

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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WORLD SERVICE OFFICE, INC. : CIVIL ACTION

vs. :

DAVID MOORHEAD : NO. 90-7631

PHILADELPHIA, PENNSYLVANIA  
January 2, 1991  
BEFORE HONORABLE LOUIS H. POLLAK, J.

APPEARANCES:  
FOR THE PLAINTIFF: SYNNESTVEDT & LECHNER  
BY: JOHN T. SYNNESTVEDT, ESQUIRE  
SCOTT J. FIELDS, ESQUIRE  
2600 One Reading Center  
1101 Market Street  
Philadelphia, Pennsylvania 19107  
FOR THE DEFENDANT: DAVID MOORHEAD,  
Pro Se

GREGG B. WOLFE, RPR  
OFFICIAL COURT REPORTER  
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JAN 20 1991  
SYNNESTVEDT & LECHNER  
ATTEN: JTS/SJF

1 (The Court began the proceedings at 10:50 a.m.)

2 THE COURT: We are here in the matter of World  
3 Service Office versus David Moorhead. This is a lawsuit  
4 in which the plaintiff, World Service Office, is alleging  
5 that the defendant, Mr. Moorhead, is engaged in the  
6 distribution of texts which the plaintiff has a federally  
7 protected proprietary interest in under the copyright and  
8 trademark provisions of federal legislation. And it is  
9 also alleged that the distributions violate certain  
10 common law rights, including an entitlement on the  
11 plaintiff's behalf to be free from what is called unfair  
12 competition by defendant.

13 The immediate application is the catalyst for  
14 today's hearing, which is an application for a Temporary  
15 Restraining Order pending further activity in this  
16 lawsuit, a lawsuit which was begun very recently in  
17 December; in particular, pending the hearing by this  
18 court of an application for a preliminary injunction  
19 restraining Mr. Moorhead from various distributions and  
20 related activities that are intended by the plaintiff to  
21 be destructive of the plaintiff's rights.

22 Plaintiff seeks a temporary restraining order to  
23 maintain the status quo pending consideration of a  
24 preliminary injunction application; maintenance of the  
25 status quo by requiring the defendant to desist from

1 distributions on other related activities that plaintiff  
2 contends would cause it irreparable injury pending  
3 consideration of the application for a preliminary  
4 injunction. So it is that which brings us to court this  
5 morning.

6 Now, I talked on the phone with plaintiff's  
7 counsel, Mr. Synnestvedt. I believe Mr. Fields was on  
8 the phone at the same time and with the defendant, Mr.  
9 Moorhead, who at the time was uncounseled. Actually,  
10 we've had two telephone conversations. They were  
11 approximately a week apart; I believe one about the 20th,  
12 and the second about the 27th of December.

13 The second of those conversations, I scheduled  
14 today's hearing, but I called upon the parties to  
15 undertake to see if they could reach at least some  
16 interim agreements that would obviate the need for  
17 holding a hearing today. If possible, through  
18 discussion, the parties could arrive at mutually  
19 acceptable arrangements, while not perhaps representing  
20 in full what either party would want, acceptably preserve  
21 a status quo until such time comes as we proceed on the  
22 application for a preliminary injunction, a time which  
23 would be some weeks hence.

24 Of course, I also hoped, but not with any great  
25 confidence, that the parties by talking together might

1 indeed be able to work out a comprehensive resolution of  
2 their difficulties. Since that last conversation, I have  
3 received communications which have not been very  
4 encouraging.

5 Mr. Moorhead wrote me on the 28th. Well,  
6 actually, what Mr. Moorhead sent me was not a letter to  
7 me, but copies of two letters from himself to Messrs.  
8 Synnestvedt and Fields dated December 28th. Both of  
9 those expressed the sense that up to that point there was  
10 no meeting of the minds, and he had reflected Mr.  
11 Moorhead's readiness to continue talking.

12 Meanwhile, Mr. Synnestvedt also wrote me on the  
13 28th -- his was a letter to me with a copy to Mr.  
14 Moorhead -- "unfortunately, we report that we were unable  
15 to reach an agreement with the defendant despite  
16 considerable efforts expended by both parties last  
17 evening and today."

