generality of the foregoing, I specifically authorize her/him/them to procure any and all medical and hospital/dental care that may be necessary or desireable; to apply for passports or other travel documents on said minor's behalf; arrange for said minor to travel or travel with them out of the country; place him in any public or private school that she/he/they may deem appropriate; and to do any and all action that she/he/they deem(s) appropriate for my said son's wellbeing.

Executed on September 30, 1976 at San Francisco, California.

Timothy O. Stoen

Subscribed and sworn to before me this 30 day of September, 1976.

Martha E. Klingman

MARTHA E. KLINGMAN
NOTARY PUBLIC-CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO
My Commission Expires April 5, 1980

EXHIBIT C-1 BB-31-6-96

TO WHOM IT MAY CONCERN

I, Timothy Oliver Stoen, hereby acknowledge that in April, 1971, I entreated my beloved pastor, James W. Jones, to sire a child by my wife, Grace Lucy (Grech) Stoen, who had previously, at my insistence, reluctantly but graciously consented thereto. James W. Jones agreed to do so, reluctantly, after I explained that I very much wished to raise a child, but was unable, after extensive attempts, to sire one myself. My reason for requesting James W. Jones to do this is that I wanted my child to be fathered, if not by me, by the most compassionate, honest, and courageous human being the world contains.

The child, John Victor Stoen, was born on January 25, 1972. I am privileged beyond words to have the responsibility for caring for him, and I undertake this task humbly with the steadfast hope that said child will become a devoted follower of Jesus Christ and be instrumental in bringing God's kingdom here on earth, as has been his wonderful natural father.

I declare under penalty of perjury that the foregoing is true and correct.

Timothy Oliver Stoen
Post Office Box 126
Ukiah, California 95482

Dated: February 6, 1972

Witnessed: [illegible]

EXHIBIT C-2

BB-31-6-97

DEAR GENE,

AM REALLY ENJOYING GUYANA. THE PEOPLE ARE SO CONSIDERATE AND HELPFUL. AM VERY IMPRESSED BY THE GOVERNMENT LEADERS.

MY SON, JOHN VICTOR, IS WITH ME AND DOING GREAT. HE CAN READ, HAS DEVELOPED HIS MOTOR COORDINATION TREMENDOUSLY, AND IS LEARNING ALL KINDS OF INTERESTING THINGS ABOUT NATURE. TOM GRUBBS AND HIS OTHER TEACHERS ARE GIFTED THEORETICALLY AND PRACTICABLY. HE IS RECEIVING LOTS OF LOVE AND AFFECTION, AND IS HAPPY AS A LARK.

HAVE BEEN ATTENDING TO VARIOUS LEGAL MATTERS WATCH 7 WILL BE REPORT ON SOON.

REGARDS TO ALL. SINCERELY, Timothy Allen

Pub. by Wieting & Richter Limited, Georgetown, Guyana, South America

GUY
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FORW

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EUGENE CHAIKIN, ESQUIRE

P.O. BOX 15023

SAN FRANCISCO, CALIFORNIA

94115

U.S.A.

AIR MAIL

EXHIBIT C-3 BB-31-6-98

# Greek tragedy played on worldwide stage

By KATHY HUNTER

ek tragedy is now being played on a stage which reaches from the remote jungles of Guyana to Ukiah, and from San Francisco to the nation's capital.

The major roles involve; in the traditional fashion of great theater, two men of high principles brought low by a fatal flaw in their character —one by pride and one by an unquestioning faith which blinded him to reality.

The gods only trouble themselves with those men who are great in spirit and attempt to challenge their Olympian omnipotence —the little men are left relatively undisturbed to play out their own roles in this life, whether they are chosen or thrust upon them by the fates.

Two men —once closer than any brothers —are now locked in a battle to the death, a battle in which no end can be foretold at this time.

The stakes? The future of a six-year-old child and the integrity of a church founded on the premise that it is more important to love and hold out a helping hand to one's fellow man than to follow the time-honored dogma laid down by established religions.

There are no heroes or villains in this tragedy built upon human frailities — only two desperately driven men fighting for the mind and body of a boy they both claim as their son. The mother of the child, Grace Stoen, stands in the wings awaiting the outcome of the drama which began when she first committed herself to a man dedicated to a cause and who marched to a different drummer.

The woman, hardly more than a girl when she first placed her hand in that of Ukiah Attorney Tim Stoen, became his wife in a moving ceremony conducted by the Rev. Jim Jones in the Peoples Temple at Redwood Valley, filled to capacity by those who wanted to express their joy at the union of these two young people, and all present agreed she could not have been more appropriately named, for she was graciousness personified and was immediately taken into their hearts.

If Grace, as her husband now admits, had any doubts about the new world into which she was entering, she gave no sign and threw herself into the activities of the church which meant so much to her new husband.

A year and a half later, after a most difficult pregnancy, she gave birth to a son, whom her husband promptly called John-John. The Santa Rosa hospital records show that the boy was born at 2:06 p.m. on Jan. 25 of 1972 and that her husband was not only in the hospital with her but had been at her side constantly, before and during the delivery.

The boy, now age six, is far removed from that hospital room in which he wailed his first protesting cry upon entering this world and the home in which he was reared for the next four years by Grace and Tim Stoen.

He is now living in a "quasi-commune" village 100 air miles from Georgetown, Guyana, off the coast of South America, with no telephones and unreachable except by air. Jim Jones, who established the commune and brought from 850 to 900 of his people there to help the natives learn modern agricultural practices to improve their way of life, claims that John-John is his son and refused to let Grace and Tim see the boy although they had traveled all the way from San Francisco to Guyana seeking to regain the child's custody.

Jones says Tim Stoen signed a paper affirming that John-John was not his son; that he had asked Jones to "sire a child" for him because he was incapable of doing so himself and, in his admiration and respect for Jones wanted him to father the child.

Stoen maintains that medical tests prove he is more than capable of siring a child. He does not deny signing the statement but said "Jim asked it as a proof of faith" and he at that time, believed so strongly in Jones that he prevailed upon his wife to agree to go along with the statement. Stoen also adds that, as an attorney, he was well aware the statement would not hold up in court and he now believes that Jones demanded it in order to "hold it over my head" in case he ever decided to leave the church.

"I was a fool," Stoen said in a two-hour telephone interview with this reporter late yesterday.

The rift between Stoen and his wife widened over the years as he became more and more preoccupied with the affairs of the church and she became more and more disenchanted with Jones and his changing attitudes. However, when Jones asked her to go to San Francisco and work with the people there as a counselor and supporter of the church, she agreed to please her husband.

It was in San Francisco that Grace became more and more questioning of Jim Jones and his methods and approaches to people and finally decided that she had "had it" and that to save her sanity she had to get away to "think things out" and plan her future.

Stoen said she left John-John with the Peoples Temple because she felt it best for the child that his normal routine should not be disturbed. Months before, she and her husband had given their power of attorney to Jones and several "trusted nurses" to look after the child's interests in case anything happened to either her or Tim.

Stoen said yesterday:

"Grace felt the highest act of love for John-John was to leave him there in an environment to which he was accustomed until she got established and got her mind together as to the future."

Stoen said, with more than a little bitterness:

"We had no idea he would be removed from the country."

He repeated again:

"I was a fool."

And what of the other side of the coin?

At no time did Stoen permit himself to express anger or animosity toward the Jim Jones "I practically worshipped."

He does, however, believe that the continuing harassments Jones and his family endured in Redwood Valley from those opposed to "nigger lovers" and Jones' philosophy that all men are created equal but "some need more help than others," led to a suspicion of those about him and prompted him to engage personal bodyguards during his last years here.

Stoen also believes that as more and more people came into Jones church and saw him as a "father figure" or "the second coming," Jones lost touch with reality and saw himself as a saviour of mankind and, according to Stoen, put himself above God— or, at least, as sitting by his right hand.

Stoen said the change became only gradually apparent to him and that because he believed so firmly in the good the church did, he did not want to harm it in any way.

(Cont'd on Page 2)

Ukiah Daily Journal

117th Year No. 247 Ukiah, Mendocino County, California Monday, February 27, 1978 12 Pages—8 Page Tab' 2 Sections—15 Cents

EXHIBIT D

BB-31-b-99

# A real life Greek tragedy

(Cont'd from Page 1)

Despite all that has happened he cannot forget the m warmth and feeling w ve so much of himself to others that he might have reached a point of no return.

He speaks of the children of different races that Jim and his wife, Marceline, adopted, cared for and loved as their very own. He knows of Jim's deep compassion for those in need; of his love of all animal life; of his sincere desire to establish upon this earth a true brotherhood of man.

Stoen remembers when he was first appointed director of the Legal Services Foundation here and had no money available to clean up the offices allotted him and how he appealed to Jim and the next day 25 members of the church turned up with mops, brooms, paint brushes and sheer er to put the place in or

He knows of the families in need who did not qualify for any assistance due to bureaucratic regulations and to whom Jim Jones held out his hand and opened up his wallet.

Stoen firmly believes that the senseless persecution Jim and his family and parishioners suffered in Redwood Valley was the catalyst which, in the end, brought a great and heroic man down to the lowest common denominator of mankind and destroyed forever a cherished dream of peace on earth and love for one's brother.

REV. JIM JONES
Claims he's the father

But, Stoen says with a fervor which cannot be ignored:

"I love my son so much I am willing to go through whatever humiliation Jim puts me through to get my son back.. I just wish Jim to get well and I don't wish any harm to him but I will do everything in my power that is ethical to ensure his return to me and to Grace."

Despite Stoen's turning of the other cheek in the best Christian tradition, his humaness as a man who feels he has been betrayed by one he trusted and for whom he gave up his former rather "posh" way of living, complete with Porsche and the wardrobe and female companionship to go along with it, one cannot help but detect that, despite his protestations, he is a bitter, completely disillusioned man who will stop at nothing to regain the child he says is his and revenge himself upon the man he has come to consider as having feet of clay — and a very poor grade of clay, at that.

He bitterly regrets what he terms "the neglect of my wife" for the church and the man to whom he had given his complete devotion —only to lose all he held dear. "I neglected my wife although I loved her dearly— I neglected her."

He tells of his wife's return to Jim Jones and her demand for the return of her son.

TIM STOEN
Tug-of-war over child

He tells of his deep love for her and of his hopes that sometime in the future, God and the fates willing, that she and the child he firmly believes is his, will be reunited in a normal family relationship.

He tells, almost proudly of how his wife faced Jim Jones and told him what she thought of what he had become and demanded the return of her son.

"She really told him off," Stoen said. "She told him he had become too hard on his people, that he was not making them happy and that he had lost his kindness which drew so many people to him in the first place."

Stoen said Jones was "very angry" with her for facing him down and said the pastor was actually an atheist —that he came to believe at the end that "there couldn't be any other God than him."

He acknowledged that he had seen what he considered true faith healing performed by Jones but accused Jones of coming to believe that he, not God, was responsible for the healing.

Stoen told of his fears for his life and that of his wife when they went to Guyana in an attempt to regain custody of John-John — of the threats that had been made and of the government's demand that they leave the country at once.

Stoen, a mild-mannered man to all who knew him, sent his wife to Trinidad for her own safety but refused to leave Guyana himself although "Jim has tremendous 'clout' there, for he has 'charismatic' personality and the government there had come completely under his spell, feeling that a man who could do what he did for their people in his agricultural venture, could do no wrong and anyone who tried to interfere with him or his work, would find himself on the next plane out of the country.

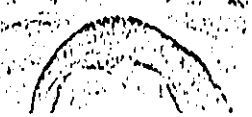
"Grace and I have already spent more than $18,000 of our own money trying to get our son back," Stoen said, "but we're not giving up."

He spoke, almost casually of the death threats he had received and the threatening calls to his aging mother.

"Our present goal is to try to pay off our present debts and obtain more money to continue our fight to work our way out of this nightmare," and, he added.

"We do learn from our mistakes and this has been one very tough lesson."

# Group forms to protest



# Davis leads in

BB-31-b-100

TIMOTHY OLIVER STOEN
120 Montgomery Street, Suite 1700
San Francisco, California 94104
Telephone: (415) 391-5020

Attorney for Plaintiff

ENDORSED-FILED

MAY 22 1978

VIOLA RICHARDSON
MENDOCINO COUNTY CLERK

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF MENDOCINO

| | |
|---|---|
| STEVEN A. KATSARIS,<br>Plaintiff,<br>v.<br>JAMES WARREN JONES, also known as JIM JONES; SANDRA BRADSHAW, also known as SANDRA INGRAM; PEOPLES TEMPLE OF THE DISCIPLES OF CHRIST, a nonprofit corporation; PAULA ADAMS; and FIRST DOE through FIFTIETH DOE, inclusive,<br>Defendants. | No. 39911<br>AMENDED COMPLAINT FOR COMPENSATORY AND PUNITIVE DAMAGES FOR LIBEL ON ITS FACE AND FOR SLANDER PER SE |

Plaintiff alleges:

FIRST CAUSE OF ACTION

1. Plaintiff is informed and believes and thereon alleges that Defendant SANDRA BRADSHAW, also known as SANDRA INGRAM, is and at r times herein mentioned was a resident of Mendocino County, Califor

2. Defendant PEOPLES TEMPLE OF THE DISCIPLES OF CHRIST was an is a nonprofit corporation organized and existing under and by vir of the laws of the State of California.

BB-31-b-101

EXHIBIT E

TIMOTHY OLIVER STOEN
120 Montgomery Street, Suite 1700
San Francisco, California 94104

Telephone: (415) 391-5020

Attorney for Plaintiffs

FILED
JUN 7 1978
John J. Corcoran, Jr. County Clerk
M Medaris
BY M. MEDARIS, DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF LOS ANGELES

| | |
|---|---|
| WADE B. MEDLOCK and MABEL M. MEDLOCK, husband and wife,<br><br>Plaintiffs,<br><br>vs.<br><br>JAMES WARREN JONES, also known as JIM JONES; PEOPLES TEMPLE OF THE DISCIPLES OF CHRIST, a nonprofit corporation; ENOLA M. NELSON; ENOLA M. NELSON REALTY; HUGH FORTSYN; JAMES McELVANE; and FIRST DOE through FIFTIETH DOE, inclusive,<br><br>Defendants. | No. C243222<br><br>COMPLAINT FOR COMPENSATORY AND PUNITIVE DAMAGES FOR CONVERSION BASED ON COERCION AND FOR INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS |

Plaintiffs allege:

FIRST CAUSE OF ACTION

1. Plaintiffs are informed and believe and thereon allege that defendant JAMES McELVANE is, and at all times herein mentioned was, a resident of the County of Los Angeles, State of California.

2. Defendant PEOPLES TEMPLE OF THE DISCIPLES OF CHRIST ("PEOPLES TEMPLE") is, and at all times herein mentioned was, a nonprofit cor-

BB-31-6-102

EXHIBIT F

TIMOTHY OLIVER STOEN
120 Montgomery Street, Suite 1700
San Francisco, California 94104
Telephone: (415) 391-5020
Attorney for Plaintiff

FILED
San Francisco County Superior Court
JUN 22 1978
CARL M. OLSEN, Clerk
By _____ Deputy Clerk

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO

| | |
|---|---|
| JAMES COBB, JR., Plaintiff, vs. PEOPLES TEMPLE OF THE DISCIPLES OF CHRIST, a nonprofit corporation; JAMES WARREN JONES, also known as JIM JONES; TERESA BUFORD; JEAN F. BROWN; PAMELA G. MOTON; and FIRST DOE through FIFTIETH DOE, inclusive, Defendants. | No. 739907<br><br>COMPLAINT FOR COMPENSATORY AND PUNITIVE DAMAGES FOR INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS AND FOR LIBEL ON ITS FACE |

Plaintiff alleges:

FIRST CAUSE OF ACTION

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

BB-31-6-103

EXHIBIT G

GARRY, DREYFUS, McTERNAN, BROTSKY, HERNDON & PESONEN, INC.
1256 MARKET STREET AT CIVIC CENTER
SAN FRANCISCO, CALIFORNIA 94102
TEL: 864-3131

# VERIFICATION

I, CAROL STAHL am President of plaintiff PEOPLES TEMPLE, a nonprofit corporation, in the above entitled action.

I have read the foregoing Complaint for Temporary Restraining Order, Preliminary and Permanent Injunctions; and Damages; Memorandum of Points and Authorities; and Declaration in Support of Complaint and know the contents thereof; and the same is true of my own knowledge, except as to the matters which are therein stated upon my information or belief, and as to those matters I believe it to be true.

I declare under penalty of perjury the foregoing is true and correct. Executed on July ___, 1978 at San Francisco, California.

Carol Stahl
CAROL STAHL

BB-31-b-104

PATRICK SARSFIELD HALLINAN
Hallinan & Blum
345 Franklin Street
San Francisco, California 94102

Telephone: (415) 861-1151

Attorney for Defendant

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO

| | |
|---|---|
| PEOPLES TEMPLE OF THE DISCIPLES OF CHRIST, a nonprofit corporation, JEAN BROWN, and JAMES McELVANE,<br><br>Plaintiffs,<br><br>v.<br><br>TIMOTHY OLIVER STOEN,<br><br>Defendant. | NO. 740531<br><br>DECLARATION BY WADE B. MEDLOCK AND MABEL M. MEDLOCK OPPOSING APPLICATION FOR PRELIMINARY INJUNCTION |

We, Wade B. Medlock and Mabel M. Medlock, husband and wife, hereby declare as follows:

1. We are the plaintiffs in a lawsuit entitled WADE B. MEDLOCK and MABEL M. MEDLOCK vs. JAMES WARREN JONES, PEOPLES TEMPLE, JAMES McELVANE, et al, filed on June 7, 1978, in the Superior Court for the County of Los Angeles, Civil Case No. C243292. A copy of the complaint is attached and made a part hereof. Our attorney is Timothy Oliver Stoen.

2. This declaration is made in opposition to plaintiff's application for a preliminary injunction. We are requesting that



BB-31-b-105

Timothy Oliver Stoen be allowed to remain our attorney and help us get back the money stolen from us by PEOPLES TEMPLE.

3. I, Wade B. Medlock, am 71 years old. I, Mabel M. Medlock, am 67 years of age. For 33 years we worked together in our own maintenance business in Los Angeles to acquire equity in two pieces of property as security for our senior years. In February 1977, our pastor, Jim Jones, called us into the "council room" of the PEOPLES TEMPLE church in Los Angeles and showed us some papers already filled out. We knew that they were for the sale of our properties, and we did not want to sign. When we hesitated, Jim Jones said to us personally, in front of a number of other people in the room, that if we didn't sign those papers immediately we would "die". We took this as a serious threat we would be killed, and we therefore signed against our will. When the escrow closed in August 1977, we were given $7,000.00 and PEOPLES TEMPLE took more than $48,000.00. (Both properties had been sold at prices far below fair market value.) We were heartsick but were afraid for our lives to complain to anyone. Jim Jones then started putting a lot of pressure on us to go to Guyana, where a number of our relatives are. But we did not want to live in any jungle, so we kept refusing.

4. Members of PEOPLES TEMPLE kept coming to us and asking us why we did not go to Guyana. In January 1978, an associate PEOPLES TEMPLE minister, Hugh Fortsyn, threatened both of us with the same fate (murder) as had happened to Christopher Lewis. On Easter Sunday of this year JAMES McELVANE threatened that we

had better watch out because "what happened to Chris could happen to you."

5. On April 25, 1978, ex-members of PEOPLES TEMPLE held a meeting of "Concerned Relatives" at a baptist church in Los Angeles. At the meeting we told the people what PEOPLES TEMPLE and Jim Jones had done to us. Afterwards Steve Katsaris said we should sue the church, and he told us to talk to Tim Stoen. Tim Stoen said to call him the next day, which we did. On April 26 we took the papers we had gotten from the escrow company to Tim Stoen to look at. He said we had been "extorted" and that we had a good case against PEOPLES TEMPLE but that they would probably try to sell all their property before we got a judgment. But since we don't have enough to live on, we are not going to give up.

6. We asked Tim Stoen not to file the lawsuit until we could move to safer living quarters. We were in constant fear that PEOPLES TEMPLE would send someone into our apartment at night and stab us. When we moved in May, we told Tim Stoen to file the lawsuit, which he did. Since then we have not received any more threats from PEOPLES TEMPLE.

7. Tim Stoen never talked with us about selling our property or turning it over to PEOPLES TEMPLE. He very seldom came to Los Angeles. He had nothing to do with our transferring it to the church. We did not even see him from September 1976 until the meeting in April 1978.

8. Tim Stoen never asked us to sue PEOPLES TEMPLE or JAMES

McELVANE. We asked him to do it for us. We are very glad he did. We do not want him taken off our case.

9. We authorize Tim Stoen to disclose all of the information we have given him regarding our lawsuit.

VERIFICATION

I, the undersigned, say:

I am a declarant in this action; ~~xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx~~ the above document is true of my own knowledge, except as to the matters that are stated in it on my information and belief, as as to those matters, I believe them to be true.

Executed on July 24, 1978, at Los Angeles, California.

I declare under penalty of perjury that the above is true and correct.

Wade B. Medlock

WADE B. MEDLOCK

Mabel M. Medlock

MABEL M. MEDLOCK

BB-31-b-109

PATRICK SARSFIELD HALLINAN
Hallinan & Blum
345 Franklin Street
San Francisco, California 94102

Telephone: (415) 861-1151

Attorney for Defendant

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO

| | |
|---|---|
| PEOPLES TEMPLE OF THE DISCIPLES OF CHRIST, a nonprofit corporation, JEAN BROWN, and JAMES McELVANE,<br><br>Plaintiffs,<br><br>v.<br><br>TIMOTHY OLIVER STOEN,<br><br>Defendant. | NO. 740531<br><br>DECLARATION BY JAMES COBB, JR. OPPOSING APPLICATION FOR PRELIMINARY INJUNCTION |

I, James Cobb, Jr., declare:

1. I am the plaintiff in a lawsuit entitled COBB vs. PEOPLES TEMPLE, JAMES WARREN JONES, JEAN F. BROWN, et al, filed on June 22, 1978, in the Superior Court for the City and County of San Francisco, Civil Case No. 739907. A copy of the complaint is attached and made a part hereof. My attorney is Timothy Oliver Stoen.

2. This declaration is made in opposition to plaintiff's application for a preliminary injunction. I am requesting that Timothy Oliver Stoen, the defendant in this action, be allowed



BB-31-b-110

to remain as my attorney and to push my lawsuit.

3. On May 11, 1978, Mr. Stoen and I were attending a dinner at a friend's house in San Francisco. At the dinner I brought up the subject of an open letter on PEOPLES TEMPLE stationery that had come to my attention. It was dated March 14, 1978 and was addressed to "All U.S. Senators and Members of Congress". It falsely accused me of being a "radical Trotskyite" who recommended a "violent course." (A copy of this letter is an exhibit in the attached complaint) I told Mr. Stoen that this ridiculous letter was the last straw, and asked him if he would file a lawsuit against PEOPLES TEMPLE and Jim Jones.

4. Shortly after quitting PEOPLES TEMPLE in 1973, I began being harrassed by them. Ever since, I have thought it only a matter of time (maybe tomorrow) that I would be killed by them. When the situation presented itself last summer, I engaged in exposing Jim Jones and his evil practices in PEOPLES TEMPLE. I have considered taking legal action against Jones many times before, but it was not until March of 1977 that I felt to seek an attorney.

5. A few days after our dinner conversation of May 11, 1978, I visited Mr. Stoen at his office on Montgomery Street and brought with me a list of things that PEOPLES TMEPLE and Jim Jones had done to me since 1973. Mr. Stoen agreed to be my attorney.

6. During all this time from 1973 until now, I have been having trouble concentrating in dental school because of the threats

 BB- 31-b-111

which are mentioned in my lawsuit. The thing that has bothered me the most was the threat that my son would be harmed if I didn't stop "badmouthing" PEOPLES TEMPLE.

7. Mr. Stoen never approached me at any time to be my attorney. He did not in any way solicit my case. I feel much better now that I am exposing Jim Jones and PEOPLES TEMPLE in the courts. I think one reason Jones has gotten away with so much is that people abused by him, did not sue him earlier. No further libels on me by PEOPLES TEMPLE have come to my attention since I filed my lawsuit.

8. I consent to Mr. Stoen disclosing to anyone all of the circumstances by which I asked him to be my attorney. I consent to his disclosing any and all of the information about my lawsuit that has come to his attention from anyone, including me.

It would be difficult for me to find another trial attorney as competent as Tim Stoen, particularly with experience equivalent to his as special prosecutor in San Francisco.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 30, 1978, at Berkeley, California.

James Cobb Jr.

JAMES COBB, JR.

BB-31-6-112

Also attached to declaration of james cobb,

as exhibits, which I didnt copy because too bulky and

we already have them anyway:

1. the full complaint of James Cobb and all of his exhibits that he originally had on his complaint

BB-31-6-113

TIMOTHY OLIVER STOEN
120 Montgomery Street, Suite 1700
San Francisco, California 94104
Telephone: (415) 391-5020
Attorney for Plaintiff

ENDORSED
FILED
JUN 22 1978
CARL M. OLSEN, Clerk
By P.W. MURPHY
Deputy Clerk

739907

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO

| | |
|---|---|
| JAMES COBB, JR., Plaintiff, vs. PEOPLES TEMPLE OF THE DISCIPLES OF CHRIST, a nonprofit corporation; JAMES WARREN JONES, also known as JIM JONES; TERESA BUFORD; JEAN F. BROWN; PAMELA G. MOTON; and FIRST DOE through FIFTIETH DOE, inclusive, Defendants. | No. [illegible] COMPLAINT FOR COMPENSATORY AND PUNITIVE DAMAGES FOR INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS AND FOR LIBEL ON ITS FACE |

Plaintiff alleges:

FIRST CAUSE OF ACTION

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

BB- 31-6-114

Jim,

If you think that you are working only to destroy our friend, you're badly underestimating the course you are on. This is going down on the record as a deliberate attempt to starve out hundreds of good people. You'll be remembered for much more than just a personal vendetta.

Even though what you're trying to do is impossible, you're going to earn for yourselves the bitterest of enemies. We have solid evidence that one of your crowd participated in Chris' death. A whole lot of people not even associated with us can back that up. Whether or not you decide to respond to this hardly matters now. Since you are no doubt fully aware of who you're in with and what you are working for, I count this communication probably a waste of my time. We have real class enemies to deal with, and really aren't worrying about your clumsey efforts. But in the future, don't try to say you didn't know. It won't wash. If you had cared anything about what was right, you would have checked with the officials that live there and have seen the work, and asked them about the kind of society we're building there. But like I said; in the future, don't plead ignorance.

EXHIBIT A BB-31-b-115

Jim Cobl
103A Cole St. Apt. A
San Francisco, CA

EXHIBIT A1

BB- 31-b-116

PATRICK SARSFIELD HALLINAN
Hallinan & Blum
345 Franklin Street
San Francisco, California 94102

Telephone: (415) 861-1151

Attorney for Defendant

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO

| | |
|---|---|
| PEOPLES TEMPLE OF THE DISCIPLES OF CHRIST, a nonprofit corporation, JEAN BROWN, and JAMES McELVANE,<br><br>Plaintiffs,<br><br>v.<br><br>TIMOTHY OLIVER STOEN,<br><br>Defendant. | NO. 740531<br><br>DECLARATION BY STEVEN A. KATSARIS OPPOSING APPLICATION FOR PRELIMINARY INJUNCTION |

I, Steven A. Katsaris, declare:

1. I am the plaintiff in a lawsuit entitled KATSARIS vs. JONES, PEOPLES TEMPLE, et al, filed on May 16, 1978, in the Superior Court for the County of Mendocino, Civil Case No. 39911. A copy of the amended complaint (filed May 22, 1978) is attached and made a part hereof. My attorney is Timothy Oliver Stoen.

2. This declaration is made in opposition to plaintiff's application for a preliminary injunction. I am requesting that Timothy Oliver Stoen, the defendant in the within action, be allowed to remain as attorney of record on my behalf and to

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prosecute my lawsuit through to its conclusion.

3. I have known Timothy Oliver Stoen since 1972, when he was an assistant district attorney in Mendocino County, where I work and reside. As the Director of Trinity School for Children in the small community of Ukiah, California, I am regularly brought into contact with attorneys, law enforcement officials, and others in civic leadership capacities. Even before I met Mr. Stoen, I had heard of him and knew he enjoyed the respect and esteem of the community leaders as a very capable, effective, and decisive attorney.

4. On April 11, 1978, I was the spokesman for a group of "Concerned Relatives" and delivered to PEOPLES TEMPLE representatives in San Francisco a document entitled, "Accusation of Human Rights Violations by Rev. James Warren Jones Against Our Children and Relatives at the Peoples Temple Jungle Encampment in Guyana, South America." On the following day an article appeared in the "Santa Rosa Press Democrat" newspaper quoting a representative of PEOPLES TEMPLE, Sandra Ingram, as stating that I was a child molester. This was the second instance where PEOPLES TEMPLE representatives had publicly defamed me with this totally false charge. I was determined to expose their vicious and unfounded attacks, which in my opinion were designed to intimidate me into silence concerning the true nature of their organization.

5. The expenses of maintaining two of my children in college, Elaine at Stanford and Anthony at the University of California, Chico, along with the large sums I had already spent on two trips

to Guyana attempting to help my daughter, Maria, made me apprehensive about the legal costs involved in seeking legal recourse against the attacks on my reputation. I was then, and am now, worried about the irreparable damage such charges could do to a man whose life is devoted to helping children.

6. I decided to approach Tim Stoen with my dilemma and ask him to represent me. I explained to him my plans to voluntarily submit to a lie detector test so that he and others would have no doubt concerning the truth of my innocence. I asked him to represent me on a contingency basis, explaining that I had few funds left for legal costs. I also told him I had confidence he was an aggressive and extremely capable attorney who would act with dispatch. I also explained to him that I had seen his professional resume (attached as Exhibit A), his character references (attached as Exhibit B) and the Board of Supervisors resolution commending him (attached as Exhibit C).

7. When I met with Mr. Stoen at his office in San Francisco on April 21, 1978, I told him I wanted to proceed immediately. Many of the people I work with professionally had read the "Press Democrat" article, and I told Mr. Stoen I needed to respond without delay with a lawsuit to bring PEOPLES TEMPLE to justice. We looked in the telephone book yellow pages for the most reputable appearing polygraph firm. We set up an appointment with George Harmon, and I followed up with a letter written on my initiative to Mr. Harmon, a copy of which is attached hereto as Exhibit D and made a part hereof. I took the lie detector test on May 2, 1978.

On May 3, 1978, Mr. Harmon issued his report saying I was "telling the truth". That report is part of my lawsuit attached hereto.

8. On April 25, 1978, ex-members of PEOPLES TEMPLE held a "Concerned Relatives" meeting in Los Angeles at the Saint James Missionary Baptist Church. At the meeting were Wade and Mabel Medlock, who told us that PEOPLES TEMPLE had taken all of their property from them by means of threats made by Jim Jones personally that they would be killed. I was so upset after hearing their story that I went up to them at the end of the meeting and asked them to consider filing a suit, suggesting they talk to Tim Stoen. It was after this that they first contacted him about their case. I did, however, ask Mr. Stoen to put my case first because of the urgency of the situation regarding my reputation.

9. The purpose of this declaration is to state categorically that Mr. Stoen's involvement in my lawsuit originated with me, and that I am represented by Mr. Stoen at my request. He never solicited my case in any way. I believe my interests would be gravely comprised if he were not my attorney.

10. I hereby consent to Mr. Stoen disclosing all of the circumstances whereby he became by attorney and all of the information I have given him.

## VERIFICATION

I, the undersigned, say:

I am a declarant in this action; the above document is true of my own knowledge, except as to the matters that are stated in it on my information and belief, as as to those matters, I believe them to be true.

Executed on July 29, 1978, at San Francisco, California.

I declare under penalty of perjury that the above is true and correct.

