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15 SUPERIOR COURT OF THE STATE OF CALIFORNIA
16 COUNTY OF LOS ANGELES
17 BC 426872

18 JOHN LINDSTEIN,

19 PLAINTIFF'S COMPLAINT FOR:

20 Plaintiff,

- 21 1) HUMAN TRAFFICKING
- 22 2) VIOLATIONS OF WAGE AND HOUR LAWS
- 23 3) UNFAIR/ILLEGAL BUSINESS PRACTICES ACTIONABLE UNDER CALIFORNIA B&P §§17200 ET. SEQ.

24 vs.

25 DAVID MISCAVIGE, an
26 individual, CHURCH OF
27 SCIENTOLOGY INTERNATIONAL, a
28 corporate entity, RELIGIOUS
TECHNOLOGY CENTER, a corporate
entity and DOES 1 - 20,
INCLUSIVE,

Defendants.

ALLEGATIONS COMMON TO ALL COUNTS

1) Plaintiff John Lindstein brings this action against all Defendants for a course of illegal conduct that he endured for many years starting when Plaintiff was eight years old. Plaintiff suffered illegal working conditions, illegal hours, illegal pay and numerous violations of his basic human rights.

1 Plaintiff was coerced, deceived, and manipulated into providing
2 forced labor for the benefit of all Defendants, which is a
3 violation of California Human Trafficking laws.

4 2) Plaintiff started working for the Scientology
5 enterprise when he was just eight years old. From age eight to
6 age twelve, Plaintiff was doing manual labor at Scientology's
7 "International Ranch" near Hemet, California. At age ten,
8 Plaintiff was working fifteen hour days. At age twelve,
9 Plaintiff was deemed finished with schooling and hired by Golden
10 Era Productions, an unincorporated division of Church of
11 Scientology International (hereinafter "CSI"), as a messenger and
12 errand boy.

13 3) In 1997, at age fifteen, Plaintiff was demoted to
14 dishwasher. He worked sixteen hour days cleaning pots, pans and
15 the dining facilities.

16 4) In 1997 or 1998, Plaintiff was assigned to do
17 construction work at the Scientology base near Hemet, California.
18 Plaintiff worked on construction and improvement of buildings in
19 the compound. Plaintiff was a minor; however, he was required to
20 work long, hard hours for far less than minimum wage.

21 5) When Plaintiff was 16 - 18 years old, he began working
22 at Scientology's film lab known as Golden Era Productions. Among
23 many other tasks, Plaintiff worked on digitally restoring old
24 films produced by L. Ron Hubbard in the early 1970's. This was
25 tedious frame-by-frame work that would normally cost more than
26 \$400,000 per movie to accomplish at industry rates. Plaintiff
27 and his crew of five did this for only \$50 per week, thus saving
28 Defendants thousands of dollars.

1 6) By the time Plaintiff was 18, he had transferred most
2 if not all of L. Ron Hubbard and Scientology films to DVD format.
3 Plaintiff worked 16 hour days and occasional 24 hour days, on
4 this project of restoring Hubbard and Scientology films.
5 Plaintiff continued to work long hours in the film lab until
6 2002.

7 7) From 2002 - 2006, Plaintiff worked on producing visual
8 effects for the films, TV shows and advertisements for the
9 Scientology enterprise. This was the type of work routinely done
10 in the movie industry by technicians or contractors charging \$80
11 an hour and up. Plaintiff performed this work as a virtual slave
12 working 16-24 hour days with little or no sleep, no time off, and
13 no personal freedom. Defendants controlled plaintiff's hours,
14 wages, and working conditions, which constitutes employment under
15 California law. Plaintiff was paid room, board, and approximately
16 \$50 a week for this employment, which is in violation of
17 applicable laws including wage and hour laws.

18 8) From 2002 - 2006, Plaintiff was working extremely long
19 hours, frequently for days in a row with no sleep, and doing work
20 that could have been contracted out to competing businesses and
21 outside vendors. For example, Plaintiff worked on broadcasts for
22 the Scientology enterprise, which was essentially equivalent to
23 working for an advertising agency or production company.
24 Industry standards of pay for Plaintiff's work would be far in
25 excess of Plaintiff's salary. By using captive, "in-house" labor,
26 Defendants avoided having to use competitive labor or companies
27 in the relevant marketplace, which saved Defendants huge sums and
28 unjustly enriched Defendants at the expense of Plaintiff and

1 others who provided labor and services to Defendants at times
2 herein material.