18 I also received in the mail, but I don't know  
19 from whom, a xerox copy of -- it is evidently a letter  
20 from a Mr. Emmons, Greg Emmons to David M. dated December  
21 27, 1990, and it appears from the letter that Mr. Emmons  
22 is a lawyer in Doylestown, but was advising Mr. M -- who  
23 I take it that this is related to our situation, that  
24 internally it appears to be since it speaks of litigation  
25 brought on by the World Service Office -- expressed, Mr.

1 Emmons, regrets that he cannot serve as Mr. M's lawyer.  
2 He expressed a willingness to serve as an arbitrator, if  
3 the case moved to any such stage.

4 Is this a -- well, let me inquire. Mr.  
5 Moorhead, is this a communication that was sent to me by  
6 you? Do you know what I'm talking about?

7 MR. MOORHEAD: Sir, if you would show it to me,  
8 I could identify it for you.

9 MR. SYNNESTVEDT: It's unfamiliar to me, Your  
10 Honor.

11 MR. MOORHEAD: Yes, sir, that is something that  
12 I sent to you.

13 MR. SYNNESTVEDT: May I look at it, Your Honor?

14 THE COURT: Of course. Anything that is sent to  
15 the Court by one of the parties, of course, should be  
16 sent to the other side.

17 MR. SYNNESTVEDT: No, it was not sent to me,  
18 Your Honor, at least I have not received it.

19 THE COURT: Mr. Bach, I wonder if I could ask  
20 you to make a copy of that, and give that to Mr.  
21 Synnestvedt.

22 MR. MOORHEAD: Your Honor, not being a lawyer,  
23 I'm not familiar with all the various and sundry  
24 procedures that are required, and I beg the Court to  
25 understand. I'm not trying to in any way, you know, make

1 it more difficult for the opposing counsel.

2 THE COURT: I'm sure that's true. I'm sure Mr.  
3 Synnestvedt understands that. The basic ground rule, Mr.  
4 Moorhead, that you should be aware of as long as you are  
5 unrepresented by counsel, is that -- well, it's  
6 two-fold. It is, first of all, that anything that is  
7 sent to the Court must be filed with the clerk's office,  
8 so that it becomes in some formal sense a document of  
9 record. It's entirely appropriate to send a copy.  
10 Indeed, it's an appreciated courtesy to send a copy of  
11 materials that are filed with the clerk's office to the  
12 Judge. But the parties have a responsibility to see to  
13 it that documents are filed with the clerk's office so  
14 that there is a running formal record, and that filing is  
15 not accomplished simply by sending communications to the  
16 Judge or the Judge's chambers.

17 The other procedural principle that you should  
18 have in mind, Mr. Moorhead, is that anything that is  
19 submitted in a court proceeding to the Court, that is  
20 filed with the clerk's office and sent to the Judge, must  
21 also be served on the other party or parties.

22 Now, in our last phone conversation, Mr.  
23 Moorhead and Mr. Synnestvedt, we did talk about the  
24 questions, Mr. Moorhead, of your being represented by  
25 counsel, and I was led to understand that you were

1 continuing to talk to lawyers, but I see you here today  
2 without any lawyer with you.

3 Are there any current prospects of your having  
4 an attorney?

5 MR. MOORHEAD: Well, sir, yes. However, the  
6 only one that indicated that they would be willing was  
7 asking for \$10,000. All of the volunteer agencies due to  
8 the snow and their volunteers year-end with their regular  
9 firms and all that stuff, they were not able to do any  
10 intakes on me. They were not, you know, able to provide  
11 anything. And, in fact, a lot of them were shutdown for  
12 a week. It's a very strange situation for me, Your  
13 Honor.

14 THE COURT: Well, you told me on the phone when  
15 we were talking on the phone that you expected to see  
16 somebody on Monday. That would be last Monday, the  
17 31st?

18 MR. MOORHEAD: Yes, sir.

19 THE COURT: I take it that was not fruitful, or  
20 is there to be some further meeting?

21 MR. MOORHEAD: That is correct, it was not  
22 fruitful. I went on Friday as well. I showed up in the  
23 snow. They told me to come in. When I got there, there  
24 was no -- nobody showed up to do any intake. I  
25 subsequently called the VIP main office, and they had --

1 Karen Foreman was not there. The only person that was  
2 there was the secretary.

3 I mean, you know, I really believe that I tried  
4 to do my best to obtain counsel, and I'm continuing in  
5 that endeavor.