Steven A. Katsaros

BB-31-b-121

PATRICK SARSFIELD HALLINAN
Hallinan & Blum
345 Franklin Street
San Francisco, California 94102

Telephone: (415) 861-1151

Attorney for Defendant

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO

| | |
|---|---|
| PEOPLES TEMPLE OF THE DISCIPLES OF CHRIST, a nonprofit corporation, JEAN BROWN, and JAMES McELVANE,<br><br>Plaintiffs,<br><br>v.<br><br>TIMOTHY OLIVER STOEN,<br><br>Defendant. | NO. 740531<br><br>DECLARATION BY DEFENDANT OPPOSING APPLICATION FOR PRELIMINARY INJUNCTION<br><br>(CCP § 527) |

I, Timothy Oliver Stoen, declare:

1. I am the defendant herein. This declaration is made in opposition to plaintiffs' application for a preliminary injunction.

2. Incorporated herein by reference are the following verified pleadings filed in this action on behalf of defendant:

a. Answer to Complaint;

b. Declaration by Steven A. Katsaris, Opposing Application for Preliminary Injunction ("Katsaris Declaration");

c. Declaration of Wade B. Medlock and Mabel M. Medlock, Opposing Application for Preliminary Injunction ("Medlock Declaration");



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d. Declaration of James Cobb, Jr., Opposing Application of Preliminary Injunction ("Cobb Declaration").

3. I am an attorney admitted to practice law in the State of California.

4. As an attorney having a public trust, I am well aware of the rule pertaining to representation adverse to a former client. This rule has been stated by the California Supreme Court as follows:

> The fact that an attorney has once acted in a professional capacity for a person does not preclude him from thereafter accepting a retainer to act adversely to his former client in a matter which has no reference to his previous employment ***.
>
> Wutchumna Water Co. v. Bailey (1932) 216 C. 564, 571, 15 P.2d 505.

5. As an attorney I am well aware of another serious obligation, i.e., to represent "the cause of the defenseless or the oppressed." The California legislature, in enacting Section 6068 (h) of the California Business and Professions Code, made this an express duty:

> It is the duty of an attorney:
>
> (h) Never to reject, for any consideration personal to himself, the cause of the defenseless or the oppressed.

6. James Warren Jones, also known as Jim Jones, is a necessary witness in these proceedings. Jim Jones was the president of plaintiff PEOPLES TEMPLE, and kept himself totally aware of all its business, until leaving the United States for Guyana in June 1977. Aside from me, only he was in a position to

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know whether I ever acquired, in any legal capacity or in any other capacity, any "confidential" or "secret" information connected with the subject matters of the three lawsuits mentioned in the complaint herein as filed by me. If Jim Jones were called to testify, and did so truthfully, he would testify that I was never consulted by PEOPLES TEMPLE on any subject matter connected with the aforesaid lawsuits, and that I never acquired, in any legal capacity or in any other capacity, from PEOPLES TEMPLE, or any authorized member thereof, any "confidential" or "secret" information connected with the aforesaid lawsuits. He would also testify that from September 5, 1976, until the present time I was never appointed, retained, or used as "counsel" for PEOPLES TEMPLE on any matter. He would also testify that I have never been retained or appointed as general counsel for PEOPLES TEMPLE even though, pursuant to a general requirement of PEOPLES TEMPLE, I donated my legal talents free of charge on routine matters, as a member of PEOPLES TEMPLE and not in an attorney-client capacity. He would also testify that from March 2, 1970, when I joined PEOPLES TEMPLE, until February, 1977, I had a full-time job as an assistant district attorney.

7. On June 12, 1977, I terminated all communication with plaintiff PEOPLES TEMPLE and its members. Since that date I have not visited or set foot in any PEOPLES TEMPLE building or facility. Since that date I have not had any consultations with, nor given any advice to (except to demand the return of my son), nor received any information from (except to receive threats),

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plaintiffs PEOPLES TEMPLE or BROWN or McELVANE or any other member of PEOPLES TEMPLE.

8. In April and May of this year, 1978, I was approached by four oppressed victims of illegal and savage practices of plaintiffs PEOPLES TEMPLE, BROWN, and McELVANE. These victims were: Steven A. Katsaris, Wade B. Medlock, Mabel M. Medlock, and James Cobb, Jr. I did not in any way "solicit" any business or employment from any of them. I did not accept employment from them "out of spite" or any personal vendetta. Rather, upon being asked by each of these victims to file a lawsuit on his or her behalf, I researched each matter carefully and concluded that each had been greatly wronged, that the liabilities of PEOPLES TEMPLE, BROWN, and McELVANE were clear beyond all reasonable doubt, and that the only question for a trier of fact was the amount of damages suffered. Accordingly, I thereupon filed the following three complaints, each of them verified by plaintiffs under penalty of perjury:

a. STEVEN A. KATSARIS vs. JAMES WARREN JONES, PEOPLES TEMPLE OF THE DISCIPLES OF CHRIST, et al ("Katsaris lawsuit"); filed on May 16, 1978, in the Superior Court for the County of Mendocino, Civil Case No. 39911;

b. WADE B. MEDLOCK and MABEL M. MEDLOCK, husband and wife, vs. JAMES WARREN JONES, PEOPLES TEMPLE OF THE DISCIPLES OF CHRIST, JAMES McELVANE, et al ("Medlock lawsuit"); filed on June 7, 1978, in the Superior Court for the County of Los Angeles, Civil Case No. C243292; and

c. JAMES COBB, JR., vs. PEOPLES TEMPLE OF THE DISCIPLES OF CHRIST, JAMES WARREN JONES, JEAN F. BROWN, et al ("Cobb lawsuit"); filed on June 22, 1978, in the Superior Court for the City and County of San Francisco, Civil Case No. 739907.

A copy of the Katsaris lawsuit is attached to the Katsaris declaration. A copy of the Medlock lawsuit is attached to the Medlock declaration. A copy of the Cobb lawsuit is attached to the Cobb declaration.

9. I did not in any way use any "confidential" or "secret" information acquired from PEOPLES TEMPLE or any member thereof in preparing or filing any of the aforementioned lawsuits, nor will I be "called upon" to do so. This is clear from the Katsaris declaration, the Medlock declaration, the Cobb declaration, and an analysis of the dates alleged in the complaints for the unlawful acts of PEOPLES TEMPLE.

10. In the Katsaris lawsuit, the dates alleged for the unlawful acts of PEOPLES TEMPLE are:

First Cause of Action (Libel): May 10, 1978;

Second Cause of Action (Libel): April 12, 1978; and

Third Cause of Action (Slander): September 20, 1977.

11. In the Medlock lawsuit, the dates alleged for the unlawful acts of PEOPLES TEMPLE and McELVANE are:

First Cause of Action (Conversion/Extortion): February 13, 1977;

Second Cause of Action (Intentional Infliction of Emotional Distress): January 20, 1978; and



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Third Cause of Action (Intentional Infliction of Emotional Distress): March 26, 1978.

12. In the Cobb lawsuit, the dates alleged for the unlawful acts of PEOPLES TEMPLE and BROWN are:

First Cause of Action (Intentional Infliction of Emotional Distress): March 14, 1978;

Second Cause of Action (Intentional Infliction of Emotional Distress): March 14, 1978 and April 18, 1978;

Third Cause of Action (Libel): March 14, 1978;

Fourth Cause of Action (Libel): May 10, 1978; and

Fifth Cause of Action (Libel): May 15, 1978.

13. An analysis of the dates of the respective causes of action show, then, that all except one occurred long after I severed my relationship to PEOPLES TEMPLE on June 12, 1977. The only exception is the act of conversion and extortion alleged by Wade and Mabel Medlock to have occurred on February 13, 1977, in Los Angeles, California. The truth is that I never consulted at any time with the Medlocks about the transfer of their properties to PEOPLES TEMPLE or anyone else. The truth is that I have never consulted with PEOPLES TEMPLE, BROWN, McELVANE, or any other member of PEOPLES TEMPLE about the transfer of the Medlock's properties. I never saw or talked with either Wade Medlock or Mabel Medlock from September 5, 1976 (the last meeting of PEOPLES TEMPLE I ever attended in the United States and the last time I

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visited PEOPLES TEMPLE in Los Angeles) until seeing them at a meeting of "Concerned Relatives" in Los Angeles on April 25, 1978.

14. The complaint for injunction herein alleges specific facts of misuse of confidential information solely with respect to the Katsaris lawsuit. (As the points and authorities make clear the failure of plaintiffs to allege specific facts as to the Medlock lawsuit and the Cobb lawsuit means no injunction may legally issue as to them.) Declarant hereby refers to the answer to complaint, which shows that the allegations of paragraph VI of the complaint are totally false, perjured, and verified by a person in no position to know their truth or falsity.

15. Maria Katsaris, a member of PEOPLES TEMPLE, is a necessary witness in these proceedings. Aside from me, only she is in a position to know whether I advised her "in April or May, 1977" that she "should go to Guyana to avoid the possibility of her father's instituting conservatorship proceedings against her." Aside from me, only she is in a position to know whether in consultations with her I "obtained confidential information concerning her relationship with her father ... and certain sexual advances made by her father towards her when she was a child." These terribly serious charges constitute the only possible basis in the entire complaint for the issuance of an injunction, and ought not to be decided on the basis of hearsay, which is all Carol Stahl, as verifier of the complaint, had at best available to her.



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If Maria Katsaris were called to testify, and did so truthfully, she would testify as follows: that I have not seen, consulted, or advised Maria Katsaris since leaving the United States on February 16, 1977; that she never mentioned to me ever any charge that her father molested her; that she and I never discussed conservatorships; that she was in the United States during all of April and May, 1977 (while I was out of the United States during all that time).

16. Plaintiffs have included as Exhibit C-2 a so-called affidavit (unnotarized) signed by me which alleges that I was "unable" to sire a child and asked James Warren Jones to do so. Plaintiffs know that this document is totally false and spurious. (See birth certificate attached as Exhibit A; delivery room admission approval form attached as Exhibit B; urologist report attached as Exhibit C). Plaintiffs also know that this document is totally devoid of legal significance and that it could not be introduced in either of two custody proceedings, involving the same child, John Victor Stoen, brought in California and Guyana, respectively. (In the California proceeding, both Jones and I were named as parties before the Superior Court for San Francisco, which issued its order on November 18, 1977, awarding me joint legal custody along with my wife.)

In 1972 I signed the document at Jones' request as an act of trust and as a deterrent to my embarrassing the PEOPLES TEMPLE cause should I ever defect. As an idealist, I then believed that PEOPLES TEMPLE was the most promising organization to bring about



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a utopian society. As a lawyer, I was well aware that there would be no legal effect to the document because it was signed after the birth of the child and because of the California law that a child born to husband and wife cohabiting together "is conclusively presumed to be a child of the marriage." California Evidence Code, §621; California Civil Code, §7004(a).

17. I left Georgetown, Guyana, on June 12, 1977, with the intention of returning in two to six weeks. I came to the United States to take a vacation and see my family and friends. In the first part of July I met with my estranged wife, Grace, and others who had left PEOPLES TEMPLE. They informed me of things that convinced me that Jim Jones had changed and was no longer the person I had previously esteemed. Shortly thereafter an article appeared in "New West" magazine criticizing the church and its practices. (A copy of this article is attached as Exhibit D and made a part hereof.) I realized the charges were substantially true and that I could no longer defend PEOPLES TEMPLE or Jim Jones. I also knew that my failure to defend the church would result in my being very much distrusted upon my return to Guyana. I realized that Jones was becoming increasingly ruthless and that it would be very difficult, maybe impossible, to go to Guyana and bring my son back safely.

My plan was to defend Jones and PEOPLES TEMPLE on individual points when I could in good conscience do so, which I did. (See Exhibit A of complaint.) I thought Jones would soon be returning to the United States from Guyana and that he would need my services



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as an intermediary. I hoped he would see that I had remained loyal to the values (espoused by PEOPLES TEMPLE) of social justice, economic fairness, and racial brotherhood even though I was no longer a member. In return for my services and my remaining loyal to these values, Jones would, I thought, bring my son back without a court fight. Jones never returned.

In late October I decided I would have to fight Jones and PEOPLES TEMPLE in the courts to get my son. On November 18, 1977 I testified accordingly in the above-mentioned action. Even before that, as soon as I had made it clear to Jones that I was taking this route, a number of harrassing events happened in my life, continuing up until the present, all of which I believe were caused by PEOPLES TEMPLE upon the instructions of Jim Jones.

I have not filed any lawsuit against plaintiffs because of any personal vendetta. I am, however, very much opposed to the practice of PEOPLES TEMPLE and Jim Jones. I believe that his members, including BROWN and McELVANE, are "mind-programmed" by Jones. I believe that Jim Jones has lost the capacity for self-criticism. I believe that he is willing to murder all 1100 people now living under his dictatorial control in Jonestown, Guyana. I believe Jim Jones and PEOPLES TEMPLE do not respect human rights or individual rights of any type, but that the collective is all-important. I believe that Jim Jones has delusions of grandeur and has a totally irrational and paranoid fear that everyone is out to get him. I do not wish Jim Jones or PEOPLES TEMPLE destroyed. What I want with all my heart is the return of my beloved son, John Victor Stoen. Secondly



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I want the 1100 people in Guyana living under the control of Jones to be given the choice to return home.

Notwithstanding my hatred for the practices of Jim Jones and PEOPLES TEMPLE, I have purposefully remained rational and nonvindictive. I am aware of two cardinal principles: (1) "That which goes around comes around", and (2) vindictiveness breeds counterproductive judgments. Therefore I am working through the Congress, the State Department, the Guyana courts, and the public to pressure Jones to return my son. I have no intention to file unmeritorious suits and thereby risk losing the momentum already established. In fact, I was at first reluctant to file any of these suits, but I did so recognizing my obligation as an attorney to defend the oppressed, and as a human being to expose wrongdoing.



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VERIFICATION

I, the undersigned, say:

I am a party to this action; the above document is true of my own knowledge, except as to the matters that are stated in it on my information and belief, as as to those matters, I believe them to be true.

Executed on August 3, 1978, at San Francisco, California.

I declare under penalty of perjury that the above is true and correct.

Timothy Oliver Stoen



BB-31-6-133

WALTER C. CLOWERS, M.D.
PUBLIC HEALTH OFFICER

# SONOMA COUNTY
# PUBLIC HEALTH SERVICE

FEBRUARY 1, 1972

3313 CHANATE ROAD
SANTA ROSA, CALIFORNIA 95404
PHONE: 527-2605

IMPORTANT NOTICE: YOUR BABY'S BIRTH CERTIFICATE HAS BEEN FILED IN THIS OFFICE. THE INFORMATION BELOW IS A COPY OF PART OF THIS CERTIFICATE. IF THE INFORMATION SHOWN IS INCORRECT OR INCOMPLETE: PLEASE NOTIFY OUR VITAL STATISTICS SECTION WITHIN SEVEN DAYS OF ABOVE DATE. PHONE 527-2278.

Although this notice will not take the place of an official certified copy of the birth certificate, it may serve as a record for some purposes and should be preserved. An order form to use in ordering a certified copy is attached. There is a charge of $2.00 for each certified copy.

In order to safeguard this birth record a permanent copy is kept in our records. The original certificate is sent to the State Registrar of Vital Statistics in Sacramento.

If you have any questions about these matters, I hope you will not hesitate to call upon us.

Very truly yours,

Walter C. Clowers M.D.

WALTER C. CLOWERS, M.D.
Public Health Officer

## CERTIFICATE OF LIVE BIRTH

4900-170

STATE BIRTH CERTIFICATE NUMBER — STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC HEALTH — LOCAL REGISTRATION DISTRICT AND CERTIFICATE NUMBER

| | | | | |
|---|---|---|---|---|
| THIS CHILD | 1a. NAME OF CHILD—FIRST NAME: JOHN | 1b. MIDDLE NAME: VICTOR | 1c. LAST NAME: STOEN | |
| | 2. SEX: MALE | 3a. THIS BIRTH, SINGLE, TWIN, OR TRIPLET: SINGLE | 3b. IF TWIN OR TRIPLET, THIS CHILD BORN 1ST, 2ND, 3RD: | 4a. DATE OF BIRTH—MONTH, DAY, YEAR: JANUARY 25, 1972 — 4b. HOUR: 2:16PM |
| PLACE OF BIRTH | 5a. PLACE OF BIRTH—NAME OF HOSPITAL: SANTA ROSA MEMORIAL HOSPITAL | | 5b. STREET ADDRESS (STREET, AND NUMBER, OR LOCATION): 1165 MONTGOMERY DRIVE | 5c. INSIDE CITY CORPO[illegible]: YES |
| | 5d. CITY OR TOWN: SANTA ROSA | | 5e. COUNTY: SONOMA | |
| MOTHER OF CHILD | 6a. MAIDEN NAME OF MOTHER—FIRST NAME: GRACE | 6b. MIDDLE NAME: LUCY | 6c. LAST NAME (MAIDEN SURNAME): GRECH | 7. BIRTHPLACE (STATE OR FOREIGN COU[illegible]): SAN FRANCISCO, C[illegible] |
| | 8. AGE OF MOTHER (AT TIME OF THIS BIRTH): 21 YEARS | 9. COLOR OR RACE OF MOTHER: CAUCASIAN | 10a. RESIDENCE OF MOTHER—STREET ADDRESS: 6300 EASTSIDE CALPELLA ROAD | 10b. INSIDE CITY CORPO[illegible]: NO |
| | 10c. RESIDENCE OF MOTHER—CITY OR TOWN: UKIAH | | 10d. RESIDENCE OF MOTHER—COUNTY: MENDOCINO | 10e. RESIDENCE OF MOTHER—STATE: CALIFORNIA 9548[illegible] |
| FATHER OF CHILD | 11a. NAME OF FATHER—FIRST NAME: TIMOTHY | 11b. MIDDLE NAME: OLIVER | 11c. LAST NAME: STOEN | 12. BIRTHPLACE (STATE OR FOREIGN COU[illegible]): MILWAUKEE, WISCO[illegible] |
| | 13. AGE OF FATHER (AT TIME OF THIS BIRTH): 34 YEARS | 14. COLOR OR RACE OF FATHER: CAUCASIAN | 15a. PRESENT OR LAST OCCUPATION: ASS't DIST. ATTORNEY | 15b. KIND OF INDUSTRY OR BUSINE[illegible]: LEGAL |
| INFORMANT'S CERTIFICATION | I HEREBY CERTIFY THAT I HAVE REVIEWED THE ABOVE STATED INFORMATION AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE | 16a. PARENT OR OTHER INFORMANT—SIGNATURE (IF OTHER THAN PARENT, SPECIFY): Grace Lucy Stoen | | 16b. DATE REVIEWED AND SIGNED BY INFORM[illegible]: 1-26-72 |
| ATTENDANT'S CERTIFICATION | I HEREBY CERTIFY THAT I ATTENDED THIS BIRTH AND THAT THE CHILD WAS BORN ALIVE AT THE HOUR, DATE AND PLACE STATED ABOVE | 17a. PHYSICIAN (OR OTHER PERSON) ATTENDING THE BIRTH SIGNATURE—DEGREE OR TITLE: [illegible] | | 17b. DATE [illegible]: 1-26-72 |
| | | 17c. ADDRESS: Santa Rosa, Ca | | 17d. PHYSICIAN'S CALIFORNIA LICENSE N[illegible]: A14057 |
| LOCAL REGISTRAR | 18. REQUEST ON SIGN FROM SOLICITATION LISTS | 19. LOCAL REGISTRAR—SIGNATURE: Walter C. Clowers M.D. | | 20. DATE [illegible]: FEB 2 1972 |

EXHIBIT A BB-31-6-134

## CONSENT TO ADMISSION OF
## EXPECTANT FATHER TO DELIVERY ROOM

The undersigned, husband and wife, expecting the birth of a child, hereby request admission of husband to the delivery room of SANTA ROSA MEMORIAL Hospital during the birth of the child.

If this request is granted, the undersigned husband agrees to conform to all the rules and regulations of the Hospital and to comply with all of the orders and directions of the attending physician

This is to certify that the undersigned has been thoroughly instructed by the attending physician as to the practices and procedures of the Hospital in the delivery room and has been thoroughly informed as to the nature and consequences of the medical procedures to be performed, and the undersigned releases the Hospital, its employees and agents, as well as the attending physician and his associates, of any and all responsibility in the event the husband's attendance in the delivery room leads to injury

Timothy Oliver Steen
Husband

Grace Steen
Wife (patient)

Date January 25, 1972

Time 11:25 A.M.

## CERTIFICATE OF ATTENDING PHYSICIAN

I hereby certify that I am the attending physician of the above-named patient, that I have examined the patient and conferred with both the patient and her husband, and that it is my opinion that the patient and her husband fully understand the nature of the husband's admission to the delivery room and the rules and regulations of the Hospital, as well as the nature and consequences of the medical procedures to be performed. It is my further opinion that the attendance of the husband during the birth of the child will not be detrimental to the patient, the child, or the husband.

MD

BB-31-6-135

EXHIBIT B

4-750 (Rev. 9-21-94)

XXXXXX
XXXXXX
XXXXXX

# FEDERAL BUREAU OF INVESTIGATION
# FOIPA DELETED PAGE INFORMATION SHEET

1 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

☒ Deletions were made pursuant to the exemptions indicated below with no segregable material available for release to you.

| Section 552 | | Section 552a |
|---|---|---|
| ☐ (b)(1) | ☐ (b)(7)(A) | ☐ (d)(5) |
| ☐ (b)(2) | ☐ (b)(7)(B) | ☐ (j)(2) |
| ☐ (b)(3) | ☒ (b)(7)(C) | ☐ (k)(1) |
| _____ | ☐ (b)(7)(D) | ☐ (k)(2) |
| _____ | ☐ (b)(7)(E) | ☐ (k)(3) |
| _____ | ☐ (b)(7)(F) | ☐ (k)(4) |
| ☐ (b)(4) | ☐ (b)(8) | ☐ (k)(5) |
| ☐ (b)(5) | ☐ (b)(9) | ☐ (k)(6) |
| ☒ (b)(6) | | ☐ (k)(7) |

☐ Information pertained only to a third party with no reference to the subject of your request.

☐ Information pertained only to a third party. The subject of your request is listed in the title only.

☐ Documents originated with another Government agency(ies). These documents were referred to that agency(ies) for review and direct response to you.

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Bufile 89-4286 – Bulky 2233 page BB-31-b-136

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X DELETED PAGE(S) X
XNO DUPLICATION FEE X
X FOR THIS PAGE X
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FBI/DOJ

# Inside Peoples Temple

By Marshall Kilduff and Phil Tracy

". . . Jim Jones is one the state's most politically potent leaders. But who is he? And what's going on behind his church's locked doors? . . ."

For Rosalynn Carter, it was the last stop in an early September campaign tour that had taken her over half of California, a state where her husband Jimmy was weak. So Rosalynn gamely encouraged the crowd of 750 that had gathered for the grand opening of the San Francisco Democratic party headquarters in a seedy downtown storefront. She smiled bravely despite the heat.

Mrs. Carter finished her little pep talk to mild applause. Several other Democratic bigwigs got polite receptions, too. Only one speaker aroused the crowd; he was the Reverend Jim Jones, the founding pastor of Peoples Temple, a small community church located in the city's Fillmore section. Jones spoke briefly and avoided endorsing Carter directly. But his words were met with what seemed like a wall-pounding outpour. A minute and a half later the cheers died down.

"It was embarrassing," said a rally organizer. "The wife of a guy who was going to the White House was shown up by somebody named Jones."

If Rosalynn Carter was surprised, she shouldn't have been. The crowd belonged to Jones. Some 600 of the 750 listeners were delivered in temple buses an hour and a half before the rally. The organizer, who had called Jones for help, remembered how gratified she'd felt when she first saw the Jones followers spilling off the buses. "You should have seen it—old ladies on crutches, whole families, little kids, blacks, whites. Made to order," said the organizer, who had correctly feared that without Jones Mrs. Carter might have faced a half-empty room.

"Then we noticed things like the bodyguards," she continued. "Jones had his own security force [with him], and the Secret Service guys were having fits," she said. "They wanted to know who all these black guys were, standing outside with their arms folded."

The next morning more than 100 letters arrived. "They were really all the same," she said. " 'Thanks for the rally, and, say, that Jim Jones was so inspirational.' Look, we never get mail, so we notice one letter, but 100?" She added, "They had to be mailed before the rally to arrive the next day."

But what surprised that organizer was really not that special. She just got a look at some of the methods Jim Jones has used to make himself one of the most politically potent religious leaders in the history of the state.

Jim Jones counts among his friends several of California's well-known public officials. San Francisco mayor George Moscone has made several visits to Jones's San Francisco temple, on Geary Street, as have the city's district attorney Joe Freitas and sheriff Richard Hongisto. And Governor Jerry Brown has visited at least once. Also, Los Angeles mayor Tom Bradley has been a guest at Jones's Los Angeles temple. Lieutenant Governor Mervyn Dymally went so far as to visit Jones's 27,000-acre agricultural station in Guyana, South America, and he pronounced himself impressed. What's more, when Walter Mondale came campaigning for the vice-presidency in San Francisco last fall, Jim Jones was one of the few people invited aboard his chartered jet for a private visit. Last December Jones was appointed to head the city's Housing Authority Commission.

The source of Jones's political clout is not very difficult to divine. As one politically astute executive puts it: "He controls votes." And voters. During San Francisco's run-off election for mayor in December of 1975, some 150 temple members walked precincts to get out the vote for George Moscone, who won by a slim 4,000 votes. "They're well-dressed, polite and they're all registered to vote," said one Moscone campaign official.

Can you win office in San Francisco without Jones? "In a tight race like the ones that George or Freitas or Hongisto had, forget it without Jones," said State Assemblyman Willie Brown, who describes himself as an admirer of Jones's.

Jones, who has several adopted children of differing racial backgrounds, is more than a political force. He and his church are noted for social and medical programs, which are centered in his three-story structure on Geary Street. Temple members support and staff a free diagnostic and outpatient clinic, a physical therapy facility, a drug program that claims to have rehabilitated some 300 addicts and a legal aid program for about 200 people a month. In addition, the temple's free dining hall is said to feed more indigents than the city's venerable St. Anthony's dining room. And temple spokesmen say that these services to the needy are financed internally, without a cent of government or foundation money.

Jones and his temple are also applauded for their ardent support of a free press. Last September, Jones and his followers participated in a widely publicized demonstration in support of the four Fresno newsmen who went to jail rather than reveal their confidential news sources. The temple also contributed $4,400 to twelve California newspapers—including the San Francisco *Chronicle*—for use "in the defense of free press," and once gave $4,000 to the defense of Los Angeles *Times* reporter Bill Farr, who also went to jail for refusing to name a news source.

In addition, at Jones's direction the temple makes regular contributions

*San Francisco* Chronicle *Reporter Marshall Kilduff and* New West *contributing editor Phil Tracy were assisted by freelance newsman George Klineman.*



EXHIBIT D

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**The holy host:** *At a 1976 temple lunch, Reverend Jones sat between two friends, S.F. mayor Moscone (left) and Lieutenant Governor Dymally.*

several community groups, including the Telegraph Hill Neighborhood Center and Health Clinic, the NAACP, the ACLU and the farmworkers' union. When a local pet clinic was in trouble, Peoples Temple provided the money needed to keep it open. The temple has also set up a fund for the widows of slain policemen, and the congregation runs an escort service for senior citizens.

To many, the Reverend Jim Jones is the epitome of a selfless Christian.

The reverend was born James Thurman Jones, and grew up in the Indiana town of Lynn. While attending Butler University in Indianapolis, where he received his degree in education, Jones opened his first temple (in downtown Indianapolis). Although he had no formal training as a minister and was not affiliated with any church, his temple grew. It featured an active social program, including a "free" restaurant for the down-and-out. And the congregation was integrated, a courageous commitment in the years before Martin Luther King became a national figure—particularly in Indianapolis, once the site of the Ku Klux Klan's national office.

Then at around Christmas of 1961, according to a former associate named Ross Case, Jones had a vision. He saw Indianapolis being consumed in a holocaust, presumably a nuclear explosion. Fortunately for him, *Esquire* had just run an article on the nine safest spots in the event of nuclear war. Eureka, California, was called the safest location; another safe area was Belo Horizante, Brazil. Jones headed for Belo Horizante, and Case went to Northern California.

Jones eventually returned and visited Case in Ukiah. Jones liked California, and twelve years ago this month, he and his wife Marceline incorporated Peoples Temple in California. Jones and some 100 faithful settled in Redwood Valley, a hamlet outside Ukiah.

Jones's congregation grew, and he soon became a political force in Mendocino County. In off-year elections, where the total vote was around 2,500, Jones could control 300 to 400 ballots, or nearly 16 percent of the vote. "I could show anybody the tallies by precinct and pick out the Jones vote," says Al Barbero, county supervisor from Redwood Valley.

Then, in 1970, Jones started holding services in San Francisco; one year later he bought the Geary Street temple. And later that same year, he expanded to Los Angeles by taking over a synagogue on South Alvarado Street.

One success followed another, and his flock grew to an estimated 20,000. Jones's California mission seemed blessed.

Although Jones's name is well-known, especially among the politicians and the powerful, he remains surrounded by mystery. For example, his Peoples Temple has two sets of locked doors, guards patroling the aisles during services and a policy of barring passersby from dropping by unannounced on Sunday mornings. His bimonthly newspaper, *Peoples Forum*, regularly exalts socialism, praises Huey Newton and Angela Davis and forecasts a government takeover by American Nazis. And though Jones is a white fundamentalist minister, his congregation is roughly 80 percent to 90 percent black.

How does Jones manage to appeal to so many kinds of people? Where does he get the money to operate his church's programs, or maintain his fleet of buses, or support his agricultural outpost in Guyana? Why does he surround himself with bodyguards—as many as fifteen at a time? And above all, what is going on behind the locked and guarded doors of Peoples Temple?

# Ten Who Quit the Temple Speak Out

Beginning two months ago, when it became known that *New West* was researching an article on Peoples Temple, the magazine, its editors and advertisers were subjected to a bizarre letter-and-telephone campaign. At its height, our editorial offices in San Francisco and Los Angeles were each receiving as many as 50 phone calls and 70 letters a day. The great majority of the letters and calls came from temple members and supporters, as well as such prominent Californians as Lieutenant Governor Mervyn Dymally, Delancey Street founder John Maher, San Francisco businessman Cyril Magnin, and savings and loan executive Anthony Frank. The messages were much the same: We hear *New West* is going to attack Jim Jones in print; don't do that. He's a good man who does good works.

The flood of calls and letters attracted wide attention, which, in turn, prompted newsman Bill Barnes to report the campaign in the San Francisco *Examiner*. The *Examiner* also reported an unconfirmed break-in one week later at our San Francisco office.

After the Barnes article, we began getting phone calls from former temple members. At first, while insisting on anonymity, the callers volunteered "background" about Jim Jones's "cruel-



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## ". . . Peoples Temple members beat his sixteen-year-old daughter so badly, says Elmer Mertle, that 'her butt looked like hamburger' . . ."

ty" to congregation members, in addition to making several other specific charges.

We told the callers that we were not interested in such anonymous whispers. But then a number of them, like Deanna and Elmer Mertle, called back and agreed to meet in person, to be photographed, and to tell their attributed stories for publication.

Based on what these people told us, life inside Peoples Temple was a mixture of Spartan regimentation, fear and self-imposed humiliation. As they told it, the Sunday services to which dignitaries were invited were orchestrated events. Actually, members were expected to attend services two, three, even four nights a week—with some sessions lasting until daybreak. Those members of the temple's governing council, called the Planning Commission, were often compelled to stay up all night and submit regularly to "catharsis"—an encounter process in which friends, even mates, would criticize the person who was "on the floor." In the last two years, we were told, these often humiliating sessions had begun to include physical beatings with a large wooden paddle, and boxing matches in which the person on the floor was occasionally knocked out by opponents selected by Jones himself. Also, during regularly scheduled "family meetings," attended by up to 1,000 of the most devoted followers, as many as 100 people were lined up to be paddled for such seemingly minor infractions as not being attentive enough during Jones's sermons. Church leaders also instructed certain members to write letters incriminating themselves in illegal and immoral acts that never happened. In addition, temple members were encouraged to turn over their money and property to the church and live communally in temple buildings; those who didn't ran the risk of being chastised severely during the catharsis sessions.

In all, we interviewed more than a dozen former temple members. Obviously they all had biases. (Grace Stoen, for example, has sued her husband, a temple member, for custody of their five-year-old son John. The child is reportedly in Guyana.) So we checked the verifiable facts of their accounts—the property transfers, the nursing and foster home records, political campaign contributions and other matters of public record. The details of their stories checked out.

