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20 ALSO PRESENT: SARAH HELLER

21 I N D E X

22 Direct Examination by Mr. Dandar..... 5

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24
25

EXHIBITS

2	Deposition		Marked for
3	Exhibit No.	Description	Identification
4	1	Privilege Log	5
5	2	High Crime Bulletin 4/88	5
6	3	High Crime Bulletin 4/88	5
7	4	High Crime Bulletin 3/83	5
8	5	High Crime Bulletin 10/00	5
9	6	PTSness and Disconnection	5
10	7	Offenses and Penalties	5
11	8	Staff Member Reports 5/65	5
12	9	PTS Handling 8/73	5
13	10	Policies on Phys. Healing	5
14	11	Chaplain and Ministerial Serv.	5
15	12	Modern Mgt. Technology Defined	5
16	13	Tech Division Chaplain 8/65	5
17	14	The Department of the Chaplain	5
18	15	Chaplain 9/68	5
19	16	Org Board for Dept. Of Chaplain	5
20	17	Copy of Lecture Analytical Mind	5
21	18	Knowledge Report of Thomas Brennan	5
22	19	Amended Notice of Taking Depo	5
23	20	Additional Req. to Produce Ducas	5
24		Tecum at Corp. Depo	
25	21	Notice of Supplemental Req. for	79

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Duces Tecum concerning Corp. Depo
22 Notice of Taking Corp. Video Depo 79
Duces Tecum

P E T E R M A N S E L L

1
2 WAS CALLED AND AFTER BEING DULY SWORN WAS EXAMINED
3 AND TESTIFIED AS FOLLOWS:

4 (At this time Plaintiff's Exhibit No. 1-20
5 were marked for identification.)
6

7 **DIRECT EXAMINATION**

8 BY MR. DANDAR:

9 Q. Good morning. Have you ever had your
10 deposition taken before?

11 A. No.

12 Q. In a deposition I'll be asking you the
13 questions. You're allowed to stop me and ask me to
14 rephrase the question if you don't understand it. Will
15 you agree to do that?

16 A. Yes, I do.

17 Q. In a deposition you have to verbalize your
18 answers, yes, no. You can't shake your head or say
19 uh-huh or huh-uh like you would in a conversation
20 because the Court Reporter can't take that down. Would
21 you agree to try to abide by that rule?

22 A. I'll agree.

23 Q. Okay. Please state your full name.

24 A. Peter James Mansell.

25 Q. How do you spell your last name?

1 A. M-a-n-s-e-l-l.

2 Q. How are you employed?

3 A. I work for the Church of Scientology, Flag
4 Service Organization.

5 Q. In Clearwater?

6 A. Yes.

7 Q. How long have you -- when did you first
8 become a Scientologist?

9 A. 1977 in August.

10 MR. DANDAR: Is that overpowering the
11 volume, the air conditioner?

12 THE VIDEOGRAPHER: No.

13 BY MR. DANDAR:

14 Q. Where?

15 A. Sydney, Australia.

16 Q. Are you a member of the Sea Org.?

17 A. Yes, I am.

18 Q. And when did you join the Sea Org.?

19 A. 1986, 13th of March.

20 Q. And where did you join the Sea Org.?

21 A. In Sydney, Australia.

22 Q. When did you move to the United States?

23 A. The only reason I pause is because I've
24 been in and out several times. Most recently 1990
25 something.

1 Q. Are you an American citizen?

2 A. No.

3 Q. You're a citizen of Australia?

4 A. Citizen of England actually.

5 Q. And in 2006 were you located in Clearwater?

6 A. Yes.

7 Q. Were you a member of the Church of
8 Scientology, Flag Service Organization, Inc.?

9 A. Yes.

10 Q. What department did you work in in 2006?

11 A. The Office of Special Affairs.

12 Q. How long have you been with the Office of
13 Special Affairs?

14 A. Since 1986.

15 Q. And were you ever with the Guardian's
16 Office?

17 A. No.

18 Q. Are you still with the Office of Special
19 Affairs?

20 A. Yes.

21 Q. What is your -- and if I use the wrong
22 words, just correct me, okay. What is your hat at the
23 Office of Special Affairs?

24 A. I think you mean my position.

25 Q. Okay, I thought they called it hat. I'm

1 sorry.

2 A. I'm the director of the office.

3 Q. Okay. And when did you become the director
4 of the Office of Special Affairs?

5 A. In mid 2007. I'm not sure of the month
6 exactly.

7 Q. What were you before that?

8 A. I was the deputy director.

9 Q. When you were the deputy director, how many
10 years did you have that position?

11 A. I believe two or -- about two years I
12 think.

13 Q. Who was the director when you were the
14 deputy director?

15 A. Ben Shaw.

16 Q. Is Ben Shaw still part of OSA?

17 A. Yes.

18 Q. Does he have a higher position?

19 A. He has a different position. It's a bit
20 difficult to say. I guess he -- he's a junior to me so
21 I guess he has a lower position.

22 Q. Is he in Clearwater?

23 A. Yes.

24 Q. Tell us what OSA does.

25 A. OSA is the Office of Special Affairs, and

1 essentially my office is responsible for the activities
2 outside the Church itself. We deal with the Church's
3 external matters like legal matters, public relations
4 matters and our community programs, which includes we --
5 I oversee or coordinate our antidrug campaigns and
6 things like that.

7 Q. Are you -- do you have any involvement or
8 does the Office of Special Affairs have any involvement
9 with the -- Narconon?

10 A. Not directly, but a coordination function.
11 I occasionally contact them or communicate with them,
12 but it's not any -- anything where I'm responsible for
13 them or direct them or anything like that.

14 Q. In the Scientology organization chart, is
15 OSA Division 6?

16 A. No.

17 Q. What division is it?

18 A. It isn't really a division. I mean it's a
19 -- it is a separate office.

20 Q. It's not under a division?

21 A. (Nods affirmatively.)

22 Q. It's just out there by itself?

23 A. Yes, sorry.

24 Q. So is it part of -- is it part of the
25 organizational chart -- that was very good, by the way.

1 Is it part of the organizational chart?

2 A. It has its own chart.

3 Q. What is Narconon?

4 A. Narconon is an independent drug
5 rehabilitation program based on the works of L. Ron
6 Hubbard.

7 Q. What types of drugs?

8 A. I believe mainly they concentrate on street
9 drugs or illegal drugs, but I'm not really a Narconon
10 spokesman or representative so.

11 Q. Well, don't -- don't they also concentrate
12 on prescription drugs that are for psychiatric use?

13 A. To the best of my knowledge, no, but I'm
14 not a Narconon expert or person.

15 Q. What is CCHR?

16 A. The Citizens Commission on Human Rights.

17 Q. And what do they do?

18 A. They are an organization that deals with
19 reform in the area of psychiatry.

20 Q. Where do they fit on the organizational
21 chart of Scientology?

22 A. They don't really. They're a separate
23 organization. Similar -- I guess similar to CCHR in
24 that they are an organization that Scientologists
25 individually are involved with, but they're not part of

1 the Church structure.

2 Q. Now, the Office of Special Affairs which --
3 in which you have been the director since mid 2007 --
4 well, let me ask you this first.

5 You said you were the deputy director for
6 two years prior to assuming the position of director in
7 mid 2007. So before you were -- became the deputy
8 director in 2000, what, five?

9 A. Five or six, something like that.

10 Q. Were you in OSA?

11 A. Yes.

12 Q. How many years have you been in OSA,
13 probably the better question?

14 A. I think we asked that and I said 1986.

15 Q. Did you?

16 A. Yes.

17 Q. Sorry. I'm trying to figure this out. You
18 said that OSA is not part of the organizational chart of
19 Flag or Division 6 and it has its own organizational
20 chart. Who is above OSA? What organization or entity
21 or person?

22 A. You mean here in Clearwater?

23 Q. Okay. Let's start with that, Clearwater.

24 A. Nobody, really. I'm the head of my
25 activities.

1 Q. Okay. Who do you -- who is your up line?

2 A. I would -- if I'm reporting to somebody
3 above me, it would be the OSA office above me in the
4 Church of Scientology International.

5 Q. And where are they located?

6 A. California.

7 Q. Now, on the Church of Scientology
8 organizational board or chart?

9 A. Uh-huh (nods affirmatively).

10 Q. There's something called Division 6,
11 correct?

12 A. Yes.

13 Q. What is in Division 6?

14 A. Division 6 includes the activities of the
15 Church that deal with the communication of Scientology
16 to new people, people that don't know about Scientology.
17 So it would include things like promotional matters,
18 that kind of stuff.

19 Q. Book sells?

20 A. Yes.

21 Q. Okay. Are you an auditor?

22 A. Yes.

23 Q. What class?

24 A. I'm not classed.

25 Q. Does that mean you're a beginning auditor?

1 A. It just means I've done some auditing, and
2 I've done some training, but I don't have a
3 classification.

4 Q. The reason why I ask it that way is because
5 I don't know. When you say you're not classed, I don't
6 know if that is you already went beyond Class 12, I
7 don't know if that means that, or you haven't made it to
8 the first class, which -- what number is the first
9 class?

10 A. Haven't made it to the first class,
11 whatever that might be. I haven't received a
12 certificate as a trained auditor so.

13 Q. Are you a case supervisor?

14 A. No, I'm not.

15 Q. Are you still a member of the Sea Org.?

16 A. Yes, I am.

17 Q. Were you ever a member of Flag?

18 A. When you say a member of Flag, I'm not
19 sure.

20 Q. I'm not sure either to be honest with you.
21 You know, Flag -- OSA is not part of Flag, right?

22 A. The Church of Scientology, Flag Service
23 Organization?

24 Q. Yes.

25 A. Yes.

1 Q. If OSA is not part of the organizational
2 chart of Flag, it's off somewhere on its own, then why
3 are you telling me that OSA is part of Flag?

4 A. Well, Flag is a corporation. It's part of
5 the Flag Service Organization corporation. I work for
6 the Flag Service Organization.

7 Q. Who pays you?

8 A. The Flag Service Organization.

9 Q. What I have marked as Exhibits 19 and 20
10 are the Amended Notice of Taking Corporate Video
11 Deposition Duces Tecum, and the Additional Request to
12 Produce Duces Tecum at the Corporate Deposition. In
13 Exhibit 19 I ask the Church of Scientology, Flag Service
14 Organization, Inc. to produce the person or persons
15 authorized officers, agents or managing agents to
16 testify and produce documents on behalf of the following
17 pursuant to the Federal Rules of Civil Procedure.
18 Number one was to identify and produce the ethics
19 officers, MAA and/or FSMs for Thomas Brennan from August
20 2006 to the present.

21 Are you the ethics officers, MAA or FSM of
22 Thomas Brennan?

23 A. No.

24 Q. Number two asked to produce the ethics
25 officer, MAA and/or FSM for Denise Gentile from August

1 2006 to the present. Do you fit any of those roles?

2 A. No, I don't.

3 Q. And number 3, the same for Gerald Gentile.
4 Do you fit any of those roles?

5 A. No, I don't.

6 Q. Can you tell me why Flag has not produced
7 any of those individuals today?

8 MR. POTTER: I think that's something for
9 me to respond to, but first of all, you said that
10 19 was your amended notice. I think what you
11 just read from was your original notice. So
12 let's make sure we're talking about the same
13 thing.

14 MR. DANDAR: It says, Amended. I know we
15 have the additional --

16 MR. POTTER: Oh, okay. You changed --
17 that's right, because you changed -- on the
18 amended it was the date.

19 MR. DANDAR: Just changed the date.

20 MR. POTTER: Okay. I don't have that one
21 in front of me, but I've got the original one.

22 MR. DANDAR: It's the same.

23 MR. POTTER: Okay. All right. To answer
24 your question --

25 MR. DANDAR: Well, why are you answering

1 the question? I'm not deposing you.

2 MR. POTTER: Yes. Because I'm going to
3 tell you why we haven't produced these people.

4 MR. DANDAR: He doesn't know?

5 MR. POTTER: Which is a legal question as
6 opposed to a factual question for this witness to
7 respond to. And we talked about this earlier off
8 the record.

9 Mr. Mansell can identify the ethics
10 officers by their name. In terms of producing
11 the ethics officers, I have interviewed them for
12 the last two days, and I have determined that
13 their only knowledge regarding this matter --
14 either they don't have any knowledge regarding
15 this matter or any knowledge they do have came
16 out of their role in the auditing process in
17 which they serve as a minister to either Thomas
18 Brennan, Denise Gentile or Gerald Gentile and,
19 therefore, all of the information that they have
20 falls under the -- what is it, the priest
21 penitent privilege of Florida Statute 90.505 or
22 the information they have is protected by those
23 individuals' right to privacy under the Florida
24 Constitution, or that information is protected by
25 the religion clause of the U.S. and the Florida

1 Constitutions, and/or that information is
2 protected by the Religious Freedom Restoration
3 Act. Therefore, I, on behalf of FSO, I have
4 elected not to produce those individuals for this
5 deposition today.

6 MR. DANDAR: You probably know what my
7 response is to that.

8 MR. POTTER: Well, I think you probably
9 should make it.

10 MR. DANDAR: I don't think you, as the
11 attorney, have the right to tell me who I can
12 depose or not depose. No objection was filed to
13 my Notice of Deposition. I believe everything
14 has been waived because of that. I also believe
15 that if I want Flag to produce these people, they
16 should have at least have produced the people,
17 identify themselves under oath. Let me ask the
18 questions of them, and if there's a particular
19 question that you believe falls within a
20 privilege, you can assert the privilege at that
21 time, but you can't do so playing the judge, as
22 well as the attorney, and just not produce
23 anybody that fits the people that I've asked for,
24 the description of the people that I've asked
25 for.