6 THE COURT: Well, now that the holidays are  
7 over, would you be back in touch with VIP or other of  
8 these agencies?

9 MR. MOORHEAD: Absolutely, sir.

10 THE COURT: All right, good. Well, I think for  
11 today's purposes we will have to go forward as we are now  
12 situated. I regret that you don't have counsel with you,  
13 Mr. Moorhead, but we'll all undertake to take account of  
14 that fact.

15 Mr. Wolfe has suggested another attorney, whose  
16 name you might well like to have who is very able,  
17 indeed, and does certainly a certain amount of pro bono  
18 work; Julie Shapiro. Her number is listed here in the  
19 Legal Directory as 922-5135. Her current office listing  
20 is very close to here over in the Bourse Building. If  
21 she is available, she certainly would be a very good  
22 suggestion, very capable.

23 Well, we will proceed now. Mr. Synnestvedt has  
24 since submitted a statement, which I take it has been  
25 communicated also to Mr. Moorhead. It arrived in my

1 chambers this morning. It is a statement identifying  
2 witnesses and documents to be relied upon by the  
3 plaintiff at today's hearing.

4 Good. Well, Mr. Synnestvedt, I'll turn the  
5 lectern over to you, sir.

6 MR. SYNNESTVEDT: Thank you, Your Honor.

7 THE COURT: I say I turn the lectern over. I  
8 don't mean that you're obliged to speak from there, if  
9 you'd be more comfortable sitting at counsel table. You  
10 and Mr. Moorhead both may find it easier to have access  
11 to papers sitting at the table. You may proceed any way  
12 you wish.

13 MR. SYNNESTVEDT: I'd like to call Mr. George  
14 Hollahan to the stand.

15 THE COURT: All right.

16 GEORGE LOVETT HOLLAHAN, III, was duly sworn.

17 DIRECT EXAMINATION

18 BY MR. SYNNESTVEDT:

19 Q. What is your address, Mr. Hollahan?

20 A. My home address?

21 Q. Yes, please.

22 A. 18936 Kilfinan Street, Northridge, California.

23 Q. What is your occupation?

24 A. I am an executive assistant at the World Service  
25 Office.

1 Q. Could you indicate your duties and functions for us,  
2 please?

3 A. My responsibility is to oversee the Fellowship  
4 Services of the World Service Office. Among the  
5 departments in that division includes the Literature and  
6 Translations Department, the Group Services Department,  
7 the Hospital and Institutions Department, the Public  
8 Information Department and the International Department.

9 Q. Are you testifying today in your capacity as an  
10 executive assistant at World Service Office?

11 A. Yes, I am.

12 Q. How long have you been associated with the operation  
13 of the Fellowship of Narcotics Anonymous?

14 A. Over ten and-a-half years.

15 Q. Will you please briefly describe the history of the  
16 Fellowship of Narcotics Anonymous?

17 A. The Fellowship, where we understand where we  
18 started, was in 1953 in southern California. A group of  
19 members, who had previously attended an Alcoholics  
20 Anonymous meeting who were looking for something more  
21 appropriate to their recovery, began the first meetings  
22 of Narcotics Anonymous in 1953.

23 During the 1950's and 1960's, it was very slow.  
24 There was not a whole lot of change in the organization  
25 at the time. It consisted of small groups located mainly

1 in California, both in southern and northern California.

2 Beginning in the mid 1970's, the Fellowship  
3 began to experience a profound growth which continued on  
4 through the 1980's.

5 Narcotics Anonymous adapted principles that had  
6 been used by Alcoholics Anonymous. There are 12 steps  
7 and 12 traditions, and adapted them for our use.

8 That is our original formation of our groups in  
9 the way that the Fellowship started.

10 Q. Will you briefly now describe the philosophy of  
11 Narcotics Anonymous?

12 A. Well, the philosophy of Narcotics Anonymous is  
13 stated in what we call the 12 traditions. The 12  
14 traditions are a set of 12 principles by which we as a  
15 Fellowship interact with one another and also interact  
16 within the society around us.

17 These principles -- the principle of the first  
18 tradition is in a unity of our common welfare, that the  
19 good of the whole is our main concern, although the good  
20 of the individual is to follow shortly thereafter.

21 The other principles that are outlined in our  
22 tradition includes the second tradition that provides for  
23 an ultimate authority as expressed through each group's  
24 conscience. It also provides what we call trusted  
25 servants or NA leadership.

