

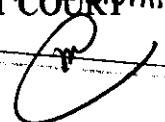
George W. Abbott
Nevada Bar No. 2178
George W. Abbott, Chartered
P. O. Box 98
Minden, Nevada 89423

Attorney for Plaintiff

RECEIVED
IN DROP BOX

01 MAY 17 PM 4:15

CLERK, U.S. DISTRICT COURT
DISTRICT OF NEVADA

U. S. DISTRICT COURT
DISTRICT OF NEVADA
FILED
MAY 17 2001
CLERK U.S. DISTRICT COURT
BY  DEPUTY

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MARY ABBOTT.

CV-N-00-0423-DWH-VPC

Plaintiff,

v.

MOTION FOR SUBSTITUTED
SERVICE OF PROCESS ON
DEFENDANTS CSI, et al:

CHURCH OF SCIENTOLOGY
INTERNATIONAL, a California
corporation, THE RELIGIOUS
TECHNOLOGY CENTER,
a California corporation, and
SEA ORGANIZATION, an un-
incorporated California entity,

[Fed.R.Civ.P.. Rule 4(b)(1)
incorporating Rule 4(e)(1);
Cal CCP §§ 413.10-417.40, and
Cal Corporation Code § 1702

Defendants.

Plaintiff Mary Abbott, by and through her undersigned attorney makes application and moves this court for an Order authorizing plaintiff to effect substitution of the Secretary of State of California as the agent for service of process upon defendants Church of Scientology International, a California corporation and Religious Technology Center, a California corporation

This application/motion is made upon all of the pleadings and papers on file in these proceedings, is made pursuant to Fed.R.Civ.P. Rule 4(h)(1) incorporating Rule 4(e)(1), is

made pursuant to Cal. CCP §§ 413.10-417.40 and Cal. Corporation Code § 1702, and is made pursuant to the Plaintiff's Memorandum of Points and Authorities set out following. The latter includes therewith the incorporated declaration of diligent efforts at service of process provided by registered California process server Jack Tinoco.

Dated this 8th day of May, 2001.

GEORGE W. ABBOTT, CHARTERED

By George W. Abbott
George W. Abbott, Esq.
Attorney for plaintiff

PLAINTIFF'S MEMORANDUM OF POINTS
AND AUTHORITIES IN SUPPORT OF AN
APPLICATION FOR SUBSTITUTED SERVICE

I. Futile efforts of the registered process server

1. On December 13, 2000, at the request of plaintiff's counsel, the Ronsin Attorney service of Alhambra, California by one of its registered California process servers, Jack Tinoco, attempted --- unsuccessfully after "due search, careful inquiry, and diligent attempts" in each instance -- to serve summons and complaint upon defendant CHURCH OF SCIENTOLOGY INTERNATIONAL, as evidenced by Process Exhibit 1, annexed; and upon defendant RELIGIOUS TECHNOLOGY CENTER, Process Exhibit 2 annexed.

**II. Certified mail to Church of Scientology, International
a Religious Technology Center: unclaimed, refused**

2. The annexed exhibit photocopies (the originals are held to be available for filing with the court) of registered mail show the following zero-acceptance of mail results:

3. The registered mail, return receipt requested, sent to Church of Scientology International on December 7, 2000 at its 6321 Hollywood Boulevard, Los Angeles 90028 address bears the stamped imprint "Unclaimed" and "Returned to Sender," as well as 1st and 2nd notices, Process Exhibit 3.

4. The registered mail, return receipt requested, sent to Religious Technology Center on December 7, 2000 at its 1710 Ivar Avenue, Los Angeles, California 90028 address bears the stamped imprint "Unclaimed" and "Returned to Sender," as well as 1st and 2nd notices, Process Exhibit 4

5. On the foregoing, the December through February frustrated and failed efforts of plaintiff to effect service of process upon the named California defendants demonstrate conclusively, we suggest, that plaintiff must resort to the substituted service approach permitted by the laws of California.

6. As the annexed exhibits show, the barring of access by Scientology, and indeed the planned refusal of Scientology's key offices and key officers to even "pick up their mail" demonstrate the need for plaintiff to turn to the relief available in such circumstances through substituted service upon the corporate defendants, Church of Scientology International and Religious Technology Center.

7. On March 13, 2001 a Minute order was filed following a telephonic motion hearing to extend time to allow for substituted service on the corporate defendants. Plaintiff's motion was granted.