3 9) This case is based upon labor code violations, human
4 trafficking violations and other improper, illegal and unfair
5 practices, in separate causes of action for said violations, and
6 in a cause of action expressly plead under Business and
7 Professions Code §17200. The operative statute underlying the
8 unfair practices claim may be triggered by torts and statutory
9 violations as alleged herein, including violations of federal
10 law, which are independently actionable under the California body
11 of law on unfair competition and business practices. The
12 California Supreme Court has expressly ruled that labor code
13 violations are actionable under this law. The difference between
14 what was paid as wages and what should have been paid under
15 minimum wage and overtime laws qualifies as restitution damages
16 under B&P Code §17203. Cortez v. Purolator Air Filtration
17 Products Co. (2000) 23 Cal.4th 163, 177-179.

18 10) At times herein material, and continuing, Defendants
19 David Miscavige (hereinafter DM), Religious Technology Center
20 ("RTC"), and Church of Scientology International ("CSI") were,
21 and are, the person and ostensible corporate entities that
22 control the Scientology Enterprise. In fact, the Scientology
23 Enterprise is controlled by Defendant David Miscavige, DM, who
24 uses the title Chairman of the Board of Defendant RTC, which is
25 frequently shortened to "COB" in Scientology jargon. Defendant
26 Miscavige is the chief perpetrator of the torts and violations of
27 law alleged herein including the crime of human trafficking.
28 While the corporate structure of the Scientology Enterprise is

1 essentially a sham designed to hide and obscure the true nature
2 of the Scientology Enterprise, camouflage the absolute and
3 unchecked control of Defendant Miscavige, and make litigation
4 against the Scientology Enterprise more difficult, it is not even
5 necessary to pierce the corporate veil in this case. Defendants,
6 and each of them including Defendant Miscavige, are personally
7 and directly responsible for their respective torts and
8 violations of law. In any event, the corporate structure of the
9 Scientology Enterprise is a sham that should be disregarded for
10 purposes of litigation, including this case. For purposes of
11 labor and human trafficking laws, Defendants are part of an
12 enterprise that conducts business and commercial activities in
13 the State of California and in interstate commerce. Plaintiff
14 worked on the production of goods for Defendants that were sold,
15 licensed, or otherwise used in interstate commerce. Defendants
16 conduct business in interstate commerce and use workers such as
17 plaintiff to conduct commercial and business activities that
18 could be performed by competing services and vendors. Plaintiff's
19 work for Defendants could have been contracted out in the
20 marketplace or otherwise performed by persons or companies not
21 employed by or anyway related to the Scientology enterprise.
22 Presumably, outside vendors would pay their workers minimum wage
23 and observe wage and hour laws, which would cost Defendants more
24 money than using captive workers such as Plaintiff.
25 Accordingly, Defendants are subject to California law concerning
26 those who provide labor and services to defendants, including
27 laws that protect workers against the violations of law and
28 abuses described herein. Defendants have systematically ignored

1 and violated said laws to the damage of Plaintiff and others
2 similarly situated. Defendants were also in violation of federal
3 labor laws but Plaintiff brings his wage claim under state law.

4 11) Plaintiff is uncertain with respect to the identity of
5 all persons or entities responsible and liable for this wrongful
6 conduct and names said potential parties as Doe Defendants 1 - 10
7 as authorized by California law. Doe Defendants 11 - 20 are
8 those potential Defendants who may participate in wrongful
9 retaliation, witness intimidation and fraudulent transfer or
10 concealment of assets to avoid payment of judgment in this case.

11 12) Defendants had a duty to inform employees of their true
12 rights under the labor laws. The Wage Orders of the governing
13 state agency must be prominently displayed in the workplace.
14 Defendants unlawfully failed and refused to post Wage Orders and
15 other required notices for employees. In addition to the failure
16 to post notices advising employees of rights as required by law,
17 Defendants mislead their employees about their rights.

18 Defendants have been on notice that workers are entitled to the
19 protection of labor laws since the publication of the Alamo case
20 in 1985, however, Defendants have attempted to have workers waive
21 their legal rights under existing law rather than give its
22 workers proper notice of their true legal rights under labor
23 laws. See, Tony & Susan Alamo Foundation v. Sec. of Labor, 471
24 US 290 (1985), and Wage Orders of the California Department of
25 Industrial Relations. Further, the right to minimum wage and
26 overtime is not waivable. Labor Code section 1194.

