COURT OF APPEAL, FIRST APPELLATE DISTRICT
CASE SCREENING FORM

This form should be submitted to the clerk of the Court of Appeal for transmittal to the mediation program administrator. The form will not be entered in the court file. Attach pertinent documents, e.g., any judgment, findings of fact, statement of decision, or order appealed from. Attach additional pages if necessary.

Case Name: Church of Scientology Intl. v. Gerald Armstrong **Case No:** A107100 (MSC #CV021632)

Your Name: Andrew H. Wilson **State Bar No.:** 63209
Counsel for: Petitioner, Church of Scientology Intl.

Subject Matter (*Check all that apply*):

( ) Attorney's Fees	( ) Family Law	( ) Personal Injury
(√) Business/Contract	( ) Insurance	( ) Probate
( ) Construction	( ) Intellectual Property	( ) Professional Negligence
( ) Employment	( ) Medical Malpractice	( ) Real Estate
(√) Other (*specify*):		

Number of Parties: 2 **Date Notice of Appeal Filed:** 7/15/04

Appellant: Church of Scientology Intl. **Counsel:** Andrew H. Wilson
Firm: Wilson Campilongo LLP
Address: 475 Gate 5 Rd., Ste. 212, Sausalito, CA 94965
Tel: 415/289-7100 **FAX:** 415/289-7110 **E-mail:** ahw@wilsoncampilongo.com

Respondent: Gerald Armstrong **Counsel:** Ford Greene
Firm: HUB Law Offices
Address: 7-11 Sir Francis Drake Blvd., San Anselmo, CA 94960
Tel: 415/258-0360 **FAX:** 415/456-5318 **E-mail:**

Cross-Appellant: **Counsel:**
Firm:
Address:
Tel: **FAX:** **E-mail:**

Other Parties: ___ *See Attachment.*

Trial Court: Marin Superior Court **Case No.:** CV021632
Trial Judge: Hon. Lynn Duryee

The trial court judgment resulted from:

__Jury Trial √Court Trial __Summary Judgment __Demurrer
__Dismissal __Nonsuit __Arbitration Award __Administrative Mandamus
__Order (*specify*):
__Other (*specify*):

What was the judgment?: $500,000.

What was the last settlement demand? $ n/a Offer $

Identify all ADR processes in this case in which you have participated (e.g., mediation, arbitration, or settlement conferences). *State the name of all judges, mediators, or other neutral parties involved*: None; Respondent did not appear for the scheduled settlement conference.

Briefly state the facts of this case:
See attached Paragraph #1.

List the appellate issues that you anticipate:
See attached Paragraph #2.

__ This is a case of first impression.
(*Specify*):

__ This case principally involves the validity or interpretation of a statute, ordinance, or regulation.
(*Specify*):

Related case or cases:
Name: Church of Scientology Intl. v. Marin Superior Court, et al. Court: Court of Appeal No. A107095 (MSC# CV157680

What is the outcome that you seek in this case?
X Damages (*specify*): $ 50,000 for each of the 131 breaches.
__ Equitable Relief: (*specify*):
__ Other (*specify*):

Describe any ongoing personal, professional, or business relationship between any of the parties to this appeal: None.

Identify all persons, other than the parties, whose agreement is necessary for the settlement of this appeal and any related litigation or dispute (e.g., an insurance adjuster, spouse, or lien holder): None other than parties.

What else should be considered in determining whether this case should be submitted to mediation? See attached Paragraph #3.

11/1/02

Court of Appeal, First Appellate District Case Screening Form

Attachment Page No. 1

Briefly state the facts of this case:

Paragraph #1) Petitioner and Respondent entered into a settlement agreement in 1986 which Respondent has admittedly breached on hundreds of occasions. Despite a liquidated damages provision which was found valid in a previous case, the trial court refused to award damages in accordance with that provision and limited damages to $500,000.

List Appellate Issues that you anticipate:

Paragraph #2) Issue on appeal is whether the trial court erred in refusing to enforce the liquidated damages provision and, specifically, whether this refusal contravenes the trial court's ruling in the earlier, related case, the judgment in which was final in 1997.

What else should be considered in determining whether this case should be submitted to mediation?

Paragraph #3) Petitioner submits that this case is appropriate for mediation. This appeal is the latest chapter in litigation which arose from a settlement of still earlier litigation. The provisions of that agreement have been finally adjudicated to be valid and binding, despite which Respondent continues breaching the agreement. A judicial declaration is essential.

PROOF OF SERVICE

I, the undersigned, declare:

I am employed in the County of Marin, State of California. I am over the age of 18 and not a party to the within action; my business address is 475 Gate 5 Road, Suite 212, Sausalito, California 94965.

On July 26, 2004, I served the foregoing document(s) described as follows:

PETITIONER'S COMPLETED COURT OF APPEAL CASE SCREENING FORM, BLANK COURT OF APPEAL CASE SCREENING FORM; INFORMATION SHEET; and LOCAL RULE 3.5

on the interested parties in this action by placing true copies thereof enclosed in sealed envelopes addressed as stated on the attached service list, as follows:

XX BY MAIL:

XX VIA FACSIMILE

__ BY HAND DELIVERY

Ford Greene, Esq.
HUB Law Offices of Ford Greene
711 Sir Francis Drake Blvd.
San Anselmo, CA 94960-1949

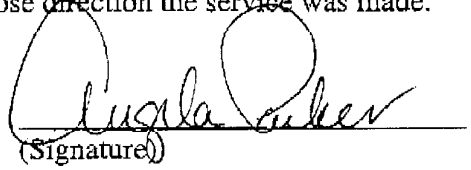
Facsimile No.: (415) 456-5318

Executed on July 26, 2004, at Sausalito, California

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

____ (Federal) I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Angela Parker
(Type or Print Name)


(Signature)