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Scientologists win appeal

SALEM (UPI) — The Oregon Court of Appeals said Monday the Church of Scientology is innocent of "outrageous conduct" in a case involving a Portland woman awarded \$2 million by a Multnomah County Circuit Court jury.

The appeals court also said there was no evidence the church and the Delphian Foundation, a non-profit school, engaged in fraud, as alleged by Julie Christofferson.

The court also reversed but sent back for a new trial allegations of fraud leveled

against the church's Mission of Davis and Martin Samuels, a minister of the church, president of its mission and head of the Delphian Foundation.

The lawsuit against the controversial church was brought by Christofferson, who joined the Church of Scientology after moving to Portland from Montana in July 1975. She left the church in April 1976 after she was "deprogrammed" at her parents' home in Montana, the court said.

She filed suit against the church, the

Delphian Foundation, the Mission of Davis and Samuels in 1977.

Christofferson was awarded \$2 million in her Multnomah County Circuit Court trial. The appeals court decision overturns that award.

On the allegation of outrageous conduct, the court reversed the decision against all four defendants. In order to prove outrageous conduct, or that emotional distress was intentionally inflicted, there must be intent, conduct which is beyond the limits of social toleration, and

resulting severe emotional distress, the court said.

The appeals court said there was insufficient evidence of severe emotional distress for the case to go to a jury.

"There is no evidence (Ms. Christofferson) was threatened or forced to remain in Scientology," the court said. "To the contrary, she maintained many contacts with non-Scientologists."

On the question of fraud, the court said the church and the Delphian Foundation did not make any of the false representa-

tions alleged. But, the court said, since Samuels had knowledge of at least some of the alleged misrepresentations, it was correct for the trial court to deny his motion for a directed verdict.

A similar motion regarding the Mission of Davis was also properly denied, the appeals court said. It added that when a new trial on the fraud allegations is conducted, the judge must decide which statements are religious and which are secular.

Once that decision has been made, the

jury can determine if the secular statements were false or not, the appeals court said. "If the statements involved here do not concern the religious beliefs and practices of the Mission, the free exercise clause (of the First Amendment) provides no defense," the court said.

Christofferson presented evidence that the courses and auditing that she received were offered to her on an entirely secular basis for self-improvement, which creates a jury issue about such statements, the court said.