27 13) The First Amendment does not exempt purported religious
28 organizations from minimum wage and child labor laws. Elvig v.

1 Calvin Presbyterian Church, 397 F.3d 790, 792 (9th Cir. 2003).
2 In accord, North Coast Women's Care Medical Group, Inc. v.
3 Superior Court, 44 Cal 4th 1145 (2008). Defendants had a duty
4 owed to Plaintiff and other employees similarly situated to
5 comply with the state and federal labor laws with respect to pay,
6 working conditions and notice of legal rights. Defendants
7 intentionally, consciously and wrongfully made a tactical
8 decision to ignore the labor laws, take its chances with a
9 compliant and intimidated work force, and hope that the running
10 of statutes of limitations would in the long run save Defendants
11 millions of dollars.

12 14) Plaintiff is informed and alleges that at least some of
13 the documents he was required to sign while an employee of
14 Defendants purported to exculpate Defendants and its agents from
15 wrongful, unlawful and illegal conduct in violation of Civil Code
16 Sections 1667 and 1668. Civil Code §1668 states as follows:

17 "All contracts which have for their object,
18 directly or indirectly, to exempt any one from
19 responsibility for his own fraud, or willful
20 injury to the person or property of another, or
21 violation of law, whether willful or negligent,
22 are against the policy of the law."

23 15) Pursuant to California Minimum Wage Order NW-2007, and
24 other applicable Wage Orders, Defendants were required to post
25 notice and pay Plaintiff minimum wage and overtime compensation
26 without any deduction for the purported value of room and board
27 furnished to Plaintiff. In computing unpaid wages, therefore,
28 Plaintiff is entitled to recover the full amount of minimum

1 wages, overtime and penalties due without offset. Plaintiff
2 estimates his average wage working for defendants to be less than
3 \$1 an hour.

4 16) B&P Code §17203 empowers this court to enjoin continued
5 violations of law by Defendant CSI. Plaintiff brings this action
6 for the public good and is therefore entitled to recover
7 reasonable attorney's fees and costs. (C.C.P. 1021.5)

8 17) This case has been brought within the three year
9 statute for wage claims, the four year statute of limitation
10 period for a B&P Code §17200 action and the five year period for
11 human trafficking actions. For purposes of B&P §17200 et. seq.,
12 the four year statute of limitations starts to run upon reasonable
13 discovery of the claim. See, e.g. Broberg v. The Guardian Life
14 Ins. Co. of America (3/2/09) __ Cal App 4th __ (B199461). Further,
15 Plaintiff did not discover his claims for illegal or unfair
16 business practices under B&P §17200 et. seq., his claim to proper
17 wages under the labor code, and other potential claims against
18 Defendants until within the past year. While Plaintiff has met
19 the various statutes of limitations as alleged above, Defendants
20 are also estopped from using the statute of limitations to avoid
21 responsibility for their continuing violations of the Labor Code,
22 and in consideration of Defendants' efforts to deceive employees
23 into thinking they have no claims and fraudulent concealment of
24 claims by failing to post Wage Orders and other notices of
25 employee rights required by law. See, e.g. 3 Witkin Procedure,
26 "Actions" §§762-772. Defendants' deceitful and manipulative
27 conduct, including their failure to post legally required notices
28 and wage orders, operates to equitably and legally estopp

1 Defendants from using time bars to escape liability for an
2 ongoing course of illegal and coercive conduct.

3 18) Pursuant to California Minimum Wage Order NW-2007, and
4 other wage orders that apply and should have been posted for
5 Plaintiff's benefit, Plaintiff was entitled to notice of said
6 rights being posted in prominent places in the workplace.

7 Pursuant to California Wage Orders, Defendant CSI was required to
8 post effective notice and pay Plaintiff minimum wage and overtime
9 compensation without any deduction for the purported value of
10 room and board furnished to Plaintiff. In addition to human
11 trafficking laws, coerced or forced labor is a form of
12 involuntary servitude that has been outlawed since the
13 ratification of the Thirteenth Amendment. Freedom from forced
14 labor is a constitutional, statutory and common law right. See,
15 e.g., Penal Code §181, Civil Code §43, Article 1, Section 1 of
16 the California Constitution, United States v. Mussry (9th Cir.
17 1984) 726 F.2d 1448 and Moss v. Superior Court (1998) 17 Cal.4th
18 396.

