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IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

Case No. 8:13-cv-220-T27 TBM

LUIS A. GARCIA SAZ, and wife,
MARIA DEL ROCIO BURGOS GARCIA,

Plaintiffs,

vs.

CHURCH OF SCIENTOLOGY RELIGIOUS
TRUST, et al.,

Defendants.

VIDEOTAPED DEPOSITION OF MICHAEL J. RINDER

Taken on Behalf of the Defendants

DATE TAKEN: JANUARY 6, 2015
TIME: 9:08 A.M. - 1:31 P.M.
PLACE: ZUCKERMAN SPAEDER, LLP
101 EAST KENNEDY BOULEVARD
SUITE 1200
TAMPA, FLORIDA

Examination of the witness taken before:

Susan D. Wasilewski
Registered Professional Reporter
Certified Realtime Reporter
Certified CART Provider
Certified Manager of Reporting Services
Florida Professional Reporter
~ Realtime Systems Administrator ~

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ALSO PRESENT:

GARY MARKMAN, CLVS, Videographer
SARAH HELLER
BEN SHAW
ALLAN CARTWRIGHT
GARY SOTOR (Via Stream)

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I N D E X

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(Attached to transcript)

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1 THEREUPON, the following proceedings were had
2 and taken at 9:08 a.m.:

3 THE VIDEOGRAPHER: We're now on the record.
4 Today's date is Tuesday, January 6, 2015. The time
5 is 9:08 a.m.

6 This deposition is being taken at 101 East
7 Kennedy Boulevard, Suite 1200, Tampa, Florida.

8 This is the matter of Luis A. Garcia Saz, and
9 wife, Maria Del Rocio Burgos Garcia, Plaintiffs,
10 versus the Church of Scientology Religious Trust,
11 et al., Defendants, Case Number 8:13-CV-220-T27 TBM,
12 in the United States District Court, Middle District
13 of Florida, Tampa Division. The deponent is Mike
14 Rinder. Notice of this deposition is given by
15 Defendant.

16 Will all attorneys please voice identify
17 themselves?

18 MR. BABBITT: Theodore Babbitt for the
19 plaintiff.

20 MR. DEIXLER: Bert Deixler of Kendall Brill &
21 Klieger.

22 MR. LIEBERMAN: Eric Lieberman.

23 MR. POPE: Wally Pope for defendants.

24 THE VIDEOGRAPHER: Will the court reporter
25 please swear in the witness?

1 MR. BABBITT: Well, hang on. We need everybody
2 else to identify who else is here.

3 MR. SHAW: Ben Shaw, Flag Service Organization.

4 MS. HELLER: Sarah Heller, Church of
5 Scientology, Flag Service Organization.

6 MR. CARTWRIGHT: And Allan Cartwright, CSI
7 representative.

8 THE VIDEOGRAPHER: Will the court reporter
9 please swear in the witness?

10 THE COURT REPORTER: Sir, would you raise your
11 right hand?

12 Do you solemnly swear or affirm the testimony
13 you're about to give will be the truth, the whole
14 truth, and nothing but the truth?

15 THE WITNESS: I do.

16 THE COURT REPORTER: Thank you.

17 MICHAEL J. RINDER, called as a witness by the
18 Defendants, having been first duly sworn, testified as
19 follows:

20 DIRECT EXAMINATION

21 BY MR. DEIXLER:

22 Q. Good morning, sir.

23 A. Good morning, Mr. Deixler.

24 Q. Do you understand your testimony today is under
25 oath and subject to the penalty of perjury?

1 A. I do.

2 Q. Let me make sure that I give you the proper
3 credit. Is it proper to address you as Reverend or
4 Minister?

5 A. I prefer that you just address me as
6 Mr. Rinder.

7 Q. Mr. Rinder. You are, however, a minister of
8 the Independent Church of Scientology; is that true?

9 A. I wouldn't -- no, I wouldn't -- I wouldn't say
10 that's true.

11 (Rinder Exhibit 1 was marked for
12 identification.)

13 Q. Let me, in that case, have marked as Exhibit
14 Numbered 1 a document filed with the State of Florida
15 and ask you to take a look at it. I have a copy for
16 your lawyer, and it purports to be a Department of
17 Health Vital Statistics, State of Florida, marriage
18 record involving the marriage of Mark Charles Rathbun
19 and Monique Renee Carle, and at the bottom left-hand
20 corner of the document there appears be a signature
21 above a printed name. First, do you recognize that
22 signature, sir?

23 A. Yes, I do.

24 Q. And is that your signature?

25 A. Yes, it is.

1 Q. And this was a signature which you applied in
2 connection with your role as a minister of the
3 Independent Church of Scientology?

4 A. Correct.

5 Q. And as of the time that you signed this
6 document in or about July of 2010, were you a minister
7 of the Independent Church of Scientology?

8 A. I was.

9 Q. And where is the Independent Church of
10 Scientology headquartered, if you know?

11 A. I don't.

12 Q. Do you continue to work as a minister of the
13 Independent Church of Scientology?

14 A. No. I already told you that I don't -- I don't
15 do that now.

16 Q. You don't do that now. What do you mean by
17 that?

18 A. Work as a minister of the Independent Church of
19 Scientology.

20 Q. When did you stop being a minister of the
21 Independent Church of Scientology?

22 A. I'm not sure when I would -- when I would say
23 that I no longer considered myself to have that view of
24 life.

25 Q. View of life. Are you still a member of the

1 Independent Church of Scientology even if you are not a
2 minister of that charge?

3 A. I wouldn't -- I wouldn't think so.

4 Q. When did you stop being a member of this
5 independent church?

6 A. Same answer: I'm not really sure.

7 Q. Sometime in 2014 or 2013 or sometime -- a
8 different time?

9 MR. BABBITT: Objection. Excuse me.

10 Objection; asked and answered.

11 A. Yeah. Like I said, I'm not really sure.

12 Q. I see. When were you anointed as a minister of
13 the Independent Church of Scientology?

14 A. I don't think that there is such a -- I don't
15 understand the question.

16 Q. You don't? How were you invested with the
17 powers of being a minister of this independent church,
18 what was the mechanism, procedure?

19 A. There wasn't really a procedure.

20 Q. You just decided that you were a minister of
21 the Independent Church of Scientology and that was the
22 end of the procedure?

23 A. I -- hmm. I'm not so sure that I know exactly
24 what the answer to that is. I think that it's probably
25 the fact of the people that considered themselves or do

1 consider themselves Independent Scientologists would
2 nominate or decide who is or isn't someone that they
3 would look to to perform ceremonies on their behalf.

4 Q. I see. Who nominated you to perform this
5 marriage ceremony?

6 A. Mr. Rathbun.

7 Q. Okay. And were you nominated on the morning of
8 July 8th, 2010, or sometime before then?

9 A. Oh, no, sometime before that.

10 Q. I see. And you don't know exactly when you
11 stopped serving in that role as minister; is that fair?

12 A. Yeah, that's --

13 MR. BABBITT: Objection; asked and answered.

14 Q. Now, one of the things that you've done, sir,
15 since you became a minister of the Church of Scien --
16 Independent Church of Scientology is to encourage other
17 people to leave the Church of Scientology. Is that
18 fair?

19 A. No.

20 Q. As recently as this week am I correct that you
21 have given interviews to say if you want to be a
22 dedicated practicing Scientologist, you're better off
23 doing that outside the church than inside?

24 A. This week?

25 Q. Yes, sir.

1 A. I don't recall doing an interview this week
2 that said that.

3 Q. Did you give -- did you give a podcast or
4 participate in a podcast recently?

5 A. A podcast? Is that -- is that Jeffrey
6 Augustine, you mean?

7 Q. Yes.

8 A. Yeah, I participated in that.

9 Q. And am I correct to say that in the course of
10 that podcast you encouraged people to leave the Church
11 of Scientology?

12 A. I don't know. You have a transcript there? I
13 don't know. Maybe I did. I don't know.

14 Q. You don't remember?

15 A. No, I don't remember.

16 Q. Do you remember participating in the podcast
17 with Mr. Augustine?

18 A. Yes. I just told you I did.

19 Q. And how -- how long ago was that?

20 A. Two weeks ago.

21 Q. Okay. Sometime in the end of 2014?

22 A. Uh-huh.

23 Q. Yes?

24 A. Yes.

25 Q. And you don't recall whether you encouraged

1 people to leave the Church of Scientology --

2 A. No, I don't.

3 Q. -- is that fair? Okay.

4 Do you remember saying anything like "you'll
5 get a lot further for a lot less money with a lot less
6 pain and suffering if you left the Church of
7 Scientology"?

8 A. Yes, I do recall something like that.

9 Q. Okay. And the reason for your saying that was
10 to discourage people from remaining in the Church of
11 Scientology, correct?

12 A. No. I think that the reason for saying that
13 was to let people know that there was an alternative.

14 Q. And the alternative is this Independent Church
15 of Scientology?

16 A. No. The alternative is whatever someone is
17 looking for to resolve their spiritual needs.

18 Q. You encourage people to leave the Church of
19 Scientology and look elsewhere for satisfaction of their
20 spiritual needs; is that fair?

21 A. That's fair.

22 Q. And that's something you've undertaken over a
23 considerable period of time since you yourself left the
24 Church of Scientology, correct?

25 A. Yes, that's correct.

1 Q. In fact, that's been one of your principal both
2 occupations and hobbies since you've left the Church of
3 Scientology; is that fair?

4 A. I would neither call it an occupation nor a
5 hobby.

6 Q. Okay. So let me first then ask you what your
7 occupation is?

8 A. I'm a consultant.

9 Q. You're a consultant. And what do you mean by
10 that?

11 A. Just what the word means.

12 Q. I'm sorry.

13 A. I consult people.

14 Q. You consult people regarding what?

15 A. Whatever they want.

16 Q. I see. So if I wanted to have a -- well, tell
17 me what subject matters you've been engaged in as a
18 consultant since 2007, when you left the Church of
19 Scientology?

20 A. Media relations, public speaking, organizing of
21 activities, marketing, promotion.

22 Q. Anything else?

23 A. Probably, but that's a fairly good list.

24 Q. Okay. Let me see if I can help you. Did you
25 get involved in consulting in connection with

1 litigation?

2 A. Yes.

3 Q. And about how many times have you been involved
4 as a consultant in litigation?

5 A. Maybe four, five. I don't -- I don't know
6 exactly.

7 Q. Well, let's see. You're involved as a
8 consultant in litigation to Mr. Garcia; is that correct?

9 A. That's correct.

10 Q. And you're an expert witness on Mr. Garcia's
11 behalf; is that true?

12 A. No, that's not true.

13 Q. You ever hold yourself out as an expert in
14 connection with matters pertaining to the Church of
15 Scientology in this case?

16 A. In this case? No.

17 Q. Okay. Other --

18 A. I assume -- I assume, Mr. Deixler, that you're
19 taking that as a term of art, an expert, like an expert
20 witness.

21 Q. What other meaning is there for "expert" other
22 than an expert witness in the context of testifying in
23 the case? What do you mean? I want to make sure I
24 understand.

25 A. There's no -- there's no other meaning in the

1 context of testifying in the case.

2 Q. So you're not an expert witness in this case,
3 correct?

4 A. No, I'm not.

5 Q. You're -- you're just a consultant, correct?

6 A. Consultant, that's correct.

7 Q. Okay. And so you're consulting to Mr. and
8 Mrs. Garcia in this case. What other cases have you
9 consulted in?

10 A. There was some case in Atlanta with a law firm
11 that was suing Narcanon.

12 Q. Okay. Do you remember the name of that case?

13 A. No, I don't remember.

14 Q. Let me ask, were you a consultant on behalf of
15 the Narcanon entities or the Church of Scientology, or
16 were you a consultant on behalf of the plaintiffs in
17 that case?

18 A. The plaintiffs.

19 Q. What other cases have you consulted in, sir?

20 A. A Narcanon case in Oklahoma.

21 Q. And in that case, were you a consultant on
22 behalf of the plaintiffs or on behalf of Narcanon or any
23 Church of Scientology-related entity?

24 A. Plaintiffs.

25 Q. Plaintiffs. Okay. What other cases have you

1 been an expert in, sir?

2 A. I haven't been an expert in any case.

3 Q. What other cases have you been a consultant in?

4 A. I think that's it. I provided a declaration
5 for Laura Dieckman, I think, and --

6 Q. That's -- that's a case pending in California?

7 A. Yes.

8 Q. And Laura Dieckman is a person who is suing the
9 Church of Scientology?

10 A. Correct.

11 Q. Okay.

12 A. And I forgot one.

13 Q. Did you serve -- did you serve to consult with
14 her or her lawyers in connection with that case?

15 A. No, I just provided a declaration.

16 Q. Okay.

17 A. And then, of course, there is the Monique
18 Rathbun case in Texas.

19 Q. Okay. And is that a case in which you've
20 provided assistance to Ms. Rathbun adverse to the
21 interests of the Church of Scientology or its
22 affiliates?

23 A. Yes.

24 Q. Okay. And any other case that you've served as
25 a consultant or assistant to?

1 A. Not that I can recall.

2 Q. How about any case with a lawyer named -- named
3 Jeffreys?

4 A. That's the one I just told you.

5 Q. How about the Debbie Cook case, were you
6 involved in that case?

7 A. I was a witness.

8 Q. You were a witness in that case. And who
9 called you as a witness?

10 A. Mr. Jeffrey.

11 Q. Okay. And that was in connection with the
12 services rendered to the plaintiff rather than to a
13 Church of Scientology International or affiliate of the
14 Church of Scientology?

15 A. No, no. That was a defendant.

16 Q. I see. Ms. Cook was the defendant, she had
17 been sued by the Church of Scientology or one of its
18 affiliates in connection with a breach of a
19 confidentiality agreement, correct?

20 A. You're correct.

21 Q. And you provided assistance to Ms. Cook rather
22 than to the church; is that right?

23 A. No. I provided assistance to the court.

24 Q. To the court. Did -- did the court ask you to
25 testify --

1 A. Even though I didn't actually testify.

2 Q. I see.

3 A. That's what -- that's what I was attempting to
4 do, was simply provide the truth to the court.

5 Q. Well, you're always trying to present the truth
6 to the court, aren't you, as a witness, sir?

7 A. Of course.

8 Q. So, for example, today you're trying to present
9 the truth to the court, correct?

10 A. Correct.

11 Q. In connection with affidavits and declarations
12 you've filed in connection with this case, you're trying
13 to present the truth to the court; is that correct?

14 A. That's correct.

15 Q. It wasn't always your practice to present the
16 truth to courts in affidavits and declarations, was it,
17 sir?

18 MR. BABBITT: Objection to form.

19 A. Of course it was.

20 Q. Was it the case that you lied under oath in
21 declarations submitted to the court during the time that
22 you were at the Church of Scientology?

23 A. No. I think that I -- everything that I wrote
24 or said or, you know, all the stuff that you're going to
25 pull out, at the time I firmly believed that it was the

1 truth or it was what I understood to be the truth.

2 Q. What do you mean by understood to be the truth?

3 A. Just what I said.

4 Q. You were --

5 A. My understanding of the truth, whatever my
6 understanding of the truth was.

7 Q. So in some respects your understanding of the
8 truth has changed?

9 A. I think -- I think someone's understanding of
10 truth changes all the time over time.

11 Q. When you -- you've had numerous interviews with
12 the media since you've left the Church of Scientology;
13 is that correct?

14 A. Yeah, I think that's a fair characterization.

15 Q. And would it be fair to say that you repeatedly
16 told representatives of the news media that you lied
17 frequently when you were with the Church of Scientology?

18 A. No, I don't think that that's fair. I think
19 that I have said that there were things that I lied
20 about when I was in the church and lied about as a
21 spokesperson for the church.

22 Q. I see. So let me see if I can understand the
23 distinction that you draw about the lies that you've
24 told in the past. In the past, you acknowledge you lied
25 when you served as a spokesperson for the church,

1 correct?

2 A. Yes.

3 Q. Okay.

4 A. Correct.

5 Q. And serving as a spokesperson for the church
6 meant what, sir?

7 A. Presenting to the media whatever the church's
8 position was on whatever it was that was under
9 discussion or the media wanted to know about.

10 Q. And during what period of time were you
11 presenting these false statements to the media?

12 A. I don't know that I can answer that, because I
13 don't know "these false statements." I mean, I have
14 stated publicly that there were things that I lied
15 about. I lied specifically when asked by the BBC, John
16 Sweeney, whether David Miscavige had struck me and I
17 said no, and that was a lie, and I am not aware of other
18 things where I have said I lied to the media or
19 acknowledged having lied. Who knows, maybe there are
20 others, but I'm not aware of them. That's the one that
21 I'm aware of.

22 Q. So other than the discussion you had with the
23 BBC on this topic of having lied to the media, you can't
24 think of any other lie that you told during the time
25 that you were a member of the Church of Scientology; is

1 that fair?

2 A. And as I sit here and just such a broad
3 question about can I -- there's nothing that springs to
4 mind, no.

5 Q. Okay. Your basic position is that the
6 testimony that you gave in affidavits were truths,
7 correct?

8 MR. BABBITT: Objection; repetitive.

9 Q. Right?

10 A. Yeah, that's what I said.

11 Q. And in declarations, those were the truth,
12 correct?

13 A. Correct.

14 MR. BABBITT: Objection; repetitive.

15 Q. And in deposition testimony, that was the
16 truth?

17 A. Correct.

18 MR. BABBITT: Objection; repetitive.

19 Q. And in court testimony, that was the truth; is
20 that right?

21 MR. BABBITT: Objection; repetitive.

22 A. Correct.

23 Q. And have you had the occasion to now go back
24 and look at any affidavits, declarations or testimony
25 that you gave and decide that, in fact, what you said

1 was untrue?

