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6 Attorneys for Creditors HILARY DEZOTELL, KEN HODEN,  
7 AND BRUCE WAGONER

8 UNITED STATES BANKRUPTCY COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

11 In re: )  
12 KEITH HENSON, )  
13 Debtor. )  
14

CASE NO. 98-51326 ASW-7

15 HILARY DEZOTELL, an individual; )  
16 KEN HODEN, an individual; and )  
BRUCE WAGONER, an individual, )  
17 Plaintiffs, )  
18 vs. )  
19 H. KEITH HENSON, an individual, )  
20 Debtor, )  
21 Defendant. )

ADV. NO. 035136

DECLARATION OF DAVID J. COOK, ESQ.  
IN SUPPORT OF (1) MOTION FOR  
PROTECTIVE ORDER TO PRECLUDE  
SERVICE OF INTERROGATORIES UPON  
NONPARTIES AND PRECLUDING  
INQUIRING INTO CERTAIN MATTERS  
PURSUANT TO F.R.C.P. 26(c), APPLICABLE  
HEREIN UNDER Bkrty.C. § 7026(c) AND (2)  
DEBTOR'S EX PARTE MOTION TO JOIN  
CERTAIN PARTIES FOR INTERROGATORY  
SERVICE RE EXTRINSIC FRAUD

Date: September 6, 2005  
Time: 11:30 a.m.  
Courtroom: 3099  
Judge: Arthur A. Weissbrodt

22 I, DAVID J. COOK, hereby declare and state as follows:

23 1. I am one of the attorneys of record for Plaintiff in the above-entitled action. am duly  
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27  
28 DECLARATION OF DAVID J. COOK, ESQ. IN SUPPORT OF (1) MOTION FOR PROTECTIVE ORDER TO  
PRECLUDE SERVICE OF INTERROGATORIES UPON NONPARTIES AND PRECLUDING INQUIRING INTO  
CERTAIN MATTERS PURSUANT TO F.R.C.P. 26(c), APPLICABLE HEREIN UNDER Bkrty.C. § 7026(c) AND  
(2) DEBTOR'S EX PARTE MOTION TO JOIN CERTAIN PARTIES FOR INTERROGATORY SERVICE RE  
EXTRINSIC FRAUD - CASE NO. 98-51326 ASW-7/ADV. NO. 035136

1 authorized to practice before all courts in the State of California, and am familiar with the facts  
2 and circumstances in this action.

3 2. Defendant has served apparently four sets of interrogatories which is attached hereto  
4 marked *Exhibits "A" through "E"* and incorporated by reference.

5 3. Plaintiff has in fact met and conferred by way of the letter which is attached hereto  
6 marked *Exhibit "F"* and incorporated herein.

7 4. Declarant has expended 5 hours in the research and preparation of this motion,  
8 including the ex parte motion, anticipates spending another 7 hours at the attendance of the  
9 hearing hereof including travel time, another 2 hours in the preparation of the reply to the  
10 opposition, and 1 hour for the preparation of a form of order. Declarant's hourly rate is \$425/hr.  
11 for a total award of sanctions for 15 hours in the amount of \$6,375.

12 I declare under penalty of perjury under the laws of the State of California that the  
13 foregoing is true and correct.

14 Executed on August 31, 2005 at San Francisco, California

15  
16 /s/ David J. Cook

17 DAVID J. COOK, ESQ. (SB# 060859)

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28 DECLARATION OF DAVID J. COOK, ESQ. IN SUPPORT OF (1) MOTION FOR PROTECTIVE ORDER TO  
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(2) DEBTOR'S EX PARTE MOTION TO JOIN CERTAIN PARTIES FOR INTERROGATORY SERVICE RE  
EXTRINSIC FRAUD - CASE NO. 98-51326 ASW-7/ADV. NO. 035136

**EXHIBIT "A"**

H. Keith Henson  
c/o Ida Camburn  
1270 Vista Grande Dr.  
Hemet, CA 92543  
Telephone: (519) 770-0646  
(519) 774-1620 cell

Pro Se

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

In re:	)	CASE NO.: 98-51326 ASW-7
	)	
KEITH HENSON,	)	ADV.NO.035136
Debtor	)	
	)	
HILLARY DEZOTELL, KEN HODEN, and	)	
BRUCE WAGONER,	)	
	)	<b>SPECIAL INTERROGATORIES</b>
Plaintiffs,	)	<b>RELATED TO EXTRINSIC FRAUD IN</b>
	)	<b>THE UNDERLYING CASES</b>
vs.	)	
	)	
H. KEITH HENSON	)	By the order of Judge Weissbrodt
	)	
Defendant.	)	July 26, 2005
	)	
	)	