One question, in particular, troubled us: Why did some of them remain members long after they became disenchanted with Jones's methods and even fearful of him and his bodyguards? Their answers were the same—they feared reprisal, and that their stories would not be believed.

The people we interviewed are real; their names are real. They all agreed to be tape-recorded and photographed while telling their side of the Jim Jones story.

### Elmer and Deanna Mertle of Berkeley

After Elmer and Deanna Mertle joined the temple in Ukiah in November, 1969, he quit his job as a chemical technician for Standard Oil Company, sold the family's house in Hayward and moved up to Redwood Valley. Eventually five of the Mertle's children by previous marriages joined them there.

**They beat his daughter badly:** *Elmer Mertle.*

"When we first went up [to Redwood Valley], Jim Jones was a very compassionate person," says Deanna. "He taught us to be compassionate to old people, to be tender to the children."

But slowly the loving atmosphere gave way to cruelty and physical punishments. Elmer said, "The first forms of punishment were mental, where they would get up and totally disgrace and humiliate the person in front of the whole congregation. . . . Jim would then come over and put his arms around the person and say, 'I realize that you went through a lot, but it was for the cause. Father loves you and you're a stronger person now. I can trust you more now that you've gone through this and accepted this discipline.' "

The physical punishment increased, too. Both the Mertles claim they received public spankings as early as 1972—but they were hit with a belt only "about three times." Eventually, they said, the belt was replaced by a paddle and then by a large board dubbed "the board of education," and the number of times adults and finally children were struck increased to 12, 25, 50 and even 100 times in a row. Temple nurses treated the injured.

At first, the Mertles rationalized the beatings. "The [punished] child or adult would always say, 'Thank you, Father,' and then Jim would point out the next week how much better they were. In our minds we rationalized . . . that Jim must be doing the right thing because these people were testifying that the beatings had caused their life to make a reversal in the right direction."

Then one night the Mertles' daughter Linda was called up for discipline because she had hugged and kissed a woman friend she hadn't seen in a long time. The woman was reputed to be a lesbian. The Mertles stood among the congregation of 600 or 700 while their daughter, who was then sixteen, was hit on her buttocks 75 times. "She was beaten so severely," said Elmer, "that the kids said her butt looked like hamburger."

Linda, who is now eighteen, confirms that she was beaten: "I couldn't sit down for at least a week and a half."

The Mertles stayed in the church for more than a year after that public beating. "We had nothing on the outside to get started in," says Elmer. "We had given [the church] all our money. We had given all of our property. We had given up our jobs."

Today the Mertles live in Berkeley. According to an affidavit they signed last October in the presence of attorney Harriet Thayer, they changed their names legally to Al and Jeanne Mills because, at the church's instruction, "we had signed blank sheets of paper, which could be used for any imaginable purpose, signed power of attorney papers, and written many unusual and incriminating statements [about themselves], all of which were untrue."

### Birdie Marable of Ukiah

"I never really thought he was God, like he preached, but I thought he was a prophet," said Birdie Marable, a beautician who was first attracted to Jones in



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1968 because her husband had a liver ailment. She had hoped Jones might be the healer to save him.

On one of the trips to services in Redwood Valley, Marable noticed Jones's aides taking some children aside and asking, "What color house did my friend have, things like that," she says. "Then during the services, Jim called [one woman] out and told her the answers that the children had given as though no one had told him."

She became skeptical of Jones after that, and remained skeptical when her husband's health did not improve; the cancer "cures" Jones was performing seemed phony to her. Yet eventually she moved to Ukiah and ran a rest home for temple members at Jim's suggestion.

One summer she was talked into taking a three-week temple "vacation" through the South and East. "Everybody paid $200 to go on the trip, but I told them I wasn't able to do so," she added.

The temple buses were loaded up in San Francisco, and more members were packed aboard in Los Angeles. "It was terrible. It was overcrowded. There were people sitting on the floor, in the luggage rack, and sometimes people [were] underneath in the compartment where they put the bags," she said. "I saw some things that really put me wise to everything," she added. "I saw how they treated the old people." The bathrooms were frequently stopped up. For food, sometimes a cold can of beans was opened and passed around.

"I decided to leave the church when I got back. I said when I get through telling people about this trip, ain't nobody going to want to go no more. [But] as soon as we arrived back, Jim said . . . don't say nothing." She left the church in silence.

## Wayne Pietila of Petaluma And Jim and Terri Cobb of San Francisco

Wayne Pietila and Jim Cobb guarded the cancers. "If anyone tried to touch them, we were supposed to eat the cancers or demolish the guy," said Cobb, who is six-feet, two-inches tall. Pietila was licensed by the Mendocino County Sheriff's Department to carry a concealed weapon; reportedly he was one of several Jones aides with such a permit.

It was during the Redwood Valley healing sessions in 1970, when nervous hope for relief from the pains of age spread among the congregation, that Cobb and Pietila would guard the cancers. Finally Jones would ask for someone who believed herself to be suffering from cancer. That was the signal for Cobb's sister, Terri, to slip into a side restroom and shoo out whoever might be there. Then Jones's wife Marceline and a trembling excited old woman would disappear into the stall for a moment. Marceline would emerge holding a foul-smelling scrap of something cupped in a napkin: a cancer "passed." Marceline and the old woman would return to the main room to screams, applause, a thunder of music. Jim Jones had healed again.

But one time, Terri got a chance to look into the "cancer bag." "It was full of napkins and small bits of meat, individually wrapped. They looked like chicken gizzards. I was shocked."

Wayne Pietila recalled another healing incident. On the eve of a trip to Seattle in 1970 or 1971, as Jones was leaving his house, a shot cracked out and he fell. "There was blood all around and people [were] screaming and crying, just hysterical." Jones was lifted to his feet and helped to his house. A few minutes later, Jones walked out of the house with a clean shirt on. "He said he'd healed himself," Pietila said. "He used [the incident] for his preaching during the whole Seattle trip."

They took her best watch: *Laura Cornelious.*

## Micki Touchette of San Francisco

The Touchette family followed Jones to California in 1970. They lived in Stockton for a while, then moved up to Redwood Valley, where they bought a house and converted it into a home for emotionally disturbed boys.

During 1972 and 1973 Micki and other temple members were expected to travel to Los Angeles services every other weekend. One of her jobs was to count the money after offerings. Micki, a junior-college graduate, had the combination to the temple's Los Angeles safe. She says, "It was very simple to take in $15,000 in a weekend, and this was [four] years ago. [To encourage larger offerings, Jones] would say, 'We folks, we've only collected $500 or $700,' and we would have [in reality] several thousand."

In addition to attending Wednesday night family meetings and weekend services, Micki also was part of letter-writing efforts directed by church officials. "We'd write various politicians throughout the state, throughout the country, in praise of something that they had done. I wrote Nixon, wrote Tunney; I remember writing the chief of the San Francisco Police Department," she said. Micki, who lived in temple houses apart from her parents, would often be handed a sheet listing the points she would have to include in the letter. "It would tell you how and what to say and you'd word it yourself." She says she also would regularly use aliases she made up.

When Micki left the church in 1973 along with seven other young people, including Terri and Jim Cobb and Wayne Pietila, none warned their parents or other relatives. "We felt that our parents, our families . . . would just fight us and try to make us stay." Furthermore, they were all frightened. "At one point we had been told that any college student who was going to leave the church would be killed . . . not by Jones, but by some of his followers." Both Terri and Cobb recall the statement being made—by Jones.

## Walter Jones of San Francisco

When Walt Jones, who never believed in the church, followed his wife Carol to Redwood Valley in 1974, Jim Jones asked them to take over a home for emotionally disturbed boys. The home belonged to Charles and Joyce Touchette, Micki Touchette's parents. Walt says he was told that the Touchettes were in Guyana, and that the people who had replaced them, Rick and Carol Stahl, had done such a poor job that "the care home, at that time, was under surveillance of the authorities because of the poor conditions. Some of the boys had scabies due to the filth."

In 1974 and early 1975, before Walt and his wife were granted a license to run the home, county checks (of approximately $325 to $350 per month for each child) for the upkeep of the boys were made out to the Touchettes and cashed by a church member who had their power of attorney. "The checks," said Walt, "were turned over to someone in charge of all the funds [for the church's care homes] at the time. [The temple] allotted us what they felt were sufficient funds for the home and supplied us with foodstuffs and various articles of clothing." Jones says the food was mostly canned staples, and the clothes



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## ". . . Jones held a snake close to the terrified old woman. 'Viola screamed,' said a member. 'And he still held that snake there' . . ."

were donations from other temple members. Walt is uncertain how much of the approximate total of $2,000 a month of county funds earmarked for the upkeep of his boys actually ended up in his hands; his wife kept the books. But, he claimed, "it was very inadequate."

After the Joneses were granted their own license in 1975, the checks from the Alameda County Probation Department (which placed the boys in the home) were made out to him and his wife. "But still the church requested that we turn over what remained of the funds," says Walt Jones. "Approximately $900 to $1,000 [per month] were turned over to the church." And he added, "I do remember that there were times when all of the checks were signed over to the church."

### Laura Cornelious of Oakland

Laura Cornelious was one of the privates in the Peoples Temple's army. She was in the temple about five years before leaving in 1975 -just one of dozens of elderly black grandmothers who attend each meeting of the San Francisco Housing Authority Commission that Jim Jones chairs.

The first thing that bothered her was the constant requests for money. "After I was in some time," she says, "it was made known to us that we were supposed to pay 25 percent of our earnings [the usual sum, according to practically all the former members that we interviewed]." It was called "the commitment." For those who could not meet the commitment, she says, there were alternatives, like baking cakes to sell at Sunday services—or donating their jewelry. "He said that we didn't need the watches—my best watch," she recalls sadly. "He said we didn't need homes—give the homes, furs, all of the best things you own."

Some blacks gave out of fear—fear that they could end up in concentration camps. The money was needed, she was told, "to build up this other place [Guyana—the 'promised land'], so we would have someplace to go whenever they [the fascists in this country] were going to destroy us like they did the Jews. [Jones said] that they would put [black people] in concentration camps, and that they would do us like the Jews . . . in the gas ovens."

Laura Cornelious was also bothered by the frisking of temple members (but never dignitaries) before each service. "You even were asked to raise up on your toes [to check] your shoes."

The final straw, she says, came the night Jones brought a snake into the services. "Viola . . . she was up in age, in her eighties, and she was so afraid of snakes and he held the snake close to her [chest] and she just sat there and screamed. And he still held it there."

### Grace Stoen of San Francisco

Grace Stoen was a leader among the temple hierarchy, though she was never a true believer. Her husband Tim was the temple's top attorney, and one of its first prominent converts. Later, while still a church insider, he became an

They have her five-year-old boy: *Grace Stoen.*

assistant D.A. of Mendocino County, and then an assistant D.A. under San Francisco D.A. Joe Freitas. Tim resigned to go to Jones's Guyana retreat in April of this year.

Grace agreed to join the temple when she married Tim in 1970, and gradually she acquired enormous authority. She was head counselor, and at the Wednesday night family meetings, she would pass to Jones the names of the members to be disciplined.

She was also the record keeper for seven temple businesses. She paid out from $30,000 to $50,000 per month for the auto and bus garage bills and also doled out the slim temple wages. And she was one of several church notaries. She kept a notary book, a kind of log of documents that she officially witnessed—pages of entries including power-of-attorney statements, deeds of trust, guardianship papers, and so on, signed by temple members and officials.

She recalled why Jones decided to aim for Los Angeles and San Francisco. "Jim would say, 'If we stay here in the valley, we're wasted. We could make it to the big time in San Francisco.' "

And expanding to Los Angeles, Jones told his aides, "was worth $15,000 to $25,000 a weekend."

During the expansion in 1972, members would pile into the buses at 5 P.M. on a Friday night in Redwood Valley, stop at the San Francisco temple for a meeting that might last until midnight and then drive through the night to arrive in Los Angeles Saturday in time for six-hour services. On Sunday, church would start at 11 A.M. and end at 5 P.M. Then, the Redwood Valley members would pile back on the buses for the long trip home: they would arrive by daybreak Monday.

Some of the inner circle, like Grace Stoen, rode on Jim's own bus, number seven. "The last two seats and the whole back seat were taken out and a door put across it," she said. "Inside there was a refrigerator, a sink, a bed and a plate of steel in the back so nobody could ever shoot Jim. The money was kept back there in a compartment." According to attendance slips she collected, the other 43-seat buses sometimes held 70 to 80 riders.

Jones's goal in San Francisco, Grace said, was to become a political force. His first move was to ingratiate himself with fellow liberal and leftist figures—D.A. Freitas, Sheriff Hongisto, Police Chief Charles Gain, Dennis Banks, Angela Davis.

Sometimes Jones nearly tripped up. Once, said Grace, when Freitas and his wife dropped in unexpectedly, temple aides quickly pulled them into a side room and sent word to Jones in the upstairs meeting hall. Just in time. The pastor was wrapped up in one of his "silly little things," said Grace. "He was having everybody shout 'Shit! Shit! Shit!' to teach them not to be so hypocritical." When Freitas was shown in, everyone just laughed at the puzzled district attorney. (D.A. Freitas confirms making an unexpected visit to the temple, but does not recall anyone using the word *shit*.)

Jones became impatient at the pace of his success. Eventually Mayor Moscone placed Jones on the Housing Authority Commission, and then intervened to assure him the chairmanship.

Strangely, as Jones's successes mounted, so did the pressures inside his



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"... 'Jones would say that we could make it in the big time,' says Grace Stoen. 'Expanding to L.A. alone was worth $15,000 a weekend' ..."

temple. "We were going to more and more meetings," said Stoen. "[And] if anyone was getting too much sleep—say, six hours a night—they were in trouble." On one occasion, she said, a man was vomited and urinated on.

In July of 1976, after a three-week temple bus trip, her morale was ebbing lower. her friends were muttering about her, and there were rumors that Jones was unhappy with a number of members."I packed my things and left [without telling Tim]. I couldn't trust him. He'd tell Jim."

She drove to Lake Tahoe and spent the July Fourth weekend lying on a warm beach. She dug her toes in the sand, stretched her arms and tried to relax. "But every time I turned over, I looked around to see if any of the church members had tracked me down."

# Why Jim Jones Should Be Investigated

It is literally impossible to guess how much money and property people gave Jim Jones in the twelve years since he moved his Peoples Temple to California. Some, like Laura Cornelious, gave small things like watches or rings. Others, like Walt Jones, sold their homes and gave the proceeds to the temple.

According to nearly all the former temple members that we have spoken with, extensive, continuous pressure was put on members to deed their homes to the temple. Many complied. A brief reading of the records on file at the Mendocino County recorder's office shows that some 30 pieces of property were transferred from individuals to the temple during the years 1968 to 1976. Nearly all these parcels were recorded as gifts.

Interestingly, several of the "gifts" were signed or recorded improperly. The deed to a piece of property signed by Grace and Timothy Stoen was notarized on June 20, 1976. Grace Stoen told *New West* that on that date, when she was supposed to be in Mendocino signing the deed before a temple notary, she and several hundred temple members were in New York City. Grace Stoen said she signed the deed under pressure from her husband, Tim, months before it was notarized. And similar irregularities appear on a deed the Mertles turned over to the temple. A thorough investigation of the circumstances surrounding the transfers of the properties is clearly required.

In the last few issues of *Peoples Forum*, the temple newspaper, there are several references to the claim that 130 disturbed or incorrigible youths were being sent to the temple's Guyana mission. A church spokesman confirmed that these youngsters were released to the temple by "federal courts, state courts, probation departments" and other agencies. An article in the July issue of the temple newspaper on the Guyana mission's youth program reports that, "In certain cases when a young person is testing the environment . . . physical discipline has produced the necessary change." The article goes on to describe a "wrestling match" that sounds all too similar to the "boxing matches" some former temple members described. If there is even the slightest chance of mistreatment of the 130 youths the temple claims to have under its guidance in Guyana, a complete investigation by both state and federal authorities would be required.

An investigation of the "care homes" run by the temple or temple members in Redwood Valley may also be in order. Both Walt Jones and Micki Touchette have stated that anywhere from $800 to $1,000 of the monthly funds provided by the state for the care of the six boys in the Touchette home were actually funneled to the temple. If those figures are accurate, as much as $38,000 to $48,000 may have been channeled into the church's coffers during the four years the Touchette home was open. It is known that at least two other "care homes" for boys were run by the church or its members. In addition, at least six residential homes licensed by Mendocino County were owned or operated by the temple. They housed from six to fourteen senior citizens each, and the county provided upwards of $325 per month per individual. An investigation should be launched immediately to determine if any of the money paid for the care of the elderly actually went to the temple.

Files at the Mendocino County recorder's office show that the temple has sold off a number of its properties. The Redwood Valley temple itself is currently for sale for an estimated $225,000. The Los Angeles temple is also for sale. The three Mendocino "care homes" that are still operating are up for sale. Several former temple members believe Jones and a few hundred of his closest followers may be planning to leave for Guyana no later than September of this year. The ex-members we interviewed had the ability to walk away from the temple once they found the courage to do it. Whether the church will permit those who move to Guyana the option of ever leaving is questionable.

Jones has been in Guyana for the last three weeks and was unavailable to us as this magazine article went to press. In a phone interview, two spokesmen for the temple, Mike Prokes and Gene Chaikin, denied all of the allegations made by the former temple members we interviewed. Specifically, they denied any harassment, coercion or physical abuse of temple members. They denied that the church attempted to force members to donate their property or homes. They also denied that Jones faked healings. They confirmed that the temple's churches and property in Redwood Valley and Los Angeles are for sale, but went on to deny that Jones's closest followers are planning to relocate in Guyana any time soon.

Finally, something must be said about the numerous public officials and political figures who openly courted and befriended Jim Jones. While it appears that none of the public officials from Governor Brown on down knew about the inner world of Peoples Temple, they have left the impression that they used Jones to deliver votes at election time and never asked any questions. They never asked about the bodyguards. Never asked about the church's locked doors. Never asked why Jones's followers were so obsessively protective of him. And apparently, some never asked because they didn't want to know.

The story of Jim Jones and his Peoples Temple is not over. In fact, it has only begun to be told. If there is any solace to be gained from the tale of exploitation and human foible told by the former temple members in these pages, it is that even such a power as Jim Jones cannot always contain his followers. Those who left had nowhere to go and every reason to fear pursuit. Yet they persevered. If Jones is ever to be stripped of his power, it will not be because of vendetta or persecution, but rather because of the courage of these people who stepped forward and spoke out. ■

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CARL M. SLOEN, Clerk
BY M. P. ANABU

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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO

| | |
|---|---|
| PEOPLES TEMPLE OF THE DISCIPLES OF CHRIST, a nonprofit corporation, JEAN BROWN, and JAMES McELVANE,<br><br>Plaintiffs,<br><br>v.<br><br>TIMOTHY OLIVER STOEN,<br><br>Defendant. | No. 740531<br><br>NOTICE OF MOTION UNDER CCP § 2019 (b)(1) FOR PROTECTIVE ORDER THAT DEPOSITION NOT BE TAKEN AND FOR REASONABLE EXPENSES AND ATTORNEY'S FEES, POINTS AND AUTHORITIES, SUPPORTING DECLARATION, AND APPLICATION FOR ORDER SHORTENING TIME FOR SERVICE<br><br>Date: November 7, 1978<br>Time: 9:30 A.M.<br>Department: 9 Law and Motion |

To each party and to the attorney of record of each party in this action:

PLEASE TAKE NOTICE that on November 7, 1978, at 9:30 A.M., or as soon thereafter as the matter can be heard, in Department 9 (Law and Motion) of the Superior Court, 4th Floor, City Hall, San Francisco, California, defendant Timothy Oliver Stoen will move the Court for a protective order that the deposition of the persons named in the Notice of Taking Deposition attached hereto, scheduled for Novem-

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ber 9 and 10, 1978, not be taken, and for reasonable costs and expenses, including attorney's fees, incurred in this proceeding.

This motion is made on the ground that there is good cause for the order sought in that (1) the items demanded are irrelevant, rendering the deposition a violation of CCP § 2016(b), and (2) the deposition is intended solely to cause, and will have the effect of causing, annoyance, embarrassment, and oppression, thereby violating CCP § 2019(b)(1).

This motion is based on this notice, the Notice of Taking Deposition attached hereto as Exhibit A (three pages), the pleadings, records, and files in this action, the attached memorandum of points and authorities, the attached supporting declaration of defendant, and the attached order shortening time.

DATED: October 31, 1978.

PATRICK SARSFIELD HALLINAN
Attorney for Defendant



BB-31-b-144

APPLICATION FOR ORDER SHORTENING TIME FOR SERVICE OF NOTICE OF MOTION FOR PROTECTIVE ORDER AND ORDER

I am the attorney for defendant Timothy Oliver Stoen.

It is necessary that the time for service of the notice of motion for protective order, the supporting declaration of defendant, and the memorandum of points and authorities, be shortened so that the same may be served not later than five (5) days before the time set for hearing of the motion because of the following facts: the Notices of Taking Deposition filed by plaintiff are self-executing and gave defendant no opportunity to object to their issuance on the valid grounds set forth in defendant's memorandum of points and authorities attached hereto; given the press of business, there was insufficient time for defendant's protective order pleadings to be researched and prepared until October 31, 1978; and there will be no hardship on the counsel for PEOPLES TEMPLE because presumably they acquainted themselves with the appropriate discovery law before filing and serving the aforesaid Notices of Taking Deposition.

I declare under penalty of perjury that the above is true and correct and that this declaration was executed on November 1, 1978, at San Francisco, California.

Patrick Sarsfield Hallinan
Attorney for Defendant

ORDER

Good cause appearing, IT IS ORDERED that the time for service of



BB-31-b-145

the notice of motion for protective order, supporting declaration, and memorandum of points and authorities is shortened so that the same may be served on plaintiff not later than five (5) days before the time set for the hearing of the motion for protective order.

Dated: November 1, 1978.

FRANCIS W. MAYER

Judge



BB-31-6-146

CHARLES R. GARRY, ESQ.,
GARRY, DREYFUS, McTERNAN, BROTSKY, HERNDON & PESONEN,
1256 MARKET STREET
SAN FRANCISCO, CA 94102
TEL.: 864-3131

ATTORNEY FOR PLAINTIFF

NO APPEARANCE NECESSARY. RECORDS ONLY
IF YOU DESIRE COPIES CONTACT
GAGAN & McDANIELS, 9 FIRST ST.
SAN FRANCISCO (PHONE 982-4766)

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE CITY & COUNTY OF SAN FRANCISCO

| | |
|---|---|
| PEOPLES TEMPLE OF THE DISCIPLES OF CHRIST, a nonprofit corporation, et al. | No. 740 531 |
| vs | NOTICE OF TAKING DEPOSITION |
| TIMOTHY OLIVER STOEN | SUBPENA DUCES TECUM |

TO ALL PARTIES: PATRICK S. HALLINAN, ESQ.,
345 FRANKLIN STREET
SAN FRANCISCO, CA

PLEASE TAKE NOTICE THAT THE depositions of Custodians of Records of: RE: TIMOTHY O. (OLIVER) STOEN.; TORONTO DOMINION BANK CANADA, ATTN: OPERATIONS OFFICER, ~~BANK OF AMERICA, ATTN: OPERATIONS OFFICER, 666 CALIFORNIA STREET, S.F., CA 94104~~ BANK OF AMERICA, ATTN: OPERATIONS OFFICER, 1301 MARKET STREET, S.F. CA., BARCLAYS BANK OF CALIFORNIA, ATTN: OPERATIONS OFFICER BANK OF NOVA SCOTIA, ATTN: OPERATIONS OFFICER, CHARTERED BANK OF LONDON, ATTN: OPERATIONS OFFICER, (SEE OVER will be taken on behalf of defendant, _____

at 10:00 o'clock A.M. on THURSDAY the 9 day of NOVEMBER 1978 before a Notary Public, for the City and County of San Francisco, State of California, at the offices of GAGAN & McDANIELS, 9 First Street, Room 208, San Francisco, California; said deposition will continue from said date and time over Sundays and legal holidays until completed.

DATED this 19 day of OCTOBER 1978

By _____
Attorney at Law

Exhibit A (Page 1 of 3)

BB-31-b-147

( RE: TIMOTHY O. (OLIVER) STOEN, EVERY DETAIL, EVERY ENTRY, EVERY TRANSACTION, EVERY DEPOSIT AND EVERY DISBURSEMENT RELATING TO THIS INDIVIDUAL, EITHER IN HIS OWN NAME OR AS TRUSTEE), SUTRO & CO., INC., ATTN: ARTHUR LENHARDT, VICE PRESIDENT, DEAN WITTER REYNOLDS, INC., ATTN: SALLY KRAFT, MARGIN DEPARTMENT, ( RE: TIMOTHY O.(OLIVER) STOEN; COMPLETE AND ENTIRE RECORDS RELATING TO ALL TRANSACTIONS, STOCKS BOUGHT AND SOLD, ANY INSTRUCTIONS THEREIN AND THE DATES).



88-31-6-148

CHARLES R. GARRY, ESQ.,
GARRY, DREYFUS, McTERNAN,
BROTSKY, HERNDON & PESONEN,
1256 MARKET STREET
SAN FRANCISCO, CA 94102
TEL,: 864-3131

ATTORNEY FOR PLAINTIFF

NO APPEARANCE NECESSARY, RECORDS ONLY
IF YOU DESIRE COPIES CONTACT
GAGAN & McDANIELS, 9 FIRST ST.
SAN FRANCISCO (PHONE 982-4766)

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE CITY & COUNTY OF SAN FRANCISCO

| | |
|---|---|
| PEOPLES TEMPLE OF THE DISCIPLES OF CHRIST, a nonprofit corporation et al. | No. 740 531 |
| vs | NOTICE OF TAKING DEPOSITION |
| TIMOTHY OLIVER STOEN | SUBPENA DUCES TECUM |

TO ALL PARTIES: PATRICK S. HALLINAN, ESQ.,
345 FRANKLIN STREET
SAN FRANCISCO, CA

PLEASE TAKE NOTICE THAT THE depositions of Custodians of Records of: RE: TIMOTHY O. (OLIVER) STOEN
BANK OF AMERICA, INTERNATIONAL DIVISION,
ATTN: MR. MICHAEL LEDGERWOOD, 345 MONTGOMERY STREET, S.F. CA 94104 ( ANY AND ALL RECORDS RELATING TO TRANSACTIONS OF AND/OR WITH TIMOTHY O. (OLIVER) STOEN, INDIVIDUALLY AND/OR AS TRUSTEE, INCLUDING ALL CORRESPONDENCE.

will be taken on behalf of defendant, _____

at 10:00 o'clock A.M. on FRIDAY the 10 day of NOVEMBER 19 78 before a Notary Public, for the City and County of San Francisco, State of California, at the offices of GAGAN & McDANIELS, 9 First Street, Room 208, San Francisco, California; said deposition will continue from said date and time over Sundays and legal holidays until completed.

DATED this 20 day of OCTOBER 1978.

By _____
Attorney at Law

88-31-6-149

PROOF OF SERVICE BY MAIL

I am a citizen of the United States; my business address is 345 Franklin Street, San Francisco 94102. I am employed in the City and County of San Francisco, where this mailing occurs; I am over the age of eighteen years and not a party to the within cause. I served the within NOTICE OF MOTION FOR PROTECTIVE ORDER, MEMORANDUM OF POINTS AND AUTHORITIES, SUPPORTING DECLARATION OF DEFENDANT, AND ORDER SHORTENING TIME FOR SERVICE on the following person on the date set forth below, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Post Office mail box at San Francisco, California, addressed as follows:

Charles R. Garry, Esq.
Garry, Dreyfus, McTernan, Brotsky, Herndon & Pesoner
1256 Market Street
San Francisco, CA 94102

I certify and declare under penalty of perjury that the foregoing is true and correct. Executed on November 1, 1978, at San Francisco, California.

/s/ PAULA E. SMITH



BB- 31-6-150

PATRICK SARSFIELD HALLINAN
Hallinan & Blum
345 Franklin Street
San Francisco, California 94102

Telephone: (415) 861-1151

Attorney for Defendant

FILED
NOV-1 1978
CARL M. OLSEN, Clerk
M. P. ANABU
Deputy Clerk

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO

| | |
|---|---|
| PEOPLES TEMPLE OF THE DISCIPLES OF CHRIST, a nonprofit corporation, JEAN BROWN, and JAMES McELVANE,<br><br>Plaintiffs,<br><br>v.<br><br>TIMOTHY OLIVER STOEN,<br><br>Defendant. | No. 740531<br><br>DECLARATION OF DEFENDANT IN SUPPORT OF MOTION UNDER CCP § 2019 (b) (1) FOR PROTECTIVE ORDER THAT DEPOSITION NOT BE TAKEN<br><br>Date: November 7, 1978<br>Time: 9:30 A.M.<br>Department: 9 Law and Motion |

I, Timothy Oliver Stoen, declare:

1. I am the defendant in this action. I object to depositions scheduled by PEOPLES TEMPLE for November 9 and 10, 1978, being taken.

2. I believe the purpose of plaintiff in taking said depositions is not legitimate but rather to annoy, embarrass, and oppress. I believe the real purposes of PEOPLES TEMPLE are as follows:

a. to discover the names of my clients and other individuals who have had financial dealings with me for the purpose of intimida-

BB-31-6-151

ting them into terminating further contact with me; and

b. to engage in a "fishing expedition" for the purpose of acquiring information to be utilized, and falsely characterized, in a totally separate lawsuit it has already publicly announced, wherein it will allege (falsely) that I was an agent of the FBI and CIA while a member of PEOPLES TEMPLE.

3. In support of the aforesaid conclusions, I submit the following evidence:

a. PEOPLES TEMPLE is not seeking information about my current financial condition only but also past financial transactions.

b. PEOPLES TEMPLE has employed no discovery on questions of liability.

c. PEOPLES TEMPLE knows that while I was a member thereof, my wife and I gave them our house and that for seven years I gave them my salary beyond my immediate needs. I hereby declare that my current net worth is less than zero. I own no real property. My automobile is a 1969 Toyota for which I paid $675.00. I owe $15,000.00 to The First National Bank of Colorado Springs for a December 1977 loan taken out to finance my efforts to regain custody of my son from PEOPLES TEMPLE.

d. Since publicly declaring my opposition to PEOPLES TEMPLE, I have been subjected to numerous acts of harrassment designed to create ill will between myself and others. I believe these acts were committed by members of PEOPLES TEMPLE pursuant to a strategy of "divide and conquer". For example, in May 1978 a San Francisco newspaper reporter called me to inquire as to whether I was using his



BB. 31-b-152

name as supporting the sending of armed mercenaries to Guyana. He said he had received both anonymous letters and letters from PEOPLES TEMPLE members accusing me of using that reporter's name as being in support of such a scheme. I assured the reporter I had never used his name in that way.

e. Employees of certain Congressional offices in Washington, D.C. have informed me that they received letters discrediting me shortly after PEOPLES TEMPLE learned their particular offices may be helping me.

f. In May 1978 members of PEOPLES TEMPLE were ordered to write to governmental agencies protesting alleged harrassment. In an effort to discredit my standing with such agencies, PEOPLES TEMPLE leaders ordered their members to accuse me of various crimes and immoral acts, all of which were false. For example, attached as Exhibit A is an instruction issued to PEOPLES TEMPLE members for a letter to be sent to the State Franchise Tax Board accusing me of being a "terrorist."

g. Also in May 1978, an extremely scurrilous open letter dated May 15, 1978 was sent to newspapers, television and radio stations, and governmental agencies throughout the United States. In an effort to create ill will between journalists and myself, this letter falsely stated that "Timothy Stoen * * * Threatened to kill by poison a journalist who embarrassed him in the media." A copy of the relevant portions of that open letter is attached as Exhibit B.

h. On October 3, 1978, PEOPLES TEMPLE held a news conference at their San Francisco headquarters wherein their newly-acquired



BB-31-6-153

conspiracy-hunter Mark Lane made a number of ridiculous charges and threatened to file on behalf of PEOPLES TEMPLE a "multi-million-dollar suit" against the FBI, CIA, Department of State, etc. One of his associates, Donald Freed, apparently stated that I acted as the conduit to launder money through a foreign country "to finance the anti-Jones campaign." Attached as Exhibit C is an article from the San Francisco Examiner dated October 4, 1978 reporting said news conference. Attached as Exhibit D is an article from the San Francisco Progress dated October 4, 1978 reporting the same conference. PEOPLES TEMPLE is extremely skilled in constructing false theories from minor pieces of information so as to divert public attention from its questionable practices. I believe that PEOPLES TEMPLE wishes to learn everything possible about my financial history so as to construct a totally false theory to be publicized, by lawsuit and otherwise, in an effort to divert public attention from the charges made by me and others to the effect that PEOPLES TEMPLE is operating a concentration camp in Guyana, South America.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 31, 1978, at San Francisco, California.