2 A. No, I haven't. I'm sure you're going to do
3 that but I haven't done that.

4 Q. How have you prepared for your deposition, sir?

5 A. Very little.

6 Q. However little it may be, why don't you tell us
7 what you did.

8 A. I spoke to Mr. Babbitt yesterday when he
9 arrived and that's all.

10 Q. Is Mr. Babbitt your lawyer in connection with
11 this case?

12 A. No. He's the lawyer for the plaintiffs in the
13 case.

14 Q. Okay. Tell me, if you will, what you said to
15 Mr. Babbitt and he to you yesterday in connection with
16 the preparation for your testimony.

17 A. He told me to tell the truth, he told me that
18 he expected that I would present whatever information I
19 had and that I should just be considerate and careful,
20 polite, and that I shouldn't -- shouldn't take the bait.

21 Q. Anything else that you and Mr. Babbitt
22 discussed yesterday in connection with your preparation
23 for your testimony here today?

24 A. No.

25 Q. So that preparation took about 30 seconds?

1 A. Yeah, about that.

2 Q. Okay. Did you look at any documents?

3 A. No.

4 Q. Okay. Haven't looked at any documents in
5 connection with your preparation for your testimony?

6 A. No.

7 Q. How about in connection with the preparation
8 for any of your declarations or affidavits related to
9 the Garcia case, either in the state court or the
10 federal court action, did you look at any documents in
11 order to assist your memory?

12 A. Oh, yes, I did. Whatever -- I mean, I referred
13 to a bunch of policy letters and things, so I looked at
14 those.

15 Q. Okay. And you had those in your possession?

16 A. Yes.

17 Q. Okay. And how did you have those in your
18 possession? How did they come to be in your possession?

19 A. I don't know. I mean, people have given me
20 numerous sets of books that they were persuaded to
21 purchase that they didn't want. They're available on
22 the Internet. I don't -- I don't remember if I looked
23 in the books or if I just searched them -- searched for
24 them on the Internet.

25 Q. So when you prepared the affidavits or

1 declarations in connection with the Garcia matter, you
2 don't recall whether you had a hard copy of the policies
3 in front of you or whether you searched for them on the
4 Internet; is that fair?

5 A. No. And some of them are attached to things
6 that have been filed in the case, so I -- I don't know.

7 Q. Do you have a copy of pleadings that have been
8 filed in the case?

9 A. I have a copy of some of the pleadings.
10 They're online.

11 Q. I see. And how did you get the copies of
12 those?

13 A. I read Tony Ortega's blog. That's how I
14 usually get them.

15 Q. Tony Ortega, who is Tony Ortega?

16 A. He is a guy that has a blog in New York.

17 Q. And he's covered or published information about
18 this case?

19 A. Yes, he has, routinely.

20 Q. And you are -- and you are a regular reader of
21 information about this case?

22 A. Yes.

23 Q. Okay. Now, in connection with your consulting
24 services in this case, are you being compensated?

25 A. For consulting? Well, I was up until, I don't

1 know, April or May or something.

2 Q. April or May of 2014?

3 A. Yes, that's right.

4 Q. And about how much money in total have you
5 received as a consultant in this case?

6 A. I don't know. I'm sure -- I'm sure you've got
7 that number, Mr. Deixler.

8 Q. Do you have an estimate?

9 A. No.

10 Q. So in excess --

11 A. Maybe, like, you know, \$2,000 a month or
12 something. I -- I really actually don't know, but I'm
13 sure you've got it, so whatever the number is, you've
14 got it and I agree to it. It's whatever my bills are
15 that I assume have been turned over because I'm sure
16 you've asked for them. I know that they were turned
17 over before the last hearing and there hasn't been very
18 much since then, so whatever.

19 Q. And do you charge a rate or a flat fee, or how
20 do you calculate the value of your service?

21 A. By hour.

22 Q. Okay. And what's your hourly rate?

23 A. \$175.

24 Q. And is that the same consulting rate you've
25 charged in all of the other cases against the Church of

1 Scientology or its affiliates?

2 A. Yes, although some -- some of those I -- I
3 mean, it is the rate that I would charge but I don't
4 think that anybody else has paid me anything.

5 Q. So the only persons who have paid you for your
6 consulting work in cases adverse to the Church of
7 Scientology or their affiliates are the Garcias?

8 A. Correct.

9 Q. And you've been paid directly by the Garcias or
10 were you paid by lawyers?

11 A. No, by lawyers.

12 Q. Okay.

13 A. Oh, I'm sorry, Mr. Deixler. That Atlanta law
14 firm paid me for a day of work when they flew someone
15 down here to see me to go through documents with me.

16 Q. And were you charged -- did you charge them a
17 day rate or an hourly rate?

18 A. I don't remember.

19 Q. Other than in cases adverse to the Church of
20 Scientology, who else has paid you \$175 an hour for your
21 consulting work?

22 A. I'd prefer not to disclose the names of anybody
23 else that's paid me.

24 Q. Have you received any payments as a consultant
25 other than in connection with matters adverse to the

1 Church of Scientology?

2 A. Yes.

3 Q. Okay. Tell us, if you will, in what areas
4 unrelated to the Church of Scientology you've consulted
5 in the last two years.

6 A. I gave you the list already: Media, public
7 speaking, marketing, organization, et cetera, et cetera.
8 Whatever I said.

9 Q. Okay. So I'd like to just explore a little
10 bit. Let's talk a little bit about the media
11 consulting. Tell us in more detail what kind of media
12 consulting you've done for your hourly rate.

13 A. I have trained people on how to deal with,
14 address the media, answer questions from the media, and
15 arranged for their appearances, disrelated to
16 Scientology.

17 Q. Completely unrelated to Scientology?

18 A. Completely and utterly.

19 Q. During what period of time did you provide this
20 media training?

21 A. Over the last two-and-a-half years.

22 Q. Okay. So sometime starting in what, about
23 2012?

24 A. Yeah, that's fair.

25 Q. And about on how many occasions?

1 A. I don't understand the question.

2 Q. How many times did you -- how many sets of
3 clients did you have for these services?

4 A. How many sets of clients did you have? I
5 still -- I'm still not sure what you're trying to ask
6 me. Like how often do I do it or how many different
7 people?

8 Q. Both.

9 A. Okay. How often?

10 Q. How often do you do it and for how many
11 different people?

12 A. Okay. So probably maybe on 20 occasions, maybe
13 more. It's hard to separate that from other things that
14 I do because they go hand in hand and together. That --
15 that would be my best guess.

16 Q. What's the name of the business that you
17 operate that provides these media consulting services?

18 A. I don't really operate as a business.

19 Q. Where is --

20 A. I operate just as an individual.

21 Q. And where is the headquarters of this business
22 at?

23 A. My international headquarters are located where
24 I live.

25 Q. I see. And does your wife provide assistance

1 as well in that area?

2 A. No.

3 Q. It's just you?

4 A. Just me.

5 Q. And your clients, do they come to your home,
6 the international headquarters?

7 A. No, not often. Sometimes but not often.

8 Q. Where do you provide those consulting services?

9 A. Wherever they are.

10 Q. And so you've done this all over the country or
11 all over the world in the last two years, this
12 consulting service that you've described?

13 A. Yeah.

14 Q. Okay. And how do people come to know about
15 your availability to provide this media consulting
16 service?

17 A. It's usually by word of mouth. Someone tells
18 them that they got help with this, someone tells them
19 that, you know, I helped them with that, and then they
20 contact me.

21 Q. And it's all tied to your public persona in
22 connection with being a person who attacks the Church of
23 Scientology, correct?

24 A. No, it's not tied to that at all. It has no
25 bearing on -- that has no bearing on it whatsoever.

1 Q. How do you know that?

2 A. Because the people -- I have to explain to them
3 what my history is because when the private
4 investigators show up to start knocking on their doors
5 and the doors of their next-door neighbors and their
6 families, they need to understand why that's happening.

7 Q. What -- what percentage of your income in 2014
8 was derived from consulting services unrelated to being
9 a consultant in matters adverse to the Church of
10 Scientology?

11 A. 90 percent.

12 Q. So only 10 percent of your income was derived
13 from consulting in the Garcia case, correct?

14 A. Correct.

15 Q. And other than the Garcia case, you didn't have
16 any other compensation as a legal consultant during the
17 year 2014, correct? Is that true?

18 A. Except for maybe that one day of the Atlanta
19 lawyers. I don't remember which year that was. That
20 might have been in 2014, it might have been in 2013, I
21 don't know.

22 Q. Okay. But, in any case, together they only
23 constituted about 10 percent of your income in 2014,
24 right?

25 A. Yeah, that's -- I mean, that would be my guess.

1 Q. 90 percent of your income was derived from your
2 other consulting businesses and public speaking, media
3 relations and the like; is that right?

4 A. That's --

5 MR. BABBITT: Objection; repetitive.

6 Q. And is that also true for 2013, sir, that about
7 10 percent of your income was derived from legal
8 consulting in matters adverse to the Church of
9 Scientology?

10 A. No. I'm sure that the percentage was greater
11 in 2013.

12 Q. Greater. How much do you think was the
13 percentage in 2013 on your income from legal consulting
14 adverse to the church?

15 A. Do you want me to guess?

16 Q. I'd like your best estimate.

17 A. Well, that would be a guess, so maybe 30
18 percent, maybe 40 percent.

19 Q. Okay. Somewhere between a third and 40
20 percent, would that be a fair estimate?

21 A. Yeah. I mean, that -- that's -- that's my
22 guess, Mr. Deixler. I don't real -- I don't really
23 know, but that's my guess. I'm just trying to answer
24 your question. It seems fair enough.

25 Q. And you said in April or May of 2014 the

1 consulting payments stopped, if I understood your
2 testimony correctly. Is that how you recall testifying?

3 A. Yes, that's correct.

4 Q. And what happened in April or May that caused
5 you to no longer receive consulting fees?

6 A. Mr. Babbitt basically said we don't really have
7 the allocated funds to pay you.

8 Q. And so whatever involvement you've had in the
9 case since last April or May of 2013 has been pro bono,
10 for free, just to be a good citizen; is that right?

11 A. Yeah, I guess.

12 Q. Do you have any expectation of being paid,
13 rewarded in the event the plaintiffs receive any money
14 out of this case?

15 A. No.

16 Q. Ever discuss that topic with anybody?

17 A. No.

18 Q. Have you spoken to Mr. Rathbun about your
19 deposition?

20 A. No.

21 Q. When is the last time you spoke to Mr. Rathbun?

22 A. Four months ago.

23 Q. Who have you spoken with about your deposition
24 other than Mr. Babbitt?

25 A. Well, I spoke to Mr. Garcia.

1 Q. And when was that?

2 A. Last night.

3 Q. How much time did you and Mr. Garcia spend on
4 the phone on the topic of your deposition?

5 A. Maybe 15 seconds.

6 Q. Fifteen seconds. And did you call Mr. Garcia
7 or did he call you?

8 A. He called me.

9 Q. And did he call you at home?

10 A. Well, I was at home when he called me, yes.

11 MR. DEIXLER: It looks like I need a media
12 consultant here.

13 A. I'll sign you up.

14 Q. What's your rate?

15 A. \$175 an hour.

16 Q. Okay.

17 So we are on the topic of your conversation
18 with Mr. Garcia and that 15-second call which he placed
19 to you. Do I understand correctly that the totality of
20 the call was 15 seconds or only the part that pertained
21 to the deposition?

22 A. Only the part that pertained to the deposition.

23 Q. What else did you discuss with Mr. Garcia last
24 night right before your deposition?

25 A. Family matters.

1 Q. His or yours?

2 A. Both.

3 Q. Okay. Anything else?

4 A. No.

5 Q. When is the last time you had spoken to
6 Mr. Garcia before he called you last night?

7 A. A month ago maybe.

8 Q. And what was the reason for that phone call?

9 A. Wow. You know what, I honestly don't recall.
10 I -- I suspect that it was him calling about, you know,
11 just Merry Christmas, Happy, you know, New Year. I
12 think that he probably said, you know, I'll be seeing
13 you because I'm coming to Tampa for my deposition.
14 That's what I -- that's -- I mean, that's what I recall.
15 It's not that -- it just wasn't a big significant phone
16 call.

17 Q. Now, before Mr. Garcia filed the initial state
18 court action in this case, did you provide assistance to
19 him in thinking about claims that he might bring?

20 A. No, I didn't. I -- he found a lawyer, Brian
21 Leung, I think his name, and Mr. Leung then reached out
22 and asked me if I could help him decipher terminology
23 and organizational structure and all that sort of stuff.

24 Q. And Mr. Leung was the person who offered you
25 \$175 an hour to do that, correct?

1 A. No, that's not right.

2 Q. Did you enter into a consulting contract with
3 Mr. Leung?

4 A. I -- well, I -- yes, I did.

5 Q. And was that for \$175 an hour?

6 A. No.

7 Q. What was that arrangement?

8 A. No rate, pro bono.

9 Q. Oh, you did that pro bono?

10 A. Yes.

11 Q. Okay.

12 A. I'm a generous guy.

13 Q. Was there ever a time -- you are a generous guy
14 in that you wanted to assist in a case adverse to the
15 Church of Scientology, correct?

16 A. No, that's not correct. I wanted to help him
17 because he was struggling with understanding what --
18 what all these words were and what all these
19 organizations were and that sort of stuff, and Luis
20 Garcia was a friend of mine.

21 Q. How long had Luis Garcia been a friend of
22 yours?

23 A. Since 2010, I guess. I don't -- somewhere in
24 that region.

25 Q. And you didn't know him when he was a member of

1 the church?

2 A. No.

3 Q. You never talked to him about any of the issues
4 that are presented by this case during the time he was a
5 member of the church?

6 A. No.

7 Q. You never, for example, discussed with him the
8 arbitration provision that's contained in any of the
9 enrollment agreements which he or his wife formed,
10 correct?

11 A. Okay. You have to ask that question again. I
12 am not sure whether you were carrying on with when he
13 was in the church you never spoke to him about this and
14 when he was in the church you never talked to him about
15 that, or are you just open-endedly asking now have you
16 ever talked to Mr. Garcia about the arbitration
17 agreement.

18 Q. When Mr. Garcia was a member of the Church of
19 Scientology, and you were a member of the Church of
20 Scientology, did you ever speak to Mr. or Mrs. Garcia
21 about the arbitration agreement?

22 A. Well, no. I already told you I never spoke to
23 him, so I couldn't speak to him about anything if I
24 hadn't spoken to him.

25 Q. So you would agree that there is nothing that

1 you said to Mr. Garcia or he to you about the
2 arbitration clause during the time that Mr. Garcia was a
3 church member, correct?

4 MR. BABBITT: Objection; repetitive.

5 A. Yeah.

6 Q. Okay. Now, since Mr. Garcia -- well, let me go
7 back to Mr. Leung here.

8 You just wanted to help Mr. Leung decipher
9 different issues pertaining to the Church of
10 Scientology, correct?

11 MR. BABBITT: Objection; repetitive.

12 A. Correct.

13 Q. Okay. And Mr. Leung called you and -- out of
14 the blue and said would you be willing to help me
15 decipher this, correct?

16 A. Out of the blue isn't really right.

17 Q. Well, you said he initiated the phone call.
18 Did you know in advance that he was going to call you?

19 A. Yes.

20 Q. And did you know that from Mr. Garcia?

21 A. Yes.

22 Q. And was it Mr. Garcia who said, in effect, I
23 hope you'll take a phone call from my lawyer as we're
24 together planning a lawsuit against the Church of
25 Scientology?

1 A. Close enough.

2 Q. Yeah. And did he tell you it was pertaining to
3 the subject of refunds?

4 A. Yes.

5 Q. Okay. And you yourself had been involved in
6 numerous conversations with other former members of the
7 Church of Scientology on the topic of refunds, correct?

8 A. A lot of people have asked me about them,
9 correct.

10 Q. You have talked with people about the
11 possibility of a billion dollar lawsuit against the
12 Church of Scientology focused on refunds; isn't that
13 true, sir?

14 A. No, that's not true. I mean, I don't know,
15 maybe someone has said that they thought that there was
16 a billion dollar lawsuit. I never said that. Billion
17 dollars, is that what you said?

18 Q. You've participated in conversations with
19 former church members in which the discussion was had
20 about a class action kind of case against the Church of
21 Scientology pertaining to refunds; isn't that true?

22 A. I think that there have been a lot of people
23 who have said "oh, well, why don't we file a class
24 action lawsuit?" And I have generally responded to that
25 by saying I don't think class action lawsuits are a very

1 effective means of redressing your grievance.

2 Q. I see. So to answer my question directly, it
3 is yes, you have participated in conversations about the
4 filing of class action lawsuits pertaining to refunds;
5 am I correct about that?

6 A. Yeah, if you say yes, you've participated,
7 yeah, that's right.

8 Q. And you participated in those conversations
9 with, among other people, Mr. Rathbun; isn't that true?

10 A. Yeah, probably.

11 Q. And another participant in those conversations
12 with you --

13 A. Why are you so --

14 Q. -- and Mr. Rathbun is your wife; isn't that
15 right, sir?

16 MR. BABBITT: Would you do me a favor? Quit
17 pointing your finger at the witness. That's
18 intimidating.

19 MR. DEIXLER: No, I'm not doing -- he's not
20 intimidated.

21 MR. BABBITT: Well, I'm upset about it, so
22 please don't point your finger like this. That's
23 intimidating. I want that on the record.

24 MR. DEIXLER: Could you read the question to
25 the -- would you read the question to the witness,

1 ma'am?

2 Q. And would you answer my question? Thank you
3 very much.

4 (The question was read by the reporter.)