1 MR. POTTER: Well, you have filed what I
2 think was an attempt for deposition under Rule
3 30(b){6}.

4 MR. DANDAR: Correct.

5 MR. POTTER: But in that deposition you've
6 asked us to produce a person. We don't produce
7 people. We produce documents. And a 30(b)(6)
8 deposition does not identify the person. That's
9 up to the entity to produce the person that's
10 going to testify on those topics. I'm producing
11 Mr. Mansell to testify on the topics that you
12 attempted to identify in this Notice of
13 Deposition.

14 He is able to testify as to the identity of
15 the ethics officer, but we're not producing a
16 person pursuant to a -- basically what's a notice
17 of duces tecum. Duces Tecum talks about
18 producing documents.

19 MR. DANDAR: Well, this is a corporate
20 deposition, and you're supposed to produce the
21 person or persons with the most knowledge. And I
22 asked you --

23 MR. POTTER: No, no. I'm supposed to
24 produce a person with knowledge. It doesn't have
25 to be the most knowledgeable, but I don't produce

1 a -- I don't produce the person you identify. I
2 produce the person that the corporation wishes to
3 produce.

4 MR. DANDAR: All right. On the record, are
5 you saying that the field staff member, FSM, the
6 person who earns a commission on selling courses
7 is protected under the priest penitent privilege?

8 MR. POTTER: Well, again, you identify --
9 on a 30(b)(6) notice you identify the subject
10 matter. The defendant gets to produce whoever
11 they wish to produce. You're perfectly free to
12 ask Mr. Mansell any questions you want to about
13 staff members, but, no, to answer your question.
14 I'm not producing a person. I'm not producing
15 the ethics officer, and I'm not producing what
16 you think is an FSM. I'm producing Mr. Mansell
17 to testify to the subject matters that you have
18 identified in your notice.

19 MR. DANDAR: Mr. Mansell is an ethics
20 officer, an auditor?

21 BY MR. DANDAR:

22 A. In most cases, yes.

23 Q. Is there a separate file called an ethics
24 folder that is separate from the auditing folder?

25 A. In most cases, yes.

1 Q. The auditing folder is produced by the
2 preclear and the auditor, is that right?

3 A. Correct.

4 Q. During the session where their preclear is
5 using the E-Meter, and the auditor is reading the needle
6 on the E-Meter after questions are asked, is that right?

7 A. Well, generally, I think that's correct. I
8 don't want to say, yes, because you're describing an
9 auditing session which that may or may not be the way an
10 auditing session is. But generally speaking, I think
11 that's okay to say that.

12 Q. You don't know what an auditing session is?

13 A. I do.

14 Q. So did I describe it correctly?

15 A. Not completely, but as I said, generally I
16 understand what you're saying so.

17 Q. All right. Why don't you give me a
18 complete definition of an auditing session?

19 A. Auditing is a Scientology counseling
20 process that involves the person who is the counselor,
21 the auditor, who is assisting somebody that we're
22 terming a preclear which means somebody who is on the
23 way to becoming clear of difficulties and upsets and the
24 problems in life using specific Scientology principles.
25 It may or may not involve an E-Meter, for example. Your

1 description was an auditing session involving an
2 E-Meter. That may or may not be required.

3 Q. Are there a set of preprinted questions
4 that the auditor asks the preclear?

5 A. Not necessarily.

6 Q. How often does an auditor engage in the
7 auditing process with a preclear? Is that every day?

8 A. It varies.

9 Q. Have you ever taken an auditing class?

10 A. Yes.

11 Q. And in the auditing class how often would
12 you audit a preclear?

13 A. It's a very difficult question to answer in
14 every case. It's like saying how often do you drive a
15 car.

16 Q. Well, in an auditing class you have certain
17 course requirements, do you not?

18 A. I think that's one of those questions I'll
19 have to ask you to clarify.

20 Q. In an auditing class how many auditing
21 sessions do you have to complete before you get a course
22 certificate of completion?

23 A. That's a very difficult question to answer
24 because I don't know what -- it depends on the auditing
25 class.

1 Q. In a Class 4 auditing class, how many
2 auditing sessions with a preclear does the student
3 auditor have to complete in order to get a certificate
4 of completion?

5 A. There's no fixed number.

6 Q. And how do you know that?

7 A. How do I know that there's no fixed number?

8 Q. Yes.

9 A. I've studied the materials of the Class 4
10 course.

11 Q. When did you do that?

12 A. 1984.

13 Q. Did you complete that course?

14 A. No.

15 Q. You just studied it?

16 A. Yes.

17 Q. Did you try to complete the course?

18 A. No.

19 Q. If you weren't trying to complete the
20 course, why would you study it?

21 A. I was interested in -- interested in the
22 material.

23 Q. Now, as the Office of Special Affairs, does
24 that office also retain counsel for litigation?

25 A. Yes.

1 Q. Does that office also hire or retain
2 private investigators for litigation?

3 A. No.

4 Q. What office retains private investigators?

5 A. I believe our counsel retained private
6 investigators.

7 Q. Have you -- and you've never been an ethics
8 officer, right?

9 A. No.

10 Q. So isn't it true that at the end of an
11 auditing session the student auditor in a Class 4 class
12 hands over the material that's generated during the
13 auditing session to a case supervisor?

14 A. Would you mind repeating that one.

15 Q. Does a student in a Class 4 auditing class
16 hand over the record of question and answers produced in
17 the auditing session to the case supervisor?

18 A. Yes.

19 Q. And does the case supervisor then place
20 some of that information, if not all, into an ethics
21 folder?

22 A. Generally speaking, I'd say no.

23 Q. Okay. Well, under what circumstances would
24 the information from the auditing session be placed into
25 an ethics folder?

1 A. If the auditor or the case supervisor and
2 for the benefit of understanding, a case supervisor is
3 also an auditor and as a senior minister. If the
4 auditor or the case supervisor felt that any material
5 was relevant to the ethics officer, he might share that
6 with the ethics officer.

7 Q. And the ethics officer is different from a
8 case supervisor, correct?

9 A. Correct.

10 Q. And the ethics officer is not an auditor,
11 correct?

12 A. Usually they are, yes.

13 Q. But there are some that are not?

14 A. I actually don't know the answer to that,
15 but I think it's possible that there are. But the
16 ethics officers that I'm familiar with are also
17 auditors.

18 Q. Has the Church of Scientology ever made
19 public material contained in a member's ethics folder?

20 A. I don't think I'm capable of answering what
21 the Church of Scientology has ever done, especially when
22 you say the Church of Scientology. I presume that means
23 other Churches of Scientology than the Flag Service
24 Organization, and what they may have ever done seems
25 like a fairly broad question.

1 Q. Are you aware that the auditing session
2 information of Marty Rathbun was made public by the
3 Church of Scientology, Flag Service Organization, Inc.?

4 A. No.

5 Q. Are you aware that the auditing session
6 information of Amy Scobee was made public by the Church
7 of Scientology, Flag Service Organization, Inc.?

8 A. No.

9 Q. Or the same thing for Michael Rinder. Are
10 you aware that his information -- I'm not saying all of
11 it -- but his information contained in his auditing
12 file, folder, was made public by the Church of
13 Scientology, Flag Service Organization, Inc.?

14 A. No.

15 Q. Isn't it true that information that is
16 claimed by the Church of Scientology to be priest
17 penitent is disclosed to the public because the Church
18 of Scientology, Flag Service Organization, Inc. states
19 it comes out of their ethics folder which is not
20 protected by priest penitent privilege?

21 A. That question is little bit too long.
22 Would you mind repeating it or clarifying it.

23 Q. Isn't it true that ethics folders are not
24 priest penitent?

25 A. Ethics folders are priest penitent.

1 Q. So then does that mean that the information
2 in a member's ethics folder should never be disclosed to
3 someone who is not an auditor?

4 A. I think that would depend on the material
5 in the ethics folder.

6 Q. Okay. What does that mean?

7 A. Well, an ethics folder can contain, for
8 example, a commendation. If I performed some task
9 efficiently, another staff member might write a note
10 commending me with a letter of commendation, and that
11 would be contained in my ethics file.

12 Q. What else would be in your ethics file?

13 A. There could be knowledge reports which
14 would be a report written by --

15 THE COURT REPORTER: It could be what, sir,
16 I'm sorry?

17 BY MR. DANDAR:

18 A. Knowledge reports which would be a report
19 written by anybody in the Church that has knowledge
20 about me that they think the ethics officer should know.

21 Q. So that certainly would not be protected by
22 priest penitent because that person could be anybody?

23 A. Correct.

24 Q. Okay. But there are some auditing session
25 materials in an ethics folder, correct?

1 A. Could be. More than likely.

2 Q. All right. So you said commendations?

3 A. Uh-huh.

4 Q. Knowledge reports. What else?

5 A. There could be, as we've said, information
6 from auditing sessions.

7 Q. Okay. Those are three things I have so
8 far. Is there more?

9 A. I think that generally covers it.

10 Q. How about specifically? In an ethics
11 folder what else besides those three items?

12 A. I think any -- any report that -- or
13 information concerning that individual Scientologist's
14 ethics subject. The person could write something
15 themselves if they wanted to and send it to their own
16 ethics file.

17 Q. All right. So what does that mean within
18 the definition or understanding of the Church of
19 Scientology, what is ethics?

20 A. Ethics is the subject that deals with the
21 choices that an individual makes to pursue a path in
22 life which will be the optimum for himself and his
23 fellow man.

24 Q. Anything else?

25 A. No.

1 Q. So why then would a third-party's knowledge
2 report be placed in someone's ethics folder, if that's
3 not what the person's choices are? How does that fit in
4 there?

5 A. The knowledge report would be used by the
6 individual to understand what other people are saying or
7 thinking or communicating about him so that he can look
8 at this, and say this is true or this is not true or
9 this is true and I'm going to change something because
10 it's obviously something that other people or another
11 person is considering worthy of addressing to an ethics
12 officer.

13 Q. Does the preclear get the opportunity to
14 look at a session of auditing? Does a preclear get to
15 open up and look at what's in his or her auditing file?

16 A. No.

17 Q. Does a preclear -- and I'm using the word
18 preclear. I don't even know if I'm using the term right
19 so.

20 A. That's fine.

21 Q. All right. Preclear means to me anybody
22 within the Church of Scientology, any member, public or
23 staff. Is that okay or is that not okay?

24 A. I understand what you're saying, but I
25 think it's probably better just to say a Scientologist.

1 Q. Okay, there you go, fine. Can a
2 Scientologist obtain and review his or her ethics
3 folder?

4 A. Yes.

5 Q. Is there a folder that a Scientologist
6 cannot review?

7 A. His preclear, auditing folder.

8 Q. That's the only one?

9 A. Yes.

10 Q. Who is the ethics officer of Thomas Brennan
11 from August of 2006 to the present?

12 A. Well, this was part of the difficulty in
13 that I think the best answer is he doesn't have one.

14 Q. Why is that the best answer?

15 A. Well, the -- the notice says to produce the
16 ethics officer for Thomas Brennan, and Thomas Brennan or
17 any Scientologist doesn't necessarily have an ethics
18 officer. He may visit an ethics officer or may
19 communicate with an ethics officer, but to say his
20 ethics officer is a little bit difficult. And
21 particularly in the case of Thomas Brennan who has never
22 been a parishioner of the Flag Service Organization.
23 Q. Who -- what ethics officer did Thomas
24 Brennan have contact with from August 2006 to the
25 present?

1 A. Matteo, M-a-t-t-e-o, and his second name
2 slips my mind.

3 Q. Where is he located?

4 A. In -- currently he's -- he works for the
5 Church in Europe.

6 Q. What country?

7 A. Denmark.

8 Q. Where was he in August and September of
9 2006?

10 A. Clearwater.

11 Q. Was he at Flag?

12 A. Yes.

13 Q. When did he leave Flag?

14 A. I believe it was mid to late 2007.

15 Q. Why did he leave Clearwater?

16 A. He was transferred to Europe in the normal
17 course of events.

18 Q. Did it have anything to do with Thomas
19 Brennan or Kyle Brennan?

20 A. No.

21 Q. How many contacts did he have with Thomas
22 Brennan in 2007?

23 A. I don't know the exact number. I'm
24 guessing two or three.

25 Q. What about 2006?

1 A. Two or three.

2 Q. Is there a folder that would show what was
3 discussed between Matteo, the ethics officer, and Thomas
4 Brennan?

5 A. Yes.

6 Q. And who has possession of that?

7 A. The ethics officer at Flag Service
8 Organization.

9 Q. And who is in charge of that?

10 A. The person in charge is Alfonso Barcenás,
11 Jr.

12 Q. How come that sounds so familiar. Has
13 Alfonso been around here for a while?

14 A. I believe so, yeah.

15 THE COURT REPORTER: Could you spell his
16 last name, please.

17 BY MR. DANDAR:

18 A. B-a-r-c-e-n-a-s, Jr.

19 Q. Was he involved in Lisa McPherson?

20 A. No.

21 Q. Was he a member of OSA?

22 A. No.

23 Q. He's a Sea Org. member, though, correct?

24 A. Correct.

25 Q. You said it's junior, not senior?

1 A. Correct.

2 Q. What's Alfonso Barcenas, Senior's position
3 or hat or --

4 A. His father is -- I'm not sure, to be
5 honest. He works for Flag Service Organization.

6 Q. Is he in OSA?

7 A. No.

8 Q. Alfonso, who left in mid-2007 to Europe, is
9 he still considered a part of Flag?

10 A. Alfonso didn't leave.

11 Q. I'm sorry. Matteo left?

12 A. No.

13 Q. Okay, let me just -- help me out here.
14 Matteo is who again?

15 A. Matteo is the ethics officer who did meet
16 with Thomas Brennan in 2006 and 2007.

17 Q. Okay. And Alfonso, Jr. is the chief of the
18 ethics office at Flag today?

19 A. Correct.

20 Q. And what about in '07?

21 A. Same person.

22 Q. Okay. And he's the one that possesses the
23 ethics folder of Thomas Brennan?

24 A. Correct.

25 Q. When Matteo was the ethics officer here at

1 Flag and he goes to Denmark, is he still an ethics
2 officer for Flag or is it some other organization?

3 A. Some other organization.

4 Q. What's that called?

5 A. The Church of Scientology -- I'm not sure
6 of the corporate name. Church of Scientology of
7 Denmark, of Europe. I don't know.