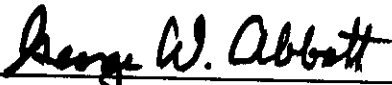
8. Plaintiff mistakenly thought that the substituted service was authorized by the Magistrate's order contained in the referenced March 13, 2001 Minutes of the Court, and her law office proceeded to send the Complaint, Summons, and minute order to the certified process server for service of the documents on the Secretary of State of California, Process Exhibit 5.

9. The office was then notified that the minute order was insufficient and that an Order of the Court specifically authorizing the substituted service was necessary. In light of this mistaken procedural error described in paragraph 8, immediately *supra*, and the time limit for service imposed by Rule 4(m), plaintiff requests that this court treat the circumstances of the resulting tardiness as good cause therefor and grant the plaintiff an additional period of thirty (30) days from its order within which service on the defendants shall be effected.

WHEREFORE, in consideration of the premises, and upon her showing of good cause, this plaintiff-applicant requests that the annexed proposed order be granted, with such order declaring that service of Summons and Complaint in these proceedings upon each of the named defendants is authorized to be made by substituted service through the Secretary of State of California, by delivering by hand to the Secretary of State, or to any person employed in the Secretary of State's office in the capacity of assistant or deputy, one copy

of the process for each defendant to be served, Church of Scientology International and Religious Technology Center, together with a copy of the order authorizing such service.

Dated this 14th day of May, 2001.



George W. Abbott, Esq.
Attorney for plaintiff

GEORGE W. ABBOTT, ESQ.
GEORGE W. ABBOTT, CHARTERED
P. O. Box 98
Minden, NV 89423



RR 046 482 247 US

1999 FEB 10 10:59 AM (02989) 985-M-1904



9261

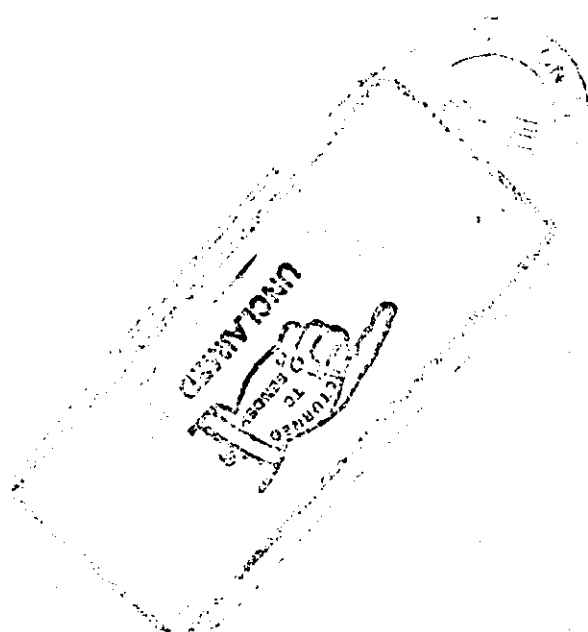


90028

U.S. POSTAGE
PAID
CARSON CITY, NV
9261
PERMIT NO. 100
CITY OF MINDEN

PROCESS
EXH.

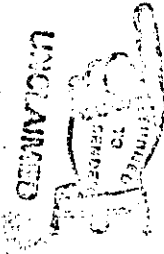
00075767-06



CHURCH OF SCIENTOLOGY INTERNATIONAL
6331 Hollywood Blvd., Suite 1200
Los Angeles, CA 90028
UNCLAIMED

OK
NL
12/11/99

Return to Sender
1st Notice
2nd Notice
2001
12/11/99



1st NOTICE JAN 1 '96
2nd NOTICE
RETURN FEB 9

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

*Check of Confidence LLC
6331 North Hollywood Blvd
Los Angeles, CA 90028*

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

C. Signature

X

Agent

Addressee

D. Is delivery address different from item 1? If YES, enter delivery address below:

Yes No

3. Service Type

- Certified Mail
- Registered
- Insured Mail
- Express Mail
- Return Receipt for Merchandise
- C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (copy from service label)

NR 046 482 249 US

PS Form 3811, July 1999

Domestic Return Receipt

10255-00-4-99-2

2000

PS Form 3841, July 1999 Domestic Return Receipt 102595-00-M-0952

2. Article Number (Copy from service label) **RR 046 482 233 US**

1. Article Addressed to:
 ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
 ■ Print your name and address on the reverse so that we can return the card to you.
 ■ Attach this card to the back of the mailpiece, or on the front if space permits.