Timothy Oliver Stoen

Timothy Oliver Stoen

BB-31-6-154

Mr. Martin Huff, Executive Officer
State Franchise Tax Board
Sacramento, CA. 95867

Dear Mr. Huff,

The recent problems caused for the Peoples Temple church with the Tax Board is only the latest example of merciless harassment on the part of people with terrorist backgrounds and is financed by unethical means. Mr. Conn and Mr. Stoen, who went to the Tax Board, just threw up threats to the Disciples of Christ if they did not throw the Peoples Temple out of their ranks by May 1st. The denomination was incensed, and reported these actions immediately to the Peoples Temple.

Do not let the Tax Board take any part in hurting this remarkable church. I look to your agency to reinstate the Temple's status immediately.

Sincerely yours,

Exhibit A

BB-31-6-155

Dear Mr. [illegible],

What you publicize is your business. But a bit of information on some of the people you are using as sources to spread lies about Peoples Temple might cause you to question the credibility of those sources. Given their backgrounds and past actions, their motives for attacking an interracial, highly constructive organization are obviously not "Concern" for their relatives which they claim to have in Guyana. A recent official statement of the U.S. Department of State proves once and for all that the allegations they are making are lies. What their true motives are, no one in the media seems interested in exploring and disclosing. But it does no credit to you as journalists that you take them at face value. Consider your sources. Their credits are listed below, and there are affidavits to back up every statement.

---

Timothy Stoen:

Took $5,000 from hard-working black people to finance a trip to France, London, Washington D.C., and New York.

Threatened to kill by poison a journalist who embarrassed him in the media.

---

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

EXHIBIT B

BB-31-b-156

# People's Temple colony 'harassed'

People's Temple, its leader the Rev. Jim Jones and its Jonestown colony in Guyana are under a *heavily financed attack by the U.S.* intelligence establishment, Mark Lane charged here.

Lane, a Washington lawyer, educator and author whose works include "Rush To Judgment," a book on the John Kennedy assassination, is a director of Citizens *Commission Inquiry* and was invited by its local chapter to look into temple affairs.

He appeared at a news conference at the temple here yesterday after a trip to Guyana.

Attacks on the colony, both in Guyana and in Congress, have been financed with large sums of money "laundered through banks in neutral countries," and there is evidence of "a concerted effort by the U.S. intelligence establishment to destroy Jonestown," Lane said.

Included in the effort was a trans-jungle trek by a party of 20 men armed with rocket launchers and small arms, Lane said. He declined to name the leader of the group, whom he characterized as an employee of Interpol, the international police coordinating agency.

He said the leader gave him a full statement because "he said he felt misused." The group had been sent to fire on the colony's generator building, darkening the compound, after cutting their way through the supposed barbed wire and minefields around the compound. After darkening the area, Lane said, they had planned to "free the children" from the supposed evil influences of the colony.

When they discovered there were no minefields nor barbed wire, Lane said, they contented themselves with sniping at the compound for six days. Lane related that the patrol leader told him he was amazed to be invited to visit the colony and stayed there several days.

"He told me he was satisfied that the 'concentration camp' charges against Jonestown were false and that he thought he had been misused," Lane said.

Lane declined to name the agent, but hinted that he might be named after the filing of a multi-million-dollar suit against the government, which Lane said could be expected "within 90 days."

The suit will charge, he said, that a host *of federal agencies* are doing all they can — much of it illegally — to scuttle the Jonestown colony.

To be named as defendants, he said, are the FBI, CIA, Department of State, Internal Revenue Service, Treasury Department, Postal Service and *virtually everybody* but the Coast and Geodetic Survey.

The motive for the alleged government conspiracy, he said, is that the colony of 1,200 American expatriates is an embarrassment to the government because of its success.

Examiner

MARK LANE
Accuses U.S. agencies

As to charges that people once in the colony are not free to leave, he said that the U.S. Embassy staff has on several occasions sent a car to the colony and offered anyone who wanted one a free ride to the airport and a free flight home.

On the other hand, at another point in his dissertation, he said there are no roads to the colony but that transportation is available by boat or a complicated series of train trips or flights.

Lane was backed up by four persons who had recently returned from the colony, and by Jones wife, Marceline, also recently returned.

Mrs. Jones said that her husband had remained in Guyana because of the advice of his attorneys and because his presence is needed there.

Exhibit C

BB-31-b-157

# Attorney claims King killer is known

By E. Cahill Maloney

Attorney Mark Lane, leading proponent of the theory that conspiracy was behind the assassinations of former President John Kennedy and Rev. Martin Luther King, claims the House Select Committee on Assassinations now knows who killed Rev. King.

Lane, who appeared at a press conference called by People's Temple, 1895 Geary St., yesterday, alleged the committee "has absolute proof" that the assassin was not his client, James Earl Ray.

He said he expects the congressional committee to release new information about the King case in November.

Should the committee fail to do so, Lane said he himself would reveal the names of the individuals involved in the King assassination at that time.

Lane was in San Francisco to announce that he has added People's Temple and its leader Rev. Jim Jones to his list of conspiracy victims.

Jones, a former Housing Authority commissioner, left the City a year and a half ago when charges by former temple members involving phony cancer cures, bizarre temple rituals and unusual property acquisitions surfaced in the press.

He fled to a remote jungle outpost in the interior of Guyana, South America where he and 1,200 of his followers have set up a temple agricultural mission. The mission has been described as an armed camp which prohibits freedom of movement and communication by former assistant district attorney Timothy Stoen and other relatives of mission residents.

Lane said a personal investigation conducted by him and other members of the Citizens Committee of Inquiry, an independent organization set up in the wake of the Kennedy assassination, has convinced him that none of the charges against the temple mission are true.

Donald Freed, a researcher for the Committee on Inquiry, said the Jonestown study was an offshoot of ongoing investigation into the Central Intelligence Agency's presence in Latin America, specifically Jamaica and Guyana.

He said he had evidence to show that several hundred dollars "laundered through a neighboring neutral country" helped finance a campaign of harassment against the People's Temple mission in Jonestown, Guyana.

"American intelligence organizations have played a major part in the effort to destroy Jones and Jonestown," Lane alleged.

Donald Freed, a researcher for the Committee on Inquiry, said the Jonestown study was an offshoot of an ongoing investigation into the Central Intelligence Agency's presence in Latin America, specifically Jamaica and Guyana.

That presence dates back to the early sixties, Freed said.

Lane's conclusion that Jones is the butt of a government conspiracy is based on documentation of intervention in Jonestown affairs by a spate of government agencies, including the Post Office Department, which refused to forward social security checks to the mission, the State Department, the Federal Bureau of Investigation the Treasury Department, and petitions by 57 congressmen.

Lane said a man who identified himself as an Interpol agent confirmed he had led an armed attack on the colony last year for the ostensible purpose of freeing the children.

Freed told The Progress Stoen acted as the conduit for money used to finance the anti-Jones campaign.

The only members of

(Continued on Page 4)

Progress CITY NORTH

Wednesday, Friday and Sunday 15 Cents Wednesday, October 4, 1978

Exhibit D (Page 1 of 2)

BB-31-6-158

The San Francisco

Vol. 59, No. 118 Published

# King

(Continued from Page 1)

the conspiracy actually named by Lane are relatives of mission residents, who have personal gripes against Jones and the temple.

Lane admitted that charges against the temple made by former members may not have been part of a government conspiracy when they were first raised, but he claimed that by now some of the relatives are being used as ploys in conspiracy roles.

Lane called the Jonestown mission a remarkable community where one-time welfare recipients, drug addicts, alcoholics and prostitutes and people from the ghettoes "who were being crushed by society" are living in fulfillment and freedom.

According to Lane, the existence of such a community "is a great embarrassment for some people in the United States."

Exhibit D (Page 2 of 2)

BB-31-6-159

PATRICK SARSFIELD HALLINAN
Hallinan & Blum

345 Franklin Street
San Francisco, California 94102

Telephone: (415) 861-1151

Attorney for Defendant

FILED
NOV-1 1978
CARL M. OLSEN, Clerk
L. P. ANABU

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO

PEOPLES TEMPLE OF THE DISCIPLES OF CHRIST, a nonprofit corporation, JEAN BROWN, and JAMES McELVANE,

Plaintiffs,

v.

TIMOTHY OLIVER STOEN,

Defendant.

No. 740531

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION FOR PROTECTIVE ORDER THAT DEPOSITION NOT BE TAKEN

Date: November 7, 1978
Time: 9:30 A.M.
Department: 9 Law and Motion

Defendant submits the following points and authorities in support of his motion for a protective order that the deposition scheduled for November 9 and 10 not be taken and for reasonable expenses and attorney's fees. Alternatively, defendant seeks a protective order that the scope of examination of the deposition be limited to current balances in the name of defendant, and for reasonable expenses and attorney's fees.

I. ON A SHOWING OF GOOD CAUSE, THE COURT MAY MAKE AN DISCOVERY ORDER THAT JUSTICE REQUIRES TO PROTECT THE MOVING PARTY FROM ANNOY-

BB-31-6-160

ANCE, EMBARRASSMENT, OR OPPRESSION.

A. Code of Civil Procedure, Section 2019 (b)(1):

"Upon motion seasonably made by any party or by the person to be examined or notified to produce books, documents, or other things and upon notice, or upon the court's own motion and after giving counsel an opportunity to be heard, and in either case for good cause shown, the court in which the action is pending may make an order that the deposition not be taken,..., or that certain matters shall not be inquired into, or that the scope of the examination shall be limited to certain matters, books, documents, or other things,...; or the court may make any other order which justice requires to protect the party or witness from annoyance, embarrassment, or oppression. In granting or refusing such order the court may impose upon either party or upon the witness the requirement to pay such costs and expenses, including attorney's fees, as the court may deem reasonable."

II. DISCOVERY IS RESTRICTED TO INFORMATION WHICH IS RELEVANT TO THE SUBJECT MATTER INVOLVED IN THE PENDING ACTION.

A. Code of Civil Procedure, Section 2016 (b):

"Unless otherwise ordered by the court..., the deponent may be examined regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action,... It is not ground for objection that the testimony will be inadmissible at the trial if the testimony sought appears reasonably calculated to lead to the discovery of admissible evidence."

B. The concept of subject matter relevancy is not unlimited. Discovery may be denied as being irrelevant if the information sought is so remote from the subject matter of the action that its disclosure would be of little or no practical benefit to the party seeking it. Ryan v. Superior Court (1960) 186 CA2d 813, 9 CR 147, quoted with approval in Columbia Broadcasting Sys., Inc. v. Superior Court



BB-31-b-161

(1968) 263 CA2d 12, 69 CR 348. Unless one of the issues in a lawsuit requires apportionment of income or deposits (which is not the situation in the instant case), the only financial records which are relevant are those which show current "financial condition and assets", and this would be solely on the issue of punitive damages. See Doak v. Superior Court (1968) 257 CA2d 825, 65 CR 193.

III. A PROTECTIVE ORDER SHOULD ISSUE AGAINST THE PEOPLES TEMPLE DEPOSITION BECAUSE THE INFORMATION SOUGHT FAR EXCEEDS CURRENT FINANCIAL CONDITION AND THE TIMING SHOWS ITS PURPOSE SOLELY IS TO ANNOY, EMBARRASS, AND OPPRESS.

A. It is apparent from the face of plaintiff's Notice of Deposition that it seeks private financial information far beyond current financial condition. The November 9 Notice is addressed to the Custodian of Records of five separate banks and asks for the following information from each:

> "Every detail, every entry, every transaction, every deposit and every disbursement relating to this individual [Timothy O. Stoen], either in his own name or as trustee * * * ; complete and entire records relating to all transactions, stocks bought and sold, any instructions therein and the dates."

The November 10 Notice asks for "all correspondence."

There is absolutely no justification for the aforesaid requests. They are designed to oppress defendant into taking the trouble and expense of preparing and filing a protective order. Past deposits and disbursements, instructions for stock purchases, correspondence--what possible relevance is such information as to defendant's finan-



BB-31-6-162

cial condition and ability to respond to punitive damages? There is none whatever.

Furthermore, defendant respectfully contends that even asset information is irrelevant at this point. The court's attention is called to all of the pleadings of plaintiff in this action, which suggest that the whole proceeding is shamful and oppressive. Given the discretion granted to a trial court by CCP § 2019 (b)(1), fairness requires that information which invades a defendant's financial privacy should be divulgable only after the deposing party has complete in good faith its discovery on issues of liability. The ulterior motives of Peoples Temple is suggested by the fact this is the very first deposition they have sought.

The declaration of defendant attached hereto indicates that the real purpose of Peoples Temple in seeking entries of past financial transactions is to learn the names of people defendant has been dealing with so that threats and other types of pressure can be applied to them in getting defendant to withdraw from the cases he has filed against Peoples Temple. Defendant's declaration shows his belief in a second oppressive purpose, i.e., for Peoples Temple to gain information for a totally separate lawsuit which it has publicly announced it plans to file against defendant, falsely alleging he was an agent of the FBI and CIA while a member of Peoples Temple.

B. FOR THE AFORESAID REASONS, Defendant respectfully requests the following protective order from the Court:

1. That the deposition of the persons named in the Notices of Deposition for November 9 and 10 not be taken; and



BB-31-6-163

2. That defendant be awarded reasonable costs and attorney's fees incurred in this proceeding.

Alternatively, defendant respectfully requests that the following protective order be issued:

1. That the scope of examination of the depositions be limited to existing balances in the name of defendant, and that the date of taking such depositions be continued until such time as plaintiff files a notice that it has completed all discovery on questions of liability; and

2. That defendant be awarded reasonable costs and attorney's fees incurred in this proceeding.

DATED: October 31, 1978.

Respectfully submitted,

PATRICK SARSFIELD HALLINAN
Attorney for Defendant



BB-31-6-164

CHARLES R. GARRY
GARRY, DREYFUS, McTERNAN, BROTSKY,
HERNDON & PESONEN, INC.
1256 MARKET STREET AT CIVIC CENTER
SAN FRANCISCO, CALIFORNIA 94102
TEL: 864-3121

Attorneys for Plaintiffs

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO

| | |
|---|---|
| PEOPLES TEMPLE OF THE DISCIPLES OF CHRIST, a nonprofit corporation, JEAN BROWN, and JAMES McELVANE,<br><br>Plaintiffs,<br><br>vs.<br><br>TIMOTHY OLIVER STOEN,<br><br>Defendant. | NO. 740 531<br><br>DECLARATION AND PLAINTIFFS' MEMORANDUM OF POINTS AND AUTHORITIES IN OPPOSITION TO DEFENDANT'S MOTION FOR PROTECTIVE ORDER<br>Date: Nov. 7, 1978<br>Time: 9:30 A.M.<br>Dept.: Law and Motion (9) |

COME NOW plaintiffs through their undersigned counsel and submit the within Points and Authorities in Opposition to Defendant's motion under CCP § 2019(b)(1) for Protective Order, seeking to quash certain noticed depositions of the Custodian of Records of financial institutions in the City of San Francisco, and seeking sanctions.

The gist of this action turns on the acts of defendant, an attorney, in exploiting his prior confidential relationship with plaintiff for personal gain.

The records sought will demonstrate (1) that defendant



BB- 31-6-165

enjoyed the confidence and trust of plaintiffs to the extent that defendant was entrusted with the most intimate and vulnerable aspects of plaintiffs' financial affairs while defendant was acting as counsel for plaintiffs and (2) that even before the events alleged in the complaint had occurred, defendant abused his position of trust and confidence for his personal gain.

The evidence sought by the noticed depositions is thus relevant and likely to lead to relevant evidence.

It is relevant directly to the issue of defendant's unlawful intentions respecting his future exploitation of his position of trust and confidence.

The records sought to be obtained may also lead to the discovery of relevant evidence in that any deposition of defendant Stoen can not be properly prepared without the records sought in the noticed depositions which are subject to this motion.

This latter purpose also disposes of defendant's suggestion that the court control the order of discovery and force plaintiffs to await completion of discovery on the liability case before seeking these records. The records are essential to plaintiffs' proper preparation of the case on liability.

There's no question that evidence of prior acts is admissible to show a subsequent intention. Evidence Code § 1101(b) 1104, 1105; People v. Alcalde, 24 C.2d 177, 185 (1944), Scott v. Times-Mirror Co., 181 Cal. 345 (1919), Wright v. Rogers, 172 C.A.2d 349, 363 (1959), State Rubbish Collectors Assoc. v. Siliznoff, 38 C.2d 330, 339 (1952).

GARRY, DREYFUS, McTERNAN, BROTSKY, HERNDON & PESONEN, INC.
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BG-31-6-166

Code of Civil Procedure § 2019(b)(1), under which defendant brings the instant motion, requires that whether the motion be made by the party, the deponent, or the court itself, in each case the motion may only be granted "for good cause shown."

The accompanying Declaration of Charles R. Garry, establishes that the depositions which are subject to the motion are brought in good faith for the purpose of properly preparing the instant case, and not for collateral purposes. Defendant has made no showing of good case and presented nothing except intemperate speculation respecting the plaintiffs' motives. Such matter, verging on the contumnacious, can not support the drastic relief defendant now seeks.

Dated: November 2, 1978

Respectfully submitted,

GARRY, DREYFUS, McTERNAN, BROTSKY,
HERNDON & PESONEN, INC.

By Charles R Garry
CHARLES R. GARRY
Attorney for Plaintiffs

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DECLARATION OF CHARLES R. GARRY
IN OPPOSITION TO DEFENDANT'S MOTION FOR
PROTECTIVE ORDER

I, CHARLES R. GARRY, declare:

I am an attorney at law duly admitted and licensed to practice before all courts of this state and I have my professional office at 1256 Market Street, San Francisco, CA.

I am one of the attorneys of record for plaintiffs in the above-entitled matter.

I am informed by my clients that for a number of years before the events alleged in the within complaint, defendant Timothy Oliver Stoen was entrusted with substantial funds belonging to plaintiffs for the purpose of investment and security. Upon information and belief substantial sums so entrusted to defendant remain unaccounted for.

It is my good faith belief that the records sought under the noticed depositions of the Custodians of Records of the Toronto Dominion Bank of Canada, the Bank of America (1301 Market Street office), Barclays Bank of California, the Bank of Nova Scotia, the Chartered Bank of London, and the Bank of America, International Division; will reveal evidence of a prior scheme, plan and intention by defendant Stoen to abuse his position of trust and confidence with plaintiffs to his own personal gain.

Further, upon receipt of the records sought in said depositions, I intend to notice the deposition of defendant Stoen.

I can not properly prepare for such a deposition without

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the records sought to be suppressed by the present motion.

Executed on November 2, 1978 at San Francisco, California

I declare under penalty of perjury that the foregoing is true and correct.

Dated: November 3, 1978

By Charles R Garry
CHARLES R. GARRY
Attorney for Plaintiffs

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DECLARATION OF PERSONAL SERVICE (CCP § 415.10)

I, LOUISE HARDY, under penalty of perjury, hereby declare that I am and was on the dates herein mentioned, a citizen of the United States, over the age of eighteen years, and not a party to this action; that I caused the within Declaration and Plaintiffs' Memorandum of Points and Authorities in Opposition to Defendant's Motion for Protective Order on the following person(s) on the date and at the address set forth below.

Patrick Sarsfield Hallinan
Hallinan & Blum
345 Franklin Street
San Francisco, CA. 94102

Executed on November 3, 1978, at San Francisco, California.

By Louise Hardy
LOUISE HARDY

GARRY, DREYFUS, McTERNAN, BROTSKY, HERNDON & PESONEN, INC.
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TEL 863 3131



BB- 31-b-170

NO. _____

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION _____

JAMES WARREN JONES, also known as JIM JONES; PEOPLES TEMPLE OF THE DISCIPLES OF CHRIST, a non-profit corporation; ENOLA M. NELSON; HUGH FORTSYN; and JAMES MC ELVANE,

Petitioners,

v.

THE SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE COUNTY OF LOS ANGELES,

Respondent,

[WADE B. MEDLOCK and MABEL M. MEDLOCK,

Real Parties In Interest.]

# PETITION FOR WRIT OF MANDATE AND MEMORANDUM OF POINTS AND AUTHORITIES

Motion to Vacate the Judgment of the Superior Court of the State of California in and for the City and County of Los Angeles

CHARLES R. GARRY

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San Francisco, CA. 94102

Telephone: (415) 864-3131

Attorneys for Petitioners

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BB. 31-6-171

NO._____

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION_____

JAMES WARREN JONES, also known as JIM JONES; PEOPLES TEMPLE OF THE DISCIPLES OF CHRIST, a non-profit corporation; ENOLA M. NELSON; HUGH FORTSYN; and JAMES MC ELVANE,

Petitioners,

vs.

THE SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE COUNTY OF LOS ANGELES,

Respondent,

[WADE B. MEDLOCK and MABEL M. MEDLOCK,

Real Parties In Interest.]

PETITION FOR WRIT OF MANDATE
AND
MEMORANDUM OF POINTS AND AUTHORITIES

The Petitioners petition this Court for a Writ of Mandate directed to the Respondent Superior Court In and For The County of Los Angeles, and by this petition allege:

1. Beneficial Interest of Petitioners

The Petitioners are defendants in a cause which was commenced in the Superior Court of the State of California in and for the County of Los Angeles entitled WADE B. MEDLOCK and



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MABEL M. MEDLOCK, husband and wife v. JAMES WARREN JONES, also known as JIM JONES; PEOPLES TEMPLE OF THE DISCIPLES OF CHRIST, a nonprofit corporation; ENOLA M. NELSON; ENOLA M. NELSON REALTY; HUGH FORTSYN; JAMES MC ELVANE, and FIRST DOE through FIFTIETH DOE, inclusive, (Los Angeles County Superior Court No. C24-3292); and seek relief from the Respondent Superior Court's order dismissing the Petitioners' motion for change of venue.

2. Capacity of Respondent

The Respondent is and has at all times mentioned herein been a Superior Court of the State of California and was the forum in which the Petitioners moved for a change of venue in the aforesaid action No. C24-3292, WADE B. MEDLOCK and MABEL M. MEDLOCK v. JAMES WARREN JONES and Others.

3. Beneficial Interest of the Real Parties In Interest

The Real Parties In Interest are and have at all material times been the Plaintiffs in the aforesaid action No. C24-3292, WADE B. MEDLOCK and MABEL M. MEDLOCK v. JAMES WARREN JONES and Others.

4. Statement of Facts

On September 1, 1978 Petitioners filed a motion in the Respondent Superior Court for a change of place of trial of the aforesaid action No. C24-3292 entitled WADE B. MEDLOCK and MABEL M. MEDLOCK v. JAMES WARREN JONES and Others on the grounds that, pursuant to the provisions of the California Code of Civil Procedure relating to the place of trial of civil actions, the Respondent Superior Court in and for the County of Los Angeles

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was an improper court for the trial of the said action, and the Superior Court of the State of California In and For the County of San Francisco was and is a proper court. (Exhibit "A".)

On October 6, 1978 the Petitioners' said motion was heard and dismissed by the Honorable Jess Whitehill, Judge Pro tem in Department 88A of the Respondent Court. Notice of the Respondent Court's order dismissing the Petitioners' motion was received by the Petitioners on October 20, 1978.

5. Basis for Relief: By virtue of the provisions of the California Code of Civil Procedure relating to place of trial of civil actions and the facts made known to the Respondent Court by the Petitioners in their said motion for change of venue, the Respondent Court erroneously determined that the Superior Court In and For The County of Los Angeles is a proper forum for the trial of the said action No. C24-3292.

Respondent Court has a clear and present judicial duty to order that the place of trial of the said action No. C24-3292 be changed from the Superior Court In and For the County of Los Angeles to the Superior Court In and For The County of San Francisco by reason of §§ 395, 397, and 398 of the California Code of Civil Procedure.

6. The Petitioners have performed all conditions precedent to the filing of this petition by moving for a change of venue in the Respondent Court on October 6, 1978, which motion was dismissed as aforesaid.

7. This petition is made to this Honorable Court in the first



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instance rather than to the Superior Court of the State of California, County of Los Angeles, for the following reason, namely, that pursuant to § 400 of the California Code of Civil Procedure the appropriate and sole method of obtaining relief from the Respondent Court's order denying their motion for change of venue is by way of a petition to the Court of Appeal for the district in which the Respondent Court is situated for a Writ of Mandate requiring trial of the case in the proper court.

WHEREFORE, the Petitioners pray that:

1. An alternative Writ of Mandate issue under the seal of this Honorable Court commanding the Respondent Superior Court In and For The County of Los Angeles, its officers, agents, and all other persons acting on its behalf or through its orders to vacate its said order of October 6, 1978 dismissing the Petitioners' motion for change of venue and to order that the trial of the said action No. C24-3292 between the Real Parties In Interest herein as Plaintiffs and the Petitioners herein as Defendants be transferred to the Superior Court of the State of California In and For The County of San Francisco, or to show cause before this Honorable Court at a time and place then or thereafter specified by court order, why a peremptory writ should not issue;

2. That on the return of the alternative writ and the hearing of this petition, this Honorable Court issue its peremptory writ of mandate commanding the Respondent Superior Court, its officers, agents and all other persons acting on its behalf or through its orders to vacate its said order of October 6, 1978 and



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to order that the trial of the said action No. C-24-3292 be transferred to the Superior Court of the State of California In and For The County of San Francisco;

3. For such other and further relief as this Honorable Court deems just and proper.

Dated: October 27, 1978

GARRY, DREYFUS, McTERNAN, BROTSKY, HERNDON & PESONEN, INC.

By Charles R Garry
CHARLES R. GARRY
Attorney for Petitioners

NEIL ROSENBAUM
Barrister of Gray's Inn
Attorney of New York and
Pennsylvania Bars



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## MEMORANDUM OF POINTS AND AUTHORITIES

### STATEMENT OF FACTS

On or about June 7, 1978 the Real Parties in Interest to this petition filed a complaint in the Superior Court of the State of California in and for the County of Los Angeles against, inter alia, the Petitioners.

The said complaint alleges three causes of action. The first cause of action is an alleged conversion by the Petitioners and and an additional defendant, namely, Enola M. Nelson Realty, of property owned by the Real Parties in Interest. The second and third causes of action are alleged conspiracies by the Petitioners, with the exceptions of Enola M. Nelson and Hugh Fortsyn (in the third cause of action) intentionally to inflict emotional distress and mental suffering on the Real Parties in Interest.

On September 1, 1978 the Petitioners filed a Notice of Motion for Change of Venue in the Respondent Court. Filed with the said Notice of Motion were: (1) a Memorandum of Points and Authorities in Support of Motion for Change of Venue; (2) a Declaration of Merits and Residence in Support of Motion by James McElvane; and (3) a Declaration of Merits and Residence in Support of Motion by June Crym, Treasurer of the Peoples Temple of the Desciples of Christ (hereinafter referred to as the "Peoples Temple"). James McElvane's said Declaration was filed in the Respondent Court on September 26, 1978.

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On or about October 1, 1978 the Real Parties in Interest filed "Plaintiffs' Points and Authorities in Opposition to Motion for Change of Venue."

At about 9:00 a.m. on October 6, 1978 the Respondent Court, The Honorable Jess Whitehill presiding, dismissed the Petitioners' said Motion in the absence of counsel for the Petitioners. (Counsel's absence was due solely to an unanticipated and uncontrollable delay in air transport connections between San Francisco and Los Angeles.)

Upon his appearance before the Respondent Court, Petitioners' counsel was informed by the Learned Judge that the said motion had been dismissed on two grounds, namely, (1) that the Petitioners had made no showing that Enola M. Nelson Realty was not a resident of Los Angeles County at the time the action was commenced, and (2) that James McElvane did not state that he was a resident of San Francisco at the time the complaint was filed.

Petitioners' counsel made an oral motion to vacate the Respondent Court's ruling on the ground that, by reason of the matters aforesaid, he had had no opportunity for oral argument in support of the said motion for change of venue. Counsel invited the Respondent Court's attention to James McElvane's said amended Declaration of Merits wherein McElvane stated that at the time the action was commenced he was not a resident of Los Angeles County.

Petitioners' Counsel further invited the Respondent Court's attention to 5.10162 of the California Business and Professions



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Code and contended that, pursuant to the provisions of that section, the situs of the Defendant party Enola M. Nelson Realty was, on the facts before the Respondent Court, not Los Angeles County, but Guyana.

The Respondent Court denied Petitioners' Counsel's motion to vacate its ruling, and augmented its reasons for so ruling as follows: (1) that James McElvane's declaration that, inter alia, Enola M. Nelson resided in Guyana was inadmissible hearsay; and (2) that James McElvane was "involved" with Enola M. Nelson Realty at the time of the alleged conversion.

The proceedings were not reported.

## ARGUMENT

THE PETITIONERS DISCHARGED THEIR BURDEN OF SHOWING THAT THE ACTION BROUGHT AGAINST THEM BY THE REAL PARTIES IN INTEREST WAS NOT PROPERLY TRIABLE IN LOS ANGELES COUNTY.

1. In the action brought against the Petitioners the Real Parties in Interest, joined as Defendants four (4) identified individuals (viz., James Warren Jones, High Fortsyn, Enola M. Nelson, and James McElvane), one corporation (People's Temple) and one party alleged in paragraph V.C of the Plaintiffs' Points and Authorities in Opposition to Motion for Change of Venue to constitute an unincorporated association for purposes of determining venue.

2. The county in which the Defendants or some of them reside at the commencement of the action is the proper county for the trial of the action: California Code of Civil Procedure, §395.



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Where a corporation is joined as defendant in an action, the county in which the corporation has its principal place of business is also a proper county for the trial of the action: California Code of Civil Procedure, § 395.5.

A similar rule applies to an unincorporated association, if it has filed a statement designating its principal office pursuant to Corporations Code § 24003: Ibid., §395.2.

In relation to corporations and unincorporated associations the California Code of Civil Procedure §395.5 further provides that an action may properly be tried in the county in which tort liability arises.

However, when a plaintiff brings an action against several defendants, both individual and corporate (or an unincorporated association), in a county which is neither the residence nor the principal place of business of any defendant, an individual has a right upon proper showing to a change of venue to the county of his residence, even though venue as initially laid may otherwise be justifiable on the ground that liability in tort is alleged to have arisen there: Mosby v. Superior Court, 43 Cal.App. 3d 219, 117 Cal. Rptr. 588.

Consequently where Plaintiffs sue both individual defendants and a corporation and/or an unincorporated association, venue is restricted to (a) counties in which the individual defendants are resident, (b) counties in which the corporate defendant has its principal place of business, and (c) the county in which the unincorporated association has its principle place of business,



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provided such association comes within the terms of § 395.2 of the Code of Civil Procedure.

3. The First Cause of Action.

The first cause of action in the said complaint alleges liability for conversion against individual defendants, a corporation, and a party alleged to constitute an unincorporated association. By reason of the matters aforesaid, the action may properly be tried in Los Angeles County only if that County was, at the time the said action was commenced, the residence of at least one of the individual defendants or the principal place of business of the People's Temple, or the principal place of business of Enola M. Nelson Realty, if, as a matter of law, Enola M. Nelson Realty constituted an unincorporated association for purposes of determing venue.

4. Residence of Individual Defendants at Commencement of Action.

None of the four said individual defendants was, at the material time, a resident of Los Angeles County.

On September 18, 1978 Petitioner James McElvane declared under penalty of perjury and as a matter of his own knowledge that at the time the said action was commenced James Warren Jones, Enola M. Nelson and Hugh Fortsyn were not residents of Los Angeles County. McElvane's Declaration was filed in the Respondent Court on September 26, 1978 and was before the Learned Judge at the hearing of the Petitioners' motion for change of venue.