8 Q. What is the -- what does MAA stand for?

9 A. Master at Arms.

10 Q. How is that different from an ethics
11 officer?

12 A. It's not really different. It's -- the
13 name for an ethics officer in the Sea Organization.

14 Q. Did Thomas Brennan have any contact with
15 Master at Arms?

16 A. Same person.

17 Q. It's Matteo?

18 A. Uh-huh (nods affirmatively).

19 Q. That's a yes?

20 A. Yes.

21 Q. That's what this means, this means speak.
22 And who was the FSM for Thomas Brennan from August of
23 '06 to the present?

24 A. He didn't have one.

25 Q. Tell us what an FSM is.

1 A. A Field Staff Member.

2 Q. What do they do?

3 A. A Field Staff Member is a Scientologist who
4 is not a staff member, not a -- he doesn't work for the
5 Church. It's a parishioner who assists another
6 parishioner in his Scientology services.

7 Q. How?

8 A. Usually by helping the parishioner to
9 understand what Scientology services are available and
10 what might be most suitable for that parishioner.

11 Q. And does the FSM earn a commission when
12 that person they're advising takes a course?

13 A. Yes.

14 Q. Did Denise Gentile ever get a commission on
15 any course that Thomas Brennan took?

16 A. No. And Thomas Brennan never took a course
17 by the way.

18 Q. At?

19 A. At Flag Service Organization.

20 Q. What was the subject matter that Matteo and
21 Thomas Brennan talked about when they met in 2006?

22 MR. POTTER: Okay, hold on. Obviously any
23 conversation between Matt Matteo (sic) -- maybe
24 not obviously, but any conversation that occurred
25 between Matt Matteo and Tom Brennan, we are

1 asserting the privilege to.

2 MR. DANDAR: I disagree with you, but --

3 MR. POTTER: I understand.

4 MR. DANDAR: Wait a minute.

5 MR. POTTER: Let me -- let me state the
6 privilege.

7 MR. DANDAR: Oh, you're not done. Okay,
8 I'm sorry, I'm sorry. Go ahead.

9 MR. POTTER: The privilege is that we
10 asserted the same ones that I listed earlier,
11 that would be the priest penitent or clergy
12 communication under Florida Statute 90.505, a
13 right to privacy under the Florida Constitution,
14 under the religion clauses of the U.S. and
15 Florida Constitutions, as well as the Religious
16 Freedom Restoration Act.

17 So I will instruct this witness not to
18 answer any questions that would divulge the
19 substance of those conversations. You can ask
20 him about the conversations, but I will not allow
21 him to divulge the substance of what was
22 discussed.

23 MR. ALVAREZ: And to the extent necessary,
24 Mr. Brennan, of course, joins in that objection
25 on the very same bases not only mentioned by Mr.

1 Potter now, but mentioned on behalf of Mr.
2 Brennan through various objections that have
3 indeed been filed, as well as a letter that was
4 sent to you, Ken, goodness, probably two, three
5 weeks ago.

6 MR. FUGATE: And the same on behalf of
7 Denise Gentile, and I believe from Gerald
8 Gentile's deposition you never asked him any
9 questions about auditing and Thomas Brennan, and
10 he didn't audit Thomas Brennan.

11 So to the extent that the privilege is
12 applied here on their behalf, I vote the same
13 provisions.

14 BY MR. DANDAR:

15 Q. What was the subject matter, without
16 getting into the substance, what was the subject matter,
17 the topic that Matteo discussed with Thomas Brennan in
18 2006?

19 MR. POTTER: Well, I'll instruct him not to
20 answer that question because he can't without
21 divulging the substance of the communication. He
22 can't divulge the substance or the subject matter
23 of the conversation.

24 MR. DANDAR: I disagree.

25 MR. POTTER: I understand. Nevertheless,

1 I'm instructing him not to answer that question
2 or similar questions.

3 BY MR. DANDAR:

4 Q. Did Matteo discuss his son Kyle Brennan or
5 Thomas Brennan in 2006?

6 MR. POTTER: Same instruction.

7 BY MR. DANDAR:

8 Q. Did Matteo discuss Kyle Brennan with Thomas
9 Brennan in 2007?

10 MR. POTTER: Same instruction.

11 BY MR. DANDAR:

12 Q. Were there any other ethics officers who
13 had any contact whatsoever other than the Sea Org.
14 member at Flag, Mr. Matteo (sic) ethics officer in 2006
15 and 2007?

16 A. Not that I'm aware of.

17 Q. Have you reviewed those -- that ethics
18 folder?

19 A. Yes.

20 Q. What gives you the right to look at Thomas
21 Brennan's ethics folder?

22 A. I'm responsible for the legal affairs of
23 the Church and that ethics folder is obviously a
24 question in this litigation.

25 Q. How big is the ethics folder of Thomas

1 Brennan?

2 A. Very thin.

3 Q. Why does the ethics office at Flag have an
4 ethics folder of Thomas Brennan?

5 A. Thomas Brennan was a friend of Denise
6 Gentile. Denise was a student auditor, and Thomas was
7 helping her with her student auditor training by
8 receiving counseling from her.

9 Q. And that -- that counseling, pardon my
10 words, that counseling wasn't make-believe, that was
11 real, correct?

12 A. Absolutely real.

13 Q. All right. And I'm just telling you -- I'm
14 going to show you where I'm coming from, all right. I'm
15 in a class in college. It's a psychology class, and
16 psychologists have a privilege, but I'm in a psychology
17 class as a student, and I'm pretending -- or not --
18 participating, I'm giving a counseling session with
19 another student, and one of us is the patient and one of
20 us is the psychologist because we're in a class, and
21 we're observed by our instructor.

22 Would you agree with me that there's no
23 privilege there because that's just in a class and it's
24 all pretend?

25 MR. ALVAREZ: Objection to form.

1 MR. POTTER: I object to the question.
2 You're now asking him basically to give a legal
3 opinion about whether or not a privilege applies
4 to a hypothetical situation. Number one, he's
5 not here as an expert. Number two, this is not
6 an area that you've designated on your 30(b)(6)
7 notice for him to be prepared upon.

8 So the question I think is irrelevant.
9 I'll let him ask (sic) it, but I think it's
10 totally irrelevant. You're asking him for a
11 legal opinion, which he's not qualified to give.

12 BY MR. DANDAR:

13 Q. He says he'll let -- let you answer the
14 question.

15 A. I don't know the answer.

16 Q. Does Thomas Brennan have an ethics folder
17 anywhere else other than at the Flag ethics office?

18 A. I don't know.

19 Q. Did you call up the Tampa Org. or any --
20 the Miami Org. or the Washington, D.C. Org. to see if
21 they have any ethics folders?

22 A. No.

23 Q. If they did have ethics folders on Thomas
24 Brennan, would they be consolidated somewhere?

25 A. No.

1 Q. Why didn't you call up the Tampa Org. to
2 see what folders they have on Thomas Brennan?

3 A. Because this notice was addressed to me and
4 I represent the Flag Service Organization.

5 Q. Is your name in the notice?

6 A. Well, no.

7 Q. What about the -- how did you determine
8 that Thomas Brennan does not have an FSM?

9 A. I spoke with the staff member at Flag
10 Service Organization who is responsible for FSMs.

11 Q. And who was that?

12 A. Nathaniel -- again, I'm slipping on the
13 second name, sorry.

14 Q. And Nathaniel told you that Thomas Brennan
15 has no FSM at Flag?

16 A. Correct.

17 Q. Did you check to see if Thomas Brennan was
18 ever a member of the crew at Flag?

19 A. I didn't check that, no, but I know he's
20 never been.

21 Q. What does it mean to be a member of the
22 crew at Flag?

23 A. I think you mean does he work for Church of
24 Scientology, Flag Service Organization, or has he ever
25 worked for the Church of Scientology, Flag Service

1 Organization.

2 Q. Okay, I don't know if that's what I mean,
3 but has he?

4 A. No -- well, I didn't actually go and check
5 that to see anything in history, but I think I can say
6 with certainty, knowing what I know, that he has never
7 worked for Flag.

8 Q. Has he ever performed the services of a
9 chef for Flag?

10 A. No.

11 Q. I want you to know that -- I want you to
12 assume that this is true, that Thomas Brennan spoke to
13 Victoria Britton, his ex-wife, in the fall of 2006 and
14 told her that he had the opportunity to serve as a chef
15 for some celebrities at Flag for a party. Do you know
16 anything about that?

17 A. No.

18 MR. POTTER: Object to the form of the
19 question because it calls for this witness to
20 speculate.

21 MR. DANDAR: No, I asked him just to
22 assume.

23 MR. POTTER: No, you asked him to assume.
24 So you're basically asking him to give an answer
25 to a hypothetical question.

1 BY MR. DANDAR:

2 Q. Do you know if someone says they're on
3 watch at Flag, what does that mean?

4 A. I do not really know.

5 Q. If someone is doing security work for Flag
6 in Clearwater, would that include a phrase of being on
7 watch?

8 A. Could be.

9 Q. In the summer of August and September '06
10 when Kyle Brennan was visiting with his father and his
11 new wife Wendy, Kyle Brennan -- I want you to assume
12 this, hypothetically assume it -- that he reported to
13 his mother that his dad would get on a bicycle and go at
14 night for his watch duty at Flag. Do you know anything
15 about that?

16 MR. POTTER: I'm going to object to the
17 compound nature of that question, but you can
18 answer it if you can.

19 BY MR. DANDAR:

20 A. I don't know anything about that, and I
21 don't really understand the question. Maybe you could
22 clarify it or something.

23 Q. The security guards who patrol outside the
24 Church of Scientology Flag Service Organization
25 buildings?

1 A. Yes.

2 Q. -- in Clearwater, do they at times ride a
3 bicycle?

4 A. Yes.

5 Q. Okay. Have you ever -- did you look for a
6 Freedom magazine that has the picture of Tom Brennan --
7 Thomas Brennan in it?

8 A. I looked through the Freedom magazines that
9 I could locate.

10 Q. And did you find one?

11 A. No.

12 Q. Okay. Did you find a Freedom magazine that
13 has a picture of a Scientologist on the cover who is an
14 African American or of African descent? May not be an
15 American, I don't know.

16 A. I don't recall that, no.

17 Q. Okay. What other folders of Thomas Brennan
18 are at an office at the FSO, besides the ethics folder
19 you just told me about?

20 A. There is the folder in my office that has
21 the one report that I produced.

22 Q. What's that folder called?

23 A. It just has the name Thomas Brennan on it.
24 It's just a folder in my office.

25 Q. Can you tell me what exhibit that is?

1 A. Yeah.

2 Q. Exhibit 18?

3 A. Correct.

4 Q. And what is Exhibit 18?

5 A. It's a report dated February 17, 2007, from
6 Jerry Gentile.

7 Q. And it says it's going to OSA, O-S-A, Int.
8 I-n-t. What is OSA Int?

9 A. OSA Int is the Office of Special Affairs
10 International, which is the equivalent of my office but
11 for the Church of Scientology International in
12 California.

13 Q. What does -- what does the writing at the
14 top mean?

15 A. It's the title of a staff member in my
16 office.

17 Q. So Ext -- just go ahead and tell me what
18 that means?

19 A. Okay. It's the external sits prevention
20 officer, OSA, Flag.

21 Q. And FLB stands for what?

22 A. Flag Land Base.

23 Q. Is that the same as FSO?

24 A. Same thing.

25 Q. All right. Now, what does SITS stand for?

1 A. Situations.

2 Q. This is external situation?

3 A. Prevention officer.

4 Q. All right. What's the duties of that
5 person?

6 A. To take note of situations that may require
7 some dealing with them to make sure that they are not a
8 problem.

9 Q. Who wrote this at the top of this typed
10 report of Jerry Gentile?

11 A. I have no idea.

12 Q. First of all, let me ask you this. Did
13 Jerry Gentile type up this knowledge report?

14 A. Well, it says from Jerry Gentile, so that's
15 -- I've never spoken to Jerry about it.

16 Q. Is this a typical form to be used for a
17 knowledge report?

18 A. I don't think there's a typical form, but
19 it looks like a knowledge report to me.

20 Q. Where is OSA Int. located?

21 A. In Hollywood, California.

22 Q. Why would Jerry Gentile who lives in
23 Clearwater send a knowledge report to OSA Int. in
24 California?

25 A. No idea.

1 Q. Did Jerry Gentile send a knowledge report
2 or any other type of report concerning Tom or Kyle
3 Brennan to OSA here in Clearwater?

4 A. Well, he sent or I presume he sent a copy.
5 Actually I don't know whether I presume it, but this
6 copy came to me.

7 Q. When did you get it?

8 A. I think I first saw this sometime early in
9 2007.

10 Q. So would -- would it have been the date on
11 there of February 17, 2007?

12 A. I think it was sometime, some short period
13 after that, some days after that.

14 Q. And did you see any other reports that
15 concerned Tom Brennan or Kyle Brennan other than this
16 one?

17 A. No.

18 Q. Did you do anything after looking at this
19 report?

20 A. No.

21 Q. Is there a policy in Scientology that
22 requires Jerry Gentile to write a knowledge report
23 concerning Kyle Brennan or Tom Brennan?

24 A. There is a policy that suggests a
25 Scientologist should write a report if he has knowledge

1 of something of importance.

2 Q. Is that knowledge of something of
3 importance only of a negative nature or something that's
4 also a positive?

5 A. Could be anything.

6 Q. So who was the exterior situation
7 prevention officer here at Flag in Clearwater when this
8 was written on February 17, 2007?