5 Q. Correct?

6 A. I don't think so.

7 Q. So as far as you can recall, your wife has
8 never participated in a conversation other than just
9 between the two of you on the subject matter of bringing
10 refund class action lawsuits or similar large lawsuits
11 based on refunds; is that fair?

12 A. You know, it's possible. It's possible that
13 she was there at some point when I talked to someone
14 but, I mean, you've already deposed her. She doesn't
15 know anything about this stuff. She's -- this is not --
16 she doesn't have a refund, she doesn't have any money
17 that she wants to get back, she has no interest in that
18 and she has no familiarity with the legal process, so
19 talking to her about it would be -- so I would say that
20 at best, to be -- to try and answer your question as
21 best I can, perhaps she was there when I was talking to
22 someone else, but I don't recall ever having a
23 conversation with her about that.

24 Q. During what time period did you have these
25 conversations about bringing a class action lawsuit

1 pertaining to refunds against the Church of Scientology?

2 A. Oh, I don't know. People have e-mailed me or
3 called me or whatever for -- since -- since probably
4 2010.

5 Q. Okay. So within the last four years or so,
6 about how many communications do you think you've had on
7 the topic of being involved in a class action lawsuit
8 pertaining to refunds against the Church of Scientology?

9 A. I don't know. There's probably been 10 or 12
10 people who have raised this thing. It's like a
11 catchphrase for them. They go, "oh, class action
12 lawsuit," and then they think they know what they're
13 talking about and they bring it up and say, "well, you
14 know, we think that we should file a class action
15 lawsuit."

16 So, I don't know, a dozen, 20. It's sort of a
17 popular thing for people that don't know anything to
18 say, "oh, class action lawsuit, that would be great."

19 Q. Give me an example of some of these people who
20 have offered this view about bringing refund-related
21 class action lawsuits in conversations that you've had,
22 sir?

23 A. It's really hard for me to remember,
24 Mr. Deixler, who talked about that and who didn't,
25 because I've always dismissed it as a very -- you know,

1 as rapidly as I could, and I know that anybody's name
2 that I bring up here, I'm just opening them up to -- to
3 further adventures with the church, so I -- and so I
4 want to make sure that I get it right. I don't want the
5 name of someone thrown out here that really didn't or
6 never said that, and it's hard for me to decipher
7 between all the conversations that I may have had with
8 people who have reached out to me or had a conversation
9 about trying to recover their money from the church.
10 There's a lot of people out there that have upset about
11 not being able to get their money back, a lot.

12 Q. Right. Yeah. So let's just focus then in
13 small bits because we're going to be testing your memory
14 throughout today.

15 Let's take the last, I don't know, six months.
16 Who are the people in the last six months with whom
17 you've had conversations on the subject matter of a
18 lawsuit against the Church of Scientology pertaining to
19 refunds?

20 MR. BABBITT: Objection to form of the
21 question.

22 Q. Other than Mr. Garcia.

23 MR. BABBITT: Objection to the form of the
24 question.

25 A. You just changed the question. Who have I had

1 contact with with respect to lawsuits or class --

2 Q. Yes.

3 A. You were all on class action and I've been
4 trying to respond to you about class action lawsuits and
5 now you just -- no more class action, just lawsuit.

6 Q. Okay. So let's make it as broad as I've -- as
7 you've interpreted the question.

8 Within the last six months, other than
9 Mr. Garcia and Mr. Babbitt about whom you've already
10 told us, who else have you spoken with on the subject
11 matter of bringing a lawsuit based upon the theory of
12 refunds against the Church of Scientology?

13 A. Dave Richards, Tony Blanco, Kirk Radandt.

14 Q. I'm sorry, I didn't hear the last name.

15 A. Kirk Radandt.

16 Q. Anybody else?

17 A. Cooper Kessel, some guy in Germany that I can't
18 remember his name, another one in France, Sarah and Shel
19 Goldberg, Bruce Goldman, Wendy Munro. That's the ones I
20 can think of.

21 Q. Okay. And which of those have you referred to
22 lawyers?

23 MR. BABBITT: Object to the form of the
24 question; lack of predicate.

25 A. None.

1 Q. Which of those have you discussed the
2 arbitration provision with?

3 A. None.

4 Q. How about in the last year, setting aside the
5 half dozen or so you've just enumerated, who else have
6 you spoken to in the last year on the subject matter of
7 lawsuits against the Church of Scientology based on
8 refunds?

9 A. Robert Almblad, Mary Jo Obolensky, Daryl
10 Serrontini, Tony DePhillips, Brian Culkin, Leah Remini,
11 Ken and Yvonne Schick, Halina Cirillo, Randall Wise,
12 Janet Akpobome, Gaye Corbett, some guy in Switzerland, I
13 can't remember his name, some people in Australia, I
14 can't remember their name. That's the ones I can think
15 of.

16 Q. And this dozen or more people, maybe a
17 dozen-and-a-half people that you've identified, in that
18 time period, were those all oral communications or were
19 they written e-mails, traditional correspondence --

20 MR. BABBITT: Objection; lack of predicate.

21 Q. -- or some other form of communication?

22 A. Either in person or by phone, primarily.

23 Q. I see. And the in-person discussions that
24 you've had, were people coming to your consulting
25 headquarters, your home?

1 A. I'm glad I've got a headquarters now. That's
2 cool.

3 Both. They -- some of them came to my home,
4 some of them have -- I've met in other places, some of
5 them I've seen when I've been in Los Angeles or, you
6 know, just -- if you -- random. There's no -- there's
7 no "oh, yes, they were were all here or they were all
8 there."

9 Q. In this 2014 period that we've been speaking
10 about over the last few minutes, was there ever a time
11 when you had a meeting face-to-face, in person, either
12 at your international headquarters or elsewhere, where
13 more than one of the people you've identified was
14 present?

15 A. When more than one of the people I've
16 identified was present? You mean were they in -- were
17 they all in my house or all engaged in the conversation?
18 That's two -- that's two different things. They could
19 have all been present in my house or more than one of
20 them could have been present in my house but not more
21 than one of them was present for the conversation.

22 Q. Okay. So let's break it down. Thank you for
23 that assistance.

24 A. You're welcome.

25 Q. Was there a time when more than one of the

1 people you've identified in this 2014 period, who've
2 indicated a desire or an interest in bringing a refund
3 lawsuit against the Church of Scientology, when you were
4 with more than one of these people, whether they all
5 participated in the conversation or not?

6 MR. BABBITT: Objection; lack of predicate.

7 A. Okay. Generally, I would say that the
8 conversations have been one on one, but I couldn't
9 attest that there has been any -- there hasn't been a
10 circumstance where there has been more than one person
11 on the phone, and there was a phone call that was
12 conducted by Mr. Babbitt that I was on where there were
13 a number of people talking about potential litigation.

14 Q. Who were those people?

15 A. Some of the ones I've named. I mean, I
16 couldn't recall and tell you for certain that every one
17 of these people was on the phone call, but the ones that
18 I am pretty sure were on the phone call were Dave
19 Richards, another German lady that is in Clearwater
20 whose daughter is a Gold that I can't remember her name,
21 Monika Weineke, Randall Reis and his wife. I'm not sure
22 if Brian Culkin was on that phone call or not. I
23 don't -- I'm not -- I'm really not sure. He may have
24 been.

25 Q. Anybody else on the call with Mr. Babbitt and

1 you on this occasion in 2014 --

2 A. Not that I --

3 Q. -- in which a discussion was had about a
4 lawsuit against the Church of Scientology pertaining to
5 refunds?

6 A. Yes, there were other people but I don't
7 remember who they were.

8 Q. What's your best estimate to the number of
9 people who were on that call?

10 A. Six.

11 Q. Six more?

12 A. No.

13 Q. Total of six?

14 A. Maybe eight. I --

15 Q. Okay.

16 A. I didn't -- I wasn't -- that wasn't my phone
17 call. I just happened to be on it.

18 Q. You just happened to be on it? How did you
19 happen to be on it? Did someone request you --

20 A. I was invited to be on it, meaning I didn't
21 organize the phone call, I was invited to be on it, so
22 I -- you know, keeping track of who was and wasn't
23 there, I don't know.

24 Q. Who was the person who extended the invitation
25 to you?

1 A. Mr. Babbitt's secretary.

2 Q. Okay. And was this at a time that you were
3 serving as a consultant for pay?

4 A. Yes.

5 Q. Okay. And were you, in fact, compensated for
6 your participation in that phone call?

7 A. Probably.

8 Q. Okay. You sent a bill for it?

9 A. Probably. I'm sure you've got it, so take a
10 look.

11 Q. Now, the two dozen or so people whom you've
12 identified, have any of them paid you any money in any
13 format with regard to the services that you've provided
14 to them?

15 A. No.

16 Q. Okay. So, for example, Mr. Alpnep, is that his
17 name?

18 A. Akpobome?

19 Q. No, Robert --

20 A. Almblad.

21 Q. Almblad. Almblad. He's never paid you any
22 money; is that right?

23 A. Oh, yeah, he has, but not for services relating
24 to any law -- he doesn't have any lawsuit.

25 Q. What -- what has he paid you for?

1 A. Consulting.

2 Q. You're a consultant to Mr. Almlad who is
3 discussing the subject matter of bringing a lawsuit
4 against the Church of Scientology pertaining to refunds,
5 do I follow you correctly so far?

6 A. Not quite.

7 Q. How did I get that wrong?

8 A. You're -- you're -- okay. I was a consultant
9 for Mr. Almlad having nothing to do with Scientology.
10 Mr. Almlad is a friend of mine. Mr. Almlad doesn't
11 have any sort of claim himself. He was interested in
12 the Garcia lawsuit, so I had a discussion with him
13 about -- probably more than one discussion with him
14 about the Garcia lawsuit.

15 Q. And why did you have a conversation with
16 Mr. Almlad, whom you were consulting to, on matters
17 unrelated to the Church of Scientology pertaining to the
18 Garcia lawsuit?

19 A. Because he was interested in it.

20 Q. I see. How long have you been friends with
21 Mr. Almlad?

22 A. Since 2009.

23 Q. After you left the church?

24 A. Yeah. Maybe 2010, actually.

25 Q. Okay. And what's the general subject matter

1 that you were providing him consultation regarding?

2 A. Marketing, media, public relations --

3 Q. What business --

4 A. -- organization. He's an inventor.

5 Q. He's an inventor?

6 A. Uh-huh.

7 Q. Okay. And you get paid by the hour by him?

8 A. Wow. I haven't been paid anything from him for
9 two years or more.

10 Q. So you haven't been paid since 2012 by him,
11 you're sure of that?

12 A. Yeah, I think -- I think that's correct.

13 Q. Okay. And was that -- so it had been about two
14 years since you had received your last payment from
15 Mr. Almblad before this conversation with Mr. Babbitt
16 and your -- and the group of others on the phone; is
17 that correct?

18 A. He wasn't on the phone. I didn't say that.

19 Q. I'm trying to define the time here. It's been
20 about two years since you had last been paid by
21 Mr. Almblad, when you were on this phone call with
22 Mr. Babbitt and the others on the subject matter of
23 bringing a lawsuit against the church regarding refunds,
24 correct?

25 A. I don't know what your question is now.

1 Q. The last time you got paid by Mr. Almblad was
2 2012, correct?

3 A. Correct.

4 Q. The phone call that you had with this group of
5 people and Mr. Babbitt was in 2014, correct?

6 A. Correct.

7 Q. When in 2014, approximately, the first half of
8 the year, second half of the year?

9 A. First half, I guess. I --

10 Q. So sometime before June --

11 A. Mid.

12 Q. Mid 2014. Around, in or about June of 2014?

13 A. I guess.

14 Q. Okay.

15 A. I mean, it's a guess.

16 Q. Okay.

17 A. But sometime.

18 Q. So of the two dozen or so people whom you've
19 identified as having had conversations regarding
20 bringing lawsuits against the Church of Scientology on
21 the subject matter of refunds, with which of these
22 individuals have you talked about the arbitration
23 clause?

24 MR. BABBITT: Objection to the form of the
25 question; lack of predicate.

1 A. I don't think I've talked to any of them.

2 Q. Okay. Other than Mr. Babbitt, is there anybody
3 in the world with whom you've spoken about the topic of
4 the arbitration clause contained in the enrollment form?

5 A. Marty Rathbun.

6 Q. Okay. Anybody else?

7 A. Luis Garcia.

8 Q. Anybody else?

9 A. No, I don't believe so.

10 Q. Mr. Leung?

11 A. Yes. Thank you.

12 Q. Any other lawyer who followed Mr. Leung or
13 preceded Mr. Babbitt in connection with this Garcia
14 claim?

15 A. Tucker Byrd.

16 Q. Okay. Anybody else?

17 A. There -- there wasn't much discussion with him
18 about it because it wasn't really a big issue at that
19 point.

20 Q. Anybody else?

21 A. Well, the other lawyers associated with
22 Mr. Babbitt --

23 Q. Okay.

24 A. -- in his firm, and Amanda McGovern.

25 Q. Okay. Anybody else?

1 A. I mean, it's possible but not that I recall.

2 Q. Okay. So your best memory is that since you've
3 left the church in 2007, the only nonlawyers with whom
4 you have spoken on the topic of the arbitration clause
5 in the enrollment agreement are Mr. Rathbun and
6 Mr. Garcia; is that correct?

7 A. Yeah, that's my best -- best recollection. I
8 mean, I don't know. It's possible, Mr. Deixler, that
9 someone else has mentioned this and I have commented or
10 responded, but nobody that comes to mind.

11 Q. Okay. If you wanted to refresh your memory
12 about whether there is anybody else other than
13 Mr. Rathbun and Mr. Garcia with whom you've spoken on
14 the topic of the arbitration clause in the enrollment
15 agreement since your departure from the Church of
16 Scientology, to what, if anything, would you refer?

17 A. Probably the pile that you have in front of
18 you.

19 Q. And --

20 A. I assume that there is something in there that
21 says that there is someone that I have had a
22 conversation with at some point and you're trying to get
23 me to say, "oh, that's the only people I've had a
24 conversation with," and then you're going to whip out a
25 piece of paper and say, "wow, but this person said that

1 you spoke to them too." So that's where I would go
2 because I don't have any other way of checking other
3 than just trying to remember who have I had
4 conversations with over the last four years, and that's
5 not the easiest thing because I have a lot of
6 conversations with a lot of people, so that's -- that's
7 actually where I'd go.

8 Q. Okay. So you would look at my files. How
9 about your files? Do you have anything in your files?

10 A. I don't keep files. I don't keep files.

11 Q. You don't have notes, memos or any other aid to
12 your memory that you can think of to which you could
13 refer to refresh your memory about anybody with whom
14 you've spoken on the subject matter of the arbitration
15 agreement since you've left the Church of Scientology
16 other than Mr. Rathbun and Mr. Garcia, correct?

17 A. That's correct.

18 Q. Okay. Now, when is the first time you spoke to
19 Mr. Rathbun on the subject matter of the arbitration
20 agreement?

21 A. Probably when it was raised first in the -- in
22 the state court case.

23 Q. Okay. Now, prior to the filing of the state
24 court case -- someone will help me with the date, I'm
25 sure, at a break, but I'll assume it's about 2012.

1 Prior to that, had you ever discussed the subject matter
2 of the arbitration clause in the enrollment agreement
3 with Mr. Rathbun?

4 A. No.

5 Q. Okay. So did you discuss the enrollment
6 agreement with Mr. Rathbun before you learned of the
7 filing of the state court case or after it had been
8 filed?

9 A. Didn't you just ask me that? What did I miss?

10 Q. Did you discuss with Mr. Rathbun before you
11 learned of the filing of the state court case by
12 Mr. Garcia or shortly after it had been filed, for the
13 very first time?

14 A. I am pretty sure it was after.

15 Q. Okay.

16 A. I mean, for the very first time? I mean, I had
17 to -- you're talking about since I left the church? I
18 just want to make sure that the parameters always stay
19 the same because they seem to shift. Your -- this
20 question is have I ever spoke -- did I speak to Marty
21 Rathbun before or after the state court case was filed
22 since I left the church?

23 Q. Let's answer that question, yes.

24 A. Yes.

25 Q. Okay. And my focus now is did you have that

1 conversation with Mr. Rathbun after you left the church,
2 after he left the church, before Mr. Garcia filed his
3 state court case or shortly after he filed it?

4 MR. BABBITT: Objection; asked and answered,
5 repetitive.

6 A. After.

7 Q. Okay. And do you recall how the subject matter
8 arose between you and Mr. Rathbun on the question of the
9 arbitration provision in the enrollment agreement?

10 A. I don't have a specific recollection of it but
11 I'm pretty certain it was when the church filed a motion
12 to enforce arbitration.

13 Q. Now, you had been involved in the discussions
14 with Mr. Garcia's then lawyer and Mr. Garcia about the
15 claims that would be advanced in that state court case;
16 is that true?

17 A. Yes.

18 Q. And the defendants who would be named in that
19 state court case; is that true?

20 A. Yes.

21 Q. And you provided information regarding what
22 claims should be advanced and what defendants should be
23 sued, correct?

24 MR. BABBITT: Objection. I think this is work
25 product. I'm going to object on that basis.

1 A. Well, and I don't think that I -- I think that
2 I provided information. The decision about what should
3 or shouldn't be done was not mine.

4 Q. Okay.

5 A. That was between Mr. Garcia and his lawyer.

6 Q. Okay. Mr. Leung?

7 A. Correct.

8 Q. Okay. Whom you were helping to decipher
9 policies and procedures, correct?

10 A. Correct.

11 Q. Based upon your experience in the church,
12 correct?

13 A. Well, my experience as a Scientologist, yeah.

14 Q. Okay. And let me ask you then about this
15 conversation you had with Mr. Rathbun. First, where did
16 the conversation take place, in person, on the phone?