**PROPOUNDING PARTY: DEBTOR H. KEITH HENSON**

**RESPONDING PARTY:** Judge Albert Wojcik of the Hemet Court, 880 N. State Street,  
Hemet, Ca. 92543

**SET NO: ONE (NUMBERS 1-26)**

**INTRODUCTION**

**EXHIBIT A**

In his reply to creditor's (HILLARY DEZOTELL, KEN HODEN, and BRUCE WAGONER) Motion for Summary Judgment, Debtor Henson asked the court for more

So that debtor could attempt to show that the underlying criminal judgment was obtained through extrinsic fraud debtor was permitted discovery:

JUDGE WEISSBRODT: You're welcome to send out interrogatories, Mr. Henson. . . . you're not restricted in whom you can send an interrogatory to.

It is unusual for a court to grant such powers. But in this case, the creditors are a corporate front (RTC) for Scientology or interchangeable penurious members of an organization that exercises total control over their lives.

Further, Scientology has a well-established record of framing critics such as Paulette Cooper. The sentencing memorandum (UNITED STATES OF AMERICA v. MARY SUE HUBBARD, et al. Criminal Case No. 78-401) dated Dec. 3, 1979 includes this description:

“ . . . [They] considered themselves above the law. They believed that they had carte blanche to violate the rights of others, frame critics in order to destroy them, burglarize private and public offices and steal documents outlining the strategy of individuals and organizations that the Church had sued. These suits were filed by the Church for the sole purpose of financially bankrupting its critics and in order to create an atmosphere of fear so that critics would shy away from exercising the First Amendment rights secured them by the Constitution.”

Both “bankrupting” and “First Amendment rights” are common to the debtor’s case and the events that led up to the above case where 11 high-level Scientologists were sentenced to prison. The above case was also rife with attempts to corrupt the judicial process. It might be noted that Scientology has not changed the “scriptures” such as “fair game” or “training routine lying” that “justified” such behavior in the years since that sentencing memorandum.

#### **SPECIAL INTERROGATORIES**

TO: The Party named above named and party's attorney of record, if any.

PLEASE TAKE NOTICE, that defendant and debtor above named requests that party answer the following interrogatories under oath within 30 days from the date of service, pursuant to Rule 33 of the Federal Rules of Civil Procedure and Bankruptcy Rules 9014 and 7033. Return this interrogatory to the above captioned address in Hemet.

In answering these interrogatories, furnish all information available to you, including information in the possession of your attorney(s) and investigator(s) for your attorney(s), and not merely such information known of your own personal knowledge. These interrogatories shall be deemed continuing and in the event you discover further information that is responsive to any of them, you are required to provide supplemental answers in accord with FRCP 16(e). If you cannot answer the following interrogatories in full, after exercising due diligence to secure the information to do so, so state, and answer to the extent possible, specifying your inability to answer the remainder, and stating whatever information or knowledge you have concerning the unanswered.

#### INSTRUCTIONS AND DEFINITIONS OF TERMS

The following definitions apply to each of the interrogatories and are deemed to be incorporated therein:

1. The word "document(s)" means all handwritten, typed, printed, recorded or graphic matter, photographic matter, sound reproductions, or computer input or output, however produced or reproduced, pertaining in any manner to the subject matter identified.

2. The words "identify" or "identity" when used with reference to a natural person or persons means to state, in addition to any information which may be specifically requested by the interrogatory, the following for each person:

- a. The person's full name;
- b. The person's last known residence and business address;
- c. The full name and address of the person's last known employer;
- d. The name of any person or entity whom the person is claimed to have represented in connection with the matter to which the interrogatory relates; and,
- e. The person's employer and position at the time.

3. The words "identify" or "identity" when used with reference to an entity means to state, in addition to any information which may be specifically requested by the particular interrogatory, the following:

- a. The name of the entity;
- b. The address of the entity's main office;
- c. The county in which it has its principal place of business;

d. The address of the office of the entity which is most directly connected to the matter to which the interrogatory relates; and,

e. If a corporation, the state in which it is incorporated and the states in which it is licensed to do business.

4. The words "identify" and "identity" when used with respect to a document or documents, means to state, in addition to any information which may be specifically requested by the particular interrogatory, the following for each document:

a. The nature and substance of the document;

b. Any title, caption, file numbers, symbols or other characteristics sufficient to enable the document to be precisely identified;

c. The date or approximate date on which the document was prepared;

d. The date, if any, it bears;

e. The date it was transmitted;

f. The identity (as defined above) of the person who wrote, signed, initialed, dictated, recorded, developed, or otherwise participated in the creation or formation of the document;

g. The identity of each addressee or recipient thereof;

h. The identity of the present (or last known) custodian thereof and of all copies thereof; and,

i. To the extent that the answers to the preceding subparts are obtainable by an examination of the document itself, you may respond to the same by attaching a copy of the document to the answers to the interrogatories and referring to said document for answers to each subpart.

