

EXHIBIT A

CW

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MEGAN R. WHYMAN (Bar No. 191218)
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1755 Embarcadero Road
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5 Attorneys for Plaintiff
LANDMARK EDUCATION CORPORATION
6

FILED

2001 SEP -6 PM 1:07

WILLIAMS
CHIEF EXAMINER/CLERK
SUPERIOR COURT OF CA
COUNTY OF SANTA CLARA
BY Ann Vizcondra DEPUTY

8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA

10 LANDMARK EDUCATION CORPORATION,
11 Plaintiff,
12 v.
13 DOES 1 through 20,
14 Defendants.
15

CASE NO. CV 801252
COMPLAINT FOR INTENTIONAL INTERFERENCE WITH PROSPECTIVE ECONOMIC ADVANTAGE AND DEFAMATION

17 Plaintiff, LANDMARK EDUCATION CORPORATION, hereby alleges as follows:

18 PARTIES AND VENUE

19 1. Plaintiff LANDMARK EDUCATION CORPORATION ("Landmark") is, and at
20 all times mentioned herein was, a California corporation with its principal place of business in
21 San Francisco, California.

22 2. Plaintiff is informed and believes, and on that basis alleges, that one or more of the
23 Defendants are, and were at times relevant herein, either residents of the State of California,
24 doing business in the State of California, or otherwise engaging in activity creating sufficient
25 contact with the State of California to give rise to personal jurisdiction.

26 3. Plaintiff is informed and believes, and on that basis alleges, that venue is proper in
27 this County because at least one Defendant engaged in the conduct alleged herein within the

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1 County of Santa Clara and the Internet Service Provider hosting the statements alleged herein,
2 Yahoo, Inc., is located in Santa Clara County.

3 4. Plaintiff is ignorant of the true names and capacities of the Defendants, who are
4 sued herein as Does 1 through 20 inclusive, and therefore sues these Defendants by fictitious
5 names. Plaintiff will amend this complaint to allege the Defendants' true names and capacities
6 when ascertained. Plaintiff is informed and believes, and on that basis alleges, that each of the
7 fictitiously named Defendants is responsible in some manner for the occurrences alleged herein,
8 and that Plaintiff's damages as herein alleged were caused by such Defendants.

9 5. Plaintiff is informed and believes, and on that basis alleges, that at all times
10 mentioned herein, each of the Defendants was the agent of each of the remaining Defendants, and
11 in doing the things hereinafter alleged, was acting within the course and scope of such agency and
12 with the permission and consent of the other Defendants.

13 6. Upon discovering the true identities of the Defendants, and each of them, Plaintiff
14 intends to amend this complaint to add additional allegations of fact, causes of action, and
15 requests for damages and other relief, as needed.

16 COMMON ALLEGATIONS

17 7. Plaintiff Landmark offers programs and curricula to individuals, organizations,
18 communities and institutions through its 58 offices worldwide. Program participants normally
19 pay a tuition fee for each program.

20 8. Plaintiff Landmark is informed and believes, and on that basis alleges, that
21 Defendants are seeking to interfere with and damage the prospective economic relationship
22 between Landmark and its program volunteers, program participants and potential program
23 participants by disseminating false and defamatory e-mail messages to Landmark's volunteers
24 and participants.

25 9. Plaintiff has a prospective economic relationship with its program volunteers and
26 the actual and potential program participants.

27 10. Plaintiff is informed and believes, and on that basis alleges, that starting on or
28 about August 27, 2001, Defendants sent a libelous and defamatory email message (the "Email

1 Message”) to a large number of Landmark program volunteers, participants and prospective
2 participants. A true and correct copy of the Email Message is attached hereto as Exhibit A.

3 11. The Email Message includes a number of false statements concerning Landmark
4 and its programs, including false allegations that Landmark is a cult and that Landmark engages
5 in sleep deprivation, food deprivation and humiliation as coercive tactics.

6 12. Plaintiff is informed and believes, and on that basis alleges, that one or more of the
7 Defendants has authored and disseminated the false and defamatory e-mail messages using a
8 Yahoo.com e-mail account alias of “landmarkblows@yahoo.com.”

9 **FIRST CAUSE OF ACTION**

10 **(Intentional Interference with Prospective Economic Advantage)**

11 **(Against All Defendants)**

12 13. Plaintiff realleges and incorporates paragraphs 1 through 12 as though fully set
13 forth herein.

14 14. Plaintiff is informed and believes, and on that basis alleges, that Defendants have
15 intentionally engaged in the activities described herein for the purpose of interfering with the
16 prospective economic relationships between Plaintiff and its program volunteers, program
17 participants and potential program participants, among other reasons.

18 15. Plaintiff is informed and believes, and on that basis alleges, that Defendants will
19 continue to disseminate false and defamatory e-mail messages concerning Plaintiff unless they
20 are enjoined from doing so by the Court.

21 16. Plaintiff is informed and believes, and on that basis alleges, that Defendants will
22 interfere with Plaintiff’s prospective economic relationship with program volunteers and
23 participants by additional means unless they are enjoined from doing so by the Court.

24 17. Plaintiff is informed and believes, and on that basis alleges, that further
25 interference by Defendants will further disrupt Plaintiff’s business by discouraging enrollment in
26 Plaintiff’s programs and preventing or interfering with program volunteers’ performance of their
27 duties for the benefit of Landmark and its programs, among other disruptive effects.

28 //

1 18. Plaintiff is informed and believes, and on that basis alleges, that the Defendants,
2 and each of them, are guilty of fraud, oppression and malice in connection with their intentional
3 interference with Plaintiff's prospective economic relationships.

4 19. Plaintiff is informed and believes, and on that basis alleges, that Plaintiff has
5 suffered damage as a result of Defendants' intentional interference in an amount to be proven at
6 trial, but believed to be in excess of \$25,000.

7 **SECOND CAUSE OF ACTION**

8 **(Defamation)**

9 **(Against All Defendants)**

10 20. Plaintiff realleges and incorporates paragraphs 1 through 19 as though fully set
11 forth herein.

12 21. Plaintiff is informed and believes, and thereon alleges, that Plaintiff has at all times
13 enjoyed a good reputation.

14 22. Plaintiff is informed and believes, and on that basis alleges, that Defendants, and
15 each of them, have intentionally invaded the interest in reputation of Plaintiff as a result of the
16 libelous Email Message.

17 23. Plaintiff is informed and believes, and on that basis alleges, that the statements
18 within the Email Message are false and have a tendency to injure Landmark in its occupation and
19 livelihood, expose Landmark to contempt, ridicule and disgrace, and are likely to cause
20 Landmark to be shunned or avoided by volunteers, participants and/or potential participants.

21 24. Plaintiff is informed and believes, and on that basis alleges, that the Email
22 Message is libelous on its face.

23 25. Plaintiff is informed and believes, and on that basis alleges, that the average
24 reader of the Email Message would regard it as a defamatory publication.

25 26. Plaintiff is informed and believes, and on that basis alleges, that no privilege
26 applies to the libelous and defamatory statements made by Defendants.

27 27. Plaintiff is informed and believes, and on that basis alleges, that Defendants will
28 continue to defame Plaintiff unless they are enjoined from doing so by the Court.

Subj: A Breakthrough for everyone
Date: 8/27/01 12:02:43 PM Pacific Daylight Time
From: landmarkblows@yahoo.com (landmark blows)
To: blah@blah.com

Or, rather, a chance for all of you to ditch your
"landmark forum racket" for a real life...

The Forum

Landmark employs a well-tested and highly refined formula to get your money. Their methodology is neither proprietary nor unique, and is described in any scholarly work about cult dynamics.

The invitation

Recruitment is via invitation from a trusted friend, so you start out with a very open mind. This is much more effective than seeing an ad in the newspaper. In fact, Landmark does not buy advertising--instead they rely on the powerful word-of-mouth advertising from

their members. Usually advertising eats into a company's profits, but not in Landmark's case.

The speakers

Landmark's forum speakers are charismatic, that is, they are very good at being persuasive. They appear believable, trustworthy, caring, intelligent, and worthy of admiration. They are well-paid, highly trained professionals, selected for their speaking abilities. These are the only paid employees you'll see at a Landmark Forum.

The "volunteers"

The member-volunteers you meet, including the friend who brought you, are sincere in their belief that Landmark is good for you. They have been convinced themselves, and are being strongly encouraged to convince others. In fact, Landmark assigns them recruitment homework, as spreading the word is an integral part of their growth as a member. They are encouraged to take Landmark as far as possible by attending course after course, each costing hundreds of dollars. At these meetings, members are trained how to recruit.

The psychology

Landmark preys on people with low self esteem or who are somewhat depressed or dissatisfied--in other words, the majority of the population. People are looking for answers and Landmark claims to have all of them. They begin with what I call the "christmas present."

The Christmas Present

Imagine seeing a box under the Christmas tree. It's very nicely wrapped, undoubtedly placed there by someone who cares about you. It's a very large box and has a note saying "Something very special, just for you." You can only guess what's inside, but you know it's got to be something very special indeed. You can't wait to unwrap it because you know it will make you happy.

This is how Landmark gets you interested--by telling you it has something you want without actually giving you a single detail about what it is. Consider the name, "Landmark Forum." What does it mean? Absolutely nothing. This was also true of their previous name,

"Est," and of a Landmark offshoot which you may have heard of: "Dianetics."

Landmark Forum is an empty box to be filled with treasures that only your imagination can provide. This is a popular advertising technique. Think of that car commercial where you get only tantalizing glimpses of the "stunningly redesigned" product. You get no specific details, only a vague framework upon which to place your wildest dreams of what you want the product to be. It makes you want it even before you really know what it is. That's how Landmark hooks you. Their members are told they must not reveal any information to outsiders about what actually goes on in the meetings because that will somehow ruin their benefit. In truth it would just undermine Landmark's recruitment strategy and eat into their profits.

Breaking you down

Once you're hooked into attending your first Forum, the psychological work begins in earnest. This where Landmark borrows heavily from successful cult operations--operations that have been powerful enough to lead people to take their own lives in the name of the cult, like Heaven's Gate. Of course Landmark has no interest in mass suicide--they want hordes of live, happy, paying customers. Remember, Landmark's sole purpose is to collect money.

Your weekend Forum is three consecutive full days plus an extra evening. The schedule is 9 am to midnight each day. No food is provided. Breaks are three hours apart, and you are told that if you take an unscheduled break--even for the restroom--you will ruin the experience and not get the benefit for which you have paid. The idea is to create physical and mental discomfort by exposing you to marathon sessions. Such a schedule inhibits critical thinking and impairs mental alertness (true adult education professionals recommend breaks at least every 50 minutes to keep participants alert).

When you finally get home you are exhausted, it's after midnight, and yet you have a homework assignment (usually some sort of writing). And you have to be finished and back in session early the next morning. There is little time for sleep. Sleep deprivation is a common technique that cult leaders use to make

people's minds malleable and highly open to suggestion. Prisoners of war are routinely subjected to sleep deprivation in the hopes they will reveal secrets to their captors.

Another borrowed technique is public humiliation. You'll be coaxed into getting up in front of the entire group of 150 people to spill your guts, revealing your deepest and most embarrassing secrets. This often reduces people to tearful sobbing, which is amplified by the microphone. Again, if you don't do it you're sabotaging your benefit. This activity is designed to break whatever self esteem you have left and leave you desperate for something to depend on.

That something is Landmark. Exhausted, feeling worthless and helpless (but also hopeful for rescue), a charismatic speaker tells you there is an answer, that Landmark can give you the power to make yourself strong again, to make you feel good again. You've already been told that the life you've been living is unworthy, hopeless, and born of ignorance. You've even been convinced that your family, friends, and lovers are also ignorant and suffering from not knowing the benefit of Landmark. You'll believe almost anything at this point.

They don't have to convince you to go out and kill yourself--there's no need to go that far. All they have to do is convince you there's a reasonable likelihood that Landmark, through its special "technology" that no one else has, can fix you. And on the final evening you'll have your poor ignorant friends and relatives along so that Landmark can offer to fix them too. And of course you'll need to spend another \$700 or so for your next "advanced" course.

Denying reality

The only way Landmark can keep you paying is to keep you in the dark about the reality of what Landmark really is. So in a very clever twist, Landmark's mysterious technology, the one you use to make yourself happy, is centered around denying reality--pretending things are something they are not. Now here's the twist: the fantasy that Landmark helps you construct includes Landmark membership itself as its basis. Once you have become dependent on the fantasy, you will go into debt, if necessary,

attending courses and giving up your time as an unpaid "volunteer." All this because without Landmark, the unthinkable could happen: your fantasy would collapse, and you would feel the way did during those first marathon sessions.

Building the fantasy

With Landmark's help, you can look at a bad situation and through a fairly simple exercise draw conclusions about it that make you feel good. You use the power of creative interpretation to infer positive outcomes. Essentially you just make up your own reality by selectively ignoring the facts in front of you. Got a bad performance review at work? Well forget about that and remember the time last year when your boss said "Good work." Problem solved!

At Landmark you have hundreds of peers telling you it's perfectly ok to think this way, that it's ok to automatically assume, for example, that it's your partner's problems, not yours, that's causing strife in your relationship. Why face problems if you can simply decide they don't exist?

Yup, there's more where this came from. Stay tuned. And remember - One of the most beautiful experiences in life is inquisitive learning. That and being in control of your own destiny. They go hand in hand. Think about it.

Do You Yahoo!?

Make international calls for as low as \$.04/minute with Yahoo! Messenger
<http://phonecard.yahoo.com/>

----- Headers -----
Return-Path: <landmarkblows@yahoo.com>
Received: from rly-yd04.mx.aol.com (rly-yd04.mail.aol.com [172.18.150.4]) by
air-yd01.mail.aol.com (v80.17) with ESMTTP id MAILINYD12-0827150243
; Mon, 27
Aug 2001 15:02:43 -0400
Received: from web20309.mail.yahoo.com (web20309.mail.yahoo.com [216.136.226.90]) by rly-yd04.mx.aol.com (v80.17) with ESMTTP id

MAILRELAYINYD48-0827150221; Mon, 27 Aug 2001 15:02:21 -0400
Message-ID: <20010827190218.90145.gmail@web20309.mail.yahoo.com>
Received: from [165.121.124.192] by web20309.mail.yahoo.com via HT
TP; Mon, 27
Aug 2001 12:02:18 PDT
Date: Mon, 27 Aug 2001 12:02:18 -0700 (PDT)
From: landmark blows <landmarkblows@yahoo.com>
Subject: A Breakthrough for everyone
To: blah@blah.com
MIME-Version: 1.0
Content-Type: text/plain; charset=us-ascii

<HTML>

{HTML code deleted - GL}

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EXHIBIT B

CRMS

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): DAVID HENRY DOLKAS (SBN #111080) MEGAN R. WHYMAN (SBN #191218) GRAY CARY WARE & FREIDENRICH LLP 1755 Embarcadero Road Palo Alto, CA 94303 ATTORNEY FOR (Name): Plaintiff	TELEPHONE NO.: (650) 833-2000	FOR COURT USE ONLY FILED 2001 NOV -1 PM 2:38 KIRI TORRE CHIEF EXECUTIVE OFFICER/CLERK SUPERIOR COURT OF CA COUNTY OF SANTA CLARA BY <u>Ann Vizconde</u> DEPUTY
Insert name of court and name of judicial district and branch court, if any: SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA		
PLAINTIFF/PETITIONER: LANDMARK EDUCATION CORPORATION DEFENDANT/RESPONDENT: DOES 1 through 20		
REQUEST FOR DISMISSAL <input type="checkbox"/> Personal Injury, Property Damage, or Wrongful Death <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other <input type="checkbox"/> Family Law <input type="checkbox"/> Eminent Domain <input checked="" type="checkbox"/> Other (specify): Intentional Interference		CASE NUMBER: CV801252

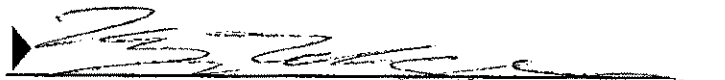
— A conformed copy will not be returned by the clerk unless a method of return is provided with the document. —

1. TO THE CLERK: Please dismiss this action as follows:
- a. (1) With prejudice (2) Without prejudice
- b. (1) Complaint (2) Petition
 (3) Cross-complaint filed by (name):
 (4) Cross-complaint filed by (name):
 (5) Entire action of all parties and all causes of action
 (6) Other (specify):*

on (date):
on (date):

Date: November 1, 2001

Megan R. Whyman
 (TYPE OR PRINT NAME OF ATTORNEY PARTY WITHOUT ATTORNEY)


 (SIGNATURE)

Attorney or party without attorney for:

- Plaintiff/Petitioner Defendant/Respondent
 Cross-complainant

* If dismissal requested is of specified parties only, of specified causes of action only, or of specified cross-complaints only, so state and identify the parties, causes of action, or cross-complaints to be dismissed.

2. TO THE CLERK: Consent to the above dismissal is hereby given.**

Date:


 (SIGNATURE)

Attorney or party without attorney for:

- Plaintiff/Petitioner Defendant/Respondent
 Cross-complainant

(TYPE OR PRINT NAME OF ATTORNEY PARTY WITHOUT ATTORNEY)

** If a cross-complaint - Response (Family Law) seeking affirmative relief - is on file, the attorney for cross-complainant (respondent) must sign this consent if required by Code of Civil Procedure section 581(f) or (j).

(To be completed by clerk)

NOV 01 2001

3. Dismissal entered as requested on (date):
 4. Dismissal entered on (date): as to only (name):
 5. Dismissal not entered as requested for the following reasons (specify):
NOV 01 2001
 6. a. Attorney or party without attorney notified on (date):
 b. Attorney or party without attorney not notified. Filing party failed to provide
 a copy to conform means to be formed

KIRI TORRE
CHIEF EXECUTIVE OFFICER/CLERK

Date: **NOV 01 2001**

Clerk, by Ann Vizconde, Deputy

EXHIBIT C

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
LANDMARK EDUCATION CORPORATION, :

Plaintiff, :

-against- :

KEVIN GARVEY, an individual :

Defendants. :
-----X

INDEX NO.

Plaintiff designates
New York County as
the place of trial

97106465

SUMMONS WITH NOTICE

The bases of the venue are:
Residence of Plaintiff in
New York County

NEW YORK
COUNTY CLERK'S OFFICE

Plaintiff's Residence:
425 Fifth Avenue
New York, New York 10016

APR 09 1997

FILED

To the above-named Defendant,

YOU ARE HEREBY SUMMONED to serve a notice of appearance on plaintiff's attorneys within 20 days after the service of this summons, or within 30 days after the service of this summons if this summons is not personally delivered to you within the State of New York, exclusive of the day of service; and in case of your failure to appear, judgment will be taken against you by default for the relief demanded in the notice set forth below.

Dated: New York, New York
April 9, 1997

MORRISON COHEN SINGER & WEINSTEIN, LLP
Attorneys for Plaintiff
750 Lexington Avenue
New York, New York 10022
(212) 735-8600

NOTICE: The nature of this action is for damages - compensatory and punitive - against the defendant for defamation of the plaintiff, including libel of the plaintiff.

The relief sought is (1) damages - both compensatory and punitive - against the defendant for defamation, including libel of the plaintiff by the defendant and (2) any other award and such further relief as the court deems just and proper.

Defendant's Residence:

4 Elm Road
Cromwell, Connecticut 06416

EXHIBIT D

MARCH 27 - APRIL 2, 1996 • NUMBER 912

The Riverfront Times

FREE (DAILY)

THE WEEKLY NEWSPAPER OF ST. LOUIS

96 PAGES



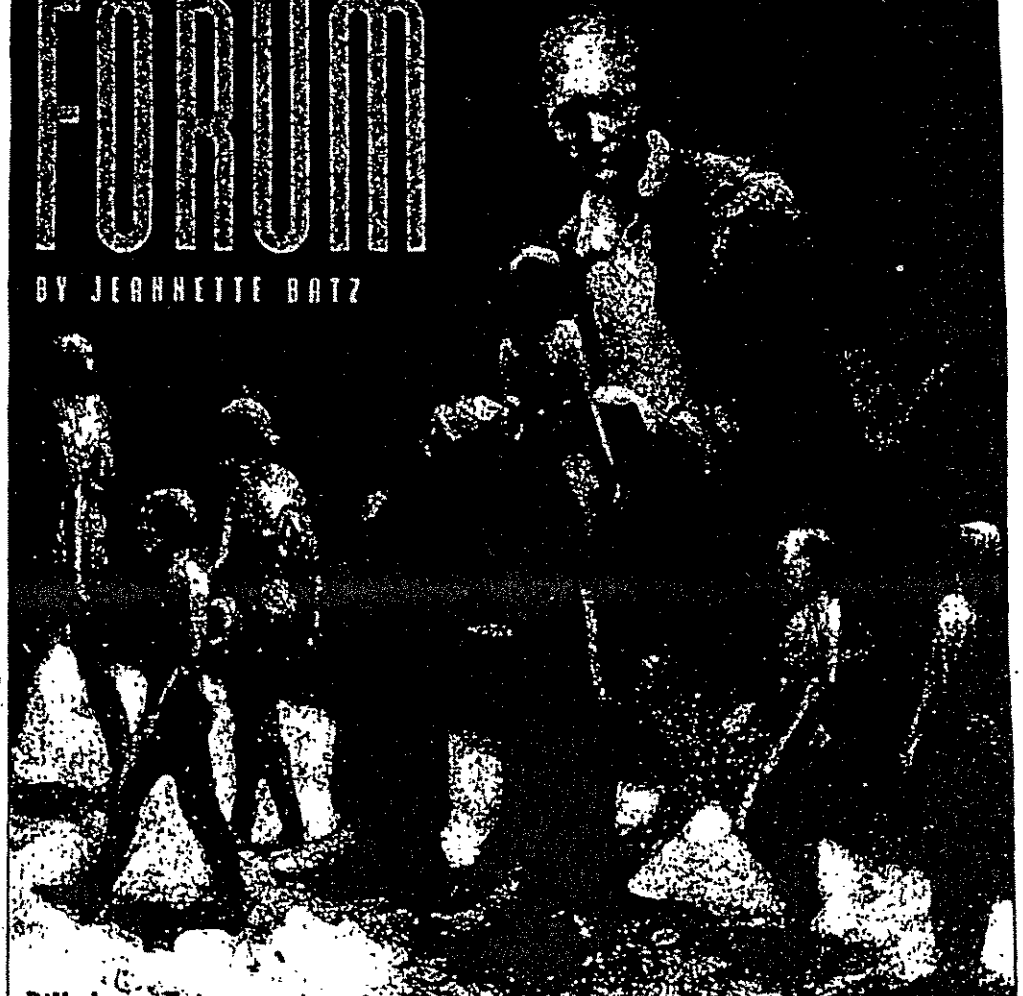
LIMITING THE DAMAGES
 Gov. Carnahan's Amendment 4 gives voters a say in tax increases but heads off a more far-reaching proposal by Congressman Hancock



TEST QUESTIONS

INSIDE THE FORUM

BY JEANNETTE BATZ



Billed as a "rigorous inquiry" into the nature of human being, the Forum is expensive, secretive and highly controlling. The *RFT* takes a close look at this increasingly popular "experience."

STORY BY JEANNETTE DATZ • ILLUSTRATIONS BY KEVIN BELFORD

INSIDE THE

FORUM

HAVE YOU DONE THE FORUM?"

That question's flying through churches and synagogues, the gay community, Fortune 500 companies, suburban families, inner-city gangs. I first heard it a few months ago, from the lips of a woman I admire, an intelligent, enthusiastic woman who told me she'd left her husband, job and house because the Forum had given her confidence in her decisions.

Next thing I knew, she was inviting me to a free Forum introduction and telling me to bring my checkbook, MasterCard or Visa, because I would have a chance to pay \$290 and "enroll in the opportunity to explore a technology to gain access to breakthrough thinking."

"Is this scientific?" I asked. "Is it religious?"

"It's ontological. It uses the wisdom of the ages."

The Forum bills itself as an educational program, "an inquiry into the nature of human being" run by Landmark Education Corp., a for-profit corporation headquartered in San Francisco. Seminars are held all over the world, and, according to Landmark, more than 400,000 people in 11 countries have participated. The Forum has been in St. Louis about 13 years, run by an all-volunteer officer in Clayton, and lately the three-day Curriculum for Living I seminar has increased in frequency, pulling more than 100 applicants every six to eight weeks. There's no advertising, just avid word-of-mouth invitations to a free introduction.

When I show up at the Holiday Inn Clayton Plaza for the intro session, I'm steered to a room downstairs and seated beside my host. More yellow-name-tagged



Forum people sit at a banquet table in the back. Our hosts rise to say warm fuzzies about why we're wonderful and why they want us to experience the Forum. Then one of the presenters — whose day job is with the Missouri Department of Mental Health — tells us that there are things we know and things we don't know, and then there are things we don't know we don't know, and *that's* what the Forum is about. He promises "breakthroughs."

Warned by the general glow, people begin to share their discontents: An ex-Marine has taken a civilian job for his family's sake but feels trapped; an Asian woman can't understand why it's so hard to make friends here; a chiropractic student fresh

from a broken heart wants to dance across a field with someone she loves. When a designer in the front row saucers, the presenter pounces, using her as an example of the cynicism that blocks all of us from what we want in life.

Before the break — a one-on-one registration push — the presenter reminds us that indecision has kept us from living fully. He exhorts us to "land on either side, but don't be on the fence." I stall anyway. "Come on," he says, leading me away for a private chat. He gives me a squeaky shoulder rub and asks what's wrong. Taking refuge in the oldest excuse, I say I'd like to talk to my husband about coming, too. "Good," he says, "then you're decided. Come sign up, and you can tell your husband later." Another Forum assistant asks softly, pointedly, if I feel I need my husband's approval.

Two months and a lot of voice mail

swived to Jack, who swiftly slices through her objections. (Half an hour later, she will leave, and he will say she "came in dropping her turds all over everybody.") Then he will add, "It would not warm the cockles of your heart if you knew what she did for a living," hinting that she's a teacher. For the rest of the weekend, this woman will be his prime example of how not to live.)

"If anyone in this room is not here of his own free will, stand up," Jack says abruptly. Several people stand, mentioning a brother who paid their way or a roommate who's obsessed. These people are given five minutes to leave and get all but \$50 back. When they don't walk out — presto magic! — they are present because they want to be.

Next, Jack announces that "integrity" means keeping your promises no matter how you're feeling, and everyone rises to make an elaborate, stand-up/sit-down series

Billed as a "rigorous inquiry" into the nature of human being, the Forum is expensive, secretive and highly controlling. The *BFT* takes a close look at this increasingly popular "experience."

later ("Call and have a conversation of possibility" my host urges), I'm still not sure what the Forum is. They keep saying, "The Forum cannot be explained, it can only be experienced." So I sign up for the weekend seminar.

The Forum

BEFORE ENTERING THE SEMINAR ROOM, participants must don an oversized white name tag neatly lettered with a huge first name, the surname tiny beneath it. The Forum leader, one of 43 extensively trained, paid staff members handpicked to fly around the world conducting grueling seminars, is a former Navy SEAL commander named Jack. He sits in a tall director's chair on a platform and scowls down at 150 people neatly arranged in rows. "This is how I look when I'm happy," he growls. "Some Forum leaders are bubbly. I'm not."

Clearly disgusted, he announces that two people are late, then opens the floor to questions. A woman rises to complain that she was called repeatedly before the seminar and harassed at the door about her name tag. She asks, "If this isn't a cult, why are you making us feel like children?" Heads

of these promises: We will not go to the bathroom except at break; we will arrive on time; we will not talk to our neighbor; we will not take naps; we will always wear our name tags; we will not drink wine at dinner or take aspirin, antihistamines or sleeping pills at any time during the weekend. "Are *I* sure OK?" a woman asks nervously.

There will be two half-hour breaks (mainly consumed by bathroom lines) and one meal break in each 15-hour day. Assistants seated along the back of the room will periodically carry notes up to Jack. "People always wonder what these notes are about," he says offhandedly. "If I were being facetious, I'd say, 'They're about you.'" He slowly crumples the sheet of paper in one hand and drops it.