9 A. Mahriah Pearce who I believe you know from
10 our hearings.

11 Q. Familiar name, too.

12 A. Yeah.

13 Q. Mahriah, is that spelled the same way as
14 Maria?

15 A. No. M-a-h-r-i-a-h.

16 Q. And the last name?

17 A. Pearce, P-e-a-r-c-e.

18 Q. And do you know why that was written at the
19 top of this knowledge report?

20 A. No.

21 Q. Do you know who wrote it?

22 A. No.

23 Q. Do you know when it was written?

24 A. No.

25 Q. Do you know why there's an arrow there?

1 A. That's the normal way that people show who
2 -- or what something, you know, where it's directed. So
3 I presume whoever wrote that put the arrow to suggest
4 that it's going to that person.

5 Q. So she's at the OSA office here in
6 Clearwater, correct?

7 A. She was at the time.

8 Q. Where is she now?

9 A. I actually don't know.

10 Q. When did she leave?

11 A. 2009 sometime.

12 Q. Have anything to do with the -- this case
13 being filed?

14 A. No.

15 Q. Did she do anything in reference to this
16 knowledge report?

17 A. Not that I'm aware of.

18 Q. Who did she report to back in February of
19 2007?

20 A. Me.

21 Q. If she did anything, would she, in the
22 custom and practice, report to you as to what she did?

23 A. Yeah.

24 Q. And you don't have any knowledge of her
25 doing that?

1 A. Well, she showed me this report. That's
2 how I came across it.

3 Q. Did you tell her to do something when you
4 read this report?

5 A. No. I just thanked her for informing me.

6 Q. As an external (sic) -- external situation
7 prevention officer, did she go out to try to minimize
8 any adverse effects of the death of Kyle Brennan?

9 A. No.

10 Q. All right. You said that Thomas Brennan
11 only has an ethics folder at the ethics office at Flag
12 here in Clearwater. And I asked you does he have any
13 other folders here in Clearwater, and did you look for
14 other folders?

15 A. Yes.

16 Q. How did you go about doing that?

17 A. I thought where folders might exist if he
18 was a Scientologist doing services at Flag or involved
19 with something at Flag, and I went to those places.

20 Q. What are those places?

21 A. In addition to the ethics file and preclear
22 files, if a person had ever bought a book or a course or
23 something like that, he would have a treasury file.

24 Q. Just at Flag?

25 A. Yes.

1 Q. So if he brought a book or course at Tampa
2 Bay Org., they would have that treasury file?

3 A. Yes.

4 Q. And you wouldn't know anything about it?

5 A. No.

6 Q. You would if you asked the Tampa Bay Org.
7 to produce it, though, right?

8 A. You mean I could find out?

9 Q. Yeah.

10 A. Yeah.

11 Q. Now, Thomas Brennan, though, does have a
12 preclear file at Flag, doesn't he?

13 A. He did have.

14 Q. What happened to that?

15 A. He returned to New York at some point. I
16 don't remember when exactly, and so his preclear folders
17 went to the Church in New York.

18 Q. And why did he return to New York?

19 A. I don't know.

20 Q. Did he live in New York before?

21 A. Yeah.

22 Q. Did he live in New York before the death of
23 his son?

24 A. I don't really know much about Tom's
25 history to be honest.

1 Q. Tell me how his preclear folder got to New
2 York.

3 A. Sometime after Tom moved to New, York
4 either he or somebody in the New York Church would have
5 requested that they be sent. I don't actually know who
6 did that, but it's a normal thing when people travel
7 from one church to another that their preclear folders
8 go with them.

9 Q. For Tom to have a preclear folder at Flag,
10 is there some type of registration document that he is
11 obtaining auditing services at Flag?

12 A. I'm not sure what you mean by registration
13 document.

14 Q. Well, is there some type of piece of paper,
15 a computer entry, something at Flag that shows when he
16 started his services at Flag and when he ended his
17 services?

18 A. Yes.

19 Q. And what's that called?

20 A. Well in Tom's case there wouldn't be,
21 but...

22 Q. Why not?

23 A. Because Tom wasn't really taking services
24 at Flag. He was assisting Denise basically.

25 Q. Yet he has a preclear folder at Flag,

1 correct?

2 A. Had, yes.

3 Q. So did he come and pick up his preclear
4 folder and take it to New York?

5 A. No.

6 Q. How does that happen? How does it get
7 transferred?

8 A. Normally the person will let his auditor or
9 somebody know I'm going to New York tomorrow or I'm
10 leaving town or something like that, and please have my
11 folders sent to the Church in wherever they're going.

12 Q. So is there a document that shows when he
13 requested this, who he requested it to and who sent it?

14 A. I haven't seen the document, and it may
15 just have been a phone call or a personal request.

16 Q. So if I call up and say, I want Peter --
17 I'm Peter Mansell and I want my preclear folders sent to
18 China Org. -- now, come on, it doesn't happen like that.
19 You have -- isn't there some type of security involved
20 in the preclear folder leaving the Flag Land Base and
21 going to New York?

22 A. There -- yeah, there would be -- there
23 would be a record, yes.

24 Q. So who would have that record at Flag?

25 A. The -- I don't know the exact person, but

1 there is somebody who would keep an administrative
2 record of these folders departed and went to New York.

3 Q. Right.

4 A. Yeah.

5 Q. You don't know who that is?

6 A. No.

7 Q. So there used to be then an ethics folder
8 -- well, there still is -- there used to be a preclear
9 folder of Thomas Brennan at Flag. How big was that, do
10 you know?

11 A. No.

12 Q. That preclear folder contains documents
13 that were generated during an auditing session between
14 Thomas Brennan and Denise Gentile, right?

15 A. Yes.

16 Q. Do you know if it contains any other
17 documents?

18 A. No.

19 Q. Have you ever seen it?

20 A. No.

21 Q. Now, what is your understanding of how
22 Thomas Brennan was helping Denise Gentile in her Class 4
23 auditing course?

24 A. Denise was studying to be an auditor, and
25 part of the process of that study is that you read the

1 materials that explain how to do a certain type of
2 auditing. That's like theory study. And then you'll do
3 a practical study which is you will sit with somebody
4 and perform that type of auditing.

5 So my understanding is that Tom was a
6 friend of Denise's previously, and she asked him to help
7 her with her training.

8 Q. As part of that training Thomas Brennan sat
9 there with an E-Meter with Denise on the other side of
10 the E-Meter in session?

11 A. Yes.

12 Q. Okay. And you don't know how many times a
13 week they did that?

14 A. No.

15 Q. And that generated paperwork from the --
16 each session, correct?

17 A. Yes.

18 Q. Okay. And that paperwork is placed into a
19 preclear folder, correct?

20 A. Yes.

21 Q. And the theory supervisor and the case
22 supervisor would get copies of each session, correct?

23 A. No.

24 Q. Who would not get a copy?

25 A. Copies are not made.

1 Q. Okay. So they would see the original
2 paperwork?

3 A. The case supervisor would.

4 Q. Okay. Now, if the case supervisor saw in
5 one of those session papers something indicating a
6 potential trouble source, a PTS, does that case
7 supervisor have a duty under the policy of Mr. Hubbard,
8 to then report that in some fashion to an ethics
9 officer?

10 A. Does the case supervisor have a duty?
11 Yes.

12 Q. Okay. And would that ethics officer in --
13 from February 8th to February 17th of 2007 be Matteo?

14 A. You mean for Thomas Brennan?

15 Q. Yes.

16 A. Yeah.

17 Q. Do you know of any other ethics officer
18 that had anything to do whatsoever with the sessions of
19 Denise and Thomas Brennan?

20 A. No.

21 Q. Did I ask you -- did you give me the name
22 of the case supervisor? Is there more than one?

23 A. I don't think you asked.

24 Q. Okay, let me ask that. Who is the case
25 supervisor?

1 A. Marissa Jenson.

2 Q. Can you spell Marissa?

3 A. I can guess. M-a-r-i-s-s-a, or something
4 like that.

5 Q. Okay. And Jenson, how do you spell that?

6 A. My guess would be J-e-n-s-o-n.

7 Q. All right. Have you talked to her about
8 this matter?

9 A. No.

10 Q. Is she still a case supervisor?

11 A. I believe so, yes.

12 Q. How do you know that Marissa Jenson was a
13 case supervisor for the sessions between Denise Gentile
14 and Thomas Brennan?

15 A. I saw her name.

16 Q. And where did you see her name?

17 A. Well, if I saw her name on the documents
18 that are listed in the privilege log.

19 Q. Is that your answer?

20 A. Well, I guess I want to make sure I'm not
21 saying anything that violates the privilege so.

22 Q. Okay. Did you see her name in the preclear
23 auditing file of Thomas Brennan?

24 A. Yes.

25 Q. Okay. Did she make any reports in that

1 file folder? What is the right word to use, is it a
2 file or a folder?

3 A. File is fine. Either way is fine. No.

4 Q. Did she make -- create any document that
5 went into Thomas Brennan's ethics folder?

6 A. No.

7 Q. Do you know how she communicated anything
8 concerning Thomas Brennan or Kyle Brennan to the ethics
9 officer?

10 A. Could you give me that one again.

11 Q. Do you have any knowledge whatsoever that
12 she communicated in any manner anything concerning
13 Thomas Brennan or Kyle Brennan to the ethics officer?

14 A. No.

15 MR. POTTER: Can we take a break at some
16 time soon, Ken.

17 MR. DANDAR: Do it now.

18 (At this time a brief recess was taken.)

19 BY MR. DANDAR:

20 Q. Did you -- do you have with you today the
21 record from Flag on the transferring of the PC folder of
22 Thomas Brennan to New York?

23 A. No.

24 Q. Can you get that? Is it hard to print out?

25 A. It's not hard to print out, no.

1 MR. DANDAR: Do you agree to produce it?

2 MR. POTTER: I -- I will get the document
3 and look at it, and then I will tell you the
4 answer to that question.

5 BY MR. DANDAR:

6 Q. Is Marissa Jenson the only case supervisor
7 that had any involvement with Thomas Brennan?

8 A. Yes.

9 Q. But we don't know where she's at today?

10 A. She's in Clearwater.

11 Q. Oh. Is she still a case supervisor?

12 A. Yes.

13 Q. Okay.

14 MR. DANDAR: And she's not being produced
15 today because of the priest penitent privilege,
16 Mr. Potter? Is that what you said?

17 MR. POTTER: She's not being produced today
18 because there wasn't even a request to produce
19 her person.

20 MR. DANDAR: I didn't know her name. It
21 says, Defendant shall designate one or more
22 authorized persons, officers, agents or managing
23 agents to testify and produce documents.

24 MR. POTTER: Dada. Mr. Mansell is here.

25 MR. DANDAR: I disagree that he qualifies

1 for that, but okay.

2 MR. POTTER: He doesn't qualify for what,
3 Ken?

4 MR. DANDAR: To testify as his case
5 supervisor or the ethics officer or the MAA or --

6 MR. POTTER: Where is that -- where is that
7 on your list? Where is it on your list of
8 topics?

9 MR. DANDAR: In addition to the above
10 specific person to produce the documents listed
11 below and designate person or persons to testify
12 about matters known or reasonably available
13 regarding the following.

14 MR. POTTER: And then you give a list of
15 documents?

16 MR. DANDAR: Right. I produced Mr. Mansell
17 to you.

18 MR. DANDAR: And then I give a list of
19 documents referenced to Thomas Brennan.

20 MR. POTTER: Yeah.

21 MR. DANDAR: Okay, okay.

22 MR. POTTER: And you're suggesting that in
23 response to that I'm supposed to produce the case
24 supervisor. How am I supposed to know that? I
25 mean, if that's true, how am I supposed to know

1 that.

2 BY MR. DANDAR:

3 Q. Okay. Does Denise Gentile have a PC folder
4 at Flag?

5 A. Yes.

6 Q. Does she have an ethics folder at Flag?

7 A. Yes.

8 Q. Okay. Now, because of the -- her -- I'm
9 going to use the wrong terms, but advanced training up
10 the bridge, which I believe was around OT-7, she's
11 considered what is known in Scientology as an OT.
12 Correct?

13 A. Correct.

14 Q. Okay. And OT's can only get the training
15 at certain organizations around the world, correct?

16 A. Training?

17 Q. Is that the wrong word?

18 A. Yes.

19 Q. Okay. They can only take the level offered
20 by Scientology as an OT at certain organizations around
21 the world?

22 A. Again, it's a little bit -- I'm not quite
23 sure I understand what you're asking.

24 Q. All right. Is there any place in Florida
25 other than Flag where Denise Gentile could take a class

1 for an auditor's course?

2 A. Yes.

3 Q. Where?

4 A. Tampa.

5 Q. At the Tampa Org.?

6 A. Yes.

7 Q. Okay. Was she registered as a member of
8 the Tampa Org.?

9 A. I have no data on that.

10 Q. Okay. But she was registered as a member
11 at Flag?

12 A. Yes.

13 Q. Okay. And when she was participating in
14 the class for auditor's course at Flag, it was in the
15 Coachman building, correct?

16 A. Correct.

17 Q. And the Coachman building in downtown
18 Clearwater is part of Flag?

19 A. Correct.

20 Q. Okay. And Marissa Jenson, the case
21 supervisor, is a case supervisor at Flag, correct?

22 A. Correct.

23 Q. What -- is there rankings of case
24 supervisors like there is of auditors?

25 A. There are degrees of training as case

1 supervisor.

2 Q. All right. And now where does Marissa
3 Jenson fit back in '07?

4 A. I believe she's a Class 4 case supervisor
5 but I don't actually know for sure.

6 Q. Is that what she is today?

7 A. I believe so.

8 Q. Who is Denise Gentile's ethics officer --
9 what -- rephrase that. What ethics officer had any
10 contact with Denise Gentile in '06 and '07?

