

OUTLINE GIVEN TO BARBARA
BY JUDGE RICHEY

RE: Synanon-82-2303

I. INTRODUCTION AND BACKGROUND

A. What we Have Before Us

1. ~~By~~ X-Motions for s/judgment
2. Motion to Suppress affidavits-deny
3. Motion for Discovery-deny-ok if plaintiff wants to depose Arbiter & Mullen
4. 2nd Motion for summary judgment and to dismiss

II. Synanon's Illegal, Violent Activities and Destruction of Documents and Tapes ^{relevant} Conduct to this Proceeding Constitutes an Abuse of Process, a Fraud upon this Court, which along with their Failure to Produce Documents and Tapes Requires this Court to Impose the Sanction of Dismissing their Complaint and Denying their Tax Exempt Status for the Years in Question. Additionally, the Evidence of Millions of Dollars collected by Plaintiff for the Benefit of its Leaders is Contrary to Law and USC 501(c)(3).

[Take Statments of Fact, and J. Braman's Findings, beginning with Defendants 147p. "statement of facts not in dispute."]

III. Plaintiff's Assertion of Selective Prosecution is Ill-Founded as a Matter of Fact and Law and the Failure of the U.S. to Proceed Against them on the Record in this Case as they have done would be Tantamount to misfeasance and a violation of the duty of the Executive Branch of the U.S. Government to faithfully Execute and Apply the Law. Furthermore, there is no applicability to a civil case.

IV. The Complaint herein is not only w/o merit as Disclosed by the Record, but the Plaintiff has offered no legitimate reason for discovery beyond that which has been authorized by this Court.

V. [Discuss Rule 37] It is appropriate, proper and necessary for application to instant case because plaintiff has disobeyed orders of this Court to produce documents, essential tapes of inculpatory material, and has otherwise engaged in illegal and fraudulent conduct requiring the imposition of

sanctions including but not ltd. to the dismissal of this case for the benefit of all the taxpayers of the U.S. because no religion or charity which engages or has engaged in the kinds of conduct providing the basis for the Government's request for relief herein and its denial of a 501(c)(3) exemption to this kind of an organization which by anyones definition is not a religion.

VI. [Cite Defendant's Cases]

- A. Black v. Sheritan; New ^{uke} Record 34 and notes
- B. Broad Denial in legal pleadings doesn't equal the refutation of asserted facts, thus making summary judgment proper. [National Right to Work- CRR ordered summary judgment though not asked for. R. 26 is not applicable.]
- C. Continuing pattern of violence and illegal conduct of most heinous variety, inconsistent with any religion or its purposes.
- D. Argument that establishment religions are not subject to tax-exempt status loss: flat out false; plaintiff's unable to quote to a single instance where an establishment religion has engaged in the kinds of illegal and improper conduct which has been plaintiff's pattern over years.
- E. e.g., no church in modern times, since 501(c)(3) adoption in _____, has lost its exempt status unless it and its officers have engaged in illegal acts, violence, destruction of evidence or diverted a substantial percent of its income.

VII. Yick Wo and progeny; distinguishing plaintiff's case.

VIII. Why R. 26 not applicable- Defendant's memo

IX. [Cite from record, relying on Bob Jones.] 2 prong test, in essence tracks statute. A fair reading of the Court's opinion and statute itself discloses no organization that's engaged in the kind of conduct here is entitled to exemption.

Throughout the record, ill-founded expressions and suggestions of interrelations between the tax division and criminal division and misconduct on their employees' part-- in the sense that the government in defense of this suit, after getting more information on plaintiff's gross violent and vicious acts in response to anyone who undertakes to oppose them in Court, or otherwise, immediately become a target. This, obviously is not more than a facade and unprofessional attempt to confuse the record and thus create a tangential issue which on the undisputed facts herein is not only untrue but misleading and obviously done for the explicit purpose of a coverup.

The Court has been unable to discern any governmental misconduct herein and if such were the case, it certainly has the power to deal with it appropriately. Assuming arguendo that these thinly veiled suggestions of government improprieties were true, it would not change the result herein on the basis of the instant record. As a matter of undisputed fact, at the Status Call on 11/28/83, plaintiff's counsel Geoff Gitner acknowledged that the 2 government lawyers had engaged in no unprofessional or illegal conduct (cite transcript).

Without regard to offensive collateral estoppel, ^{is} appropriate for Court to take judicial notice of findings & conclusions by J. Braman, a distinguished and sensitive jurist of DC Superior Court in Bernstein on issues of

- A. Violence
- B. Fraud in that Court.
- C. Fraud in this Court.
 1. see Brit. Airways v. Boeing, 585 F.2d 946, 952 (9th, 1978), cert. denied, 440 U.S. 981 (1979)--speculation of counsel and denial not enough to raise issue to resist summary judgment. Also in Wright & Miller.
 2. Discovery on Suppress; Dissolve Stay. Witness Immunity Act, 18 U.S.C. 6001 et. seq. --Defendant's brief-supports defendant 6003 defendant can get immunity in a civil case 6001(4).