

1 Thomas R. Hogan, SBN 042048
 2 LAW OFFICES OF THOMAS R. HOGAN
 3 65 S. Market Street, Suite 1125
 San Jose, CA 95113-2332
 (408) 292-7600

4 Helena K. Kobrin, SBN 152546
 5 2501 W. Burbank Blvd., Ste 309
 Burbank, CA 91505
 (213) 960-1933

6
 7 Roger M. Milgrim
 William M. Hart
 8 PAUL, HASTINGS, JANOFSKY & WALKER
 399 Park Avenue Thirty-first floor
 New York, New York 10022-4697
 (212) 318-6000

10 Eric M. Lieberman
 11 RABINOWITZ, BOUDIN,
 STANDARD, KRINSKY & LIEBERMAN, P.C.
 740 Broadway - Fifth Floor
 New York, N.Y. 10003
 (212) 254-1111

13
 14 Attorneys for Plaintiff
 RELIGIOUS TECHNOLOGY CENTER

15 UNITED STATES DISTRICT COURT

16 NORTHERN DISTRICT OF CALIFORNIA

17	RELIGIOUS TECHNOLOGY CENTER, a	)	CASE NO. C 96-20207 RMW
18	California non-profit corporation,)	
19	Plaintiff,	)	DECLARATION OF WARREN
20		)	MCSHANE IN SUPPORT OF
21	v.	)	PLAINTIFF'S REPLY
22	GRADY WARD, an individual,	)	MEMORANDUM IN SUPPORT OF
23		)	ITS MOTION TO EXPAND
24	Defendant.	)	PRELIMINARY INJUNCTION AND
25		)	FOR DEFAULT JUDGMENT AND IN
26		)	OPPOSITION TO WARD'S
27		)	"COUNTER MOTIONS"
28)	

Date: February 21, 1997
 Time: 10:00 a.m.
 Hon. Ronald M. Whyte

1 I, Warren McShane, hereby declare:

2 1. I am the President of plaintiff Religious Technology Center. I have personal
3 knowledge of the facts set forth below, and if called upon to do so, could and would testify
4 competently thereto.

5 2. Defendant Grady Ward has submitted to this Court certain documents that he
6 downloaded from the Internet and which he describes affirmatively as the "L's." His
7 representation is false. I have reviewed the documents that Ward filed with the Court and
8 represented to be the L's. They are not the Scientology documents that comprise the L's, but
9 are someone's unartful attempt to duplicate those documents. The documents filed by Ward
10 do not duplicate the trade secrets contained in the L's.


11 3. For the Court's information, the "L's" are part of the Advanced Technology.
12 They are comprised of three separate levels, L-10, L-11, and L-12, each of which consists of
13 a series of processes. The L Rundowns are not "OT levels," but they are part of the
14 Advanced Technology and are maintained as unpublished works by RTC. Religious
15 counseling on the L Rundowns is only available at one advanced Church of Scientology--the
16 Church of Scientology Flag Service Organization in Clearwater, Florida. The parishioner
17 receiving this counseling does not study the L's materials, only the ministers who deliver the
18 L's religious counseling study those materials. In order to deliver this counseling, a minister
19 must reach the highest possible level of ministerial training in the Church.

20 4. Ward's unqualified assertion that the documents he filed with the Court are the
21 L's is extremely dishonest in light of a posting made by the individual, Andreas Haldal-Lund,
22 who put these documents on his web site. That person made a posting to
23 alt.religion.scientology on January 19, 1997, stating that these materials were now available on
24 his web page. I attach hereto as Exhibit A a copy of that posting that I printed off from
25 dejaneWS, an archive that stores postings from USENET newsgroups. While Ward said he
26 learned that the L's were on a web site through a posting on alt.religion.scientology
27 announcing that fact, he failed to inform the Court that Haldal-Lund described the material on
28 his web page as "alleged 'L' Rundowns" and stated "I have no idea if they are fake, freezone

1 being SCAMIZDAT and testified that SCAMIZDAT 10 was not posted by him even though a
2 header from Arnaldo Lerma to Ward, stating "here is Fishman with the STUFF," was left in
3 the middle of the SCAMIZDAT 10 posting, and when Ward characterized Lerma's testimony
4 that he had sent this material to Ward as a "mental defect." Exhibit J is a header of the
5 SCAMIZDAT #10 posting and the page showing the header from Lerma to Ward imbedded
6 in the body. Exhibit K is the excerpt of the deposition transcript.

7 10. Ward has attempted to put in question the authenticity of the postings submitted
8 by RTC, although he does not deny that they are true and correct copies of the postings.
9 Under my direction, the Internet is continuously monitored for violations of RTC's intellectual
10 property rights. Alt.religion.scientology and other relevant Internet newsgroups and web sites
11 are specifically checked, and searches are done to locate any such violations, so that swift
12 action can be taken to deal with them. All postings attached as exhibits were downloaded in
13 the regular course of business in connection with this monitoring.

14 I declare under penalty of perjury that the foregoing is true and correct. Executed in
15 the state of California the 7 day of February 1997.

16
17 
18 Warren McShane