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LAURA ANN DECRESCENZO

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES - CENTRAL DISTRICT

LAURA ANN DeCRESCENZO, aka
LAURA A. DIECKMAN,

Plaintiffs,

vs.

CHURCH OF SCIENTOLOGY
INTERNATIONAL, a corporate
entity, AND DOES 1 - 20,

Defendants.

) CASE NO. BC411018
) Assigned to the Honorable
) Ronald M. Sohigian, Dept. 41
)
) PLAINTIFF'S MEMORANDUM OF
) POINTS AND AUTHORITIES IN REPLY
) TO DEFENDANT CHURCH OF
) SCIENTOLOGY INTERNATIONAL'S
) OPPOSITION TO PLAINTIFF'S
) MOTION TO COMPEL COMPLIANCE
) WITH THE COURT'S DISCOVERY
) ORDERS OR ALTERNATIVELY FOR
) TERMINATING SANCTIONS

DATE: March 6, 2013
TIME: 1:30 p.m.
DEPT: 41

[Filed Concurrently with
Plaintiff's Objections to the
Declaration of Warren McShane;
Plaintiff's Objections to the
Declaration of Allan Cartwright;
[Proposed] Order Re Objections to
Declaration of Warren McShane;
[Proposed] Order Re Objections to
Declaration of Allan Cartwright]

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

FEB 27 2013

John A. Clarke, Executive Officer/Clerk
BY Raul Sanchez, Deputy
Raul Sanchez

MEMORANDUM OF POINTS AND AUTHORITIES

1
2 **1. PRELIMINARY STATEMENT**

3 The Court should grant plaintiff's motion. Church of Scientology International ("CSI"), has
4 failed to demonstrate that all of the documents it claims are subject to the clergy-penitent privilege
5 satisfy each of the elements of that privilege and that plaintiff and the Court should blindly trust
6 defendant's "confidentiality" designations. Defendant has identified documents that in no way can be
7 construed as falling within the clergy-penitent privilege, and insists that it is somehow entitled to
8 greater protection than that afforded to other religions and denominations. The Court should not
9 expand statutory privileges to permit CSI to shield itself from liability by hiding behind convoluted
10 "religious" based notions of confidentiality. Defendant has failed to show that the clergy-penitent
11 privilege can or should be expanded. Based on the record now before the Court, defendant should
12 either be ordered to produce the withheld documents or the Court should strike defendant's statute of
13 limitations defense.

14
15 **2. CALIFORNIA'S CLERGY-PENITENT PRIVILEGE IS NARROWLY DEFINED AND**
16 **DEFENDANT HAS FAILED TO ESTABLISH EACH OF ITS ELEMENTS**

17 Defendant *presumes* the clergy-penitent privilege applies to the documents at issue without first
18 establishing each of the elements required under the clergy-penitent privilege.

19 In order for a statement to be privileged, it must satisfy *all* of the conceptual requirements of
20 a penitential communication:

- 21 1) it must be intended to be in confidence; 2) it must be made to a member of the clergy
22 who in the course of his or her religious discipline or practice is authorized or
23 accustomed to hear such communications; and 3) such member of the clergy has a duty
24 under the discipline or tenets of the church, religious denomination or organization to
25 keep such communications secret.

26 *Doe 2 v. Superior Court* (2005) 132 Cal. App.4th 1504, 1516 (internal citation omitted).

27 Without identifying any of the specific qualifications of defendant's alleged 259 ministers (most
28 of which plaintiff does not recognize and many of which cannot be identified by name), defendant
29 asserts that every person listed in its privilege log was a "clergy person responsible for a parishioner's
30 spiritual guidance" under "Scientology doctrine." CSI offers the inadmissible Declaration of Allan
31 Cartwright in support of this conclusion, who simply decrees that every person listed was a

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“clergyperson,” without setting forth any foundation for his personal knowledge of each person’s qualifications.¹ Cartwright’s declaration fails to demonstrate that any of the individuals listed were “authorized or accustomed to hear such communications.”