5. The word "describe" when used in reference to an act, occurrence, event or transaction means to provide, in addition to any information which may be specifically requested by the particular interrogatory, all of the following information:

a. The date, time and place thereof;

b. Identify as defined above each natural person thereat;

c. The name, employer and position of each natural person who participated therein or was otherwise connected therewith; and,

d. The nature and substance thereof.

6. As used herein, the singular form of a noun or pronoun shall be considered to

include within its meaning the plural form of the noun or pronoun so used and vice versa; in similar fashion, the use of the masculine form of a pronoun shall be considered to also include within its meaning the feminine form of the pronoun so used and vice versa; in a similar fashion, the use of any tense of a verb shall be considered to also include within its meaning all other tenses of verbs so used.

7. The following definitions apply to terms used herein (except as the context may otherwise clearly require):

a. The words "defendant", "debtor," or "Henson" refer to the defendant and debtor in this action.

b. The words "party", "you", "yours", "plaintiff", "creditor" or "claimant" refer to plaintiff in this action, the attorneys for plaintiff and persons or entities at any time employed by, associated with or acting for or on behalf of any of the foregoing.

c. The words "party", "you" and "yours" may also refer to others subject to these special interrogatories.

**SPECIAL INTERROGATORY NO. 1:**

During debtor's appearance before your court on September 15, 2000 debtor was handed the "Defendant's copy" of the indictment for Case No: Hem 014371 by a female Sheriff officer. Do you recall this?

Yes \_\_\_\_\_ No \_\_\_\_\_

**SPECIAL INTERROGATORY NO. 2:**

The first entry in the court's computer records for this case on 9/1/00 is "Release with: LETTER FROM DA TO APPEAR7" [sic]. The debtor has been told by court personnel that "Defendant's copy" is the "letter to appear" and in normal practice is mailed to the defendant giving notice of the arraignment before this entry is made in the court's computer records. Is this your understanding of normal court practice as of September 2000?

Yes \_\_\_\_\_ No \_\_\_\_\_

**SPECIAL INTERROGATORY NO. 3:**

Assuming debtor was handed the "Defendant's copy" in court on September 15,

2000, on the day of the arraignment, would the entry "Release with: LETTER . . ." in the court's computer records be false information?

Yes \_\_\_\_\_ No \_\_\_\_\_

**SPECIAL INTERROGATORY NO. 4:**

If the debtor had failed to appear September 15, 2000 for arraignment in your court, would that have been cause for you to issue an arrest warrant for "failure to appear"?

Yes \_\_\_\_\_ No \_\_\_\_\_

**SPECIAL INTERROGATORY NO. 5:**

The indictment was signed with the initials TWG. In September 2000 would this be DDA Tom Gage?

Yes \_\_\_\_\_ No \_\_\_\_\_

**SPECIAL INTERROGATORY NO. 6:**

In the time period from January 1, 2000 to December 31, 2001 did you or anyone on your staff talk or otherwise communicate about debtor Henson or his case outside of court sessions with any of the following:

DA Grover Trask Yes \_\_\_\_\_ No \_\_\_\_\_

Alan C. Oberstein Yes \_\_\_\_\_ No \_\_\_\_\_

DDA Robert Schwarz Yes \_\_\_\_\_ No \_\_\_\_\_

Elliot Abelson Yes \_\_\_\_\_ No \_\_\_\_\_

Samuel Rosen Yes \_\_\_\_\_ No \_\_\_\_\_

Judge Walker Yes \_\_\_\_\_ No \_\_\_\_\_

Judge Wallerstein Yes \_\_\_\_\_ No \_\_\_\_\_

Gerald Feffer Yes \_\_\_\_\_ No \_\_\_\_\_

Tony Greer Yes \_\_\_\_\_ No \_\_\_\_\_

DDA Leonard Mandel Yes \_\_\_\_\_ No \_\_\_\_\_

DDA Kevin Ruddy Yes \_\_\_\_\_ No \_\_\_\_\_

DDA Bernie Skiles Yes \_\_\_\_\_ No \_\_\_\_\_

Jim Harr Yes \_\_\_\_\_ No \_\_\_\_\_

Gilbert Nishino Yes \_\_\_\_\_ No \_\_\_\_\_

Joseph M. Wojcik Yes \_\_\_\_\_ No \_\_\_\_\_

Robert A. Davis, Jr. Yes \_\_\_\_\_ No \_\_\_\_\_

Barry A. Reimer Yes \_\_\_\_\_ No \_\_\_\_\_

Mike Rinder Yes \_\_\_\_\_ No \_\_\_\_\_

Ken Hoden Yes \_\_\_\_\_ No \_\_\_\_\_

Any other person not named? Yes \_\_\_\_\_ No \_\_\_\_\_

**SPECIAL INTERROGATORY NO. 7:**

For those above names checked yes, provide an approximate date and the subject of the communication. Attach extra pages, letters or documents if necessary.