11 A. In '06 and '07? It would have been Jasmine
12 Arellano. J-a-s-m-i-n-e, I believe.

13 Q. Start over.

14 A. J-a-s-m-i-n-e.

15 Q. Last name?

16 A. Arellano I believe is A-r-e-l-l-a-n-o.

17 MR. POTTER: Ken, did you ask case
18 supervisor or ethics officer?

19 MR. DANDAR: Ethics.

20 BY MR. DANDAR:

21 Q. Is that for all of '06 and '07?

22 A. Yes.

23 Q. Did you look at her ethics folder?

24 A. I didn't look at it, no.

25 Q. And what about Gerald Gentile's ethics

1 officer for '06-'07?

2 A. Jasmine Arellano.

3 Q. Okay. And is his ethics folder at Flag?

4 A. Yes.

5 Q. Is his auditing folder at Flag?

6 A. Yes.

7 Q. And the same for Denise, her auditing
8 folder is at Flag?

9 A. Yes.

10 Q. All right. Now I'm into Section A of the
11 Notice of Deposition. Number one is the HCO PL 7. Did
12 you produce that?

13 A. Yes.

14 Q. Okay. I'm going to hand you what we've
15 marked as Exhibits before we started. And I'm going to
16 ask you -- well, here, let me just give you this one. I
17 think this is where you're going to find it. What
18 Exhibit Number is HCO PL 7, March '65, Offenses and
19 Penalties?

20 A. Exhibit number 7.

21 Q. HCO PL 20, October '91, which one is that?

22 A. That's the one that doesn't seem to exist.

23 Q. Is there anything that comes close?

24 A. Not that we were able to find.

25 Q. Okay. What about Number 3, HCO PL 27,

1 October '64, Policies on Physical Feeling and Sanity and
2 Sources of Trouble?

3 A. Exhibit Number 10.

4 Q. HCO PL 1, May 1965, Staff Member Reports?

5 A. Exhibit Number 8.

6 Q. HCOB 10, August '73, PTS handling?

7 A. Exhibit Number 9.

8 Q. HCOB 8, March '83, Handling PTs Situations?

9 A. Exhibit Number 4.

10 Q. HCOB, 31 December, '78. Outline of PTS
11 Handling?

12 A. Exhibit Number 5.

13 Q. HCOB, 10 September, '83, PTSness and
14 Disconnection?

15 A. Exhibit Number 6.

16 Q. HCO PL 6, December 1976, Illegal PCs
17 Acceptance of High Crime PL?

18 A. Exhibit Number 3.

19 Q. And all records, Internet postings or
20 documents and policies explaining the chaplain in
21 Scientology?

22 A. Exhibit Number -- I think there might be
23 more than one. Exhibit Number 11, Number 12, 13, 14,
24 15, 16. Yeah.

25 Q. Picture of Thomas Brennan in Freedom

1 magazine?

2 A. I wasn't able to locate any picture of
3 Thomas Brennan in the Freedom magazine.

4 Q. Tell me what steps you took to find or
5 search for his picture in a Freedom magazine.

6 A. I looked through the copies of Freedom
7 magazine that I have in my office. My office generates
8 Freedom magazine. So if he was in a Freedom magazine, I
9 would have expected to find it, but I didn't.

10 Q. How far did you go back?

11 A. I think the earliest ones were probably --
12 it was before 2000.

13 Q. So at least you have all the copies of
14 Freedom magazine from 2000 to 2000 -- and today?

15 A. No, no. There are Freedom magazines
16 produced in Los Angeles that I don't necessarily have
17 copies of.

18 Q. Okay. Are you the only one that looks for
19 his picture in a Freedom magazine?

20 A. No. Sarah Heller also looked.

21 Q. In your office?

22 A. Yes.

23 Q. So you didn't look beyond your office?

24 A. No. I don't know where else I would find a
25 copy except in my office.

1 Q. Freedom magazine you said is produced by
2 your office?

3 A. My office does produce Freedom magazines,
4 yes, but they're also produced in Los Angeles and
5 they're produced in Europe. They're produced in
6 Australia. They're produced in England. So I don't
7 really have access to all Freedom magazines. But if you
8 have one with Tom's picture in it, I can look at it or
9 something for you.

10 Q. Not yet.

11 A. Okay.

12 Q. My clients saw it. But the copyright on
13 the Freedom magazine, sometimes it's sent to my house.
14 It says, Flag Service Organization, Inc.

15 A. Right.

16 Q. So but you're not with Flag Service
17 Organization, Inc. So why is it generated in your
18 office? I'm -- I'm misunderstanding. It looks like it
19 anyway.

20 A. Yeah. I think that question had many parts
21 and I'm not sure which one to answer.

22 Q. Okay. Isn't it true that Flag Service --
23 well, FSO produces, publishes Freedom magazine?

24 A. Yes.

25 Q. Okay. Does OSA publish Freedom magazine?

1 A. Yes.

2 Q. Is it the same magazine?

3 A. OSA produces Freedom magazine, but as I
4 said also, they're produced in England and Los Angeles
5 and elsewhere as well. It's not uniquely produced by my
6 office.

7 Q. When Los Angeles produce the Freedom
8 magazine, is it the same as the Freedom magazine that
9 comes out of Clearwater?

10 A. No, not necessarily.

11 Q. Okay. Do they produce it the same month
12 and year?

13 A. Not necessarily.

14 Q. Are they copyrighted?

15 A. Yes.

16 Q. Are the magazines sent to the Library of
17 Congress in Washington D.C.?

18 A. I believe so.

19 Q. All right. The last thing we asked on
20 documents on A was the document and lecture recording of
21 L. Ron Hubbard entitled Analytical Mind dated August 28,
22 1950?

23 A. That's Exhibit Number 17.

24 Q. Did you produce a copy of the recording of
25 the lecture?

1 A. I produced a copy of the transcripts.

2 Q. Okay. We asked for the lecture recording
3 as well?

4 A. Where is that?

5 Q. Number 12 of Section A.

6 MR. POTTER: It's in the supplemental I
7 think. I think he's looking at the original
8 notice and you're looking at the amended notice.

9 MR. DANDAR: I'm sorry. Number 12?

10 BY MR. DANDAR:

11 Q Document and lecture recording.

12 A. I'm not sure if there is a lecture
13 recording.

14 Q. Did you look for one?

15 A. No. I can, though.

16 MR. ALVAREZ: I'm sorry to interrupt. Is
17 there an amended notice? I never received a copy
18 of it. In fact, the only notices I have would be
19 the original which looks like it's three pages.
20 An additional request in which there are 11
21 different types of items specified and then some
22 sort of supplementary request pertaining to this
23 particular lecture.

24 MR. DANDAR: I have one dated -- it's
25 called an Amended scheduling the deposition from

1 the 27th to today, the 29th of July. Did you get
2 that?

3 MR. ALVAREZ: Yeah, I never got that. And
4 it may not matter, but let me just for the
5 purpose of the record, I'll object in the sense
6 that I didn't -- I didn't receive sufficient
7 notice. I don't know if it will be an issue,
8 although I always have objections pertaining to
9 any religious communications, but again not
10 knowing exactly what has been added in the
11 Amended Notice, it's probably best for me to just
12 make that objection and state why.

13 MR. DANDAR: Well, I believe the addition
14 comes into the document entitled Additional
15 Requests, which is dated July something, 26th.

16 MR. ALVAREZ: Okay. And if you have, in
17 essence, in the amendment incorporated that
18 additional in the supplementary, and there's
19 nothing else, that's understood. But I'm just
20 not certain. I haven't seen the amended in other
21 words. For example, those that were specific to
22 Thomas Brennan.

23 MR. DANDAR: Well, we're going to get there
24 now.

25 MR. ALVAREZ: Add up to, yeah, they're more

1 than 6, and I don't know if you've added any
2 beyond that. And if not, then certainly my
3 objection is without the greatest of importance.

4 MR. DANDAR: Yeah. I got 12 for Thomas
5 Brennan.

6 MR. ALVAREZ: Yes. I've never seen
7 anything after 6, which 6 was copies of orders to
8 handle the P.T. Situations.

9 MR. DANDAR: Okay. So I apparently did
10 change it then.

11 MR. POTTER: Ken, we're flipping through
12 our documents, and it doesn't appear that we
13 received the Amended Notice that changed the date
14 of deposition. I know that you and I talked
15 about that and I know you told me you sent out a
16 notice, but I don't think I ever got it. What we
17 have is the original notice. We've got the
18 supplemental request and then we've got the
19 additional request. You obviously have a fourth
20 document.

21 MR. DANDAR: I have one dated the 26th --
22 22nd of July that I would have e-mailed you and
23 most likely faxed, but definitely e-mailed. So I
24 can always find that out if we need to. I don't
25 know if we need to, but we'll see what extra

1 documents --

2 MR. POTTER: The point is anything that's
3 on that document that's not on these other three,
4 we had no knowledge about so we're not going to
5 have produced today those documents. So far I
6 don't know that I've heard anything that was not
7 on the supplemental notice.

8 MR. DANDAR: Right. I may come up right
9 now.

10 MR. ALVAREZ: In fact, wouldn't it be wise
11 just to make a copy of the Amended Notice and let
12 us look at it as you ask those questions.

13 MR. DANDAR: Yes, it would be wise.

14 MR. ALVAREZ: I think mark it as an exhibit
15 as well.

16 MR. DANDAR: Very strange because these are
17 the only two I have for this deposition today and
18 you're telling me -- oh, here we go. Hold on.

19 MR. FUGATE: I'm looking here and I don't
20 see it.

21 MR. DANDAR: I just have two. One dated
22 July 22 and one dated July 26 so show me what you
23 have.

24 MR. POTTER: I've got one dated -- I've got
25 one that's not dated, okay.

1 MR. DANDAR: Okay, I'm writing on my
2 exhibit.

3 MR. POTTER: All right, Ken. You have to
4 apologize to everybody.

5 MR. DANDAR: Yes, I am sorry, but you'll
6 all want to know this answer anyway because I
7 just wrote down the exhibit numbers for each
8 thing. Okay, so.

9 MR. ALVAREZ: Well, why don't we just
10 strike it as an exhibit in the sense it doesn't
11 have any pertinence as an exhibit in the fact
12 that it's not the official notice, and that it
13 wasn't actually served. I mean we can keep it.

14 MR. DANDAR: I don't agree with you,
15 though, but I'm going to leave it marked as an
16 exhibit because it's the only two I have. And
17 you saw -- show me what you have that's different
18 from what I have and I'll --

19 MR. POTTER: I have the original one.

20 MR. DANDAR: Let me see it

21 MR. POTTER: Don't read all my little
22 notes. I said bad things about you so don't read
23 them.

24 MR. DANDAR: All right. This one is
25 dated--

1 MR. POTTER: It doesn't have a date, that's
2 the problem.

3 MR. DANDAR: Well, it's good. It's
4 undated.

5 MR. ALVAREZ: But notice it's on the first
6 page as well.

7 MR. POTTER: Here's a clean one.

8 MR. ALVAREZ: AS I look at this now, I
9 realize there's three pages.

10 MR. FUGATE: Mine is three pages.

11 MR. ALVAREZ: Right. So the original isn't
12 dated, and I don't know if it's complete at that
13 time, but it's three pages. It almost seems like
14 it skips, in fact, now that I look at it. It
15 goes from A, B to E. Go back to the original.

16 MR. POTTER: You're right.

17 MR. ALVAREZ: I'm sitting here and looking
18 at this and I'm saying, wait a second. It skips
19 A, B, E. So that's the original.

20 MR. POTTER: And then we have the notice of
21 supplemental. It's a two-page document. Now,
22 let's see, does it have a date? July 12.

23 MR. ALVAREZ: And that's the one in which
24 you requested the --

25 MR. POTTER: And July 12 is the one that

1 asks for the Analytical Mind. We got that and
2 then we produced Analytical Mind.

3 THE WITNESS: Does it ask for the
4 recording?

5 MR. DANDAR: It asks for the recording as
6 well.

7 BY MR. DANDAR:

8 A. It may not exist. These recordings from
9 1950, some of them there is a transcript, but there is
10 no tape.

11 MR. POTTER: Do you think the tape says
12 something that the transcript doesn't?

13 MR. DANDAR: Yes, actually I do.

14 MR. POTTER: Do you think maybe we hired
15 Rosemary Wood?

16 MR. DANDAR: She would have been about 15
17 at the time. No, I don't think so.

18 MR. ALVAREZ: Okay. And then lastly, Ken
19 for housekeeping purposes, there was a third
20 notice that was the additional request.

21 MR. DANDAR: Right.

22 MR. ALVAREZ: And it had 11 parts, and it
23 went out apparently on the 26th.

24 MR. DANDAR: Right. All of this is only to
25 Flag, okay. So let's keep going down the list of

1 the Amended Notice.

2 MR. ALVAREZ: Can I get a copy of that
3 before you --

4 MR. POTTER: That's the one we don't have.

5 MR. ALVAREZ: That's the one we don't have.

6 MR. DANDAR: All right.

7 MR. POTTER: If you want to go down it,
8 it's fine. It's just that we don't have it.

9 MR. DANDAR: All right, I'll tell you what.
10 Let's copy that original and I'll mark it as an
11 exhibit. Is there more than 3?

12 MR. POTTER: You can use these. These are
13 copies.

14 MR. DANDAR: Wait a minute. Do you have
15 the -- you know what, let's change that out.
16 Bring that back, the one I wrote on.

17 MR. POTTER: Wait a minute, I want to see
18 it.

19 MR. DANDAR: I put all the exhibit numbers
20 as Peter was talking here. So do you have an
21 extra one of these?

22 MR. POTTER: No, that's the one I never
23 got. I have no copies, zero.

24 MR. DANDAR: Let's go off the record.

25 (At this time a brief recess was taken.)

1 (At this time Plaintiff's Exhibit No. 20-22
2 were marked for identification.)