1           The third tradition talks about the only  
2 requirement for membership being the desire to stop  
3 using, meaning that anyone who suffers from addiction is  
4 welcome.

5           The fourth tradition goes on to restate again  
6 what the first tradition says, that our groups are  
7 autonomous, and only in matters affecting other groups as  
8 a whole should they consult outside of their conscience.

9           The fifth tradition talks about the primary  
10 purpose, and that is to carry the message.

11           The sixth tradition talks about not endorsing  
12 any outside enterprises.

13           The seventh tradition talks about Narcotics  
14 Anonymous remaining self-supporting, declining outside  
15 contributions of any kind.

16           The eighth tradition talks against the  
17 professionalism of Narcotics Anonymous and provides for  
18 service centers.

19           The ninth tradition provides for a service  
20 structure.

21           The tenth tradition talks about NA not having an  
22 opinion on an outside issue.

23           The eleventh tradition speaks to our public  
24 relations policy and personal anonymity.

25           And the twelfth tradition talks about practicing

1 principles of personalities. That is the general  
2 philosophy of NA.

3 Q. Approximately, how many members are there in  
4 Narcotics Anonymous?

5 A. I would estimate that there is somewhere  
6 approximately 400,000 members across the world.

7 Q. And approximately how many members -- how many  
8 groups are there?

9 A. We estimate that there are some 20,000 groups across  
10 the world.

11 Q. Now, you mentioned a service structure. What is the  
12 service structure of Narcotics Anonymous?

13 A. Service structure is created by our groups to do  
14 those things that the groups can't do or shouldn't do  
15 among themselves. They consist of what we call an area  
16 service committee, which is a localized committee, more  
17 in line with a metropolitan or county type of system. It  
18 is in the area committees that most of the service work  
19 is actually done.

20 The next level of organization is our regional  
21 service committees, which are more or less on the same  
22 lines as state boundaries. The purpose of the regions is  
23 to bring together those areas in groups that they serve  
24 within their boundaries, and to bring together the  
25 Fellowship to large gatherings, and discuss issues that

1 are important to the Fellowship within the area that they  
2 serve, and also discuss World Service issues.

3 The World Service Conference is the place where  
4 all the representatives from the different regions across  
5 the world come together once a year to discuss issues  
6 facing the Fellowship as a whole.

7 Q. You mentioned World Service Conference. What does  
8 the World Service Conference do?

9 A. The World Service Conference meets annually to  
10 discuss those issues that have been put out to the  
11 Fellowship 90 days in advance.

12 It also discusses issues that concern the three  
13 World Service arms, which consist of the World Service  
14 Conference Committees, the World Service Board of  
15 Trustees, and the World Service Office.

16 Q. World Service Office being the plaintiff in these  
17 proceedings; is that correct?

18 A. Yes, sir.

19 Q. Would you describe now for us the World Service  
20 Office?

21 A. The World Service Office was initially created back  
22 in the mid 1970's as a place where Narcotics Anonymous  
23 literature could be produced and published and  
24 protected. It also served as a main communication for  
25 the Fellowship at large in its later days. The original

1 creation of the office was to provide the Fellowship with  
2 a legally recognized entity by which the Fellowship could  
3 conduct business with the society around it, be able to  
4 protect our literature and protect the properties of  
5 Narcotics Anonymous as approved by the World Service  
6 Conference.

7           The other responsibilities have grown over the  
8 years. Certainly one of the chief responsibilities is  
9 the distribution of that literature to our groups and to  
10 the general public.

11           The other responsibility we have is really  
12 serving as the main center of communication within the  
13 Fellowship. It's usually done in a variety of ways,  
14 through telephone calls, mailings, newsletters, these  
15 types of things.

16           We have also become involved with giving  
17 administrative support to the conference committees and  
18 the World Service Board of Trustees, and the carrying on  
19 of their work.

20 Q. Is the World Service Office a corporation?

21 A. Yes, it is.

22 Q. Is it a corporation for profit?

23 A. It is a non-profit corporation.

24 Q. How is Narcotics Anonymous Fellowship literature  
25 developed and approved?

1 A. Well, it can be initially developed in a variety of  
2 ways. Sometimes it can be initiated by an individual  
3 member. It can be developed within a committee. But any  
4 literature that is offered to the Fellowship and proposed  
5 to the Fellowship is given to the World Service  
6 Conference, the literature committee, who then goes about  
7 a process in developing that literature, making sure that  
8 the message is consistent with the message of Narcotics  
9 Anonymous.

