

## AFFIDAVIT OF Yael LUSTGARTEN

I, Yael Lustgarten originally of Venezuela, do hereby declare and state:

1. I am over 21 years old, of sound mind and body, and not under the influence of any drug or other substance that would affect my memory or ability to tell the truth. I have personal knowledge of the facts that I set forth in this Affidavit, and if called as a witness in any proceeding, I could and would competently testify to those facts.

2. I have prepared this Affidavit by choice, not compulsion, as an exercise of my own free will, and without any pressure, coercion or duress concerning its content or preparation from anyone.

3. I am writing this Affidavit to set some facts straight. Considering 20 years of service, friendship and working with Mr. David Miscavige, the ecclesiastical leader of the Scientology religion, this Affidavit could be just a brief expression of the way I feel about my experiences with him in the time that I knew him, especially when I heard the lies that other people are now spreading about Mr. Miscavige.

4. I am currently not a staff member or employed by any Church of Scientology, directly or indirectly. I ended my volunteer staff relationship with the Church of Scientology in 2004 to pursue other goals in life, both professional and personal.

5. I joined the Sea Organization (the Scientology religious order) in 1986. I worked in Los Angeles until 1989, when I was promoted and relocated to the Golden Era Productions facility in 1989. Golden Era Productions is a division of Church of Scientology International ("CSI"). At Golden Era is where I came into direct contact with Mr. Miscavige.

6. In all the times I have worked with Mr. Miscavige or seen him working with others, I have never known him to be furious, mad, pissed off, much less hit, punch, kick, slap, choke, push, or inflict any form of abuse (physical or otherwise) the entire time I have known him. I *never* witnessed that, ever. I am shocked that a few people, who I worked with closely for two entire decades, now turn around and instead of getting on with their lives, they spread lies, specifically about David Miscavige. I find it intolerable, as I was in the same place they were, in the same meetings and with Mr. Miscavige at the same times, and I did not ever see things that they are claiming they saw or experienced. Their allegations about Mr. Miscavige are lies, pure and simple, and I know that they are made in an attempt to damage Mr. Miscavige's reputation (which by the way is unassailable). Since the allegations are lies, I felt I had to originate and write my OWN experience.

7. As part of the Marketing team, I was involved with nearly every single marketing campaign that emanated from Golden Era Productions from 1989 to 2003. That is 14 years of constant involvement. My functions involved creating a marketing campaign, or creating a part of the "export," or pricing it and producing the literature, or launching it, or briefing staff members across the globe about the campaign, or briefing public parishioners about the campaign across the globe. In some way, during a decade and a half I was involved in anything and everything that emanated from the Church's marketing unit. Due to the fact that such campaigns utilized parishioner's financing and their message was vital to the Scientology dissemination programs, Mr. Miscavige's input was invaluable in terms of coordination as well as on the creative side of things. From my observation, Mr. Miscavige was always doing more than anyone else to coordinate worldwide promotion and marketing actions. I also saw that he always remained informed of multi-media campaign launches across newspapers, television and radio, to say the least—especially during the early 1990's, but extending all the way until I left Golden Era in 2004.

8. I was present at literally hundreds of meetings, adding up to thousands of hours, where Mr. Miscavige was present. He continually acted to keep all activities coordinated. At the meetings where he was present, he went as far as recording and having all the meetings transcribed so staff would understand and coordinate their actions for maximum success—that being expansion and Church recognition. He would have his personal staff ... transcribe the meetings, so ... we had Mr. Miscavige's direction in writing and could ourselves coordinate our actions. This was invaluable as it put things in writing that we could refer to during the day and not be required to remember exactly what was said and the guidance provided.

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10. I have attended over 1,000 meetings involving Church marketing. I witnessed one meeting where Jeff Hawkins, a fellow marketing staff member at that time, was presenting a campaign for "Scientology." However, the way he presented the campaign was not the way someone would present a multimillion-dollar campaign to executives. He smelled of body odor, he was unshaven, his voice tone was very low and he could hardly be heard. Someone asking for millions of dollars to launch a long-term campaign would never behave like that. Jeff did. Of course his campaign was never approved and it was totally not acceptable. And now, he claims he was "hit." I was right there. He wasn't hit by anyone. It's all a lie. I was there. He was told to wake up and speak louder and frankly to correct his attitude...

11. I also was present at hundreds of campaign meetings with Mr. Miscavige present. He would always joke with me. We would laugh about my accent (as I

have a heavy Spanish accent); he would always direct me as to what to do to make the campaign better. Usually, he would approve it on the spot. This occurred with a very big Dianetics campaign for seminars, for Church technical films marketing, for a training campaign, he approved these right on the spot. It was an experience to see him happy because someone had fully understood and implemented what he had suggested and you would see from his eyes how this could achieve expansion and more people participating in religious studies.