3 MR. DANDAR: All right. Off the record
4 we've gone through the -- several notices of
5 deposition for today. The first Notice of
6 Deposition has been marked as Exhibit 22. That
7 one consists of three pages, although it should
8 really consist of four pages. That one starts
9 out with A, Scientology, B, Thomas Brennan and
10 then the next page is E, removal and it's obvious
11 that C and D is missing which would be on Page 3.
12 Then --

13 MR. ALVAREZ: I would only add that it
14 wasn't obvious to me.

15 MR. FUGATE: It wasn't obvious to me.

16 MR. POTTER: It wasn't obvious to any of
17 us, Rick.

18 MR. DANDAR: Then -- let me get this in
19 order. On the 12th day of July, which is Exhibit
20 21, we sent out -- I sent out a notice of
21 supplemental request for duces tecum on the
22 corporate deposition, which back then was on July
23 27th, that's two pages. That only concerns the
24 Analytical Mind.

25 And then on July 22nd we sent out the

1 Amended Notice of Taking Corporate Video
2 Deposition Duces Tecum which contains all the
3 documents that I would have been requesting, and
4 it does include Section C for Denise and G for
5 Gerald Gentile. And that is Exhibit 19?

6 MR. POTTER: And that's the one that I did
7 not receive in totality. In other words, I
8 didn't receive any of that document.

9 MR. DANDAR: None of it? You didn't
10 receive any page?

11 MR. POTTER: Correct.

12 MR. ALVAREZ: And on behalf of Tom --

13 MR. POTTER: You told me verbally that you
14 had sent it out, and I knew the date had been
15 changed, but I never physically received a copy
16 of it.

17 MR. DANDAR: And then Exhibit 20 is
18 entitled Additional Request to Produce, and
19 that's dated July 26th, and that's marked as
20 Exhibit 20, and that's all four of them.

21 MR. POTTER: That one I did receive. I
22 received it two days ago and did not have time to
23 look for those documents or produce those
24 documents. So they're not produced today. And I
25 think it also -- yeah, it asks for the auditing

1 files which we did not -- which we, FSO, does not
2 have, and which are clearly subject to the
3 privilege.

4 MR. DANDAR: I also asked for the ethics
5 folders of Thomas Brennan with Denise Gentile in
6 February of '07. Paragraph Number 3.

7 MR. POTTER: Right. You asked -- you asked
8 for those. We have not produced them. We
9 believe that they are subject to privileges that
10 we previously listed, and the same is true with I
11 think Number 11. You're talking about ethics and
12 so sort of qual documents.

13 Again, these I have not had a chance to
14 look for or at. I assume that there probably
15 would be a claim of privilege to some or all of
16 the documents in response to Number 11. We may
17 or may not also have privileges asserted to
18 Number 9.

19 MR. DANDAR: Number 11 on Exhibit 20 asks
20 for any and all files, records and documents
21 concerning Thomas Brennan and/or Kyle Brennan
22 from ethics and/or qual, q-u-a-l, and/or D of P.
23 So let me ask Mr. Mansell.

24 BY MR. DANDAR:

25 Q. What is a folder or file that would be

1 entitled qual, q-u-a-l?

2 A. I'm guessing qual refers to the
3 Qualifications Division, which is an office of the
4 Church that deals with ensuring the quality of training,
5 but neither Thomas Brennan nor Kyle Brennan have a --
6 anything in that division. There are no files or
7 folders in the Qualifications Division.

8 Q. All right. What about D of P?

9 A. D of P, I assume you are asking about the
10 Director of Processing, which is an administrative
11 position in charge of auditing, but I'm not really sure
12 who that is asking about. But in any case for Thomas or
13 Kyle Brennan, to the extent that we were able to think
14 of what you might be referring to, we checked and there
15 are no records. The D of P -- D of P doesn't normally
16 have a file or a folder or anything like that. So I'm
17 not sure what you're asking for.

18 Q. Okay. Since we're on Exhibit 20, let's
19 just go for the rest of it. We'll just go backwards.

20 Knowledge report policy in effect in
21 February of 2007. Did you produce that?

22 A. No.

23 Q. Why not?

24 A. Well, as Mr. Potter said, we only received
25 this a couple of days ago.

1 Q. Did you -- did try to get these documents,
2 even though you received it on July 26 by email?

3 A. No.

4 Q. And hand delivery?

5 MR. POTTER: And hand delivery, what?

6 MR. DANDAR: That may be a mistake, but
7 email.

8 MR. POTTER: Ken, we received this two days
9 ago. I have not even had a chance to look at it.
10 Have not discussed it with my client. It's
11 untimely. You're supposed to give 30 days
12 production of documents. To the extent that we
13 need to object to it on that basis we do. We
14 simply have not had a time to look at these
15 documents. When we have these documents. We've
16 also not had time to determine whether or not we
17 claim privilege to them. Certainly there are
18 privilege issues with respect to 3, 4, 9 and 11.
19 Whether we will assert privilege to those
20 documents, I don't know. Obviously Number 3 we
21 don't even have. Those are up in the Church in
22 New York. We overall object to this on all of
23 those bases. You can ask him any questions you
24 want to about it, but we do not have them today.

25 MR. FUGATE: Well, for the record, although

1 this is directed to the corporate representative,
2 I just looked and as to email, if you faxed this
3 I was in Miami so it could possibly be in the
4 office, Exhibit 20, by fax, but it's not by
5 email. I just went back and looked. So I don't
6 know that that affects us, but we would have the
7 same objection.

8 MR. ALVAREZ: And obviously since most
9 of these requests go to Tom Brennan's pursuit of
10 spiritual counsel, I would join in the
11 objection on that basis, as well as the
12 administrative basis, including late notice and
13 such.

14 BY MR. DANDAR:

15 Q. The PTS SP course check sheet. Are you
16 claiming privilege on a paper that's just a form?

17 MR. POTTER: Ken, I have not had a chance
18 to look at these documents. I don't know what
19 they are. I don't know if I have a claim of
20 privilege or not. I tried to list the ones that
21 I'm looking at now, and saying that there may or
22 may not be a claim of privilege. If Number 4 is
23 simply a course check sheet, I don't think
24 there's any claim of privilege to it. But I
25 don't know. I haven't seen the document.

1 Haven't had a chance to look for it.

2 BY MR. DANDAR:

3 Q. Did -- Mr. Mansell, did any ethics officer
4 at Flag communicate with Mr. Thomas Brennan concerning
5 his son?

6 MR. POTTER: Well, I would instruct him not
7 to answer that question on the same basis that I
8 previously instructed him not to ask (sic) that
9 or a very similar question. You're trying to get
10 to the subject matter of the substance of
11 conversations between Mr. Brennan and I think Mr.
12 Matteo (sic).

13 MR. DANDAR: Yes.

14 MR. POTTER: And we are asserting privilege
15 to those communications.

16 BY MR. DANDAR:

17 Q. Did you produce the accounting records of
18 Mr. Thomas Brennan?

19 MR. POTTER: Which one are you referring
20 to, Ken?

21 MR. DANDAR: Exhibit 22. Paragraph B4.
22 That's the original --

23 MR. POTTER: Show it to me. I can't find
24 it over here. The original one for which one?

25 MR. DANDAR: Thomas Brennan B4.

1 MR. POTTER: You can ask Mr. Mansell, but I
2 think there were no documents responsive to
3 Number 4.

4 MR. DANDAR: Did you just answer the
5 question for him?

6 BY MR. DANDAR:

7 A. But, anyway, that's correct. There are no
8 accounting records. He has never made any donations to
9 Flag for services or books or courses or anything.

10 Q. Did you look for any dispatches or
11 knowledge reports concerning Kyle Brennan from any
12 source other than the one you produced from Jerry
13 Gentile?

14 A. Yes.

15 Q. Were there any other dispatches or
16 knowledge reports concerning Kyle Brennan?

17 A. Yes.

18 Q. Where are they?

19 A. They are in my office currently.

20 Q. And why didn't you produce them?

21 A. They are covered in the privilege log.

22 MR. POTTER: In other words, we're
23 asserting privilege to them, Ken.

24 MR. DANDAR: We'll get to the privilege log
25 pretty soon. What I want to do is go through the

1 request to produce and then we'll go to the
2 privilege log.

3 MR. POTTER: I understand. I'm just saying
4 we're claiming privilege to those.

5 BY MR. DANDAR:

6 Q. What's the difference between a dispatch
7 and a knowledge report?

8 A. A dispatch is simply a message on any
9 subject. A knowledge report is a report you are -- that
10 a person would write to communicate some knowledge about
11 a subject that the author of the report thinks is of
12 relevance to the ethics department.

13 Q. Did you look or search for any ethics
14 orders issued by a Flag ethics officer?

15 A. Yes.

16 Q. Did you find any?

17 A. No.

18 Q. This is my copy.

19 MR. POTTER: A copy of what?

20 MR. DANDAR: My original notice of taking
21 the deposition.

22 MR. POTTER: The one with the missing page
23 or the one without the missing pages?

24 MR. DANDAR: Don't confuse me.

25 BY MR. DANDAR:

1 Q. Okay. Number 3, account records showing
2 FSM commissions paid to Denise Gentile and/or Flag or
3 anyone else related in any way to Thomas Brennan or Kyle
4 Brennan. Did you look for those?

5 A. Yes.

6 Q. Did you find any?

7 A. No.

8 Q. Okay. Number 4, accounting records, ethics
9 course, PTS course and/or charges for ethics handling
10 concerning Thomas Brennan?

11 A. There are no such records.

12 Q. Number 5, copies of any PTS interview with
13 Thomas Brennan?

14 A. No such record.

15 Q. Copies of orders to handle the PTS
16 situation or disconnect in 2006 and 2007 to the present
17 that has anything to do with Thomas Brennan?

18 A. No such records.

19 Q. Number 6, copies of orders to handle the
20 PTS situation or disconnect in 2006-2007 to the present
21 concerning Thomas Brennan?

22 A. That's the same question. But again no
23 such record.

24 Q. Number 7, KR's from 2006 to the present,
25 course work, completions, hats concerning Thomas

1 Brennan?

2 A. Knowledge reports, there are some listed in
3 the privilege log. Course work I don't really know what
4 that means. Completions, I don't really know what that
5 means. And hats, you'd have to explain what you mean.

6 Q. As defined in Scientology? All these words
7 are used in Scientology as far as I know?

8 A. Well, a hat is somebody's position, and Tom
9 Brennan never held a position at Flag. So there would
10 be no record of anything like a hat.

11 Q. What about completions?

12 A. Legs of what, I'm not sure what you mean?

13 Q. Courses at Flag?

14 A. He never did a course at Flag.

15 Q. What about when he was participating with
16 the Denise in her class, auditing class, does he get
17 anything for that? Any piece of paper?

18 A. No.

19 Q. Number 8, copies of FSM selection slip
20 showing that Denise Gentile selected Thomas Brennan?

21 A. I checked. There are no such documents.

22 Q. Copies of ethics reports in Jerry Gentile's
23 file from 2006 to the present?

24 A. There are no such documents.

25 Q. Copies of ethics reports on the daily

1 progress status of handling Kyle Brennan?

2 A. No such documents.

3 Q. Copies of any ethics programs written
4 directing the handling of Kyle Brennan?

5 A. No such documents. Oh, no, I think there
6 may be something similar to that in the privilege log.

7 Q. Twelve, ministers course and/or completion
8 concerning Thomas Brennan?

9 A. No such record.

10 Q. And that's because it's not at Flag? It
11 could be somewhere else like in Tampa but not at Flag?

12 A. It could be. I'm not -- yeah, I don't
13 know.

14 Q. All right. E, E, how did we get to E.
15 This one is missing a page, yeah. Ask for -- are there
16 any documents that were removed or destroyed or
17 misplaced concerning records or documents on Thomas
18 Brennan or Kyle Brennan?

19 A. No.

20 Q. Not to repeat myself, but I'm now looking
21 at Exhibit 19. What I added on there is -- it's
22 actually the same, okay.

23 On Exhibit 19 I'm just going to add on what
24 was left off of Exhibit Number 22 according to Mr.
25 Potter and Mr. Fugate and Mr. Alvarez. And that's the

1 same type of documents that I asked for concerning
2 Thomas Brennan. I'm now asking concerning Denise and
3 Gerald Gentile.

4 Are there any dispatches or knowledge
5 reports to and from Flag or Narconon or anyone from 2006
6 to the present concerning Kyle Brennan or Thomas Brennan
7 in any folders of Denise Gentile?

8 A. No.

9 Q. Did you look?

10 A. I had somebody look.

11 Q. And there were no knowledge reports at all
12 concerning Kyle or Thomas Brennan in Denise Gentile's
13 folders?

14 A. No.

15 Q. Files or anything?

16 A. None.

17 Q. All right. Any ethics orders issued by
18 Flag ethics officers, MAA, from 2006 to the present
19 concerning Denise Gentile?

20 A. I actually didn't check that.

21 Q. Why not?

22 A. I wasn't asked to.

23 MR. POTTER: Because we didn't receive the
24 request.

25 BY MR. DANDAR:

1 Q. All right, all right. Did you look at any
2 -- if any FSM commissions were paid to Denise Gentile
3 and/or Flag or anyone else related in any way to Thomas
4 Brennan or Kyle Brennan?

5 A. Yeah.

6 Q. Were there?

7 A. No.

8 Q. In this case Denise Gentile testified that
9 she recommended or referred to the mother, Victoria
10 Britton, that Kyle Brennan go to Narconon and that was
11 declined?

12 MR. FUGATE: Objection to form.

13 BY MR. DANDAR:

14 Q. Had -- if -- if Kyle Brennan had gone to
15 Narconon for treatment as recommended by Denise Gentile,
16 would Denise Gentile have received some type of
17 commission from that?

18 MR. POTTER: Objection. Calls for
19 speculation, but you can answer if you can.

20 BY MR. DANDAR:

21 A. I have no idea. Not from -- she wouldn't
22 receive a commission from Flag. I have no idea what
23 Narconon does or doesn't do.