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The Respondent Court expressly omitted to take the said Declaration into account in deciding the Petitioners' Motion on the erroneous ground that McElvane's said declaration as to the residence of Jones, Nelson and Fortsyn was inadmissible hearsay. The Learned Judge gave no reasons for excluding the said declaration as inadmissible hearsay.

By statute, an affidavit or declaration under penalty of perjury may be used upon a motion: C.C.P. § 2009.

In respect of a motion for a change of venue,

> "There is no statutory requirement of an affidavit of residence. [But] C.C.P. 3966 provides that the court may order a change of venue if, 'upon the hearing,' it 'appears' that the action was brought in the wrong county. Perhaps the defendant may make his entire showing by oral testimony or exhibits. But the practice is to file an affidavit or affidavits showing that the moving defendant is a resident of the County to which transer is sought, or is not a resident of the County in which the suit is brought." Witkin, California Procedure, (2d Ed.) Vol. 2, § 539, p. 1359.

Accordingly, if the Respondent Court based its ruling that McElvane's said declaration was inadmissible hearsay on the ground that residence or non-residence cannot properly be proved by affidavit (or declaration), then, for the foregoing reasons, the Respondent Court's ruling was in error.

Further or alternatively, if the Respondent Court based its ruling on the ground that James McElvane declaration was inadmissible hearsay insofar as it related to defendants other than heimself, then the Respondent Court was again in error.

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The Supreme Court of California has held that "one defendant in a personal action may make an affidavit as to the residence of all the defendants for their benefit on a motion for change of place of trial of the action; and such an affidavit is sufficient where it states that the residence of all the defendants was at the time of the commencement of the action and ever since has been in the county to which it is sought to move the action, even though the affidavit does not contain the negative averment that the defendants do not reside in the county where the action was brought." Stone v. Stone, 203 Cal. 197.

Moreover, "An affidavit showing that all defendants were residents of a particular county is prima facie proof of that fact in the absence of any denial or contrary proof." Fielder v. Superior Court of Shasta County, 213 Cal.App.2d 60.

The Real Parties in Interest have not at any time denied that Petitioners James Warren Jones, Hugh Fortsyn, and Enola M. Nelson were not residents of Los Angeles County at the time this action was commenced.

The Petitioners concede that the Real Parties in Interest, in Paragraph VI of their "Points and Authorities in Opposition to Motion for Change of Venue," deny that Petitioner James McElvane was not resident of Los Angeles County at the material time, notwithstanding his said declaration to the contrary; but, to the Petitioners' knowledge and belief, the Real Parties in Interest have made no more than a bare denieal, and at no time did they adduce before the Respondent Court any evidence to substantiate



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their bare assertion that at the material time James McElvane was, in fact, a resident of Los Angeles County. No counter-affidavits were filed by the Real Parties in Interest; nor, despite their assertion that "at the hearing herein [they] will present proof" that McElvane was a resident of Los Angeles County, and the Real Parties in Interest present such proof. Alternatively, if such proof was presented to the Respondent Court at the hearing of the Petitioners' motion, the record of the Respondent Court, as known to the Petitioners, is silent about it, and it was, in any event, presented in the absence of the Petitioners' counsel. Accordingly, the Petitioners were denied any opportunity to deal with such alleged proof.

By reason of the matters and authorities aforesaid, the Petitioners respectfully submit that the burden of showing non-residence in Los Angeles County of each of the four said individual Defendants to this action was duly and sufficiently discharged at the time the Petitioners' motion for change of venue was heard by the Respondent Court, and that the Respondent Court therefore erred in its ruling as to the residence(s) of Petitioners Jones, Fortsyn, Nelson and McElvane at the commencement of this action.

In the Petitioners' respectful submission, the Respondent Court erred if, insofar as it denied the Petitioners' Motion for Change of Venue on the ground of residence in Los Angeles County of any of the said individual Defendants.

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5. Principal Place of Business of People's Temple at Commencement of Action.

If, at the acommencement of the said action, the principal place of business of The People's Temple (a non-profit corporation) had been Los Angeles County, then pursuant to 5.395.5 of the California Code of Civil Procedure, that county would be a proper place for the trial of the action.

At all material times, however, the principal place of business of The People's Temple was San Francisco County. Proof of this fact was filed by the Petitioners in the Respondent Court on September 1, 1978 in the form of a Declaration under Penalty of Perjury executed on August 28, 1978 by June Crym, Treasurer of the People's Temple.

To the Petitioners' knowlege and belief, the Real Parties in Interest did not dispute this fact at the hearing of the said motion. The Dismissal of the Petitioners' motion appears not to have been based upon the principal of business of The People's Temple.

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6. The Status for Venue Purposes of Enola M. Nelson Realty.

(a) If, at the material time, Enola M. Nelson Realty had been a corporation with its principal place of business in Los Angeles County, then Los Angeles County would be a proper place for the trial of this action: California Code of Civil Procedure, Sec. 395.5.

Enola M. Nelson Realty was not, however, a corporation at the time of commencement of this action or at any time. The Real Parties in Interest have not disputed that fact. Accordingly venue in Los Angeles County cannot validly be based on Sec. 395.5 of the said Code.

(b) If, at the time of commencement of this action, Enola M. Nelson Realty had been an unincorporated association which had "filed a statement with the Secretary of State pursuant to Section 24003 of the Corporations Code listing its principal office in this state," then the county in which Enola M. Nelson Realty had its principal office would be a proper place for trial of the action: California Code of Civil Procedure, Sec. 395.2.

For purposes of this Petition, the Petitioners concede that the principal office of Enola M. Nelson Realty was situated in Los Angeles County. Nevertheless:

> "Section 395.2 does not apply unless the association ... has filed a statement designating its principal office in this State (in accordance with the) procedure for filing such a statement (as) prescribed by Corporations Code, Sec. 24003." 14 West's Annotated California Codes, Code of Civil Procedure Sec. 395.2, p. 329.



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In the absence of such a statement an unincorporated association is not recognized as a jural entity for purposes of determining venue and may therefore be sued only in those counties where the plaintiff can sue the individual members of the association: Juneau Spruce Corp. v. Int'l. Longshoremen's Union, 37 Cal.2d 760, 235 P.2d 607 (1951).

Therefore, even if contrary to the Petitioners' contention, Enola M. Nelson Realty were an unincorporated association between Petitioners and McElvane within the meaning of Sec. 395.2 of the Code of Civil Procedure, by reason of the matters set out in this paragraph and in paragraph 4 hereinabove (relating to the residences of Enola M. Nelson and James McElvane), Enola M. Nelson Realty could not properly be sued in Los Angeles County, since no evidence has ever been produced, nor any suggestion ever made, by the Real Parties in Interest that a statement designating principal office in California was filed on behalf or in respect of Enola M. Nelson Realty prior to the commencement of this action.

Accordingly, even if, contrary to the Petitioners' contention, Enola M. Nelson Realty were an unincorporated association within the meaning of Sec. 395.2, venue in Los Angeles County would be improper.

(c) Further or in the alternative, "Enola M. Nelson Realty" is not an association at all, but merely a trade name under which Petitioner Enola M. Nelson conducts the real estate



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brokerage business of which she is the sole proprietor and in which she is the sole participant.

Paragraph 4 of the complaint of the Real Parties in Interest alleges no more than that Petitioner McElvane was at the material time a licensed real estate salesman doing business for, inter alia, Enola M. Nelson Realty. In Paragraph V of their Memorandum of Points and Authorities in Opposition to Motion for Change of Venue the Real Parties in Interest contend that their allegations in said paragraph 4 are sufficient to establish that Enola M. Nelson Realty "is an organization of two or more persons (i.e. Enola M. Nelson and James McElvane) and an association within the meaning of Section 395.5 of the Code of Civil Procedure."

In the Petitioners' respectful submission, the said allegations are insufficient for such purposes. Even if, which has not been admitted by the Petitioners, James McElvane was "doing business as a salesman for ... Enola M. Nelson Realty" at the material time, that fact would not bring Enola M. Nelson Realty within the ambit of the terms "unincorporated association" or "organization" as those terms have been construed by the Appellate Courts of this state.

The Supreme Court of California has held that the usual meaning of the term "association" is

> "an unincorporated organization, composed of a body of men partaking in its general form and mode of procedure of the characteristics of a corporation." In re Irwin's Estate, 327 P. 1074, 196 C. 366.



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The Court of Appeal subsequently applied the abovesaid definition and noted that the term "association" "is often used as synonymous with 'company' or 'society.'" Law v. Crist, 107 P.2d 953, 41 C.A.2d 862.

The Petitioners submit that, even assuming the allegations made in said paragraph 4 of the said complaint to be true, the Respondent court could not reasonably have concluded as a matter of legal construction that Enola M. Nelson Realty was an unincorporated association at the material time.

The Respondent Court must, however, have assumed or concluded that Enola M. Nelson Realty was an unincorporated association (or a corporation) in order to have dismissed the Petitioners' motion on the ground, inter alia, that the defendants made no showing that Enola M. Nelson Realty was not a resident of Los Angeles County at the time the action was commenced.

By reason of the matters aforesaid, the Respondent Court erred in its ruling that venue in Los Angeles County was proper by virtue of the location in Los Angeles of Enola M. Nelson Realty's brokerage office.

7. The Petitioners respectfully submit that with regard to the first cause of action the Respondent Court could not reasonably have found any ground for deciding that Los Angeles County was a proper place of trial since:

(a) The Petitioners adduced sufficient admissible evidence which established that none of the four named individual



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Defendants was a resident of Los Angeles County at the material time;

(b) The Real Parties in Interest did not dispute the fact that at the material time the principal place of business of the People's Temple was San Francisco County; and

(c) Enola M. Nelson Realty was either not an unincorporated association at all, or, if it was an unincorporated association, it was not at the material time a jural entity for purposes of determining venue within the ambit of Sec. 395.2 of the Code of Civil Procedure.

In the premises, the Respondent Court erred in its ruling on the Petitioners' motion.

8. The Second and Third Causes of Action.

The second and third causes of action in the said complaint allege liability for intentional infliction of emotional distress and mental suffering against the People's Temple and Petitioners Jones, McElvane and Fortsyn.

Petitioner Enola M. Nelson and Enola M. Nelson Realty are expressly excluded as defendant parties to the second and third causes of action. No allegations are made against Petitioner Fortsyn in respect of the third cause of action.

9. Venue with Respect to the Second and Third Causes of Action.

Pursuant to Sections 395 and 395.5 of the Code of Civil Procedure, the said second cause of action can properly be tried in Los Angeles County only if at least one of the Petitioners



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Jones, Fortsyn and McElvane was resident there when the action was commenced, or if the principal place of business of the People's Temple was in Los Angeles County at that time.

The said third cause of action can properly be tried in Los Angeles County only if, at the material time, either Petitioner Jones or McElvane resided there, or the People's Temple had its principal place of business in that county.

(a) The Petitioners repeat the matters and authorities set out in paragraph 4 hereinabove.

By reason of those matters and authorities, the Petitioners submit that they duly and sufficiently discharged their burden of establishing that at the time the said action was commenced neither James Warren Jones, nor Hugh Fortsyn, nor James McElvane was a resident of Los Angeles County. The Respondent Court therefore erred in ruling that the residence(s) of the said Petitioners were not shown to have been other than Los Angeles County at that time and that for that reason the Petitioners' motion for change of venue with regard to the second and third causes of action must be denied.

(b) The Petitioners repeat the matters set out in paragraph 5 hereinabove. The Petitioners properly and sufficiently established at the hearing in the Respondent Court that the principal place of business of the People's Temple was San Francisco County at all material times.

In the premises, neither the second nor the third causes of action can properly be tried in Los Angeles County. The



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Petitioners are therefore entitled to a change of venue in respect of those causes of action.

10. Joinder of Transitory Actions.

The instant action by the Real Parties in Interest against the Petitioners is one in which three (3) transitory counts or claims for transitory relief are joined. If, in such cases, defendants are entitled to a change of venue to a residence county in respect of any one count or cause of action, then a motion to change venue as to the entire action will lie even though the defendants may not be entitled to such change in respect of other counts:

> "When several causes of actions are alleged in a complaint, a motion for change of venue must be granted on all causes if defendant is entitled to a change on any one." Quick v. Corsaro, 180 C.A.2d 831, 835; Johnson v. Superior Court, 232 C.A.2d 212,217.

> "... if in (an action joining several transitory counts) the non-residence county in which the action was commenced is improper venue with respect to one of the counts, even though good as to the rest, the entire action will be transferred on motion to the county of a defendant's residence..." Chadbourn, Grassman, & Van Alstyne, 1 California Pleading, S. 386, p. 349, citing Pacific Bal. Industries v. Northern Timber, 118 C.A.2d 815, 259 P.2d 465; Crofts and Anderson v. Johnson, 101 C.A.2d 418, 225 P.2d 594; Goosen v. Clifton, 75 C.A.2d 44, 170 P.2d 104.

11. Since the Petitioners were entitled, by reason of the matters set out in paragraph 9 hereinabove, to a change of venue with respect to the second and third causes of action in the said complaint, they were equally entitled to a change of



BB- 31-6-192

venue with respect to the entire action against them. The Petitioners respectfully submit that this is so entirely apart from the matters set out in paragraph 3 through 7, inclusive hereinabove.

For these reasons, in addition to those set out in paragraphs 3 through 7 hereinabove, the Respondent Court's denial of the Petitioners' motion for a change of venue was in error.

## CONCLUSION

For the foregoing reasons, the Petitioners respectfully urge this Honorable Court to grant a writ of mandate requiring the Respondent Court to order that the trial of the instant action be trasferred from Los Angeles County to San Francisco County.

DATED: October 27, 1978

Respectfully submitted,

CHARLES R. GARRY
GARRY, DREYFUS, McTERNAN, BROTSKY, HERNDON & PESONEN, INC.

By Charles R Garry
CHARLES R. GARRY
Attorneys for Petitioners

NEIL ROSENBAUM
Barrister of Gray's Inn
Attorney of New York and Pennsylvania Bars.



BB- 31-b- 193

PROOF OF SERVICE BY MAIL---1013(a),2015.5 C.C.P.

I am a citizen of the United States; my business address is 1256 Market Street at Civic Center, San Francisco 94102. I am employed in the City and County of San Francisco, where this mailing occurs; I am over the age of eighteen years and not a party to the within cause. I served the within

Petition for Writ of Mandate and
Memorandum of Points and Authorities

on the following person(s) on the date set forth below, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Post Office mail box at San Francisco, California, addressed as follows:

Timothy Oliver Stoen
120 Montgomery Street
Suite 1700
San Francisco, CA. 94104

Clerk of the Superior Court
of Los Angeles County
P. O. Box 151
Los Angeles, CA. 90053

I certify or declare under penalty of perjury that the foregoing is true and correct. Executed on October 27, 1978 at San Francisco, California.

Signature

BG-31-6-194

ORIGINAL FILED
SEP 1 1978
COUNTY CLERK

CHARLES R. GARRY
GARRY, DREYFUS, McTERNAN, BROTSKY,
HERNDON & PESONEN, INC.
1256 MARKET STREET AT CIVIC CENTER
SAN FRANCISCO, CALIFORNIA 94102
TEL: 864-3131

Attorneys for Defendants
People's Temple of the Disciples
of Christ, a nonprofit corporation,
and James McElvane

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF LOS ANGELES

| | |
|---|---|
| WADE B. MEDLOCK AND MABEL M. MEDLOCK, husband and wife,<br><br>Plaintiffs,<br><br>vs.<br><br>JAMES WARREN JONES, also known as JIM JONES; PEOPLES TEMPLE OF THE DISCIPLES OF CHRIST, a nonprofit corporation; ENOLA M. NELSON; ENOLA M. NELSON REALTY; HUGH FORTSYN; JAMES McELVANE; AND FIRST DOE through FIFTIETH DOE, inclusive,<br><br>Defendants. | NO. C243292<br><br>NOTICE OF MOTION FOR CHANGE OF VENUE [CCP § 397(1)]<br><br>Dept: Law and Motion<br>Time: 9:00 A.M.<br>Date: October 6, 1978 |

TO EACH PARTY AND TO THE ATTORNEY OF RECORD FOR EACH PARTY:

YOU AND EACH OF YOU WILL PLEASE TAKE NOTICE THAT on October 6, 1978, at the hour of 9:00 A.M., or as soon thereafter as the matter may be heard, in the Law and Motion Department of the above-entitled Court, at 111 N. Hill Street, Los Angeles, California, defendant James McElvane will move for an order changing the place of trial of this action to the Superior Court

BB-31-b-195



EXHIBIT "A"

ORIGINAL FILED
SEP 1 1978
COUNTY CLERK

of the State of California in and for the City and County of San Francisco.

Said motion will be based on this notice of motion, the attached declarations under penalty of perjury of June Crym and James McElvane, the attached memorandum of points and authorities, such supplemental affidavits, declarations and memoranda of points and authorities as may be filed subsequently herein, and such oral and documentary evidence as may be presented at the hearing of this motion.

Dated: August 28, 1978

GARRY, DREYFUS, McTERNAN, BROTSKY, HERNDON & PESONEN, INC.

By Charles R. Garry
CHARLES R. GARRY
Attorney for Defendants



BB- 31-6-196

ORIGINAL FILED
SEP 1 1978
COUNTY CLERK

CHARLES R. GARRY
GARRY, DREYFUS, McTERNAN, BROTSKY,
HERNDON & PESONEN, INC.
1256 MARKET STREET AT CIVIC CENTER
SAN FRANCISCO, CALIFORNIA 94102
TEL: 864-3131

Attorneys for Defendants
People's Temple of the Disciples
of Christ, a nonprofit corporation,
and James McElvane

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF LOS ANGELES

WADE B. MEDLOCK AND MABEL M. MEDLOCK, husband and wife,

Plaintiffs,

vs.

JAMES WARREN JONES, also known as JIM JONES; PEOPLES TEMPLE OF THE DISCIPLES OF CHRIST, a nonprofit corporation; ENOLA M. NELSON; ENOLA M. NELSON REALTY; HUGH FORTSYN; JAMES McELVANE; AND FIRST DOE through FIFTIETH DOE, inclusive,

Defendants.

NO. C243292

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION FOR CHANGE OF VENUE
Department: Law & Motion
Time: 9:00 A.M.
Date: October 6, 1978

I. WHEN A PLAINTIFF BRINGS A TORT ACTION AGAINST SEVERAL DEFENDANTS, BOTH INDIVIDUAL AND CORPORATE, IN A COUNTY WHICH IS NEITHER THE RESIDENCE NOR THE PRINCIPAL PLACE OF BUSINESS OF ANY DEFENDANT, NOR A COUNTY IN WHICH INJURY TO PERSON OR PROPERTY OCCURRED, AN INDIVIDUAL DEFENDANT HAS A RIGHT TO A CHANGE OF VENUE, EVEN THOUGH VENUE AS INITIALLY LAID MAY OTHERWISE BE JUSTIFIABLE IN AN ACTION AGAINST THE CORPORATION.

Griffin & Skelly Co. v. Magnolia & Healdsburg Fruit Cannery Co., 107 Cal. 378 (1895)

Carruth v. Superior Court, 80 C.A.3d 215, 220 (1978)



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ORIGINAL FILED
SEP 1 1978
COUNTY CLERK

Mosby v. Superior Court, 43 C.A.3d 219, 226 (1974)

CCP § 395.

II. UNDER THE CIRCUMSTANCES OUTLINED IN SECTION I ABOVE, AN INDIVIDUAL DEFENDANT IS ENTITLED TO A CHANGE OF VENUE TO THE PRINCIPAL PLACE OF BUSINESS OF THE CORPORATE DEFENDANT.

United Pac. Ins. Co. v. Superior Court, 254 C.A.2d 897, 899 (1967)

Walker v. Wells Fargo Bank & Union Trust Co., 24 C.A.2d 220, 222-223 (1937)

CCP § 395.

III. DEFENDANT McELVANE IS ENTITLED TO A CHANGE OF VENUE TO THE CITY AND COUNTY OF SAN FRANCISCO BECAUSE NONE OF THE DEFENDANTS ARE RESIDENTS OF LOS ANGELES AND NO INJURY TO PERSON OR PERSONAL PROPERTY WITHIN THE MEANING OF CCP § 395 OCCURRED WITHIN THAT COUNTY, AND BECAUSE SAN FRANCISCO IS THE PRINCIPAL PLACE OF BUSINESS OF PEOPLE'S TEMPLE OF THE DISCIPLES OF CHRIST AND THE COUNTY OF RESIDENCE OF JAMES McELVANE.

The complaint in the above-entitled action contains one cause of action for conversion and two for infliction of emotional distress. None of these causes of action are for injury to person or personal property within the meaning of CCP § 395.

The words "injury to person or property" as used in CCP § 395 are limited to physical or corporeal injury. California courts have frequently held that conversion is not the sort of injury encompassed by that phrase.

Spangenberg v. Spangenberg, 123 C.A. 387, 391 (1932)

Haurat v. Superior Court, 241 C.A.2d 330 (1966)

Thus, the first cause of action is not one for injury to person or personal property within the meaning of CCP § 395.

Similarly, the courts have held that a cause of action for infliction of emotional distress is not a cause of action for



BB-31-b-198

ORIGINAL FILED
SEP 1 1978
COUNTY CLERK

injury to person. This is true even where the complaint alleges some physical injury.

Lucas v. Lucas Ranching Co., 18 C.A.2d 453 (1937)

The Court explained the rationale for this rule as follows:

> ...the inspiration for the language we are considering was the 'situation brought about by the increasing use of motor vehicles.' In motor vehicle accidents, as in other cases where physical injury is directly caused by what has happened, the injury occurs at the place where the happening occurs, and there is logic in having that place a proper one for the trial. In an action such as plaintiff's, however, the place where the injury occurs is not the locale of the events which, ultimately, cause the injury. She is injured not at the site of the events, but, brooding over the wrongs done her, at the place or places where worry and loss of sleep finally take their toll. No reason appears why an injury which has no definite situs should be given potency in determining the place of trial.

Id. at 456, quoted in Carruth, supra., at 219-220.

Thus, plaintiffs' allegations of emotional and physical distress and injury in mind and body as a result of defendants' actions are insufficient to bring the second and third causes of action within the "injury to person or personal property" requirement of CCP § 395.

Since none of the causes of action are for injury to person or personal property, the action must be tried in the county of residence or principal place of business of one of the defendants.

Griffin & Skilly Co., supra.; CCP § 395(a).

But none of the defendants resides in the County of Los Angeles. See Declarations of Crym and McElvane. Therefore, defendant



BB-31-b-199

McElvane's motion for change of venue to San Francisco, his residence and the principal place of business of defendant People's Temple, must be granted.

In this case none of the causes of action is triable in Los Angeles County. But it should be noted that defendant's motion would have to be granted even if he was entitled to a change of venue for only one of these causes.

Johnson v. Superior Court, 232 C.A.2d 212 (1965)

Sanborn v. Pomona Pump Co., 131 C.A. 241 (1933).

CONCLUSION

For all of the reasons stated above, defendant's motion for change of venue must be granted.

Dated: August 28, 1978

Respectfully submitted,

GARRY, DREYFUS, McTERNAN, BROTSKY, HERNDON & PESONEN, INC.

By Charles R. Garry
CHARLES R. GARRY
Attorney for Defendants



BB-31-6-200

Bank of Montreal
(California)
555 CALIFORNIA STREET
SAN FRANCISCO, CALIF. 94104

C 36529

Dec 16, 19 77 11-3 / 1210

PAY TO THE ORDER OF Apostolic Corporation $ ***0.92***

BK. OF MONTREAL (CALIFORNIA) 0 AND 92 CTS DOLLARS

CASHIER'S CHECK
SAVINGS QUARTERLY INTEREST

AUTHORIZED SIGNATURE

⑈036529⑈ ⑆1210-0003⑆ 01 200 500⑈ 10

Bank of Montreal
(California)
555 CALIFORNIA STREET
SAN FRANCISCO, CALIF. 94104

C 35977

September 30, 19 77 11-3 / 1210

PAY TO THE ORDER OF ----------APOSTOLIC CORPORATION---------- $ ***30.78**

BK. OF MONTREAL (CALIFORNIA) 30 AND 78 CTS DOLLARS

CASHIER'S CHECK

AUTHORIZED SIGNATURE

⑈035977⑈ ⑆1210-0003⑆ 01 200 500⑈ 10

I.C.# 660-152
DAY AND NIGHT OFFICE

Bank of America
NATIONAL TRUST & SAVINGS ASSOCIATION
SAN FRANCISCO, CALIFORNIA

No. 0066 93036

11-35/1210

Date July 13, 1977

PAY TO THE ORDER OF ****** APOSTOLIC CORPORATION ********** $146.50*******

Bank of America 146dol's 50cts DOLLARS

CASHIER'S CHECK

ASST. CASHIER - MANAGER

⑈093036⑈ ⑆1210-0035⑆ 00669-85100⑈

BB- 31-6-201

QUARTERLY INT. ON SAVINGS
ACCT. NO 002003-0

Bank of Montreal
(California)
555 CALIFORNIA STREET
SAN FRANCISCO, CALIF. 94104

C 38388

September 29 1978 11-3/1210

PAY TO THE ORDER OF *******APOSTOLIC CORPORATION********** $0.92***

BK. OF MONTREAL (CALIFORNIA) C AND 92 CTS DOLLARS

CASHIER'S CHECK

AUTHORIZED SIGNATURE

COUNTERSIGNED

⑈038388⑈ ⑆1210⑉0003⑆ 01 200 500⑈ 10

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TREASURY
FISCAL SERVICE
DIVISION OF DISBURSEMENT

BIRMINGHAM, ALABAMA

Check No. 95,892,132
SYMBOL 3498

United States Treasury 15-51/000

PAY TO THE ORDER OF APOSTOLIC CORPORATION
PO BOX 15156
SAN FRANCISCO CA 94115

| BTH | DAY | YR |
|---|---|---|
| 03 | 28 | 78 |

12/76

| DOLLARS | CTS |
|---|---|
| $***178 | 35 |

942333410 F-1120 REF
FRESNO 94

DO NOT FOLD, SPINDLE OR MUTILATE
KNOW YOUR ENDORSER - REQUIRE IDENTIFICATION

⑈34980⑈ ⑆0000⑉0051⑆ 958921326⑈

---

STATE OF CALIFORNIA
SACRAMENTO

WARRANT NUMBER
05327372

90-1342/1211

THE TREASURER OF THE STATE WILL PAY OUT OF THE

| FUND NO. | FUND NAME | MO | DAY | YR |
|---|---|---|---|---|
| 084 | BANK AND CORPORATION TAX | 05 | 31 | 78 |

TO APOSTOLIC CORP

| DOLLARS | CENTS |
|---|---|
| $*****240 | 95 |

IDENTIFICATION NO.

FORM CS-88 (5-78) CONTROLLERS WARRANT

⑆1211⑉1342⑆ 053273727⑈

BB- 31-b-202

STATE OF CALIFORNIA
FRANCHISE TAX BOARD
SACRAMENTO, CALIFORNIA 95857
(800) 852 7050

764C1L40 AC5**

APOSTOLIC CORPORATION
P. O. Box 15156
San Francisco, CA 94115

726:LN:dw
NOTICE OF ACTION ON
CANCELLATION, CREDIT, OR REFUND

DATE 05 31 78
CLAIM NUMBER
DATE OF CLAIM
AMOUNT CLAIMED $
INCOME YEAR ENDED 01 31 77
STATUTE

Refund is due to a duplicate collection of the amount due for income year ended 06 76.

| Serial No. | Date | PREVIOUSLY ASSESSED Tax/Fee | Prof. Tax | Penalty | Interest | Payments |
|---|---|---|---|---|---|---|
| 206626 | 08 15 77 | $ | $ | $ | $ 5.63 | $ 280.83 |
| Pen Pmt | 09 02 77 | | | 14.04 | | |
| 255577 | 09 29 77 | | | | 0.12 | 243.93 |

| | | | | | |
|---|---|---|---|---|---|
| Total | $ | $ | $ 14.04 | $ 5.75 | $ 524.76 |
| Revised liability | $ 280.83 | $ | $ 14.04 | $ 5.75 | $ 300.62 |
| Cancellation | $ 0.00 | $ | $ 0.00 | $ 0.00 | |
| Overpayment | | | | | $ 224.14 |
| Interest allowed | | | | | $ 16.81 |
| Total amount due taxpayer | | | | | $ 240.95 |
| Amount credited against liability due: | | | | | |
| | | | | $ | |
| | | | | $ | |
| | | | | $ | $ 0.00 |
| Amount to be refunded | | | | | $ 240.95 |

YOUR RETURN REMAINS SUBJECT TO AUDIT.

The amount to be credited or refunded is being recommended for approval as required by the Revenue and Taxation Code. When and if approved a warrant will be drawn and forwarded to you from the office of the State Controller for the amount subject to refund.

An appeal may be filed with the State Board of Equalization. See reverse side for appeal procedure.

FTB 5848 (6-74)

BB- 31-6-203

Internal Revenue
Service Center

P.O. BOX 12586
FRESNO, CA. 93778

05 942333410 02 7612 670 7739

APOSTOLIC CORPORATION
PO BOX 15156
SAN FRANCISCO, CA 94115

161

Date of This Notice
OCT. 10, 1977 9401

Employer Identification Number
94-2333410 05

Document Locator Number
94310-235-40000-7

If you inquire about your account, please refer to these numbers or attach this notice

Form Number 1120
Tax Period Ended DEC. 31, 1976

Balance Is Due By
OCT. 20, 1977

CORPORATION INCOME TAX

**Request for Payment**

The statement at the right shows that a payment is due on your account. Please make the payment by the due date shown above.

If our statement does not agree with your records, the information on the back of this notice will tell you what to do.

If we included any penalty or interest charges, an explanation will be found on the back. (Code numbers in the box at lower right will guide you to the explanations which apply.)

Make your check or money order payable to Internal Revenue Service for the adjusted balance due. Please show your employer identification number on your payment and mail it with this notice in the envelope enclosed for your convenience.

Thank you for your cooperation.

• PLEASE ATTACH CHECK OR MONEY ORDER HERE.

**Tax Statement**

| | | |
|---|---|---|
| Total Tax on Return | $ | 624.07 |
| Total Credits | | 624.07- |
| Plus Penalty* | | 159.14 |
| Plus Interest* | | 18.44 |
| Balance Due IRS → | $ | 177.58 |

Subtract Payments We Haven't Included _____

Pay Adjusted Balance Due _____ $ _____

PENALTIES: 01...$156.02 07.....$3.12

*See these code numbers on the back for an explanation of penalty or interest charges.

01-07-09

FORM 4102 (Part 1) (Rev. 8-76)

N STUB
10 05
1998

VERIFICATION STUB
#94-2333410 05
No. 0271 41998
Date February 1, 1978
AMOUNT $ 177.58
CASHIER'S CHECK
DRAWN ON
Fillmore-Post Office
Bank of America
SIGNED BY

FILLMORE-POST OFFICE
Bank of America
NATIONAL TRUST & ASSOCIATION
SAN FRANCISCO, CALIFORNIA

No. 0271 41998

DATE February 1, 1978 11-94 / 1210

INTERNAL REVENUE SERVICE 177.58

Bank of America 177 dols 58 cts DOLLARS

10 05

CASHIER'S CHECK

Nadine Hogan
ASST. CASHIER

998 1210 0094 02711 85100

BB- 31-6-204

STATE OF CALIFORNIA
FRANCHISE TAX BOARD
SACRAMENTO CA 95857

# NOTICE OF BALANCE DUE

Date: 09/09/77

Income Year Ended: 06/30/76

APOSTOLIC CORPORATION

Corporate No.: 7640140 AC5**

P O BX 15156
SN FRANCISCO CA 94115

Balance Due: $223.52

YOU HAVE AN UNPAID LIABILITY FOR THE INCOME YEAR ENDED 06/30/76. YOU SHOULD RESOLVE THIS MATTER NOW BY PROMPT PAYMENT. PLEASE CONTACT US IF YOU HAVE ANY QUESTIONS. THE BALANCE DUE IS AS FOLLOWS.