The first real bit of seminar content is two circles drawn on the blackboard, representing what is and how we interpret it. Our interpretations are the "stories" we tell about reality. Everything we say is just our story. There is no right and wrong, there is no truth; there is just a bunch of stories. And when we use our stories to "make someone else wrong," we're "being a racket."

Which is why arguing with a Forum *(continued on next page)*

FORUM

continued from previous page
 leader is sheer hell. "That's just your story," Jack snaps, implying that the questioner is trying to "make him wrong." When a lawyer walks out, Jack says that's her racket — she obviously walks out on her commitments whenever the gets bored. When anyone disagrees, Jack sarcastically reminds them he's "done at least three Forums" and asks, "How many have you done?" Later, a young man admits the authoritarian approach is pissing him off, adding, "I'm not the only one, we were talking about it at lunch." Jack stops him cold with a sarcastic, "Lunch!" and keeps it up until the man admits the proper word is "break."

Critical thinking doesn't work in the Forum. Definitions are deemed irrelevant, and Jack draws highly subjective, preformatted "distinctions" instead. Reason, after all, is what keeps human beings stuck. When we use past experience to evaluate something, we are limiting ourselves to our "already always thinking." When we say, "because" or "in order to," we are only justifying ourselves. And when we respond to bodily needs, we are children: "You people can't even control your own plumbing!" Jack says scathingly.

Jack tells old Navy SEAL stories, lots of them, often digressing while someone stands holding the microphone, waiting for his response. After reminding us it was a Navy SEAL who showed O.J. how to slit throats, he confesses that being tough used to be his racket, but he's "gotten off it," thanks to the Forum. Why, after his introductory seminar, he flew out to see his ex-wife and detail all the times he cheated on her. That's called "cleaning up a mess," and it's one of the ways we can "share the Forum" with our loved ones when we go home at midnight. Forgive somebody, clean up a mess, "get off it," acknowledge and appreciate, "listen for the gold." We can't tell them about the Forum, because they won't understand, and we can't "play Junior Forum Leader" and point out their rackets, because we don't know how. But we can and should "share the Forum." Especially with our partners, who will be feeling threatened, not wanting us to change, trying to keep us small.

Saturday morning, people show up clutching Part B of their homework — a letter about a breakthrough — and tell stories about Part A, which was to do something unreasonable. A woman in her 30s says she gave her husband a pedicure at 2 a.m. A woman in her 60s announces a breakthrough: She got multiple sclerosis because she was being a racket by criticizing all her bosses. Jack compliments her insight and determination. But when she opens up further, about how she felt abandoned as a child, he waves it aside as just "her story."

Another woman describes a 20-year marriage to a man who cheated on her constantly; she's now divorced from him but still can't quite "get off it." Jack reminds her that she was responsible for the infidelity because she "made him wrong," and says there are names for women like her, and they boil down to Lorena Bobbitt. The woman smiles abashedly and ducks her head in agreement. Jack suggests she invite her ex-husband to the celebratory Tuesday guest night that follows the weekend.

Soon assistants are running microphones down the aisle, as people sobbingly reveal date rape, bitter loneliness, lesbianism, paralyzing fear, parents who drank, gambled or said they hated them. There is no clarification of what happened, just a reminder of that person's own responsibility for their life, and a probing, often harsh, into the "racket" their



experience has generated. Once the pain has been shrink-wrapped, the person relinquishes the microphone, smiling with racy relief, and everyone applauds, trained by the SEAL.

Jack insists repeatedly that he's not an authority figure — then snaps at the assistant for bringing him water that tastes like the swimming pool, shuts people up, gives the coffee a "D," threatens to move the seminar if the hotel doesn't cooperate better. He's gentle, though, when he asks a young woman whose stepfather abused her for years, "Are you willing to forgive him?" Instinctively, she says no, but after he reminds her how unhappy she is, she agrees. Since definitions are irrelevant, nobody ever spells out what "forgive" means.

When a woman says she broke up with her boyfriend because she doesn't trust him alone with her daughter, Jack points out that it was her responsibility to discipline her daughter (thus her fault, by implication, that he hit the child), and suggests she "get off it," resume the relationship with her boyfriend and invite him Tuesday night.

At the break, a man who's been doing these seminars for years says he's brought his new wife. It used to be lonely, he explains: "How can you have an authentic conversation with somebody who hasn't done the Forum?" Originally from Texas, the man calls this Midwestern version "milquetoast." Usually there are lots more gruesome stories of rape and abuse, he says, from people who've never been in therapy. "The leader spends 30 minutes talking to them, and everybody else just sits there with their head down, and they pass out Kleenex boxes."

When the seminar resumes, Jack announces how many people were late and notes that a few have been whispering. "You can't keep your promises," he scoffs. "This is what's wrong with you people. This is how you live." Now the pressure to participate begins in earnest: "You people up in the stands," he says, "eating a hot dog and evaluating everything, *several in line*." Those who have already "shared" are told to put their hands down. The pressure will build all weekend, until, one by one, even the shyest blurt confessions of their deepest fears into the ready microphone.

Saturday afternoon, Jack explains the winning formula — the strengths we have developed to cope with life — and remarks that it, too, leaves us dissatisfied. After lengthy dismissals of traits that, until this morning, people were proud of, we do an eyes-closed relaxation exercise and visualize ourselves as terrified of everyone else in the universe. People sob in self-induced darkness. Then Jack reveals the joke: "Everyone else in the universe is terrified of you."

Sunday morning, people show up — on time — looking exhausted but exhilarated. One young woman says she called her father at 1 a.m. and told him she loved him. ("Why are you calling?" he asked suspiciously.) Disclosures continue, hope enters people's voices, old tangles come loose. At the midday break, Jack assigns everyone to "do something you wouldn't normally do, and do it as though your life depended on it." Primed to "clean up messes," people race for the phone bank. Soon a row of people is sobbing "I love you" or "I'm sorry" into the phone. Cell phones get passed around in the lobby. The air is electric with emotion.

Then, at about 3:45, a heaviness descends. Jaw clenched, Jack announces that we're just machines, compares our daily routine to a rabbit's (theirs wins), and

announces that there are only three ways of human being: racket, winning formula and peak experience. The most peaks anyone's ever had were five, he says. Asked how he knows, he says "from books," then quickly moves to the climactic point: "Life is empty and meaningless, and it's empty and meaningless that it's empty and meaningless."

People trudge out to a silent break. Back at 4:05, Jack shifts into warp-speed idealism, mentioning Mother Teresa and the Hunger Project, capitalizing on people's wistful desire to "make a difference." Then he declares that a new, fourth way of being is indeed possible, if you make a choice. A choice, mind you, is not between two alternatives. If we have alternatives, we have reasons for selecting one of them. Those reasons jump out from the past and make the decision for us. A choice, on the other hand, is made freely, by us, in the present moment. And there is only one choice possible: to participate in life. To choose, in other words, what is.

When people ask for clarification, Jack says, "We have to move on. Don't worry if you don't get this part, you've already gotten the Forum. All this will be covered in the free 10-week follow-up seminar." One poor guy, genuinely struggling to understand, is told sharply, "You're being a racket." Then Jack turns his wrath on the group: "You're too complicated to understand this which is so simple." He demonstrates with the famous chocolate-vanilla exercise, bringing a young man onstage and saying, "Chocolate or vanilla, choose." The subject says, "Chocolate." Jack volleys back, "Why did you choose chocolate?" and the game continues until the young man realizes the right answer is, "Because I chose chocolate."

The upshot is that, when we live in the realm of choice, we are a declaration, we are "a stand for something." We live in the possibility of possibility. Now that we have "completed" our past, we will integrate all this new information into our lives in the 10-week follow-up course, then pay \$600-\$700 for the advanced seminar and invent ourselves anew.

The Power

FIRST-TIME FORUM PARTICIPANTS SEEM to divide into three basic groups: those painfully nerdy, deeply wounded or desperately unhappy; those wide open, highly emotional, readily enthusiastic, not terribly critical, eager for novelty and success; and those induced to attend by their mom, their son, their best friend, their boss. It's the last group that stays aloof the longest — and falls the hardest, finally seizing the microphone and spilling their guts.

What is so powerful about this weekend? First, many of the epiphanies are genuine. Most people do carry around secrets, fears and stored-up emotions that get in the way, and there's nothing like intensive, carefully structured reflection to unlock them. It's a relief to confess our load and receive no penance, it's humbling and helpful to realize how much time and energy you've spent "making people wrong," fantasizing a different life or playing the victim. It's freeing to go after what you want, make "declarations" instead of asking timid permission. When there's no right or wrong, no evaluation or judgment, an burden of past experi-

ence taken personally, your hurts do seem so grievous. And accepting "what often is your only real choice."

Second, the Forum leader strips the audience of defenses and rules out reason (it keeps you stuck), intuition (it's just your story) and emotion (it stops you from keeping your promise). As for the many ways you've learned to cope and succeed, they're just a formula that's left you unhappy enough to fork over \$290, skip lunch, lose sleep, hold urine.

Third, all around you is the sound of hearts breaking, their secrets pouring out shamelessly. The emotions are strong, and the intimacy's appealing. "A transient community (ships passing in the night) has always been a convenient vehicle for getting people to tell stories," notes Kevin Garvey, a

continued on next page

We will not go to the bathroom except at break;
we will arrive on time; we will not talk
we will not take notes; we will always wear
 our name tags; we will not drink wine at dinner or take
 aspirin, antihistamines **at any time**
 during the weekend.

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FORUM

continued from previous page
 New England consultant who's been counseling former members of it (see sidebar) and the Forum for 20 years. "I've done a lot of work in Washington," he adds, "and I've talked to guys who have stood up and broken national security codes in the Forum. Being accepted necessitates coming up with the nitty-gritty."

As the weekend gains momentum, adrenaline soars — helping you learn the jargon. For biochemical reasons, being in an excited state makes memories stick. So does a controlled environment drained of distractions. Imagine 15 hours a day, sleep-deprived, stuck in one room with a bunch of strangers, cut off from everything familiar, hungry, cold (they crank the air conditioning down), trying to remember stuff without writing it down, unable to talk to anyone you trust about what you're hearing.

The cognitive trump card is confusion. The leader alternates approval with attack and nonsense with common sense; he speaks the unspeakable, then neutralizes it by saying, "That's OK, that's not bad." You feel empathy then defense, hope then resistance, while your mind shuttles back and forth between everything you've learned until now and concepts that challenge it. "They throw things out at the group," says Garvey, "declarations that are ambiguous or startling, designed to cause you to think. The mind's tendency is to answer a question. Before you know it, you're exhausted. And they count on that."

The Forum is loaded with internal contradictions: The application grills you about your psychiatric history and makes detailed stipulation that this is not psychotherapy, adding that issues more properly dealt with in psychotherapy will not be addressed. But if rape, abuse and childhood scars aren't the terrain of psychotherapy, what is? They bill the seminar as "a free inquiry," but it follows the same template all over the world, and the leader controls the agenda. They say it isn't about self-improvement, then ask you what you want to change about your life. They say it isn't about "getting fixed," then insist that your



life isn't working.

The language itself is an *Alice in Wonderland* inversion. Being "reasonable" is bad and so is "winning"; a choice is an illusion; everything else is a "conversation." You have to alter how you think just to learn the vocabulary. "From the outside, the language comes across as ridiculous and redundant," says Garvey, "but it's part of a carefully constructed system, and in order to grasp that system, you have to undergo a shift in your basic worldview. Instead of accepting that the world outside you is real and beyond your control, and hoping to

act in some concordance with it, you shift to a view that the world is an illusion created by your mind, and the way out is to submit to what they're presenting and surrender to an internal force."

Yet another source of persuasiveness is the Forum's risk-bound authority and secrecy (what was in those notes, anyway?), combined with humor and disarming honesty. "People say this is a scam. What happens to all the money?" Jack said. "You can't know anything about money if you ask that." Then, tossed over his shoulder, "I'll tell you what happens to the money.

We spend it."

He made mocking predictions of non-compliance: "By 11 o'clock tonight you'll be squirming in your chair whining that you're tired," Jack warned at 3 p.m. "You'll leave at the break because you can't face it," he asserted. "You'll break your promises like you always do." Every time someone does rebel, he or she is psychologically ostracized from the group, made an example and a symbol. In a culture that breaks commitments like they're eggs, it's indeed tempting to rehearse fidelity on something as uncontrollable as punctuality.

ON THE WAY TO THE FORUM

In a small, dimly lit room, a man in a dark suit and glasses, looking slightly disheveled, sits at a table. He is surrounded by a group of people, some of whom are looking at him with interest, while others are looking away. The man is speaking, his voice low and steady. He is the man who, according to the text, is the man who created the Forum. The text is a dense, somewhat chaotic collection of words and phrases, many of which are repeated or used in a way that suggests a specific meaning or context. The overall tone is one of mystery and intrigue, with a focus on the man's actions and the impact of the Forum. The text is written in a style that is both descriptive and analytical, providing a glimpse into the man's world and the events surrounding the Forum. The use of bold letters and capitalization at the beginning of the text adds to the dramatic effect, drawing the reader's attention to the start of the story. The text is a complex web of information, with many references to specific events and people, creating a sense of a larger, more intricate narrative. The overall impression is one of a man who is deeply involved in a significant and perhaps controversial endeavor, with a focus on the psychological and social aspects of the Forum.

— Jeannette Bazz

Finally, there's the promise of having the life you want. And the relief of living in a reality only you create. "The moment I heard, 'Life is empty and meaningless,'" recalls a past participant, "I felt this weight lift."

Other Opinions

MARGARET THALER SINGER, PROFESSOR emerita at the University of California-Berkeley and author of *Cults in Our Midst* (1995), has attended the Forum on court order. She classifies it not as a cult but as "large group awareness training" (LGAT), a commercialized New Age mass marketing of powerful therapeutic strategies by non-professionals. Participants, she warns, "become flooded with more emotion and conflict than they can handle all at once."

Some do just fine, leave exhilarated and go on with their lives, or come back for a few seminars then, or, break their promise. But others become Forum apostles, devoting hours every week to volunteer work and narrowing until their whole life revolves around the Forum. There, the world is perfect already.

"The Landmark Forum does not involve the use of mind-manipulation or mind control techniques or any other action to manipulate the minds, thoughts or actions of the participants," according to Art Schreiber, general counsel for Landmark. "The Landmark Forum does not tell participants what to think — it empowers participants to think for themselves." Instead of answering a range of questions we submitted, Schreiber faxed us 16 pages of testimonials about how the Forum is not a cult, then offered to "check the facts in the material proposed to be published" for "inaccurate, misleading, or defamatory statements." He closed with a threat: "I trust that you will see the value of accepting our offer to review as set forth above and thereby eliminate the necessity for legal action after publication." We declined to let him review the article in advance of publication.

Kevin Garvey (whom Schreiber dismisses as "a person of dubious unreliability") says he's counseled people whose emotions became fragmented, uncertain and discontinuous — and whose critical faculties turned to mush — after years of Forum speak. "You remove yourself from your primary response to reality — from a sense of cause and effect, change over time, reason and decision — and sooner or later tension builds up," he explains. "You can declare all you want, but sooner or later life's tragedies will interfere."

If the whole world were Forum-ized, what would it look like? "A fascist state," Garvey answers promptly. "In order to have a free society that functions, you have to give a lot of latitude to people trained to believe in an external, knowable reality — in hope, in planning over time, in true charity and compassion. If you elicit the way one human views another, you remove the foundation for justice. You create a situation that can be guided by nightmare and dictated by demons."

That's pretty strong. What if somebody doesn't have nightmares or heed demons? Mike Wirtz, a 27-year-old graphic designer, did the Forum in 1994 and loved it. "A lot of what I learned was very powerful, very cool," says Wirtz, who had one of the "bubbly" Forum

leaders. "There are sayings I do not forget. Like making people wrong so I can be right. Or 'Get off it — now I realize how much time and energy I put into bullshit I can't do anything about.'"

Wirtz made his own commonsense interpretations of Forum concepts, had plenty of insights and left on a high note to share his weekend. He told his boss he'd lied about calling in sick Friday and explained why; he told his parents he loved them; he abandoned a maudlin plan to frame photos of old lovers. He did the follow-up course and went into debt to take the advanced seminar before his feelings changed. "I started to hate how they always push you to share yourself," he shrugs. "Sharing yourself is a wonderful thing, but they always wanted you to share about them."

Jack tells old Navy SEAL stories **lots of them** often digressing while someone stands holding the microphone, waiting **his response** after reminding us it was a Navy SEAL who showed O. J. how to **slit throats**, he confesses **being tough** used to be *his* racket, but he's "gotten off it," thanks to the Forum.

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EXHIBIT E

IN THE MATTER OF the *Libel and Slander Act*,
R.S.O. 1990, c. L.12

AND IN THE MATTER OF an intended action

BETWEEN:

LANDMARK EDUCATION CORPORATION

Plaintiff

- and -

NOW MAGAZINE, NOW COMMUNICATIONS INC.,
MICHAEL HOLLETT, ALICE KLEIN, ENZO DI MATTEO and KEVIN GARVEY

Defendants

NOTICE

TAKE NOTICE that pursuant to section 5(1) of the *Libel and Slander Act*, R.S.O. 1990, c. L.12, the plaintiff hereby complains of a false and malicious publication by the defendants concerning it in the April 20-26, 2000 issue of NOW Magazine entitled "**In the grip of the therapy tough-guys**" (the "Article"), the posting of the Article on the web site of NOW Magazine and such further republication of the Article on such further dates as the plaintiff is currently unaware. A copy of the Article, containing the words complained of, is attached as Schedule "A" hereto.

Without limiting the generality of the natural and ordinary meanings and/or innuendoes in the Article, the plaintiff says that the Article maliciously was intended, meant and was understood to mean, *inter alia*:

- (a) that the plaintiff engages in the mind control of its students using techniques which include:
 - (i) environmental, information, language, food and sleep control;
 - (ii) deprivation;
 - (iii) confinement; and
 - (iv) those employed by the North Koreans in the 1950's on U.S. prisoners of war;
- (b) that the purpose, design and content of the services provided by the plaintiff are similar to those of EST in the 1970's;
- (c) that the plaintiff subjects its students to physical confinement;
- (d) that the plaintiff exercises control over their students by intentionally manipulating the temperature of the rooms in which sessions are held;
- (e) that the plaintiff endangers its students by depriving them of drugs prescribed to them by physicians;
- (f) that the services provided by the plaintiff are harmful to the psychological well-being of its students;
- (g) that the plaintiff's students are not provided with an informed consent in relation to the sessions for which they are enrolled;
- (h) that the services provided by the plaintiff utilize confrontational methods to break down the way a person thinks;

- (i) that as a result of the above, separately and cumulatively, people ought not to attend the seminars offered by the plaintiff.

The Article and the innuendoes of and concerning the plaintiff are malicious, false, unfair and seriously defamatory of the reputation of the plaintiff. The Article was intended by the defendants to harm the plaintiff within the communities in which it offers its services.

We hereby demand that you retain in safekeeping all earlier drafts of the Article, all notes and tapes of all interviews and all other notes, documents, computer documents, tapes and other materials upon which the Article was based.

AND TAKE NOTICE that this Notice is given to you pursuant to the provisions of the *Libel and Slander Act*, R.S.O. 1990, c. L.12. The plaintiff hereby demands that a full and fair apology and retraction of the Article, in the form attached hereto as Schedule "B", be published in the next issue of NOW Magazine, as conspicuously as the Article, all as provided for by the *Libel and Slander Act*.

The plaintiff hereby gives notice pursuant to the *Courts of Justice Act* that it will be claiming for pre-judgment interest from the date of this Notice to the date of judgment.

DATED at Toronto this 30th day of May, 2000.

The Plaintiff by its solicitors:

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189 Church Street
Toronto, ON M5B 1Y7

AND TO: **MICHAEL HOLLETT**
c/o NOW Magazine
189 Church Street
Toronto, ON M5B 1Y7

AND TO: **ALICE KLEIN**
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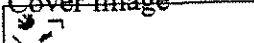
AND TO: **ENZO DI MATTEO**
c/o NOW Magazine
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AND TO: **KEVIN GARVEY**
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In the grip of the therapy tough-guys

I'm pretending to be a client of the Landmark Forum, but I get the shakes so bad I can't take it

By ENZO DI MATTEO

As seminar rooms go, you can't get more nondescript than the eighth-floor number at the Front Street offices of Landmark Education Corp. The walls are off-white and entirely blank. The carpeting is grey. The ceiling hangs low. The only natural light to speak of sneaks in around the edges of the vertical blinds (again grey) drawn tightly over three large windows on the far wall.

The close confines are enough to make your anxiety level rise with each flicker of the fluorescent

Number of offices worldwide: 59
 Offices in Canada: 3
 Number who take the Forum annually: up to 80,000
 Number who've taken the Forum since 1985: almost

More news coverage

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Therapy undercover

Inside Landmark Forum, which promises personal fulfillment and a keener sense of smell by Enzo Di

above.

It's here that 150 of us will be ensconced to take part in the the Landmark Forum, a marathon self-help seminar that promises everything from better health to "breakthro that will transform our lives.

500,000

Gross annual revenue in 1998: \$54 million (U.S.)

Number of paid staff: about 420

Volunteers: 7,500

Cost of Landmark courses: between \$425 and \$2,000 (Cdn)

Benefits promised by Landmark: better health, weight loss, increased confidence

Sources: Landmark Education Corporation

That it has its seeds in EST the controversial 70s-era seminars developed by self-help guru Werner Erhard, has made it the subject of much controversy in the U.S. and abroad, where its critics have called the Forum everything from a money-making scheme to an exercise in mind control.

Floating cocoon

I've been sitting here for almost three hours now, feeling like I'm floating in a cocoon above the waterfront. And someone's dicking around with the heat.

One minute it's hot, the next you can hear the whir of the air conditioner, even

Matteo More

Movement modus

On the streets of Washington, a new politics struts its stuff, and the world may never be the same. by Alice Klein More

Jailhouse blues

Behind bars in the capital of the free world - how I got there and how I got out. by Nicholas Garrison More

Pleasure points

Masturbation then and now, and how to get the most sexual satisfaction in your own company. by Leah Rumak More

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though it's freezing outside. People are constantly taking off and putting on clothes.

We must stay in this room at all times during the Forum, virtually locked up from 9 am to midnight over the next three days, in order to attain the coveted and ever-elusive "result."

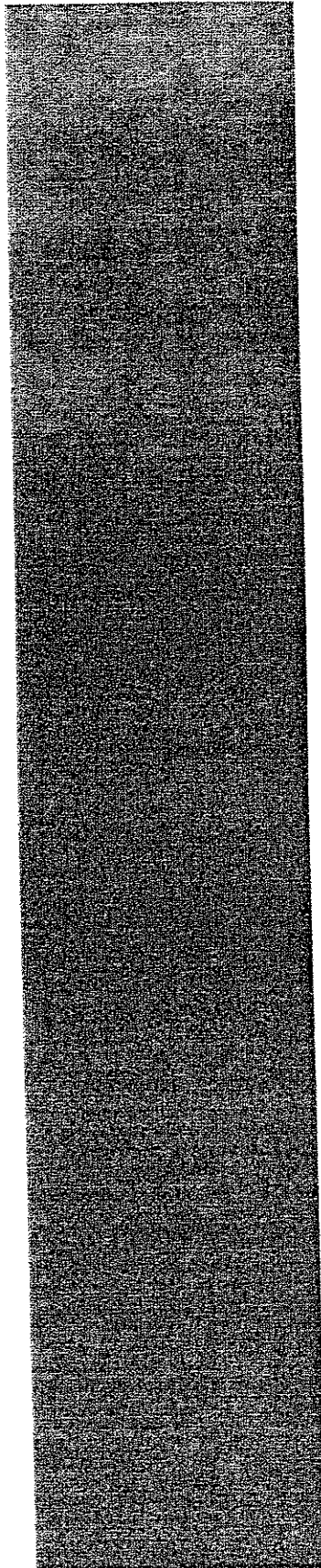
It's a roller-coaster ride. More than a few will want to jump off. When I try, I discover it's not so easy to walk away.

In its 70s heyday, EST, for Erhard Seminar Training, attracted thousands of adherents, including celebrities, to its confrontational and controversial group encounters.

After a bout of negative publicity, EST founder Erhard, aka John Paul Rosenberg, decided to sell his self-help "technology" to a group of his employees in 1991. Landmark Education Corporation was born.

Today, with his brother Harry Rosenberg at the helm, the company boasts 59 offices in 16 countries and annual gross revenues in 1998 of about \$54 million (U.S.).

Landmark's "curriculum for living," a four-part set of self-help courses, starts at \$425 a pop. The Landmark Wisdom Unlimited Program, a year-long course in which participants see their life



as "a work of art," goes for \$2,000.

The Forum is described in company literature as a "philosophical inquiry... (that) allows people who are successful... to create something truly extraordinary.

"A new freedom and spontaneity in your actions... enhanced vitality... heightened performance" are promised.

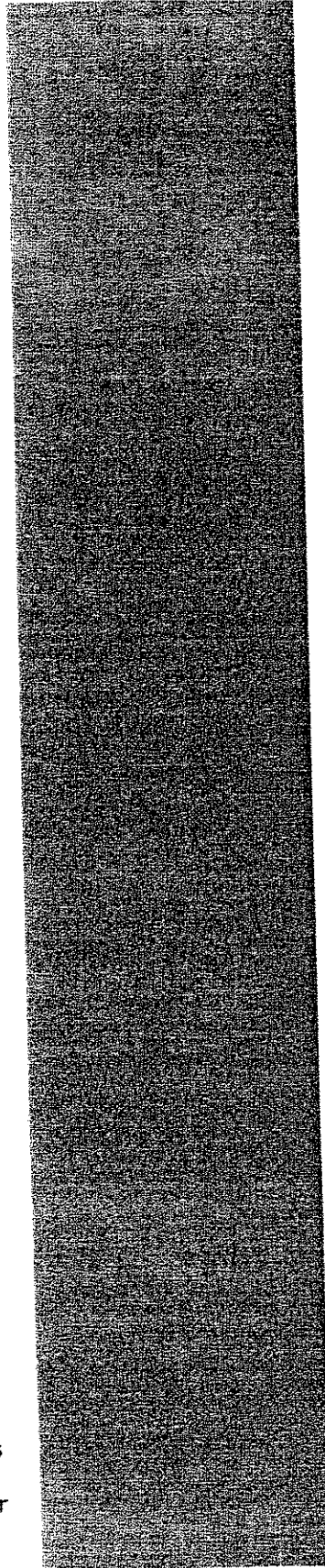
Read the finer print on the Landmark Web site and you discover that the "unexpected" benefits include "an ability to control weight."

Our Forum leader will tell us that past participants have reported relief from persistent headaches and backaches -- poof, just like that. Their food tastes better, they can sleep fewer hours and wake up feeling more refreshed.

Max Konigsberg, a Montreal businessman whose glowing testimonial to the Forum appears in Landmark brochures, says the Forum helped him become reconciled with his dead father. For him, the moment of self-realization came as if through a cloud.

"Everybody that I've had an association with has come out with a better understanding of who they are," he says.

Landmark's Toronto offices opened in 94. There are also locations in Vancouver and Montreal. In the U.S., where Landmark has 33



locations, the Forum has played to very mixed reviews.

"Soul training" is the way one daily described the Forum. Other self-help experts, psychologists and psychiatrists among them, are less flattering.