Defendant also argues that all of the documents listed in its privilege log were “confidential communications” simply because defendant chooses to treat all communications relating to auditing sessions as “confidential.” However, the clergy-penitent privilege narrowly defines confidential communications as *those communications not transmitted to third persons*. Defendant’s mere designation of “confidential” is not adequate to satisfy the requirement of a penitential communication. The fact that defendant labels PC Folders as “confidential” and subject to the clergy-penitent privilege does not mean that the documents in those folders actually fall within the defined scope of the clergy-penitent privilege. Finally, the fact that plaintiff signed a confidentiality agreement *as a minor* does not mean that plaintiff cannot waive the privilege over those files as an adult, that the agreement is enforceable against plaintiff, or that the documents in those folders actually fall within the definition of the clergy-penitent privilege.

For these reasons, defendant has failed to establish that the documents in its privilege log fall within the clergy-penitent privilege, and the Court should order disclosure of these documents, or alternatively review the disputed documents in camera. In *Catholic Archbishop*, a discovery referee reviewed supposedly “privileged” documents, and determined from a review of the documents that they did not constitute penitential communications, despite the Catholic church’s contrary assertions. *Roman Catholic Archbishop of Los Angeles v. Superior Court* (2005) 131 Cal. App.4th 417, 446.

3. THE COURT SHOULD REJECT DEFENDANT’S IMPROPER ATTEMPTS TO RE-DEFINE AND EXPAND THE CLERGY-PENITENT PRIVILEGE

The Court should reject defendant’s attempt to have the Court re-define California’s clergy-penitent privilege because evidentiary privileges are defined by statute in California and cannot be modified by courts. Evidence Code § 911(b) states that “[e]xcept as otherwise provided by statute . . . [n]o person has a privilege to refuse to disclose any matter or to refuse to produce any writing, object

¹See Objections to Declaration of Allan Cartwright.

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1 or other thing.” Additionally, case law makes clear that “evidentiary privileges shall be available *only*
2 *as defined by statute*,” and that courts cannot add to statutory privileges or imply unwritten exceptions
3 to statutory privileges. *Catholic Archbishop, supra*, 131 Cal.App.4th at 441 (emphasis in original).

4 The clergy-penitent privilege is clearly defined by statute to include only “confidential”
5 communications “*in the presence of no third person* so far as the penitent is aware.” Evid. Code §
6 1032 (emphasis added). Courts have made clear that in order for this statutory privilege to apply in
7 California, the original communication cannot be transmitted to a third person and that the clergy-
8 penitent privilege does not arise “even if third parties are not present at the time of the
9 communication,” but will have access to the communication. *Doe 2 v. Superior Court* (2005) 132
10 Cal.App.4th 1504, 1518; *Catholic Archbishop, supra*, 131 Cal.App.4th at 445.

11 Defendant argues that even though third parties had access to plaintiff’s PC Folders, and
12 plaintiff was aware that third parties could access her PC Folders, defendant should still be permitted
13 to shield these documents under the clergy-penitent privilege because all third persons to whom the
14 relevant communications were transmitted purportedly had a duty to keep the communications “secret.”
15 The Court must reject this self serving argument because it is contrary to the statutorily defined
16 privilege.

17
18 **A. *The California Legislature Has Defined the Privileges That Can Encompass a Third Party, and The Clergy-Penitent Privilege Is Not Among Them***

19 Under Evidence Code § 912(d), the California Legislature specifically defined the statutory
20 privileges that may include a “disclosure in confidence” to a third person without constituting a
21 “waiver” of the privilege. This exception is limited to only the lawyer-client privilege, the
22 physician-patient privilege, the psychotherapist-patient privilege, the sexual assault counselor-victim
23 privilege, and the domestic violence counselor-victim privilege, and only includes confidential
24 disclosures that are “reasonably necessary” for the accomplishment of each of these relationships.
25 Evidence Code § 912(d). Notably absent from Evidence Code § 912(d) is the clergy-penitent
26 privilege.

27 Given that the California Legislature made a specific determination as to the privileges that can
28 include confidential disclosures to third persons, and expressly excluded the clergy-penitent privilege

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1 from this list, the Court must decline to expand the clergy-penitent privilege in the manner defendant
2 suggests. If the California Legislature intended for the clergy-penitent privilege to encompass
3 disclosures to third persons, it would have specifically identified that privilege under Evidence Code
4 § 912(d) as it did with the other specifically-identified privileges.