SUMMARY OF BALANCE DUE

| TRANSACTION DESCRIPTION | TRANS. DATE | CHARGES | CREDITS | BALANCE |
|---|---|---|---|---|
| SUPPLMT TAX | 08/18/77 | $200.00 | | $200.00 |
| | | | INTEREST TO DATE | $23.52 |
| | | | PAY THIS AMOUNT | $223.52 |

ADDITIONAL INTEREST ACCRUES AT $.0657 A DAY FROM THE DATE OF THIS NOTICE

VERIFICATION STUB

No. 0271 41523

DATE [illegible]

AMOUNT $ **223.52***

CASHIER'S CHECK
DRAWN ON
Fillmore-Post Office

Bank of America

FRANCHISE TAX BOARD

Corp#7640140 AC5

SIGNED BY

FTB 1-67 (REV.)

50

d be made payable to the Franchise Tax Board. Please return one copy of this notice with your
e. The annual interest rate is 12%.
EVERSE SIDE FOR EXPLANATION OF TRANSACTION DESCRIPTION

BB-31-6-205

STATE OF CALIFORNIA
FRANCHISE TAX BOARD
SACRAMENTO CA 95857

# NOTICE OF BALANCE DUE

Date: 10/21/77

Income Year Ended: 06/30/76

APOSTOLIC CORPORATION

Corporate No.: 7640140 AC5**

P O BX 15156
SN FRANCISCO CA 94115

Balance Due: $226.28

OUR PREVIOUS NOTICE REQUESTED PAYMENT OF THE LIABILITY FOR THE INCOME YEAR ENDED 06/30/76. FULL PAYMENT HAS NOT BEEN RECEIVED. WE URGE YOU TO PAY THE FOLLOWING BALANCE DUE PROMPTLY TO AVOID FURTHER ACTION.

SUMMARY OF BALANCE DUE

| TRANSACTION DESCRIPTION | TRANS. DATE | CHARGES | CREDITS | BALANCE |
|---|---|---|---|---|
| SUPPLMT TAX | 08/18/77 | $200.00 | | $200.00 |
| | | | INTEREST TO DATE | $26.28 |
| | | | PAY THIS AMOUNT | $226.28 |

ADDITIONAL INTEREST ACCRUES AT $.0657 A DAY FROM THE DATE OF THIS NOTICE

TAXPAYER SERVICE
TELEPHONE (800) 852-7050

Checks and money orders should be made payable to the Franchise Tax Board. Please return one copy of this notice with your payment in the enclosed envelope. The annual interest rate is 12%.

SEE REVERSE SIDE FOR EXPLANATION OF TRANSACTION DESCRIPTION

FTB 5947-M (5-77)

BB-31-b-206

STATE OF CALIFORNIA
FRANCHISE TAX BOARD
SACRAMENTO, CALIFORNIA 95867

October 13, 1977

In reply refer to
342:RTF:JJ:mh

Apostolic Corporation
P. O. Box 15156
San Francisco, CA 94115

Corporate Number 7640140

Enclosed is a tax clearance certificate valid to December 15, 1977. A copy has been forwarded to the Office of the Secretary of State today.

An inquiry should be directed to the Office of the Secretary of State, Sacramento, CA 95814, as to the necessary action to be taken to dissolve. Such proceedings are a function of that office.

J. Jr

Tax Auditor
Tax Clearance Unit
Telephone (916) 355-0895
P. O. Box 1468
Sacramento, CA 95807

Enc.

BB-31-6-207

STARK, STEWART, SIMON & SPARROWE
ATTORNEYS AT LAW
FINANCIAL CENTER BUILDING
405 FOURTEENTH STREET
FRANKLIN AT FOURTEENTH
OAKLAND, CALIFORNIA 94612
TELEPHONE (415) 834-2200

EDGAR B. STEWART
FRANKLIN C. STARK
CARL E. SIMON, JR.
JOHN F. WELLS
NED ROBINSON
D. DOUGLAS DAVIES
DONALD L. EDGAR
RICHARD H. RAHL
ROBERT C. FIELD
GEORGE F. DUNKER, JR.
ALFRED N. GERTHENIAN
MERRILL J. SCHWARTZ
WM. BARRY SALAMUTH
RICHARD B. BEAUCHESNE
THOMAS R. DUFFY
JANET L. EVANS
D. BARRATT IRWIN
LISE A. PEARLMAN
BERNARD N. WOLF

HERBERT L. BREED (1878-1967)
BESTOR ROBINSON (RETIRED)
STANLEY E. SPARROWE (RETIRED)
NATHAN G. GRAY
OF COUNSEL

August 18, 1977

Apostolic Corporation
c/o The People's Temple of
the Disciples of Christ
P. O. Box 15823
San Francisco, CA 94115

Attention Eugene Chaikin

Re: Apostolic Corporation Dissolution

Dear Gene:

Enclosed is an Officers' Certificate of Election to Wind Up and Dissolve for the purpose of formalizing the dissolution of Apostolic Corporation.

Please have the Secretary and President of the corporation certify that a majority of the members of the corporation presently entitled to vote has consented to the dissolution.

The decision to dissolve can be made either by a vote of the members or, if it will not be possible to gather the members for such a vote, by written consent to the dissolution.

Please return the executed certificate to this office and indicate whether or not the decision was made by vote or written consent. Please also verify that the corporation no longer has any assets. If any assets remain following payment of existing debts, they will have to be distributed in accordance with the Articles of Incorporation to either a 501(c)(3) or a 501(d) organization.

BB-31-6-208

OFFICERS' CERTIFICATE OF ELECTION TO WIND UP AND DISSOLVE
BY VOTE OR WRITTEN CONSENT OF MEMBERSHIP OF
APOSTOLIC CORPORATION

The undersigned certify that:

1. They are the President and the Secretary, respectively, of Apostolic Corporation, a California nonprofit corporation.

2. The corporation has elected to wind up and dissolve.

3. The election was made by vote or written consent of _____ members of the corporation; the total number of members entitled to vote on or consent to that election is_____.

_____
President

_____
Secretary

Each of the undersigned declares under penalty of perjury that the matters set forth in the foregoing certificate are true and correct of our own knowledge.

Executed at San Francisco, California, on August____, 1977.

_____

_____

BB-31-6-209

LAW OFFICES OF
MARSHALL R. BENTZMAN
1255 MARKET STREET
SAN FRANCISCO, CA 94103
(415) 864-2121

October 16, 1978

Franchise Tax Board
345 Larkin Street
San Francisco, California 94102

Re: Notice to Appear - Personal Income Tax Due
LE S TEMPLE
1859 Geary, San Francisco 94115
350-86-8116
1976 76025114932

Dear Sirs:

This is to confirm a telephone conversation a representative of my client, Peoples Temple of the Disciples of Christ, had with your office Friday, October 13, 1978.

My client received the attached Notice to Appear and previous Demands for Payment of personal income tax for the tax year 1976 in the amount of $4,341.97. Please note that the demands and notices received were addressed to LE and finally to LE S TEMPLE, with what appeared to be a social security number, leading to confusion on my client's part in identifying to whom the notices were directed. It was finally discovered that the social security number was actually my client's EIN number. Peoples Temple is a California nonprofit Corporation, and its 1976 Exempt Organization Annual Information Statement was filed with your office early this year. A copy is attached for your reference.

I hereby request an explanation in writing and would appreciate your correcting what appears to be a computer error in that Peoples Temple is exempt from such personal income tax. If you have any questions, please feel free to call me.

Sincerely,

MARSHALL R. BENTZMAN

jc
Enc.

BB- 31 -b- 210

FORM 199B

CALIFORNIA

INCOME YEAR 1976

# EXEMPT ORGANIZATION ANNUAL INFORMATION STATEMENT

For calendar year 1976
or fiscal year begun _____, 1976, and ended _____, 1977

Indicate address change on label.

Peoples Temple of the Disciples of Christ
P.O. Box 15023
San Francisco CA 94115

PLEASE AFFIX PREADDRESSED LABEL, PRINT OR TYPE

DO NOT USE THESE SPACES

SERIAL NO.

| CY | CA | A | CC |
|---|---|---|---|
| | | | |

CORPORATE OR ORGANIZATION NO. 5005440

FEDERAL EMPLOYER IDENTIFICATION NO. EIN 35-0868116

## COMPLETE ONLY ONE OF THE FOLLOWING APPLICABLE PARTS
(SEE INSTRUCTIONS ON REVERSE)

**PART I.** All churches, apostolic organizations and religious orders with exclusively religious activities complete this part. (See Instruction A.)

RECEIVED APR 7 1978 FRANCHISE TAX BOARD SAN FRANCISCO, CALIF.

1. Indicate the various sources of this organization's receipts by approximate percentage of each item.
   a. Contributions, gifts, or grants . . . . . 94 %
   b. Income from debt-financed property (rental, lease, dividends, interest, etc.) . . . . . 4 %
   c. Other income (describe) _____ 2 %

**PART II.** Organizations controlled by State or Public Body, check box ☐. (See Instruction A (5)).

**PART III.** Other exempt organizations with gross receipts normally $5,000 or less (if average gross receipts exceed $5,000, Form 199 must be filed) complete the following: (See Instruction A (3) and F.)
   a. Gross receipts from dues, fees and assessment of members . . . . . $_____
   b. Total gross receipts . . . . . $_____
   c. If gross receipts for this year are over $5,000 but the average for the last three years (including the current year) is not over $5,000, complete the following:
   GROSS RECEIPTS FOR: 1974 _____ 1975 _____ 1976 _____
   Average gross receipts for reporting . . . . . $_____

## TO BE COMPLETED BY ALL ORGANIZATIONS

a. Describe primary and secondary activities (attach separate sheet if needed).
   1. Principal: Religious worship and human service.
   2. Secondary: Christian Sunday School, care for the aged & retarded childre

b. If exempt under Section 23701d, have you during the year (1) attempted to influence any national, state, or local legislation or (2) participated or intervened in any political campaign? (See Instruction F for definitions).
   ☐ Yes ☒ No If "Yes," attach a detailed description of such activities and copies of any materials published in connection with such activities.

c. Check form(s) filed for current year: Federal ☐ 990 ☐ 990T ☐ 1120; State ☐ 109

d. The books are in care of ► Laetitia Leroy Telephone Number 922 6418
   Located at ► San Francisco CA

Under penalties of perjury, I declare that I have examined this statement, including accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct and complete. If prepared by a person other than taxpayer, his declaration is based on all information of which he has any knowledge.

| Date | Signature of officer | Title | State in which signed |
|---|---|---|---|
| 3/31/78 | Jane B. Brown | Assistant Secretary | California |

| Date | Signature of individual or firm preparing this statement | Address |
|---|---|---|
| | | |

MAIL STATEMENT TO FRANCHISE TAX BOARD, SACRAMENTO, CALIFORNIA 95857 31-6-211

# NOTICE TO APPEAR

Personal Income Tax Due

STATE OF CALIFORNIA
FRANCHISE TAX BOARD
345 LARKIN STREET
SAN FRANCISCO, CA 94102
TELEPHONE (800) 852-7050

LE S TEMPLE
1859 GEARY
SAN FRANCISCO CA 94115

Account Number 350-66-8116 Appointment date: 10-20-78

Tax Year(s) 1976 76025114932 03-27-78 .50

TOTAL AMOUNT DUE: $4,341.97

You are hereby directed to appear at this office between the hours of 8:00 a.m. and 4:00 p.m. on the date specified above. Taxpayers living outside California are requested to telephone the above number on the date indicated.

This appointment is made to give you an opportunity to discuss payment of your taxes. Please bring this notice with you.

You do not need to appear if full payment is sent to this office prior to the appointment date. To assure proper identification, return this notice with your payment in the enclosed self-addressed envelope.

Failure to appear or pay the total amount due will result in an order to your employer to withhold the amount due from your earnings, the issuance of a warrant to the marshal or sheriff to enforce collection, and/or other legal action.

Collection Section

**OPPORTUNITY FOR HEARING**

If immediate payment in full will create an undue hardship, the amount has been previously paid or is not due, please contact us at once.

If you write please give your full name and account number as shown hereon. Bring the form if you call at any of our offices.

FTB 4971-M (8-73)

BB-31-6-212

STATE OF CALIFORNIA
FRANCHISE TAX BOARD
SACRAMENTO 18(0)852-7050

DEMAND FOR PAYMENT OF PERSONAL INCOME TAX
FAILURE TO PAY PROMPTLY MAY RESULT IN LEVY
ON YOUR WAGES, OTHER INCOME, OR PROPERTY.

THE ASSESSMENTS SHOWN BELOW ARE UNPAID

| BILLING DATE | |
|---|---|
| 08 11 78 | |

PAY THIS AMOUNT → BALANCE DUE 4,265.40

IF YOU HAVE PAID THIS AMOUNT, COMPLETE THE INFORMATION ON REVERSE SIDE

| | TAX YEARS | TAX | PENALTY | INTEREST | ADJUSTMENTS | PRIOR PAYMENTS |
|---|---|---|---|---|---|---|
| CURRENT ASSESSMENT | | | | | | |
| PREVIOUS ASSESSMENTS | 1976 | 266200 | 133100 | 27240 | | |

LE
1859 GEARY
SAN FRANCISCO CA 94115

ACCOUNT NUMBER 350 86 8116

ADDITIONAL INTEREST OF 1.094
WILL ACCRUE DAILY IN THE ABOVE AMOUNT

THIS IS THE NOTICE AND DEMAND REQUIRED BY LAW

DETACH HERE

PLEASE RETURN ORIGINAL WITH PAYMENT PAYABLE TO FRANCHISE TAX BOARD. ENTER YOUR SOC. SEC. NO. ON YOUR CHECK OR MONEY ORDER.
FTB 5880-M (2-74)

BB-31-6-213.

STATE OF CALIFORNIA
**FRANCHISE TAX BOARD**
SACRAMENTO, CALIFORNIA 95857

*In reply refer to*

3508681164

599-0-S-034
350-86-8116
12/02/77

350868116
LE
1859 GEARY
SAN FRANCISCO CA 94115

350-86-8116

We cannot find a 1976 California personal income tax return in our files under your name, address, and social security number although information given us indicates you may be required to file. **TO HELP US CLEAR OUR RECORDS, FOLLOW THE INSTRUCTIONS UNDER A, B, OR C BELOW.** If you do not answer, we are authorized to assess tax on the basis of available information.

**A.—IF YOU HAVE FILED:**

Please complete Section A on the reverse side of this letter and return it to us.

**B.—IF YOU ARE NOT REQUIRED TO FILE:**

Please complete Section B on the reverse side of this letter and return it to us. See enclosed "Income Tax Instructions" which show filing requirements.

**C.—IF YOU ARE REQUIRED TO FILE BUT HAVE NOT FILED:**

The Personal Income Tax Law requires that every individual who has a filing requirement shall file a tax return each year. Failure to file a return may result in a 25% penalty for failure to file when due and an additional 25% penalty for failure to file after this notification. Computation of this additional penalty does not allow credit for amounts withheld or other prepayments and can be avoided by completing and returning the enclosed Form 540 for 1976 within 10 days from the date of this notice.

If California State income tax was withheld from your wages, a copy of your W-2 must be attached to your delinquent return to support any amount claimed for California State income tax withheld.

If you were not a resident for the entire year of 1976, complete the schedule on page 10 of the enclosed instructions and complete in detail the nonresident portion of Section B on the back of this form. Attach both to your Form 540.

Your payment should include:

**INTEREST** at 6% from the due date of the return (April 15, 1977) for the first year of delinquency. Interest at 12% a year for the second and subsequent delinquent years to the date of payment (second delinquent year begins April 15, 1978).

**PENALTY** for delinquent filing at 25% of the balance of tax due after deducting any credits or California State income tax withheld from your wages.

A REPLY IS REQUESTED WITHIN 10 DAYS.

FILING ENFORCEMENT
Telephone (916) 355-0370
Enc

FTB 4600-M(6-77)

RETURN THIS COPY WITH YOUR RETURN OR REPLY

BB- 31-6-214

3. The tax package on Truth Enterprises was sent over this week with Georgia; I understand tonight that the brief case is found and as this envelope should be in it; Betty prepared it with blank tax forms and xeroxes of recap sheets of expenditures andincome, etc. If anything further is needed let me know.

4. Franchise Tax Board Notice of Revocation and Forfeiture of Privileges sent to P.T. last week: Martha has probably also already written this one up, so this may be redundant. The Notice was sent supposedly because we had never filed the Forms 199B for the years 1974, 1975 and 1976, information returns. Ed left instructions that these were to be done when he went overseas, but no one here knew how to do it because we didnt know whatpercentages to put in regarding donations, properties, etc. We had taken the forms to Buddy, and he was going to file them, and he was aware of the deadline. But he didnt mention them again, and we failed to pick up on them also, and so the time passed and hedid not file them When we took the Revocation and Forfeitue notice into him, he fell back on the excuse that we had never given him figures to fill in the forms. Well, he should have had it calendared, but of course that does not excuse us from the responsibility of reminding him and being on top of the situation enough to fill out the forms before the deadline. The night we took the Notice in, we filled out the information returns in his office, comparing the previous years before 1974 to arrive at some percentages. Attached are copies ofthe informational returns. Buddy mailed them in with the attached letter, assuming all would work out. But we wanted to be sure and had Tom Adams take the forms personally to Sacramento, including a letter reserving the corporate name of Peoples Temple (which Dr. South had recommended was absolutelynecessary, whereas Buddy had not even mentioned it). Sacramento would not accept the reserve letter, and didnt give Tom any kind of receipt other than a stamp on the forms 199B. Later we had him take in duplicates to the San Francisco office of the Franchise Tax Board, and after several days of checking with them, during which time the Sacramento office informed us that we had submitted the forms after the regular computer time so that we would not be registered in the records as being back in action tilnext month. We finally hassled this one out with the SF office, who called the Sacto office and after much checking backand forth, we got a letter officialy lifting the forfeiture and revocation of privileges, and a certification from the Secretary of State reinstating our name. My impression from all of this is that Buddy is lackadasical, and talks big but doesnt produce.

BB-31-b-215

STATE OF CALIFORNIA

FRANCHISE TAX BOARD
SACRAMENTO, CALIFORNIA 95857

April 27, 1978

In reply refer to
340:102:bg:vmb

PEOPLES TEMPLE OF THE DISCIPLES OF CHRIST
P. O. Box 15023
San Francisco, CA 94115

Subject : CERTIFICATE OF RELIEF FROM SUSPENSION OR FORFEITURE

Corporate Name : PEOPLES TEMPLE OF THE DICIPLES OF CHRIST
Corporate Number: 500544
Effective Date : April 13, 1978

This corporation has been relieved of suspension or forfeiture and is now in good standing with the Franchise Tax Board.

Collection Section
Telephone (916) 355-0520

FTB 2557 (3-76)

BB-31-6-216

STATE OF CALIFORNIA

FRANCHISE TAX BOARD
SACRAMENTO, CALIFORNIA 95857

April 13, 1978

Peoples Temple of the Disciples of Christ
P.O. Box 15384
San Francisco, CA 94115

Subject : CERTIFICATE OF RELIEF FROM SUSPENSION OR FORFEITURE

Corporate Name : PEOPLES TEMPLE OF THE DISCIPLES OF CHRIST
Corporate Number: 5005440 PT2OT

This corporation has been relieved of suspension or forfeiture and is now in good standing with the Franchise Tax Board.

Collection Section
Telephone
(415) 557-0796

FTB 2557 (3-76)

BQ- 31-6-217

SEC/STATE FORM CI-4 (REV. 1-77)
DUP ① OSP

**RECEIPT**

Issuing Certificate of Reservation
For Corporate Name ..... $4.00

Special Handling:

Jean F. Brown
P.O. Box 15023
San Francisco, California 94115

No. 77704

# State of California

No. 77704

Office of the
## Secretary of State

*I, MARCH FONG EU, Secretary of State of the State of California, do hereby certify that the name:*

PEOPLES TEMPLE OF THE DISCIPLES OF CHRIST

*is not one which is likely to mislead the public and is not the same as, and does not resemble, so closely as to tend to deceive the name of a corporation formed under the laws of this State, or the name of a corporation not incorporated under the laws of this State which is authorized to transact intrastate business in this State, or a name which is under reservation, as provided in Section 201 of the Corporations Code of this State, and that this name is hereby reserved for a period of sixty days commencing on the date hereof for the use of the applicant for this certificate.*

THE GREAT SEAL OF THE STATE OF CALIFORNIA
EUREKA

*Issued* April 10, 1978 rb

March Fong Eu

*Secretary of State*

BB-31-6-218

RECEIVED
APR 7 1978
FRANCHISE TAX BOARD
SAN FRANCISCO, CALIF.

PEOPLES TEMPLE
OF THE DISCIPLES OF CHRIST
P.O. BOX 15384
SAN FRANCISCO, CALIF. 94115

Bank of Montreal
(California)
333 CALIFORNIA STREET
SAN FRANCISCO, CALIF. 94104

98

4/5 1978

PAY No More than ten and no/100 DOLLARS $ No more than 10.00

TO THE ORDER OF Franchise Tax Board
345 Lancia
San Francisco CA

Carol A. Stahl
Jean F. Brown

⑈000989⑈ ⑆1210⑉0003⑆ 00 10330 6⑈

PEOPLES TEMPLE
OF THE DISCIPLES OF CHRIST

DETACH AND RETAIN THIS STATEMENT
THE ATTACHED CHECK IS IN PAYMENT OF ITEMS DESCRIBED BELOW
IF NOT CORRECT, CLEARE NOTATION OR PROMPTLY, AND RECEIPT DESIRED

DELUXE - FORM WVC-3 V-2

| DATE | DESCRIPTION | AMOUNT |
|---|---|---|
| 4/7/78 | Franchise Tax Board Reviver Fee | $10 |

BB- 31-6-219

HAND DELIVERED

LAW OFFICES OF
MARSHALL R. BENTZMAN
1256 MARKET STREET
SAN FRANCISCO, CA 94102

(415) 864-3131

April 7, 1978

State of California
Franchise Tax Board
Sacramento, California 95857

Attention: Ms. Jackie Nance, Office Supervisor
Exempt Unit

Re: Peoples Temple of the Disciples of Christ (PT)
Corporate Number : 5005440
Parent Number : 0256780

Dear Ms. Nance:

Enclosed for your records and pursuant to our telephone conversation today are:

1). Application for Relief From Suspension.
2). PT check number 989, dated April 5, 1978, in the amount of $10.00 as payment of revivor fee.
3). Forms 199B for calendar year 1974, 1975, and 1976.

As you know, the Forms 199B for 1974, 1975, and 1976 were filed on March 31, 1978, but had not been cleared by your computer records.

This letter also confirms our discussion of a January 23, 1978 letter from your office (symbols -- 344;GR/RPT: me) which relieved Peoples Temple of filing this Form 199B for calendar years after 1976. Therefore, no Form 199B must be filed for 1977 and thereafter due to our being included in our parent organization's filing of their group returns.

Thank you for your cooperation in this matter.

Yours truly,

Marshall R. Bentzman

Marshall R. Bentzman

enclosures
cc: Peoples Temple

MRB/jfb

BB- 31-6-220

STATE OF CALIFORNIA
FRANCHISE TAX BOARD
SACRAMENTO CA 95857

RECEIVED
WITH REMITTANCE
APR 7 1978
FRANCHISE TAX BOARD
SAN FRANCISCO, CALIF.

# NOTICE OF SUSPENSION OR FORFEITURE

Date: 04/03/78

PEOPLES TEMPLE OF THE DISCIPLES OF CHRIST,

Corporate No.: 5005440 PT20T

PO BX 214
REDWOOD VLY CA 95470

THE RIGHTS, POWERS, AND PRIVILEGES OF THIS CORPORATION HAVE BEEN SUSPENDED BECAUSE YOU HAVE NOT PAID THE AMOUNT DUE OR FILED THE REQUIRED RETURN.

YOUR RIGHT TO THE CORPORATE NAME HAS BEEN FORFEITED AND IT MAY BE NECESSARY TO SELECT A NEW CORPORATE NAME BEFORE THE CORPORATION CAN BE REVIVED TO GOOD STANDING.

IF THE CORPORATION INTENDS TO TRANSACT BUSINESS OR PROTECT THE CORPORATE NAME, IT MUST REVIVE TO GOOD STANDING IMMEDIATELY.

EXEMPT SECTION
TELEPHONE (916) 355-0392

BB-31-6-221

FTB 2520-M (3-77)

## STATUS QUESTIONNAIRE
## and
## APPLICATION FOR RELIEF FROM SUSPENSION OR FORFEITURE

Complete the following and return to the Franchise Tax Board, P.O. Box 1468, Sacramento, California 95807

1. Describe status of activity; check appropriate block.

   ☐ Never active

   ☐ Was active but ceased activity _____ (DATE)

   ☒ Still active, began activity Nov. 26, 1965 (DATE)

2. If the corporation is to be relieved from suspension or forfeiture, check box and complete the following:

   ☒ I hereby make application to have the corporation relieved from suspension or forfeiture.

   The corporation's annual accounting period ends Dec. 31, 1977.
   Accounting period must end on the last day of a month.

3. If the corporation is to remain suspended or forfeited, complete the following:

   A. List all real and/or personal property in which the corporation has an interest, equity or ownership.

   _____

   _____

   B. If assets have been distributed, when and to whom were distributions made?

   _____

   _____

   C. Names and addresses of principal officers.

   _____

   _____

I certify and declare under penalties of perjury that the foregoing statements are true and complete to the best of my knowledge and belief.

Carol A. Stall (SIGNED) President (TITLE) 4/7/78 (DATE)

Any stockholder or creditor or a majority of the surviving trustees or directors may sign on behalf of a California bank or corporation.
Any officer, stockholder or creditor may sign on behalf of a foreign bank or corporation.

BB- 31-b- 222

FORM 199B

# CALIFORNIA

# EXEMPT ORGANIZATION ANNUAL INFORMATION STATEMENT

INCOME YEAR 1976

For calendar year 1976
or fiscal year begun ....., 1976, and ended ....., 1977

Indicate address change on label.

Peoples Temple of the Disciples of Christ
P.O. Box 15023
San Francisco CA 94115

PLEASE AFFIX PREADDRESSED LABEL. PRINT OR TYPE

DO NOT USE THESE SPACES

SERIAL NO.

| CY | CA | A | CC |
|---|---|---|---|
| | | | |

CORPORATE OR ORGANIZATION NO.
5005440

FEDERAL EMPLOYER IDENTIFICATION NO.
EIN 35-0868116

## COMPLETE *ONLY ONE* OF THE FOLLOWING APPLICABLE PARTS
(SEE INSTRUCTIONS ON REVERSE)

**PART I. All churches, apostolic organizations and religious orders with exclusively religious activities complete this part.** (See Instruction A.)

1. Indicate the various sources of this organization's receipts by approximate percentage of each item.
   a. Contributions, gifts, or grants ..... 94 %
   b. Income from debt-financed property (rental, lease, dividends, interest, etc.) ..... 4 %
   c. Other income (describe) ..... 2 %

**PART II. Organizations controlled by State or Public Body, check box** ☐. (See Instruction A (5)).

**PART III. Other exempt organizations with gross receipts normally $5,000 or less (if average gross receipts exceed $5,000, Form 199 must be filed) complete the following:** (See Instruction A (3) and F.)

a. Gross receipts from dues, fees and assessment of members ..... $
b. Total gross receipts ..... $
c. If gross receipts for this year are over $5,000 but the average for the last three years (including the current year) is not over $5,000, complete the following:
GROSS RECEIPTS FOR: 1974 ..... 1975 ..... 1976 .....
Average gross receipts for reporting ..... $

RECEIVED APR 7 1978 FRANCHISE TAX BOARD SAN FRANCISCO, CALIF.

## TO BE COMPLETED BY ALL ORGANIZATIONS

a. Describe primary and secondary activities (attach separate sheet if needed).
   1. Principal: Religious worship and human service.
   2. Secondary: Christian Sunday School, care for the aged & retarded childre
b. If exempt under Section 23701d, have you during the year (1) attempted to influence any national, state, or local legislation, or (2) participated or intervened in any political campaign? (See Instruction F for definitions).
   ☐ Yes XX No If "Yes," attach a detailed description of such activities and copies of any materials published in connection with such activities.
c. Check form(s) filed for current year: Federal ☐ 990 ☐ 990T ☐ 1120; State ☐ 109
d. The books are in care of ► Laetitia Leroy Telephone Number: 922 6418
Located at ► San Francisco CA

Under penalties of perjury, I declare that I have examined this statement, including accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct and complete. If prepared by a person other than taxpayer, his declaration is based on all information of which he has any knowledge.

| Date | Signature of officer | Title | State in which signed |
|---|---|---|---|
| 3/31/78 | Jane F. Brown | Assistant Secretary | California |

| Date | Signature of individual or firm preparing this statement | Address |
|---|---|---|
| | | |

MAIL STATEMENT TO FRANCHISE TAX BOARD, SACRAMENTO, CALIFORNIA 95857 84-31-6-223

FORM 199BE

CALIFORNIA

# EXEMPT ORGANIZATION ANNUAL INFORMATION STATEMENT

INCOME YEAR 1975

For calendar year 1975
or fiscal year begun ....., 1975, and ended ....., 1976

Indicate address change on label.

Peoples Temple of the Disciples of Christ
P.O. Box 15023
San Francisco CA 94115

PLEASE AFFIX PREADDRESSED LABEL. PRINT OR TYPE

DO NOT USE THESE SPACES

SERIAL NO.

| CY | CA | A | CC |
|---|---|---|---|
| | | | |

CORPORATE OR ORGANIZATION NO.
5005440

FEDERAL EMPLOYER IDENTIFICATION NO.
EIN 35-0868116

## COMPLETE ONLY ONE OF THE FOLLOWING APPLICABLE PARTS

(SEE INSTRUCTIONS ON REVERSE)

**PART I. All churches, apostolic organizations and religious orders with exclusively religious activities complete this part.** (See Instruction A.)

1. Indicate the various sources of this organization's receipts by approximate percentage of each item.
   a. Contributions, gifts, or grants ..... 94 %
   b. Income from debt-financed property (rental, lease, dividends, interest, etc.) ..... 4 %
   c. Other rental or lease income ..... %
   d. Other income (describe) ..... 2 %
2. Is this a group report filed on behalf of affiliated churches? ☐ Yes ☒ No If "Yes," see Instruction B.

RECEIVED
APR 7 1978
FRANCHISE TAX BOARD
SAN FRANCISCO, CALIF.

**PART II. Organizations controlled by State or Public Body, check box** ☐. (See Instruction A (5)).

**PART III. Other exempt organizations with gross receipts $5,000 or less complete the following:** (See Instruction A (3) and F.)

a. Total gross receipts ..... $
b. Total assets. (Fair Market Value) at end of year ..... $

## TO BE COMPLETED BY ALL ORGANIZATIONS

a. Describe primary and secondary activities (attach separate sheet if needed).
   1. Principal: Religious worship and human service.
   2. Secondary: Christian Sunday School, care for the aged & retarded chil

b. If exempt under Section 23701d, have you during the year (1) attempted to influence any national, state, or local legislation, or (2) participated or intervened in any political campaign? (See Instruction F for definitions).
   ☐ Yes ☒ No If "Yes," attach a detailed description of such activities and copies of any materials published in connection with such activities.

c. Check form(s) filed for current year: Federal ☐ 990 ☐ 990T ☐ 1120; State ☐ 109

Under penalties of perjury, I declare that I have examined this statement, including accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct and complete. If prepared by a person other than taxpayer, his declaration is based on all information of which he has any knowledge.

| Date | Signature of officer | Title | State in which signed |
|---|---|---|---|
| 3/31/78 | Jean F. Braun | Assistant Secretary | California |

| Date | Signature of individual or firm preparing this statement | Address |
|---|---|---|
| | | |

MAIL STATEMENT TO FRANCHISE TAX BOARD, SACRAMENTO, CALIFORNIA 95857

BB-31-6-224

FORM 199B

CALIFORNIA

# EXEMPT ORGANIZATION ANNUAL INFORMATION STATEMENT

INCOME YEAR 1974

For calendar year 1974 or fiscal year begun _____, 1974, and ended _____, 1975

DO NOT USE THESE SPACES

SERIAL NO.

| CY | CA | A | CC |
|---|---|---|---|
| | | | |

Please use label attached or type or print. Indicate address change on label.