17 A. I'm sure it was -- no, I'm not actually sure it
18 was on the phone. Maybe it was -- maybe it was at his
19 place. I mean, I went to visit him subsequently to that
20 case, I'm sure, but -- actually, I'm not really sure. I
21 mean, my wife and I and our boys went to visit
22 Mr. Rathbun over the holidays, and I -- I guess it was
23 two years ago. But --

24 Q. The holidays, you mean December?

25 A. Christmas, New Year's, yeah.

1 Q. Okay. So in December of 2012, about, you met
2 in person with Mr. Rathbun with your family and his
3 family, correct?

4 MR. BABBITT: Objection; repetitive.

5 A. I think -- I think that that's the right year
6 but it may be -- I may be a year off. I mean, it's not
7 a year later, it might be a year earlier, but I think
8 that that was -- I think that that's when it was.

9 Q. And in the course of that visit -- that was in
10 Texas?

11 A. Correct.

12 Q. Okay. In the course of that visit that you had
13 made to Mr. Rathbun in Texas, you discussed with him the
14 subject matter of the arbitration clause in the
15 enrollment agreement?

16 A. I think so.

17 Q. Okay. About how much time did you spend on
18 that subject matter with Mr. Rathbun?

19 A. I don't know. I mean, I was there for a -- for
20 five days or something and I don't know that -- I mean,
21 there was a lot of random conversations about a lot of
22 random things and I suspect that either that
23 conversation or conversations that we had over the phone
24 may have added up to, like, you know, 30 minutes total
25 in -- on that topic of arbitration.

1 Q. Okay. And do you remember who initiated the
2 topic of arbitration in the enrollment agreement in
3 these conversations you were having with Mr. Rathbun in
4 the 2012 time period?

5 A. No, I don't.

6 Q. Do you recall what precipitated the subject
7 matter coming up?

8 A. No.

9 Q. That Mr. Garcia was thinking about a lawsuit or
10 there was a lawsuit or the church was contemplating
11 something or you had read something on a blog, a post, a
12 smoke signal, something like that?

13 A. Smoke signal, that was it.

14 Q. Okay. You don't remember what precipitated the
15 conversation in any way, shape or form; is that fair?

16 A. Yeah, that's fair.

17 Q. Okay. And you don't remember who initiated the
18 subject matter; is that true?

19 MR. BABBITT: Objection; repetitive.

20 A. That's true.

21 Q. Okay. And you have no notes that you could
22 refer to that would assist your memory in that regard;
23 is that also true?

24 A. That's correct.

25 Q. Okay. So as best you can recall, tell me,

1 please, what Mr. Rathbun said to you and you to him on
2 the occasion of your discussing the arbitration clause
3 in the enrollment agreement.

4 A. Substance? Because I certainly don't recall
5 exact words, but the sum and substance would be that
6 that arbitration clause was pretty much a joke, that it
7 was always only intended to be a barrier to litigants
8 and not really a thing of any real substance, because it
9 was -- it was unenforceable and that that was a known --
10 a known -- a thing that we both were aware of and that
11 it would be very difficult for the church to enforce it,
12 if not impossible.

13 Q. Okay. Anything else that you can recall saying
14 to Mr. Rathbun or he to you on those occasions in 2012
15 when you discussed the arbitration clause?

16 A. No.

17 Q. Now, if I understand --

18 A. Mr. Deixler, could I get a glass of water?

19 Q. I'm sure you can.

20 MR. BABBITT: Let's take a break because we've
21 been going for an hour.

22 THE VIDEOGRAPHER: We're now off the record.

23 The time is 10:20 a.m.

24 (Recess from 10:20 a.m. until 10:34 a.m.)

25 THE VIDEOGRAPHER: We're now on the record.

1 The time is 10:34 a.m.

2 BY MR. DEIXLER:

3 Q. Mr. Rinder, we were, before our break, on the
4 topic of your conversation with Mr. Rathbun about the
5 arbitration clause in the enrollment agreement. Do you
6 recall that subject matter?

7 A. I do.

8 Q. Was there anything else that you talked about
9 with Mr. Rathbun on that occasion or occasions in the
10 end of 2012 on that subject matter that you haven't told
11 us?

12 A. No.

13 Q. Now, as to Mr. Garcia, when -- when was the
14 first time you and he talked about that subject?

15 A. I would imagine that it was after -- a similar
16 answer, after the church filed the motion to enforce
17 arbitration.

18 Q. And was the conversation with Mr. Garcia, your
19 first conversation with him on the subject of the
20 arbitration clause in the enrollment agreement, was that
21 in person or on the phone?

22 A. I don't recall.

23 Q. Was it a conversation that he initiated or that
24 you initiated?

25 A. I don't recall that either.

1 Q. Do you recall about how much time you spent
2 with Mr. Garcia on that first occasion in discussion on
3 the arbitration provision?

4 A. I really don't. I mean, I would guess, like,
5 20 minutes.

6 Q. Okay.

7 A. I mean, it was long enough for someone who is
8 not really familiar with it to kind of get what I had to
9 say about it.

10 Q. Okay. When you say not really familiar with
11 it, what do you mean by that?

12 A. With what the nuances of the arbitration clause
13 were.

14 Q. And you were familiar with the nuances of the
15 arbitration clause, correct?

16 A. Yes.

17 Q. And that nuanced understanding of the
18 arbitration clause was derived from the work that you
19 did during that time you were at the Church of
20 Scientology, correct?

21 A. Well, I mean, in part, but also in part from
22 just reading it.

23 Q. So in part you understood the arbitration
24 clause from the work you did and in part you understood
25 the arbitration clause from reading it; is that true?

1 MR. BABBITT: Objection; repetitive.

2 Q. Yes?

3 A. Yes.

4 Q. Okay. And so let me go to the topic that you
5 discussed with Mr. Garcia in that 20-minute or so
6 conversation. You don't recall who initiated the call
7 or the communication. Tell me, if you will, what you
8 said to Mr. Garcia and he to you on the occasion of your
9 discussing in late 2012 or so the subject matter of the
10 arbitration clause in the enrollment agreement?

11 A. Basically the same thing that I discussed with
12 Mr. Rathbun. I don't have any recollection of what the
13 conversation was specifically or who said what, but in
14 general terms, it is, you know, along the lines of if
15 you read what it says, it requires you to be judged by
16 people in good standing in the church, you are declared
17 SP, so that isn't going to work, and this is, in my
18 mind, something that isn't enforceable and that's my
19 understanding from reading it, and my understanding from
20 when I was in the church was there was considerable
21 resistance on the part of Bill Drescher in particular,
22 in the second go-round on these agreements, to having it
23 worded the way that it was worded.

24 Q. Bill Drescher, was he a lawyer?

25 A. He was.

1 Q. And who was he a lawyer for?

2 A. Church of Scientology International.

3 Q. And you participated with Mr. Drescher in
4 conversations about the arbitration provision in the
5 enrollment form?

6 A. I did.

7 Q. And on about how many occasions?

8 A. I don't know.

9 Q. Were you involved in --

10 A. More than one but I don't know.

11 Q. You were involved in conversations with
12 Mr. Drescher while he was the lawyer for the Church of
13 Scientology and you were a senior executive of the
14 church?

15 A. Correct.

16 Q. You were the head of OSA at the time?

17 A. Correct.

18 Q. And so you and he talked about the provisions
19 of the enrollment form, correct?

20 A. Correct.

21 Q. And in particular you spoke with him about the
22 arbitration clause, correct?

23 A. Correct.

24 Q. And you did this approximately when?

25 A. Approximately 2000.

1 Q. Okay. So in about 2000, if I can --

2 A. It might have been a year before or a year
3 after. I don't have a really clear recollection but in
4 that frame -- it was when I was in Clearwater.

5 Q. Okay. When you were in Clearwater and that was
6 in connection with the McPherson criminal case?

7 A. Civil and criminal.

8 Q. Civil and criminal case. And Mr. Drescher and
9 you had this conversation in Clearwater, correct?

10 A. I was in Clearwater.

11 Q. And about --

12 A. It was on the phone.

13 Q. It was on the phone?

14 A. Or they were on the phone. Mr. Drescher was in
15 LA.

16 Q. Mr. Drescher was in LA and you were on the
17 phone in Clearwater, correct?

18 A. Uh-huh.

19 Q. Yes?

20 A. (Nodding head.)

21 Q. And you were discussing with him proposed
22 changes to the enrollment form in this period '99 to
23 2001, correct?

24 A. Correct.

25 Q. And in the context of that conversation that

1 you were having with him, he expressed to you his legal
2 concerns about the enforceability of the clause,
3 correct?

4 A. That's correct.

5 Q. And you yourself are not a lawyer, correct?

6 A. That's correct.

7 Q. You're not trained -- do you have a college
8 degree?

9 A. No.

10 Q. What's the highest degree of education you
11 have?

12 A. High school.

13 Q. Okay. And did you graduate from high school?

14 A. Yes.

15 Q. And when was that?

16 A. 1973.

17 Q. Okay. And so this conversation in which
18 Mr. Drescher was providing to you in your capacity as
19 the head of OSA involved with legal affairs in the '99
20 to 2001 period related to an interpretation of law of a
21 document that was under consideration; is that fair?

22 A. Yes, that's fair.

23 Q. Okay. And did Mr. Drescher ask you to discuss
24 his legal opinion with anybody else?

25 A. No, but for -- you know, probably all of those

1 phone calls happened in the conference room on the -- I
2 don't know, whatever it is, the second floor, I guess,
3 at the West Coast Building, which is where I was working
4 at the time, in the conference room at the end of the
5 RTC offices, and they were on speakerphone at our end
6 and usually present was Mr. Rathbun, because we were
7 both working in that office at the same time, and
8 sometimes present was Mr. Miscavige.

9 Q. Okay. And other than --

10 MR. BABBITT: Would you quit playing with the
11 cord there? You're going to end up having --

12 THE WITNESS: Getting electrocuted?

13 MR. BABBITT: No, but, you know, it makes
14 crackles in the audio.

15 THE WITNESS: Okay.

16 Q. Mr. Rathbun, at the time that he was in the
17 room where the speakerphone was on when you and
18 Mr. Drescher were discussing these -- the legal
19 interpretation, was Mr. Rathbun an official of the
20 Church of Scientology?

21 A. There is no such thing.

22 Q. Was he -- was he regarded as an executive of
23 the church?

24 A. You guys make a big point of that. He was --
25 he was an official of the Religious Technology Center.

1 Q. Uh-huh. And he was a senior official?

2 A. Yes.

3 Q. Okay. And he was working in connection with
4 matters pertaining to the litigation that the church was
5 involved in in Clearwater?

6 A. Correct.

7 Q. That was his purpose for being there, correct?

8 A. I -- yeah, I mean, from my understanding, yeah.

9 Q. And that was your purpose for being there,
10 correct?

11 A. It definitely was my purpose for being there.

12 Q. And Mr. Miscavige was there for a similar
13 reason, correct?

14 A. That's my understanding.

15 Q. And Mr. Drescher was providing legal advice in
16 connection with matters that pertained to the Church of
17 Scientology International overheard by perhaps
18 Mr. Rathbun, perhaps Mr. Miscavige, and directed to you,
19 do I understand it so far?

20 A. Yes, you understand it so far.

21 Q. Okay. Now, after this discussion with
22 Mr. Drescher, you have subsequently disclosed to other
23 people, such as Mr. Garcia, your view as communicated
24 between yourself and Mr. Drescher about the arbitration
25 clause being a, quote, a joke, correct?

1 A. Correct.

2 Q. That it was a barrier to a litigation but not
3 enforceable, in effect, correct?

4 A. Correct.

5 Q. Now, who told you it was okay for you to
6 disclose to Mr. Garcia the advice that Mr. Drescher had
7 given to you on this occasion in the '99 to 2001 period?

8 A. Well, I don't think that my conversation with
9 Mr. Garcia disclosed the advice from Mr. Drescher. I
10 think my conversation with Mr. Garcia disclosed my
11 understanding of that clause and reading it and based on
12 my experience that that was the case. It wasn't that I
13 said, "oh, Mr. Drescher said blah." I said, "Luis, read
14 it, I read it, you can see what it says, I don't believe
15 that that's enforceable."

16 Q. I see. So you have now a clearer memory of the
17 conversation with Mr. Garcia than you did, say, 10
18 minutes ago; is that fair?

19 A. No, that's not fair.

20 Q. So tell me what else you now recall about the
21 conversation with Mr. Garcia on the telephone that you
22 haven't told us about, if anything?

23 A. Nothing. I didn't change what I said to you
24 about that. I just said it a different way.

25 Q. I see.

1 A. I told you I couldn't remember the words. I
2 said it a different way.

3 Q. Okay. The court reporter will bear one of us
4 out on that.

5 Have you now told us everything you recall
6 discussing with Mr. Garcia on the subject matter of the
7 arbitration clause in this conversation in 2012?

8 A. Yes.

9 MR. BABBITT: Object to the form of the
10 question.

11 Q. And as before, there is nothing to which you
12 could refer that would assist your memory in that
13 regard, correct?

14 MR. BABBITT: Objection; repetitive.

15 A. Nothing to which I would refer that would
16 assist my memory with respect to what the conversation
17 was?

18 Q. Correct.

19 A. Correct. That's correct.

20 Q. We've got the best of your memory on the topic
21 of your discussion with Mr. Garcia and there is nothing
22 you can think of that you would look to that would
23 improve that memory, fair?

24 MR. BABBITT: Objection; repetitive.

25 A. Fair.

1 Q. Okay. Now, since that -- well, let me ask you,
2 you formed the view in about 1999, 2000, 2001, that this
3 arbitration clause was unenforceable and a joke; is that
4 fair?

5 A. No, that's not fair, no.

6 Q. Okay. Do --

7 A. That was -- you asked me -- I responded to that
8 in response to what did I tell Luis Garcia in 2012, or
9 Mr. Rathbun in 2012, not what was my thought at the
10 time.

11 Q. I see. Your thought at the time was something
12 different other than that the clause was unenforceable?

13 A. No. My thought was something different other
14 than it was a joke.

15 Q. Your --

16 A. You said it was unenforceable and a joke.

17 Q. I see. You thought it was unenforceable in
18 1999, 2000 or 2001, correct?

19 A. Correct.

20 Q. And you didn't think it was a joke in 1999 to
21 2001, correct?

22 A. No, I didn't.

23 Q. When did you first come to the judgment that it
24 was not only unenforceable but also a joke?

25 A. I don't know, 2012, I guess.

1 Q. Okay. So for about 10 or 11 years you thought
2 it was unenforceable but it was only in 2012 that you
3 thought it was a joke, correct?

4 MR. BABBITT: Objection; repetitive.

5 A. That's right.

6 Q. Okay. And in 1999 to 2001, you thought it was
7 a barrier to litigation, correct?

8 A. Correct.

9 Q. Now, a barrier to litigation means that a party
10 who wished to bring a claim against the church couldn't
11 go to court but had to use this arbitration process,
12 correct?

13 MR. BABBITT: Objection to form.

14 A. I guess.

15 Q. I'm trying to fathom what a barrier to
16 litigation meant as you used that term in your testimony
17 moments ago.

18 A. Oh.

19 Q. Barrier to litigation, sir, means that you
20 can't file in court, you have to use some other
21 alternative dispute resolution mechanism, correct?

22 MR. BABBITT: Objection to the form; lack of
23 predicate.

24 A. No, that's not what -- that's not what I meant.

25 Q. I see. You understand that it is now routine

1 and ordinary for contracts to contain arbitration
2 provisions which have as their impact preventing people
3 from filing lawsuits in courts, correct?

4 MR. BABBITT: Objection to form; lack of
5 predicate.

6 A. I -- no, I don't.

7 Q. You don't know that that's -- that that's
8 commonplace these days?

9 A. No.

10 Q. I see. You're not familiar with what's common
11 in alternative dispute resolution mechanisms in American
12 business?

13 MR. BABBITT: Objection; repetitive.

14 A. No, I'm not. I'm not. I mean, I certainly am
15 familiar with the term arbitration. I'm certainly
16 familiar that there -- that that's a concept that
17 exists, but you were asking me for my understanding
18 about what it was a barrier to litigation, and I didn't
19 agree with your characterization of it, so that's where
20 we're having a difficulty.

21 Q. Let me see if we can use your lexicon. When
22 you use the word "arbitration," what do you mean by
23 that?

24 A. What do I mean by it?

25 Q. Yeah.

1 A. I mean that that is a dispute resolution
2 process outside of the normal legal system of going to
3 court. That's my -- that's my layman's understanding of
4 what that term means.

5 Q. Okay. And you understood that on the
6 enrollment form there was a dispute resolution mechanism
7 which provided for disputes being resolved outside of
8 going to court, correct?

9 A. Yes, I do.

10 Q. Okay. And as of 1999 through 2001, you
11 believed that this dispute resolution mechanism, outside
12 of going to court, was unenforceable, correct?

13 MR. BABBITT: Objection; repetitive. That's
14 the third time, I think, maybe fourth.

15 A. Yes.

16 Q. Okay. And that legal judgment about
17 enforceability was something that was derived from your
18 conversations with Mr. Drescher, correct?

19 MR. BABBITT: Objection; repetitive and lack of
20 predicate.

21 A. Partly, yes.

22 Q. Okay. Now, during the time that you remained
23 in the church from 1999 through 2007, you were aware
24 that these enrollment forms were being used on thousands
25 to hundreds of thousands of occasions, correct?

1 A. Correct.

2 Q. You were aware, therefore, that the church
3 forms which were being used by parishioners contained a
4 dispute resolution mechanism which you believed to be
5 unenforceable, correct?