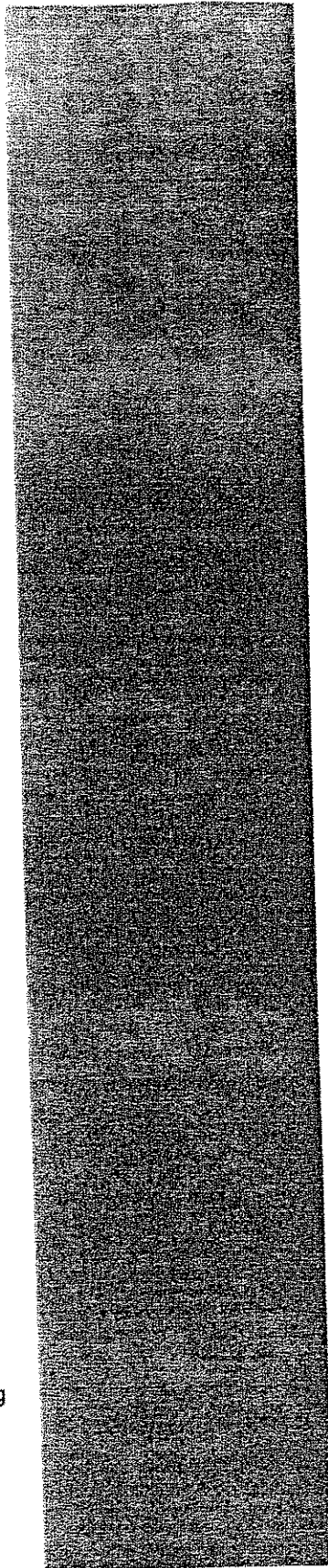
Kevin Garvey, a former EST disciple and counsellor who's been studying groups like the Forum for 25 years, says the techniques at the "conceptual core" of the Forum are similar to the thought reform techniques employed by North Koreans in the 1950s on U.S. prisoners of war. It's a charge rejected as "ridiculous" by a Landmark spokesperson.

Extreme outcome

But, says Garvey, "there are (similar) patterns of information control, language control, disorientation through altering food and sleep patterns, (and) the manipulation of the environment through praise and discouragement. The outcome for some people is very extreme."

Our Forum leader is Roger Armstrong, a tough-talking Robert Duvall look-alike with a Texas accent and Cheshire-cat grin.

He graduated from Yale divinity school in 64 and



can quote Socrates and ancient Hindu teachings lickety-split.

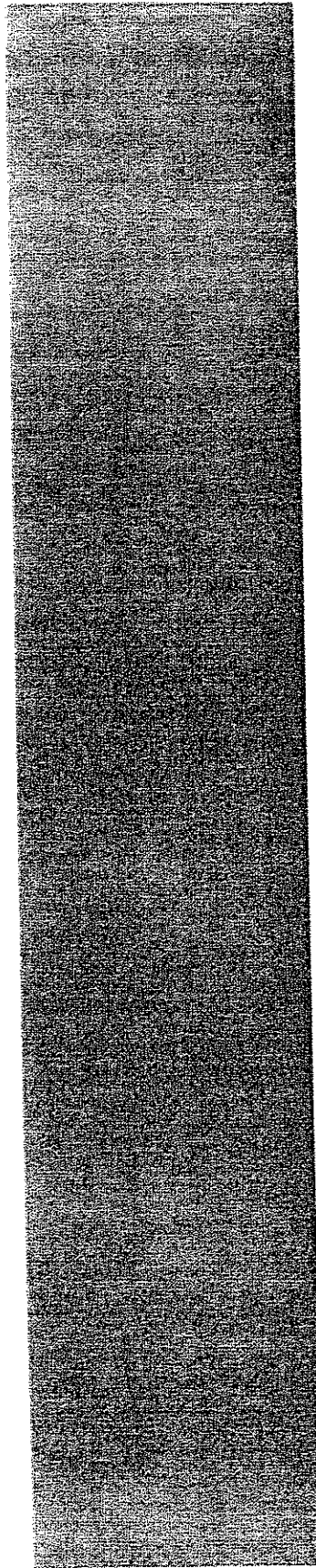
He's read the goals set out in our registration forms, and tells us we're shooting way too low. He figures there's gotta be another Galileo in the room. Ah. The infinite possibilities. But first, the rules.

No drugs, not even an aspirin, or alcohol for the duration. That doesn't mean you can't take prescription drugs, but Forum organizers prefer you don't, because "drugs and medications interfere with fully participating in and receiving all the value available to you." One woman tells me she was only grudgingly allowed permission to take her asthma medication after she threatened to leave, period.

There'll be no notetaking. Landmark, though, does reserve the right to record the proceedings for use in training Forum leaders. When you sign up, you also waive the right to sue.

You can leave the room. But if you do, the promised "result" cannot be guaranteed.

There will be three half-hour breaks a day and a one-and-a-half-hour break for dinner, but with all the "assignments" and "exercises" we're told to do, there's hardly time to go to the washroom, let alone eat. Don't be late getting back from the breaks. You may find the door locked and have to explain yourself. There's



no clock on the wall, but time -- tick, tick, tick -- is of the essence.

Wild tangents

Welcome to the Landmark Forum. Are you willing to "enrol in the possibility of being"? Armstrong wants to know.

Here he goes again on one of his incomprehensible tangents. "This is one," he says, holding up his index finger. "Can you see two?" This is supposed to be an exercise in making distinctions, seeing how the space around objects defines matter. See what I mean?

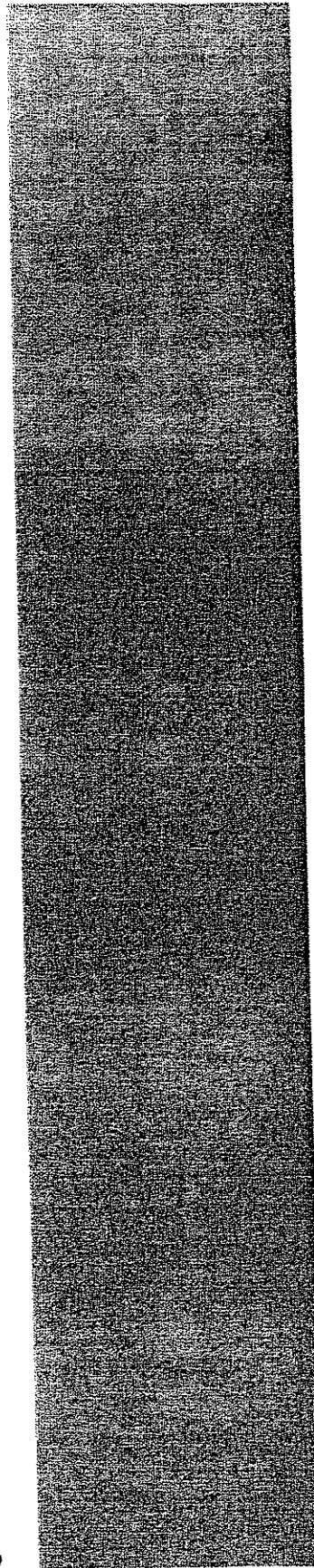
It's at these times that he'll say something like, "Did you know that Mahatma Gandhi beat his wife? It's true."

Sprinkle in a few diagrams on the board to make some point about how all our lives are caught up in a vicious circle, and -- presto -- we're beginning to unlock the keys to "living more powerfully."

I'm not getting "it," but judging by the nodding, others in the room seem to be.

The Forum, we will learn, is not about what we know, but about letting go of what we know. The confusion is hypnotic. Slowly, the psychological springs that keep you grounded begin to loosen. Ping.

We're encouraged to go up



to the microphones and "share" our feelings. This is a pretty tame crowd, so Armstrong offers the testimonials of past Forum participants to get everyone's juices flowing.

Measly problems

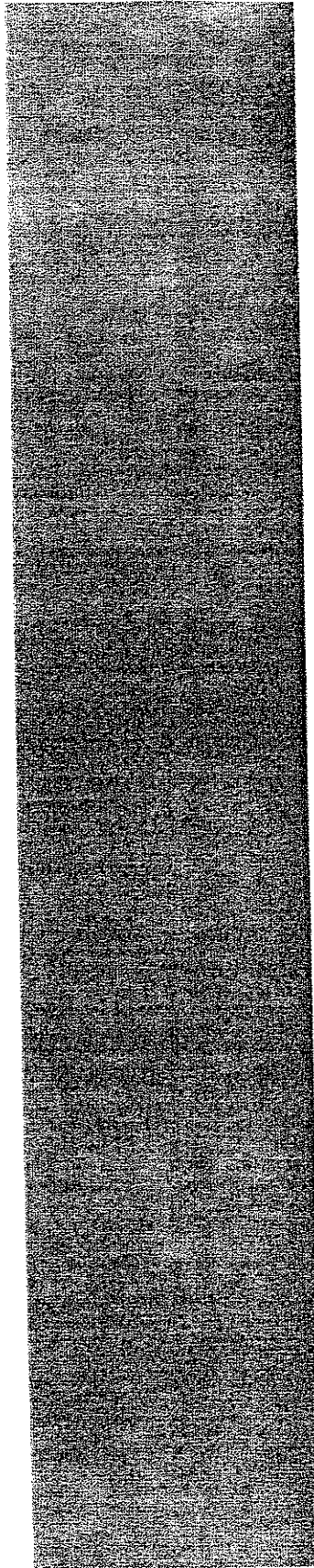
The story of the Vietnam vet haunted by the face of the Viet Cong soldier he offed in a foxhole long ago draws gasps. "These things happen, people," Armstrong says, his voice rising.

It all has the effect of creating a strange synergy in the room. The sadder the tales -- the mother-son, father-daughter schism is a recurring theme -- the longer the lines at the mikes.

You begin to think, "Compared to my measly problems..." And before you know it, you're raising your hand in response to questions, telling how your father neglected you, your mother didn't love you, you screwed around on your partner.

Deep wounds will be exposed. There'll be laughing, crying, all of it in front of a roomful of perfect strangers.

We're barely two hours in, and it seems rather sudden, but the dark-haired woman has already had a "breakthrough."



"I've always considered myself a very honest person, but now I realize I've been a complete liar," she says. We clap to "acknowledge" her "commitment."

Art's at the mike. He's still stuck on what Armstrong said about people being motivated to do things not because they believe in them, but because they want to "look good."

As in: Martin Luther King Jr. did what he did to look good. So did Mother Teresa. Ditto for Gandhi.

So you mean those who protested the Vietnam war were doing it to look good? "Yep," says Armstrong without elaborating. "Are we clear?" Art's still not getting "it."

"Trust me," Armstrong says.

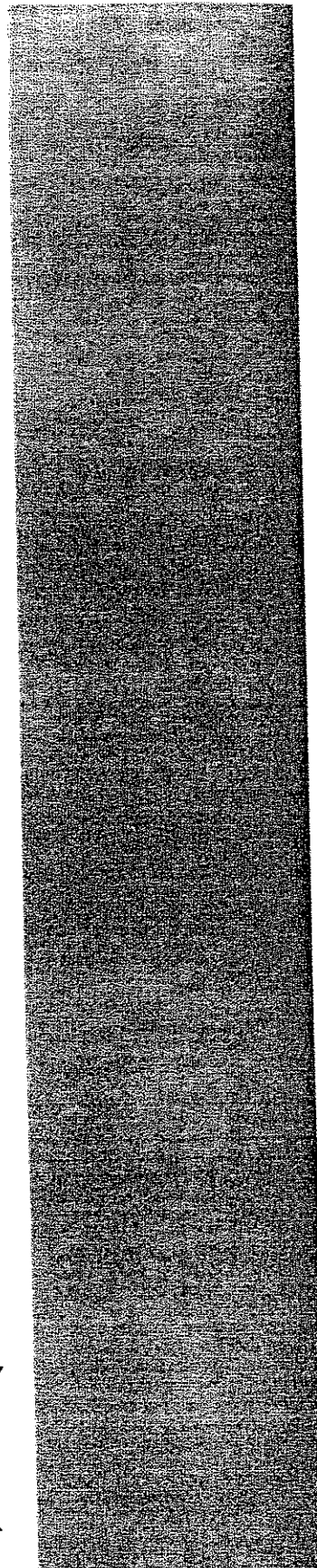
Another woman is not so sure she wants to. "I certainly don't help old people because I want to look good. I do it because I care."

Losing grip

"No, you don't," says Armstrong.

"Look, people, stick with me here. All will be revealed in due time." Armstrong says this mostly when he's losing his grip on the group.

He reminds us that we must forget the past. This will be difficult to grasp for the woman who tells us



she was sexually abused as a child.

We'll be encouraged during breaks to "complete" with people we've been "inauthentic" with. And don't forget to invite them to "graduation" night Tuesday.

Anthony has a more practical concern. He has to go to the bathroom and wants to know if the next break is really two hours away. Armstrong moves the time up another hour. But then we break at the prescribed time anyway.

The leader giveth and the leader taketh away.

Birds can't see air, Armstrong tells us. Fish can't see water. The stars are out during the day, but we don't see them because they're wrapped in our unconsciousness.

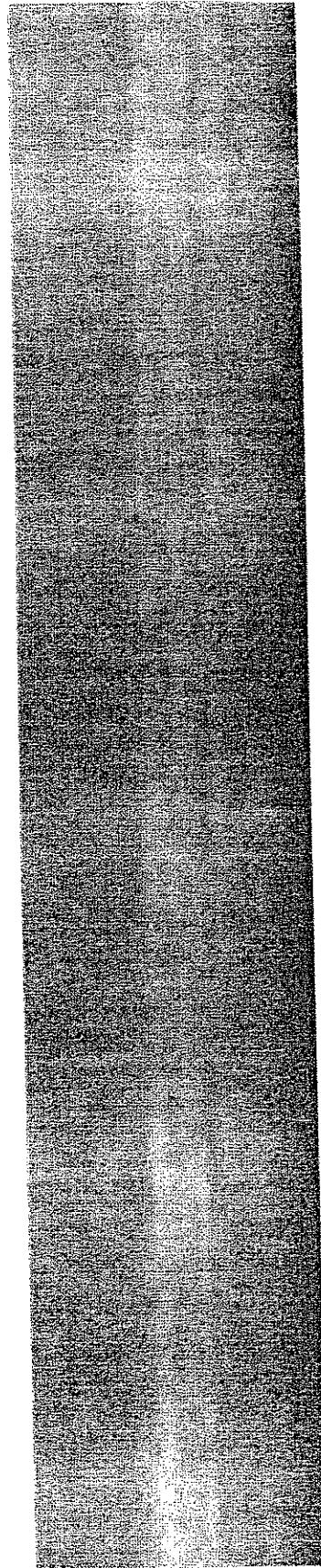
That's because we're "already always listening" through that filter in our head. Got it? Are we clear? Heads bob.

I just want to scream. The confusion is disorienting. The air conditioner spins overhead.

During a break, Keith comes up to "share." He seems a little antsy.

"I like who I am," he says. "I hope I'll be able to recognize myself when I walk out the door." I won't be seeing Keith at "graduation."

Its critics aside, Landmark



has some influential people in its corner, including Raymond D. Fowler, executive vice-president and CEO of the American Psychological Association.

Fowler, on a leave of absence, is unavailable and did not respond to an e-mail request for comment.

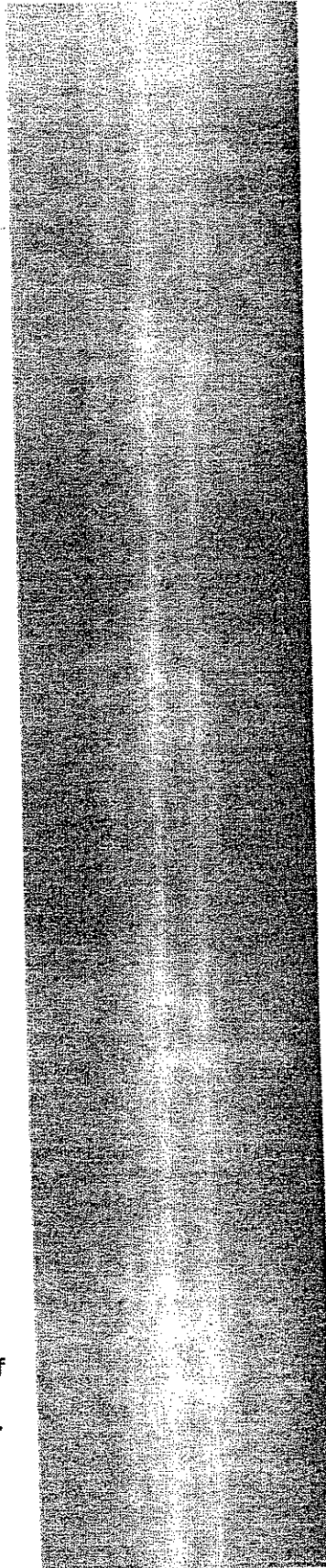
But a letter he wrote for Landmark after sitting in on a Forum last May concludes that "there was nothing in the Forum, either in its content or the way it was conducted, that could be considered harmful. It was not much different in depth, intensity and self-disclosure than the conversations among close friends or family might be."

Daniel Yankelovich, a Connecticut-based researcher, conducted a survey of 1,300 Forum participants. Seven out of 10 he surveyed found the Forum to be "one of their life's most rewarding experiences."

Others used by Landmark to pump its credentials don't want to be drawn into the controversy.

Harvard University had Landmark sign an agreement to stop distributing publicly a glowing marketing study of the Forum by two of its business school professors.

Some in the mental health field say the idea pushed by marathon self-help groups like the Forum --



that you can purchase a "peak," or psycho-shop for prepackaged life experiences -- is more about making money than human growth.

And for some, they say, the psychological fallout can be harmful.

Carol Giambalvo, director of the American Family Foundation recovery program based in Fort Lauderdale, Florida, was in EST for five years. She says people who sign up for the Forum are not making an informed choice.

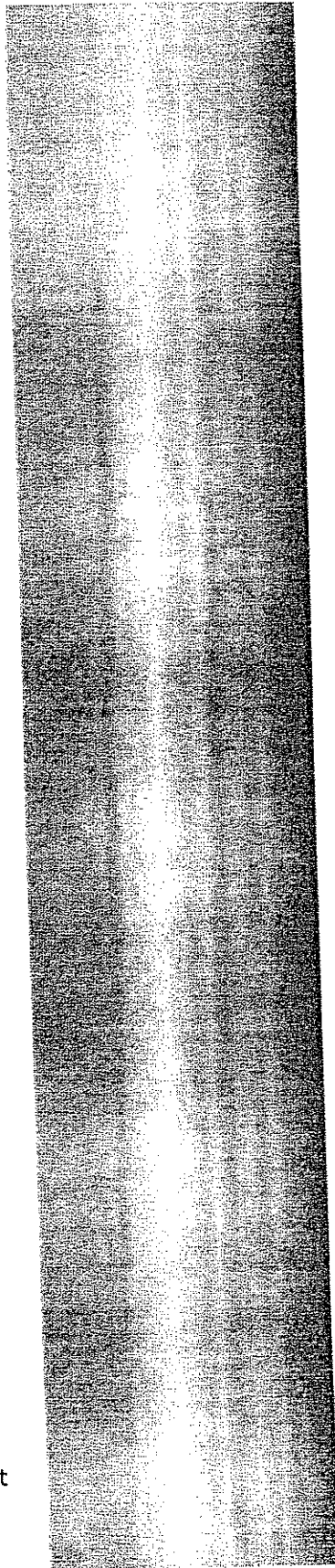
"They don't tell you they're going to be using confrontational methods to break down the way you're relating to reality. What they're trying to do is attack the way you think."

Rick Ross, an intervention specialist from Phoenix, Arizona, says once people are in the Forum circle, it's very difficult to get out.

"They say you can leave when you want, but there's so much peer pressure and bombardment that it's very difficult to walk out."

Kay, a former Forum participant in Toronto, knows this all too well. She says Forum staffers pressured her every day with phone calls, trying to get her to sign up for the advanced course.

"What they were really pushing was for you to get your friends to sign up," she says.



Leo Murphy, a psychiatrist and expert in group psychotherapy at U of T who has recently treated two patients who experienced what he describes as mental fallout after the Forum, says group encounters aren't for everyone.

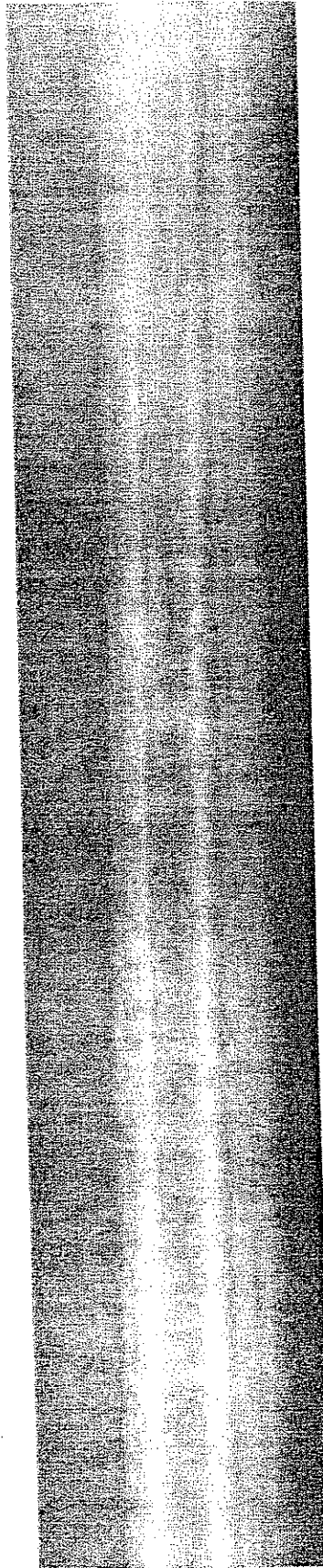
"When people get into groups, they generally want to belong," Murphy says. "It's very seductive. It gives people a chance to idealize a goal that they can reach, (but) somehow or other there's always a devaluation of the others who have not 'seen' yet."

The "milieu control," use of "loaded language" and "organized peer pressure," former EST disciple Kevin Garvey says, are all part of "a patterned exercise designed and orchestrated to undercut any comprehensible discussion, all behind the facade of being this profound self-exploration."

New Jersey-based psychiatrist Edward Lowell, whose experience includes a residency at a U.S. army hospital where he was trained in "thought reform" techniques, disagrees.

He has sat in on the Forum and says he "has seen nothing that would lead me to the conclusion that the Forum attempts to engage in any kind of thought modification whatsoever." Lowell acts as a consultant to Landmark from time to time.

Landmark has been quick to sue its critics --



sometimes too quick.

A \$10-million libel suit filed against Elle Magazine with some fanfare in 98 was ultimately dropped without the apology Landmark was looking for.

It takes the company's lawyer, Art Schreiber, no time to fax a letter to NOW threatening legal action.

Mark Kamin, Landmark's fast-talking PR head, has as many questions as I do when he calls from Houston. He's tape-recording our conversation.

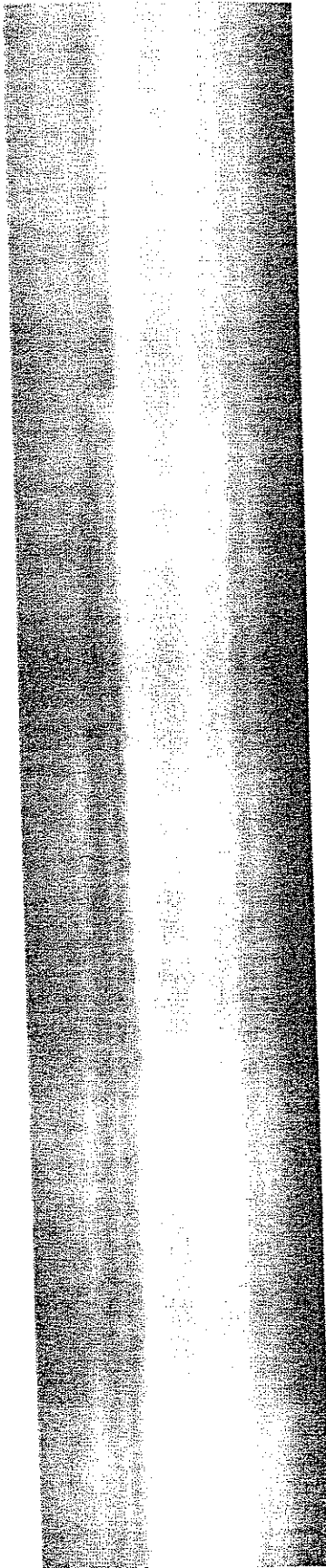
What of those who've reported breakdowns after participating in the Forum? Kamin says they're lying, out to make a buck.

"You know there are people who say, 'You hit me from behind in your car,' even though they stopped in the middle of the freeway."

Kamin says Landmark takes pains to screen people. The Forum's registration form itself warns that the experience may be "difficult and unsettling," and that people with a history of mental illness may be more susceptible to the stress.

The "screening" Kamin talks about is done mostly over the telephone by a staff person who relies on a manual to make assessments.

Nothing



nefarious

Kamin does get defensive at times, but makes no apologies for the "high-pressure" sales pitch some past Forum participants have reported. He says Landmark is a for-profit company that's in business to stay in business and has something valuable to sell.

"It's not some nefarious, weird thing going on here," he says.

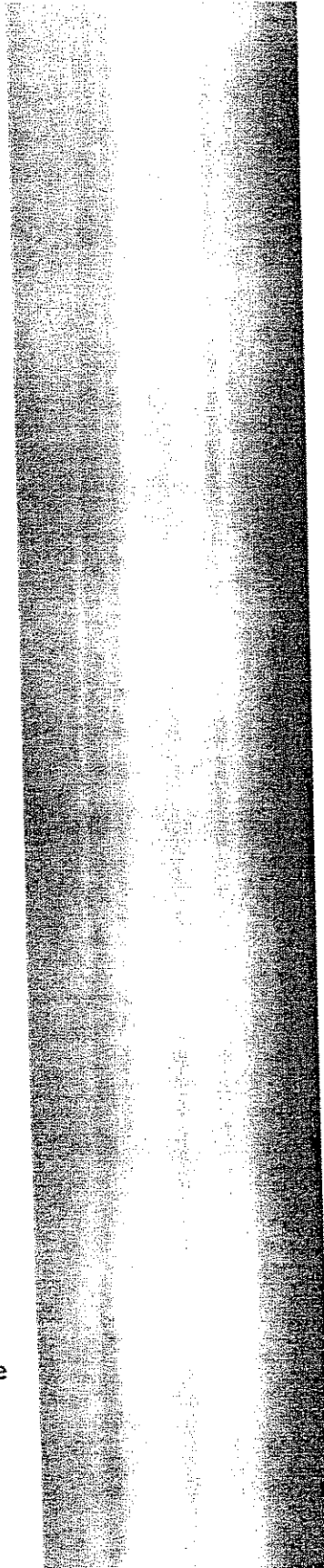
I'm tired. I'm hungry. I'm feeling like someone has taken a trowel and scraped the top off my head.

It's Friday night, some 12 hours into this odyssey, and I've got a major case of the heebie-jeebies.

My plan was to check out on Sunday for my uncle's 50th-wedding- anniversary bash. Larry Pearson, Armstrong's second-in-command, has already told me to send flowers or a gift instead, and to make plans to be here. He says this standing 2 inches away from my face.

But the control is proving too much for me.

I guess I'm not willing to "commit to the possibility of being." The further away I get from Landmark's offices, the faster I'm walking. I decide not to return. I get a phone call Saturday morning. It's Pearson, and he's pissed. "What happened? You disappeared."



I unload. He backs down. He could actually lose this customer.

He says he would "welcome" me back. But I have to be there in half an hour. Tick. Tick.

The next time I see Pearson, it's at "graduation" night at the Colony Hotel, but he's ignoring me.

The grand ballroom is alight. The high ceiling, crystal chandeliers and deep-blue velvet drapes feel like heaven compared to that cocoon of a space on Front Street.

The "graduates" have brought friends and family to hear about their "breakthroughs," which are all pretty banal

The aspiring athlete's is none too clear. We all applaud anyway.

Roger Armstrong is onstage telling the assembled that nothing would make the "graduates" happier than for their guests to sign up for the next Forum.

"It will make their hearts leap up with joy," he says, sighing audibly and looking into the distance as if some wonderful wave of inspiration is washing over him.

enzom@nowtoronto.com

SCHEDULE "B"

APOLOGY TO LANDMARK EDUCATION CORPORATION AND RETRACTION

In its April 20-26, 2000 issue, NOW Magazine made reference to Landmark Education Corporation and quoted certain individuals who were critical of alleged practises of Landmark. NOW Magazine acknowledges that these criticisms were without foundation, were false and were defamatory of Landmark. NOW Magazine also acknowledges that it's sources, including Mr. Kevin Garvey, provided the magazine with false information relating to Landmark.