5
6 **B. California Courts Have Made Clear That the Clergy-Penitent Privilege Does Not
7 Encompass Confidential Disclosures Made to Third Persons**

8 Courts previously have confronted the issue of whether or not the clergy-penitent privilege
9 encompasses confidential communications disclosed to third parties, and have consistently decided that
10 it does not. In *Catholic Archbishop*, the court held that “[t]he fact both parties to the original
11 communication knew it likely would be transmitted to a third person vitiated ab initio any privilege
12 under Evidence Code section 1032, or, alternatively, constituted a waiver of the privilege under
13 evidence Code section 912, subdivision (a).” *Catholic Archbishop, supra*, 131 Cal.App.4th at 445.
14 Similarly, in *Doe 2*, the court explained that communications in the presence of third persons or that
15 are likely to be transmitted to third persons are not covered by the clergy-penitent privilege. *Doe 2,*
16 *supra*, 132 Cal.App.4th at 1518.

17 Defendant’s attempts to distinguish the facts of this case from those in *Catholic Archbishop*
18 are unpersuasive and fail to change the fact that the clergy-penitent privilege does not apply to the
19 documents that it seeks to shield from disclosure. In *Catholic Archbishop*, the Catholic church asserted
20 that the documents at issue were subject to the clergy-penitent privilege because they were
21 “*confidential communications* made in the course of troubled-priest interventions, and under the
22 tenets of the church, Cardinal Mahony and the Vicar for Clergy were authorized to hear the
23 communications and *obligated to keep them secret.*” *Catholic Archbishop, supra*, 131 Cal.App.4th
24 at 444 (emphasis added). In addition, the Catholic church presented evidence that these interventions
25 were dependent “on the troubled priests’ understanding the communications will be held in confidence
26 *within the church.*” *Ibid.* (emphasis in original). The Catholic church also argued that the relevant
27 communications “were not transmitted ‘to any third party, that is, someone outside of the bishop (or
28 his alter ego, the Vicar for Clergy).” *Id.* at 445. Despite this evidence, the court held that the clergy-

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penitent privilege did not apply to the contested documents because the priests knew their communications would be transmitted to third persons (even though said persons were authorized to hear such communications in the church and obligated to keep them secret):

We reject the argument that just because Cardinal Mahony considers the Vicar for Clergy his surrogate for dealing with troubled priests, there was no violation of Evidence Code section 1032's requirement that the communication be 'made in confidence, in the presence of no third person so far as the penitent is aware, to a member of the clergy who . . . has a duty to keep those communications secret.'

Ibid.

Here, defendant makes precisely the same arguments rejected in *Catholic Archbishop*. Defendant insists that despite the fact that communications made in auditing sessions will be transmitted to third persons, the Court should still apply the clergy-penitent privilege to these communications because the third persons who receive the communications are required to keep them "secret" pursuant to church policy and because these third persons purportedly are necessary to "assist with the penitent's spiritual development." This argument was already soundly rejected by the court in *Catholic Archbishop* which made clear that even where the third person is required to keep the communications secret pursuant to church policy and is authorized to hear such confidential communications, the clergy-penitent privilege does not apply because a third person is involved.

Defendant further argues that the court in *Catholic Archbishop* ultimately ruled that the clergy-penitent privilege did not apply to the documents in that case was because there was a "compelling state interest" in prosecuting crimes of sexual misconduct. However, a thorough reading of *Catholic Archbishop* demonstrates that the court's decision with respect to the clergy-penitent privilege was limited to the fact that the communications at issue were likely to be transmitted to third persons and had nothing to do with prosecuting sexual based crimes.

4. **APPLICATION OF THE CLERGY-PENITENT PRIVILEGE AS WRITTEN WILL NOT VIOLATE THE FREE EXERCISE CLAUSE OF THE FIRST AMENDMENT**

The First Amendment provides that Congress "shall make no law . . . prohibiting the free exercise [of religion]." Application of the clergy-penitent privilege as written does not violate the Free Exercise Clause of the First Amendment because it is a law of neutral and general applicability.

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“[T]he right of free exercise does not relieve an individual of the obligation to comply with a valid and neutral law of general applicability on the ground that the law proscribes (or prescribes) conduct that his religion prescribes (or proscribes).” *Employment Div., Ore. Dept. Human Res. v. Smith* (1990) 494 U.S. 872, 879. Stated another way, “a law that is neutral and of general applicability need not be justified by a compelling governmental interest even if the law has the *incidental effect of burdening a particular religious practice.*” *Church of the Lukumi Babalu Aye, Inc. v. Hialeah* (1993) 508 U.S. 520, 531-532 (emphasis added).