6 A. That's correct.

7 Q. That you thought were a barrier to litigation,
8 correct?

9 A. Correct.

10 Q. You were troubled by the use of that form,
11 correct?

12 A. No.

13 Q. Do you think you were being dishonest or
14 misleading to the hundreds of thousands of parishioners
15 who used that form by having included in the form
16 something you thought was unenforceable or a barrier to
17 litigation?

18 A. No. I think that what -- it was the express
19 direction and order of Mr. Miscavige at the time that
20 this should be included in those -- or it was already in
21 the enrollment agreement before that time, but that it
22 should -- and Bill had raised the objection very
23 strongly that he didn't believe that that was going to
24 be able to be upheld, and Mr. Miscavige said we don't
25 care whether it can be upheld, the reason for continuing

1 to include it is because it will ultimately take someone
2 being willing to take it to court and get a ruling,
3 there will be a large number of people who will not file
4 a lawsuit because they believe that that is something
5 that they're going to be bound by.

6 Q. And that was said by Mr. Miscavige in this '99
7 to 2001 period, correct?

8 A. Correct.

9 Q. And that was said regarding a arbitration
10 provision which was already in an enrollment agreement,
11 correct?

12 A. Yeah. I mean, I don't remember the exact form
13 of it, but there was already some form of arbitration
14 agreement that had been implemented in the early '80s,
15 as I recall, after a rash of civil lawsuits back then.

16 Q. I see. And you weren't involved in the
17 drafting of that early '80s arbitration agreement, were
18 you?

19 A. Are you asking me was I?

20 Q. Yes. Were you?

21 A. I -- I suspect that I was.

22 Q. You suspect that? When do you suspect you
23 first became involved in drafting the enrollment form
24 arbitration agreement in the '80s?

25 A. When I first became the -- really, the head of

1 OSA, which I guess is in 1982 or '83, I -- somewhere in
2 around that time, and so, therefore, if I hadn't been
3 the one who had been working on it directly, I would
4 have been the one that it was routed through to sign off
5 on before it got finally approved.

6 Q. Now, if I told you you became the head of
7 litigation for OSA in February of 1985, would you
8 disagree with that?

9 A. No, as a matter of fact, I wouldn't.

10 Q. Yeah. And in fact, if I told you in April '84
11 through September of '84 you were on the RPF, would you
12 disagree with that?

13 A. No, I wouldn't.

14 Q. And if I told you that in this period that
15 you've talked about in 1982, that you were the LRH
16 Traffic Liaison CMO, would you disagree with that?

17 A. No, I wouldn't. I was mistaken, Mr. Deixler,
18 clearly. I was in -- between 1981 and 1982 I was on a
19 series of missions to do corporate reorganizations of
20 the church.

21 Q. Yeah. And you didn't have anything to do with
22 litigation until sometime in 1985; is that right?

23 A. No, that's not correct.

24 Q. Okay. Tell me which position you held from
25 1981 prior to February of 1985 in which you had

1 involvement with drafting of arbitration provisions?

2 A. I was on missions.

3 Q. Which mission from 1981 before February '85
4 were you on in which you were involved in the drafting
5 of an arbitration clause?

6 A. I'm not sure that I -- like I said, I'm not
7 sure that I was directly involved with the drafting of
8 the arbitration clause because I don't know what year
9 that was that that began, as I said, but in that time
10 period I was on a series of missions in the United
11 States Guardian's Office straightening out their legal
12 division and department and various other things over
13 those months, and also doing a mission to establish the
14 Church of Scientology International, the Church of
15 Scientology Flag Service Organization, et cetera,
16 et cetera, disband the Church of Scientology or takeover
17 from the Church of Scientology of California and convert
18 things -- wait, I've come unplugged.

19 MR. BABBITT: It just slips into that little
20 stirrup.

21 THE WITNESS: Got it?

22 THE VIDEOGRAPHER: You got it.

23 A. And all sorts of things that were -- that were
24 what's known in the Scientology parlance as legal
25 rudiments.

1 Q. Right. I'm focused not on this more generic
2 description of what you did but focused on your
3 involvement in 1981, 1982, 1983 of an arbitration
4 agreement. You've told us that you believed it occurred
5 in that time and I'm trying to figure out what you did.
6 So tell me, if you will, in that time period what you
7 did in connection with the drafting of an arbitration
8 agreement, if anything?

9 A. I don't know.

10 Q. Okay. You have no memory of it, correct?

11 A. Correct.

12 Q. You have no idea who actually put pen to paper
13 in the creation of the arbitration agreement; is that
14 true?

15 A. That's correct.

16 Q. Okay. You know for sure, though, it wasn't
17 you, true?

18 A. Not totally 100 percent for sure, but -- I
19 mean, there's a lot of things that I've done over many,
20 many years and I don't -- I never -- I never say never
21 anymore because I get surprised by things that happened
22 or didn't happen.

23 Q. Well, let me see if I can test that. Would you
24 agree with me that you've never put pen to paper or
25 keys -- fingers to keyboard to draft the words of an

1 arbitration agreement that is contained in any
2 enrollment form used by the Church of Scientology?

3 MR. BABBITT: Objection; lack of predicate and
4 repetitive.

5 A. Correct.

6 Q. Okay. Any involvement that you had in the
7 actual drafting of an enrollment form arbitration clause
8 came as a result of conversations you claim to have had
9 with Mr. Drescher and Mr. Miscavige and perhaps
10 Mr. Rathbun; is that true?

11 A. I don't know, because I think that I probably
12 did put pen to paper with respect to the one that was
13 modified, the new enrollment agreement between '99 and
14 2001, or whenever that was.

15 Q. Okay. So from '99 to 2001 you think you may
16 have put pen to paper in modifying that enrollment
17 agreement, correct?

18 A. Oh, I'm pretty sure I put pen to paper in
19 modifying the enrollment agreement. Whether it was on
20 the arbitration clause per se, I don't know.

21 Q. Yeah. That's what I was going to focus on for
22 the moment. So in the '99 to 2001 period, at least you
23 will agree that for the first time you put pen to paper
24 in any respect with regard to the enrollment agreement,
25 correct?

1 A. No, because I think that there were other
2 revisions of it that happened sometime later in the
3 '80s, and maybe early in the early '90s too.

4 Q. Okay.

5 A. These things never stay the same. They get,
6 you know, they get changed over time.

7 Q. Great. So let's try to examine your memory of
8 the late '80s. We've now exhausted your memory on what
9 you did in the early '80s in connection with the
10 enrollment form which we've, I think, agreed was you
11 don't recall any, correct?

12 A. Correct.

13 Q. So now we're into the late '80s. Tell me, if
14 you will, when the late '80s begin in your lexicon?

15 MR. BABBITT: I'm sorry. When the -- just tell
16 you when the late '80s begin? I think that's the
17 late '80s. You better rephrase that question.

18 A. 1986.

19 Q. Okay. So from 1986 to 1989 are the late '80s
20 as you would define it?

21 A. Yes.

22 Q. Okay. So sometime in the period '86 to '89 do
23 you think you had involvement in the modification of the
24 enrollment agreement?

25 A. No idea. I don't know.

1 Q. You have no memory of having done anything in
2 connection with that, correct?

3 A. Correct. That's correct. But you -- I -- this
4 is all predicated on you saying "so the only time that
5 you'd put pen to paper was in 1999 to 2001," and I said,
6 well, I'm not really sure about that, I believe that I
7 probably had earlier, in earlier versions of these, but
8 when those were, I don't know.

9 Q. Okay. And that's really what we're exploring,
10 sir, your memory. We've talked about the early '80s.
11 Now we're talking about the late '80s. We now know that
12 the late '80s are from 1986 to 1989 and I'm trying to
13 test your memory about what involvement you had with the
14 modification, if any, of the enrollment agreement, if
15 any, during that time period. That's all I'm asking
16 you. You have no memory?

17 A. I already answered that, right.

18 Q. You don't have any memory whatsoever about
19 that, correct?

20 A. Correct.

21 Q. And even more specifically, you have absolutely
22 no memory of having been involved in changing, modifying
23 or drafting the arbitration clause, if there was one, in
24 the enrollment agreement during that time period,
25 correct?

1 A. That's correct.

2 Q. And if there was an arbitration agreement in
3 the enrollment period during that time, you have no idea
4 how it got in there; isn't that also true?

5 MR. BABBITT: Objection; asked and answered.

6 A. I have -- I don't know. I don't -- I mean, you
7 lose me with the question, so I'm not -- I'm not sure
8 now what you're asking.

9 Q. I'm asking --

10 A. If I have an idea how something got into the
11 enrollment agreement, is that what you're asking?

12 Q. I'm saying, in fact, you have no idea how an
13 arbitration provision got into the enrollment agreement,
14 if it did, during this period of the late 1980s because
15 you yourself have no memory of any involvement in that,
16 correct?

17 A. I have no recollection of any involvement in
18 participating in writing something. Do I have any
19 understanding of how it might have gotten there? That's
20 a separate -- that's a different question.

21 Q. Okay. Well, answer that question. How did it
22 get there, if you know?

23 A. I don't know.

24 Q. Okay. So now we're through the entire 1980s.
25 You don't know whether there was an arbitration clause

1 in an enrollment agreement and if there was, how it got
2 there. Do I understand your testimony correctly?

3 A. You're correct.

4 Q. Okay. And in addition to not knowing how the
5 arbitration clause got into the enrollment agreement,
6 you also have told us that you can't think of anything
7 to which you would refer that might refresh your memory,
8 bring it all back, correct?

9 MR. BABBITT: You're correct. He's told you
10 that. It's repetitive.

11 A. That's correct.

12 Q. Okay. Now, during the time of the late 1980s,
13 you were Garrison MSN at OSA; is that true?

14 A. During the time of the late 1980s you were
15 Garrison MSN? Oh, part of that time, yes.

16 Q. Yeah. And then you were also on mission,
17 correct?

18 A. Yes.

19 Q. And then you were WDC at OSA, correct?

20 A. Correct.

21 Q. What's WDC stand for?

22 A. Watch Dog Committee.

23 Q. Okay. And then finally, from, say, December
24 '88 through October '93, you were involved in LRH PPRO
25 Int, correct?

1 A. Correct.

2 Q. And what does that mean?

3 A. That's the L. Ron Hubbard Personal Public
4 Relations Officer International.

5 Q. Okay. And that was from December '88 till
6 about October of '93?

7 A. Yeah, if that's what it says there, that sounds
8 right.

9 Q. And for sure during that period, from '88 to
10 '93, you weren't involved in any way in the preparation
11 of enrollment agreements or arbitration clauses; is that
12 also true?

13 A. It's -- it's, yes, very likely to be true.

14 Q. Okay. So now we're through 1993. I'll help
15 you. From October '93 to November '93 you were on the
16 decks, right?

17 A. Okay.

18 Q. Well, tell me if that's what you remember.

19 A. I remember.

20 Q. Okay. So what does "on the decks" mean for
21 those of us who don't speak Scientology?

22 A. Doing manual labor as penance for having
23 somehow messed something up.

24 Q. Okay. Had you messed something up?

25 A. No, but that happens too.

1 Q. Did you acknowledge that you had messed
2 something up?

3 A. Well, that -- that's -- it doesn't matter. Oh,
4 I'm sure I did.

5 Q. Were you lying when you said you had messed
6 something up even though you know you didn't mess
7 something up?

8 A. It wasn't me that said I messed something up.
9 It was Dave that said that I messed something up and
10 then it was Dave that said, oh, you didn't mess
11 something up, now come back.

12 Q. Did you ever express to Mr. Miscavige your own
13 concerns about your own honesty?

14 A. Oh, I'm sure. I'm sure I did many times. It
15 was a requirement to express that.

16 Q. Did you, in fact, have doubts about your
17 honesty?

18 A. No.

19 Q. Did you lie about having doubts about your
20 honesty?

21 A. I had a mindset that made me believe at the
22 time that I had to do what was necessary to appease
23 Mr. Miscavige and I had this idea that whatever he said
24 was true and, therefore, I would accept it, and that I
25 then convinced myself that that was true.

1 Q. Okay. So let me see if I can measure your
2 state of mind then compared to your state of mind now.
3 At the time you were questioning your own honesty, you
4 were doing that because Mr. Miscavige thought your --
5 had told you your honesty was questionable, but you just
6 accepted that; is that fair?

7 A. It's very simplistic but, yeah, I guess it's
8 fair.

9 Q. Okay. And now, looking back, you realize that
10 what you said then wasn't really accurate, you really
11 didn't have doubts about your honesty, but, rather,
12 Mr. Miscavige's suggestion to you had been the thing
13 that you had fully embraced; is that right?

14 A. That's a bit too simplistic for me to be able
15 to embrace that statement.

16 Q. Okay. Well, how would you put it then, if what
17 you say now is really, looking back, I didn't have these
18 qualms about my honesty, but, rather, I'd been persuaded
19 that I had qualms about my honesty, how do you think it
20 would be fair to summarize it?

21 A. Oh, if somehow that was what I said, that
22 wasn't what I meant to say. I meant to say that at the
23 time I looked at it and I thought, oh, I must be
24 dishonest, I must, because that was what I was expected
25 to say and that was what I was being told, and one does

1 not disagree with those things, and, therefore, I
2 accepted that and believed it.

3 If I look back on it now, I go, wow, you were
4 really -- you were really a dupe.

5 Q. You were a dupe meaning you were saying things
6 that you thought were required of you in the
7 circumstance you found yourself in, right?

8 A. Meaning I was saying things that -- meaning you
9 were saying -- I'm not sure that I understand -- I'm not
10 sure that I understand what you're asking me. Can you
11 just rephrase that so that I can make sure --

12 Q. Okay. I'd be happy -- I'd be happy to.

13 When you say you were a dupe, what you mean was
14 that you had been persuaded to say things which you
15 believe would be pleasing to the person who told you
16 what you had to say, correct?

17 A. That's partly correct, yes, but that's not --
18 that's not really the entire answer.

19 Q. Okay. And today, as you provide your expert
20 consulting services to people for compensation, you
21 understand that saying negative things about the church
22 is important for your job; isn't that right?

23 A. No.

24 MR. BABBITT: Objection; lack of predicate.

25 Q. You don't think that's important?

1 MR. BABBITT: Objection -- excuse me. Just a
2 minute. Objection to the form of the question; lack
3 of predicate.

4 A. No, I don't think that.

5 Q. You mean if you had --

6 A. I really don't think that. What I think is
7 important is that I make known information that I have
8 that is the truth. That's what I think is important.

9 Q. And hasn't that always been required of you,
10 always to tell the truth?

11 A. By?

12 Q. Well, by your faith as a Scientologist and now
13 by living life and being put under oath here.

14 A. I don't -- I don't think that my faith as a
15 Scientologist required me to tell the truth.

16 Q. That's not --

17 A. I wouldn't characterize it that way.

18 Q. That's not a core part of the scripture of the
19 Church of Scientology, telling the truth, honesty as
20 core values, as you understand that?

21 A. It is a -- hmm. Well, we could get into a real
22 philosophical discussion about this, Mr. Deixler. It
23 certainly is written in various of the scriptures that
24 that is a fundamental principle of Scientology. It
25 is -- there are also many other things that are written

1 in the fundamental scriptures of Scientology that
2 require you to view things in a certain way, which if
3 you perceive them from outside that bubble of here is
4 how it looks inside Scientology and here's how it looks
5 outside, I would say that those -- the concept of truth
6 loses some translation when it gets into the real world.

7 Q. Right. So it's a question of adhering to the
8 faith and following the scripture for those who are
9 faithful, correct?

10 A. What's the question?

11 Q. That the truth is what is believed by those
12 people who are believers in adherence to the faith,
13 correct?

14 MR. BABBITT: Objection to the form of the
15 question. We are so far outside the realm of --

16 MR. DEIXLER: We're right in the heartland.

17 MR. BABBITT: Are we really?

18 MR. DEIXLER: Right in the heartland.

19 MR. BABBITT: I don't think Judge Whittemore
20 will agree with that.

21 MR. DEIXLER: Well, we'll have to see.

22 MR. BABBITT: Yeah, we'll have to see.

23 A. Can you ask the question again? Because I'm
24 not sure that I'm following.

25 Q. Sure. Let me give you -- let me see if I can

1 analogize to a faith I'm more familiar with. In the
2 beginning, God created the heaven and the earth.

3 A. Uh-huh.

4 Q. Ever hear those words before?

5 A. Yes.

6 Q. I'm going to represent to you that there are
7 people who are in a faith who believe that to be the
8 verbatim truth. Can you accept that representation?

9 A. Of course.

10 Q. Okay. So for people who adhere to that faith,
11 whatever scientists on the outside may say about the big
12 bang theory or any other kinds of hocus-pocus involving
13 physics and cosmology, people in the faith believe that.
14 Can you accept that?

15 A. Of course.

16 Q. Okay. Similarly, is it correct that the people
17 in the faith interpret its values which included honesty
18 and integrity?

19 A. That's not similar.

20 Q. It's not similar for people in the faith to
21 adhere to and define what the scripture of its faith is?

22 A. No, that's similar.

23 Q. Okay. And in connection with the role of
24 honesty and integrity in the church, that is something
25 for the church to interpret with and on behalf of its

1 followers, correct?

2 A. I guess, yeah.

3 Q. And you are no longer adherent to the precepts
4 of the Church of Scientology. Am I on the right track
5 here?

6 A. Well, it depends what your definition of
7 precepts of the Church of Scientology are as opposed to
8 precepts of Scientology, the subject.

9 Q. The scriptures of L. Ron Hubbard as interpreted
10 by the Church of Scientology, that is no longer any part
11 of your job, correct, you don't interpret for the church
12 the scriptures of L. Ron Hubbard; is that fair?