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**SPECIAL INTERROGATORY NO. 8:**

Before case Hem 014371 was assigned to Judge Walker there was a meeting about the case in your chambers. Do you remember this meeting?

Yes \_\_\_\_\_ No \_\_\_\_\_

**SPECIAL INTERROGATORY NO. 9:**

It was reported to the debtor by his lawyer after the above meeting in chambers that you had expressed "fear of Scientology" and would not take the case for that reason.

Do you remember saying this or something essentially equivalent?

Yes \_\_\_ No \_\_\_\_\_

**SPECIAL INTERROGATORY NO. 10:**

What experience caused you to express the above fear?

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**SPECIAL INTERROGATORY NO. 11:**

After Judge Walker recused himself from the case, an outside retired municipal court judge (Wallerstein) with little experience in criminal cases was brought in. Was this because none of the local judges, including you, would take case Hem 014371?

Yes \_\_\_ No \_\_\_\_\_

**SPECIAL INTERROGATORY NO. 12:**

If the answer to the above question is no, what is your understanding of the reason at the time?

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**SPECIAL INTERROGATORY NO. 13:**

Do you consider the above reason valid today?

Yes \_\_\_ No \_\_\_\_\_

**SPECIAL INTERROGATORY NO. 14:**

Do you know who recommended Judge Wallerstein?

Yes \_\_\_ No \_\_\_\_\_

**SPECIAL INTERROGATORY NO. 15:**

If the answer to the above question is yes, who recommended Judge Wallerstein?

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**SPECIAL INTERROGATORY NO. 16:**

If you do not know who recommended Judge Wallerstein, do you know who would know who recommended Judge Wallerstein?

Yes \_\_\_ No \_\_\_\_\_

**SPECIAL INTERROGATORY NO. 17:**

If the answer to the above is yes, what is the person's name and position?

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**SPECIAL INTERROGATORY NO. 18:**

How were the services of Judge Wallerstein obtained?

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**SPECIAL INTERROGATORY NO. 19:**

At the close of the trial (Hem 014371) Judge Wallerstein admitted in front of many people remaining in the courtroom that he knew Scientology lawyer Elliot Abelson. (Abelson, a former Gambino family lawyer, was in obvious constant contact with DDA Robert Schwarz, coaching him during the trial as he did in the Mark Bunker's case in Chicago.).

Were you aware, before Judge Wallerstein was brought in, that he knew Scientology attorney Elliot Abelson?

Yes \_\_\_ No \_\_\_\_\_

**SPECIAL INTERROGATORY NO. 20:**

Were you aware of Judge Wallerstein's previous activities as an arbitrator in the entertainment business?

Yes \_\_\_ No \_\_\_\_\_

**SPECIAL INTERROGATORY NO. 21:**

Before being assigned to the Henson trial, was Judge Wallerstein questioned about his previous arbitration dealings with Scientology or Scientologists?

Yes \_\_\_ No \_\_\_ Don't know \_\_\_\_\_

**SPECIAL INTERROGATORY NO. 22:**

If the answer to the above is yes, did Judge Wallerstein say he had previous arbitration dealings with Scientology or Scientologists?

Yes \_\_\_ No \_\_\_

**SPECIAL INTERROGATORY NO. 23:**

Are you aware that Judge Wallerstein sealed parts of the record that were in conflict with his minute order of April 19,2001 where he ruled on a defense motion introducing evidence the same day?

Yes \_\_\_ No \_\_\_

**SPECIAL INTERROGATORY NO. 24:**

Were you aware in the year 2000 of communication(s) from Alan C. Oberstein or Gerald Feffer or other attorneys representing any aspect of Scientology to Grover Trask or members of the DA's office:

Yes \_\_\_ No \_\_\_

**SPECIAL INTERROGATORY NO. 25:**

If yes on the above question, state particulars.

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**SPECIAL INTERROGATORY NO. 26:**

What information have you learned about Henson or the Henson case that is not covered in any of the above interrogatory questions?

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Dated Aug. 10, 2005

H. Keith Henson, pro se,  
(Acting under the July 26, 2005 order of  
Federal Bankruptcy Judge Arthur S. Weissbrodt)