NOW Magazine apologizes to Landmark Education Corporation and its officers and employees for any harm or embarrassment caused to them.

EXHIBIT F

ONTARIO
SUPERIOR COURT OF JUSTICE

BETWEEN:

LANDMARK EDUCATION CORPORATION

Plaintiff

- and -

NOW MAGAZINE, NOW COMMUNICATIONS INC.,
MICHAEL HOLLETT, ALICE KLEIN,
ENZO DI MATTEO and KEVIN GARVEY

Defendants

NOTICE OF DISCONTINUANCE

THE PLAINTIFF wholly discontinues this action as against the Defendants.

DATE: November 13, 2000

JULIAN PORTER, Q.C.
Suite 4900
Commerce Court West
Toronto, Ontario
M5L 1J3

LSUC #10104E
Telephone: 416-862-4297
Facsimile: 416-862-7661

Solicitor for the Plaintiff

TO: **NOW MAGAZINE**
189 Church Street
Toronto, Ontario M5B 1Y7

AND TO: **NOW COMMUNICATIONS INC.**
189 Church Street
Toronto, Ontario M5B 1Y7

AND TO: MICHAEL HOLLETT
c/o NOW Magazine
189 Church Street
Toronto, Ontario
M5B 1Y7

AND TO: ALICE KLEIN
c/o NOW Magazine
189 Church Street
Toronto, Ontario
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AND TO: ENZO DI MATTEO
c/o NOW Magazine
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AND TO: KEVIN GARVEY
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Cromwell, CT 06416
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EXHIBIT G

1 DANIEL H. BOOKIN (State Bar No. 78996)
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3 NEIL S. JAHSS (State Bar No. 162744)
4 O'MELVENY & MYERS
5 Embarcadero Center West
6 275 Battery Street, 26th Floor
7 San Francisco, California 94111
8 (415) 984-8700

9 Attorneys for Defendants Margaret Thaler
10 Singer and Janja Lalich

FILED
San Francisco County Superior Court

APR 15 1996

ALAN CARLSON, Clerk
BY: G. DOUGLAS
Deputy Clerk

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 COUNTY OF SAN FRANCISCO

13 LANDMARK EDUCATION
14 CORPORATION, a corporation,

15 Plaintiff,

16 vs.

17 MARGARET THALER SINGER, an
18 individual, JANJA LALICH, an individual,
19 and DOES 1 through 100, inclusive,

20 Defendants.

Case No. 976037

21 NOTICE OF MOTION, MOTION, AND
22 MEMORANDUM OF POINTS AND
23 AUTHORITIES IN SUPPORT OF
24 DEFENDANTS' SPECIAL MOTION TO
25 STRIKE COMPLAINT
26 [C.C.P. § 425.16]

27 Date: May 1, 1996
28 Time: 9:30 a.m.
Place: Dept. 10, Rm. 414

(Trial Date: None)

Attached Documents: Declarations of
Margaret Singer, Janja Lalich, Steven
Pressman and Neil S. Jahss; Appendix of
Non-California Authorities

MEMORANDUM OF POINTS AND AUTHORITIES

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STATUTES

Cal. Civ. Proc. Code § 425.16 6

OTHER MATERIALS

James E. Grossberg and Dee Lord, California's Anti-SLAPP Statute,
13 Comm. Law. 3, 5 (1995) 9

1 I. INTRODUCTION

2 Professor Margaret T. Singer has been a tireless and vocal advocate against groups
3 that exploit individuals through the use of undue influence and persuasion, such as cults and
4 others. As the leading expert in her field for more than two decades, she has spoken out as
5 an expert witness in many federal and state courts, as a commentator and consultant on
6 numerous radio and television shows, as a lecturer at countless public events, and as an
7 expert before the U.S. Congress. In 1995, Professor Singer wrote a book with Janja Lalich,
8 *Cults in Our Midst: The Hidden Menace in Our Everyday Lives* (the "Book"), setting forth her
9 views on this issue of great public importance.

10 This libel action is a blatant attempt by plaintiff Landmark Education Corp.
11 ("Landmark") to retaliate against Professor Singer for expressing her views in the courtroom
12 and in the public arena and to stifle any further expression of those views. Although the
13 lengthy Book refers to Landmark six times in a nondefamatory, true, and privileged
14 manner, Landmark has ham-handedly sued the authors alleging sixty-eight instances of
15 defamatory statements. Sixty-two of those statements are clearly not of or concerning
16 Landmark, but are included in the Complaint on the remarkable theory that any negative
17 statement in a book about cults can be attributed to Landmark merely because it is
18 mentioned in the book.

19 This Court should strike the Complaint and award attorney's fees pursuant to Cal.
20 Civ. Proc. Code ("CCP") § 425.16, the anti-SLAPP statute (Strategic Lawsuit Against Public
21 Participation). Professor Singer's prior testimony and her public statements, including the
22 publication of the Book, constitute acts "in furtherance of [defendants'] right of . . . free
23 speech . . . in connection with a public issue." And Landmark cannot establish "a
24 probability" of success on the merits of its claim because it cannot prove that: (1) any of
25 the sixty-eight statements were made with "actual malice"; (2) the challenged statements
26 other than the six that refer to Landmark are "of and concerning" plaintiff; or (3) any of the
27 six statements are defamatory, false, and not privileged. Each of these failures provides an
28 independent ground for striking the Complaint. Accordingly, this Court should grant this

1 motion to avoid the harassment of authors who have properly exercised their first
2 amendment rights.

3 II. FACTUAL BACKGROUND

4 A. THE BOOK

5 The Book is a textbook collection of Professor Singer's previously stated views about
6 undue influence and persuasion.¹ It explores the complexities of the cult phenomenon --
7 why people join cults, how cults use thought-reform processes to induce attitude and
8 behavior changes in their members, how cults employ threats, lawsuits and other acts of
9 harassment to silence critics, and why members find it difficult to leave cults. The Book
10 debunks many common myths about cults: that all cults are religious, require members to
11 live on isolated compounds, and are far removed from mainstream society.

12 The Book's principal objective is to provide readers with the analytical tools to
13 evaluate critically whether the group or program they are considering employs thought-
14 reform techniques associated with cults. A fundamental premise of the Book is that not all
15 organized groups or training programs are cults or use such techniques. The Foreword
16 plainly states:

17 One person's cult, of course, is another's religion -- or, for that matter,
18 political or commercial organization. One must make careful distinctions, as
19 Singer cautions us, and judge each group by its own behavior.

19 (Book p. xii.)

20 In one of its twelve chapters, the authors discuss concerns raised when certain
21 training programs enter the workplace. The introduction to Chapter 8 notes that "[t]here
22 are many advancement programs, workshops, seminars, and training sessions utilized by
23 companies and corporations in the United States and elsewhere that are legitimate in their
24 intentions and often effective in their outcomes." (Book p. 182.) This chapter was
25

26 ¹ Declaration of M.T. Singer ("MTS Dec.") ¶ 45. The declarations cited in this brief are
27 being filed separately herewith. References to the Book are to the book filed with the
28 Complaint. For the Court's convenience, defendants are attaching at the end of this brief
excerpts from the Book that contain every reference to Landmark or The Forum. All
exhibit references are to the Singer Declaration.

1 expressly written for "three primary reasons":

2 The first is to reiterate the ever-present need to evaluate the premises
3 beneath the various offerings that are made to us daily The second ... is to
4 bring attention to the fact that certain training programs use the same types
5 of influence techniques that are identified with cults.... The third ... is that the
6 philosophy of life espoused in many of these programs falls within the realm
7 of religious issues and personal belief systems, an important matter for many
8 people.

9 (Book p. 183.)

10 The discussion about Landmark and The Forum occupies about three pages of the
11 372-page, multi-chapter Book. The Book, as alleged by the Complaint, refers to Landmark
12 and/or The Forum six times -- once in stating that Dr. Singer had attended The Forum,
13 twice in providing the historical context that The Forum is an offshoot of a training
14 program named "est," and three times in summarizing articles from publications such as the
15 *London Times* and the *Wall Street Journal* about some participants' experiences at The
16 Forum. (Book pp. 42, 191, 202-204.)

17 B. LANDMARK AND THE FORUM

18 Landmark claims to be an "internationally recognized leader" in the business of
19 "transformation." (Exh. C, at 9.) It "promise[s] to design and provide education that . . .
20 alters the very nature of what is possible in being human." (Exh. C, at 10.) Its programs,
21 such as The Forum, purportedly produce "extraordinary and even miraculous results" and
22 "unlimited possibilities." (Exh. C, at 9.) Landmark also promises to "generate ground-
23 breaking thinking" and to create "futures that were not otherwise going to occur." (Exh. C,
24 at 10.)

25 The Forum is based on the well-known New Age program called "est" (Erhard
26 Seminars Training), created by Werner Erhard. Ney v. Landmark Educ. Corp., 16 F.3d 410
27 (4th Cir. 1994) (unpublished). A 1993 internal memorandum from Landmark's Chief
28 Operating Officer and brother of Werner Erhard confirms that The Forum is based on
Werner Erhard's original "technology" (i.e., est):

The nature and material of Landmark Education's initiatives, projects, and
programs is based on a technology originally developed by Werner Erhard
with whom Landmark Education has a licensing arrangement for the rights to

1 this technology. It is on this technology that Landmark's work stands today
2 and from which it continues to evolve.

3 (Exh. C, at 1 (emphasis added).)²

4 C. THE PUBLIC CONTROVERSY SURROUNDING ERHARD, EST, AND THE
5 FORUM AND THEIR AGGRESSIVE RESPONSE THERETO

6 Erhard, est, The Forum, and Landmark have been the subject of public controversy
7 in hundreds of newspaper and magazine articles, academic journals, television and radio
8 programs. (MTS Dec. ¶ 14.) The public has debated for decades whether programs based
9 on Erhard's "technology" use thought-reform techniques associated with cults. (MTS Dec.
10 ¶¶ 14-19.) A 1991 *Newsweek* article -- which refers to The Forum as a "[y]uppified 1980s
11 version" of est -- is typical:

12 Over the last 10 years, Erhard has found himself under an increasing barrage
13 of allegations that he was running not so much an enlightenment program as
14 an authoritarian cult. Former disciples have come forward with stories of
15 violence and intimidation by Erhard and his staff.

16 (Exh. J.) The controversy continues today. *See, e.g.,* "Inside The Forum," *The St. Louis*
17 *Riverfront Times* (Apr. 2, 1996) (stating as lead-in to article that "[b]illed as a 'rigorous
18 inquiry into the nature of human being,' the Forum is expensive, secretive, and highly
19 controlling.") (Exh. J.)

20 Landmark has responded to this debate in an affirmative, combative, and public
21 manner. In an attempt to shape public perception, Landmark has adopted a policy "to
22 powerfully represent its work to the public" and "to take appropriate action to both
23 generate consistent representations and to correct, aggressively where needed,
24 misrepresentations." (Exh. C.) This aggression has taken the form of: (a) Erhard and

25 ²The licensing agreement referenced in this internal memorandum further establishes
26 the close, continuing relationship between Werner Erhard and Landmark. That agreement
27 licenses Landmark to use Erhard's intellectual property in presenting The Forum. (Exh.
28 D.) Control of the license passes to Martin Leaf in the event of Werner Erhard's death.
Significantly, Mr. Leaf is a partner in the New York law firm that represents Landmark in
this action. He is also the same lawyer who three months ago deposed Professor Singer on
behalf of Landmark in an Illinois case, where she was questioned almost exclusively about
the Book (even though she was subpoenaed ostensibly to testify as a percipient witness in
that case). (MTS Dec. ¶ 25.)

1 Landmark employees appearing on television; (b) giving statements to newspapers; (c)
2 attempting to screen material upon threat of suit; (d) menacingly seeking retractions; (e)
3 threatening suits; and (f) filing suits whenever anyone describes The Forum as a cult, or in
4 any other manner that conflicts with the way Landmark wishes to present itself to the
5 public. (MTS Dec. ¶¶ 44; Exh. G; Pressman Dec. ¶¶ 4-7.)

6 Landmark's lawsuit here is merely the latest salvo in its protracted battle to both
7 silence and punish critics. Lawsuits have been filed or threatened against other
8 publications, authors, and entities. (Pressman Dec. ¶¶ 4-7 & Exh. G.) Werner Erhard even
9 has tried to stifle Professor Singer by demanding that she agree not to criticize him or the
10 programs he created. (MTS Dec. ¶ 43.)

11 **D. LANDMARK'S ATTEMPT TO STIFLE AND PUNISH PROFESSOR
12 SINGER FOR HER PUBLIC STATEMENTS AND JUDICIAL TESTIMONY**

13 Landmark's desire to silence and punish Professor Singer for her public and judicial
14 statements is evident. As a leading expert on group behavior and influence techniques,
15 Professor Singer has testified as an expert in ten different cases on behalf of participants of
16 est and The Forum. (MTS Dec. ¶ 33.) She also testified for Werner Erhard's ex-wife in
17 the Erhards' acrimonious and highly publicized divorce case. (MTS Dec. ¶¶ 41-42.)

18 **E. LANDMARK'S MERITLESS LAWSUIT**

19 Two days before the apparent expiration of the statute of limitations, Landmark
20 brought this libel action against the authors only, conspicuously opting not to name as a
21 defendant the publisher (an obvious target were this a legitimate lawsuit that sought redress
22 rather than harassment). Landmark alleges that the Book conveys the false impression that
23 it is a cult, and that The Forum uses cultic thought-reform techniques. (Compl. ¶¶ 19-20.)

24 The Book specifically defines The Forum as a "large group awareness training
25 group[]." (Book pp. 42-43 & 202-05.) Despite the fact that the Book refers to Landmark or
26 The Forum only several times and discusses them briefly in a lengthy work, the Complaint
27 lists 68 statements that are purportedly libelous as to Landmark. Landmark's action is
28 based on the insupportable theory that the mere mention of The Forum in the Book allows

1 for the attribution of all statements about cults to it, notwithstanding the recurrent language
2 that not every group mentioned in the Book is a cult.

3 **III. LANDMARK'S ACTION ARISES FROM DEFENDANTS' EXERCISE OF THEIR
4 CONSTITUTIONAL RIGHT OF FREE SPEECH ABOUT A PUBLIC ISSUE.**

5 **A. THE ANTI-SLAPP STATUTE**

6 California recently enacted CCP § 425.16 in response to the "disturbing increase" in
7 nonmeritorious actions that punish and chill the exercise of first amendment rights, known
8 as SLAPP suits. Lafayette Morehouse, Inc. v. Chronicle Publ. Co., 37 Cal. App. 4th 855,
9 858 (1995) (granting *San Francisco Chronicle's* § 425.16 motion to strike libel action arising
10 from its news-reporting activities). Under section 425.16, a court must dismiss a lawsuit
11 arising from an act "in furtherance of [a defendant's] right of . . . free speech . . . in
12 connection with a public issue," unless the plaintiff can establish a "probability that [it] will
13 prevail on the claim." Section 425.16(e) illustrates the type of act that triggers application
14 of California's anti-SLAPP statute, which:

15 includes any written or oral statement or writing made before a legislative,
16 executive, or judicial proceeding . . . , any written or oral statement or writing
17 made in connection with an issue under consideration or review by a
18 legislative, executive, or judicial body . . . , or any written or oral statement or
19 writing made in a place open to the public or a public forum in connection
20 with an issue of public interest.

21 Cal. Civ. Proc. Code § 425.16.

22 California courts have interpreted the anti-SLAPP statute broadly to protect first
23 amendment speakers from the irreparable harm that results from allowing a lawsuit to
24 proceed. See id.; see also Matson v. Dvorak, 40 Cal. App. 4th 539 (1995) (campaign mailer
25 held to be within the purview of section 425.16 because it addressed a public issue);
26 Lafayette Morehouse, 37 Cal. App. at 862 (newspaper article about matters of legislative
27 and judicial interest triggered § 425.16). SLAPP suits are invidious because they:

28 are brought, not to vindicate a legal right but rather to interfere with the
defendant's ability to pursue his or her interests. Characteristically, the
SLAPP suit lacks merit; it will achieve its objective if it depletes defendant's
resources or energy. The aim is not to win the lawsuit but to detract the
defendant from his or her objective, which is adverse to the plaintiff.

Church of Scientology v. Wollersheim, 42 Cal. App. 4th 628, 629-30 (1996). For the three

1 separate reasons discussed in Section B, C, and D below, § 425.16 is applicable to this
2 vexatious lawsuit.

3 **B. THE ANTI-SLAPP STATUTE APPLIES BECAUSE PUBLICATION OF THE**
4 **BOOK CONSTITUTES SPEECH ABOUT A SIGNIFICANT PUBLIC ISSUE.**

5 As the Court of Appeal recently held, "the categories enumerated (in § 425.16(e))
6 are not all inclusive." Averill v. Superior Court, 42 Cal. App. 4th 1170, 1175, modified,
7 1996 WL 111786 (1996). The critical consideration is whether the challenged speech
8 addresses a "public issue." Id. (holding that private conversations with employer triggered
9 section 425.16 because speech concerned public issue). The Book -- which explores how
10 thought-reform processes can be used to persuade, control, and damage people -- addresses
11 an important public issue. Coercive influence techniques pose a "substantial threat to
12 public safety." Molko v. Holy Spirit Ass'n, 46 Cal. 3d 1092, 1118 (1988), cert. denied, 490
13 U.S. 1084 (1989). As the California Supreme Court has held, "[t]he state clearly has a
14 compelling interest in preventing its citizens from being deceived into submitting
15 unknowingly to such a potentially dangerous process." Id.; see also Quantum Elec. Corp. v.
16 Consumers Union, 881 F. Supp. 753, 764 (D.R.I. 1995) (reporting information that "relates
17 to health and safety concerns" involves "matters of particular interest to the public").

18 The statements about Landmark's activities are plainly matters of public concern.
19 With millions of dollars in annual revenues, tens of thousands of program participants each
20 year, and a charter that promises to "alter[] the very nature of what is possible in being
21 human" (Exh. A, at 10), Landmark not surprisingly is the subject of great public interest
22 and debate. See Church of Scientology, 42 Cal. App. 4th at 633 (plaintiff is of public
23 interest because of its size, ability to influence, media coverage, membership, and assets).
24 As shown, prior to the Book's publication, numerous newspaper and magazine articles,
25 academic journals, television and radio programs addressed The Forum and est, focusing in
26 part on whether these programs use thought-reform processes associated with cults. Thus,
27 the allegedly libelous statements in the Book "arose in the context of a public issue,"
28 triggering application of § 425.16. See Averill, 42 Cal. App. 4th at 1175.

1
2 C. THE COMPLAINT IS SUBJECT TO THE SPECIAL MOTION TO STRIKE
3 UNDER § 425.16(e) FOR STATEMENTS MADE IN CONNECTION WITH
4 AN ISSUE CONSIDERED BY A JUDICIAL BODY.

5 The Complaint is also subject to the special motion to strike because the Book
6 reports about conduct and programs that have been the subject of judicial proceedings. See
7 Lafayette Morehouse, 37 Cal. App. 4th at 863. In fact, Professor Singer herself has testified
8 against The Forum, est, and Werner Erhard based on their conduct. In addition, the
9 authors specifically address the legal controversy surrounding The Forum, including the
10 discussion about the DeKalb Farmers Market lawsuit. (Book pp. 204-05.) As such, the
11 statements in the Book fall within § 425.16(e) as having been made in connection with an
12 issue considered by a judicial body. Id.

13 That Professor Singer has testified critically about matters now before this Court
14 strongly implicates the core constitutional concerns that are at the heart of § 425.16. See
15 Averill, 42 Cal. App. 4th at 1176 (noting that the suit "appears to have been filed solely to
16 punish [defendant] for her criticism of" plaintiff). Not only has she testified repeatedly as
17 an expert against est and The Forum, she also testified approximately one month before
18 this action was filed about the subject matters discussed in the Book in a deposition taken
19 by Landmark in yet another one of Landmark's lawsuits. (MTS Dec. ¶ 25.) In addition,
20 Professor Singer testified in favor of Werner Erhard's ex-wife in a bitter divorce case that
21 ended in Erhard leaving the country and going into exile. (MTS Dec. ¶¶ 41-42.)

22 Landmark's defamation claim is a thinly disguised attempt to punish Professor Singer
23 for having testified against programs that use Erhard's "technology." Because her prior
24 judicial statements were absolutely protected under the "litigation privilege" (CCP § 47(b)),
25 the Book provided Landmark with its long-awaited opportunity to retaliate and to chill
26 future criticism. As shown, Landmark has a history of using litigation to harass its critics.
27 Where, as here, an organization "uses the litigation process to bludgeon [its] opponent[s]
28 into submission, those actions must be closely scrutinized for constitutional implications"
under § 425.16 (MTS Dec. ¶ 44; Pressman Dec. ¶¶ 4-7). Church of Scientology, 42 Cal.

1 App. 4th at 632; see Averill, 42 Cal. App. 4th at 1175 (applying § 425.16 to statements
2 made by "outspoken critic" about public issue).

3 **D. THE COMPLAINT IS SUBJECT TO THE SPECIAL MOTION TO STRIKE**
4 **UNDER 425.16(e) FOR STATEMENTS MADE IN A PLACE OPEN TO THE**
5 **PUBLIC OR A PUBLIC FORUM IN CONNECTION WITH AN ISSUE OF**
6 **PUBLIC INTEREST.**

7 Defendants also may invoke the provisions of the anti-SLAPP statute because the
8 Book -- which addresses issues of public interest -- is distributed in bookstores and public
9 libraries, "place[s] open to the public" under § 425.16(e). "In an era when the print and
10 broadcast media furnish the most popular forums for discussion of matters of public interest
11 and provide the most effective vehicle for most public critics to reach a large audience, it
12 would be difficult to maintain that the California Legislature intended to exclude such
13 discussion from the protection of the anti-SLAPP statute." James E. Grossberg and Dee
14 Lord, California's Anti-SLAPP Statute, 13 Comm. Law. 3, 5 (1995).³

15 **IV. PLAINTIFF CANNOT ESTABLISH THAT IT PROBABLY WILL PREVAIL ON**
16 **THE MERITS OF ITS LIBEL CLAIM.**

17 Under section 425.16, this Court must strike the Complaint unless Landmark can
18 establish that it probably will prevail on its claim. This demanding burden requires
19 Landmark to establish not only the merits of its claim, but also the improbability of "the

20 ³In Lafayette Morehouse, the court expressly left open the question whether a
21 newspaper article constitutes "statements made in a place open to the public." 37 Cal. App.
22 4th at 863 n.5. In dictum, however, the court expressed doubt in a cursory footnote based
23 on the premise that a newspaper was "a controlled forum, not an uninhibited" one. Id.
24 This dictum is flawed. First, § 425.16(e) nowhere speaks of an "uninhibited" public forum.
25 Second, the court did not consider a line of authority that recognizes "limited" public
26 forums, where First Amendment protections are available even though expressive conduct is
27 not entirely uninhibited. See, e.g., Kreimer v. Bureau of Police for Town of Morristown,
28 958 F.2d 1242, 1261-62 (3d Cir. 1992) (public library is a limited public forum). Third, the
court was incorrectly focused on whether the publication itself constituted a public forum,
rather than on the fact that newspapers are distributed in a place open to the public. "A
logical reading of section 425(e) dictates that it should be so interpreted. Otherwise, for
example, pamphlets or leaflets addressing even the most urgent political or social issues and
handed out to passersby on a public sidewalk -- a paradigmatic form of protected speech in
a public place on a public issue -- would fall outside the anti-SLAPP statute's protection, an
absurd result that the Legislature could not have contemplated." Grossberg and Lord, 13
Comm. Law. at 5.

1 defendant's constitutional defenses." Wilcox v. Superior Court, 27 Cal. App. 4th 809, 823-24
2 (1994). Landmark can do neither here.

3 **A. LANDMARK CANNOT ESTABLISH BY CLEAR AND CONVINCING**
4 **EVIDENCE THAT DEFENDANTS PUBLISHED ANY STATEMENTS IN**
5 **THE BOOK WITH "ACTUAL MALICE."**

6 A public figure cannot sustain a libel action unless it can prove by clear and
7 convincing evidence that the challenged statement was made with "actual malice" -- that is,
8 "with knowledge that it was false or with reckless disregard of whether it was false or not."
9 New York Times v. Sullivan, 376 U.S. 254, 279-80 (1964); see Curtis Publ. Co. v. Butts, 388
10 U.S. 130, 162 (1967). There are two classes of public figures: (i) general-purpose public
11 figures, or those who "achieve such pervasive fame or notoriety that [they] become[] a
12 public figure for all purposes and in all contexts"; and (ii) limited-purpose public figures, or
13 those who "voluntarily inject [themselves] or [are] drawn into a particular controversy."
14 Gertz v. Robert Welch, Inc., 418 U.S. 323, 351 (1974).

15 **1. Landmark Is A Public Figure.**

16 Landmark is a public figure, and at the very least a limited-purpose public figure,
17 because it has thrust itself into an existing public controversy about its activities.⁴ See
18 Reader's Digest Association v. Superior Court, 37 Cal.3d 244, 255-256 (1984), cert. denied,
19 478 U.S. 1009 (1986). As discussed above, Landmark has played a tenacious role in the
20 public debate about whether programs based on Werner Erhard's "technologies" use
21 thought-reform techniques, adopting a policy to "powerfully represent its work to the public"
22 and to "aggressively" attack unfavorable media coverage.

23 Shortly after Landmark began presenting the Forum, Werner Erhard took to the
24 airwaves and defended the program on CNN's Larry King Live, and Beth Hanover, a
25 Landmark employee, also promoted plaintiff's programs on CNN's Sonya Live. (Jahss Dec.
26 ¶¶ 2-3.) Art Schreiber, Chairman of Landmark's Board of Directors, has championed
27 Landmark's viewpoint by making statements to the media, such as the *Chicago Sun-Times*

28 ⁴Whether a particular person is a public figure is an issue of law for the court to decide.
Rosenblatt v. Baer, 383 U.S. 75, 88 (1966).

1 and the *San Diego Union-Tribune*. (Exh. J.) In addition, Landmark has aggressively sought
2 retractions, threatened publications, and taken to the courtroom to advocate its position. It
3 is this dogged response to media criticism and involvement in public debate that is the
4 hallmark of public figure status.⁵

5 Landmark also must be deemed a public figure by virtue of its self-professed role as
6 an "internationally recognized leader in its field" that presents "revolutionary" programs to
7 the public. (Exh. A, at 9-10.)⁶ Landmark's public figure status is particularly warranted
8 here because it purports to deliver educational programs to the public as "one of the
9 largest, most relevant, and most diverse 'campuses' in the world" (Exh. A, at 2.), see Ithaca
10 College v. Yale Daily News Publ., 433 N.Y.S.2d 530, 533-34 (N.Y. Sup. 1980), aff'd 445
11 N.Y.S.2d 621 (N.Y.A.D. 3d Dept. 1981), and because it "actively seek[s]" new participants,
12 see Church of Scientology v. Siegelman, 475 F. Supp. 950, 954 (S.D.N.Y. 1979).

13 **2. Landmark Cannot Meet Its Burden of Showing "Actual Malice" By**
14 **Clear and Convincing Evidence.**

15 Landmark cannot possibly, let alone "probably," demonstrate by clear and convincing
16 evidence that defendants published any challenged statement in the Book with knowledge
17 of its falsity or reckless disregard for the truth. The burden of proof is "a very difficult and
18
19

20 ⁵ See, e.g., Reader's Digest, 37 Cal. 3d at 255-256 (Synanon held to be public figure
21 based on its attempts to counter public criticism); Velle Transcendental Research Ass'n v.
22 Sanders, 518 F. Supp. 512, 517 (C.D. Cal. 1981) (religious group held to be public figure
23 based on its publication of four editions of a newspaper of relatively small circulation in
24 order to enhance the group's reputation); Denney v. Lawrence, 22 Cal.App.4th 927, 935-36
(1994) (plaintiff held to be public figure because he gave press interviews concerning his
brother's arrest).