Name of organization: Peoples Temple of the Disciples of Christ

Address (number and street): P.O. Box 15023

City or town, State and ZIP code: San Francisco CA 94115

CORPORATE OR ORGANIZATION NO. 5005440

FEDERAL EMPLOYER IDENTIFICATION NO. EIN 35-0868116

## COMPLETE ONLY ONE OF THE FOLLOWING APPLICABLE PARTS

(SEE INSTRUCTIONS ON REVERSE)

**PART I. All churches, apostolic organizations and religious orders with exclusively religious activities complete this part.** (See Instruction A.)

1. Indicate the various sources of this organization's receipts by approximate percentage of each item.
   a. Contributions, gifts, or grants . . . 92 %
   b. Income from debt-financed property (rental, lease, dividends, interest, etc.) . . . 5 %
   c. Other rental or lease income . . . ____ %
   d. Other income (describe) _____ 3 %

2. Is this a group report filed on behalf of affiliated churches? ☐ Yes ☒ No
   If "Yes," see Instruction B.

**PART II. Organizations controlled by State or Public Body, check box** ☐.
(See Instruction A (5)).

RECEIVED
APR 7 1978
FRANCHISE TAX BOARD
SAN FRANCISCO, CALIF.

**PART III. Other exempt organizations with gross receipts $5,000 or less complete the following:**
(See Instruction A (3) and F.)
a. Total gross receipts . . . $____
b. Total assets. (Fair Market Value) at end of year . . . $____

## TO BE COMPLETED BY ALL ORGANIZATIONS

a. Describe primary and secondary activities (attach separate sheet if needed).
   1. Principal: Religious worship and human service
   2. Secondary: Christian Sunday School, care for the aged,&retarded childr

b. If exempt under Section 23701d, have you during the year (1) attempted to influence any national, state, or local legislation, or (2) participated or intervened in any political campaign? (See Instruction F for definitions).
☐ Yes ☒ No If "Yes," attach a detailed description of such activities and copies of any materials published in connection with such activities.

c. Check form(s) filed for current year: Federal ☐ 990 ☐ 990T ☐ 1120
State ☐ 109

Under penalties of perjury, I declare that I have examined this statement, including accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct and complete. If prepared by a person other than taxpayer, his declaration is based on all information of which he has any knowledge.

| Date | Signature of officer | Title | State in which signed |
|---|---|---|---|
| 3/31/78 | Jean F Brown | Assistant Secretary | California |

| Date | Signature of individual or firm preparing this statement | Address |
|---|---|---|
| | | |

MAIL STATEMENT TO FRANCHISE TAX BOARD, SACRAMENTO, CALIFORNIA 95857

BB-31-6-225

File Copy

file: (PT) Calif Franchise Tax Board

FORM **199B**

CALIFORNIA

INCOME YEAR **1973**

# EXEMPT ORGANIZATION ANNUAL INFORMATION STATEMENT

calendar year 1 or fiscal year begun

Please use label attached or type or print. Indicate address change on label. See instruction #

Name of

Address

City or to

PEOPLES TEMPLE OF THE DISCIPLE 12 A
S OF CHRIST, 11/24/65
PO BX 214 PT3OT
5005440
REDWOOD VLY CA 95470

DO NOT USE THESE SPACES

SERIAL NO.

| CY | CA | FA | A | RA |
|---|---|---|---|---|
| | | | | |

CLASSIFICATION CODE

Corporate or Organization Number State Franchise No: D-500544
Corp No: 25678 / Federal: EIN 35-0368116

Federal Employer Identification Number
VT 94-214 7086

Organizations with gross receipts and assets of less than $2,000, check box ☐ (see Specific Instruction 1 for Form 199B).
Organizations controlled by state or public body, check box ☐ (see Specific Instruction 2 for Form 199B).

**PART I. All churches, apostolic organizations and religious orders with exclusively religious activities complete this part.** (See Specific Instruction 3 for Form 199B.) Other religious organizations file Form 199.

1. Indicate the various sources of this organization's receipts by the approximate percentage of each item. (If you consider that any item duplicates in whole or in part another item of income, so indicate.)

| | APPROXIMATE % |
|---|---|
| a — Contributions, gifts or grants | 91 |
| b — Advertising income | |
| c — Dividends – Interest | 4 |
| d — Royalties | |
| e — Rental or lease income from Debt Financed Property | 3 |
| f — Other rental or lease income | |
| g — Publishing – Sale of publications | |
| h — Fund raising (describe) Concession Stands, Bake Sales, Community Dinners | 2 |
| i — Income from services (describe) | |
| ... from business activities (describe) | |

... Instructions for filing Forms 199 and ... al Instruction F, Group Returns

... ts normally $5,000 or less (with ... Specific Instruction 4 for Form 199B.)

... $
... $
... $

... rs (including

... $

... 2,000 must complete Part III on page 2

... tements, and to the best of my knowledge and ... information of which he has any knowledge.

... tary California
State in which signed

Address

Please Note –
This is form 199B, for 1973 –
which we used for reference in
doing 1974-75-76 ones –
Also NOTE – handwriting is TOS...

MAIL STATEMENT TO FRANCHISE TAX BOARD, SACRAMENTO, CALIFORNIA 95857

BB-31-b-226

**PART III. All organizations required to file this form, except those with gross receipts and assets less than $2,000, must also complete this part.** (See Specific Instruction 5 for Form 199B.)

a — Describe principal activities:

Religious Worship and Human Service

b — Describe secondary activities:

Christian Sunday School
Care for the Aged, Retarded Children

c — If exempt under Section 23701d, have you during the year (1) attempted to influence any national, state, or local legislation, or (2) participated or intervened in any political campaign? ☐ Yes ☒ No *If "Yes," attach a detailed description of such activities and copies of any materials published in connection with such activities.*

d — Are you required to file Form 109 for this year (see Instruction J)? . . . . . ☐ Yes ☒ No

e — What is the legal form of your organization (corporation, trust, unincorporated association, etc.)? Corporation

f — The books are in care of Eva H. Pugh Telephone No. 485-8613 (707)
Located at School Way, Redwood Valley, California

g — Form number of federal form filed Federal form filed by General Assembly of the Christian Church (Disciples of Christ)

h — For organizations other than churches:

1. Do you receive rental or lease income from property on which money was borrowed to purchase property or to make improvements on it? (It is not necessary that the loan is recorded against the property.)
   ☐ Yes ☐ No If "Yes," what is the annual rental or lease income? _____
2. Social clubs, exempt under Section 23701g, enter the total of all income received from non-members plus all interest, dividend, royalties and rental income _____

## LOCATION OF FRANCHISE TAX BOARD OFFICES

**EXEMPTS—INFORMATION: TELEPHONE (916) 355-0392**

| | Address | Zip Code | Telephone |
|---|---|---|---|
| Bakersfield | 1031 17th Street | 93301 | 322-0540 |
| Fresno | 2550 Mariposa Street | 93721 | 486-5540 |
| Long Beach | 230 East Fourth Street | 90802 | 435-9116 |
| Los Angeles | 3325 Wilshire Boulevard | 90010 | 620-5400 |
| Oakland | 1916 Broadway | 94612 | 464-0540 |
| Sacramento | 920 23rd Street | 95816 | 445-9540 |
| San Bernardino | 303 W. Third Street | 92401 | 383-4201 |
| San Diego | 1350 Front Street | 92101 | 236-7540 |
| San Francisco | 345 Larkin Street | 94102 | 557-0540 |
| San Jose | 555 N. First Street | 95112 | 998-1540 |
| Santa Ana | 28 Civic Center Plaza | 92701 | 558-4540 |
| Santa Barbara | 411 E. Canon Perdido Street | 93101 | 963-1828 |
| Santa Rosa | 447 College Avenue | 95403 | 544-0540 |
| Stockton | 31 E. Channel Street | 95202 | 948-0540 |
| Van Nuys | 8155 Van Nuys Boulevard | 91402 | 786-9540 |
| **OUT-OF-STATE OFFICES** | | | |
| Chicago, Ill. | 150 North Wacker Drive | 60606 | 332-4025 |
| New York, N.Y. | 1180 Avenue of the Americas | 10036 | 581-3840 |



BB-31-b-227

10-23

TRUTH ENTERPRISES

What are we supposed to do with Truth?! As I understood from many months ago we were going to dissolve it. Someone over there was going to give us instructions on how it was to done. Still no word and now the third quarter taxes are due.

We have not done any business under Truth since the date of the second qaurter closing on taxes. However since we have not received any info on how to fill out credit applications under Vallye Enterpirses (officers etc.) we are ordering paper under our old Truth account but paying bills with VAlley checks. Other suppliers are on a cash basis. We need to have accounts with the paper company's in order to assure a supply of paper when we need it. So we are sitting on the fence waiting for instructions.

We need to know:

a. What to tell the Franchise Tax Board

b. What to tell the State Board of Equalization

c. What to we do about officers signing on credit applications for Valley Enterprises, when they are all overseas?

Clancy

BB-31-6-228

COUNTY OF SAN JOAQUIN

## Statement of DELINQUENT TAXES

PARCEL NO. 175-250-35

STATE PROPERTY

SALE NO. 35726

| | | | |
|---|---|---|---|
| Year 1972 | SOLD FOR $139.84 | TAXES, ASSMTS. | 129 16 |
| | | 6% PENALTY | 7 74 |
| | | COSTS | 3 00 |
| Asst. No. | | RED PEN 66% ✓ | 85 20 |
| Year 1973 | SOLD FOR $125.06 | TAXES, ASSMTS. | 115 16 |
| | | 6% PENALTY | 6 90 |
| | | COSTS | 3 00 |
| Asst. No. | | RED PEN 54% ✓ | 62 18 |
| Year 1974 | SOLD FOR $5.80 | TAXES, ASSMTS. | 2 66 |
| | | 6% PENALTY | 14 |
| | | COSTS | 3 00 |
| Asst. No. | | RED PEN 47% ✓ | 1 11 |
| Year 1975 | SOLD FOR $128.24 | TAXES, ASSMTS. | 118 16 |
| | | 6% PENALTY | 7 08 |
| | | COSTS | 3 00 |
| Asst. No. | | RED PEN 30% ✓ | 35 44 |
| Year 1976 | SOLD FOR $121.52 | TAXES, ASSMTS. | 111 82 |
| | | 6% PENALTY | 6 70 |
| | | COSTS | 3 00 |
| Asst. No. | | RED PEN 18% ✓ | 20 12 |
| Year 1977 | SOLD FOR $32.20 | TAXES, ASSMTS. | 27 56 |
| | | 6% PENALTY | 1 64 |
| | | COSTS | 3 00 |
| Asst. No. | | RED PEN 6% ✓ | 1 65 |
| | | STATE REDEMPTION FEE | $ 2 00 |
| | | RECORDING FEE | $ 6 00 |
| 20% | | PARTIAL CREDIT | $ |
| TOTAL AMOUNT TO REDEEM AS OF DEC 31 1979 | | | 766 36 |

Remit by **PERSONAL OR CASHIER'S CHECK** or **MONEY ORDER** made payable to **John A. Prowse, Tax Collector,** and forward with this statement to P. O. Box 2169, Room 150, Court House, Stockton, California 95201.

BB-31-6-229

[redacted]

COUNTY OF SAN JOAQUIN
STATE OF CALIFORNIA
SECURED TAX STATEMENT

1978 - 1979
LIEN DATE - 12:01 A.M. MARCH 1, 1978

VALUATIONS

| | | | |
|---|---|---|---|
| L | 375 | 1,500 FULL VALUE REAL ESTATE | PARCEL NUMBER 175-250-35 |
| | | FULL VALUE PERSONAL PROP | TAX RATE AREA 118-049 / SALE NO. 35726 |
| | | 375 NET TOTAL ASSESSED VALUE | IF A SALE NUMBER IS PRINTED ABOVE OR THE WORD "LIEN" IS PRINTED ABOVE — SEE INFORMATION PRINTED ON REVERSE. |

STATE PROPERTY

GROSS TAX DUE
LESS TAX REDUCTION ATTRIBUTABLE TO STATE FINANCED HOMEOWNERS' TAX RELIEF PROGRAM
HOMEOWNERS' EXEMPTION—
NET TOTAL TAX DUE → 21.82

BILL NUMBER 546582

KEEP THIS UPPER PART FOR YOUR RECORDS

STATE OF CALIFORNIA
Peoples temple of Disciples
% P O BOX 15156
SAN FRANCISCO CA 94115

SITUS ADDRESS OR REMARKS
188 CLAYTON AV
STOCKTON CA

DIRECT ASSESSMENT 5.00
INCLUDED IN TOTAL TAX

SEE REVERSE OF THIS STATEMENT FOR IMPORTANT INFORMATION

RATES AND DISTRIBUTION OF AMOUNTS PER EACH TAXING AGENCY

| TAXING AGENCY | BASE | RATE | AMOUNT |
|---|---|---|---|
| PROP. 13 MANDATE | 1 | 4.0000 | 15.00 |
| STOCKTON UNIF BONDS | 1 | .3642 | 1.37 |
| S J DELTA COLLEGE BD | 1 | .1133 | .42 |
| STKN METRO TRANSIT | 1 | .0120 | .05 |
| DIRECT ASSESSMENT | | | 5.00 |
| TOTAL EXTENDED TAX | | | 21.82 |

DIRECT ASSESSMENTS MAY INCLUDE FEES FOR WATER, SEWER, LIGHTING, ETC

AGENCY NO.

PARCEL NUMBER 175-250-35
TAX RATE AREA 118-049 / SALE NO. 35726
BILL NUMBER 546582
1ST INSTALLMENT 10.91
6% PEN. **
.65
SEE DELINQUENT DATES ON REVERSE

WRITE PARCEL NO. ON YOUR CHECK

DETACH AND RETURN THIS PAYMENT STUB WITH YOUR REMITTANCE TO

STATE PROPERTY

JOHN A PROWSE
TREASURER AND TAX COLLECTOR
P.O. BOX 2160, STOCKTON, CAL. 95201

1ST INSTALLMENT
1978 - 1979
SECURED PROPERTY TAX PAYMENT STUB

STATE OF CALIFORNIA
Peoples Temple of Disciples
% P O BOX 15156
SAN FRANCISCO CA 94115

IF YOU DESIRE A RECEIPT - CHECK THIS BOX IT WILL BE MAILED BACK IN 4 TO 6 WEEKS ☐

PARCEL NUMBER 175-250-35
TAX RATE AREA 118-049 / SALE NO. 35726
BILL NUMBER 546582
2ND INSTALLMENT 10.91
6% PEN. COST **
NET TOTAL TAX DUE 21.82
6% PEN. COST
.65
1.30
SEE DELINQUENT DATES ON REVERSE

WRITE PARCEL NUMBER ON YOUR CHECK.

DETACH AND RETURN THIS PAYMENT STUB WITH YOUR REMITTANCE TO

STATE PROPERTY

JOHN A. PROWSE
TREASURER AND TAX COLLECTOR
P.O. BOX 2160, STOCKTON, CAL. 95201

2ND INST. OR TOTAL TAX
1978 - 1979
SECURED PROPERTY TAX PAYMENT STUB

STATE OF CALIFORNIA
Peoples Temple of Disciples
% P O BOX 15156
SAN FRANCISCO CA 94115

IF YOU DESIRE A RECEIPT - CHECK THIS BOX IT WILL BE MAILED BACK IN 4 TO 6 WEEKS ☐

BB-31-6-230

McFARLAND ENERGY, INC.
box 3608, santa fe springs
10425 south painter avenue
santa fe springs, california 90670
(213) 944-0181 (213) 685-3126

20 October 1978

Peoples Temple of the Disciples of Christ
Post Office Box 15156
San Francisco, California 94115

Re: South Stockton Prospect
San Joaquin County, California
Proposed Peoples Temple of the Disciples
in Christ Lease

Gentlemen:

According to the public records of San Joaquin County you own property south of the City of Stockton that we would like to lease for oil and gas exploration purposes. We have leases from adjoining owners, and we hope to have all of the lots in that neighborhood leased soon.

We are enclosing a lease set prepared for your signature. As you will see, the working period of the lease is five years. During that period this lease will be pooled with a group of other leases so that we will have a large enough block of land within which to drill a gas well. The drill-site will be on a larger parcel of land, not on any of the small lots.

The lease sets out a $5.00 per acre rental for the first year and also for subsequent rentals during the five years. If we find production all of the lessors within the pooled area will share in the 1/6 landowner's royalty set forth in the lease. Single lots receive a flat $10.00 rental.

We hope that you will decide to accept our offer. To do so, please sign the two bluebacked leases (both the short form and the long form) before a notary public. Please initial Article Nine of the long form lease. Enclosed is a stamped envelope for you to use for returning the leases to us. When they reach us we will mail you a check for $10.00.

Thank you.

Very truly yours

Thomas J. McInerney

Thomas J. McInerney
Assistant Land Manager

TJM:ct
encs

S. Stockton #243
175-25-35

RECORDING REQUESTED BY

WHEN RECORDED MAIL TO

SPACE ABOVE THIS LINE FOR RECORDER'S USE

# OIL, GAS AND MINERAL LEASE

(SHORT FORM)

THIS LEASE AND AGREEMENT, made and entered into _____, 19__

by and between PEOPLES TEMPLE OF THE DISCIPLES OF CHRIST, a California corporation,

hereinafter called "Lessor" (whether one or more), and McFarland Energy, Inc.

a California Corporation hereinafter called "Lessee."

WITNESSETH:

Lessor hereby leases to Lessee and Lessee hereby leases from Lessor the land hereinafter described, for the purposes and with the exclusive right of prospecting, exploring, mining, drilling and operating said land for oil, gas, other hydrocarbons, associated substances, sulphur, nitrogen, carbon dioxide, helium and other commercially valuable substances which may be produced through wells on said land, whether or not similar to the above-mentioned substances. The land hereby leased is situated in San Joaquin County, California, and is described as follows:

See EXHIBIT "A" attached hereto and by reference made a part hereof:

This lease is made for the term and upon and subject to each and all the terms, provisions, covenants and conditions set forth in the certain Oil, Gas and Mineral Lease of even date herewith between the parties hereto covering the land hereinabove described, and said Oil, Gas and Mineral Lease is hereby incorporated herein with the same force and effect as though herein set forth at length.

IN WITNESS WHEREOF, said parties have caused this lease to be duly executed as of the date first hereinabove written.

PEOPLES TEMPLE OF THE DISCIPLES OF CHRIST

BY: _____

President

BY: _____

Secretary

LESSOR

McFarland Energy, Inc.

BY: _____

M. K. Sanford - Contract Agent

LESSEE

BB-31-6-231

STATE OF CALIFORNIA
County of _____ } ss.

On _____ before me, the undersigned, a Notary Public in and for said County and State, personally appeared _____

_____ known to me to be the person _____ whose name _____ subscribed to the within instrument and acknowledged that _____ executed the same.

(SEAL)

_____
NOTARY PUBLIC

My Commission Expires:

_____
Type or Print Name of Notary

---

STATE OF CALIFORNIA
COUNTY OF _____ } ss

On _____ before me, the undersigned, a Notary Public in and for said County and State, personally appeared _____, known to me to be the _____ President, and _____, known to me to be the _____ Secretary of _____ the corporation that executed the within instrument, and known to me to be the persons who executed the within instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the same pursuant to its by-laws or a resolution of its board of directors.

(SEAL)

_____
NOTARY PUBLIC

My Commission Expires:

_____
Type or Print Name of Notary

---

STATE OF CALIFORNIA
COUNTY OF _____ } ss.

On _____ before me, the undersigned, a Notary Public in and for said County and State, personally appeared _____ known to me to be the President, and _____ known to me to be the _____ Secretary of _____ the corporation that executed the within instrument, and known to me to be the persons who executed the within instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the same pursuant to its by-laws or a resolution of its board of directors.

(SEAL)

_____
NOTARY PUBLIC

My Commission Expires:

_____
Type or Print Name of Notary

EXHIBIT "A"

THE West 50 feet of the East 150 feet of the North 140 feet of the following described property:

A tract of land situated in the County of San Joaquin, State of California, in Sections 11 and 12 of C. M. Weber Grant, and being a portion of Lots 111 and 112 of MOSSWOOD PARK, as per map filed in Book of Maps, Volume 6 at Page 52, San Joaquin County Records, and more particularly described as follow, to-wit:

BEGINNING at an iron pipe at the intersection of the East line of Odell Avenue shown on said Map of Mosswood Park, with the South line of Clayton Avenue as shown on Map "C" Mosswood Park, filed in Book of Maps, Volume 11, Page 4, San Joaquin County Records; thence along the said South line of Clayton Avenue, North 71° 08' East 308.68 feet to an iron pipe; thence along the Southerly extension of the West line of Mary Avenue, South 17° 52' East 340.47 feet to an iron pipe; thence South 26° 38' West 66.87 feet to an iron pipe at the North west corner of the 25.00 acre tract shown on Map of Survey filed in Book of Surveys, Volume 6, at Page 145, San Joaquin County Records; thence along the Westerly line of said 25.00 acre tract, South 17° 52' East 202.65 feet to an iron pipe; thence South 71° 08' West 261.80 feet to a point in the East line of Odell Avenue; thence North 17° 52' West 590 feet to the point of beginning.

INITIAL

BB-31-b-232

RECORDING REQUESTED BY

WHEN RECORDED MAIL TO

S. Stockton #243
175-25-35

SPACE ABOVE THIS LINE FOR RECORDER'S USE

# OIL, GAS AND MINERAL LEASE

THIS LEASE AND AGREEMENT, made and entered into _____ 19____

by and between PEOPLES TEMPLE OF THE DISCIPLES OF CHRIST, a California corporation,

hereinafter called "Lessor" (whether one or more), and McFarland Energy, Inc.

a California Corporation hereinafter called "Lessee,"

WITNESSETH: Forand in consideration of a rental paid in advance upon execution hereof, receipt of which is hereby acknowledged, and the covenants and agreements hereinafter contained on the part of Lessee to be kept and performed, Lessor does hereby lease to Lessee the land hereinafter described (herein sometimes called the "leased land") for the purposes and with the exclusive right of prospecting, exploring, mining, drilling and operating the leased land for oil, gas, other hydrocarbons, associated substances, sulphur, nitrogen, carbon dioxide, helium and other commercially valuable substances which may be produced through wells on the leased land, whether or not similar to the above-mentioned substances (hereinafter collectively called "substances") and producing, taking, treating, storing, removing and disposing of such substances from the leased land, together with the right to construct, erect, maintain, operate, use, repair, replace and remove pipelines, telephone, telegraph and power lines, tanks, machinery, appliances, buildings and other structures, useful, necessary or proper for carrying on its operations on the leased land, the right to drill thereon for water and the free use of water so obtained (but not water from Lessor's wells) in operations on the leased land, and rights of way for passage over, upon and across and ingress and egress to and from the leased land for any or all of the above-mentioned purposes. Any pipelines, pole lines or roads so constructed by Lessee may also be used by it in its operations on lands in the vicinity of the leased land. Lessor shall have the right to occupy and use the leased land in any manner and to any extent not inconsistent with Lessee's rights or in interference with Lessee's operations hereunder. The land hereby leased is situated in the County of San Joaquin, State of California, and is described as follows:

See EXHIBIT "A" attached hereto and by reference made a part hereof:

together with such rights as Lessor may have in any roads, streets, alleys, waterways, canals, sloughs, levees, ditches, easements, rights and rights of way upon, within or adjoining the above-described property and containing 0.161 acres, more or less.

TO HAVE AND TO HOLD the same for a term of 20 years from and after the date hereof and so long thereafter as Lessee shall conduct development (including, without limitation, drilling, redrilling, deepening, repairing and reworking) or producing operations on the leased land without cessation for more than 90 consecutive days, or be excused therefrom as hereinafter provided.

In consideration of the premises, the parties hereby agree as follows:

1. On or before five (5) years after the date hereof (the last day of said period being hereinafter referred to as the "working date"), Lessee shall either commence "drilling operations" on the leased land and thereafter continue its operations with reasonable diligence until oil or gas or another of said substances is found in paying quantities or a depth is reached at which further drilling would in the judgment of Lessee be unprofitable, or quitclaim and surrender this lease as hereinafter provided.

2. Lessee has paid Lessor rental in full hereunder for the first twelve (12) months of the term hereof. If Lessee has not commenced drilling operations on the leased land or terminated this lease within that time, Lessee, commencing with the expiration thereof, shall pay or tender to Lessor annually in advance, as rental, the sum of five dollars ($5.00) per acre for so much of the above-described land as may then still be held under this lease at the time of payment and shall continue such payments until drilling operations are commenced or this lease terminated.

3. The payments required to be made by Lessee hereunder may be made by its check issued and made payable as hereinafter provided. All persons entitled to participate or share in such payments shall, at the request of Lessee, unite in a written designation of one person, bank or corporation as Lessor's agent to receive such payments, to the end that Lessee shall not be required to make any payment otherwise than by one check, which check shall be payable to but one payee, such payee to assume the burden and responsibility of making a proper distribution without expense to Lessee among the persons entitled thereto. When such designation is made, said payments may be made by mailing such check to the payee at the address designated. Until such designation is made, such checks may be made payable and may be mailed to Lessor at

A waiver by Lessee of the provisions of this paragraph in the making of any payment or payments shall not be deemed a waiver thereof with respect to subsequent payments. If at any time there be no one person, bank or corporation authorized to receive payments hereunder, the time for making such payments shall be extended until Lessee has been notified of such designation.

4. Any notice to be given by either party to the other hereunder may be delivered in person or by registered or certified mail, postage prepaid, addressed to the party for whom intended as follows: to Lessor at

to Lessee at 10425 South Painter Avenue, Santa Fe Springs, California 90670

Either party may from time to time, by written notice to the other, designate a different address which shall be substituted for the one above specified. If any notice from one party to the other is given by registered or certified mail, usual time for transmission of mail shall be computed and at the end of such time service of notice will be considered made.

BB-31-6-232

5. If oil, gas or another of said substances is not obtained in paying quantities in the first well drilled on the leased land, Lessee, within 6 months after its completion or abandonment, shall commence drilling operations for a second well, and shall prosecute the same with reasonable diligence until oil, gas or another of said substances is found in paying quantities, or until it is drilled to a depth at which further drilling would, in the judgment of Lessee, be unpredictable; and Lessee shall in like manner continue its operations until oil, gas or another of said substances is found in paying quantities or this lease terminated; provided, however, that nothing in this paragraph contained shall require the commencement of drilling operations for the second or any subsequent well (other than an offset well) before said working date. If, however, before said working date, there shall be any period of more than 6 months between the completion or abandonment of any well and the commencement of drilling operations for the next well or the termination of this lease for which rental has not theretofore been paid, Lessee shall pay rental for such period (except for time herein allowed between wells) at the rate hereinabove set forth, in installments, quarterly in advance.

6. The leased land shall be deemed to have been "fully drilled" within the meaning hereof whenever there shall have been drilled thereon a number of wells equal to the number of acres then subject to this lease divided by 40 for oil, or 640 for gas or gas and condensate, plus one additional well for any remaining major fraction. If oil is found in paying quantities in any well drilled by Lessee on the leased land, Lessee will continue to drill wells for oil with one string of tools, working with reasonable diligence, allowing not more than 6 months between the completion or abandonment of one and the commencement of operations for the next, until the leased land has been fully drilled. Lessee shall be given credit for so much of the time in each such 6 months' drilling interval as is not utilized because of drilling by Lessee sooner than required and such credit may be used to extend subsequent drilling intervals in such manner as Lessee may determine. After the leased land has been fully drilled, Lessee may at any time drill further wells if it shall so elect, but it shall not be required so to do. In the event gas or gas and condensate in paying quantities is discovered in any well drilled by Lessee on the leased land, then, if and so long as oil in paying quantities has not been discovered in any such well, the leased land shall be considered as gas land and not as oil land until at some later date oil in paying quantities is discovered. While the leased land is considered as gas land, drilling for oil shall not be required, except to comply with the provisions of this lease relative to offset wells. Lessee shall, however, drill further wells for gas if there is an available market for gas at the well and if and to the extent that such drilling is requisite for the proper development of said land for gas; but it shall not be required to drill more wells than are necessary to supply such part of the market demand for gas from the field as may fairly and reasonably be apportioned to the leased land and shall not be required to drill more wells after the leased land has been fully drilled.

7. If, before the leased land has been fully drilled, a well producing oil in paying quantities (hereinafter called an "outside well") is drilled upon adjacent land not owned or controlled by Lessor within 330 feet or producing gas in paying quantities within 1320 feet (hereinafter called "offset distance") from a boundary of the leased land, Lessee shall offset such outside well by the commencement of drilling operations at a suitable offset location on the leased land within 6 months after it is ascertained that the production of oil or gas from such outside well is in paying quantities, except that (a) if a well is being drilled on the leased land, said time shall be extended until 6 months after the completion or abandonment of the well so being drilled, or (b) if there already exists or is being drilled on the leased land a well at a suitable offset location, it shall take the place of the required offset well. A suitable offset location within the meaning hereof shall be one which is within the offset distance from the boundary and not more than twice the offset distance from a line drawn from the outside well to the nearest point in said boundary and extended through the leased land. Offset wells shall be counted in determining when the leased land has been fully drilled.

8. Except as herein otherwise provided, Lessee shall drill each well and operate each completed well in accordance with good oil field practice so long as such well shall produce oil or gas in paying quantities but in conformity with any reasonable conservation or curtailment program affecting the drilling of wells or the production of oil or gas or either thereof from said land to which Lessee may voluntarily subscribe or become a party, or with any conservation or curtailment program which may be imposed by law or by any appropriate governmental agency. After the completion of the first oil well, drilling or producing operations hereunder (except of offset wells when wells offset or to be offset are being operated) may be suspended while the price offered generally to producers in the same vicinity for oil of the quality produced from the leased land is $1.50 or less per barrel at the well, or when there is no available market for such oil at the well above said price, and in either c[illegible] for a period of 90 days after the reason for suspension ceases to exist. Gas wells need not be operated when there is no market for gas at the well at a price and under conditions which Lessee believes to be for the best interests of both parties hereto. Lessee shall comply with all state, federal and local laws and with the rules, regulations and orders of any federal, state or other governmental agency having jurisdiction in the premises with respect to the spacing, drilling or producing of wells, or other operations for oil or gas, and if there be any conflict between the same and provisions of this lease, such laws, rules, regulations and orders shall modify or supersede, as the case may be, the relevant provisions of this lease.

9. The term "royalty share" as used herein means one-sixth (1/6).

10. Lessee shall pay Lessor as royalty on oil the value of the royalty share of all oil produced and removed from the leased land, after making the customary adjustments for temperature, water and b.s. at the posted available market price at the well for oil of like gravity and quality on the day the oil is so removed or, at Lessor's option, in lieu of such payment Lessee shall deliver the royalty share of said oil, free of cost, into Lessor's tanks on the leased land or into pipeline thereon designated by Lessor. A change from payment in cash to delivery in kind, or vice versa, may not be made oftener than once in any calendar year and then only on 60 days' prior written notice to Lessee. If royalty on oil is payable in cash, Lessee may deduct therefrom a reasonable charge for dehydration, cleaning and treating such oil and a reasonable charge for transportation to the treating plant. Nothing herein contained shall be construed as obligating Lessee to treat oil. If Lessor shall elect to receive the royalty on oil in kind, it shall be of the same quality as the oil removed from the leased land for Lessee's own account, and if Lessee's own oil shall be treated before such removal, Lessor's oil will be treated therewith before delivery to Lessor, and Lessor, in such event, shall pay a proportionate part of the cost of treatment. No royalty shall be due Lessor for or on account of oil used by Lessee in operations on the leased land or lost through evaporation, leakage, fire or other casualty prior to the removal of the same or prior to delivery to Lessor if royalty shall be delivered in kind.