13 A. Yes, that's correct. I'm not employed by the
14 church any longer.

15 Q. Okay. That's done by somebody else at the
16 church, correct?

17 A. That's correct.

18 Q. And the ecclesiastic head of the church is
19 Mr. Miscavige, correct?

20 A. Correct.

21 Q. Whom you despise, true?

22 A. Incorrect.

23 Q. You like him?

24 A. No. I -- neither way. Neither do I despise
25 him nor do I like him. I mean, there are times in my

1 life when I've kind of liked the guy. He's a -- he's a
2 personable sort of a guy. There are times in my life
3 when I have despised him. My view of Mr. Miscavige is
4 based strictly upon his actions, what does he do.

5 Q. So let me try to draw a line and test your
6 emotions about Mr. Miscavige. When did you leave the
7 church?

8 MR. BABBITT: Objection; asked and answered.

9 A. 2007.

10 Q. Yes. When in 2007?

11 A. June.

12 Q. And you left when you were in England, correct?

13 A. Correct.

14 Q. And in June 2007, and before that, you had been
15 put on an assignment by Mr. Miscavige, correct?

16 A. (No response.)

17 Q. Well, let me put it to you this way. You had
18 been removed from your previous position and placed in a
19 different position by Mr. Miscavige, correct?

20 A. Not that I'm aware of.

21 Q. How did you wind up being in England in 2007?

22 A. That was the position that I had been holding
23 for a long time.

24 Q. Did Mr. Miscavige express to you his
25 dissatisfaction with the manner in which you had handled

1 certain documents that were involved in the Wollersheim
2 case?

3 A. Oh, I have no idea. I haven't got a clue. I
4 mean, he expressed his dissatisfaction about how I did
5 all sorts of things numerous times, many, many times
6 over.

7 Q. But one of the things that you knew he was
8 upset with was the manner in which you handled documents
9 in the Wollersheim case, correct?

10 A. Not at all. I mean, I have -- I don't know.
11 I'm sure you've got something that says that but I have
12 no recollection of that whatsoever.

13 Q. The -- in connection with the McPherson case,
14 which you were involved with here in Florida, wasn't an
15 issue raised regarding what had happened to the
16 Wollersheim documents?

17 A. I have no idea what you're talking about.

18 Q. Really?

19 A. Really.

20 Q. Well, let's see. Let's work backwards.

21 A. Really.

22 Q. Let's work backwards. Let's work backwards
23 then. The McPherson case was a civil and criminal case
24 in Florida in which you were involved, correct?

25 A. Correct.

1 Q. And one issue in the case related to the
2 removal from the McPherson file and its apparent -- and
3 the apparent destruction of certain documents, correct?

4 A. The remove -- the removal of certain documents
5 in the McPherson file?

6 Q. Right.

7 A. File meaning her PC folder or the legal file?

8 Q. File meaning -- file meaning anything. Was
9 there an issue in the McPherson case with which you were
10 familiar pertaining to the removal of documents, yes or
11 no?

12 A. Yes.

13 Q. Okay. And you've learned that Mr. Rathbun has
14 acknowledged publicly that he removed documents,
15 correct?

16 A. No. I learned that Mr. Rathbun acknowledged
17 publicly that he told Lynn Farny to do it and Lynn Farny
18 did that.

19 Q. I see. And in connection with the McPherson
20 case --

21 A. Is that not correct?

22 Q. In connection with the McPherson case, an issue
23 arose about the claim that in the Wollersheim case, a
24 case that was a civil case in California, that documents
25 had been destroyed; isn't that true?

1 A. In the Wollersheim case?

2 Q. Did you ever hear that there was an accusation
3 that documents had been destroyed or pulped in the
4 Wollersheim case, or is this the first you've heard of
5 it?

6 A. It's the -- this is the first I recall hearing
7 of it.

8 Q. So you never heard, for example, that
9 Mr. Prince had testified that documents were pulped on
10 the instruction of Mr. Miscavige in the Wollersheim
11 case, right?

12 A. I've -- I have a vague recollection of Jesse
13 Prince saying that, but beyond that, no.

14 Q. Okay. And it was a lie that documents in the
15 Wollersheim case were pulped; isn't that true?

16 A. I -- I don't know.

17 Q. Well, you know because the documents in the
18 Wollersheim case were located in the OSA files that you
19 were in charge of; isn't that right, sir?

20 A. Calm down, Mr. Deixler.

21 Q. I'm very calm, sir, very calm.

22 A. The documents in the Wollersheim case were in
23 the files that -- that somehow they were my files? I --
24 give me that again.

25 MR. DEIXLER: Would you read the question to

1 the witness, please?

2 (The question was read by the reporter.)

3 A. Well, I don't know because something is located
4 in the files of the OSA because the OSA files are
5 enormous and there are millions, probably, of documents
6 in there that I am not familiar with. Just because
7 they're in OSA files doesn't mean I'm familiar with
8 them.

9 Q. Did Mr. Miscavige blame you for allowing the
10 lie of the destruction of Wollersheim documents to be
11 perpetrated because you didn't check the OSA files to
12 locate those documents, yes or no?

13 A. I have no idea.

14 Q. Okay. So as far as you know, on no occasion
15 did Mr. Miscavige directly or indirectly, in writing,
16 orally or in any other way criticize you for any aspect
17 of your handling of the Wollersheim documents, correct?

18 A. It's certainly not something that I recall,
19 Mr. Deixler. I mean, I imagine that it probably is the
20 case but I was criticized for unbelievable number of
21 things and that's not one that comes to my recollection.

22 Q. And you also don't recall that Mr. Miscavige
23 criticized you in connection with the manner in which
24 you had handled the McPherson case, correct?

25 A. No, I certainly don't recall that. In fact, at

1 the end of the McPherson case, Mr. Miscavige gave me a
2 \$3,000 watch.

3 Q. And you are clear --

4 A. And Marty Rathbun too.

5 Q. Yeah. You are clear that Mr. Miscavige never
6 criticized you for assisting Mr. Rathbun in suborning
7 perjury of the witnesses from the Church of Scientology
8 in connection with the McPherson case, correct?

9 A. I am clear that Mr. Rathbun -- that
10 Mr. Miscavige what? Never criticized me for what?

11 MR. DEIXLER: Why don't you read the question
12 to the witness.

13 Q. And if you will focus on it, perhaps we can
14 move along.

15 (The question was read by the reporter.)

16 A. I don't think so.

17 Q. Okay. If that happened, it never came to your
18 attention, correct?

19 A. It could have but, again, it's not something
20 that I recall being one of the things that I was blamed
21 for.

22 Q. I see. Were you ever blamed for anything
23 during your entire tenure at the Church of Scientology
24 that you were actually responsible for?

25 A. Is that -- is that a funny question? Like the

1 way that you're asking that question makes me think that
2 you think that that's an amusing question.

3 Q. You need the question read back? Would you
4 direct your comments to the answering of the question,
5 sir?

6 (The question was read by the reporter.)

7 A. Sure.

8 Q. Let me have marked as an exhibit numbered 2 a
9 handwritten document dated 21 August 2003. There's a
10 copy for your lawyer.

11 (Rinder Exhibit 2 was marked for
12 identification.)

13 Q. And my initial question to you, sir, regarding
14 Exhibit Number 2 is whether you recognize the
15 handwriting?

16 A. Yes, I do.

17 Q. And whose handwriting is that?

18 A. Mine.

19 Q. And could you read the subject matter of
20 this -- this is a -- well, what is this 21 August 2003
21 document?

22 A. Well, I don't know that it's a 2003. Someone
23 else wrote '03. That's not my writing. I don't know
24 who wrote that on there, but that's not me.

25 I don't know. It looks like something written

1 from the hole to Miscavige to apologize or agree with
2 him that I was dishonest and I was -- and to satisfy his
3 concern that -- or his allegation that I was a -- some
4 sort of a rotten person that needed to be contrite.

5 Q. I see. When you say "the hole," when were you
6 in the hole, as you've described it?

7 A. Various times. It's hard for me to recall,
8 Mr. Deixler. It was -- maybe this was when I was
9 assigned to live in a tent on the golf course.
10 Actually, it is, because it's MY, GL and Wendel, so
11 that's Marc Yager, Guillaume Leserv and Wendel Reynolds.
12 We were assigned to live in tents on the golf course at
13 the Gold property, so that -- this was -- predates the
14 first iteration of the hole.

15 Q. So what's the approximate year?

16 A. I mean, someone has written '03 on there, so I
17 would guess that it is '03.

18 Q. Okay. So how long were you in tents at Gold in
19 what you've described as the hole in 2003?

20 A. I wasn't in tents at Gold in the hole in 2003.
21 I was in tents on the golf course, assigned to sleep in
22 a tent on the golf course. That is not the hole --

23 Q. I see.

24 A. -- in 2003.

25 Q. Okay. So you were in tents for how long in

1 2003?

2 A. A week maybe.

3 Q. Okay. So this was -- this, you believe --
4 well, what -- it says "re" and what is after the re
5 line? I can't quite read it.

6 A. My honesty.

7 Q. Your honesty. So as best you can recall, in or
8 about 2003, either from or after your release from being
9 in a tent on the golf course at Gold, you wrote this to
10 Mr. Miscavige, correct?

11 A. Correct.

12 Q. Could you read --

13 A. I mean, I assume so, but -- I mean, there's
14 nobody else that I would write something like this to.

15 Q. Okay.

16 A. That was the only person in Scientology that I
17 would be seeking to appease to get out of the tent on
18 the golf course.

19 Q. And so if you could, your handwriting is not
20 immediately discernible by me, could you read the second
21 paragraph on the very first page aloud so that we can
22 have the benefit of its transcription?

23 A. Wow. You can't read my handwriting? Really?

24 MR. BABBITT: He can read it. He just wants
25 you to do it on the record.

1 A. Many times -- many times I've looked at the
2 overts I've committed when I have lied to you and I've
3 always had the idea that it was bad because it had
4 caused upset but not really confronted it as a basic
5 violation of integrity and therefore something far more
6 fundamental and degraded. It is a reflection -- how
7 long do you want me to go?

8 Q. Just finish that paragraph.

9 A. It is a reflection on my cowardice and lack of
10 integrity that I would do this and it's just black and
11 white wrong and a low-tone suppressive trait. I've done
12 it many times with you and have always had some
13 justification for it that I then didn't really confront
14 it for what it is. I finally confronted this for real.
15 There is no justification or Q&A about it. It's wrong,
16 it's low-toned and, especially under the circumstances
17 of being in the midst of a war, it's suppressive. I
18 don't mean it's okay at any time, it's not, but the
19 times I have done this with you have been when my neck
20 has been so precious to me that I have been willing to
21 put you and the church in danger because of it.

22 Q. Okay. Thank you. Now, at the time you wrote
23 Exhibit Number 2 to Mr. Miscavige, the statements that
24 you've just read into the records, did you believe those
25 to be true?

1 A. Oh, yeah, yeah.

2 Q. And now, from your new perspective, do you
3 think you were lying to Mr. Miscavige on that occasion?

4 A. I think I was telling him what he wanted to
5 hear.

6 Q. That's a different question.

7 A. Well, that's my answer.

8 Q. My question was as you sit here today do you
9 now believe that in connection with that portion of
10 Exhibit Number 2 that you just read, that you were
11 lying?

12 A. Hmm. Probably not.

13 Q. You thought --

14 A. That's a bunch of sort of mumbo-jumboish
15 statements that are, like, clearly in response to
16 something that he has said that he expected me to admit
17 to.

18 Q. So you were meeting his expectations by
19 acknowledging that you were a liar, correct?

20 A. By -- yeah, I guess so, but also I believed
21 that at the time.

22 Q. You believed you were a liar?

23 A. Correct.

24 Q. You believed you had lied about many things,
25 correct?

1 A. To him, yes.

2 Q. Okay. And had you lied to other people besides
3 him?

4 A. No.

5 Q. So the only persons you told lies to during the
6 time you were at the Church of Scientology was
7 Mr. Miscavige, correct?

8 A. Yeah, that's correct.

9 Q. And you've told him lies on dozens of
10 occasions?

11 A. Oh, I have no idea.

12 Q. Hundreds of occasions?

13 A. I have -- I just said I have no idea.

14 Q. You can't -- you can't quantify in any way by
15 estimate the number of lies you told to Mr. Miscavige?

16 A. No, I can't.

17 Q. Now, in furtherance of your lying to
18 Mr. Miscavige, you also participated in connection with
19 your responsibility at OSA in litigation; is that true?

20 MR. BABBITT: Objection to the form; lack of
21 predicate.

22 A. In furtherance of my lying I participated in
23 litigation?

24 Q. Yes.

25 A. No.

1 Q. Okay. While at OSA you had substantial
2 responsibility in connection with pending litigation
3 around the United States, correct?

4 A. And the world.

5 Q. And the world?

6 A. Correct.

7 Q. And in connection with that, you often provided
8 sworn testimony, correct?

9 A. I don't know about often. I did.

10 Q. Well, you provided affidavits, correct?

11 A. Correct.

12 Q. That's sworn testimony, true?

13 A. My objection was to the "often," not to sworn
14 testimony. You said "you often." I said I don't know,
15 I wouldn't characterize it as often, and then you start
16 asking me about sworn testimony. I did provide sworn
17 testimony. I don't know that I would characterize it as
18 often. That was simple.

19 Q. Okay. Well, let's see then. Let's try to be
20 precise.

21 About how many declarations and affidavits did
22 you swear to during the time you were involved in
23 international litigation pertaining to the Church of
24 Scientology?

25 A. I don't know. My guess would be between half a

1 dozen and a dozen, but it may be less than that.

2 Q. And it may be more than that, right?

3 A. It may be, yeah. That's why I said it was a
4 guess.

5 Q. And in connection with that sworn testimony,
6 part of what you were hoping to do was to please
7 Mr. Miscavige, correct?

8 A. No, not always.

9 Q. Okay.

10 A. And not -- hmm. I don't know. I'd have to
11 look and see which ones that you're -- which ones you're
12 referring to to determine what it was that I was trying
13 to accomplish with each.

14 Q. Well, in every instance you were trying to
15 accomplish advantaging the position of the Church of
16 Scientology; isn't that true?

17 A. Yes, I would say that's a fair
18 characterization.

19 Q. Every time you swore to something under oath,
20 it was on the belief that by saying whatever it is you
21 said would advantage the litigation position you were
22 advocating, correct?

23 A. Of course.

24 Q. Okay. And that's still your point of view in
25 connection with your work as an expert and a consultant

1 on matters adverse to the Church of Scientology; is that
2 also true?

3 MR. BABBITT: Objection; lack of predicate and,
4 in fact, contrary to what the witness has said
5 concerning being an expert.

6 Q. Is that true, sir?

7 A. No.

8 Q. How did I get that wrong?

9 A. My -- I explained this to you before, but my
10 object is to make the truth known. Who that advantages
11 and disadvantages is up to the court to decide, not me.
12 I'm -- I'm no longer the person that is in charge of
13 Scientology litigation, so I don't have that position
14 anymore. When I was in charge of Scientology
15 litigation, of course my objective as either a plaintiff
16 or defendant was to win for our side.

17 Q. But now, for example, in helping Mr. Garcia at
18 \$175 an hour, so as long as the money held out, you
19 don't care one way or the other whether Mr. Garcia
20 prevails or not; is that fair?

21 MR. BABBITT: Objection to the form of the
22 question.

23 A. You don't what?

24 MR. DEIXLER: Could you read the question to
25 the witness again, please?

1 (The question was read by the reporter.)

2 A. No, that's not fair.

3 Q. Okay. How did I get that wrong?

4 A. I do care if he prevails. I think that he has
5 a right to get his money back.

6 Q. What money do you think he has a right to get
7 back?

8 A. All of it.

9 Q. When you say all of it, what do you mean?

10 A. Everything.

11 Q. Everything meaning money he paid for services,
12 money he paid to help build a church, what do you mean?

13 A. Everything.

14 Q. What falls in the ambit of everything?

15 A. Anything, everything, all of it. I don't know
16 how to describe it better. Everything.

17 Q. And why is that?

18 A. Because I think that church policy actually
19 dictates that that's the case, and I think fundamental
20 fairness dictates that that's the case.

21 Q. Okay. And the church policy that you claim
22 that dictates that he should get all of his money back,
23 did you have anything to do with writing that policy?

24 A. No.

25 Q. Okay. Who wrote that policy that you say

1 dictates it?

2 A. L. Ron Hubbard.

3 MR. BABBITT: Let me just stop for just a
4 second, and we can go off the record if you want.

5 THE VIDEOGRAPHER: Do you want to go off the
6 record?

7 MR. BABBITT: We have a time limit here, number
8 one. I'm catching a flight out of here I believe at
9 6:00 something.

10 THE VIDEOGRAPHER: Do you want to go off the
11 record.

12 MR. BABBITT: Oh, I don't care.

13 MR. DEIXLER: I'm sorry.

14 MR. BABBITT: But, I mean, you know, we are
15 completely far afield from what the judge has
16 required us to be limited to. We're now into what
17 Mr. Garcia's -- the basis of his claim or what --
18 you know, the main issues in the case that will
19 subsequently be heard after we get finished with
20 this arbitration, and I just want to tell you I'm
21 out of here to catch my plane about five o'clock.
22 So it's now 20 to 12:00. Take your time, do all you
23 want, but I'm leaving at 5:00 o'clock and so is the
24 witness.

25 MR. DEIXLER: Okay. That's fine. I --

1 without, you know, continuing interruption, I'm very
2 sure we'll be done by five o'clock.

3 MR. BABBITT: Okay. All right. That's fine.

4 MR. DEIXLER: I'm hoping to be done well before
5 then.

6 MR. BABBITT: Okay. All right. That's
7 perfect.

8 BY MR. DEIXLER:

9 Q. So we were on the topic of the interpretation
10 of this policy that was written by L. Ron Hubbard and is
11 a policy that is interpreted by the church, correct?