3. Service Type
 Certified Mail
 Registered Mail
 Insured Mail
 C.O.D.
 Return Receipt for Merchandise
 Express Mail

4. Restricted Delivery? (Extra Fee)
 Yes
 No

A. Received by (Please Print Clearly) _____
 B. Date of Delivery _____

C. Signature _____
 Addressee
 Agent

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

COMPLETE THIS SECTION

SENDER: COMPLETE THIS SECTION

*Religious Technology Center
 1710 Ivanhoe
 Los Angeles CA
 90028*

GEORGE W. ABBOTT, ESQ.
 GEORGE W. ABBOTT, CHARTERED
 P.O. BOX 98
 MINDEN, NV 89423



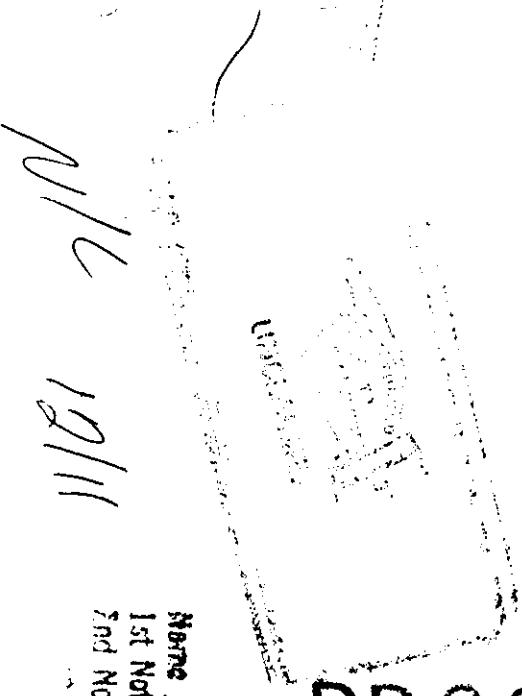
RR 046 482 233 US

102595-00-M-0952



U.S. POSTAGE
 PAID
 CARSON CITY, NV
 89201
 DEC 07, '00
 AMOUNT

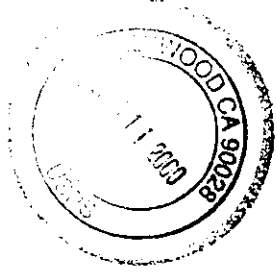
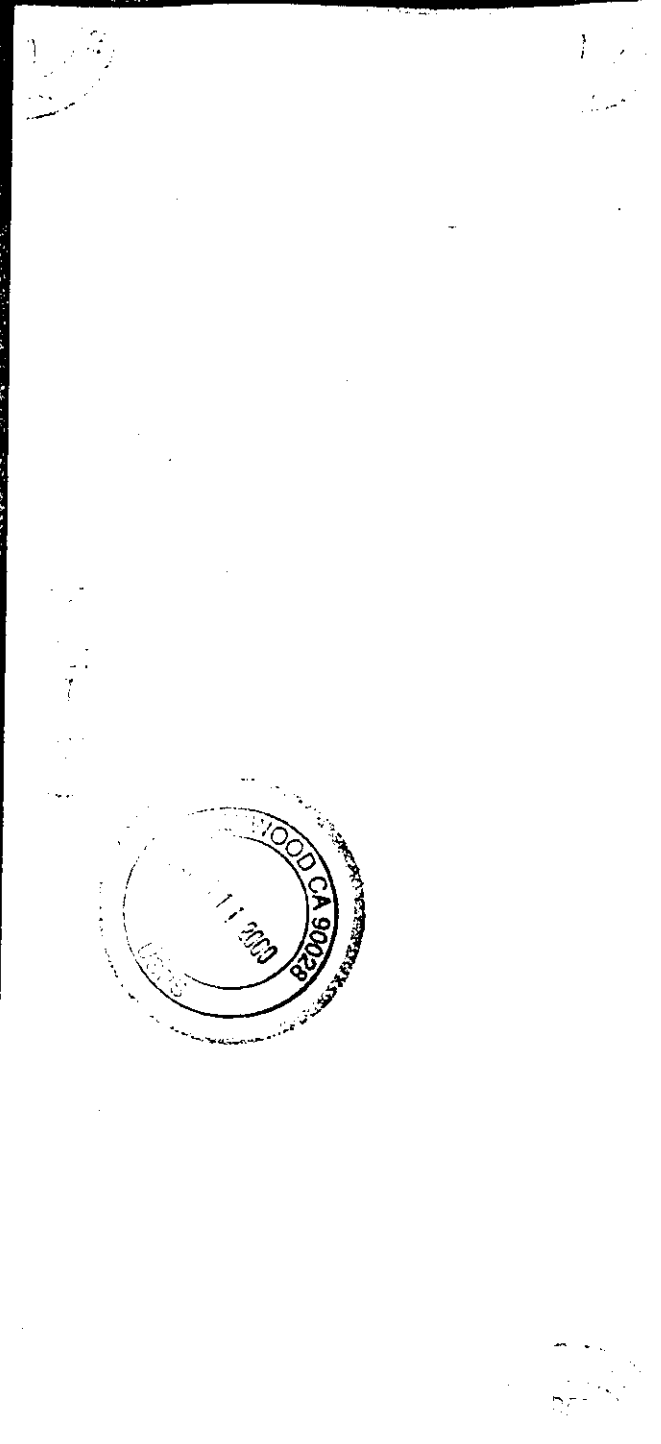
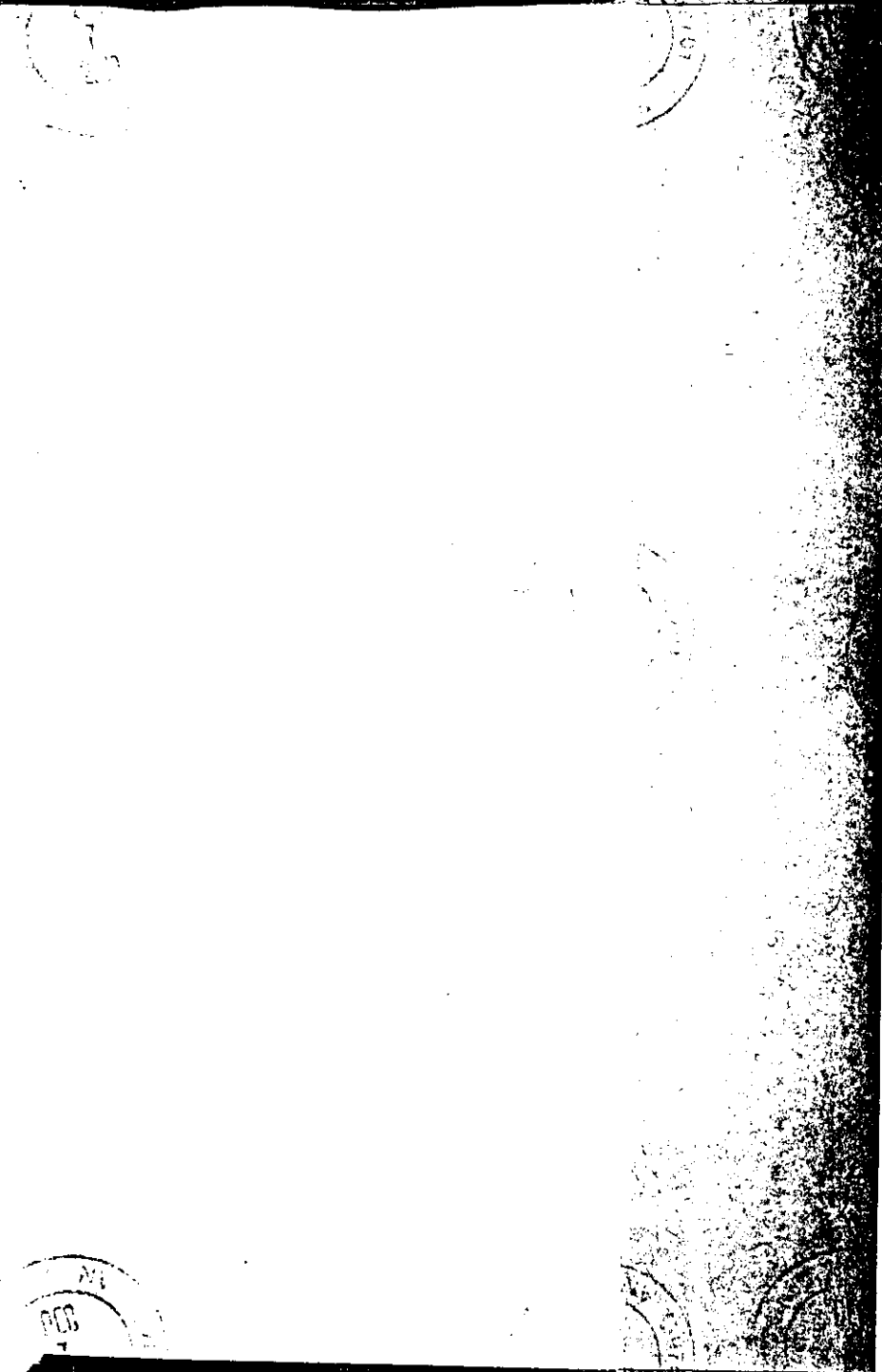
PROCESS
 EXH.