On its face, California’s clergy-penitent privilege is a law of neutral and general applicability because the privilege applies across the board without regard to any specific religion. *See Evid. Code* § 1032. Therefore, the mere fact that California’s clergy-penitent privilege purportedly has the “incidental effect” of burdening defendant’s self serving practice of shielding all communications relating to auditing from disclosure, does not mean that the clergy-penitent privilege actually infringes on defendant’s free exercise of religion. Further, it should be stressed that the only real “effect” that defendant claims California’s clergy-penitent privilege has on its free exercise of religion is that defendant may not be able to “guarantee” the confidentiality of the auditing process to its members which supposedly “will hinder” the spiritual progress and salvation of its members. Defendant ignores the fact that without the clergy-penitent privilege, it would not have a right to claim that any portion of its members’ PC Folders are privileged from disclosure, and *that most states do not give clergy their own right to claim the clergy-penitent privilege independent of the penitent.* Defendant also ignores the fact that this is *not* a case where the penitent seeks to cloak the communications that she made during auditing sessions in the clergy-penitent privilege. Instead, plaintiff has waived any privilege over her PC Folders and is not concerned with a risk that disclosure of these documents will “hinder” her spiritual progress.

5. **APPLICATION OF THE CLERGY-PENITENT PRIVILEGE AS WRITTEN WILL NOT VIOLATE THE ESTABLISHMENT CLAUSE**

Defendant’s claim that the Court’s failure to expand the clergy-penitent privilege to encompass communications transmitted to third persons would result in a violation of the Establishment Clause because the Court would somehow be placing the “denominational preferences” of one religion over

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another is disingenuous. In reality, defendant is claiming that it is entitled to a more expansive version of the clergy-penitent privilege than that afforded to other religions, which in and of itself would be a violation of the Establishment Clause.

The Establishment Clause of the First Amendment states that “Congress shall make no law respecting an establishment of religion. A three-part test is utilized to determine if a statute violates the Establishment Clause: “First, the statute must have a secular legislative purpose; second, its principal or primary effect must be one that neither advances nor inhibits religion; finally, the statute must not foster ‘an excessive government entanglement with religion.’” *Lemon v. Kurtzman*, 403 U.S. 602, 612-613 (1971) (quoting *Walz v. Tax Comm’n*, 397 U.S. 664, 668 (1970) internal citations omitted). “Excessive entanglement” occurs in situations where a “protracted legal process” pits church and state as adversaries or where the government is placed in the position of choosing between competing religious visions. *Catholic Archbishop, supra*, 131 Cal.App.4th at 434 (internal citations omitted).

The clergy-penitent privilege has the secular legislative purpose of recognizing “the human need to disclose to a spiritual counselor, in total and absolute confidence, what are believed to be flawed acts or thoughts. . . .” *Doe 2, supra*, 132 Cal.App.4th at 1520 (quoting *Trammel v. United States* (1980) 445 U.S. 40, 51). The principal effect of the clergy-penitent privilege is to neither advance nor inhibit religion because it is defined to include all religions, denominations, and organizations, and does not expressly exclude any religion or other organization. *See Evid. Code* § 1032. Additionally, the statute also does not foster an excessive entanglement because application of the clergy-penitent privilege will not pit defendant and the state in a “protracted legal process.” Rather, it will require a one-time determination by the Court of what documents are covered by the clergy-penitent privilege, as statutorily defined. The clergy-penitent privilege also does not place the Court in the burden of choosing between competing religious visions because the Court is merely assessing whether or not the documents at issue qualify for protection under the clergy-penitent privilege as defined, and will not be deciding a theological dispute within Scientology. In fact, the *Catholic Archbishop* court held that “[a]ssessment of the applicability of [the clergy-penitent privilege] does not lead to excessive entanglement in religion.” *Id.* at 436.