12 A. Correct.

13 Q. And since your departure from the church in
14 2007, you don't have any role in interpreting church
15 policy for the church, right?

16 A. That's correct.

17 Q. Okay. So we're on the topic about your
18 involvement in the creation of the arbitration clause in
19 the enrollment agreement. Remember we were on that
20 topic some time ago?

21 A. Uh-huh.

22 Q. And I think we made it pretty much through the
23 full period of the 1980s and you had no memory of any
24 involvement, and we talked a little bit about 1999
25 through 2001 and you describe what your involvement was

1 with Mr. Drescher. Do you recall, as I do, that part of
2 your testimony?

3 A. Well, I'm sure I don't recall it as you do but
4 I do recall that we discussed it, yes.

5 Q. Okay. So now I don't want to fall into the
6 logical mistake of the undistributed middle here, so I'm
7 going to focus now on the period from 1990 to about
8 1998, and your role, if any, in connection with the
9 modification of any enrollment form, if any, and its
10 arbitration clause, if any.

11 MR. BABBITT: Objection --

12 Q. Do you have in mind the perimeters in time that
13 we will be focused on?

14 MR. BABBITT: Objection to form.

15 A. Yes, I have that in mind, and I can save you a
16 lot of breath here. I don't recall any specific time
17 where I was or I was not involved in those things, but
18 that doesn't -- that doesn't mean that there may not
19 have been some revisions that happened in those years,
20 but I certainly don't recall it without having my
21 recollection refreshed that that was the case.

22 Q. Okay.

23 A. It was -- just so you understand, Mr. Deixler,
24 the subject of enrollment forms was a topic of
25 considerable discussion and interest in the office of

1 special affairs in general. But as I described to you
2 previously, it is -- falls under the category of
3 organizational rudiments and these are things that the
4 Office of Special Affairs has an interest in, a
5 continuing and ongoing interest.

6 Q. Okay. That's helpful and time-saving and it
7 will further assist your lawyer's catching his plane on
8 time.

9 MR. DEIXLER: Good.

10 A. That's what I'm trying to do.

11 Q. So let me make sure that we have a clear
12 statement of your memory on that.

13 MR. BABBITT: By the way, I'm not his lawyer,
14 but -- that's a mischaracterization.

15 MR. DEIXLER: A lawyer.

16 Q. From -- would it be a fair summary to say that
17 from the period 1980 through the period of 2001, you've
18 now told us every single thing you recall about your
19 involvement in the drafting of the arbitration clause
20 that appears in the enrollment agreement?

21 A. Yes, that would be fair.

22 Q. Okay. And would it also be correct to say that
23 if you -- you know of nothing to which you could refer
24 to refresh your memory on your involvement in the
25 creation or modification of the arbitration clause in

1 any enrollment agreement from the period 1980 through
2 and including 2001, correct?

3 A. Correct.

4 Q. Would it also be fair to say that from the
5 period 2001 through 2007, you had no involvement
6 whatsoever in any modification, redo, or drafting of an
7 arbitration provision in an enrollment agreement?

8 A. Yes, it's fair to say that I have no
9 recollection of that.

10 Q. Okay. And similarly, you don't know of
11 anything to which you could refer that might refresh
12 your memory with regard to any involvement you had after
13 this 2001 period through and including June of 2007,
14 when you left the church forever, correct?

15 A. Yeah. I just don't have anything like that,
16 that's right.

17 Q. You have no memory and you have nothing to look
18 at that could refresh your memory on that topic,
19 correct?

20 A. Correct. That's correct.

21 Q. And let me ask you to state the obvious. After
22 2007, when you left the church, through and including
23 this morning, you haven't had any involvement in
24 modifying the arbitration provision in the enrollment
25 agreement for the Church of Scientology or any of its

1 affiliates; is that also true?

2 A. I sent them a proposal on what I thought might
3 be a good one.

4 Q. You did? I hope you'll route it to me.

5 A. I did.

6 Q. Okay.

7 A. I sent it to your office.

8 Q. Okay.

9 A. No, Mr. Deixler, I haven't.

10 MR. DEIXLER: Okay. I'd like to go off the
11 record for five minutes. Thank you.

12 THE VIDEOGRAPHER: We're now off the record.
13 The time is 11:40 a.m.

14 (Recess from 11:40 a.m. until 12:47 p.m.)

15 THE VIDEOGRAPHER: We're now on the record.
16 The time is 12:47 p.m.

17 MR. DEIXLER: We're back on the record?

18 THE VIDEOGRAPHER: Yes, sir.

19 BY MR. DEIXLER:

20 Q. Mr. Rinder, you understand your testimony
21 continues to be under oath and subject to the penalty of
22 perjury, correct?

23 A. I do.

24 Q. And let me move to a topic about your hatred of
25 Mr. Miscavige and the Church of Scientology and its

1 motivation for your efforts as an adversary of the
2 church. Do you have that topic in mind?

3 MR. BABBITT: Objection to the form of the
4 question; lack of predicate.

5 Q. Now, you would agree with me that you have made
6 many statements about Mr. Miscavige which are
7 derogatory; is that true?

8 A. Yes, I would agree with you.

9 Q. And you've made those statements about
10 Mr. Miscavige that are derogatory publicly; is that also
11 true?

12 A. Yes, that's also true.

13 Q. And you've made those public derogatory
14 statements about Mr. Miscavige with the goal of
15 undermining his authority in the church; is that true?

16 A. No. I don't care about his authority in the
17 church.

18 Q. You've made those statements about
19 Mr. Miscavige publicly to harm his reputation among
20 Scientology parishioners; is that true?

21 A. No, that's not true.

22 Q. You've made those statements about him in the
23 hopes that people would join what you've described as
24 the Independent Scientology movement; isn't that right?

25 A. No, that's not true.

1 Q. And by joining the Independent Scientology
2 movement, thereby contribute to your coffers by having
3 you act as a consultant either for their religious
4 issues or for their business issues; isn't that right?

5 A. No.

6 MR. BABBITT: Objection; lack of predicate.

7 Q. No? You are familiar with a historic personage
8 named Adolf Hitler, aren't you?

9 A. Yes.

10 Q. And would it be a fair summary of Herr Hitler
11 that he was -- is regarded as one of the most
12 despicable, treacherous, murderous people in all of
13 history?

14 A. I guess, yeah.

15 Q. And am I correct that you have publicly
16 compared Mr. Miscavige to Adolf Hitler?

17 A. Hmm. I'm not sure. I might have. I'm not
18 sure. And if so, it's in the context of what
19 Scientologists understand as the policy letter written
20 by L. Ron Hubbard about the antisocial personality,
21 where he equates the antisocial personality to the likes
22 of Hitler, Dillinger, Genghis Khan, blah blah blah blah,
23 so it will be a similar analogy to that if I did it. I
24 don't know, maybe I did. I think it's probably apt in
25 that -- in light of that.

1 Q. As you sit here today, you think it's a fair
2 comparison of David Miscavige and Adolf Hitler, correct?

3 A. I think that that --

4 Q. Is that true?

5 MR. BABBITT: Wait a minute. Let him answer
6 the question. You can't ask two.

7 A. I think that in the context of the policy of
8 the antisocial personality, and the explication in there
9 by L. Ron Hubbard that the antisocial personality
10 includes those such famous figures from history as
11 Hitler and Dillinger and Genghis Khan, et cetera,
12 et cetera, and that when you're dealing with an
13 antisocial personality or a suppressive person, the
14 other terminology in Scientology for it, you are dealing
15 with that type of person.

16 So I would adopt Mr. Hubbard's analogy and
17 comparison and say antisocial personalities, which I
18 believe Mr. Miscavige is an antisocial personality, or a
19 sociopath, if you want to put it into less
20 Scientological terms, is the type of personality and a
21 similar type of personality to those others that
22 Mr. Hubbard listed, including Hitler.

23 Q. And you regarded Mr. Miscavige as a sociopath
24 right at about the time you departed the Church of
25 Scientology and not before; isn't that true?

1 A. No, I don't think so. It was some time after
2 that.

3 Q. Some time after 2007?

4 A. Uh-huh.

5 Q. 2008, 2009, 2010, for the first time it dawned
6 on you that the head of the Church of Scientology was a
7 sociopath, correct?

8 A. Not for the first time, no.

9 Q. It was the time that you began to liken him to
10 famous tyrants and murderers, like Hitler, correct?

11 A. No, no.

12 Q. You had done that before? While you were a
13 member of the church did you liken Mr. Miscavige to
14 Hitler?

15 A. I likened him to an antisocial personality.

16 Q. Listen to my question and answer my question.
17 Did you, during the time you were with the Church of
18 Scientology, liken Mr. Miscavige to Hitler, yes or no?

19 A. Hmm. I guess at the time that I believed that
20 that policy by L. Ron Hubbard was pretty much dicta and
21 that because he had said that an antisocial personality,
22 who has these 12 characteristics of an antisocial
23 personality, is similar to the personality type of
24 Hitler, in my mind -- because you're asking me when I
25 first had this idea. In my mind, I had started to have

1 concern about David Miscavige being an antisocial
2 personality when I was still in the church.

3 Q. I see. Remember -- remind me, if you will, who
4 you ever expressed during the time that -- to whom you
5 ever expressed the view that David Miscavige was
6 properly likened to Hitler while you were in the church,
7 that is through June of 2007. Tell me the name of every
8 such person.

9 A. You're putting words into my mouth that I
10 didn't say. I said I equated him to an antisocial
11 personality, and, really, there is only one person in
12 the church I believe that, at that time, that I said
13 that to and it was in the context of a -- an interview
14 being conducted to determine who I was PTS to, and that
15 interview was conducted by Greg Wilhere.

16 Q. What year did you tell that to Mr. Wilhere?

17 A. I guess it -- it was in 2006 or 2007.

18 Q. And in 2006 and 2007, and the only occasion in
19 which you used the phrase antisocial personality, you
20 will agree with me that you didn't say Mr. Miscavige was
21 like Adolf Hitler, correct?

22 A. Yeah, I would agree with you about that. I
23 didn't say he was an antisocial personality either. I
24 answered the question that "who are you PTS to," or
25 there are other versions of that question, looking for

1 the suppressive person or the antisocial personality
2 that is making you cowed and ill and that was who came
3 up in that interview, was David Miscavige.

4 Q. You've also likened Mr. Miscavige to Jeffrey
5 Dahmer, correct?

6 A. I don't know.

7 Q. Who is Jeffrey Dahmer?

8 A. He's a pretty notorious murderer.

9 Q. I see. And you don't deny having publicly
10 equated Jeffrey Dahmer and David Miscavige, do you?

11 A. I don't deny it or confirm it. I don't
12 remember.

13 Q. You just -- it's all vague to you, calling
14 somebody a Hitler or a Dahmer, that doesn't stand out in
15 your memory one way or the other?

16 MR. BABBITT: Object to the form of the
17 question.

18 A. Well, as I've been trying to explain to you,
19 Mr. Deixler, the -- what stands out in my mind is the
20 concept of the antisocial personality and a suppressive
21 person. The fact that there are people named -- when
22 you're talking in Scientology terms about antisocial
23 personalities and suppressive persons, there are names
24 that are listed in the reference written by L. Ron
25 Hubbard that say this is the type of person this is. So

1 equating an antisocial personality to one of those types
2 or one of those people that are denominated as that type
3 of person in the policy letter by L. Ron Hubbard isn't
4 significant. The fact of equating someone as an
5 antisocial personality or a suppressive person or a
6 sociopath, that is what is significant.

7 Q. Okay. So let me have you try to answer my
8 question now. Am I correct that you have no memory one
9 way or the other of publicly comparing David Miscavige
10 either to Adolf Hitler or to Jeffrey Dahmer, just no
11 memory of it?

12 A. No, you -- now you're changing it again. I
13 said to you I don't remember Jeffrey Dahmer. Hitler is
14 more -- more common because it's the first name on the
15 list in the policy letter. Jeffrey Dahmer, I don't
16 think he's in that policy letter, maybe he is, but
17 analogy to Hitler, therefore, is a much more common
18 thing in Scientology terms than an analogy to Dahmer.
19 So I don't recall the Dahmer one, maybe I did, maybe I
20 didn't, but, like I said, and I've answered you several
21 times now, the context in which that statement is said
22 is in the context of the personality type and the dicta
23 from L. Ron Hubbard that that's what this personality
24 type is like.

25 MR. DEIXLER: Move to strike the answer as

1 nonresponsive.

2 Q. And let's see if I can have you focus all of
3 your attention on the very narrow point I'm asking you,
4 sir, if you will.

5 My question is do you remember -- do you
6 remember using -- likening Mr. Miscavige to Adolf
7 Hitler, yes or no?

8 MR. BABBITT: That's a different question.

9 A. Yeah. I mean, you change the question each
10 time around.

11 Do I remember likening -- I'll answer your
12 question or I'll try to answer your question. Do I
13 remember likening David Miscavige to Adolf Hitler at any
14 time ever? I'm not sure that I remember any specific
15 instance of it but it would not surprise me.

16 Q. That would be a reference you would be
17 comfortable using after the time you left the church; is
18 that fair?

19 A. That's correct.

20 Q. Okay. You wouldn't be ashamed of drawing that
21 analogy, correct?

22 A. Not in the context of the policy written by
23 Mr. Hubbard, no.

24 Q. You wouldn't think that's a gross
25 overstatement, would you?

1 A. Not in the context of the policy written by
2 Mr. Hubbard, no, I wouldn't.

3 Q. Same question regarding Jeffrey Dahmer. Am I
4 correct that you have no memory of ever likening
5 Mr. Miscavige to Jeffrey Dahmer?

6 A. Yes, you're correct.

7 Q. But it would be consistent with your view of
8 Mr. Miscavige that he is fairly equated with a multiple
9 murderer and cannibal, Jeffrey Dahmer, correct?

10 MR. BABBITT: Objection to form.

11 A. No, but he is fairly equated with the
12 personality type that ends up doing that sort of thing,
13 not that he is a cannibal. I don't think Mr. Miscavige
14 is a cannibal, nor do I think he's a murderer, not even
15 -- not even in my remotest wildest dreams do I believe
16 that. I don't believe that he persecuted Jews. I don't
17 think that he really is Hitler. I'm talking about is
18 that the personality type? Yes, I think he is that
19 personality type as described in the scripture of
20 Scientology, which was what I knew, and now I have read
21 other books and I come to understand the term sociopath
22 and so now I more commonly describe him as a sociopath
23 than an antisocial personality or a suppressive person.

24 Q. Now, let me see if your memory is any better of
25 recent events. In connection with the opening of the

1 Flag Church in Clearwater, is it correct that you hired
2 a helicopter to stream a banner in front of the
3 assembled Scientologists at the time Mr. Miscavige was
4 speaking for the purpose of drowning him out and
5 embarrassing him?

6 A. No.

7 Q. Did you hire a helicopter?

8 A. No.

9 Q. Did you ride a helicopter?

10 A. Yes.

11 Q. Over the church?

12 A. Yes.

13 Q. At the time of the opening dedication of the
14 church?

15 A. Yes.

16 Q. And what was that purpose for?

17 A. To document how many people were there.

18 Q. I see. And did it have any banner or streaming
19 behind it, the helicopter?

20 A. Not that I saw.

21 Q. Make any statements?

22 A. Not that I saw.

23 Q. Ever raise any questions about the whereabouts
24 of Shelly Miscavige after you had learned that there had
25 been a police investigation which concluded that she

1 wasn't, quote, missing?

2 A. That's a separate thing. That's a plane.

3 Q. Will you answer my question?

4 A. No.

5 Q. Okay. Tell me about the plane.

6 A. I was trying to help you.

7 Q. Thanks, and I appreciate your help, believe me.

8 Tell me about the plane as it relates to your
9 involvement in questioning the whereabouts of
10 Mrs. Miscavige?

11 A. There was a plane that flew over the Fort
12 Harrison that had a banner towing behind it saying
13 "Where's Shelly?"

14 Q. And what did you have to do with that?

15 A. I watched it.

16 Q. Anything else?

17 A. No.

18 Q. Did you know it was going to occur before it
19 did?

20 A. Yes.

21 Q. How did you know that?

22 A. The person that hired the plane told me.

23 Q. Who told you?

24 A. Mike Bennitt.

25 Q. And what did you say to him?

1 A. What time?

2 Q. What was your -- what was your -- why did you
3 think that was appropriate?

4 A. Why did I think that was appropriate? Are you
5 asking me why do I think that Mike Bennitt told me?

6 Q. No. Why did you think it was appropriate to
7 have a plane with that banner go over the Fort Harrison?

8 MR. BABBITT: Lack of predicate; objection.

9 A. Well, I think it's a good question.

10 Q. Do you know whether there has been police
11 investigation regarding Mrs. Miscavige's whereabouts?

12 A. Wow. I saw media reports of that, yes.

13 Q. You don't --

14 A. Do I know? No.

15 Q. You don't know. You don't trust the media
16 reports of police investigations; is that fair?

17 A. No, that's not fair.

18 Q. Let me mark as Exhibit Number 3 a declaration
19 of Michael Rinder in the case styled Church of
20 Scientology versus Steven Fishman, et al., and a copy
21 for your lawyer.

22 (Rinder Exhibit 3 was marked for
23 identification.)

24 Q. And if you would, take a moment to review the
25 exhibit, sir. My first question to you is going to be

1 is the signature on page 11 yours?

2 A. Looks to be, yes.

3 Q. Okay. And at the time you signed this document
4 filed in federal court in Los Angeles under penalty of
5 perjury, did you believe each and every statement
6 contained there was true?