25 ⁶ See, e.g., Church of Scientology Int'l v. Eli Lilly & Co., 778 F. Supp. 661, 666 (1991),
26 rearg. denied, 1992 WL 80709 (S.D.N.Y. 1992) (church held to be public figure based on
27 "visibility of plaintiffs, by their own admission 'the Mother Church of the Scientology
28 religion ... and a public-service investigatory agency'"); National Found. For Cancer
Research v. Council of Better Bus. Bureaus, 705 F.2d 98, 101 (4th Cir.) (charitable
foundation "extolled its judicious use of donated funds ... [and] declared its objective to
make '[plaintiff] a household word'"), cert. denied, 464 U.S. 830 (1983).

1 demanding burden." Garrison v. Louisiana, 379 U.S. 64, 74-75 (1964).⁷ Constitutional
2 malice is

3 subjective in nature, provable only by evidence that the defendant 'realized
4 that his statement was false or that he subjectively entertained serious doubt
5 as to the truth of his statement.' Even an extreme departure from accepted
6 professional standards of journalism will not suffice to establish actual malice
... Only the existence of 'sufficient evidence to permit the conclusion that the
defendant actually had a 'high degree of awareness of probable falsity' will
suffice to meet [the actual malice test].

7 Newton v. National Broadcasting Co., 930 F.2d 662, 668-669 (9th Cir. 1990), cert. denied,
8 502 U.S. 866 (1991) (citations omitted).

9 Defendants had no doubts about the veracity of any statement in the Book.
10 Professor Singer has studied group behavior and thought reform for decades, reading,
11 writing, and speaking extensively about these subjects. Prior to publishing the Book, she
12 had interviewed not only thousands of current and former cult members and their relatives
13 and friends, but also countless numbers of participants in various training programs like est
14 and The Forum. In addition, she had attended The Forum and has had conversations with
15 reliable sources about its evolution. (MTS Dec. ¶¶ 20, 26-27.) The Book was meticulously
16 researched, with the majority of statements that directly refer to Landmark based on
17 articles in publications such as the *London Times* and the *Wall Street Journal*. (MTS Dec.
18 ¶¶ 45-46; Lalich Dec. ¶¶ 2-5.) Under these circumstances, Landmark cannot meet its
19 constitutional burden here, and thus its complaint must be stricken.

20 **B. THE STATEMENTS THAT ARE "OF AND CONCERNING" LANDMARK
21 ARE TRUE, NON-DEFAMATORY, OR ABSOLUTELY PRIVILEGED.**

22 To survive defendants' motion to strike, Landmark not only must make a sufficient
23 showing of clear and convincing evidence of "actual malice," but also must "demonstrate to
24 a certainty that the challenged language is 'of and concerning' [it]." Murray v. Bailey, 613
25 F. Supp. 1276, 1283 (N.D.Cal. 1985). Landmark cannot satisfy this separate constitutional
26 requirement either. See Blatty v. New York Times, 42 Cal. 3d 1033, 1042 (1986) (noting

27
28 ⁷Even opposing a special motion to strike, plaintiff must satisfy the "clear and
convincing" standard. Evans v. Unkow, 38 Cal.App.4th 1490, 1496 (1995).

1 constitutional origin of "of and concerning" requirement), cert. denied, 485 U.S. 934 (1988).

2 **1. The Few Statements About Landmark and The**
3 **Forum Are Clearly Not Actionable.**

4 None of the six references to Landmark and The Forum in the 372-page Book is
5 even remotely actionable. Three of the statements provide general background:

6 (1) "LGAT groups included est and its offshoots, such as . . . the Forum"; (2)
7 "Around 1971 . . . [est was established], which in 1985 reemerged as the
8 Forum"; and (3) Professor Singer "attended six large group awareness training
9 sessions (sponsored by ... the Forum)."

10 (Compl. ¶ 26(a)-(c).) These statements are nondefamatory, true, and published without
11 "actual malice." (MTS Dec. ¶¶ 47-54; Lalich Dec. ¶¶ 2-9.)

12 The next three references are not only nondefamatory, true, and published without
13 "actual malice," but also are absolutely privileged. The Book relied on reliable sources in
14 reporting that:

15 (4) "one former employee filed a lawsuit against her employer claiming that
16 she suffered a nervous breakdown as a result of a four-day course [The
17 Forum]; (5) eight former employees sued the DeKalb Farmers Market for
18 allegedly "being fired or forced to resign for refusing to participate in Forum
19 sessions"; and (6) staff members at the Ohio Children Services Agency
20 "complained of pressure to take the [Forum] course and on-the-job
21 discrimination against them if they didn't."

22 (Compl. ¶ 26(d)-(f).) The fourth and fifth statements are absolutely privileged as fair and
23 true reports of a judicial proceeding, Cal. Civ. Code § 47(d); and the sixth statement is
24 protected under California's neutral reportage privilege, Barry v. Time Inc., 584 F. Supp.
25 1110 (N.D. Cal. 1984). The authors' discussion of the incidents involving the DeKalb
26 Farmers Market and the Ohio Children Services Agency, moreover, contains assertions of
27 opinion that are not provably false facts. Milkovich v. Lorain Journal Co., 497 U.S. 1
28 (1990).

29 **2. Landmark's Claim that 62 Other Statements**
30 **Concerns Plaintiff Is Contrived.**

31 Unable to rely on the six actual references to it as a colorable basis for bringing this
32 libel claim, Landmark contrives a theory for asserting that 62 other statements are
33 defamatory, despite the fact that they do not refer to Landmark and that the vast majority

1 of them are not even in the chapter in which Landmark is discussed. Under this
2 overreaching theory, Landmark claims in essence that any statement made about cults or
3 their thought-reform techniques defames it because its name appears in the Book. (Compl.
4 ¶¶ 19-20.)

5 This Court should reject Landmark's tortured reading of the Book and its
6 misapplication of the law. A plaintiff cannot be defamed when the challenged statement
7 "cannot be reasonably understood to refer to [that plaintiff]." Blatty, 42 Cal. 3d at 1046; see
8 Barger v. Playboy Enterp., 564 F. Supp. 1151, 1154 (N.D.Cal. 1983), aff'd, 732 F.2d 163 (9th
9 Cir.), cert. denied, 469 U.S. 853 (1984) ("The court must interpret the article as it would
10 appear to the average reader to decide whether it can reasonably bear the meaning
11 ascribed to it by plaintiff."⁸ Here, no reasonable person could conclude that the Book
12 refers to Landmark (other than the six references) based on the Book's language and
13 structure.

14 First, the authors remind the reader throughout the Book that not every group
15 mentioned is a cult or uses thought-reform techniques associated with cults. See, e.g., Book
16 pp. xii, 40-41, 49, 182 (discussed supra). In fact, such reminders and cautionary language
17 appear in close proximity to every reference to Landmark. (Book pp. xii, 40-41, 49, 182.)
18 Thus, any reading that attributes all the Book's statements about cults to Landmark "is so
19 obscure and attenuated as to be beyond the realm of reasonableness." Forsher v. Bugliosi,
20 26 Cal. 3d 792, 805-06 (1980).⁹

21 Second, the Book's structure belies Landmark's reading. Like a classroom textbook,

22
23 ⁸Whether a complaint alleges facts sufficient to demonstrate a reasonable connection
24 between the plaintiff and the alleged libel is a question [of law] for the court. Cardone v.
Empire Blue Cross and Blue Shield, 884 F. Supp. 838, 847 (S.D.N.Y. 1995).

25 ⁹ See Smith v. Huntington Publ. Co., 410 F.Supp. 1270, 1274 (S.D. Ohio 1975), aff'd,
26 535 F.2d 1255 (6th Cir. 1976) ("[N]o reasonable person could have reasonably believed that
27 the article pointed to the plaintiff in the light of a clear statement by the author . . . that
28 the names were fictitious"); Allen v. Gordon, 446 N.Y.S.2d 48, 49 (N.Y.A.D. 1 Dept.), aff'd,
452 N.Y.S.2d 25 (N.Y. 1982) (observing "that there was a disclaimer prominently displayed
... which indicated that all names used ... were fictitious" in concluding that plaintiff failed to
show that the publication was "of and concerning" him).

1 the Book is divided into twelve stand-alone chapters. Each chapter discusses distinct topics,
2 such as "Defining Cults," "A Brief History of Cults," "The Process of . . . Thought Reform".
3 . . . Five of the six references to Landmark are in a single chapter, Chapter 8. That
4 chapter is further divided into subsections, in which the authors describe particular training
5 programs. When the authors elected to refer to Landmark, they specifically wrote about it
6 under the heading "The Forum and Transformational Technologies." (Book p. 202.)

7 It is unreasonable to treat the Book as though it contained no categories, headings,
8 or distinctions. Under Landmark's libel theory, statements in subsections of Chapter 8
9 entitled "Krone Training," "Lifespring," and "PSI World" could be attributed to Landmark.
10 This is plainly nonsensical, as is Landmark's attempt to ascribe other statements in different
11 chapters and sections to itself.¹⁰ Landmark cannot challenge every negative comment in a
12 lengthy book merely because its name is mentioned in it. See Fornshill v. Ruddy, 891 F.
13 Supp. 1062 (D. Md. 1995) (holding that defamatory statements about the U.S. Park Police,
14 of which plaintiff was a member, did not refer to plaintiff, even though plaintiff's name was
15 mentioned elsewhere in the report). Cox Enterp. v. Babin, 426 S.E.2d 651 (Ga. App. 1992),
16 cert. denied, 114 S. Ct. 193 (1993) (holding that 29 of 31 articles in a multi-part series were
17 not "of and concerning" plaintiff because they did not specifically refer to him, even though
18 plaintiff was featured in first two articles).

19 DATED: April 15, 1996

O'MELVENY & MYERS

20 By 
21

Daniel H. Bookin

Attorneys for Defendants

22
23 ¹⁰ See National Rifle Ass'n v. Dayton Newspapers, Inc., 555 F. Supp. 1299, 1312-13
24 (S.D. Ohio 1983). There, the court held that:

25 it is obvious that the language in question does not refer to . . . Plaintiff. The
26 editorial comment does *not* state that the NRA sells guns; what it does plainly
27 state is that NRA 'folks' sell guns. This distinction between the NRA and
28 NRA folks is particularly significant when viewed in the context of the
remainder of the editorial, for in *all* other places therein where reference is
made to the association itself . . . , only the terms NRA or National Rifle
Association are employed."

EXHIBIT H

1 DANIEL H. BOOKIN (State Bar No. 78996)
2 STAN BLUMENFELD (State Bar No. 139239)
3 NEIL S. JAHSS (State Bar No. 162744)
4 O'MELVENY & MYERS
Embarcadero Center West
275 Battery Street, 26th Floor
San Francisco, California 94111
(415) 984-8700

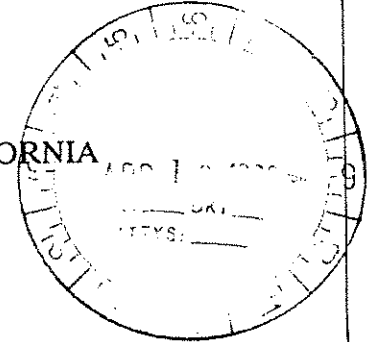
5 Attorneys for Defendants Margaret Thaler
6 Singer and Janja Lalich

ENDORSED
FILED
San Francisco County Superior Court

APR 15 1996

BY: ALAN CARLSON, Clerk
S. DOUGLAS
Deputy Clerk

7
8
9
10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF SAN FRANCISCO



13 LANDMARK EDUCATION
14 CORPORATION, a corporation,

15 Plaintiff,

16 vs.

17 MARGARET THALER SINGER, an
18 individual, JANJA LALICH, an individual,
and DOES 1 through 100, inclusive,

19 Defendants.

Case No. 976037

**DECLARATION OF MARGARET
THALER SINGER IN SUPPORT OF
DEFENDANTS' SPECIAL MOTION TO
STRIKE COMPLAINT
[C.C.P. § 425.16]**

Date: May 1, 1996

Time: 9:30 a.m.

Place: Dept. 10, Rm. 414

(Trial Date: None)

20
21 I, Margaret Thaler Singer, state and declare:

22
23 1. I am a defendant in the above-entitled action and the primary author
24 of Cults in Our Midst: The Hidden Menace in Our Everyday Lives (hereinafter the
25 "Book"). I have personal knowledge of the matters set forth in this declaration and could
26 competently testify thereto if called as a witness.
27
28

1 **BACKGROUND**

2 2. As set forth in the attached curriculum vitae (Exh. A (attached
3 hereto)), I am a licensed clinical psychologist, an emeritus adjunct professor in the
4 Department of Psychology at the University of California, Berkeley, and in the private
5 practice of psychology. I have written more than one hundred articles published in
6 professional journals throughout my career.

7 3. I have been a practicing psychologist, teacher, and researcher for
8 nearly fifty years. My primary area of research has centered around individual and group
9 influence with a particular emphasis on the study of cults and thought reform. Over the
10 years, I have counseled and interviewed more than 3,000 current and former cult members.

11 4. In 1978, I was awarded the Leo J. Ryan Memorial Award, named in
12 memory of the U.S. Congressman murdered in Jonestown. I also held a Research Scientist
13 Award from the National Institute of Mental Health and was the first woman and first
14 clinical psychologist elected president of the American Psychosomatic Society. In addition,
15 I have received numerous national honors for my research, including awards from the
16 American Psychiatric Association, the American College of Psychiatrists, the National
17 Mental Health Association, the American Association for Marriage and Family Therapy,
18 and the American Family Therapy Association.

19 5. I worked at the Walter Reed Army Institute of Research, Washington,
20 D.C., during the years 1952 - 1958. A major portion of my work at that time was with Drs.
21 Edgar H. Schein, Robert J. Lifton and others at the Walter Reed Army Institute studying
22 the effects of thought-reform programs (also called "coercive persuasion" or more
23 colloquially "brainwashing") on American military personnel who had fought in the Korean
24 War as seen upon repatriation. Drs. Schein and Lifton are widely viewed within the
25 psychological profession as preeminent authorities in the field of thought reform.

26 6. Later, Dr. Schein and I collaborated in a follow up study on former
27 prisoners of war to assess their functioning five years after repatriation. As part of this
28 latter work, I interviewed a series of civil internees who had been exposed to thought

1 reform programs in mainland China. I have continued to study persons who have been
2 subjected to coordinated programs of coercive influence and behavior control as these
3 programs have evolved over the years.

4 7. I have included material about thought reform in many courses I have
5 taught since approximately 1964. Since 1978 I have taught DSM III, DSM III-R, and DSM
6 IV (The Diagnostic and Statistical Manual of Mental Disorders, American Psychiatric
7 Association, 1980, 1987, and 1994) to approximately five thousand professionals and
8 trainees. In each of these courses on diagnosis I have included a basic overview of thought
9 reform programs.

10 8. In addition, I have lectured on aspects of thought reform programs in
11 the United States and abroad on approximately one hundred occasions at various
12 professional meetings, including invited addresses to the American Psychological
13 Association, the American Psychiatric Association, the American Sociological Association,
14 and the Society for Clinical and Experimental Hypnosis, as well as to various law
15 enforcement agencies and other organizations.

16 9. I have been qualified as an expert witness in state and federal courts in
17 many states around the country as well as in a court in London, England. Most of my
18 testimony has been on thought reform and the effects of deceptive and coercive influence
19 techniques and language as applied to specific individuals.

20 10. I also have addressed in writing the U.S. Congress and the executive
21 branch about thought reform and undue influence. I have given written statements to the
22 Subcommittee on Health of the House of Representatives Ways and Means Committee and
23 to the U.S. Department of Justice.

24
25 **PUBLIC STATEMENTS ABOUT INDIVIDUAL AND GROUP INFLUENCE**

26 11. Over the past two decades, I have spoken frequently in the press and
27 in the media about issues of thought reform, influence, persuasion, and group dynamics.
28 Last year alone, I was interviewed well over 100 times about these subjects as follows:

1 a. I appeared as an invited guest to speak as an expert on
2 approximately 30 local, national, and international television programs (for CNN
3 International, CNBC, CBS Network News, Fox TV, Japan-American TV, and many others);

4 b. I appeared as an invited guest to speak as an expert on
5 approximately 30 local, national, international radio programs (for CBS National Radio,
6 National Public Radio, BBC Radio, Australian Radio, Canadian BBC radio, and many
7 others);

8 c. I was interviewed by numerous news reporters for newspapers
9 and magazines including, among many others, the *Los Angeles Times*, *Washington Post*, *San*
10 *Diego Union Tribune*, *San Francisco Chronicle*, *Psychology Today*, *New York Magazine*; and

11 d. I acted as a consultant for such television programs as ABC's
12 *Nightline* with Ted Koepel, CBS's *Prime Time News*, NBC's *First Person* with Maria
13 *Shriver*, the *McNeil/Lehrer Report*, and *Nippon TV* and for numerous radio programs.

14 12. Throughout the years, I also have spoken regularly about issues of
15 thought reform, influence, persuasion, and group dynamics in a variety of other public
16 arenas, including U.S. and foreign universities, professional association and society
17 meetings, and military settings. Last year, for instance, I gave public talks to such large
18 groups as the National Institute of Mental Health, U.S. Submarine Base, San Diego,
19 Uniformed Services University of Health Sciences Program, Seattle Forensic Society, and
20 Berkeley Presbyterian Church, among others. In addition, I have been invited to speak at
21 the University of Heidelberg and at numerous other events.

22 13. In many of the interviews and other public discussions described above,
23 I have discussed commercially sold large group awareness training ("LGAT") courses. The
24 message that I have attempted to convey in those forums is the same as the one stated in
25 the Book. That is, I repeatedly have stated that individuals must assess critically whether
26 the self-help group or New Age seminar that they are considering is a legitimate enterprise
27 or an organization that uses thought reform and other deceptive and dangerous techniques.

1 THE WELL-PUBLICIZED CONTROVERSY SURROUNDING
2 WERNER ERHARD AND HIS PROGRAMS

3 14. A great deal of public controversy has surrounded Werner Erhard and
4 his programs, "est" (Erhard Seminars Training) and its offshoot The Forum, for many years.
5 Back in 1977, one journal observed: "As the popularity of est has grown, so has the mass
6 media interest in it. By now hundreds of magazine and newspaper articles, books, and
7 radio and television features have examined the est experience." E. Babbie & D. Stone,
8 *Biosci. Commun.* 3:123-40 (1977) (Exh. J (filed separately herewith).) I know this to be so
9 based on my reading of so much of that literature.

10 15. The est and Forum programs have raised a number of issues of great
11 public concern, sparking controversy both in the United States and abroad. One significant
12 public health and safety issue discussed in the media and the press is whether these
13 programs cause psychological harm. In England, for instance, *The London Times* ran a
14 three-part series investigating The Forum and concluded:

15 But [the reporter] saw people undergoing humiliation and other kinds
16 of emotional trauma that have no place in respectable management practice
17 or sound psychological counselling. The training sessions were a potent brew
18 of arcane philosophy, smooth salesmanship, amateur psychiatry, psychological
19 brow-beating and New Age mysticism. Such techniques pray upon human
20 suggestibility and are designed to induce dependency, confusion and self-
21 doubt.

22 There is a growing body of evidence that manipulative pressure like
23 this, without proper checks and safeguards, can lead to long-term stress,
24 nervous breakdown or clinical depression.

25 "Mercenary Mindboggling," *The London Times* (Jul. 23, 1992) (Exh. J).

26 16. This health and public safety issue has been discussed in newspaper
27 articles, *see, e.g.*, R. Howe, "Self-Help Course Allegedly Shattered A Life," *The Washington*
28 *Post* (Jul. 7, 1992) ("Three days after attending the Forum, according to testimony, Ney
suffered a breakdown and was committed to a psychiatric institute in Montgomery
County."); K. Metzler, "Woman Wins Suit Over Ill Effects of Self-Help Course," *The*
Washington Times (Jul. 16, 1992) (\$382,000 default judgment entered against Werner
Erhard for plaintiff's participation in The Forum), in magazine articles, *see, e.g.*, J. Main,

1 "Trying to Bend Managers' Minds, *Fortune* (Nov. 23, 1987) (noting the psychological issues
2 raised by Erhard's programs and others), in books, *see, e.g.,* K. Hoyt, *The New Age Rage*, at
3 170 (Fleming H. Revell Co. 1987) (discussing Erhard's philosophy and concluding that "the
4 New Age movement not only encourages borderline personality disorders, it also offers its
5 followers support for the very problems it helps create in them"); and in psychological
6 journals, *see, e.g.,* C. Powell, "The Induction of Acute Psychosis in a Group Setting,"
7 *Canadian J. of Psychiatry*, vol. 4 (1979) ("Although there is by now a well established
8 American literature on casualties from Encounter and T-Groups, and more recent
9 organizations such as "est," there have been few reports published in Canada."). (All the
10 above references are contained in Exhibit J.)

11 17. Another recurrent public issue that has attracted much attention in the
12 media and the press has been (and continues to be) whether est/Forum properly belongs in
13 the workplace. Once again, the number of articles, magazines, journals, books, and other
14 literature that address this issue is too numerous to recount in full. A representative article
15 appeared in *The San Diego Union-Tribune* (Aug. 7, 1994), stating:

16 But employees and ex-employees will talk. And the story they tell is
17 not a pretty one. Apparently, the Erhard-Landmark-Forum mystique
permeated the company, particularly at the management level. * * *

18 "They were pressing people to get involved, but a lot of employees
19 thought it was a cult," says a former employee.

20 Exh. J; *see also* P. Lopez-Johnson, "Personal Seminars Spur Questions," *Santa Barbara News*
21 *Press* (Jun. 11, 1994) (controversy when city manager asked employees "to take the [Forum]
22 seminars and offered to cover the cost with city money") (Exh. J).

23 18. Another recurring controversy over the years has been whether est and
24 The Forum can be classified as "cults." The public record is replete with references to
25 these programs as "cults," "cultic," or "cult-like." *See, e.g.,* M. Landler, "EST Leaders
26 Recharge the Batteries of New Clientele," *The New York Times* (Mar. 13, 1988) ("The Cult
27 Awareness Network, a Chicago-based group whose founders include former cult members,
28 believes that the Forum ... brainwash participants into signing up for ever more advanced

1 courses."); M. Polak, "Did est create yuppies," *Philadelphia Enquirer* (Dec. 31 1989) (Erhard
2 "denies he's a cult leader" in interview); S. Pressman, "Taking Cults to Court for
3 Psychological Injuries," *New Jersey Law Journal* (Mar. 9, 1992) (feature story on attorney
4 "who likes to put American cults on trial" and who has sued Landmark); R. Behar & R.
5 King, "The Winds of Werner," *Forbes* (Nov. 18, 1985) ("When last heard from in these
6 pages ... Erhard was riding high with his consciousness-raising cult"); N. Chesanow, *New*
7 *Woman*, "est" (Jan. 1987) ("[T]hey are occasionally accused of being brainwashed members
8 of a cult, charges The Forum creator, Werner Erhard, adamantly denies."); P. Martin, Cult
9 Proofing Your Kids, p. 25 (Harper Collins 1993) ("Some of these types of groups would
10 include Synanon, the Forum (formerly est) ..."); G. Mather & A. Nichols, Dictionary of
11 Cults, Sects, Religions And The Occult p. 105 (Harper Collins 1993) ("Forum's popularity,
12 like so many of the self-styled personality CULTS, went into sharp decline in the 1980s.");
13 M. Langone, Recovery From Cults, p. 194 (W.W. Norton & Co. 1993) (referring to est
14 under heading, "Dissecting The Cult's Ideology"); B. Larson, Larson's New Book of Cults,
15 pp. 224-27 (Tyndale House 1989) (devoting entire section to The Forum in section entitled
16 "An Encyclopedia of Cults"); S. Hassan, Combating Cult Mind Control (Park Street Press
17 1988) (after noting that est is "now renamed the Forum," stating that "the more intensive est
18 programs exhibit certain qualities which I have defined above as characteristic of a cult.");
19 W. Martin, The New Cults p. 105 (Vision House 1980) ("[S]tructurally and sociologically
20 [est] fits the definition of a cult"). (All the above references are contained in Exhibit J.)

21 19. The controversy over the proper classification of est and The Forum is
22 not one that has concerned me. What has concerned me as a psychologist, teacher, and
23 citizen are the health and safety issues and the workplace issues raised by these programs.
24 As a result, I have studied and discussed the activities within these programs, but have not
25 characterized est or The Forum as a "cult" in any of my writings, public talks, or judicial
26 testimony.

1 KNOWLEDGE OF ERHARD, EST, AND THE FORUM

2 20. Over the past two decades, I have studied LGAT programs, such as
3 Erhard's est and its offshoot The Forum. My knowledge of est and The Forum derives
4 from several sources:

5 a. Pursuant to federal court orders, I attended six LGAT sessions
6 as an expert witness -- two of which were sponsored by est and The Forum in 1984 -- to
7 evaluate the potential psychological impact of these programs on participants;

8 b. I have interviewed and/or treated approximately 50 or more
9 individuals who have taken the est or The Forum training;

10 c. I have reviewed various videotapes and audiotapes used to train
11 est and Forum leaders, including taped lessons given by Erhard;

12 d. I have read approximately ten books and hundreds of articles
13 and other literature about est and The Forum; and

14 e. I have received and reviewed materials about est and The
15 Forum while participating as an expert witness in cases involving them, including internal
16 studies, promotional materials, and deposition testimony of various individuals about them.

17 21. One of the materials that I read while participating as an expert, in (I
18 believe) Ney v. Landmark Education Corp., No. 91-1245-A (E.D. Va.), and one of the
19 materials we relied upon in writing the Book, is a brochure about The Forum produced by
20 Landmark's predecessor, Werner Erhard & Associates (a true and correct copy of which is
21 attached hereto as Exhibit B). "The Promise of The Forum," the brochure states, is to
22 produce magical results:

23 Your participation in The Forum takes you beyond a mere understanding of
24 *being*, beyond even an occasional, unpredictable experience of *being*, and
25 provides you with direct access to the domain of *being* itself. This is the
26 magic of The Forum.

27 Exh. B (emphasis in original).
28

1 22. The brochure also emphasizes that Erhard created The Forum and is
2 based on his "study, teaching and original work" (*i.e.*, est):

3 Werner Erhard's work, the principles and technology of which are used in the
4 Forum, is indebted to the dialogue and committed action which has shaped
5 our civilization. The results produced from the programs he created -- based
6 on more than 25 years of study, teaching and original work -- have been the
subject of twelve books and are substantiated by 22 independent research
studies.

7 (Exh. B.)

8 23. A 1993 internal memorandum from Landmark's Chief Operating
9 Officer and brother of Werner Erhard confirms the fact that The Forum is based on
10 Werner Erhard's original "technology" (*i.e.*, est):

11 The nature and material of Landmark Education's initiatives, projects, and
12 programs is based on a technology originally developed by Werner Erhard
13 with whom Landmark Education has a licensing arrangement for the rights to
this technology. It is on this technology that Landmark's work stands today
and from which it continues to evolve.

14 Exh. C, at 1 (emphasis added). A true and correct copy of the memorandum is attached
15 hereto as Exhibit C.

16 24. The 1993 internal memorandum refers to a licensing agreement. That
17 agreement further establishes the close, continuing relationship between Werner Erhard
18 and Landmark. Not only does the agreement license Landmark to use Erhard's intellectual
19 property in presenting The Forum, it also passes control of the license to Martin Leaf, Esq.,
20 in the event of Erhard's death. A true and correct copy of the licensing agreement is
21 attached hereto as Exhibit D.

22 25. Mr. Leaf is a partner in the New York law firm that represents
23 Landmark in this action, Morrison, Cohen, Singer & Weinstein. He is also the same lawyer
24 who deposed me on January 19, 1996, on behalf of Landmark in Landmark Education
25 Corporation v. Cult Awareness Network, No. 94-L-11478 (Circuit Court, Cook County, Ill.).
26 I was subpoenaed to testify in that case as a percipient witness on January 19, 1996.
27 Almost the entire deposition, however, was about the Book rather than the underlying
28

1 lawsuit. Throughout the deposition, Mr. Leaf had a copy of the Book before him. He
2 appeared to be asking me questions from portions of the Book that he had highlighted or
3 underscored.