19 19) As set forth in Penal Code §236.2, the "indicators" of
20 human trafficking are as follows:

- 21 a) Signs of trauma, fatigue, injury, or other evidence
22 of poor care.
- 23 b) The person is withdrawn, afraid to talk, or his or
24 his communication is censored by another person.
- 25 c) The person does not have freedom of movement.
- 26 d) The person lives and works in one place.
- 27 e) The person owes a debt to his or his employer.

28

1 f) Security measures are used to control who has
2 contact with the person.

3 g) The person does not have control over his or his own
4 government-issued identification or over his or his
5 worker immigration documents.

6 These indicators are present to various extents in the workforce
7 at Gold Base and most if not all would apply to Plaintiff
8 herein.

9 20) Wrongfully coerced labor was codified as a crime in the
10 California Penal Code in 2005. Forced labor and human trafficking
11 have been criminal under Federal law since 2000, involuntary
12 servitude has been a crime for decades and forced labor would
13 constitute a common law tort in the nature of extortion under
14 California law. The California criminal law of human trafficking
15 is cumulative to pre-existing tort, common law and Federal law
16 prohibitions against coerced labor and human trafficking.

17 21) Subsection (d)(1) of Penal Code Section 236.1 clarifies
18 that a victim's personal liberty is deprived when there is a
19 "substantial and sustained restriction of another's liberty
20 accomplished through fraud, deceit, coercion, violence, duress,
21 menace, or threat of unlawful injury to the victim or to another
22 person[...]"

23 22) California Civil Code Section 52.5 authorizes a civil
24 cause of action for victims of human trafficking. Civil Code
25 §52.5 applies to this case. Defendants and each of them are
26 perpetrators with respect to the human trafficking violations
27 inflicted upon plaintiff.
28

1 23) Defendants, and each of them, deprived Plaintiff of his
2 liberties and personal rights by substantially restricting his
3 freedom and by their scheme and conduct that was designed to
4 intimidate plaintiff and coerce him to work out of fear of
5 serious adverse consequences and avoid punishments including hard
6 labor and even tighter restrictions on his movements and
7 activities. Defendants deceitfully, fraudulently and coercively
8 secure, at the expense of Plaintiff's liberty, forced labor at
9 illegal wages.

10 24) At times herein material (circa 1990 - 2006), Plaintiff
11 worked for Defendants at Scientology's international base at
12 Hemet, California. This facility, known as Gold Base, was
13 supposedly a secret base for many years. Defendants tried to
14 conceal the true nature of the base even to Scientologists who
15 did not work their.

16 25) Gold Base resembles a prison camp, the workers inmates.
17 A razor-wire topped fence encircles Gold Base with sharp inward
18 pointing spikes to prevent escape. The gates are guarded.
19 Employees cannot come and go as they please. Security guards
20 patrol the grounds, motion sensors are placed throughout, and
21 surveillance posts are placed around the perimeter, all of which
22 are intended to keep workers in the facility. One cannot leave
23 without permission. There are usually three roll calls each day.
24 One must be present or accounted for at each roll call, or a
25 drill is put in place to find and retrieve the departed or
26 missing worker. Plaintiff was well aware of this situation and
27 what the "blow drill" was supposed to accomplish. Defendants have
28 a detailed program to prevent escape. Defendant has "drills"

1 that are practiced known as "No Blow" drills. Flood lights are
2 turned on if one is determined to be missing at night. A
3 comparison to a minor security prison would not be an
4 exaggeration.

5 26) Plaintiff was deprived of normal liberties as a matter
6 of standard course. Plaintiff's freedom of movement was
7 essentially restricted to the Gold Base or other place where work
8 was being done. Permission was needed for any deviation from the
9 confining circumstances. Contact with the outside world was
10 severely restricted. Plaintiff did not have free or unsupervised
11 access to email, telephones, the internet or uncensored
12 television. Plaintiff was restricted to seeing a limited and
13 distorted view of the outside world. Mail was opened, read and
14 censored. Plaintiff was subjected to this type of control and
15 programming from the age of 8. Plaintiff lacked a normal
16 understanding of the world outside of the scientology environment
17 controlled by defendants. Plaintiff frequently worked all night
18 and typically suffered from sleep deprivation. Plaintiff was kept
19 busy, poor, tired, uninformed, and in fear that things would get
20 even worse if he did not work as ordered by Defendants.