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1 Defendant's argument that California's clergy-penitent privilege supposedly advances one
2 religion over another by not broadly including all of the documents that defendant seeks to maintain
3 in confidence is frivolous. The statute is defined to include all religions, denominations, and
4 organizations. The California Legislature elected to narrowly define what confidential communications
5 are protected by this privilege, and apply it consistently across the board to all religions, and not favor
6 one religion over another. If that was true, the narrow application of the clergy-penitent privilege in
7 *Catholic Archbishop* would have been unconstitutional because it did not encompass all of the
8 documents that the Catholic church maintained were subject to the clergy-penitent privilege as applied
9 in said religion. Defendant is actually asking the Court to do is give defendant special treatment and
10 to re-define the clergy-penitent privilege to suit defendant's preferences by citing to a single
11 *concurring* opinion by Justice Harlan in the case of *Welsh v. United States* (1970) 398 U.S. 333, 361.
12 But, the *Welsh* case *did not concern the clergy-penitent privilege* and defendant fails to point out that
13 Justice Harlan noted that two remedies exist when a statute is constitutionally under-inclusive: (1)
14 courts may declare the statute a "nullity" and decline to apply it to the class it was intended to benefit,
15 or (2) courts may extend it to include those excluded by it. *Welsh, supra*, 398 U.S. at 361 (Harlan, J.,
16 concurring). According to Justice Harlan, courts should only add to a statute where this can be done
17 within the "administrative framework" and "without impairing other legislative goals." *Id.* at 366.

18 California's clergy-penitent privilege cannot be extended in the manner suggested by defendant
19 within California's administrative framework and without impairing the goals of California's
20 Legislature. Evidentiary privileges are limited to only those defined by statute and courts cannot add
21 to those statutory privileges, therefore, the Court cannot add to the clergy-penitent privilege in the
22 manner defendant seeks. Evid. Code § 911(b). Further, given that California's Legislature specifically
23 enumerated statutory privileges that can include the transmission of confidential information to third
24 persons, and excluded the clergy-penitent privilege from this list, the Court cannot expand the clergy-
25 penitent privilege as suggested by defendant without impairing the Legislature's clear goal of limiting
26 the clergy-penitent privilege to only communications made outside the presence of third persons. *See*
27 Evid. Code § 912(d).

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1 To the extent that the Court finds that the clergy-penitent privilege is Constitutionally “under-
 2 inclusive” as argued by defendant, the Court should simply nullify the clergy-penitent privilege and
 3 decline to apply it in this case, which is the traditional remedy for a statute that violates the
 4 Establishment Clause. *See Lemon, supra*, 403 U.S. at 613.

5 **6. DEFENDANT’S RELIANCE ON THE FUNDERBERG CASE IS IMPROPER**

6 Defendant cites *Funderberg v. United States* (2004) No. C 02-05461 JW (RS), for the
 7 proposition that plaintiff’s PC Folders are privileged because the *Funderberg* court ruled that the
 8 documents contained in PC folders in that case were subject to the clergy-penitent privilege.
 9 Defendant’s citation to *Funderberg* is improper because it is *an unpublished decision* which is not to
 10 be cited or relied upon by a court or a party in any other action or proceeding. C.R.C. 8.1115(a); *see*
 11 *also Santa Ana Hosp. Med. Ctr. v. Belshe* (1997) 56 Cal.App.4th 819, 831. Further, *Funderberg* is
 12 distinguishable because in that case both the “penitent” and “clergymen” claimed a privilege over the
 13 documents and the Court did not have a privilege log evidencing that the requested documents had
 14 been transmitted to third persons in violation of the definition for the clergy-penitent privilege.

15 **7. THE DOCUMENTS THAT PLAINTIFF SEEKS ARE HIGHLY RELEVANT**

16 Plaintiff’s state of mind and ability to assess threats and information are of central importance
 17 because defendant argues that plaintiff’s claims are time barred and that she is not entitled to assert
 18 equitable estoppel to preclude its statute of limitations defense. For purposes of equitable estoppel, the
 19 Court must assess whether plaintiff reasonably relied on defendant’s conduct in delaying filing suit and
 20 her reliance must be viewed in light of plaintiff’s own knowledge and experience. *See Superior*
 21 *Dispatch, Inc. v. Ins. Corp. of New York* (2010) 181 Cal.App.4th 175, 188. Plaintiff alleges in her
 22 Second Amended Complaint how she was brainwashed and was enmeshed in a long-term confidential
 23 relationship with defendant, such that her “knowledge and experience” is different than an average
 24 individual. Documents in her PC Folders are likely to demonstrate plaintiff’s knowledge and
 25 understanding of the world, and whether or not her reliance on defendant’s conduct was reasonable.
 26 Further, defendant’s Motion for Summary Judgment is not isolated to events that occurred after
 27 plaintiff left the Sea Org. Defendant’s Separate Statement cites to events that took place prior to or
 28 during plaintiff’s time in the Sea Org, including purported facts regarding plaintiff’s abortion,

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plaintiff's history in the Sea Org, her alleged beliefs at varying periods of time, and facts that underlie what happened when plaintiff left the Sea Org. Having placed these matters at issue, defendant cannot hide behind an alleged privilege to withhold relevant evidence.