4 26. My interest in and study of LGATs, in general, and est/Forum, in
5 particular, have been ongoing. Between 1991 and the time I wrote the Book, I spoke to
6 numerous individuals about their experiences as participants in The Forum and read many
7 accounts in the media and the press of other individuals' experiences in The Forum. Their
8 reported experiences were consistent with my direct experience in attending the est/Forum
9 courses, my review of the training materials, and my interviews and treatment of numerous
10 individuals.

11 27. I have read literally hundreds of articles about Erhard, est, The Forum,
12 and related projects. These articles have appeared in such newspapers as *The Wall Street*
13 *Journal*, *The New York Times*, *The San Francisco Chronicle*, *The San Francisco Examiner*,
14 *The San Francisco Daily Journal*, *The Los Angeles Times*, *The Philadelphia Inquirer*, *The*
15 *Chicago Tribune* and *The San Jose Mercury News*; and in such magazines as *Newsweek*,
16 *Forbes*, *New York Times*, *Cosmopolitan*, *Harper's*, and *Psychology Today*.

17 28. The articles appeared in newspapers in various parts of this country,
18 describing experiences with Erhard and his programs in many different states (e.g.,
19 California, Colorado, Florida, Georgia, Indiana, Illinois, Massachusetts, Oregon, New
20 Jersey, New York, Ohio, Pennsylvania, and Texas). The articles also have appeared in
21 foreign newspapers, describing similar experiences abroad (e.g., Australia, Canada, and
22 England).

23 29. A 1991 article that appeared in *Newsweek* magazine is typical of the
24 numerous publications that I have read about Erhard, est, and The Forum before
25 publishing the Book. (Exh. J.) It reports:

26 Over the last 10 years, Erhard has found himself under an increasing barrage
27 of allegations that he was running not so much an enlightenment program as
28 an authoritarian cult. Former disciples have come forward with stories of
violence and intimidation by Erhard and his staff.

1 (Exh. J.)

2 30. The *Newsweek* article also notes that "[a]s est's luster dimmed, Erhard
3 updated it with the Forum." (Exh. J.) The article refers to The Forum as a "[y]uppified
4 1980s version" of est. (Exh. J.) According to *Newsweek*, Erhard "formed a management-
5 consulting firm called Transformational Technologies that brought his ideas to corporate
6 America." (Exh. J.) *The Wall Street Journal* had made a similar report years earlier,
7 referring to The Forum as "a \$525 version of est for yuppies." (Exh. J.) See also P. Boyer,
8 "From est to Worst," *The Washington Post* (Dec. 9, 1993) ("By the early 1990s, with the
9 Source (Erhard) in exile in Mexico -or was it Switzerland? -- lieutenants carried on under a
10 new name, the Forum."); "The guru and the commisars," *Chicago Tribune* (Dec. 8, 1986)
11 ("The 'est' approach and updated versions of it are a bit too gaseous for most Americans,
12 even Californians.")

13 31. While I do not have copies of all the newspaper and magazine articles
14 and book excerpts that I read about Erhard, est, The Forum, and Landmark prior to
15 publication of the Book, I do have copies of many. It would be too cumbersome to submit
16 all the copies that I have, so I am submitting true and correct copies of representative
17 articles and book excerpts I read and relied upon in writing the Book. Because of the bulk
18 of these materials, I am submitting them as a separate exhibit, Exhibit J, filed concurrently
19 herewith. The article and excerpts are listed alphabetically by author and tabbed separately
20 in accordance with the accompanying table of contents.

21
22 **TESTIMONY AGAINST ERHARD AND HIS PROGRAMS, EST, AND THE FORUM**

23 32. Over the past twenty years, up until the present, I have testified in both
24 federal and state courts as an expert witness about thought reform and undue influence. I
25 have testified in Alabama, Arkansas, California, Colorado, Connecticut, New York,
26 Pennsylvania, Oregon, Washington, D.C., West Virginia, and Virginia. I also have testified
27 in the Queens High Court in London, England.

28

1 33. As an expert witness, I have testified approximately ten times against
2 Werner Erhard and the programs that he created, including est and its offshoot The Forum.
3 In each of those cases, I testified on behalf of the plaintiff in a manner that was highly
4 critical of Erhard and his programs.

5 34. For instance, in Ney v. Landmark Education Corp., No. 91-1245-A
6 (E.D. Va.), plaintiff Stephanie Ney sued Landmark Education Corporation for her mental
7 breakdown following her participation in The Forum. Her treating psychiatrist, the
8 psychologist who tested her, and her out-patient treating psychologist all specifically noted
9 that her participation in The Forum the weekend prior to her hospitalization was directly
10 related to her mental breakdown.

11 35. In my testimony in the Ney case, I concurred with the professional
12 observations of her treating physicians and caretakers. As stated in my expert report in that
13 case:

14 The standard of care followed in the community by therapists/group leaders
15 conducting groups is ignored and violated by the est/Forum organization in
16 many and significant ways. The est/Forum organization applies a number of
17 powerful and psychologically disturbing, emotionally arousing and defense
18 destabilizing techniques to large groups of people, in an intense, marathon-
like period. The est/Forum organization has been aware that what they term
"SEU's" (severe emotional upsets) have occurred over the years in the course
of the seminars. The est/Forum organization, based on documents, have
been aware of, and has been tracking the occurrences of SEU's since 1981. . .

19 (A true and correct copy of the internal document tracking the "SEU's," which I also relied
20 upon in writing the Book, is attached hereto as Exhibit E.)

21 36. In another case, Gutfreund v. Werner Erhard & Assoc., No. 889174
22 (S.F. Sup. Ct.), I diagnosed Mr. Gutfreund as having Bipolar Mood Disorder which was
23 triggered by his deep involvement in est and related projects. After becoming involved in
24 est, Mr. Gutfreund declined a partnership offer in his company and quit his job with that
25 company without any alternative plans for gainful employment. He then donated much of
26 his time and tens of thousands of dollars to projects associated with Erhard. Ultimately,
27
28

1 Mr. Gutfreund became very ill both physically and mentally, resulting in hospitalization.
2 And having donated his money, he was forced to apply for welfare benefits.

3 37. It was my opinion in Gutfreund that Erhard's programs triggered Mr.
4 Gutfreund's Bipolar Mood Disorder. I testified that participants in those programs are,
5 among other things, "unwittingly subjected to coercive persuasion" by such techniques as
6 isolation from familiar surroundings, control over a participant's time and physical activities,
7 deprivation of sleep and proper nutrition, and peer group pressure. Supp. Decl. of
8 Margaret T. Singer, at ¶¶ 11-13, 18-21, 26-29, 38 (Mar. 18, 1990) (a true and correct copy of
9 which is attached hereto as Exhibit F).

10 38. In yet another case, Afremow v. Werner Erhard, et al., No. 900887
11 (S.F. Sup. Ct.), I examined Ms. Charlene Afremow, a person who had worked closely with
12 Erhard for many years and who had achieved a high-ranking position in his organization.
13 In my testimony, I stated that Erhard's organization is "ideologically driven . . . rather than
14 an ordinary business," that the "tendency of the organization is to conceal and protect the
15 leader (*i.e.*, Erhard) at all costs," that Erhard controls his employees by his personality and
16 through the use of special language, and that Erhard and his organization strongly
17 discourage any rational criticism.

18 39. I have given similarly critical testimony about programs designed by
19 Erhard in: (a) Bojorquez v. Werner Erhard, et al., No. 449177 (Santa Clara Sup. Ct.); Blair
20 v. est, et al., No. 82-M-1526 (D. Colo.); Rhodes v. est, No. 22104 (N.Y. Sup. Ct.); Segall v.
21 est, (N.J.); Slee v. Werner Erhard, No. N-84-497-JAC (D. Conn.); Smith v. Erhard (Tx.);
22 Urgell v. est.

23 40. In addition, I have testified in many other cases about dangerous
24 techniques employed by certain LGAT programs. While those cases were filed against an
25 entity or individual other than Erhard and his programs, my testimony at times addressed
26 Erhard and his programs in response to deposition questions or in the course of general
27 discussion. This principally occurred in cases against John Hanley and his program
28 Lifespring.

1 41. I also was retained by Erhard's ex-wife to render an opinion in the
2 Erhards' divorce case. This was a highly publicized and acrimonious divorce case, in which
3 allegations of incest and physical abuse were levelled against Mr. Erhard. Numerous
4 articles were written about the divorce in various newspapers and magazines.

5 42. The *San Jose Mercury News*, for example, reported that one of his
6 daughters said that "her father's desire to control is behind the worst night of her youth, the
7 night Ellen Erhard was choked and beaten in front of her children, taken to a motel and
8 allowed to return home only as a maid." J. Hubner, "All in the Family," *West* magazine,
9 *San Jose Mercury News* (Nov. 18, 1990). And *Newsweek* magazine reported that "two of
10 Erhard's daughters . . . have spilled their own harrowing tale of alleged physical and
11 emotional abuse inflicted, they say, on them and their mother, Ellen." D. Gelman, "The
12 Sorrows of Werner," *Newsweek* (Feb. 18, 1991.)

13 43. After I testified in the Bojorquez case, Werner Erhard, through his
14 counsel Richard Stanislaw, demanded that I not testify again against Mr. Erhard. Mr.
15 Stanislaw stated that Mr. Erhard would not settle that case unless I signed a statement
16 stating that I would not testify against Mr. Erhard or his programs. I refused to do so.
17 After this demand, Mr. Stanislaw called me and again tried to persuade me not to testify
18 against Mr. Erhard or his programs in the future. Once again, I refused.

19 44. As I observed in the Book, many groups attempt to use litigation to
20 stifle views that are unfavorable to the image that a particular group wishes to convey to
21 the public. According to its 1993 internal memorandum, Landmark adopted a policy to
22 respond "aggressively" to statements in the media that are contrary to "the facts" as it sees
23 them. (Exh. C.) This aggression has taken the form of attempting to screen material upon
24 threat of suit, seeking retractions, and threatening and filing suits, among other things.
25 True and correct copies of newspaper articles reflecting this activity are attached hereto as
26 Exhibit G.

27
28

1 THE BOOK

2 45. The Book is primarily based on the work that I have done during my
3 fifty-year career as an expert in group behavior and influence techniques. In writing the
4 Book, we relied on my interviews and discussions with thousands of current and former cult
5 members and their relatives and friends, as well as with participants in various training
6 programs such as est and The Forum. We also relied on, among other things, numerous
7 articles from academic journals that I previously had written and lectures I had given, as
8 well as other journal, newspaper, and magazine articles. In addition, we relied on internal
9 documents and materials of the groups discussed in the Book, which I obtained from
10 current and former group members and from lawsuits in which I participated as an expert.

11 46. Between 1991 and the time that I wrote the Book, I spoke to
12 numerous individuals about their experiences as participants in est and/or The Forum. The
13 experiences they shared were consistent with one another and independently corroborated
14 by the many newspaper and magazine articles and books that I read about Landmark and
15 The Forum. I had no reason to believe that these individuals were being anything other
16 than honest and forthright in their discussions with me.

17 47. In the Book, we briefly discuss Landmark and The Forum (pages 202-
18 204) in a chapter that discusses large group awareness training groups ("LGATs") and the
19 workplace. This discussion provides readers with a proper historical perspective about
20 LGATs and describes some of the public controversy that has surrounded them.

21 48. The Forum is one of the largest and most popular LGATs. It also has
22 been the source of great public controversy and has been discussed in numerous magazine
23 and newspaper articles and books. As a result, it would have been very conspicuous not to
24 have discussed The Forum in a chapter about LGATs. We wrote about The Forum for
25 these reasons. I certainly did not include Landmark or The Forum in the Book for any
26 reason of hatred or ill-will.

27 49. On pages 202-03 of the Book, we describe The Forum and
28 Transformational Technologies. The description is taken directly from promotional

1 brochures distributed by The Forum and Transformational Technologies. A true and
2 correct copy of the brochures that we relied upon are attached hereto as Exhibit B (The
3 Forum brochure) and Exhibit H (Transformational Technologies brochure).

4 50. Upon discussing some of the controversy surrounding The Forum, we
5 reported about the well-publicized incidents involving the Ohio Children Services and the
6 DeKalb Farmers Market (at pages 204-05). In doing so, we principally relied on the *Wall*
7 *Street Journal* and other articles and several consistent reports in Columbus, Ohio
8 newspapers. True and correct copies of those articles are attached collectively hereto as
9 Exhibit I.

10 51. I never have doubted, nor have had reason to doubt, the truth of any
11 statement in the Book, including those that directly address Landmark and The Forum.
12 The Book was carefully researched and edited, and I believed our sources to be trustworthy
13 and reliable.

14 52. I understand that Landmark claims that the mere mention of The
15 Forum in the Book allows for the attribution of any and all statements regarding cults to
16 Landmark. This was not my intent when writing the Book, nor do I have any reason to
17 believe that it was Janja Lalich's intent. The Book is written in distinct chapters, categories,
18 and headings. Passages that were meant to refer to a particular group, including The
19 Forum, actually mention that group by name.

20 53. We also cautioned readers that they must judge each group mentioned
21 in the Book by its own behavior, and that not every group mentioned in the Book is a cult.
22 At the outset, the Book states in the Foreword:

23 One person's cult, of course, is another's religion -- or, for that matter,
24 political or commercial organization. One must make careful distinctions, as
Singer cautions us, and judge each group by its own behavior.

25 (Book p. xii.) At page 49, we then wrote that "[n]ot all the new religious, personal growth,
26 self-help, or radical psychotherapy organizations are known to use mind control or other
27 cultic techniques of deception."
28

1 54. Next to each reference to Landmark or The Forum, we also reminded
2 the reader to think critically and to make careful distinctions. In the very chapter that
3 discusses them, we note up front that:

4 [t]here are many advancement programs, workshops, seminars, and training
5 sessions utilized by companies and corporations in the United States and
6 elsewhere that are legitimate in their intentions and often effective in their
7 outcomes.

8 (Book p. 182.) And immediately before the only other reference to Landmark, the book
9 reads: "[N]ot all the groups mentioned in a category necessarily fall within the definition of
10 a cult; some have been included, as the reader will see, in order to provide a full sense of
11 the emerging social history." (Book pp. 40-41.)

12 55. In the Book, I devoted an entire chapter to the type of intimidation
13 that various individuals and groups employ to silence their critics and to shape public
14 perception -- Chapter 9, entitled "The Threat of Intimidation." (Book pp. 213-43.) One
15 tactic that I have observed as a professional in this field for many years, and which I wrote
16 about in the Book, is "to scare off critics -- be they researchers, journalists, or private
17 citizens -- with threats, intimidation, lawsuits, and other acts of harassment." (Book p. 213.)
18 I also noted Erhard's propensity in this regard:

19 More recently, a large New York publisher, St. Martin's Press, was
20 greeted with 'blasts of hostility and threats of a libel suit' when it announced
21 plans to publish a new critical account of the rise and fall of est founder and
22 New Age guru Werner Erhard. Similarly, in 1992, Erhard's attorney filed a
23 libel suit against CBS News after "60 Minutes" aired a program critical of him.
24 The lawsuit was withdrawn three months later.

25 (Book p. 228.) Based on many years of observations and study, Landmark's lawsuit against
26 me and Janja Lalich fits this pattern of intimidation and harassment for my speaking about
27 it critically in the courts and in the press and media and to the public at large.

28 I declare under the penalty of perjury under the laws of the State of
California that the foregoing is true and correct. Executed this 15th day of April, 1996, in
San Francisco, California.

Margaret Thaler Singer
Margaret Thaler Singer

EXHIBIT I

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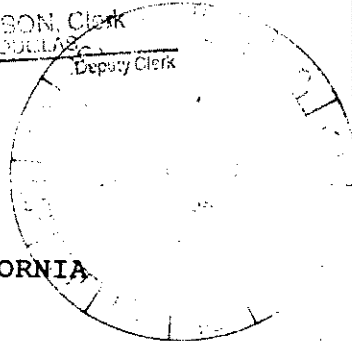
DANIEL H. BOOKIN (State Bar No. 78996)
STAN BLUMENFELD (State Bar No. 139239)
NEIL S. JAHSS (State Bar No. 162744)
O'MELVENY & MYERS
Embarcadero Center West
275 Battery Street, 26th Floor
San Francisco, California 94111
(415) 984-8700

ENDORSED
FILED
San Francisco County Superior Court

APR 15 1996

ALAN CARLSON, Clerk
S. DOUBILET, Deputy Clerk

Attorneys for Defendants Margaret Thaler Singer and Janja Lalich



SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO

LANDMARK EDUCATION CORPORATION,)
a corporation,)
)
Plaintiff,)
)
vs.)
)
MARGARET THALER SINGER, an)
individual, JANJA LALICH, an)
individual, and DOES 1 through)
100, inclusive,)
)
Defendants.)

Case No. 976037
**DECLARATION OF STEVEN PRESSMAN
IN SUPPORT OF DEFENDANTS'
SPECIAL MOTION TO STRIKE
COMPLAINT
[CCP § 425.16]**
DATE: May 1, 1996
TIME: 9:30 a.m.
PLACE: Dept. 10, Room 414
TRIAL
DATE: None

I, Steven Pressman, state and declare:

1. I am an author and currently work as an editor for the *San Francisco Daily Journal*. I have personal knowledge of the matters set forth in this declaration and could competently testify thereto if called as a witness.

2. In 1993, St. Martin's Press published a book that I had written entitled Outrageous Betrayal: The Dark Journey of Werner Erhard from est to Exile ("Outrageous Betrayal"). That book

1 took a critical look at Werner Erhard and the training programs and
2 projects he created, including est and The Forum.

3 3. On numerous occasions while I was writing the book,
4 I tried to interview employees of Landmark Education Corporation
5 ("Landmark"), including Harry and Joan Rosenberg, whom I understood
6 and understand to be Werner Erhard's brother and sister. No one at
7 Landmark would agree to an interview or otherwise to provide me
8 with information related to the book.

9 4. Long before Outrageous Betrayal was even published,
10 my publisher and I received numerous threats of litigation. Both
11 Walter P. Maksym, Esq., acting on behalf of Werner Erhard, and Art
12 Schreiber, Esq., acting on behalf of Landmark as its attorney and
13 corporate officer, threatened to sue us for libel. They both said
14 that Werner Erhard and Landmark would seek to hold me personally
15 accountable in any lawsuit.

16 5. At the time of the threats, the book had not yet
17 been published, and I had not sent a copy of the manuscript to
18 anyone. Mr. Maksym requested me to send him a copy of the
19 manuscript prior to publication for purposes of identifying what he
20 deemed to be "objectionable." I believe Mr. Schreiber made a
21 similar request. I declined to comply with the request.

22 6. In Outrageous Betrayal, I wrote that an organization
23 called the Global Hunger Project ("Project") was created by Werner
24 Erhard. I also wrote that, based on extensive research, I believed
25 that the main purpose of the Project from 1977 to 1990 was not to
26 eradicate world hunger as the Project claims, but rather to spread
27 est's message of how to achieve personal transformation. According
28 to my book, est emerged as The Forum in 1985, and the Project

1 continued to operate with the same purpose and in the same fashion
2 throughout the 1977 - 1990 period.

3 7. On June 28, 1994, the Project filed suit against me,
4 asserting libel and other related claims. I was the only named
5 defendant in that action; the Project did not sue the publisher,
6 St. Martin's Press. I believed then, as I do now, that the lawsuit
7 was a fulfillment of the threats that I had received earlier from
8 Messrs. Maksym, Mr. Erhard's lawyer, and Mr. Schreiber, Landmark's
9 lawyer.

10 8. On February 16, 1995, I filed a special motion to
11 strike the complaint under Cal. Civ. Proc. Code § 425.16. In
12 filing that motion, I stated my continued belief that the complaint
13 was filed in an attempt to stifle the legitimate criticism
14 described in Outrageous Betrayal.

15 9. While the trial court denied my § 425.16 motion, the
16 First District of the California Court of Appeal agreed to hear the
17 appeal of that denial and ordered briefing.

18 10. Before the Court of Appeal decided my appeal, the
19 Project offered to dismiss its lawsuit if I signed the following
20 innocuous statement:

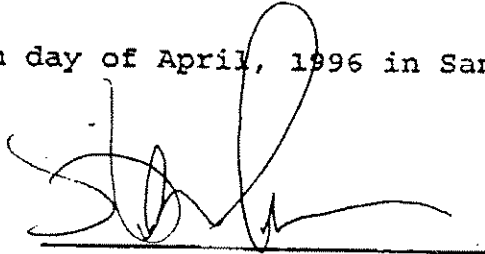
21 "Chapter Thirteen of my book 'Outrageous
22 Betrayal -- The Dark Journey of Werner Erhard
23 from est To Exile" accurately describes through
24 1991 the Global Hunger Project as I viewed it.
The book describes no fact, or opinion
concerning the Global Hunger Project or its
operations at any time after 1991."

25 11. Because I only wrote about the Project's operations
26 between 1977 and 1990, and because I firmly believed that Chapter
27 Thirteen accurately described the Project, I had no problems
28 signing the statement. After doing so, the Project dismissed its

1 lawsuit with prejudice. A true and correct copy of the settlement
2 agreement (which contains the statement I signed) is attached
3 hereto as Exhibit A.
4

5 I declare under penalty of perjury that the foregoing is
6 true and correct.

7 Executed this 12th day of April, 1996 in San Francisco,
8 California.



Steven Pressman

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EXHIBIT J

1 JAMES A. LASSART (SBN 40913)
CAROL P. LaPLANT (SBN 85745)
2 ROPERS, MAJESKI, KOHN & BENTLEY
670 Howard Street
3 San Francisco, California 94105
Telephone: (415) 543-4800
4 Facsimile: (415) 512-1574

5 Attorneys for Plaintiff
LANDMARK EDUCATION CORPORATION

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7
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9

STATUS CONFERENCE DATE: FEB 27 1998
SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE CITY AND COUNTY OF SAN FRANCISCO

ENDORSED
FILED
San Francisco County Superior Court

SEP 26 1997

ALAN CARLSON, Clerk
BY: MONICO SD. MATEO, JR.
Deputy Clerk

8:30 A.M.

PLAN I

FEB 27 1998

10
11 LANDMARK EDUCATION CORPORATION,

12 Plaintiff,

13 v.

14 STEVEN PRESSMAN,

15 Defendant.

CASE NO.

989890

COMPLAINT FOR ORDER COMPELLING
ANSWERS TO DEPOSITION QUESTIONS

16
17 Plaintiff LANDMARK EDUCATION CORPORATION ("Landmark") complains
18 and alleges as follows:

19 1. Plaintiff Landmark is a corporation duly organized under the laws of the State
20 of California, qualified to do business and doing business in San Francisco, California.

21 2. Plaintiff is informed and believes and thereon alleges that defendant STEVEN
22 PRESSMAN ("Pressman") is a resident of San Francisco, California.

23 3. Landmark is currently involved in pretrial litigation of a case that Landmark
24 filed in the Circuit Court of Cook County, Illinois, entitled *Landmark Education Corporation v. Cult*
25 *Awareness Network, et al.*, Action No. 94-L-11478 ("the Illinois action"). The complaint in the
26 Illinois action alleges that defendants Cult Awareness Network, its affiliates and certain named

1 individuals, disseminated false and defamatory information about Landmark, and the complaint
2 contains causes of action for defamation, injurious falsehood, interference with prospective
3 economic advantage, false light in the public eye, commercial disparagement, conspiracy, deceptive
4 trade practice, and consumer fraud.

5 4. Defendant Steven Pressman is or has been a journalist and has published
6 material about Landmark. The false and defamatory information disseminated by the defendants in
7 the Illinois action includes material published by Mr. Pressman and, on information and belief,
8 includes material otherwise obtained from Mr. Pressman.

9 5. In conjunction with the Illinois action, on April 23, 1997 Landmark obtained
10 from the Circuit Court of Cook County, Illinois, a Commission to Take Deposition Outside Illinois,
11 allowing Landmark to take the deposition of Steven Pressman, and a Subpoena for Deposition of
12 Steven Pressman, setting said deposition at the San Francisco offices of Ropers, Majeski, Kohn &
13 Bentley. True and correct copies of the Commission and Illinois Subpoena are attached hereto as
14 Exhibit A.

15 6. Thereafter, on the basis of said Commission and Illinois Subpoena, Landmark
16 caused the San Francisco Superior Court to issue a Subpoena for the deposition of Steven Pressman,
17 and caused the California Subpoena to be served on Mr. Pressman.

18 7. On June 5, 1997, Mr. Pressman appeared for deposition in *Landmark*
19 *Education Corporation v. Cult Awareness Network, et al.*, at the San Francisco offices of Ropers,
20 Majeski, Kohn and Bentley.

21 8. During the aforesaid deposition, Mr. Pressman repeatedly and without
22 substantial justification refused to answer questions, improperly asserting the so-called newsman's
23 shield pursuant to California Evidence Code section 1070 and Article I, section 2(b) of the California
24 Constitution.

25 9. The questions asked of Mr. Pressman in his deposition were reasonably
26 calculated to lead to the discovery of admissible evidence in the Illinois action and were asked in

1 good faith. Following the aforesaid deposition, Mr. Pressman's counsel agreed to allow Mr.
2 Pressman to answer some of the questions that Mr. Pressman had improperly refused to answer, but
3 still refused to allow him to answer most of these questions.

4 10. Landmark, therefore, must seek the intervention of the San Francisco
5 Superior Court in compelling Mr. Pressman to answer deposition questions that are not subject to
6 the newsman's shield or any privilege. Jurisdiction in the San Francisco Superior Court is proper
7 because this court issued the California Subpoena for his deposition, Mr. Pressman is a resident of
8 San Francisco, and Mr. Pressman has based his refusals to answer on California law.

9 WHEREFORE, Landmark requests relief as hereinafter provided.

10 1. An Order compelling Mr. Pressman to answer all questions he has refused to
11 answer that are outside the proper scope of the asserted newsman's shield and not subject to any
12 privilege;

13 2. For costs of suit;

14 3. For reasonable attorney's fees, as sanctions provided by the California
15 discovery code; and

16 4. For such other and further relief as the court may deem just and proper.

17
18
19 Dated: September 26, 1997

20 ROPERS, MAJESKI, KOHN & BENTLEY

21
22 By Carol LaPlant
23 CAROL P. LaPLANT
24 Attorneys for Plaintiff
25 LANDMARK EDUCATION CORPORATION
26

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

COPY

Landmark Education Corporation,

Plaintiff,

v.

Cult Awareness Network, et. al.,

Defendants.

No. 94 L 11478

COMMISSION TO TAKE DEPOSITION OUTSIDE ILLINOIS

To. Walter P. Maksym, Esq. Martin Leaf, Esq. James A. Lassart, Esq.
720 Enterprise Drive 750 Lexington Avenue 670 Howard Street
Oak Brook, IL 60521-1908 New York, NY 10022 San Francisco, CA 94105

YOU ARE COMMISSIONED to take the discovery and evidence deposition of Steven Pressman of San Francisco, California

whom you are authorized to bring before you at such time and place as you designate for examination upon oral interrogatories

The names of all parties are (See attached list)

The names of all attorneys are (See attached list)

The deposition is to be taken, certified and filed in accordance with the instructions on the back of this commission.

Dated April 23, 19 97

AURELIA PUCINSKI, Clerk of court

(Seal of court)

Name Walter P. Maksym, Esq.
Attorney for Landmark Education Corporation, Plaintiff
Address 720 Enterprise Drive
City Oak Brook, Illinois 60521-1908
Telephone (630) 573-1900
Atty No. 55061

(OVER)

LIST OF PARTIES &
ATTORNEYS OF RECORD
IN CASE No. 94 L 11478

COPY

Plaintiff:

Landmark Education Corporation

Defendants:

Cult Awareness Network, an entity of unknown legal character, Cynthia Kissler, individually and as agent and Executive Director of the Cult Awareness Network, William Rehling, individually and as agent and Director of the Cult Awareness Network, Cult Awareness Network New York / New Jersey n/k/a Cult Information Service, Inc., Cult Awareness Network North Texas n/k/a Free Minds of North Texas, Inc. and John & Jane Does 1-50 and unknown aiders, abettors & co-conspirators.