24 MR. FUGATE: And I object to the form
25 because that's not what she said.

1 BY MR. DANDAR:

2 Q. Did you look or do you know if there are
3 any ethics reports of Denise Gentile's ethics folder
4 concerning Thomas Brennan or Kyle Brennan?

5 A. There are no reports.

6 Q. Are there any paperwork of any kind,
7 description in Denise Gentile's folders concerning
8 Thomas Brennan and/or Kyle Brennan?

9 A. Not that I'm aware of as far as I know, no.

10 Q. Did you look?

11 A. I had somebody look in her ethics folder,
12 and there are no reports there.

13 Q. I don't want to get caught up on words.
14 You said reports, but is there any paper at all of any
15 kind?

16 A. No.

17 Q. Did you look in the --

18 MR. POTTER: Well, wait, wait, wait.
19 You're asking papers regarding Tom Brennan or
20 Kyle Brennan?

21 MR. DANDAR: Right.

22 BY MR. DANDAR:

23 A. In Denise's ethics file, no.

24 Q. Did you look in her auditing folder?

25 A. No.

1 Q. Why not?

2 A. Wasn't asked to do so.

3 Q. What about Gerald Gentile, were there any
4 copies of dispatches or knowledge reports in his -- in
5 any of his files or records that would have anything to
6 do with Kyle Brennan or Thomas Brennan other than the
7 one you produced today?

8 A. No.

9 Q. And the one you produced today, is that in
10 Gerald Gentile's file?

11 A. No.

12 Q. How did you discover that?

13 MR. POTTER: Asked and answered, but go
14 ahead.

15 BY MR. DANDAR:

16 A. It's in my office.

17 Q. But how did it get -- I mean is it in a
18 folder marked something?

19 A. Yeah.

20 Q. What's it -- what's the folder called?

21 A. It's in one folder that says Thomas --
22 Thomas Brennan, the name.

23 Q. And what kind of folder is that?

24 A. Just a manila -- simple manila folder.

25 Q. Did you get that before or at the time that

1 that knowledge report was written in February of '07?

2 MR. POTTER: Objection, asked and answered.

3 BY MR. DANDAR:

4 A. Sometime shortly after that. I don't know
5 the exact date.

6 Q. All right. Did you look to see if there
7 were any type of PTS interviews with Denise Gentile,
8 Gerald Gentile or Thomas Brennan concerning Kyle
9 Brennan?

10 A. Yes.

11 Q. Where did you look?

12 A. In -- I didn't look, but I had somebody
13 look in their ethics files.

14 Q. Their files?

15 A. Yes.

16 Q. And were there any?

17 A. No.

18 Q. What is PTS?

19 A. It's an abbreviation for potential trouble
20 source, which is a condition meaning that the person is
21 connected to somebody who is hostile or antagonistic to
22 them, and, therefore, that may develop into trouble. So
23 it's a potential trouble source.

24 Q. Is it a potential trouble source to the
25 person or to the Church?

1 A. Could be anything.

2 Q. If Kyle Brennan is in his father's
3 apartment on Cleveland Street a block from Flag, and he
4 is taking an antidepressant prescribed by his
5 psychiatrist known as Lexapro, does that make Kyle
6 Brennan a potential trouble source?

7 A. Sorry. Does it make Kyle Brennan a
8 potential trouble, no.

9 Q. Does it make Thomas Brennan a potential
10 trouble source?

11 A. No, no.

12 Q. Does it make Denise Gentile a potential
13 trouble source?

14 A. No.

15 Q. Does it make either of the three of them a
16 suppressive person?

17 A. No.

18 Q. All right. I'm looking at your privilege
19 log handed to me at the start of the deposition dated --
20 not dated, but marked as Exhibit 1. The first entry --
21 the first entry is dated May 3, 2006. It's described --
22 it's described as a written report requesting approval
23 for Tom Brennan to receive auditing at the Church of
24 Scientology Flag Service Organization, Inc.

25 First of all, it says it's from the ethics

1 officer Thomas Brennan with background information.

2 What ethics officer is that?

3 A. Matteo.

4 Q. Did Thomas Brennan receive auditing at Flag
5 in May of '06?

6 MR. POTTER: In May of '06?

7 MR. DANDAR: That's what it says. That's
8 what the date of the document is anyway?

9 BY MR. DANDAR:

10 A. I believe so, yes.

11 Q. Who was his auditor?

12 A. Denise Gentile.

13 Q. Was this part of a class or is it as an
14 auditor outside of a class?

15 A. It was part of Denise's training to be an
16 auditor.

17 Q. And does that mean it's part of a class, a
18 course?

19 A. Yeah.

20 Q. Is it a Class 4 auditor course?

21 A. Yeah.

22 Q. Now, the next item it says May 5 a written
23 report concerning Tom Brennan's eligibility. Additional
24 information from Thomas Brennan to FSO ethics officer.
25 The ethics officer again would be Matteo?

1 A. Correct.

2 Q. Now, Karine, K-a-r-i-n-e, Howd, H-o-w-d,
3 OSA?

4 A. Yes.

5 Q. Does she work for you?

6 A. Yes.

7 Q. She still does?

8 A. Yes.

9 Q. What does she do? What's her position at
10 OSA?

11 A. She supervises the people who are receiving
12 services at Flag from the viewpoint of their eligibility
13 and appropriateness of services.

14 Q. All right. And the third item down says
15 September 7th of '06, a written report from Tom
16 Brennan's ethics officer to the case supervisor. What
17 ethics officer is that?

18 A. Matteo Rosetti, R-o-s-e-t-t-i.

19 Q. And who is the case supervisor?

20 A. Marissa Jenson.

21 Q. Okay. I see that, all right. Did Thomas
22 Brennan continue to receive auditing from Denise Gentile
23 from May of '06 through the end of '06?

24 A. I don't have records of the exact dates,
25 but it was I think sporadic or infrequent.

1 Q. How do you know that?

2 A. I'm not sure where I've read that. It
3 might have been the, you know, comments that she made in
4 her statements in the police investigation maybe.

5 Q. No. She only said she was a friend when
6 she was investigated or interviewed by Detective
7 Bohling?

8 A. In that case I think it's probably from
9 these reports.

10 Q. Okay.

11 A. Yeah.

12 Q. So let me ask you this. When Tom Brennan
13 sends an information to get approval to have auditing at
14 Flag, and it goes to your office, does that mean your
15 office is the ultimate authority to say yes or no?

16 A. Yes.

17 Q. And is that decision to say yes or no based
18 upon his background information that he supplies?

19 A. Yes.

20 Q. Does it -- and the reason -- does it have
21 anything to do with what prior courses or things that he
22 has done within Scientology?

23 A. That could be taken into account.

24 Q. Okay. Number 4, which is on the top of the
25 second page. It's dated January 13, 2007. This is a

1 report from Denise Gentile to the ethics officer,
2 Matteo, concerning furtherance of Tom Brennan's
3 auditing, correct?

4 A. Yes.

5 Q. Under what circumstances does an ethics
6 officer get involved in reviewing a parishioner's
7 auditing file?

8 A. If the parishioner is discussing something
9 in auditing that requires the parishioner to do
10 something that he may need the assistance of an ethics
11 officer to resolve, then the preclear would go to see
12 the ethics officer.

13 Q. And is that a decision about needing to see
14 the ethics officer made by the auditor or the case
15 supervisor?

16 A. Usually the auditor.

17 Q. Okay. So Denise wrote a report to the
18 ethics officer on Thomas Brennan on January 13, January
19 15, January 16, as reflected on Page 2 of the privilege
20 log, correct?

21 A. Correct.

22 Q. She also made a report to Matteo, the
23 ethics officer, concerning Tom Brennan on January 17,
24 '07, January 26, '07 and January 30th of '07, correct?

25 A. No.

1 Q. Did I mess up? I'm sorry. Let's start
2 over again. She also made a report to the ethics
3 officer on January 17th of '07?

4 A. Correct.

5 Q. And then on January 26th of '07, she made a
6 report -- I'm sorry. On January 26th, '07, the ethics
7 officer made a report to the case supervisor concerning
8 Thomas Brennan, right?

9 A. Yes.

10 Q. Okay. And that case supervisor was Marissa
11 Jenson?

12 A. Correct.

13 Q. Okay. And that's how you spell her name?

14 A. Yes.

15 Q. All right. And then he also four days
16 later on January 30th of '07 made a report to the ethics
17 officer to Marissa Jenson, the case supervisor, about
18 Tom Brennan?

19 A. Could you say that again. I think I was a
20 bit confused.

21 Q. Okay. On January 30th of '07 Matteo, the
22 ethics officer at Flag, made a report concerning Tom
23 Brennan to the case supervisor, Maria (sic) Jenson?

24 A. Yes.

25 Q. And then the next page shows February 6,

1 February 7, and February 12 of '07, Denise Gentile, the
2 auditor, is making a report to the ethics officer
3 concerning Tom Brennan?

4 A. Correct.

5 Q. And isn't it true that those reports, all
6 or at least one of them, concern Kyle Brennan?

7 MR. ALVAREZ: Object to the form. And also
8 objection on the basis of privilege in regards to
9 it goes to the content of religious
10 communications, namely those by Thomas Brennan
11 for purposes of spiritual counsel.

12 MR. POTTER: I will instruct the witness
13 not to answer that question because it requires
14 him to disclose the substance or subject matter
15 of privileged communications.

16 BY MR. DANDAR:

17 Q. Turning the page, on February 13, 2007,
18 Denise Gentile, the auditor, at Flag makes a report to
19 the ethics officer, Matteo, in furtherance of Tom
20 Brennan's auditing, is that correct?

21 A. Yes.

22 Q. And on February 15, 2007, there's something
23 called the list of actions prepared by Tom Brennan and
24 his ethics officer, Matteo, is that correct?

25 A. Correct.

1 Q. Is there a policy or document within
2 Scientology that lists ethics folders as privileged?

3 MR. ALVAREZ: Objection to form.

4 BY MR. DANDAR:

5 A. Would you mind repeating it? Is there --
6 is there a what, a document?

7 Q. Is there a document of any type or nature
8 within Scientology that lists an ethics folder as being
9 a privileged document?

10 A. I actually haven't looked for such document
11 so I don't really know. It's possible.

12 Q. Is there such a writing in Scientology that
13 says the auditing files are privileged?

14 A. I'm sure it's written somewhere.

15 Q. You don't know?

16 A. I'm sure there's a document that would say
17 that, yes.

18 Q. But you're not able to identify such a
19 document, right?

20 A. Not without looking for it, no.

21 Q. What -- I'm not asking about content or
22 subject matter, but what is a lift of actions? What
23 does that mean?

24 A. It would be the subjects that the ethics
25 officer and the parishioner have worked out that the

1 parishioner should do.

2 Q. All right. That's dated February 15th of
3 2007. Do you agree with me that that is the only time
4 something called a list of actions prepared by Tom
5 Brennan and the ethics officer appear in the privilege
6 log?

7 A. Yes.

8 Q. Are you aware that that is the date that
9 Thomas Brennan locked up his son's Lexapro in the trunk
10 of his car?

11 MR. ALVAREZ: Objection to form.

12 BY MR. DANDAR:

13 A. No.

14 Q. In fact, isn't that listed on the list of
15 actions on February 15, 2007, for Tom Brennan to do is
16 put the medicine Lexapro in the trunk of his car?

17 MR. POTTER: I object to the question
18 because it calls for him to divulge the content
19 and/or the subject matter of privileged
20 communications, and I instruct the witness not to
21 answer.

22 BY MR. DANDAR:

23 Q. Are you going to listen to your lawyer?

24 A. Yes, I am.

25 Q. If there's a PTS situation involving Thomas

1 Brennan, is it the ethics officer who informs Thomas
2 Brennan to handle the situation?

3 MR. POTTER: Object to the form. Calls for
4 speculation. Call for hypothetical as well.

5 BY MR. DANDAR:

6 A. Can you give it to me again. I actually
7 don't understand it.

8 Q. Does part of the functions of an ethics
9 officer to a parishioner include telling the parishioner
10 how to handle a situation?

11 A. No.

12 Q. Does the ethics officer tell the
13 parishioner how to handle a PTS situation?

14 A. No.

15 Q. Is there anyone within the Church of
16 Scientology that would tell a parishioner how to handle
17 a PTS situation?

18 A. No. The ethics officer might help.

19 Q. Recommend?

20 A. Or show him the policies that we produced
21 today.

22 Q. Can a PTS situation interfere with a
23 parishioner's being able to continue taking courses?

24 A. It could, but not necessarily.

25 Q. Now, as I'm reading your privilege log, it

1 jumps, my word, from February 15, '07, to March 15, '07,
2 and forward?

3 A. Yeah.

4 Q. Are you communicating for us and the Court
5 that there's no documents, records of any kind, shape or
6 form involving Kyle Brennan or Thomas Brennan after
7 February 15th of '07 up to the beginning of March 15,
8 '07?

9 A. No. Because this one is in between.

10 Q. That's the knowledge report of Mr. Gentile,
11 right?

12 A. Yeah.

13 Q. Okay. But there's nothing else?

14 MR. POTTER: There's no other documents
15 that we're claiming privilege to.

16 BY MR. DANDAR:

17 Q. All right. Are there any other documents
18 generated from any source anywhere involving the Church
19 of Scientology, Thomas Brennan and/or Kyle Brennan after
20 February 15th of '07 excluding the Gentile's knowledge
21 report up to February 15th of '07?

22 MR. POTTER: I object to the question as
23 vague. Lacks foundation. Calls for the witness
24 to speculate.

25 BY MR. DANDAR:

1 Q. I'm not asking you to speculate, that's
2 number one. Lacks foundation. Are there any records or
3 documents of any kind anywhere that you know about?

4 A. No.

5 MR. POTTER: Okay, that's it. You laid the
6 foundation.

7 BY MR. DANDAR:

8 Q. Are you aware of any records or documents
9 that have been misplaced concerning Tom Brennan and Kyle
10 Brennan?

11 A. No.

12 Q. Are you aware of any documents that have
13 been destroyed, culled from the files or destroyed
14 concerning Thomas Brennan or Kyle Brennan?