12. I know I was not perfect in performing my staff duties, and there were some things that I was ignorant about, but Mr. Miscavige never treated me badly because of it. People below him did, unbeknownst to him, but not him personally, ever. He was always encouraging to me, helping me and making sure I had the needed direction to do my duties correctly. I told a friend of mine, for years, that I'd rather deal with Mr. Miscavige personally on the campaigns than dealing with those below him, because those below him, like Mark Rathbun ("Marty") would misinterpret everything and would use punishment in place of direction and hating (teaching or training someone for their staff functions). Mr. Miscavige never used punishment...

13. Mr. Miscavige is the most caring person I have ever worked under. After working at Golden Era for years, I was in meetings sometimes where he would look at me and I could tell he knew that I was not feeling well. I used to suffer from migraines for a long period of time. Every time Mr. Miscavige was present at one of those meetings when I had a migraine, he would have one of the staff take care of me to make sure I got the appropriate medical handlings as well as Scientology auditing (spiritual counseling). And that resolved the situation, as I don't have migraines any more.

14. On two occasions after these meetings where the alleged "beating" supposedly occurred, I had Superfood and vitamins waiting at my desk from him personally so I could get nutrition and anything I needed to get rid of my headache. He went as far as getting me a "Smoke Away" program so I could quit smoking and two cleansing programs so I could get rid of toxins in my system. He did all this to assist me to handle my headaches. I would see the packages on my desk next morning or afternoon after these very meetings these people claim were violent...

15. I was sent to our religious retreat, the *Freewinds* motor vessel, for a few months to launch for the first time the Freewinds Tour events. I had to implement, for months, the entire promotional schedule, get event halls full of public parishioners attending to watch the video, I was a speaker at many of the events, I had to deal with the tours, man them up, finance them. This was very fun for me to do. I remember being on the *Freewinds* in the Caribbean when Mr. Miscavige wanted to speak to me in person about such events. I was flown to Clearwater,

Florida, to meet with him. We met for a couple of hours regarding the event that was to take place at the Church there in Clearwater. After the meeting he asked me how I was doing, if I was sleeping and if I had the financing I needed to make the tours successful. He invited me to have a snack with him and the next day I was off again to the *Freewinds*...

16. In 1996, I proposed a plan to print the Golden Age of Tech promotion in Europe. I was told I was a psycho for proposing this. Again, I had to arrange that I would "happen" to run into Mr. Miscavige so I could talk to him directly. I did that and I briefed him on my plan, which was to economize millions of dollars by translating and printing all the promotional materials in Italy and Spain. Mr. Miscavige loved the idea and I was sent to Europe for a couple of months on project and we made it happen. When we got back, I went straight into more meetings on the launch of other strategic programs and again, I never saw [any violence].

17. I was present at meetings where the pricing formula for compact discs was being worked out. We have thousands of lectures by our Founder, Mr. L. Ron Hubbard, that we put on compact discs, so it is very important that the CDs are economical enough to be purchased by our parishioners. Mr. Miscavige must have spent thousands of hours meeting with people to get the formulas right. He had a CD plant built at Golden Era Productions, all so that everything could be produced in house, CDs, transcripts, packaging, covers, everything to make the provision of the materials economical. Although we had all these meetings, I still couldn't get the pricing right. I was at probably 50 meetings regarding the subject of marketing and pricing compact disks. Many executives from all levels were at these meetings. Although I had difficulty getting the pricing right and I am sure it must have been frustrating for Mr. Miscavige, I never saw any abuse of anyone.

18. While there were heated moments during my time at Golden Era Productions, they were caused by other people's stupidities, not by Mr. Miscavige getting heated and going at people. It just didn't happen. It DIDN'T EVER HAPPEN... I can tell you I was there and it did not happen.

19. Mr. Miscavige is entirely genuine with his emotions and how he treats those in his environment. You knew where you stood with Mr. Miscavige. If he wanted to make a point or teach you something, and as long as you understood it, that was always the end of it. His sole purpose in his dealings with me and other staff that I saw was to help. That is all there is to it.

20. Unfortunately, Mr. Miscavige was not at the Church facility in [Southern] California for long periods of time... People such as Marty Rathbun betrayed him when he was gone by claiming that he was acting under Mr. Miscavige's authority when he wasn't and in fact he was abusing his authority.

Dated: 27 June 2009

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Yael Lustgarten

Sworn to and subscribed before me on this 27 day of July 2009 by Yael Sherlock, personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

LISA STETENFELD  
NOTARY PUBLIC