11. Lessee shall pay Lessor as royalty on natural gas the royalty share of a value which shall be the sum of the following:

a) The net proceeds received by Lessee from the sale of gas produced from wells on the leased land (whether such gas be sold by Lessee in its natural state or as residual dry gas after extracting gasoline and other content therefrom). Gas treated at a gasoline extraction plant not owned or operated by Lessee and for which Lessee receives a royalty from the operator of such plant shall be deemed sold in its natural state for an amount equal to the market value of the royalty received by Lessee. Except as otherwise provided herein, gas used or consumed by Lessee in operations other than under this lease shall be deemed sold for the market value thereof. The value of gas and products extracted therefrom, used or consumed in the operation of a gasoline extraction plant (to the extent that it is so used for processing gas from the leased land), or in operations on the leased land, or in repressuring any oil bearing formation from which a well or wells on the leased land is producing, shall not be included. The cost of processing, treating, compressing, handling and transporting gas in connection with the sale thereof shall be deducted in determining net proceeds of sale.

b) The market value at the extraction plant of all gasoline and other liquid hydrocarbons extracted and saved from natural gas from the leased land as a result of processing such gas at a plant owned or operated by Lessee, less the cost of such processing, which cost for the purposes hereof will be deemed to be sixty percent (60%) of said last-mentioned market value.

c) The market value, at the plant where extracted, of all gasoline and other liquid hydrocarbons received by Lessee as a result of the processing of natural gas from the leased land at a plant not owned or operated by Lessee (if such processing is not on a royalty basis) less the cost to Lessee of such processing.

Nothing herein contained shall obligate Lessee to treat or process natural gas nor shall Lessee be obligated to save, sell or otherwise dispose of natural gas or residual dry gas, as the case may be, unless there is a market therefor at the well or processing plant at a price and under conditions which Lessee believes to be for the best interests of both parties hereto, or to pay royalty on any gas which is neither sold nor used.

12. Lessee shall pay Lessor as royalty the market value on the leased land, in the condition as produced, of the royalty share of any substances covered by this lease, other than oil and gas and the products thereof, which Lessee may elect to produce and save or market or utilize from the leased land.

13. Settlement shall be made by Lessee on or before the last day of each calendar month for all royalties which accrued during the preceding month and Lessee shall furnish Lessor monthly statements showing the computation of royalties. Lessor agrees to examine promptly each and all statements and remittances forwarded by Lessee to it hereunder and promptly advise Lessee of any objection thereto.

14. The rentals and royalties provided for in this lease are based on the whole of the oil and gas rights in the land described above. If Lessor owns less than the whole of the oil and gas rights in said land, the rentals and royalties accruing hereunder shall be proportionately reduced. If any claim is asserted or any action or proceeding instituted by Lessor, or by any third party claiming title to the leased land or any part thereof or any interest therein or in any production therefrom, adverse to Lessor or in hostility to rights claimed in good faith by Lessee under this lease, then during the pendency of such controversy and until 90 days after final determination thereof, Lessee may defer or discontinue all operations on the leased land or, if it operates wells, it may deposit royalties accruing hereunder in respect to the production therefrom in any bank in the State of California to abide the final determination of such controversy.

15. Lessee shall pay all taxes levied upon or assessed against its improvements, fixtures and personal property on the leased land, including Lessee's oil stored thereon. Taxes levied upon or assessed against the minerals and mineral rights subject to this lease (or, if same shall not be separately assessed, such part of the taxes on the leased land as are due to the discovery of oil, gas or any of the above-mentioned other substances on the leased land or lands adjacent thereto) shall be paid as follows: The royalty share thereof by all of the persons entitled to share in the royalty hereunder, according to their several interests in said royalty and the remainder thereof by Lessee. Any severance tax or other tax, assessment, or license now or hereafter levied or imposed, measured by the quantity or value of oil, natural gasoline, gas or said other substances produced from the leased land, or any thereof, shall be borne by the parties in the same ratio as taxes on minerals and mineral rights. Lessee shall not be liable for any special assessment for local improvements or benefits.

16. Lessee, at its own cost and expense, shall pay for all labor performed and materials furnished in the operations of Lessee hereunder and Lessor shall not be chargeable with, or liable for, any part thereof. Lessee shall protect the leased land from liens of every character arising from its operations. Lessor may post and keep posted on the leased land notices to protect the same from liens.

17. Upon written request of Lessor, Lessee shall lay all pipelines which it constructs through cultivated portions of the leased land below plow depth and upon similar request shall fence all sump holes and other excavations to safeguard livestock.

18. If Lessee is the owner of the surface of the leased land, Lessee shall pay the amount of all damages to livestock, crops, fruit or nut trees, timber, fences, ditches, buildings and other improvements caused by Lessee's operations on the leased land, which payments shall be made to Lessor or Lessor's tenant, whichever shall sustain such damage. All disputes as to the amount thereof shall be determined by arbitration. If Lessor is not the owner of such surface, Lessee will hold Lessor harmless from all claims and demands arising out of Lessee's operations hereunder which may be asserted by the owner of the surface or by any tenant of such owner.

19. Lessee shall not drill any well on said leased land within 100 feet of any then existing building thereon without written consent of the owner of such building, nor shall Lessee drill any well upon lands occupied, used or held for railroad purposes.

20. Lessor, at all reasonable times, may inspect the leased land and the work done and in progress thereon, and the production therefrom. Lessor may also examine the books kept by Lessee in relation to the amount and character of the production from the leased land and disposition thereof. Lessee, on written request of Lessor therefor, shall furnish to Lessor copies of logs of all wells drilled by Lessee on the leased land.

21. Lessee shall have the right at any time to remove from the leased land any machinery, rigs, piping, casing and other property and improvements belonging to or furnished by Lessee, including that installed in wells or otherwise affixed to the land; provided that, in the event of the termination of this lease in its entirety, such removal shall be completed within 4 months thereafter and, in the event of the termination of this lease as to a portion of the leased land, all such property not needed by Lessee for its operations on land retained under the lease shall be removed from the land as to which this lease is terminated within 4 months after such partial termination and the remainder shall be removed within 4 months after the termination of the lease in its entirety. Lessee, after termination of this lease, shall fill all sump holes and other excavations made by it on the leased land and in other respects restore the leased land as nearly to its original condition as is reasonably practical, but Lessee shall not be obliged to restore anything for which it may theretofore have made payment by way of damages.

22. Lessee, at its option, may at any time quitclaim and surrender all of the leased land, in which event this lease shall be at an end and Lessee shall be relieved of all obligations thereunder save and except the obligation to pay rents and royalties theretofore accrued and any obligation herein imposed for removal of equipment and restoration of the premises. Lessee, at its option, may at any time, or from time to time, quitclaim and surrender any part of the leased land not desired by it, and in such event the amount of any rental provided for in this lease shall thereafter accrue only on the basis of the land not so quitclaimed, and the number of wells to be drilled shall be determined by the acreage retained. Land so quitclaimed shall remain subject to the easements and rights of way herein provided for so long as operations are being carried on by Lessee on the retained part of the leased land, and Lessor agrees that there shall not be drilled on the quitclaimed land any oil or gas well which is within 330 feet of any well retained by Lessee or being drilled by it.

23. Lessee may at any time with respect to a designated part or all of the leased land, (a) surrender its right to produce oil, or (b) surrender its right to produce gas. A surrender of the right to produce oil shall include a surrender of the right to produce the gas which will necessarily be produced therewith. A surrender of oil rights in all the leased land will relieve Lessee of further obligation to drill oil wells. A surrender of oil rights in a part only of the leased land will reduce the number of required oil wells to a number determined by the acreage as to which oil rights are retained by Lessee. A surrender of oil rights shall have no effect on obligations to drill for gas and a surrender of gas rights shall have no effect on obligations to drill for oil.

24. Performance of covenants and conditions imposed upon Lessee hereunder shall be excused while, and to the extent that, Lessee is hindered in or prevented from complying therewith, in whole or in part, by war, riots, strikes, lockouts, action of the elements, accidents, inability to obtain materials in the open market or to obtain transportation therefor, laws, rules and regulations of any federal, state, municipal or other governmental agency or any other cause beyond the control of the Lessee, whether similar or dissimilar to those herein specifically enumerated and without regard to whether such cause exists at the date hereof or hereafter arises.

25. a). If Lessee shall fail to pay promptly any installment of royalty or rent, and if such default shall continue for a period of 15 days after written demand therefor, then at the option of Lessor, this lease shall forthwith terminate; provided, however, that if there be a bona fide dispute as to the amount due, and all undisputed amounts are paid, said 15 day period shall be extended until 5 days after such dispute is settled by final court decree, arbitration or mutual agreement.

b) In case of default by Lessee with respect to any other condition or covenant hereof and continuance of such default for 90 days after written notice from Lessor to Lessee to perform such condition or covenant, then at the option of Lessor this lease shall forthwith cease and terminate except that if any oil well has theretofore been drilled or is then being drilled and Lessee is not in default in connection therewith, this lease shall nevertheless continue in effect as to an area to be selected by Lessee not exceeding 40 acres for each such oil well, and if any gas well has theretofore been drilled or is being drilled and Lessee is not in default in connection therewith, this lease shall remain in effect for the production of gas and for development for gas (but not oil or gas associated with oil) as to an area to be selected by Lessee not exceeding 640 acres for each such gas well. Lessee shall not, however, be deemed to be in default while work is in progress in good faith which when completed will constitute compliance with such condition or covenant. A termination of this lease as to a part only of the leased land or as to a part only of Lessee's rights shall not affect such rights of way and easements as may be necessary in Lessee's operations on the part of the leased land as to which no such termination shall have occurred.

26. Should Lessor hereafter acquire any additional right, title or interest in or to the leased land, it shall be subject to the provisions hereof to the same extent as if owned by Lessor at the date hereof. Lessor agrees that if Lessee shall make any payment on account of any tax not required to be paid by it under the conditions hereof or any mortgage or other lien on or against any of the lands subject to this lease, it shall, in addition to the right of subrogation, have the right to reimburse itself out of any royalty or rentals accruing hereunder.

27. If this lease shall be assigned as to a particular part or parts of the leased land, such division of the leasehold estate shall constitute and create separate and distinct holdings under the lease of and according to the several portions of the leased land as thus divided, and the holder or owner of each such portion of the leased land shall be required to comply with and perform Lessee's obligations under this lease for, and only to the extent of, his portion of the leased land, provided that nothing herein shall be construed to enlarge or multiply the drilling or rental obligations, and provided further that the commencement of the drilling operations and the production thereof, as provided in paragraphs 1, 5 and 6 hereof, either by the Lessee or any assignee hereunder shall protect the lease as a whole. No change in the ownership of land or minerals covered by this lease, and no assignment or transfer by operation of law or otherwise of rents or royalties shall be binding on Lessee until it has been furnished with satisfactory written evidence thereof.

28. Lessee shall have the right at its option, at any time and from time to time, either before or after the discovery of oil, gas or other substances on the leased land, but prior to the expiration of 20 years from the date of this lease, to combine and pool all or any part of the leased land or interest therein into one or more operating units with any other land or interest therein (whether held by Lessee or others and whether or not the surface of such other land may be used for oil or gas development purposes) lying within the section in which the leased land to be pooled is located or within any section having a common boundary or corner with such section. Each operating unit may be of such size and shape as Lessee may desire, provided that no such unit created for oil development purposes shall exceed 45 acres in area and no such unit created for gas or gas and condensate development purposes shall exceed 660 acres in area. If any of the land to be pooled has not been divided into sections by the United States Government, then Lessee shall project sections thereon, following as nearly as practicable the usual Government system, and such projected sections shall be deemed "sections" for the purpose of this provision. Each operating unit created hereunder shall be created by and shall become effective upon the execution by Lessee of a Declaration of Pooling setting forth the exterior boundaries of the unit so created and describing the lands pooled thereunder. If there are any lands or interests in lands within the exterior boundaries of any operating unit which are not pooled therein, Lessee may, at any time after creation of such unit, add any or all such additional lands or interests to such unit by executing a Supplemental Declaration of Pooling, but no retroactive adjustment of royalties shall be made. Promptly after execution of each Declaration of Pooling and each Supplemental Declaration of Pooling Lessee shall give written notice thereof to Lessor. Any operating unit may include land upon which a well has theretofore been completed or upon which operations for drilling

BB- 31-6 - 234

have therefore been commenced, and within the meaning of the requirements of this lease any such well or operations, if off the leased land, shall be considered as having been commenced immediately after the effective date of such pooling. Production, drilling or reworking operations anywhere on any operating unit created hereunder shall be treated as production, drilling or reworking operations on the leased land. There shall be allocated to the leased land the proportion of the pooled production from any such operating unit (whether or not such production is from the leased land) that the number of surface acres covered by this lease and included in such unit bears to the total number of surface acres in such unit; royalties shall be paid hereunder only upon that portion of such production so allocated, and as to pooled production from land in such unit such royalties shall be in lieu of any other royalties. If taxes of any kind are levied or assessed which are based upon the quantity of pooled substances underlying or produced from any such operating unit, then the share of such taxes to be borne by Lessor as provided in this lease shall be in proportion to the share of production from such unit allocated to the leased land. Lessee may at any time quitclaim to the persons entitled thereto all or any part of the land in any such operating unit, and no owner of land in such unit not owning any interest in quitclaimed land, except by virtue of such pooling, shall have any interest in such quitclaimed land after the quitclaim is delivered or recorded. Allocation of production as aforesaid from any such operating unit, whether to the leased land or in like manner to other lands therein, shall continue notwithstanding any quitclaim or other termination, either in whole or in part, of this or any other lease covering lands in such unit until such time as the owner of such land shall (or shall give others the right to) drill for or produce any of the pooled substances from any part of such lands, whereupon all such lands formerly included in such unit and as to which the lease covering the same shall have been terminated, shall be excluded in determining the production to be allocated to the respective lands in such unit and in prorating taxes; and in the event of the failure of Lessor's or any other owner's title as to any portion of the land included in any such operating unit, such portion of such land shall likewise be excluded from such unit; provided that Lessee shall not be held to account for any production allocated to any lands excluded from any such operating unit unless and until Lessee has actual knowledge of the aforesaid circumstances requiring such exclusion. Lessee may, at any time either before or after the commencement of the drilling of a well on lands included in any such operating unit but prior to the discovery thereon of the substance for which the unit was formed, or at any time after the abandonment of all wells drilled on such unit, wholly dissolve such unit by executing a Declaration of Dissolution. Promptly after execution of such Declaration of Dissolution Lessee shall give written notice thereof to Lessor. Upon the dissolution of any such operating unit, whether or not this lease or any other lease involved therein remains in effect, all rights of Lessor hereunder to royalty on pooled substances produced from the lands which were so pooled (other than the leased land) shall cease and terminate; but such dissolution shall not otherwise affect or impair any of Lessee's rights or obligations under this lease, including its right to create a new operating unit or units out of the lands previously pooled pursuant to this paragraph, or constitute a surrender of any part of or any interest in the leasehold estate created hereby. The sale, conveyance or other transfer of, or of any interest in, any portion or portions of the leased land which are at the time of such transfer subject to an operating unit shall (unless the instrument effecting such transfer expressly provides otherwise) be deemed to include and shall operate as a transfer and assignment of all of the transferor's interest, rights and benefits under this lease (including the right to royalty on allocated production from the lands subject to any such unit) insofar as such interest, rights and benefits pertain to or are allocable hereunder to the portion or portions of the leased land or interest therein so transferred.

29. The words "drilling operations" as used in this lease include, in addition to actual drilling, any work undertaken or commenced in good faith if followed diligently and in due course by the construction of a derrick or other necessary structures for the drilling of an oil or gas well, and by the actual operations of drilling in the ground.

30. In the event that Lessee drills a water well on the leased land for the production of water for its operations on the leased land, Lessee agrees that if said well is no longer desired by Lessee or upon the termination of this lease it will remove the pump, tubing and power plant from said water well and will cap the surface casing and otherwise leave same in such condition as may be required by any law or regulation, but otherwise will leave said well in such condition that Lessor may subsequently equip the well for the production of water for Lessor's own use.

31. On the expiration or sooner termination of this lease Lessee shall quietly and peacefully surrender possession to Lessor and file for record a quitclaim deed, in the County Recorder's office of said County and State.

32. If more than one person is named as Lessor herein and one or more of them fails to execute this lease, it shall, nevertheless (if accepted by Lessee) become effective as a lease from each such Lessor as may have executed the same.

33. This lease may be executed in any number of counterparts and all such counterparts shall be deemed to constitute a single lease and the execution of one counterpart by any Lessor shall have the same force and effect as if he had signed all the other counterparts.

34. This lease and all its terms, conditions and stipulations shall extend to and be binding upon all the heirs, successors and assigns of said Lessor and Lessee.

IN WITNESS WHEREOF, said parties have caused this lease to be duly executed as of the date first hereinabove written.

PEOPLES TEMPLE OF THE DISCIPLES OF CHRIST

BY: _____

President

BY: _____

Secretary

LESSOR

McFarland Energy, Inc.

BY: _____

M. K. Sanford - Contract Agent

LESSEE

STATE OF CALIFORNIA
County of _____ } ss.

On _____ before me, the undersigned, a Notary Public in and for said County and State, personally appeared _____ known to me to be the person ___ whose name _____ subscribed to the within instrument and acknowledged that _____ executed the same.

(SEAL)

Notary Public

Type or Print Name of Notary

My Commission Expires:

STATE OF CALIFORNIA
County of _____ } ss.

On _____ before me, the undersigned, a Notary Public in and for said County and State, personally appeared _____ known to me to be the _____ President, and _____ known to me to be the _____ Secretary of the corporation that executed the within instrument, and known to me to be the persons who executed the within instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the same pursuant to its by-laws or a resolution of its board of directors.

(SEAL)

Notary Public

Type or Print Name of Notary

My Commission Expires:

Form 7-1-62

EXHIBIT "A"

THE West 50 feet of the East 150 feet of the North 140 feet of the following described property:

A tract of land situated in the County of San Joaquin, State of California, in Sections 11 and 12 of C. M. Weber Grant, and being a portion of Lots 111 and 112 of MOSSWOOD PARK, as per map filed in Book of Maps, Volume 6 at Page 52, San Joaquin County Records, and more particularly described as follow, to-wit:

BEGINNING at an iron pipe at the intersection of the East line of Odell Avenue shown on said Map of Mosswood Park, with the South line of Clayton Avenue as shown on Map "C" Mosswood Park, filed in Book of Maps, Volume 11, Page 4, San Joaquin County Records; thence along the said South line of Clayton Avenue, North 71° 08' East 308.68 feet to an iron pipe; thence along the Southerly extension of the West line of Mary Avenue, South 17° 52' East 540.47 feet to an iron pipe; thence South 26° 38' West 66.87 feet to an iron pipe at the North west corner of the 25.00 acre tract shown on Map of Survey filed in Book of Surveys, Volume 6, at Page 143, San Joaquin County Records; thence along the Westerly line of said 25.00 acre tract, South 17° 52' East 202.65 feet to an iron pipe; thence South 71° 08' West 261.80 feet to a point in the East line of Odell Avenue; thence North 17° 52' West 590 feet to the point of beginning.

INITIAL

BB-31-6-235

CALIFORNIA DEPARTMENT OF CORRECTIONS

**CERTIFICATE OF DISCHARGE**

[redacted]

October 26, 1978
Date

The above-named person has been discharged from the custody of the California Department of Corrections on all existing felony commitments as of this date.

35

DEPARTMENT OF CORRECTIONS STATE OF CALIFORNIA

The card at left is your Certificate of Discharge which is to be kept in your possession. The back of the card lists the telephone numbers of the Regional Parole offices for your use. These offices may be contacted if you have any questions or problems.

*The card is removed by tearing along the perforated lines.*

Upon your discharge from any California Department of Corrections institution, certain services are available to you through the Parole Division of the Department of Corrections. These may be secured at any Parole Division office in any community where such an office is located.

The services that are available include assistance in securing housing, employment and/or financial aid to purchase tools necessary to secure and/or maintain employment. Letters of reference and/or referral can also be written. Information regarding various agencies or persons who can provide clarification of your legal status and present responsibilities can also be provided. Counseling or discussion of problems and concerns and potential educational and/or vocational referral is also offered.

Your successful re-entry into the community is our wish, and we offer those services and whatever form of assistance is possible to achieve that result.

DIRECTOR OF CORRECTIONS

CDC 163 (1/77)

67c

88-31-6-236

Department of the Treasury
Internal Revenue
Service Center
FRESNO, CA 93888

49672 54

Date of This Notice
OCT. 23, 1979

Social Security Number on Return
555-92-2939*

7841

SHANDA M & BRUCE OLIVER
% CHALKIN
PO BOX 15156
SAN FRANCISCO CA 94115

Document Locator Number
94263-266-60020-8

Form Number 2363 Year Ended

◀ If you inquire about your account, please refer to these numbers.

## VERIFICATION OF YOUR SOCIAL SECURITY NUMBER OR NAME

2 2EB

We are unable to complete the processing of your income tax return for the above year because the social security number or last name on it is different from our records. Please supply the information requested below. If you filed a joint return, give information for the first person named above. Please reply soon, as it will take several weeks to make corrections, to issue any refund to you, or to credit your account. An addressed envelope is enclosed for your convenience. Thank you for your cooperation.

2 555922939* 94 OLIV 2EB 77

Please print in dark ink or use typewriter.

SOCIAL SECURITY NUMBER

1. FULL NAME (First) (Middle, or initial—if none, draw line—) (Last)
2. NAME AS SHOWN ON YOUR LAST SOCIAL SECURITY CARD IF UNKNOWN, YOUR NAME AT BIRTH (First) (Middle, or initial—if none, draw line—) (Last)
3. DATE OF BIRTH (Month) (Day) (Year)
4. BIRTH DATE PREVIOUSLY REPORTED (If different from item 3)
5. PLACE OF BIRTH (City) (County) (State)
6. SEX: MALE ☐ FEMALE ☐
7. MOTHER'S FULL NAME AT HER BIRTH (Her maiden name)
8. FATHER'S FULL NAME (Regardless of whether living or dead)
9. WHERE AND WHEN DID YOU GET YOUR FIRST SOCIAL SECURITY CARD? (State) (Year)
10. YOUR PRESENT MAILING ADDRESS (Number and Street, Apt. No., P.O. Box, or Rural Route) (City) (State) (ZIP Code)
11. TODAY'S DATE
12. TELEPHONE NUMBER
13. NOTICE: Whoever, with intent to falsify his or someone else's true identity, willfully furnishes or causes to be furnished false information in applying for a social security number is subject to a fine of not more than $1,000 or imprisonment for up to 1 year, or both.

Sign YOUR NAME HERE (Do not print)

PLEASE DO NOT DETACH AT FOLD

T555922939 77 2

Form 2012 (Rev. 10-79)

BB-31-6-237

Internal Revenue Service
District Director

Department of the Treasury

Date: October 24, 1978

Person to Contact:
IA 7824 MY
Contact Telephone Number:
(415) 556-3116
Office Address:
OFFICE BANKER
450 GOLDEN GATE AVENUE
BOX 36030
SAN FRANCISCO, CALIFORNIA 94102
Tax Period(s):
7512
Balance Due:
734.59

Annette Jones
% Eugene Chaiken ESQ
PO Box 15156
San Francisco, CA 94115

We have been unable to reach you by telephone to discuss the tax liability indicated above.

It is important that you contact our office as soon as possible between the hours of 8:30 a.m. and 4:00 p.m. We can be reached at the above number.

It will not be necessary for you to call if you pay the balance due at the address shown above within 10 days.

If we do not hear from you or receive your payment, it may be necessary to collect this amount by attachment of your salary, bank account or other assets.

Sincerely yours,

C. Turner

450 Golden Gate Ave., San Francisco, CA 94102

FL-1623 (9-77)

BB-31-b-238

Department of the Treasury
Internal Revenue
Service Center

FRESNO, CA 93888

Date of This Notice
OCT. 23, 1978

13868 21

Taxpayer Identifying Number
565-26-4945 KV

Document Locator Number
94247-248-70162-8

Form Number 1040 Tax Period DEC. 31, 1974

If you inquire about your account, please refer to these numbers or attach this notice

KV 7841

DANNY & EDITH KUTULAS
% EUGENE CHAIKIN ESQ
PO BOX 15156
SAN FRANCISCO CA 94115

2

STATEMENT OF ADJUSTMENT TO YOUR ACCOUNT

| | | |
|---|---|---|
| BALANCE DUE ON ACCOUNT BEFORE ADJUSTMENT | | $.00 |
| ADJUSTMENT COMPUTATION | | |
| TAX- DECREASE | 519.96 | |
| PENALTY- DECREASE SEE EXPLANATION 01 | 5.31 | |
| PENALTY- DECREASE SEE EXPLANATION 30 | 7.80 | |
| REDUCTION OF INTEREST PREVIOUSLY CHARGED | 58.02 | |
| NET ADJUSTMENT CREDIT | | 591.09 |
| OVERPAYMENT | | $591.09 |

BB-31-6-239

The numbers at the left identify the codes on the back of this notice that provide further explanations and instructions.

Form 4188 (Part 1) (Rev. 3-77)

Department of the Treasury
Internal Revenue Service

Date of This Letter
10-27-78
Social Security Number
292-24-3431 JS
Document Locator Number
94247-240-01115-8

If you inquire about your account, please refer to these numbers or attach this letter

PATRICIA P CARTWELL
ESO PO BOX 15156
SAN FRANCISCO, CA 94115

502 A89 9401

Dear Taxpayer:

We have previously written to you about the Federal tax shown below. It is overdue and you should pay the total amount due within 10 days from the date of this letter to avoid additional interest and penalties.

Please make your check or money order payable to the Internal Revenue Service and write your social security number on it. Include this letter with your payment so we can quickly identify and credit your account. If you think the amount shown below is incorrect because of a recent payment or for any other reason, please send us the amount you believe is due and explain the difference on the back of this letter. Use the enclosed envelope to mail us your payment. The copy of this letter is for your records.

If you cannot pay this amount in full, please refer to the enclosed copy of Publication 586A, The Collection Process (Income Tax Accounts), which provides information about our collection procedures and your rights in relation to them. If you have other questions about this bill, or want to discuss payment, please contact any Internal Revenue Service office within 10 days from the date of this letter. The telephone number is on the enclosed notice.

Sincerely yours,

Director, Service Center

Enclosures:
Envelope
Copy of this letter
Publication 586A
Telephone Number Notice

Tax Form Number . . . . . 1040A
Tax Period Ended . . . . . 12-31-75

| | |
|---|---|
| Balance of Prior Assessments $ | 39.60 |
| Late Payment Penalty . . . . | .17 |
| Interest . . . . . | .19 |
| Total Amount Due . . . . . $ | 39.96 |

Reply to:
INTERNAL REVENUE SERVICE
P.O. BOX 12586
FRESNO, CA 93778

30-7512

BB-31-b-240

D3967 (Part 1) (Rev. 8-77)

CHICAGO TITLE INSURANCE COMPANY

**PRELIMINARY REPORT**

At the date hereof exceptions to coverage, in addition to the printed exceptions and exclusions contained in said policy form, would be as follows:

1. General and special County taxes, including personal property taxes, if any, have been paid:
   Fiscal year : 1977-1978
   Amounts for pro-ration purposes are:
   Total : $607.63
   First installment : 303.82
   Personal property taxes : None
   Second installment : 303.81
   Code and Parcel : 1198 602S-28-21

2. Such easements or rights as the City of Los Angeles, successor to Los Angeles Gas and Electric Corporation, may have in or over that portion of said land stated herein, for pole lines, conduits and incidental purposes, as disclosed by a Declaration by the Department of Water and Power of the City of Los Angeles, recorded in Book 15894 Page 87 , Official Records.

   Affects : Rear 5 feet

3. Covenants, conditions and restrictions, (deleting therefrom any restrictions based on race, color, or creed), as provided in deed

   Recorded : in Book 18346 Page 41 , Official Records

   Said covenants, conditions and restrictions provide that a violation thereof shall not defeat nor render invalid the lien of any mortgage or deed of trust made in good faith and for value.

4. A deed of trust to secure an indebtedness.
   Amount : $16,900.00
   Trustor : Earnest Jones and Annie B. Jones, husband and wife
   Trustee : Title Insurance and Trust Company, a California corporation
   Beneficiary : Santa Barbara Mutual Building and Loan Association, a corporation of
   Dated : September 6, 1963
   Recorded : October 3, 1963 as Instrument No. 322, in Book T3288 Page 151, Official Records

5. A deed of trust to secure an indebtedness.
   Amount : $3,100.00
   Trustor : Earnest Jones and Annie J. Jones, husband and wife 613-5527
   Trustee : Security First National Bank, a national banking association 610 4403
   Beneficiary : Herbert K. Ponce and Carmen S. Ponce, husband and wife, as joint tenants
   Dated : September 5, 1963
   Recorded : October 3, 1963 as Instrument No. 323, in Book T3288 Page 154, Official Records

   Said deed of trust, by its terms, is made subject to the deed of trust mentioned in exception

George Gordon

BB-31-b-241

Treasury
Internal Revenue Service
[illegible], CA 93888

IN REPLY REFER TO: 89630327
SEPT 27, 1978 LTR 125C N 7642

FORREST R & AGNES P JONES
% PO BOX 15156
SAN FRANCISCO, CA 94115

163385

CERTIFIED MAIL
SOCIAL SECURITY NUMBER: 402-52-8880
FORM NUMBER: 1040
TAX PERIOD ENDED: DEC. 31, 1973

DEAR MR. & MRS. JONES:

WE ARE SORRY, BUT WE CANNOT ALLOW YOUR CLAIM, WHICH WE RECEIVED MAY 15, 1978. THIS IS YOUR LEGAL NOTICE THAT YOUR CLAIM IS DISALLOWED.

YOUR INCOME TAX RETURN, SHOWING AN OVERPAYMENT, WAS FILED MORE THAN 3 YEARS AFTER ITS DUE DATE. THE LAW DOES NOT PROVIDE FOR REFUNDING OR CREDITING TAX THAT WAS PAID MORE THAN 3 YEARS BEFORE THE FILING OF THE CLAIM (IN THIS CASE, YOUR RETURN). FOR THIS PURPOSE WITHHELD TAX AND ESTIMATED TAX, SHOWN AS CREDITS ON A RETURN, ARE CONSIDERED PAID ON THE DUE DATE OF THE RETURN.

IF YOU WISH TO BRING SUIT OR PROCEEDINGS FOR THE RECOVERY OF ANY TAX, PENALTIES, OR OTHER MONEYS FOR WHICH THIS DISALLOWANCE NOTICE IS ISSUED, YOU MAY DO SO BY FILING SUCH A SUIT WITH THE UNITED STATES DISTRICT COURT HAVING JURISDICTION, OR THE UNITED STATES COURT OF CLAIMS. THE LAW PERMITS YOU TO DO THIS WITHIN 2 YEARS FROM THE MAILING DATE OF THIS LETTER.

WE HOPE THIS INFORMATION WILL HELP YOU. IF YOU HAVE ANY QUESTIONS AND WISH TO CALL AT 209-468-6171, B. AREIA WILL BE ABLE TO HELP YOU. SINCE THERE WILL BE A LONG-DISTANCE CHARGE TO YOU IF YOU ARE BEYOND THE IMMEDIATE DIALING AREA OF THE SERVICE CENTER, YOU MAY PREFER TO WRITE US AT THE ADDRESS ON THIS LETTER OR CALL ANY INTERNAL REVENUE SERVICE OFFICE.

SINCERELY YOURS,

FREDRIC T. PERDUE
DIRECTOR, SERVICE CENTER

BB-31-6-242

Department of the Treasury
Internal Revenue Service
FRESNO, CA 93888

IN REPLY REFER TO: 89630327
SEPT. 27, 1978 LTR 125C N 7642

FORREST R & AGNES P JONES
% PO BOX 15156
SAN FRANCISCO, CA 94115

CERTIFIED MAIL

SOCIAL SECURITY NUMBER: 402-52-8880
FORM NUMBER: 1040
TAX PERIOD ENDED: DEC. 31, 1972

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WE HOPE THIS INFORMATION WILL HELP YOU. IF YOU HAVE ANY QUESTIONS AND WISH TO CALL AT 209-488-6171, B. AREIA WILL BE ABLE TO HELP YOU. SINCE THERE WILL BE A LONG-DISTANCE CHARGE TO YOU IF YOU ARE BEYOND THE IMMEDIATE DIALING AREA OF THE SERVICE CENTER, YOU MAY PREFER TO WRITE US AT THE ADDRESS ON THIS LETTER OR CALL ANY INTERNAL REVENUE SERVICE OFFICE.

SINCERELY YOURS,

FREDRIC F. PERDUE
DIRECTOR, SERVICE CENTER

BB-31-b-243