15 A. No.

16 Q. Were you involved in the writings of the
17 article in Freedom magazine concerning Amy Scobee?

18 A. No.

19 Q. Were you involved in authorizing the
20 publication of the Freedom magazine which talked about
21 Amy Scobee?

22 A. No.

23 Q. Who was?

24 A. I don't know. It wasn't produced at the
25 Flag Service Organization.

1 Q. Where was it produced?

2 A. In California.

3 Q. Are you aware that the information
4 contained in the article published by Freedom magazine
5 on Amy Scobee contained material from her auditing file?

6 A. No.

7 MR. POTTER: I'm going to object to this
8 entire line of questioning because it's not on
9 the 30(b)(6) notice. You're essentially now
10 asking this witness for his personal information
11 as opposed to asking Flag for its information on
12 these topics. I'm not going to instruct him not
13 to answer, but first of all the questions are all
14 irrelevant. Second of all, it's not within the
15 30(b)(6) notice.

16 MR. DANDAR: Time for lunch.

17 MR. ALVAREZ: May I ask our general plan
18 for the afternoon so that -- this is off the
19 record.

20 (At this time a brief recess was taken.)

21 BY MR. DANDAR:

22 Q. In Scientology what is the definition of
23 enemy?

24 A. I think it's more or less the same as the
25 normal English definition. Meaning someone or something

1 that has hostile intentions towards you or -- yeah.

2 Q. Is Kyle Brennan seeing a psychiatrist and
3 taking a psychiatric drug for depression, is he in a
4 lower condition known as enemy?

5 A. No.

6 Q. Why not?

7 A. I don't know how to answer why not. He
8 just isn't so.

9 Q. Is it because he's not a Scientologist or
10 it some other reason?

11 A. No. Because it's got nothing -- there's no
12 connection.

13 Q. Is enemy a lower condition in Scientology?

14 A. Yes.

15 Q. Is it the lowest of the lower conditions?

16 A. No.

17 Q. What's the lowest?

18 A. Confusion.

19 Q. Kyle Brennan's uncle recently testified
20 that he was called an enemy. Kyle was called an enemy
21 by Tom Brennan's wife Wendy when Kyle visited Wendy and
22 Tom Brennan in the summer of 2006.

23 Do you have any knowledge as to why
24 Brennan's wife would have called Kyle Brennan an enemy?

25 A. No.

1 Q. What is the code of a Scientologist?

2 A. It's a code, meaning a set of principles or
3 precepts that exemplify the way a Scientologist is
4 expect to conduct himself.

5 Q. Does a Scientologist who follows the code
6 of a Scientologist have the obligation to report someone
7 that they know to be on a psychiatric drug?

8 A. No.

9 Q. Does Denise Miscavige have a duty under the
10 code of Scientologists to report Kyle Brennan being on a
11 psychiatric drug?

12 MR. FUGATE: Object to the form of the
13 question and it's Denise Gentile.

14 MR. DANDAR: What did I say?

15 MR. FUGATE: Miscavige.

16 BY MR. DANDAR:

17 Q. I'm sorry. Denise Gentile does not have an
18 obligation to report Kyle Brennan being on a psychiatric
19 drug?

20 A. No.

21 Q. Does Denise Gentile, as a Scientologist and
22 according to the code of a Scientologist, have a duty to
23 report her PC, Tom Brennan, has a son in his apartment
24 here in Clearwater a block from Flag who is on street
25 drugs?

1 A. No.

2 Q. Does she have the duty to report if Kyle
3 Brennan, if she knows, is on Lexapro, an antidepressant
4 psychotropic drug?

5 A. No.

6 Q. Is it out ethics for Denise Gentile not to
7 report Kyle Brennan living with his father a block from
8 Flag on an antidepressant?

9 MR. FUGATE: Objection to form --

10 THE COURT REPORTER: I didn't hear you,
11 Lee.

12 MR. FUGATE: Objection to the form of the
13 question.

14 MR. POTTER: Would you mind repeating it.

15 BY MR. DANDAR:

16 Q. Is it out ethics for Denise Gentile or
17 Thomas Brennan to fail to report that the son, Kyle
18 Brennan, is visiting, and he has connected to a
19 psychiatrist and taking the drug Lexapro for
20 antidepression (sic)?

21 A. No.

22 Q. Is it a crime for a Scientologist to take
23 an antidepressant psychiatric, psychotropic drug?

24 A. No.

25 Q. In the document entitled Keeping

1 Scientology Working, does Mr. Hubbard make it clear that
2 a Scientologist should not condone the psychiatric abuse
3 of drugs?

4 A. Not that I recall. I think the answer is
5 no.

6 Q. Are the documents that are in the privilege
7 log on the first page authored by the ethics officer,
8 Matteo Rosetti, to OSA, Karine Howd, are those knowledge
9 reports?

10 A. No.

11 Q. Do they have any title?

12 A. Not that I recall.

13 Q. On Page 2 of the privilege log, January 13,
14 '07, through the next page, January 17, '07. All of
15 those listed reports authored by Denise Gentile
16 concerning Thomas Brennan, are those knowledge reports,
17 all of them going to the ethics officer, Matteo Rosetti?

18 A. From my recollection I believe they're
19 entitled session reports.

20 Q. Okay.

21 A. Meaning auditing session.

22 Q. The report of January 26, '07, from the
23 ethics officer, Matteo, to the case supervisor, Marissa
24 Jenson, what's the name of that report?

25 A. I don't believe it has a title.

1 Q. Same for January 30, '07?

2 A. Yes.

3 Q. The February 6, '07 report from Denise
4 Gentile to the ethics officer at Flag, Matteo Rosetti,
5 what's the title of that report?

6 A. I believe that one also says session
7 report, I think.

8 Q. Is that the same for February 7 and
9 February 12?

10 A. Yes.

11 Q. Do you know if Denise Gentile made a report
12 of any type concerning her telephone call with Victoria
13 Britton when she talked about Narconon?

14 A. Not that I'm aware of. I don't think so,
15 no.

16 Q. Now, you produced a knowledge report
17 written by a Jerry Gentile. Do you have one that was
18 written by Denise Gentile?

19 A. No.

20 Q. Are these all session reports from Denise
21 Gentile to the ethics officer, Matteo Rosetti, on
22 February 7, February 12, February 13?

23 A. Oh, I'm sorry. Was that a question?

24 Q. Yeah. There was a question mark at the end
25 of that.

1 MR. POTTER: I'm sorry, we missed it.

2 BY MR. DANDAR:

3 Q. I'm sorry. Are those all session reports?

4 A. I believe so, yes.

5 Q. And the one on February 15, the list of
6 actions between the ethics officer and Tom Brennan, what
7 do you call that?

8 A. I don't believe it has a title.

9 Q. How many miscellaneous documents are there
10 from March 16, '07, forward concerning Kyle Brennan?

11 A. A small number. I don't know the exact
12 number.

13 Q. And all these documents go from Flag to
14 Flag's counsel, attorneys?

15 A. Yes.

16 Q. Did CCHR get involved at all with Kyle
17 Brennan?

18 A. I guess the answer is I don't know. I
19 didn't check, but certain there's -- I have no knowledge
20 or information that they did.

21 Q. Is the drug Lexapro an antipsyche drug
22 within the understanding of the Church of Scientology?

23 A. An antipsyche drug? I don't think so.

24 Q. Is Lexapro a drug that is considered should
25 not be used by a Scientologist?

1 A. I'd say it's safe to say it wouldn't be
2 recommended for a Scientologist to take it.

3 Q. Would a Scientologist be violating the
4 statement in the Keeping Scientology working which
5 states closing the door on any possibility of incorrect
6 technology if they were living with a person who was
7 taking a psychiatric drug such as Lexapro?

8 A. No.

9 Q. Isn't it true that in the Introduction of
10 the Scientology ethics book it states that a
11 Scientologist must either handle or disconnect when it
12 comes to dealing with an SP?

13 A. Well, I don't have a copy of the book with
14 me, but -- so it's hard to answer.

15 Q. You really don't know the answer to that?

16 A. The question was it states what?

17 Q. When it comes to dealing with a suppressive
18 person that you either handle or disconnect?

19 A. Yeah. It's fair to say.

20 Q. And if a Scientologist is connected to a
21 SP, that Scientologist is PTS, correct?

22 A. Yes.

23 Q. And if that Scientologist is PTS, then that
24 Scientologist may not be able to continue on line,
25 correct?

1 A. Not correct.

2 Q. Why not?

3 A. The why not questions are difficult to
4 answer.

5 MR. FUGATE: Well, just for the sake of
6 moving this along I'll object because this is a
7 30(B)(6) deposition. He's not an expert and just
8 to read documents and ask him his opinion I think
9 is improper for the sake of moving this along.

10 BY MR. DANDAR:

11 Q. CCHR is in Division 6?

12 A. No.

13 Q. It's not?

14 A. Huh-uh.

15 Q. Is it against the Scientologist code to --
16 for a Scientologist in good standing to live in the same
17 apartment with someone who is taking a psychotropic drug
18 such as Lexapro?

19 A. No.

20 Q. Is it out ethics to do that?

21 A. To do what?

22 Q. To live in the same place with someone who
23 is on a psychotropic drug such as Lexapro?

24 A. No.

25 Q. Is it out ethics not to report that to an

1 ethics officer that you're connected to someone who is
2 on a psychotropic drug?

3 A. No.

4 Q. Who has possession of the list of actions
5 between Thomas Brennan and Matteo Rosetti?

6 A. The documents?

7 Q. Yeah.

8 A. I do.

9 Q. When did you receive it?

10 A. In the process of responding to this
11 notice.

12 Q. Was it in your office or did you have to
13 retrieve it from someone?

14 A. I had to retrieve it from the ethics file.

15 Q. And who had the ethics file?

16 A. Sarah retrieved it from the ethics office.

17 Q. Okay. At Flag?

18 A. Yes.

19 Q. Is that in the Coachman building?

20 A. Yes.

21 Q. Okay. All right. Is it policy to report
22 PTS SP situations?

23 A. I think that would depend on the situation.

24 Q. If the situation is truly a PTS SP
25 situation, is it policy to report it?

1 A. As I said, it would depend on the
2 situation.

3 Q. If the situation, though, however was a PTS
4 SP situation, wouldn't you have -- wouldn't the policy
5 be to report it?

6 MR. POTTER: Object to the form of the
7 question because it's argumentative.

8 MR. DANDAR: No, it's not.

9 MR. POTTER: It is. The tone was
10 argumentative. He's answered the question
11 twice--

12 BY MR. DANDAR:

13 Q. What does it depend on? What does it
14 depend on?

15 A. It would depend on the circumstances.

16 Q. Such as what?

17 A. If the lady that lives across the road from
18 you appears to be a suppressive person who is making her
19 son's life miserable, I don't think I would have any
20 obligation to report that to anybody.

21 Q. Isn't it true that Denise Gentile reported
22 that Thomas Brennan's son was taking Lexapro?

23 MR. ALVAREZ: Objection to the degree that
24 that report is a result of Tom Brennan's pursuit
25 of spiritual counseling.

1 MR. POTTER: Yeah. To the extent it's
2 necessary for you to divulge any privileged
3 communications in order to answer that question,
4 I would instruct you not to answer it. If you
5 can otherwise answer it, then you may do so.

6 BY MR. DANDAR:

7 A. Okay. Would you mind repeating the
8 question.

9 Q. Did Denise Gentile report that Thomas
10 Brennan's son Kyle Brennan was using Lexapro?

11 MR. POTTER: Okay. And are you asking if
12 she reported this to an ethics officer or --

13 MR. DANDAR: Anybody, anywhere, anytime?

14 MR. POTTER: Clearwater Police Department?

15 MR. DANDAR: Anyone, anywhere, anytime.

16 MR. POTTER: In that case your question
17 lacks foundation.

18 MR. DANDAR: Do you want me to be more
19 specific?

20 MR. POTTER: I don't think he went over and
21 read the police department's files.

22 BY MR. DANDAR:

23 Q. Other than the police department, which she
24 didn't report to, did Denise Gentile report to anyone
25 concerning Kyle Brennan's use of Lexapro?

1 MR. POTTER: Object to the form. Vague.
2 Lacks foundation.

3 MR. ALVAREZ: And my prior objection,
4 please.

5 MR. POTTER: And the instruction still
6 stands. If he has to refer to privileged
7 communications in order to answer that, then he's
8 instructed not to.

9 BY MR. DANDAR:

10 A. I'm not aware of any anyway.

11 Q. Did Thomas Brennan report to anyone at
12 Scientology about his son using Lexapro?

13 MR. ALVAREZ: Same objection on religious
14 bases.

15 MR. POTTER: Same instruction and same
16 objection in terms of being vague and lacks
17 foundation.

18 BY MR. DANDAR:

19 A. I'm not aware of it.

20 Q. Do you know whether the list of actions
21 between Thomas Brennan and Matteo, the ethics officer,
22 had anything to do with Kyle Brennan's use of Lexapro?

23 MR. ALVAREZ: Same objection.

24 MR. POTTER: Same instruction. If he has
25 to refer or -- refer to privileged communications

1 or privileged documents in order to answer that
2 question, he's instructed not to answer it. If
3 he's otherwise able to answer the question, he
4 may do so.

5 BY MR. DANDAR:

6 A. I'm not able to answer it.

7 MR. DANDAR: That's all I have.

8 MR. POTTER: You mean we're not going to go
9 through all the bulletins and learn about those?

10 MR. DANDAR: You produced them. Just make
11 sure we have them all. There's no more -- no
12 questions, no cross, no nothing?

13 MR. ALVAREZ: I have no questions.

14 MR. POTTER: We will - we will read.

15 (At this time the deposition
16 in the above-captioned matter
17 was concluded at 1:31 p.m.)
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