Name _____
 1st Notice _____
 2nd Notice _____
 JAN 22 2001
 4276

RELIGIOUS TECHNOLOGY CENTER
 1710 IVANHOE
 LOS ANGELES, CA 90028

1ST NOTICE FEB 8
 2ND NOTICE _____
 RETURN FEB 22



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address)		TELEPHONE NO.	FOR COURT USE ONLY	
GEORGE W. ABBOTT, CHARTERED P O BOX 98 MINDEN NV 89423		775-265-3047		
ATTORNEY FOR (Name)		Ref. No. or File No.		
Insert name of court and name of judicial district and branch court, if any.				
UNITED STATES DISTRICT COURT				
SHORT TITLE OF CASE: ABBOTT : CHURCH OF SCIENTOLOGY				
INVOICE No. 190884	DATE	TIME:	DEP./DIV.	CASE NUMBER: CVN000423DWHVPC

NOT FOUND OR NON SERVICE RETURN

I, THE UNDERSIGNED AM AND WAS ON THE DATES HEREIN MENTIONED, OVER THE AGE OF EIGHTEEN YEARS AND NOT A PARTY TO THE ACTION, ATTEMPTED TO SERVE THE FOLLOWING:

SUMMONS AND COMPLAINT

AND THAT AFTER DUE SEARCH, CAREFUL INQUIRY AND DILIGENT ATTEMPTS AT THE RESIDENCE: UNKNOWN

BUSINESS: 6331 HOLLYWOOD BLVD.
STE. 1200
LOS ANGELES CA 90028

I HAVE BEEN UNABLE TO MAKE DELIVERY OF SAID PROCESS ON THE WITHIN NAMED: CHURCH OF SCIENTOLOGY INTERNATIONAL, A CALIFORNIA CORPORATION

PROCESS IS BEING RETURNED WITHOUT SERVICE FOR THE FOLLOWING REASONS:

- 12/08/00 11:40AM GIVEN BUSINESS ADDRESS AND PER LOBBY SECURITY, NO OFFICER OR AGENT.
- 12/11/00 10:00AM NO CHANGE - I WAS NOT ALLOWED INTO THE BUILDING.
- 12/12/00 1:00PM PER MALE, SECURITY, THERE ARE NO OFFICERS IN.
- 12/12/00 CANCEL SERVICE

PERSON SERVING: JACK TINOCO FEE FOR SERVICE: \$ 59.00

Ronsin Attorney Service
2516 West Hellman Avenue
Alhambra, CA 91803
(626)457-6482 FAX 457-6488

- d. Registered California process server
- (1) [] Employee or [x] Independent contractor
- (2) Registration No. 3107
- (3) County: LOS ANGELES
- (4) Expiration: 02/10/01

I declare under penalty of perjury, under the laws of the State of California, and of the United States of America that the foregoing is true and correct.

DATE: 12/13/00
CONFORMS WITH JUDICIAL COUNCIL FORM #982 (a) (23)

Jack Tinoco
SIGNATURE

NOT-FOUND/NON-SERVICE RETURN OF SERVICE OF PROCESS

PROCESS

EXH. 3

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address)		TELEPHONE NO.	FOR COURT USE ONLY	
GEORGE W. ABBOTT, CHARTERED P O BOX 98 MINDEN NV 89423		775-265-3047		
ATTORNEY FOR (Name)		Ref. No. or File No.		
Insert name of court and name of judicial district and branch court, if any.				
UNITED STATES DISTRICT COURT				
SHORT TITLE OF CASE: ABBOTT : CHURCH OF SCIENTOLOGY				
INVOICE No. 190885	DATE	TIME:	DEP./DIV.	CASE NUMBER: CVN000423DWHVPC