21 27) Defendants threatened to, and did on numerous
22 occasions, subject employees who disobeyed or questioned their
23 absolute authority to severe, sometimes corporal, punishment.
24 Workers who were apprehended trying to escape have been
25 physically assaulted and restrained. Plaintiff was aware of how
26 Defendants had restrained, assaulted, punished and tracked down
27 workers who had attempted to escape from Gold Base. Defendants,
28 and the ultimate boss, David Miscavige, use a punishment which

1 involves relegating workers to a program known as the
2 Rehabilitation Project Force (or "RPF"). Workers assigned to the
3 RPF are subjected to a brutal regimen of manual labor, have no
4 freedom of movement and are subjected to almost total
5 deprivations of personal liberties. Working conditions on the
6 RPF are incredibly harsh. The RPF serves as a deterrent and
7 intimidates workers, such as Plaintiff, into a state of
8 compliance and fear vis-à-vis Defendants. Employees such as
9 Plaintiff rightfully fear being sent to the RPF, which is one of
10 the factors that coerce defendants' workers into providing slave-
11 like labor.

12 28) Gold Base at Hemet is considered by RTC and CSI
13 management to be a high security area. The employees there are
14 considered to be greater security risks should they become free
15 than most employees at other CSI and/or RTC facilities. The
16 increased level of security of Gold Base reflects this concern.
17 The fences and security patrols were a reminder of restrictions
18 on liberties and confinement. Also, Gold base is in a relatively
19 remote and secluded area. There is no safe place nearby. There
20 would be punishment if he tried to escape but failed. On many,
21 many days, Plaintiff worked out of intimidation and ignorance---
22 not free will. At times, Plaintiff worked out of exhaustion and
23 resignation to his plight. Eventually, Defendants pushed
24 Plaintiff to his breaking point and he found a way out. As is
25 their practice, Plaintiff has been declared an enemy of
26 scientology, given a large illegal bill for his purported
27 scientology training, and cut off from friends and family who are
28 still under the control of the Scientology enterprise. The person

1 in control of this incredible abuse of hard workers who deserve
2 much better, and such flagrant abuse of basic human rights, is
3 the ultimate boss of the Scientology enterprise, Defendant David
4 Miscavige. Mr. Miscavige derives substantial benefit from the
5 money making activities of the scientology enterprise. Mr.
6 Miscavige has apparently not taken a vow of poverty. He runs the
7 Scientology enterprise with an iron fist, according to his own
8 rules, and enjoys the life style and job benefits of royalty
9 while those at the bottom of food chain live like slaves and
10 inmates.

11 **FIRST CAUSE OF ACTION FOR HUMAN TRAFFICKING**

12 29) Plaintiff realleges and incorporates all allegations
13 above, which state a claim for human trafficking under California
14 law. Plaintiff has been damaged thereby for loss of the
15 reasonable value of his services and other damages as allowed by
16 law and as will be sought according to proof at trial. Plaintiff
17 also seeks reasonable attorneys' fees as authorized by the Human
18 Trafficking statutes.

19 **SECOND CAUSE OF ACTION FOR LABOR LAW VIOLATIONS**

20 30) Plaintiff realleges and incorporates all allegations
21 above, which state a claim for violation of the California Labor
22 Code. Plaintiff was an employee of defendants under California
23 law and was entitled to minimum wage and overtime for his work,
24 which will be sought at trial in accordance with proof. Plaintiff
25 also seeks a reasonable attorney's fee as authorized by the
26 California labor code.

27 ///

28 ///


THIRD CAUSE OF ACTION FOR UNFAIR BUSINESS PRACTICES

31) Plaintiff realleges and incorporates all allegations above, which state a claim for illegal and unfair business practices, which will be sought in accordance with proof at trial.

WHEREFORE, Plaintiff requests:

- 1) A jury trial;
- 2) Restitution and any other damages authorized by law and according to proof under the First Cause of Action;
- 3) Damages authorized by Civil Code §52.5(a) et. seq., excluding punitive damages at this stage, or alternatively federal or common law, for forced labor/human trafficking as alleged in the Third Cause of Action, including actual damages, back pay, compensatory damages, and treble actual damages;
- 4) An award of reasonable attorney's fees computed with an appropriate lodestar in consideration of the difficult and litigious nature of Defendants;
- 5) Such other relief as the court may deem just including costs.

November 23, 2009



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