7 A. Yes.

8 Q. Okay. So, for example, speaking of -- speaking
9 of this declaration at Paragraph 21 and speaking of
10 Mr. Miscavige --

11 MR. BABBITT: What page is that on?

12 Q. Page 9, line 21, starting at line 28: "In this
13 time of great personal upset, David" -- meaning
14 Mr. Miscavige -- "and his wife, Shelly, supported my
15 wife and me beyond what could possibly be expected by
16 anyone, seeing to our personal needs, arranging for the
17 most highly trained auditors to give us spiritual
18 counseling, arranging plane fares and reservations,
19 helping with the funeral arrangements, and making it as
20 easy as possible in every fashion imaginable for us to
21 come through this upsetting time."

22 Now, you said that under oath, correct?

23 A. Uh-huh.

24 Q. And that was true, correct?

25 A. Correct.

1 Q. You believed it to be true then and you believe
2 it to be true now; isn't that right?

3 A. Yes, although I would give the caveat that it
4 was Shelly that did it, not Dave.

5 Q. I see.

6 A. Dave was actually at the Mission Holder
7 Convention in San Francisco at that exact time. It was
8 Shelly that arranged all that.

9 Q. And Mr. Miscavige had no knowledge or approval
10 with regard to this, is that your view?

11 A. That's correct.

12 Q. Okay.

13 A. I bumped into him at LAX as I was leaving to
14 fly back to Clearwater and he was coming back from San
15 Francisco from the Mission Holder Convention and he
16 asked me why I was there and I told him.

17 Q. Okay. In Paragraph 23 you go on to say: "As I
18 work with him often and know many of the people that
19 know him, I am aware of the high regard in which he" --
20 meaning Mr. Miscavige -- "is held by Scientologists and
21 those he comes in contact with. I've never heard a
22 negative statement made about him by anyone other than
23 those who seek to extort money from the church. It
24 really is that simple."

25 That was a true statement, wasn't it, sir?

1 A. Yes, absolutely.

2 Q. And you believe that to be true today, don't
3 you?

4 A. I believe that that's what I believed when I
5 wrote this in 1994, yes.

6 Q. Okay. And so you were testifying truthfully
7 about your feelings for Mr. Miscavige and the admiration
8 which he enjoined among the parishioners of the church;
9 is that fair?

10 A. Absolutely.

11 MR. BABBITT: Is Mr. Miscavige on trial here?
12 I mean we're --

13 MR. DEIXLER: Evidently, the motivation of the
14 witness is clearly to harm Mr. Miscavige.

15 MR. BABBITT: That he liked -- that he liked
16 Mr. Miscavige, that's the motivation --

17 MR. DEIXLER: -- and his pension for
18 misrepresentation in this case compared to what he
19 said before, yeah, that's also an issue.

20 MR. BABBITT: Okay.

21 MR. DEIXLER: Credibility I think is a matter
22 of issue.

23 BY MR. DEIXLER:

24 Q. In -- on page 6, speaking of Mr. Miscavige, it
25 is because -- are you with me, second line?

1 A. No, I haven't got there yet. Hold on.

2 Q. Page 6, second --

3 A. Second line?

4 Q. "It is because he has demonstrated time and
5 time again his integrity and selfless willingness to
6 serve for the good of others that he enjoys the support
7 of the staff and parishioners of the Scientology
8 religion."

9 That's true, isn't it?

10 A. Oh, absolutely. Back in -- back when I wrote
11 this, that was absolutely true.

12 Q. And it's true today, isn't it?

13 A. I don't know. I'm not one of them.

14 Q. Okay. You --

15 A. You're asking me what I wrote, right?

16 Q. Yeah. You wrote this declaration, right?

17 A. Yeah, I'm -- and it is because he has
18 demonstrated -- I couldn't tell that you now.

19 Q. I see.

20 A. I could tell you that in 1994 but I can't tell
21 that you now.

22 Q. Not -- you didn't regard him as a sociopath in
23 1994, right?

24 A. Correct.

25 Q. Didn't think he was like Hitler, Jeffrey

1 Dahmer, or anybody else like that, correct?

2 A. Correct.

3 Q. So one of the things that was going on during
4 your tenure at the church was litigation brought by
5 plaintiffs whom you believed had meritless causes; isn't
6 that true?

7 A. Yes.

8 Q. People who were getting together and making
9 false accusations against the church and corroborating
10 one another; isn't that right?

11 A. That's what I believed, yes.

12 Q. And let me ask you to read with me Paragraph 24
13 in which you're commenting about some of the declarants
14 in that case, the Amen Chorus for these claimants:
15 "Comparing what I know to what I read in the declaration
16 of these paid 'witnesses'" -- do you see the word paid
17 witnesses --

18 A. Yeah, yeah.

19 Q. -- that you put in there?

20 A. Yes.

21 Q. -- "makes the lie even more vivid and callous."
22 The fact that the witnesses were paid
23 undermine their credibility, you believed, didn't you,
24 sir?

25 MR. BABBITT: Wait a minute. Mine doesn't say

1 that. I don't know what you're reading.

2 MR. DEIXLER: Page 10, paragraph 24.

3 MR. BABBITT: The next sentence says "There is
4 no resemblance," not what you just said.

5 THE WITNESS: No, the line before, these paid,
6 quote, witness.

7 MR. BABBITT: All right. All right. Sorry.

8 MR. DEIXLER: "Compared with what I know to
9 what I read in the declarations of these paid
10 'witnesses'."

11 BY MR. DEIXLER:

12 Q. So it's correct that the fact that witnesses
13 were paid undermined their creditability in your mind,
14 right?

15 A. Yeah. If you pay someone to testify about
16 something, I believe that that undermines their
17 credibility, sure.

18 Q. And how much have you been paid in connection
19 with your work in this case?

20 A. To testify? Nothing.

21 MR. BABBITT: Object to the form -- objection
22 to the form of the question.

23 Q. How much have you been paid in connection with
24 your work in this case, sir?

25 A. Nothing to testify.

1 MR. BABBITT: I'm a potted plant.

2 A. That's what we're talking about, have these
3 paid witnesses, and I -- you asked -- do you want to
4 read back the record and I'll tell you -- I'll repeat my
5 answer?

6 Q. Do you want me to repeat the question? In
7 connection with your work in this case, how much have
8 you been paid, sir?

9 A. I don't know. You have the records and I
10 don't.

11 Q. Tens of thousands of dollars?

12 A. We already -- we already established this
13 earlier. Whatever the number is, it's that number.

14 Q. "There is no resemblance to the individual I
15 know," meaning Mr. Miscavige, "that can be drawn from
16 the innuendo, allegations, and falsehoods that are
17 written about him."

18 A. Uh-huh.

19 Q. That's true, right?

20 A. That was true, absolutely.

21 Q. Okay. And it's still true, isn't it?

22 A. What's still true?

23 Q. That you can't draw a fair picture from the
24 innuendo, allegations and falsehoods that are written
25 about him?

1 A. Correct. You can't -- you can't draw a fair
2 picture from falsehoods written about him.

3 Q. And you agree with the statement that to
4 believe the statements of this tiny handful of spiteful
5 apostates in the face of overwhelming evidence to the
6 contrary would be to listen to the testimony of Judas
7 Iscariot, correct?

8 A. Correct.

9 Q. And you still feel that way, don't you, sir?

10 A. I'm not sure -- you keep saying that but I'm
11 not sure. I still feel which way? That that statement
12 is true when I wrote it in 1994? Yes, I do.

13 Q. And that Mr. Miscavige is being criticized by a
14 handful of spiteful apostates?

15 MR. BABBITT: Now or then?

16 Q. Now. Now, right now.

17 A. No, I don't think that.

18 Q. As you sit here today?

19 A. No, I don't think that.

20 Q. You don't think he's been criticized by
21 spiteful apostates?

22 A. No.

23 Q. Okay. You think he's not being criticized?

24 A. I think that he is being -- okay. If you
25 really want me to answer this question, I will. This

1 primarily, and you will see in here, the subject of
2 these spiteful allegations and falsehoods was that David
3 Miscavige had been somehow involved in the death -- the
4 death of his mother-in-law, Shelly's mother, and to this
5 day I do not believe that that is true and I think that
6 that's a terrible allegation to make about someone that
7 is not only not true, is spiteful and misleading, and I
8 would say that today. I do not believe that David
9 Miscavige had any involvement with the death of his
10 mother-in-law. I will -- no one will ever convince me
11 otherwise and I would never say otherwise. These people
12 were saying that and I disagreed with that.

13 Q. What's an apostate, sir?

14 MR. BABBITT: Let him finish the answer.

15 MR. DEIXLER: Oh, I'm sorry. I thought he --
16 he certainly had gone beyond the scope of the
17 question.

18 A. Okay. I'll shut up.

19 MR. BABBITT: No, finish your answer, please.

20 THE WITNESS: It's fine.

21 Q. What do you mean by an apostate?

22 A. What do I mean by an apostate? I mean someone
23 who has left a belief system, let me put it that way,
24 and decided that they are no longer subscribing to those
25 beliefs.

1 Q. You're an apostate from the Church of
2 Scientology?

3 A. Hard to -- hard to categorize me, Mr. Deixler.
4 I'm -- I don't know that you can be an apostate from a
5 church as opposed to a religious belief. Maybe you can,
6 but I don't consider that I have renounced all concepts
7 contained in Scientology or that I -- that I no longer
8 subscribe to the beliefs of everything that is in
9 Scientology. I never -- I just wouldn't say that, so I
10 don't know. I -- I suspect I probably, by the strict
11 definition, I'm not an apostate.

12 I mean, I had a lot of discussions with Brian
13 Wilson about this and he was the person that first
14 started this concept about labeling people as apostates
15 to try and prove that what they were saying by labeling
16 them as apostates were that they were lying. I don't
17 know that he would categorize me as an apostate.

18 Q. Mr. Wilson was a sociologist from Oxford?

19 A. Yes, that's right.

20 Q. Mr. Wilson said that apostates are in need of
21 self-justification, correct?

22 A. Correct.

23 Q. That they need to reconstruct their own past,
24 true?

25 A. I -- I assume you're reading from something

1 that I don't have in front of me, so --

2 Q. Well, you have Mr. Wilson's statements in mind,
3 don't you?

4 A. Yeah. I think that doesn't -- that's not
5 contradictory to what I would believe he said.

6 Q. An apostate is one who blames his former close
7 associates; isn't that right?

8 A. I don't know. I don't know if that -- blames
9 his former close associates, that's the definition of an
10 apostate?

11 Q. Part of the definition. No?

12 A. I don't know. That one, I don't know.

13 Q. Yeah. You don't know whether Dr. Wilson got it
14 right or wrong?

15 A. No, I don't know whether that's a part of the
16 definition.

17 Q. Okay.

18 A. Maybe he got it right. I don't know. You're
19 asking me what did he say. Why don't you just tell me
20 what he said and I'll tell you if I agree with it. I'm
21 not -- do -- is this what he said? I don't know.

22 Q. Will you agree with me at minimum, sir, that
23 the Church of Scientology --

24 MR. BABBITT: You don't have your mic on
25 anymore.

1 Q. -- that the Church of Scientology is -- regards
2 you as an apostate?

3 A. Oh, absolutely.

4 MR. DEIXLER: Okay. Let's -- let's take a
5 short break.

6 THE VIDEOGRAPHER: We're now off the record.
7 The time is 1:14 p.m.

8 (Recess from 1:14 p.m. until 1:28 p.m.)

9 THE VIDEOGRAPHER: We're now on the record.
10 The time is 1:28 p.m.

11 BY MR. DEIXLER:

12 Q. Last -- last topics: Since you've left the
13 church you have provided consulting and expertise not
14 only to anti-Scientologist litigants but also to media
15 representatives who have written and created television
16 programming adverse to the Church of Scientology; is
17 that true?

18 A. Did I provide a what to them?

19 Q. Consulting.

20 A. No.

21 Q. Have you spoken with representatives of the BBC
22 on the topic of your opinions regarding the Church of
23 Scientology?

24 A. Yes, of course.

25 Q. Have you spoken to HBO with regard to your

1 opinions pertaining to the Church of Scientology?

2 A. Yes, of course. I don't consult them though.

3 Q. What's the difference between consulting and
4 speaking with them?

5 A. If someone comes and asks you questions about
6 what do you know and you answer those questions, that's,
7 to my -- in my mind, not the same as consulting, where
8 you have a formal agreement with someone to assist them
9 in whatever it is that they're doing. I have no
10 agreement with any media people or any terms or
11 conditions. It just they call me up, they ask me are
12 you willing to be interviewed, and I say yes or no.

13 Q. I see. Did you fly to England at the expense
14 of BBC for the purpose of being interviewed?

15 A. Yes.

16 Q. Did you receive any compensation other than
17 reimbursement or payment of expenses, hotel and flight?

18 A. No.

19 Q. Okay. How about with HBO, have you agreed to
20 appear at the Sundance Film Festival in connection with
21 the showing of their HBO show?

22 A. Yes.

23 Q. Are they going to pay you to do that?

24 A. No.

25 Q. Are they going to pay your expenses to do that?

1 A. Yes.

2 Q. Have you received any compensation from HBO for
3 your agreement to be interviewed or speak to them?

4 A. No.

5 Q. Have you requested it?

6 A. No.

7 Q. Have you sent them any kind of bill, invoice or
8 suggestion of future payment?

9 A. No.

10 Q. Other than HBO and the BBC, who else has paid
11 for your expenses in connection with your appearing at a
12 certain time or place in connection with the
13 demonstration of or making of a television program or a
14 interview for print media?

15 A. Nobody.

16 Q. The St. Pete Times has done that, haven't they?

17 A. No.

18 Q. You've never had expenses advanced by the
19 St. Pete Times in connection with interviews?

20 A. No, not -- never.

21 Q. Okay. So other than HBO and BBC, you have
22 never received any payment of any kind, be it free
23 airfare, hotel, food, or consulting fees from any media
24 source; is that true?

25 A. That's correct.

1 Q. And so the information that you provide, you
2 provide simply because you're angry at the Church of
3 Scientology, right?

4 MR. BABBITT: Objection; form, lack of
5 predicate.

6 A. No.

7 MR. DEIXLER: Okay. I have no further
8 questions of the witness.

9 MR. BABBITT: No questions. We'll read, I
10 think.

11 You don't want to waive, do you?

12 THE WITNESS: No, read.

13 THE VIDEOGRAPHER: This concludes the
14 deposition. We're now off the record. The time is
15 1:31 p.m.

16 THEREUPON, the Deposition of MICHAEL J. RINDER,
17 taken at the instance of the Defendants, was concluded
18 at 1:31 p.m.

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CERTIFICATE OF REPORTER OATH

STATE OF FLORIDA
COUNTY OF POLK

I, Susan D. Wasilewski, Registered Professional Reporter, Certified Realtime Reporter, Certified CART Provider, Certified Manager of Reporting Services, Florida Professional Reporter, and Notary Public in and for the State of Florida at large, hereby certify that the witness named herein appeared before me on 1/6/2015, and was duly sworn.

WITNESS my hand and official seal this 1/7/2015.



SUSAN D. WASILEWSKI, RPR, CRR, CCP, CMRS, FPR
NOTARY PUBLIC - STATE OF FLORIDA
MY COMMISSION NO. EE123944
EXPIRES: 10-23-15

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CERTIFICATE OF REPORTER


STATE OF FLORIDA

COUNTY OF POLK

I, Susan D. Wasilewski, Registered Professional Reporter, Certified Realtime Reporter, Certified CART Provider, Certified Manager of Reporting Services, and Florida Professional Reporter, do hereby certify that I was authorized to and did stenographically report the examination of the witness named herein; that a review of the transcript was requested; and that the foregoing transcript is a true record of my stenographic notes.

I FURTHER CERTIFY that I am not a relative, employee, or attorney, or counsel for any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the outcome of this action.

DATED THIS 1/7/2015 at Lakeland, Polk County, Florida.



SUSAN D. WASILEWSKI, RPR, CRR, CCP, CMRS, FPR

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION
Case No. 8:13-cv-220-T27 TBM

LUIS A. GARCIA SAZ, and wife,
MARIA DEL ROCIO BURGOS GARCIA,

Plaintiffs,

vs.

CHURCH OF SCIENTOLOGY RELIGIOUS TRUST, et al.,

Defendants.

IN RE: DEPOSITION OF MICHAEL J. RINDER
TAKEN JANUARY 6, 2015

TO: THEODORE BABBITT, ESQUIRE
Babbitt, Johnson, Osborne & LeClainche, P.A.
1641 Worthington Road, Suite 100
West Palm Beach, Florida 33401

Dear Mr. Babbitt:

The referenced transcript has been completed and awaits review and signing of the errata sheet.

Thank you for agreeing to handle the reading and signing process. Today's date is 1/7/2015. Please complete the reading and signing by 2/16/2015.

The original transcript of this deposition has been delivered to Bert H. Deixler, Esquire, and the errata sheet, once completed, should be forwarded to all ordering parties as listed below.

Thank you.



Susan D. Wasilewski, RPR, CRR, CMRS, FPR

cc: Bert H. Deixler, Esquire

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ERRATA SHEET

DO NOT WRITE ON TRANSCRIPT - ENTER CHANGES ON THIS PAGE

IN RE: Luis A. Garcia, et al., v. Church of Scientology
Religious Trust, et al.

CASE NO.: 8:13-cv-220-T27 TBM

DEPOSITION OF MICHAEL J. RINDER
TAKEN JANUARY 6, 2015

PAGE #/LINE #	CHANGE	REASON
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Under penalties of perjury, I declare that I have read
the foregoing document and that the facts stated in it
are true.

MICHAEL J. RINDER

DATE

cc: Bert H. Deixler, Esquire

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