NOT FOUND OR NON SERVICE RETURN

I, THE UNDERSIGNED AM AND WAS ON THE DATES HEREIN MENTIONED, OVER THE AGE OF EIGHTEEN YEARS AND NOT A PARTY TO THE ACTION, ATTEMPTED TO SERVE THE FOLLOWING:

SUMMONS AND COMPLAINT

AND THAT AFTER DUE SEARCH, CAREFUL INQUIRY AND DILIGENT ATTEMPTS AT THE RESIDENCE: UNKNOWN

BUSINESS: 1710 IVAR AVE.
STE. 1100
LOS ANGELES CA 90028

I HAVE BEEN UNABLE TO MAKE DELIVERY OF SAID PROCESS ON THE WITHIN NAMED: THE RELIGIOUS TECHNOLOGY CENTER

PROCESS IS BEING RETURNED WITHOUT SERVICE FOR THE FOLLOWING REASONS:

- 12/08/00 11:40AM GIVEN BUSINESS ADDRESS AND PER LOBBY SECURITY, NO OFFICER OR AGENT.
- 12/11/00 10:00AM NO CHANGE - I WAS NOT ALLOWED INTO THE BUILDING.
- 12/12/00 1:00PM PER MALE, SECURITY, THERE ARE NO OFFICERS IN.
- 12/12/00 CANCEL SERVICE

PERSON SERVING: JACK TINOCO FEE FOR SERVICE: \$ 59.00

Ronsin Attorney Service
2516 West Hellman Avenue
Alhambra, CA 91803
(626)457-6482 FAX 457-6488

- d. Registered California process server
- (1) Employee or Independent contractor
- (2) Registration No. 3107
- (3) County: LOS ANGELES
- (4) Expiration: 02/10/01

I declare under penalty of perjury, under the Laws of the State of California, and of the United States of America that the foregoing is true and correct.

DATE: 12/13/00
CONFORMS WITH JUDICIAL COUNCIL FORM #982 (a) (23)

[Signature]
PROCESSED
EXH. 4

NOT-FOUND/NON-SERVICE RETURN OF SERVICE OF PROCESS

GEORGE W. ABBOTT, CHARTERED

Law Offices
May 3, 2001

Parasec
Attention: Monica
P. O. Box 160568
Sacramento, CA 95816-0568

Re: Abbott vs. Church of Scientology, International, et al.
U.S. District Court, District of Nevada
No CV-N-00-0423-DWH-VPC

Dear Monica:

Please serve the enclosed documents upon the Secretary of State of California. There are two sets: one involving the Church of Scientology, International, and the other involving Religious Technology Center.

I understand you will bill this office for your services.

Thank you for your immediate attention to this matter.

Sincerely,


George W. Abbott

GWA:ma
Enclosures

PROCESS
EXH. 5

Telephone (775) 265-3047 - Fax (775) 265-3047
P. O. Box 98 - Minden, Nevada 89423-0098

George W. Abbott
Nevada Bar No. 2178
George W. Abbott, Chartered
P. O. Box 98
Minden, Nevada 89423

Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MARY ABBOTT.

CV-N-00-0423-DWH-VPC

Plaintiff,

v.

ORDER AUTHORIZING PLAINTIFF
TO EFFECT SUBSTITUTE
SERVICE OF PROCESS:

CHURCH OF SCIENTOLOGY
INTERNATIONAL, a California
corporation, THE RELIGIOUS
TECHNOLOGY CENTER,
a California corporation, and
SEA ORGANIZATION, an un-
incorporated California entity,

Defendants.

Upon reading the Motion for Substituted Service of Process with accompanying Points and Authorities and Exhibits submitted by Plaintiff, and good cause appearing therefor,

IT IS HEREBY ORDERED that the plaintiff, pursuant to California statutes, may effect substitution of the Secretary of State of California as the agent authorized to accept service of process on behalf of the Church o Scientology International, a California

corporation; and the Religious Technology Center, a California corporation, by delivering by hand to the Secretary of State of California, or to any person employed by his office in the capacity of Assistant or Deputy, a copy of the process for the Church of Scientology International and for the Religious Technology Center, together with a copy of this order.

Dated this _____ day of May, 2001

United States Magistrate Judge

Presented by:

George W. Abbott
Nevada Bar No. 2178
P. O. Box 98
Minden, Nevada 89423
(775) 265-3047