Attorneys of Record:

Gregory Ellis, Esq.
999 Plaza Drive, Suite 777
Schaumburg, IL 60173

William Rehling
6410 North Northwest Highway
Chicago, IL 60631

Benjamin P. Hyink, Esq.
Hyink & Scannicchio, Chtd.
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Chicago, IL 60603-5205

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Bates, Meckler, Bugler & Tilson
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233 S. Wacker Drive
Chicago, IL 60606

C. Steven Tomaszewski, Esq.
Jenner & Block
One IBM Plaza
Chicago, IL 60611

Thomas E. Johnson, Esq.
Johnson, Jones, Snelling, Gilbert & Davis
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Chicago, IL 60603

Martin Leaf, Esq.
Pro Hac Vice
Morrison, Cohen, Singer,
& Weinstein, L.L.P.
750 Lexington Avenue
New York, New York 10022
(212) 735-8727

Walter P. Maksym, Esq.
Walter P. Maksym & Associates
720 Enterprise Drive
Oak Brook, Illinois 60521-1802
(630) 573-1900
Atty. No. 55061

2181 - Served
2281 - Not Served
2381 - Served By Mail

(Rev. 6-20-94) CCG 14

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Lanmark Education Corporation,
Plaintiff,

v.

Cult Awareness Network, et. al.,
Defendants.



NO. 94 L 11478

COPY

SUBPOENA FOR DEPOSITION

To: Steven Pressman
1371 Noe Street
San Francisco, California 94131

YOU ARE COMMANDED to appear to give your deposition before a notary public at the Law Offices of Roper, Majeski, Kohn & Bentley (Telephone #415-543-4800) 670 Howard Street, Room 2000, San Francisco, California on May 19th and 20th, 1997, at 10:00 a.m. each said day until 5:00 p.m. each said day.

YOU ARE COMMANDED ALSO to bring the following.

The original of all documents and records requested to be produced pursuant to the attache Amended Schedule to this Subpoena,

in your possession or control.

YOUR FAILURE TO APPEAR IN RESPONSE TO THIS SUBPOENA WILL SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF THIS COURT.

WITNESS April 23, 1997

Name Walter P. Maksym, Esq.
Attorney for Landmark Education Corporation
Address 720 Enterprise Drive
City Oak Brook, Illinois 60521-1908
Telephone (630) 573-1900
Atty No. 55061

Clerk of Court

I served this subpoena by handing a copy to

..... on, 19..... I paid the witness ...

S..... for witness and mileage fees

Signed and sworn to before me, 19.....

..... Notary public

AURELIA PUCINSKI . CLERK OF THE CIRCUIT COURT OF COOK COUNTY

COPY

AMENDED SCHEDULE TO SUBPOENA

INSTRUCTIONS

1. In the event that any document requested is withheld on the basis of a claim of privilege, please be prepared to identify each such document by setting forth the following information:

- a. the name of the author of that document,
- b. the date of the document,
- c. the name of each person or persons (other than stenographic or clerical assistant) participating in the preparation of the document,
- d. the date on which the document was received by those having possession of the document,
- e. the name and address of each person, if any, to whom the contents of the document have heretofore been disclosed, communicated, or seen by copy, exhibition, reading, substantial summarization, or any other means
- f. a brief description of the nature and the subject matter of the document,
- g. the statute, rule, or decision which is claimed to give rise to the privilege,
- h. the present custodian and location of the document,
- i. attachments to the document,
- j. the number of pages, attachments, or appendices comprising the document,
- k. whether the document is handwritten, typewritten, or otherwise prepared, and,
- l. the number of the request to which the document is responsive.

2. If, for reasons other than a claim of privilege, Deponent refuses to produce any documents or tangible things described herein, please be prepared in detail to state the grounds upon which the refusal is based with sufficient specificity to permit a determination of the propriety of such refusal.

3. This request shall be deemed continuing so as to require further and supplemental production of any and all documents and other things learned of or received after the time of compliance herewith, the production of which would otherwise have been required.

4. This request calls for the production of all original documents which are within Deponent's possession, custody, or control. In addition, this request calls for the production of all copies of such documents and any drafts thereof, preliminary or otherwise, which are within Deponent's possession, custody, or control, or within the possession, custody, or control of any agent, attorney, or other representative of Deponent.

5. Whenever necessary to bring within the scope of this request, any documents which might otherwise be construed to be outside the scope of this request, the singular form of a word shall be interpreted in the plural and vice versa, all words and phrases all be construed as masculine, feminine, or neuter gender, according to the context, "and" as well as "or" shall be construed either disjunctively or conjunctively.

6. Deponent should be prepared to state under oath that production is complete with respect to this request and disclose all persons who participated in compiling or producing said documents together with their addresses and telephone numbers.

DEFINITIONS

1. "Date" means the exact day, month, and year if ascertainable, or if not, Deponent best approximation thereof.
2. "Person" means any natural person, corporation, firm, partnership, or other legal entity.
3. "Deponent", "You" and "your" shall mean Steven Pressman, jointly and severally and any agent, attorney, or person acting or purporting to act at the direction or under your control.
4. As used herein, "document" shall mean the original and if not available, any copy of the original, of writings of every kind including, but not limited to, any correspondence, drawings, changes to such drawings, sketches, books, records, logs, reports, memoranda, abstracts, advertisements, agreements, appointment records, articles, audio recordings—whether transcribed or not—balance sheets, bills, bills of lading, blanks, boarding passes, books of account, brochures, cablegrams, cash advance receipts or requests, credit card records, certificates, charters, communications charts, checks, compilations from which information can be obtained or translated through detection devices, papers, transcriptions or summaries of conversations, contact managers or programs files, records or data bases, data bases, delivery records, diaries, digital media, drafts, drafts of documents, electronic or mechanical recordation in any type of medium, disks, plans and specifications, flyers, graphs, audio or videotapes, slides, cards, wires, computer programs, computer printouts, computer information stored in memory, entries, e-mail, estimates, expense records, field notes, films, financial analyses, financial statements, forms, handbooks, telegrams, income, statements, indices, instruments, intra- and inter-office communications, invoices, itemizations journals, letters, licenses, literature, mailings, manuals, maps, meeting reports, minutes, notes, order forms, orders, opinions, payroll records, permits, photocopies, photographs, airplane tickets, photographs, press releases, prospectuses, publications, receipts, recordings, records, records of account, reports, requisitions, resolutions, statements, statistical records, studies, summaries, system analyses, time records, training manuals, evaluations, travel vouchers, warehouse receipts, and any other electronic or mechanical recordings or transcripts or any other device or instrument from which information can be perceived or which is used to memorialize human thought, speech, or action in the possession, custody, or control of Deponent, wherever located, including all premises, offices, and residences of the Deponent. The term "document" shall also include copies containing information in addition to that contained in or on the original and all the attachments, appendices, enclosures, or documents referred to in any documents produced pursuant to this request. If any audio or videotape, disk, card, wire, or other electronic or mechanical recording or transcript or any computer program is produced, Deponent shall produce and make available such documents or devices as are necessary for the decoding, playback, printing, and/or interpretation thereof, and any other documents or devices which are necessary to convert such information into a useful and usable format.
5. "Relate to" or "refer to" shall mean consisting of, reflecting, or in any logically or factually connected with the matter discussed. A document "relating to" a given subject is any document identifying, referring to, dealing with, evidencing, commenting upon, having as a subject, describing, summarizing, analyzing, explaining, detailing, outlining, defining, interpreting, or pertaining to that subject, including, without limitation, documents referring to the presentation of other documents.
6. "Cult Awareness Network" and "CAN" means and shall refer to Defendant Cult Awareness Network, its predecessors and successors in interest, affiliates, divisions, subsidiaries, partners, agents, employees, volunteers, officers, directors, trustees, licensees, members, attorneys, and any other person or persons acting for or purportedly acting on its behalf or for its benefit.

7. "Cynthia Kisser" or "Kisser" means and shall refer to Defendant Cynthia Kisser, her partners, agents, attorneys, assigns or any person acting or purporting to act on her direction or her behalf or for her benefit.

8. "Plaintiff" means and shall refer to Plaintiff Landmark Education Corporation and any person acting at its direction or on its behalf, employees, its agents.

9. "Defendant(s)" shall mean CAN, Kisser, William Rehling, Cult Awareness Network of NY/NJ of C.F.F, Inc. (now known as Cult Information Service, Inc.), Cult Awareness Network of North Texas (now known as Free Minds of North Texas) and either of their predecessors, successors in interest, affiliates, licensees, divisions, subsidiaries, partners, agents, employees, volunteers, officers, directors, trustees members, attorneys, and any other person or persons acting for or purportedly acting on either of their behalf or for either of their benefit and any person or persons acting at either of their direction or on behalf of either of predecessors, successors in interest, affiliates, divisions, subsidiaries, partners, agents, employees, volunteers, officers, directors, trustees, donors members and/or attorneys.

DOCUMENTS REQUESTED TO BE PRODUCED
BY YOU AT YOUR DEPOSITION

1. Any and all documents and tangible things including but not limited to any photographs, films, negatives, imprints, tape or video recordings, drawings or devices, which directly or indirectly refer or relate to: Plaintiff and/ or Defendants and/or Plaintiff's program known as the "Forum" and/or anyone who has participated in the "Forum" including but not limited to you.

2. If any document is or has been withheld, destroyed, or altered, please be prepared to list and identify such document, its author, date, general subject matter, and specify by whom, where, and when each document was withheld, destroyed, or altered.

3. Any and all documents and tangible things including but not limited to any photographs, films, negatives, imprints, tape or video recordings, which directly or indirectly refer or relate to Plaintiff and/or Defendants and/or Plaintiff's program known as the "Forum" and /or anyone who has participated in the "Forum".

4. Any and all documents and tangible things including but not limited to any photographs, films, negatives, imprints, tape or video recordings, or drawings, which refer or relate to any statement, utterances, and communications by Deponent to anyone of and concerning Plaintiff and or its program, known as the "Forum" and /or anyone who has participated in the "Forum".

5. Any and all documents and tangible things including but not limited to any letters, notes, memoranda, correspondence, date books or diaries, and any and all tangible things including but not limited to any photographs, films, negatives, imprints, tape or video recordings, or drawings which refer or relate any meetings, conversations, discussions, visits, contacts, or communications between Deponent and person or entity relating to Plaintiffs or any allegations contained in Plaintiff's complaint.

6. Any and all documents and tangible things including but not limited to any letters, notes, memoranda, correspondence, date books or diaries, and any and all tangible things including but not limited to any photographs, films, negatives, imprints, tape or video recordings, or drawings which refer or relate any meetings, conversations, discussions, visits, contacts, or communications between Deponent and Defendants and/or any person or entity relating concerning Plaintiff and or its program, known as the " Forum" and /or anyone who has participated in the "Forum".

7. Any and all documents which relate to any decision or action of Defendants to compile, distribute, or disseminate any flyer and brochure referencing Plaintiff and/or its program, known as the "Forum" or to sell, offer for sale, distribute, or disseminate any book, video, audio tape, document materials.

8. Any and all minutes, notes, records, tapes, audio or video of any and all meetings relating directly or indirectly to Plaintiff, Defendants, and Defendants officers, agents, attorneys, employees, members, supporters, or contributors relating to the conduct of the business of Defendants.

9. Any and all documents which relate electronic media organizations, local, state, or federal, law enforcement officers or governments or quasi-governmental agencies or employees, elected or appointed relating to Defendants or pertaining to Defendants business and activities, lobbying, or entities, organizations, groups Defendants may consider, classify, or receive complaints.

10. Any and all correspondence between you and the Plaintiff.

11. Any and all correspondence between you and any of the Defendants or any of their officers, agents, attorneys, or employees.

12. Any and all correspondence between the Plaintiff or its officers, agents, attorneys, or employees and any Defendant or any of their officers, agents, attorneys, or employees.

13. Any and all correspondence between any of the Defendants, their officers, agents, attorneys, employees, members, supporters, donors or contributors and or it's officers, agents, attorneys, employees.

14. Any and all media (newspaper, magazine, radio, and/or television) interviews, articles, books, records, documents or correspondence relating to you and/or Plaintiff and/or Defendant(s) regarding them, any/or any of them and/or the Forum.

15. Any and all documents relating or referring to Focus, reFocus or their officers, agents, attorneys, employees, members, supporters, donors or contributors and or it's officers, agents, attorneys, employees.

16. Any and all correspondence or documents relating or referring to the American Family Foundation or it's officers, agents, attorneys, employees, members, supporters, donors or contributors and or it's officers, agents, attorneys, employees.

17. Any and all correspondence and/or documents relating or referring to Dr. Margaret T. Singer, her employees, agents and attorneys and/or The Margaret Thaler Singer Foundation, Inc. or it's officers, agents, attorneys, employees, members, supporters, donors or contributors and or it's officers, agents, attorneys, employees.

18. Any and all correspondence and/or documents relating or referring to Hope Evans, Anne Anderson, Brett Bates, Carol Giambalvo, Ronald Loomis, James K. Garvey (a/k/a Kevin Garvey), Paul Engel, Arnold Markowitz, Corey Slavin, William Svoboda, Ron Zimmerman, Gabe Cazares, Edward Lottick, Steven Pressman, Barbara Grosswald, Herbert Rosedale and/or Lelila Lisman and or any of their employees, agents and attorneys.

19. Any and all correspondence and/or documents relating or referring Cult Awareness Network North Texas n/k/a as "Free Minds of North Texas", Cult Awareness Network NY/NJ, (a/k/a Cult Awareness Network, NY/NJ of C.F.F., Inc. n/k/a Cult Information Service, Inc.

20. All state and federal income tax returns since 1989 including all schedules, forms, and other attachments referencing or relating in any way to either or both of the Defendants.

21. All 1099s, W2s, and W4s referencing or relating in any way to either or both of the Defendants. which you received, issued, mailed, or completed since 1985.

22. Any and all documents relating to or reflecting any other income you received since 1985 from either or both Defendant's or from any person referred to you by or any act of either or both Defendants.

23. Any and all documents which refer or relate to CAN's attempts to obtain or receive allotment of federal (501(c)(3)) or state tax exempt status since 1989.

24. Any and all documents referring or relating to any litigation, adversarial or administrative proceeding involving either or both Defendants, Plaintiff' and/or its program, known as the " Forum" and/or anyone who has participated in the "Forum", to which you were/are:

- (a) a party,
- (b) a deponent,
- (c) an affiant, and/or
- (d) a witness in court.

25. Any and all documents which relate to any decision or action of Defendants to compile, distribute, or disseminate any flyer and brochure referencing Plaintiff' and/or its program, known as the " Forum" or to sell, offer for sale, distribute, or disseminate any book, video, audio tape, document materials, prepared or authored in whole or in part by you.

26. Any and all minutes, notes, records, tapes, audio or video of any and all meetings, conventions of Defendants, and CAN, officers, agents, employees, members, supporters, or contributors relating to the conduct of the business of CAN.

27. Any and all documents which relate electronic media organizations, local, state, or federal, law enforcement officers or governments or quasi-governmental agencies or employees, elected or appointed relating to CAN or pertaining to CAN's business and activities, lobbying, or entities, organizations, groups CAN may consider, classify, or receive complaints.

28. Any and all correspondence between you and any of the Defendants.

29. Any and all written contracts between you and any of the Defendants.

Martin Leaf, Esq.
Pro Hac Vice
Morrison, Cohen, Singer,
& Weinstein, L.L.P.
750 Lexington Avenue
New York, New York 10022
(212) 735-8727

James A. Lassart, Esq.
Roper, Majeski, Kohn & Bentley
670 Howard Street
San Francisco, California 94105
(415) 543-4800

Walter P. Maksym, Esq.
Walter P. Maksym & Associates
720 Enterprise Drive
Oak Brook, Illinois 60521-1802
(630) 573-1900
Atty. No 55061

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): WALTER P. MAKSYM, ESQ. 720 ENTERPRISE DRIVE OAK BROOK, ILLINOIS 60521-1908 TELEPHONE NO.: (630) 573-1900		FOR COURT USE ONLY
ATTORNEY FOR (Name): PLAINTIFF NAME OF COURT: SAN FRANCISCO SUPERIOR COURT STREET ADDRESS: 633 Folsom St. MAILING ADDRESS: CITY AND ZIP CODE: SAN FRANCISCO, CA 94107		
BRANCH NAME: PLAINTIFF/PETITIONER: LANDMARK EDUCATION CORPORATION DEFENDANT/RESPONDENT: CULT AWARENESS NETWORK, et. al.		
DEPOSITION SUBPENA For Personal Appearance <input checked="" type="checkbox"/> and Production of Documents and Things		
		CASE NUMBER: 94 L 11478 (PENDING IN COOK COUNTY, IL)

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of deponent, if known):

STEVEN PRESSMAN 1371 NOE STREET, SAN FRANCISCO, CA 94131

1. YOU ARE ORDERED TO APPEAR IN PERSON TO TESTIFY AS A WITNESS in this action at the following time and place:

Date: MAY 19TH & 20TH	Time: 10:00 AM - 5:00 PM	Address: ROBERS, MAJESKI, KOHN & BENTLEY 670 HOWARD ST. SAN FRANCISCO, CA (415) 543-4800
--	---------------------------------	---

- a. As a deponent who is not a natural person, you are ordered to designate one or more persons to testify on your behalf as to the matters described in item 3. (Code of Civil Procedure section 2025 (d)(6).)
 - b. You are ordered to produce the documents and things described in item 3.
 - c. This deposition will be recorded stenographically and by audiotape videotape.
 - d. This videotape deposition is intended for possible use at trial under Code of Civil Procedure section 2025 (u)(4).
2. The personal attendance of the custodian of records or other qualified witness and the production of the original documents are required by this deposition subpoena. The procedure authorized by Evidence Code sections 1560 (b), 1561, and 1562 will not be deemed sufficient compliance with this subpoena.
3. The documents and things to be produced and any testing or sampling being sought are described as follows:

THE ORIGINAL OF ALL DOCUMENTS AND RECORDS REQUESTED TO BE PRODUCED PURSUANT TO THE ATTACHED AMENDED SCHEDULE TO THIS SUBPENA

Continued on attachment 3.

4. A deposition permits an attorney to ask questions of a witness who is sworn to tell the truth. An attorney for other parties may then ask questions also. Questions and answers are recorded stenographically at the deposition; later they are transcribed for possible use at trial. A witness may read the written record and change any incorrect answers before signing the deposition. The witness is entitled to receive witness fees and mileage actually traveled both ways. The money must be paid, at the option of the party giving notice of the deposition, either with service of this subpoena or at the time of the deposition.

DISOBEDIENCE OF THIS SUBPENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF FIVE HUNDRED DOLLARS IN DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued:

MAY 6 -



ALAN M. CARLSON

[Signature]
 (SIGNATURE OF PERSON ISSUING SUBPENA)

 (TITLE)

See reverse for proof of service)

DEPOSITION SUBPENA - PERSONAL APPEARANCE

Code of Civil Procedure, § 2020, 2025
Government Code § 68097.1

2181 - Served
2281 - Not Served
2381 - Served By Mail

(Rev. 6-20-94) CCG 14

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Lanmark Education Corporation,

Plaintiff,

v.

Cult Awareness Network, et. al.,

Defendants.

NO. 94 L 11478

SUBPOENA FOR DEPOSITION

To: Steven Pressman
1371 Noe Street
San Francisco, California 94131

YOU ARE COMMANDED to appear to give your deposition before a notary public at the Law Offices of Roper, Majeski, Kohn & Bentley (Telephone #415-543-4800) 670 Howard Street, ~~Room~~ Street, ~~Room~~ San Francisco, California. ~~XXXXXX~~ ~~XXXXXX~~

on May 19th and 20th, 19 97, at 10:00 a.m. each said day until 5:00 p.m. each said day.

YOU ARE COMMANDED ALSO to bring the following.

The original of all documents and records requested to be produced pursuant to the attache Amended Schedule to this Subpoena,

in your possession or control.

YOUR FAILURE TO APPEAR IN RESPONSE TO THIS SUBPOENA WILL SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF THIS COURT.

WITNESS April 23, 19 97

Name Walter P. Maksym, Esq.
Attorney for Landmark Education Corporation
Address 720 Enterprise Drive
City Oak Brook, Illinois 60521-1908
Telephone (630) 573-1900
Atty No. 55061

Aurilia Pucinski
Clerk of Court

I served this subpoena by handing a copy to
..... on, 19 I paid the witness ...
\$..... for witness and mileage fees

Signed and sworn to before me, 19
..... Notary public

(Rev. 3-88) CCG-38

3346

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Landmark Education Corporation,
Plaintiff,

v.

Cult Awareness Network, et. al.,
Defendants.

No. 94 L 11478

COMMISSION TO TAKE DEPOSITION OUTSIDE ILLINOIS

To. Walter P. Maksym, Esq.
720 Enterprise Drive
Oak Brook, IL 60521-1908

Martin Leaf, Esq.
750 Lexington Avenue
New York, NY 10022

James A. Lassart, Esq.
670 Howard Street
San Francisco, CA 94105

YOU ARE COMMISSIONED to take the discovery and evidence
deposition of Steven Pressman of San Francisco, California
(discovery) (evidence)

whom you are authorized to bring before you at such time and place as you designate for examination upon
oral interrogatories
(oral interrogatories) (interrogatories attached)

The names of all parties are (See attached list)

The names of all attorneys are (See attached list)

The deposition is to be taken, certified and filed in accordance with the instructions on the back of this commission.

Dated April 23, 1997

AURELIA PUCINSKI, Clerk of court

(Seal of court)

Name Walter P. Maksym, Esq.
Attorney for Landmark Education Corporation, Plaintiff
Address 720 Enterprise Drive
City Oak Brook, Illinois 60521-1908
Telephone (630) 573-1900
Atty No. 55061

(OVER)

1 CASE NAME: Landmark Education Corporation v. Steven Pressman
ACTION NO.: 989890

2
3 **PROOF OF SERVICE**

4 I am a citizen of the United States. My business address is 670 Howard Street, San
5 Francisco, California 94105. I am employed in the county of San Francisco where this service
6 occurs. I am over the age of 18 years, and not a party to the within cause. I am readily familiar with
7 my employer's normal business practice for collection and processing of correspondence for mailing
8 with the U.S. Postal Service, and that practice is that correspondence is deposited with the U.S.
9 Postal Service the same day as the day of collection in the ordinary course of business.

10 On the date set forth below, following ordinary business practice, I served a true copy of the
11 foregoing document(s) described as:

12 **SUMMONS AND COMPLAINT FOR ORDER COMPELLING ANSWERS TO
13 DEPOSITION QUESTIONS;**

14 **NOTICE OF MOTION AND MOTION FOR ORDER COMPELLING ANSWERS
15 TO DEPOSITION QUESTIONS, AND FOR SANCTIONS;**

16 **MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION
17 FOR ORDER COMPELLING ANSWERS TO DEPOSITION QUESTIONS, AND FOR
18 SANCTIONS;**

19 **DECLARATION OF CAROL P. LaPLANT IN SUPPORT OF MOTION FOR
20 ORDER COMPELLING ANSWERS TO DEPOSITION QUESTIONS, AND FOR
21 SANCTIONS;**

22 **SEPARATE STATEMENT OF QUESTIONS AND RESPONSES IN DISPUTE; and**

23 **FEDERAL CASE LAW SUBMITTED BY PLAINTIFF IN SUPPORT OF MOTION
24 TO COMPEL;**

- 25 (BY FAX) by transmitting via facsimile the document(s) listed above to the fax
26 number(s) set forth below, or as stated on the attached service list, on this date
27 before 5:00 p.m.
- 28 (BY MAIL) I caused such envelope(s) with postage thereon fully prepaid to be
placed in the United States mail at San Francisco, California.
- (BY PERSONAL SERVICE) I caused such envelope(s) to be delivered by hand
this date to the offices of the addressee(s).
- (BY OVERNIGHT DELIVERY) I caused such envelope(s) to be delivered to an
overnight delivery carrier with delivery fees provided for, addressed to the
person(s) on whom it is to be served.

Judy Alexander, Esq.
Law Offices of Judy Alexander
824 Bay Avenue, Suite 10
Capitola, California 95010
(408) 479-3488

Attorney for Defendant Steven Pressman

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

Executed on October 2, 1997, at San Francisco, California.


Gillian Brecker

EXHIBIT K

The First Step

P.S.1's changing course leaves some people wondering what direction the charter school is taking

Westword/ May 4, 2000

By Julie Jargon

Tuesday, September 7, 1999. It's the beginning of a new school year, and it's going to be a big one for P.S.1, Denver's oldest charter school. As P.S.1 enters its sixth year of existence, its charter will be up for renewal by the Denver Board of Education, and teachers and administrators would like to ensure its continued success.

P.S.1's founders hatched the idea for a school for fifth- through twelfth-graders in 1993, when charter schools were still a new phenomenon in public education. It had a rocky start, but because of its innovative class projects, ethnic diversity and service to the central Denver community -- students helped the Colorado Historical Society archive the media coverage of the Oklahoma City bombing trial, worked with the Denver City Council to design a skateboard park, built homes for hurricane victims in Honduras and houses for low-income families in Denver's Globeville neighborhood -- P.S.1 has been lauded as an example for other charter schools to follow.

When the Board of Education considers whether to give it the go-ahead for another five years, P.S.1's founders must prove that the school has lived up to its charter and present their plans for the future.

Wednesday, November 17, 1999. Twenty-eight P.S.1 students between the grades of seven and twelve are on their way to the Covenant Heights Conference Center near Estes Park, where, they've been told, they'll have "an intense experience." The five-day mountain retreat is the kickoff of the yearlong Steps Ahead program, offered by a nonprofit organization called Colorado Youth at Risk. The point of the retreat is to get kids excited about becoming better students and better people.

But the program doesn't end there. Adult mentors will be paired with students, and the whole group will meet monthly throughout the rest of the year to ensure that the kids stick to their goals. The plan is to hold two retreats -- one in the fall and one in the spring -- with another group of kids joining Steps Ahead the second time around.

The students who agreed to go on the retreat were chosen by teachers and CYAR staff members because they are considered to be "at risk" of dropping out of school or engaging in risky behavior, such as using drugs and alcohol and having sex. In the days before the retreat, students had to fill out applications that asked the following questions: Have you ever been pregnant?

Have you fathered any children?

Do you consider yourself gay, lesbian or bisexual?

Do you or any of your family have a drug or alcohol problem?

Have you ever had thoughts of killing yourself?

In addition, the kids were interviewed by a school counselor before they were approved for the trip. The counselor asked them to describe their relationships with their parents, stepparents,

reasonable, responsible person could say that it is."

Although Fowler is on a leave of absence and couldn't be reached by *Westword*, his assistant, Barbara Peet, confirms that Fowler did, in fact, write the report.

In addition to Fowler's report, Landmark Education attorney Art Schreiber provided a litany of other testimonials from people, including a cult expert, an Episcopal bishop in Massachusetts, six law enforcement officers in California, several psychiatrists and psychologists, other clergy members and a former FBI agent in Texas. In 1998, the Harvard Business School even published a favorable case study of Landmark, titled "Landmark Education Corporation: Selling a Paradigm Shift," which covered the company's history, "technology," business model for the future and other factors.

Schreiber warned *Westword* that "in the event your article does not include relevant portions of the opinion letters of experts that Landmark and The Landmark Forum are not a cult and does not include the fact that the allegations against Mr. Erhard have been retracted, Landmark will pursue appropriate legal action to redress the damage caused by publication of the article." Landmark Education has a history of using its legal staff to try to attack negative press reports, and several publications, including *Self* and *Redbook* magazines, have run retractions after having referred to Landmark as a cult.

