

LAW

The scientologists back off

Giving the final court victory to Alberta's Stubborn Seven

Church of Scientology founder L. Ron Hubbard told his followers early on that they should use civil litigation to harass, silence or even to destroy opponents. From the defamation suits filed four years ago by Scientology's Calgary, Edmonton and Old Strathcona Missions, however, seven weary but very determined Albertans last week emerged unsilenced and undestroyed. The \$100,000 lawsuits against them (the figure, incidentally, specifically recommended by scientist Hubbard) were thrown out of court without coming to trial. Even

to use that time for another purpose. The other purpose: application for a court order requiring the organization to pay all the legal costs his clients have accumulated in dealing with the 14 separate court actions the case has involved. Ten of these were Queen's Bench hearings, four were appeals of some of them to the Alberta Appeal Court. The price tag, Mr. Staroszik figures, will lie between \$50,000 and \$60,000.

It was a jubilant time for the seven defendants. Six are Calgarians and former scientology members: Lorna

movement. The chief complaint: they were writing to organizations and elected officials their accusations that the Church of Scientology uses mind control techniques, breaks up families and profiteers on pseudo-religion. Scientology took further exception to media interviews along the same lines by Mrs. Levett, who had once been in charge of their Calgary Mission. Regarded as a "ingleader, she made more radio and TV interviews. Mr. Moore, an electrician who had spent six years in the movement, was also outspoken. In Edmonton, Mrs. McCoy was still

working to persuade her son to leave it.

Last week Brendon Moore told reporters that his association with Scientology had cost him his marriage, a number of jobs, and some thousands of dollars given to the Church of Scientology. He keeps secret both his address and his telephone number, he said, because he fears harassment. Mrs. McCoy says that she now believes her son, who initially was so hostile about her criticisms that he took from her a letter which became part of her opponents' case, has had nothing to do with the



Joyful moment in a four-year fight
Three of the Seven: Brendon Moor, Betty McCoy, Lorna Levett.

so, lawyers say, the Alberta suits saw more action and got closer to actual trial than has any of the other 51 lawsuits filed by Scientology against Canadian detractors since 1968.

Nor is the action quite over yet, though now it is in the nature of a legal mop-up. The latest trial date assigned to the case of Scientology vs. the seven Albertans was this October 6. Calgary lawyer and defence counsel Kenneth E. Staroszik therefore notified Scientology's latest lawyer, within days after the suit was dismissed, that he proposes

Levett, Brendon Moore, Les Jackman, William Reid, Neil Taylor and William Wallace. The seventh is Betty McCoy, an Edmonton resident whose son Michael joined the organization in 1973, when he was 20. Together with an eighth, an Edmonton woman and ex-scientologist against whom action was later dropped when she came to terms, the seven were sued in September, 1976.

The three scientology missions charged that these people had been conspiring to defame and destroy the

organization for the past two years.

The defendants were convinced that the first purpose of the defamation suits, as laid down by L. Ron Hubbard, was to intimidate them by remaining in the courts as a vague threat, without in all likelihood ever coming to trial. The best defence was action. A Toronto law firm was commissioned to research both the scores of Canadian Scientology lawsuits and key cases among the hundreds of similar American actions for evidence that would back their own claims. Armed with carton upon carton

of material. Mr. Staroszik and fellow Calgary lawyer Christopher D. Evans QC then began to press hard for court action: completion of the preliminary examinations for discovery, production of financial records by the three plaintiff missions, and finally actual trial. The scientologists, represented by a series of lawyers, countered with appeals and demands of their own.



Counsel Staroszik
The \$45,000 surety demand did it.

The defendants, meanwhile, in particular Mrs. Levett, were not keeping quiet. Scientology sued her again in 1977, along with ABC Television, on account of a critical interview she gave on that network. The following July it asked the Alberta Court of Queen's Bench in Calgary for an injunction to prohibit her and Brendon Moore from speaking to or writing for any of the media. Mr. Justice Kenneth Moore denied this.

Scientologists did not appear notably eager about production of financial records or about actual trial, however. Mr. Justice Andre Dechene in December, 1978, ordered the records produced after a defence application. None were given them for a year and a half, the defendants' lawyers claimed, and then they lacked the important items.

By fall 1979 the case had been set down for trial the following February. Scientology thereupon applied to the court to compel all the defendants to submit for a second time to examination for discovery. No. ruled the peppery Mr. Justice Peter Greschuk, this being his

second encounter with the case, the defendants had been examined enough already. But he did order two scientologists from Toronto to Calgary, at their own expense, for discovery; otherwise the case would be struck. They came. When February arrived, however, the scientologists suddenly offered to discontinue the suit and got Mr. Justice J.W. McClung's permission to do so, then with equal suddenness changed their minds and wanted to go on with the trial after all. The defendants had agreed to conditions and then reneged, they said. The defendants said there had been no conditions.

A smouldering Mr. Justice McClung granted the request, but slapped Scientology with an order to pay \$10,000 to the defendants for their costs in the wasted two-day hearing alone. It was paid. The defence then moved on three fronts simultaneously: a contempt of court application because the Dechene-ordered financial records were still lacking; a new trial date; and application for an order for "security for costs," whereby Scientology would be required to pay \$30,000 into the court as guarantee for future costs.

Things began to move faster. In May Mr. Justice L.D. MacLean found Scientology in contempt. He levied a \$200 fine, set down the defamation trial of the seven for October 6, and ordered that complete financial records be on hand then. Scientology appealed these rulings to the Alberta Supreme Court, which early this month upheld Mr. Justice MacLean.

Meanwhile Messrs. Staroszik and

Evans had decided to up their security for costs request to \$60,000. Scientology had been required to similarly post \$2,500 in early 1979. Security for costs is generally invoked to make sure a litigant is really going to carry through, but the amount has to be a sufficiently significant one. In June Mr. Justice A.W. Crossley ordered the Church of Scientology to pay \$45,000 into the court by August 18, a ruling which led directly to last week's denouement.

Came August 18 and no scientologist appeared at the Edmonton courthouse, with or without \$45,000. That was that, once for all. Only the attempt to retrieve all legal costs for the Stubborn Seven remains to be pursued in October. There is also the Levett-ABC suit, of course. In the three years since it was filed, just two minor legal steps have been accomplished in it. Now, Mr. Staroszik observes, the team can turn its attention in that direction.

The Church of Scientology of Alberta issued a press release August 20 to explain its latest change of heart. The scientologists felt that the \$45,000 would be better used, it explained, "in providing improved facilities for our parishioners and in community services . . ." Things were going pretty well for Scientology; it was now stronger and better established. "We now wish to concentrate on our and Alberta's future. The time has come to forgive past trespasses against us, and work together towards human rights and dignity for all men." ■

CALGARY NEWS

Church lawsuit scrapped

Alberta courts called the bluff of the Church of Scientology which had extended a libel suit against seven former members for four years.

The case fizzled out in Edmonton when the church failed to deposit \$45,000 as security for costs if it lost the case.

The court dismissed a defamation suit launched by the church against Lorna Levett, Brendan Moore, Les Jackman, William Reid, Neil Taylor and David Wallace, all of Calgary, and Betty McCoy of Edmonton.

The defendants are now applying for legal costs

against the church which could amount to \$50,000 or \$60,000.

They were sued for damages of about \$100,000 each after they had complained to MPs and institutions about the activities of the church.

Lorna Levett was originally the local minister in Calgary before she broke away. Complaints involved high prices for courses and counselling, sales tactics and alleged intimidation.

During the four-year litigation, defence counsel had suggested that the Church of Scientology used lawsuits to silence critics.