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Scientology Suit Allowed to Go to Trial

4 Former Members
Charge Church Made
False Claims to Them

By DAN MORAIN,
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A federal judge opened the way Monday for four former Scientologists to sue the church for fraud over a variety of claims including promises that it could prevent colds, raise intelligence and solve obesity.

Attorneys for the disillusioned Scientologists hailed the ruling, saying that it will open the way for other former church members to bring their complaints of fraud before juries.

U.S. District Judge Consuelo B. Marshall ruled that while Scientology is a religion, many of the claims it makes appear to involve non-religious matters, such as statements that it can improve a person's health and career.

Enables Argument

As a result, attorneys for the four former church members will be able to argue that the claims are fraudulent, once the suit goes to trial.

Marshall's ruling means that a jury will have to decide whether the claims are secular. If they are, the church could be liable for damages should the jury also find that the claims are fraudulent.

Church attorneys had sought to have the fraud counts thrown out, arguing that because Scientology is a religion, any claims that it makes are protected by First Amendment guarantees of freedom of religion.

Scientology's lawyers are expected to appeal Marshall's ruling.

One of the four former members, Jané Lee Peterson, charges in her suit that her mentors told her that

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Scientology would cure her hypoglycemia and nervousness, help her lose weight, improve her eyesight and raise her intelligence, none of which occurred.

The 35-year-old Las Vegas woman also charges in the 1981 suit that the church told her that Scientology promotes family unity. But she claims that after she became involved in the organization during the mid-1970s, she was told to "disconnect" from her husband.

Peterson also accuses the church of fraud by telling her that the intimate personal details that she had revealed in "auditing"—akin to a confession—would remain confidential.

Instead, the details were passed along to the Guardian Officers, described in her suit as the organization's "secret police," and were used to harass her after she left the church in 1980.

Her attorney, Julia Dragojevic, said that in the audit Peterson revealed a fear of dying in a plane crash. After Peterson left the church, she began receiving anonymous calls in which the sound of a crashing plane was played.

Peterson and the three other former Scientologists

are seeking a total of \$10 million from the church. The trial is not expected to start for another two years.

But Michael Flynn, a Boston attorney who is co-counsel in more than 30 suits against Scientology, including Peterson's, predicted that Marshall's ruling will have "enormous significance" in other cases around the country.

"They (the church's lawyers) had hoped to use a favorable ruling in this case to bring to the judges in all of the other cases," Flynn said.

A. Thomas Hunt, attorney for the Church of Scientology, could not be reached for comment.