Plaintiff also disputes defendant's interpretation of the Court of Appeal's decision in this case and the limitations that defendant claims exist with respect thereto - the Court of Appeal was reviewing the court's ruling on a demurrer and had no factual evidence in front of it to limit the issue of equitable estoppel in the manner defendant suggests.

8. GROUND S EXIST FOR TERMINATING SANCTIONS

The terminating sanction that plaintiff seeks is to have the Court strike defendant's statute of limitations defense. As outlined above, and in plaintiff's prior motion to compel that the Court granted on January 7, 2013, the documents in plaintiff's PC Folders are relevant to defendant's statute of limitations defense because they likely reflect plaintiff's state of mind and whether or not her reliance on defendant's conduct was reasonable for purposes of equitable estoppel. Thus, there is a clear connection between the discovery that plaintiff seeks and her request to strike defendant's statute of limitations defense. Plaintiff has attempted to obtain the disputed documents through formal discovery for nearly one year, and despite these efforts, defendant refuses to produce the requested documents and insists that the Court rule on its Motion for Summary Judgment while withholding these documents. Defendant violated the Court's order granting plaintiff's motion to compel by producing a wholly inadequate privilege log that fails to adequately identify documents as allegedly falling within the clergy-penitent privilege and/or identifies documents that cannot be shielded within the clergy-penitent privilege. Plaintiff's terminating sanction is therefore warranted.

9. CONCLUSION

For each of the foregoing reasons, plaintiff's motion should be granted.

DATED: February 27, 2013

METZGER LAW GROUP
A Professional Law Corporation

KATHRYN SALDANA, ESQ.
Attorneys for Plaintiff
LAURA DECRESCENZO

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES)

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and am not a party to the within action. My business address is 401 East Ocean Blvd., #800, Long Beach, CA 90802.

On February 27, 2013, I served the foregoing document, described as: **PLAINTIFF'S MEMORANDUM OF POINTS AND AUTHORITIES IN REPLY TO DEFENDANT CHURCH OF SCIENTOLOGY INTERNATIONAL'S OPPOSITION TO PLAINTIFF MOTION TO COMPEL COMPLIANCE WITH THE COURT'S DISCOVERY ORDERS OR ALTERNATIVELY FOR TERMINATING SANCTIONS** on the parties to this action as follows:

____ (BY MAIL) I caused copies of such document, enclosed in sealed envelopes, to be deposited in the mail at Long Beach, California with postage thereon fully prepaid to the persons and addresses indicated on the attached list. I am "readily familiar" with the firm's practice of collecting and processing correspondence for mailing. It is deposited with U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of any party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date of deposit for mailing set forth in this affidavit.

____ (BY FACSIMILE) I served the foregoing document by faxing true copies thereof from facsimile number (562) 436-1561, to the facsimile numbers indicated on the attached list. Said document was transmitted by facsimile transmission, which was reported complete and without error.

____ (BY PERSONAL SERVICE) I caused to be delivered such document by hand to the firms listed on the attached list where personal service is indicated.

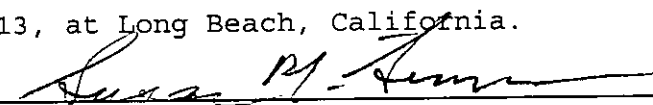
____ (BY E-MAIL) I delivered such document by electronic mail to the firms listed on the attached list.

 X (BY OVERNIGHT MAIL) I caused such document to be delivered to the firms indicated on the attached list by Express Mail or by another express service carrier, by placing the document in an envelope designated by the carrier and addressed as indicated on the attached list, with the delivery fees provided for, and depositing same in a box or facility regularly maintained by that carrier or by delivering same to an authorized courier or driver authorized by the carrier to receive documents.

 X (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

____ (FEDERAL) I declare that I am employed in the offices of a member of this court, at whose direction service was made.

Executed on February 27, 2013, at Long Beach, California.



Susan S. Simpson, Declarant

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SERVICE LIST

(DeCrescenzo v. Church of Scientology, Case No. BC411018)

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(Updated August 23, 2012 jlp)