The controversy hasn't affected the company's popularity, however. In 1998 it reported \$54 million in revenues, according to Schreiber, and now has a series of self-awareness seminars -- The Forum; The Landmark Forum in Action Seminar, a ten-evening class in which participants focus on their "personal commitments, relationships, projects and goals"; The Landmark Advanced Course, a four-day workshop where participants are given "the tools for creating a future that is informed by the past but not limited or restricted by it"; and The Landmark Self-Expression and Leadership Program, which prepares participants to go on to train other people.

It all sounded like a bunch of psychobabble to Linda Reilly. She figured that if adults, who willingly and knowingly sign up for Landmark seminars, want to attend, that was their prerogative. But should kids -- particularly at-risk kids -- be participating in a similar-seeming program?

She posed that question to teachers, administrators and boardmembers, as well as to Rex Brown, P.S.1's executive director, and Steve Myers, the new principal who'd come to P.S.1 in the fall. When it became clear that the majority of her colleagues supported the Steps Ahead program, she decided she could no longer remain at the school, where she had done everything from clean toilets and teach classes to manage the school's finances.

Colorado Youth at Risk, as it turns out, was inspired by the Breakthrough Foundation, a nonprofit organization that originally grew out of est. The Foundation's primary program was called Youth at Risk (there are now twelve other YAR organizations worldwide), in which troubled teens attend ten-day retreats and meet with mentors.

Glenna Norvelle was a marketing director for Fox Sports almost a decade ago when she was introduced to a teenage girl who had participated in a Youth at Risk program in another city. Norvelle's boyfriend, Michael Donahue (now her husband), worked at a Denver law firm that was holding a golf tournament to raise money to help the girl establish a Youth at Risk program in Denver. Donahue took Norvelle to the tournament, where she watched a videotape produced by Chicago Youth at Risk. She was impressed, and decided to volunteer at a ten-day retreat sponsored by the Youth at Risk program in Oakland, California, in 1992.

"What attracted me was that I saw both young people and adults from all socioeconomic and ethnic backgrounds do things they didn't think they could do," Norvelle says, referring to the outdoor ropes activities like the ones that P.S.1 students did. "I had been a Big Sister before, but this looked like a more comprehensive program; it was about creating a community instead of adults just doing things for kids."

Drive-thru Deliverance

It's not called est anymore, but you can still be ridiculed into self-awareness in just one expensive weekend

Phoenix New Times/October 19, 2000

By Amanda Scioscia

Everything in the central Phoenix office building could vanish in a matter of minutes, leaving behind no signs of life. No family photos sit on the desks. All the furniture could easily be stacked up and rolled away.

At 9 a.m., the people arrive, find name tags, and file into a nondescript classroom. They are 180 strong, mostly white, middle-aged, and needing to lose a few pounds.

Beneath the numbing glow of industrial fluorescent lights, they sit shoulder to shoulder, packed in tighter than coach class, unable to cross their legs without kicking the seat in front of them. Tiny windows show only a strip of sky, and there is nothing to focus on but three chalkboards at the front of the room.

For three days, 15 hours a day, like clockwork, the people will show up and await transformation. They will sob and wail, confess their failings and reveal the deepest secrets of incest, infidelity and shame in their lives. If their burdens are not lighter by the time they leave, their wallets will be.

Richard Condon takes the stage and mounts himself on a long-legged director's chair. He is 50-ish, with salt-and-pepper hair, a goatee and small, piercing eyes. He tells the people they are about to board an emotional roller coaster. There will be peaks, there will be valleys, and it isn't safe to get off until the ride stops. Leave now, he says, or stick around for the long haul.

It has been a long haul for this mainstay of the self-awareness movement, which started under the name "est." Peaking in the late '70s, est helped people "get it" with its characteristic and controversial marathon seminars and abrasive, confrontational techniques. In 1985, Werner Erhard and Associates changed the name from est to the Forum.

For the past decade, the company has had a different name -- Landmark Education -- and new management. But little else has changed. Est's intellectual scion still claims that it can change people's lives by pummeling them into admitting that they are failures and remake them through hours of guided introspection and group confession.

And it still charges hundreds of dollars for the privilege of spending three days wedged cheek to jowl with other souls who have forked over cash to be yelled at, ridiculed, berated and, of course, transformed.

Landmark Education holds permanent court at its Phoenix office on Osborn Road, hosting basic "Forums" every six weeks, which generally attract more than 100 people at \$350 a head. It offers introductory courses nearly every day, and at any given time, two to four seminars of some sort are in progress. Despite decades of persistent controversy, the programs continue to attract crowds with promises of quick salvation from whatever ails you.

In a prepackaged, microwaveable, Pop-Tart, drive-through-liquor culture, what could be more appealing than reconstructing your life over one weekend and being back at work on Monday?

just don't see any parallel with that type of leader in Landmark."

The company does not meet many of the conventional definitions of a cult. Landmark does not require its members to turn over their personal assets, except the cost of tuition. Landmark does not cut people off from family and friends, there is no communal living situation, nothing to worship, and participation must be voluntary.

But does Landmark wash brains? That is an entirely different question. In an article titled "Coercive Persuasion and Attitude Change," Richard J. Ofshe, professor of social psychology at UC-Berkeley and co-recipient of the 1979 Pulitzer Prize, defines coercive persuasion, or brainwashing, as "programs of social influence capable of producing substantial behavior and attitude change through the use of coercive tactics, persuasion, and/or interpersonal and group manipulations." Dr. Robert Jay Lifton, a psychiatrist and professor at the City University of New York, studied brainwashing in China, and in his book Thought Reform and the Psychology of Totalism identified eight criteria as a basis for answering the question: "Isn't this brainwashing?"

They include: control of communication, emotional and behavioral manipulation, demands for absolute conformity, obsessive demands for confession, agreement that the ideology is faultless, manipulation of language in which clichés substitute for analytic thought, reinterpretation of human experience in terms of doctrine and classification of those not sharing the ideology as inferior. Ofshe points out that brainwashing isn't always as scary as it sounds and it doesn't necessarily involve physical assault. He distinguishes four characteristics of coercive persuasion: the reliance on intense interpersonal and psychological attack, the use of an organized peer group, applying interpersonal pressure to promote conformity and the manipulation of the person's social environment.

In his report on the Landmark Forum, Raymond Fowler of the American Psychological Association states, "The relatively brief encounters in a pleasant environment that characterizes the Landmark Forum program could never effect such extreme and unwanted changes in personality and behavior as those attributed to the various forms of 'mind control.'"

When asked whether they use any brainwashing techniques, Kamin says "absolutely not." "I think that's about as libelous as you can get, and I think it would be very interesting if you print it," he says. "I'm not going to even respond; I think it's ridiculous. I think it's a ridiculous allegation."

Kamin says he's shocked that anybody would even raise the question. "We will take very seriously anything that libels or slanders us. And I believe you will," he says. "And if you say I'm defensive, I want you to be clear that's an interpretation that may or may not damage my reputation personally. Because I'm not defensive."

But Ross questions whether coercive persuasion is what allows a group like Landmark to produce attitude and behavioral changes in people and convince them that their long-term participation in the group is essential to preserving that change. "The problem is -- is it really making their lives better, and what is the long-term result?" Ross asks. "What I have seen is that they are very good at convincing people that their lives have been changed and they've had good results."

Ross gets letters from people who say he has no legitimate grounds to criticize Landmark because he hasn't been through the training himself. "I don't have to jump off the South Rim to know it's a bad idea," he responds.

Day three starts off with much of the same. Richard is still talking about how he has a great life, and we are pathetic, little people.

A woman confesses her story about incest, and Richard says there is no right and wrong. In some cultures, even incest is not considered taboo. Anyone who argues is cut off with a thought-

The est of Friends

Werner Erhard's protégés and siblings carry the torch for a '90s incarnation of the '70s 'training' that some of us just didn't get

Metro News (San Francisco)/July 9, 1998

By Traci Hukill

On a Friday morning in early summer, 110 Silicon Valley high-tech workers, salespeople and curiosity seekers drift into a conference room on the ground floor at Park Center Plaza in downtown San Jose. As I take my seat in one of the hard, scratchy chairs, I overhear the woman to my right making polite chitchat with her neighbor. The man to my left warily reads the messages printed on two blackboards at the front of the room, and I follow his gaze.

In terse, perfect script, one of them directs participants who frequently need to eat, drink or use the bathroom "for medical reasons" to tell this to one of the swarm of volunteers at the back of the room, and to "do this now."

Another cautions that if participants leave the room during The Forum, even for a few minutes, they "forfeit the right to expect the result."

What is this sensitive mechanism that vaporizes the moment one leaves to pee? The shiny brochures enrollees received after paying the \$325 registration fee for the weekend-long seminar explained little. Steeped in vagaries, they introduced Landmark Education's language, praising The Forum's "technology" and promising "breakthroughs" that would make us happier.

Participants signed up for a variety of reasons. Some were just curious, having noticed Forum-inspired happiness in friends and being eager to find out the secret for themselves. Some were really the walking wounded, folks who've tried everything from Hare Krishna to Herbalife in an effort to fill an aching emptiness. Others, like me, came in wearing the armor of skepticism and academic superiority complexes--and wound up being the most elated.

All of us, I'm convinced as I sit here looking around, are harboring some small hope that The Forum will bear us up where God or love has failed us, let us once and for all cross over to a land of milk and honey where we can slough off layers of disappointment and neglect and be naked and fearless, the loving people we are in our private Edens.

Even I, determined to be the impartial reporter, find myself waiting with a pleasurable tingle of hope.

A pair of microphones, a tall director's chair and a table complete the set on the podium, plus a box of tissues: the gun on the mantel.

Within a half hour the first weeping confession will seep out over the PA system from a woman who has taken The Forum once before. "I just have so much trouble being authentic with people," she will sob into the microphone as the Forum leader hands her a tissue and the bewildered audience hesitantly applauds, just like it's been taught to do in its short time here. And I will clap along with them.

Appropriate Legal Action

'Erhard graduates with gripes,' read an ad I placed in Metro in an effort to locate people irked with The Forum. Est and Forum grads called me with stories of how they or someone they knew had taken an introductory course, then an advanced course ... and eventually started volunteering, spending as many as 20 hours a week in the service of est or Landmark. Most said they thought The Forum itself was fine, even valuable, when kept in perspective. Without exception they asked not to be named.

Once word about my story got around, popping up in an online Landmark newsgroup, it somehow made its way into the office of Art Schreiber, general counsel of Landmark Education Corporation.

Schreiber responded swiftly with a 10-page letter advising me of his "serious concern" that I might defame Landmark. What followed were six pages explaining why Landmark is not a cult, a page of why Landmark cannot be said to brainwash its enrollees, a page and a half of why I must not defame Werner Erhard or est, and a tedious summary explaining that should I "leave Landmark and its programs depicted in a false light ... Landmark is fully prepared to take the appropriate legal action."

He included 23 letters of recommendation from happy Forum grads; a letter like mine addressed to Self Magazine, whom Landmark sued in 1994 for calling The Forum a cult; a newspaper article describing a lawsuit by Erhard's daughter against a San Jose Mercury News reporter; and statements from Margaret Singer, author of *Cults in Our Midst*, and Cynthia Kisser, former director of the Cult Awareness Network, that Landmark is not a cult. Landmark has sued them both.

[Note: WARNING! The Cult Awareness Network (CAN) was recently bankrupted and bought up by Scientology. We strongly recommend you do not contact them for assistance.]

In Kisser's case, she was co-defendant with the Cult Awareness Network in a \$40 million suit brought on because CAN classified est and The Forum as cults that used mind-control techniques unbeknownst to program participants. CAN settled and retracted the statements. Kisser is still defending.

I had a nice chat with Mark Kamin, Landmark's public relations man. He told me, "It is my bias that you have a bias," and said, "There's no real story." Then he appealed to my sense of "integrity"--a word much bandied about in The Forum--to write what "the truth is about us."

Landmark advocates self-expression. Surely, I thought as I hung up the phone, I'm not being discouraged from expressing myself.

CEO Harry Rosenberg recently noted that "in the United States, we have altered the public conversation about our work and our enterprise. For example, it is no longer possible for informed people or publications in the United States to pin pejorative labels on us."

"Altering the public conversation." The phrase sends a chill up the spine of anyone who thought it was OK to speak freely in this country without fear of being sued into silence.

Can't Buy Me Bliss

Shortly after the Forum, I tried to explain to a friend a peculiar experience that repeated itself many times during the three days and evening I spent listening to Regnier. Most of the time I maintained a skeptical frame of mind, indulging my fetish for lay sociology by analyzing The Forum's methods. At times, though, pieces of the message pierced my thoughts, resonating deeply with some dormant conviction that life can and should be better, more pleasurable, less fraught

When it comes to Landmark Education Corporation, There's no meeting of the Minds.

Westword/April 24, 1996
By Steve Jackson

Walter Plywaski placed the blue yarmulke on his head. A Jew by ethnicity but an atheist by choice, he rarely wore the symbol of faith.

But it seemed important now, as he stood near a mass burial site for Jews murdered at what had once been the Riederloh "punishment" camp in Germany. Somewhere beneath the stone markers, he believed, were the remains of the father he'd seen beaten to death for cursing an SS commandant in January 1945.

Fifty years later, Plywaski turned to look at his youngest daughter, whom he had brought to this place. He had hoped it would give her a better understanding of what happens when individuals start thinking of themselves as a group, when they become true believers in a cause. He had only just rescued her from another group of true believers back home in Colorado.

It was known as Landmark Education corporation and was one of those "self-empowerment" organizations that promised a rich a full life in exchange for adopting a certain way of looking at the world. Plywaski's daughter had taken one of Landmark's seminars, then another, then another. She had dropped out of the University of Colorado, spent money she didn't have and begun to talk like some member of a secret club, using phrases only "insiders" could understand. Everything was Landmark, Landmark, Landmark. She spent all her free time there: recruiting, helping at seminars, coaching neophytes.

For a year she'd badgered friends and family alike to sign up for the introductory course called The Forum. And at last Plywaski had agreed to go.

It had been just what he expected: carefully constructed salesmanship whose main purpose, as he saw it, was generating new membership and which sold itself with commonsense advice like "Don't blame the world for your troubles."

He recognized the sales techniques from his post-WWII days selling pots and pans - really companionship and sympathetic ear - to lonely young American women. And the audience ate it up, he thought, like the people he'd seen at tent revival meetings in the South during the Fifties. True believers speaking in tongues, handling snakes, writhing on the floor as the preacher screamed. "Do you SEE Jesus? Reach out for JESUS! REACH out for Jesus!" Only at "The Forum, it was "Do you get IT? Do you want to live a LIFE of POSSIBILITIES?"

The preacher had predicted eternal damnation and everlasting torment for sinners who refused to change their ways. The Forum trainer promised that participants would remain in the same old ruts that had brought them to the seminar in the first place unless they underwent "transformation."

Although he admired the salesmanship, Plywaski was alarmed at the ease with which more than 200 individuals began thinking, reacting, even laughing and clapping, as a group. True believers.

After the seminar, he complimented The Forum trainer for being "the best huckster I've ever seen." But Plywaski then made it his mission to get his daughter out. By telephone and fax, he let the

noticed the same thing when he attended. "We would put them in the crowd, and they would yell and carry on whenever they 'won'- which was not too often so that it would be suspicious, but often enough to bring in the suckers.")

The easy, encouraging atmosphere shifts only once in these early hours, when a woman asks how The Forum got started. The trainer frowns, for the first time, and takes a drink. "Well, it all started about 25 years ago," she says, "by a wonderful man named Werner Erhard...But it got so big, he sold it to his employees...I think it took a lot of courage to do that...don't you think?"

There is applause, after which the trainer segues into a description of the wonderful, life-transforming experience we can all expect from The Forum, provided we follow the rules. "And," of course, "keep an open mind."

But a few minutes later, another man stands. He wants to know more about Landmark's connection to Erhard. "I heard he was in trouble for tax evasion or something," the man says.

"Where do you hear this?" the trainer responds, somehow managing to sneer and smile at the same time. "Newspapers? Television?" She explains that because Erhard was such a successful businessman, his enemies started saying bad things about him. Erhard didn't want all that negativity reflecting on his great work, so he sold the company. "Which I think was a very great thing to do," the trainer concludes.

More applause. It's clear the trainer expects the man to sit down, but he doesn't. Instead, he says, "That's too glib." If there is something to the rumors he's heard, he thinks she should discuss them and then they can all decide whether to go on from there.

Smiling, the trainer approaches the man. "would you feel better if I told you Werner Erhard is no longer connected to The Forum?" she asks. The real issue, she says, is a matter of trust between herself and her questioner. She steps closer. Does he trust her? The man nods. She steps closer still.

Does he trust her enough to stick around and see if The Forum is worthwhile? He nods and hurriedly sits down. Applause.

"Now," the trainer says triumphantly, "are there any other questions about this?"

No one raises a hand. She smiles even wider. "Very good. Now we can proceed."

Louisville's Liz Sumerlin first became aware of Landmark in 1991, after her then-fiancé enrolled in The Forum and began pressuring her and his family to sign up.

"The longer he stayed in it, the less I could talk to him," she recalls. "It was all psychobabble. We'd have a disagreement and he'd just dismiss anything he didn't want to hear by saying 'That's your story' or 'That's your racket.'"

"I found it strange that an organization that talks about how it's creating all these people who have empathy for their fellow man turns out all these people who don't want to communicate so that other people will understand them."

Sumerlin decided to find out everything she could about Landmark. A friend told her about a *Wall Street Journal* article, but when she tried to find it at the Denver Public Library, the microfiche had disappeared. However, a librarian there handed her a printout with a whole list of suggested reading, explaining that she had lost a relative to est.

"Apparently a lot of people were interested in the same thing I was," Sumerlin remembers. "I was really surprised by the amount of negative publicity."

She was also surprised by the nature of that publicity. "And what about Erhard?" she says, shaking

her head. "They're always talking about how this will give you better, more loving relationships with people, but look at what a mess his family life was."

As her boyfriend got further into the organization, signing up for the leadership and self-expression program, Sumerlin agreed to attend an introductory course.

"They were just big sales pitches," she says. "We were whisked away into these back rooms where they try to get you to sign up. If you don't they want to know why. What's so great about your life that you don't want to improve it? Why do you have such a hard time committing to anything?"

"It's like shooting clay pigeons; there was always another question. They just try to wear you down."

At one point, Sumerlin tried to leave - but first she had to get past several hall monitors who kept up the questioning. "it was before I learned that the only way to handle these people is to just say no," she adds. "Anything else gives them an opening to ask another question. They're trained on how to do it."

In fact, she says, a former volunteer told her how they were taught to desensitize themselves to objections from potential recruits by singing "Old MacDonald Had a Farm" and substituting all the possible objections people might have for the verses: "I'm not signing up because...of money. Ee-I-Ee-I-O. I'm not signing up because...I don't want to. Ee-I-Ei-I-O."

Sumerlin soon split up with her boyfriend, but she doesn't blame Landmark for that.

"Actually, they did me a favor. It never would have worked anyway," says Sumerlin, who has since married and is now the mother of a seven-month-old son. "But I was real concerned about what I had seen it do to his relationship with his family, which basically fell apart, and his business partner, who couldn't talk to him anymore without Landmark getting in the middle."

The engagement was over, but Sumerlin still thought she'd like to make it easier for people to find information about Landmark. So she placed an ad in several local newspapers that read, "Is Landmark a cult?" and gave a telephone number for a recorded message. Over the first few months, more than 600 people called. That's when she decided to form a nonprofit organization called Action Works, which offers a reading list of articles and books about Erhard/est/Landmark.

That got Sumerlin into some unusual reading of her own: angry correspondence from Landmark officials, including Art Schrelber, Landmark's current president and Erhard's former attorney, and Harry Rosenberg, Erhard's brother, who's on the Landmark board. Their letters began nicely enough, expressing their desire to work out whatever dissatisfaction Sumerlin had with the organization (including once offering her a half-price scholarship to The Forum). But they ended with similar heavy-handed warning such as this one from Harry Rosenberg in 1993:

"While we are committed to correcting any mistakes in our own behavior and we respect your freedom of expression in a responsible manner...we are unwilling to have the reputation of Landmark damaged or the activities of people participating in Landmark's programs interfered with as a result of statements by you or your organization."

"Accordingly, this is to advise you that in the event that you or your organization continue to make or republish false and defamatory statements regarding Landmark...or interfere...Landmark is fully prepared to initiate legal action against you."

"Again, I am not intending to threaten you or stop your expression."

Sumerlin's response was to pump up the volume. Her attorney, David Kolko, wrote Rosenberg back, noting that all of Landmark's previous correspondence had failed to point out a single false or defamatory statement. Action works not only would not cease its activities, Kolko said, it was considering expanding "its information service to other metropolitan areas in the United States

EXHIBIT L

LEVEL OF 66 STORIES

Copyright 1993 Business Wire, Inc.
Business Wire

August 9, 1993, Monday

DISTRIBUTION: Business Editors and Education Writers

LENGTH: 167 words

HEADLINE: Landmark Education receives retraction from Guidepost

DATELINE: SAN FRANCISCO

BODY:

Guidepost, a publication of the American Counseling Association in Alexandria, Virginia, has issued a retraction in its July 1993 edition for a statement in a previous article that referred to The Landmark Forum as being a "cult," according to Sharon Spaulding, a spokesperson for Landmark Education Corp.

In its retraction, "Guidepost" published an Editor's Note which stated:

"In the April 1993 Guidepost, an article entitled 'Cults Take On New Forms, Continue to Proliferate' was published. The article contained the statement that The (Landmark) Forum program is a 'cult.'

"Guidepost has received additional information since the publication of the article. Following a review of this material, Guidepost retracts the statement concerning The Landmark Forum and regrets any misunderstanding with respect to The Landmark Forum and Landmark Education Corporation."

CONTACT: Landmark Education Corp.
Sharon Spaulding, 510/947-6896

LANGUAGE: ENGLISH

LEVEL 1 - 24 OF 66 STORIES

Copyright 1992 American Lawyer Newspapers Group Inc.
Legal Times

October 19, 1992

SECTION: Pg. 2

LENGTH: 162 words

HEADLINE: CORRECTIONS

BODY:

In the Oct. 12 Legal Times, the first half of a paragraph in "Judge Dismisses Suit Alleging CIA Arms Front" appeared out of order, due to a production error ("Update," Page 13). The first paragraph in the third column of the article should have read:

At that point, in the 1990, the Justice Department and the CIA invoked the state-secrets doctrine, a rarely used privilege that bars disclosure of information that could reasonably be expected to damage the national security.

In the Sept. 28 issue, "Keeping Customers Out of the Courts," by Bruce Fein, misnamed the general counsel of Judicial Arbitration and Mediation Services (Page 24). He is John J. Welsh.

The March 2, 1992, issue contained an article under the headline "Taking Cults to the Courthouse." The article did not state that the Landmark Education Corp., one of the defendants mentioned on Page 18, is a cult or engages in cult-like activities, and any such inference was not intended.

LANGUAGE: ENGLISH

03-25-96 12:07PM FROM LANDMARK EDUCATION TO 9/13142319040

P019/019

REDBOOK

OCTOBER 1995



Editor's Note: In an article in the April edition, the statement was made that dozens of groups—with names such as Lifespring, The Forum and Momentus—are criticized by cult experts for offering business and personal-training programs that sometimes turn into mind control. While Redbook believed such statements to be accurate, Redbook has no firsthand knowledge or evidence that either Landmark or The Forum is a cult.

EXHIBIT M

Singer, Ph.D., the author of Cults In Our Midst: The Hidden Menace In Our Everyday Lives (Jossey-Bass 1995), against which Landmark was a party to litigation. Landmark also refers defendants to Landmark's response to Interrogatory 19 of Defendants' First Interrogatories.

Document Request No. 40

Any and all documents used to prepare responses to Defendants' First Set of Interrogatories and any subsequent interrogatories served upon Plaintiffs.

Response to Document Request No. 40

Landmark will produce non-privileged documents responsive to Request No. 40.

Document Request No. 41

Any and all documents that refer or relate to complaints regarding Plaintiffs and their programs received and/or collected by any "anti-cult" organization.

Response to Document Request No. 41

Landmark objects to Request No. 41 on the grounds that (1) the request is unanswerable because the term "anti-cult organization" is not defined, (2) Landmark cannot possess responsive documents because it has no way of knowing what "complaints" about Landmark or its educational programs have been collected by other individuals or entities, and (3) the request seeks documents that are not relevant to any claim or defense of any party to this action.

Document Request No. 42

Any and all documents that refer or relate to Plaintiffs' (i) requests to any person or entity to retract statements made by them about Plaintiffs, and (ii) warnings addressed to any person or entity that statements made by them regarding Plaintiffs and their programs are false and disparaging or defamatory.

Response to Document Request No. 42

Landmark objects to this request on the ground that it seeks documents that are not relevant to any claim or defense of any party to this action.

EXHIBIT N

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Attorneys for Defendants
The Ross Institute and Rick Ross

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

LANDMARK EDUCATION LLC, et al.,
Plaintiff,

-v-

THE ROSS INSTITUTE, RICK ROSS, et al.,
Defendants.

Civil Action No. 04-3022 (JLC)

**ORDER COMPELLING
PRODUCTION OF DISCOVERY**

THIS MATTER having been opened to the Court by Lowenstein Sandler PC, attorneys for the Defendants, the Ross Institute and Rick Ross, on an application for an Order compelling the production of certain discovery requests, and upon notice to counsel for the Plaintiffs, and for good cause shown;

IT IS on this _____ day of _____, 2005;

ORDERED that no later than _____, 2005, Plaintiffs shall respond to the following of Defendants discovery demands made in Defendants' First Request for Production of Documents and Things to Plaintiffs ("Document Requests") and Defendants' First Set of Interrogatories to Plaintiffs ("Interrogatories"):

A: Document Request 6; Interrogatory 8, except that the response should include documents and information relating to all lawsuits brought by Plaintiffs against any public critic of the Landmark Forum, regardless of whether the lawsuit brought alleged defamation or disparagement; and all documents reflecting the terms of settlement or other disposition of each matter; and

B. Document Request 7; Interrogatory 9; except that the response should include documents and information related to both lawsuits and arbitrations; and documents and information relating to lawsuits and arbitrations brought against Plaintiffs that arose out of the misconduct of a Landmark Forum employee towards a participant or volunteer in the Landmark Forum; and all documents reflecting the terms of settlement or other disposition of each matter; and

C. Document Request 10; and

D. Document Request 36; Interrogatory 12; and

E. Document Requests 47, 48 & 62; which should include documents relating to the changes in Landmark's application materials; and

F. Document Requests 1, 2, and 3; and

G. Document Request 42, which should include all documents relating to communications regarding threats and/or commencement of litigation against Steven Pressman, Kevin Garvey, Martin Lell, Liz Sumerlin, Carol Giambalvo, Linda Chase, Jan Groenveld, Todd Carroll, the American Family Foundation, The Watchman Fellowship, Action Works, Cult Awareness and Information Center (Australia), SIMPOS (Netherlands), Karin Spaink, The Riverfront Times, The Legal Times, Guidepost, Redbook, The Phoenix New Times, Westword, the Metro News, MetroActive, City Pages (Minneapolis), Kleintje Muurkrant, and any other publication, author or Landmark critic.

IT IS FURTHER ORDERED that Plaintiffs shall produce:

All communications from any Landmark officer, director, employee or volunteer questioning, challenging or disagreeing with any Landmark policy, practice, method, technique or procedure that relates to Landmark's (i) use of inappropriately aggressive recruiting techniques, (ii) harassment of participants, (iii) use of bullying and humiliation techniques, (iv) intimidation of participants about attempting to leave the program, using the bathroom, eating or taking medication, (v) causing psychological problems, or (vi) engaging in any other behavior or employing any other business practice or conduct the allegation of which Plaintiffs allege to be false and disparaging in its Complaint in this matter.

AND IT IS FURTHER ORDERED that Plaintiffs shall produce:

All documents relating to communications between Plaintiffs and/or its attorneys with Dr. Gerald McMEnamin, including but not limited to sample writings that were provided to Dr. McMEnamin.

The Hon. Mark Falk, U.S.M.J