10 The literature committee is made up of members  
11 from around the Fellowship so that it gives a unified  
12 focus. And one of the responsibilities of the literature  
13 committee is to put a piece of literature in final form,  
14 and then offer it to the Fellowship, and eventually  
15 having the World Service Conference approve it, who then  
16 hands it over to the World Service Office to produce and  
17 publish.

18 Q. Do you have a personal relationship or  
19 responsibilities with relation to the literature  
20 committee?

21 A. I oversee the general administration and  
22 coordination of the literature activities of the World  
23 Service Office.

24 Q. Who holds the legal title to the copyrights,  
25 trademarks and servicemarks of the publishing?

1 A. The World Service Office, Incorporated.

2 Q. Has the World Service Conference ever allowed the  
3 World Service Office to produce the duplication of  
4 literature?

5 A. Only in four instances where there have been  
6 agreements which the Fellowship committee oversees.

7 Q. Has World Service Conference permitted World Service  
8 Office to grant permission to any individuals, any  
9 entities other than those four service offices which you  
10 mentioned?

11 A. No, sir.

12 Q. Did the last World Service Conference ever ask the  
13 World Service Office to take action to enforce the  
14 trademark and copyright rights of the Fellowship?

15 A. Yes, it has. The conference has approved in the  
16 early 1980's by accepting the by-laws of the World  
17 Service Office, setting up the fiduciary trust  
18 relationship, and the responsibility of protecting NA's  
19 literature. And again in 1989, when the manager and  
20 chairperson of the World Service Office asked the World  
21 Service Conference for permission to proceed legally  
22 against infringers.

23 Q. How many works does the World Service office  
24 currently publish?

25 A. We publish one book titled Narcotics Anonymous, also

1 known as our Basic Text. We also produce about 20  
2 different pamphlets, them plus handbooks and various  
3 materials, such as key tags and medallions for the  
4 Fellowship at large.

5 Q. Is the book that you referred to as the Basic Text  
6 the most important of these works that are published by  
7 the World Service Office?

8 A. Yes, it is.

9 THE COURT: I wonder if I might break in for a  
10 moment, Mr. Synnestvedt.

11 BY THE COURT:

12 Q. Mr. Hollahan, you described an instance or two in  
13 which the World Service Conference has instructed the  
14 World Service Office. Now, that would be what, by vote  
15 of the conferees?

16 A. Or by consensus, asking for a consensus of the  
17 conference.

18 Q. Apart from directives from the conference, who makes  
19 decisions for the World Service Office?

20 A. There is a board of directors which consists of 12  
21 members who are elected directly and indirectly by the  
22 conference.

23 Q. You say elected directly and indirectly?

24 A. Well, we have a system that creates a pool of  
25 nominations from which the board of directors may

1 select. I believe it's three members to serve a one-year  
2 term each year. So it's a pool of nominees, preferably  
3 more than the number of seats that are available by which  
4 the remaining members of the board select to sit for a  
5 year.

6 Q. And the term of a director is a year?

7 A. The term of directors -- there's two terms. Three  
8 of them will serve one-year terms, and the other nine  
9 serve three-year terms and may be elected again.

10 Q. Now, responsive to the board of directors is a -- is  
11 some sort of executive secretary or something of the  
12 sort, some group of officials of whom you are one?

13 A. Yes. There are approximately 40 employees of the  
14 World Service Office who are directly answerable to the  
15 board of directors.

16 Q. Your title is executive assistant?

17 A. That is my title, my classification. My official  
18 title is administrator for Fellowship Services.

19 Q. Administrator for Fellowship Services?

20 A. Yes, sir.

21 Q. And to whom are you accountable?

22 A. Well, under normal circumstances, I would be  
23 accountable to an executive director, but right now we do  
24 not have an executive director, and the board of  
25 directors is searching for a nominee to replace the

1 executive director.

2 Q. Am I wrong in thinking that you have an acting  
3 executive director? I thought I saw a reference in the  
4 papers that have come before me.

5 A. Stuart Tooredman serves as the chairperson of the  
6 WSO board of directors, and has been also appointed to  
7 serve as the interim executive director of the office.

8 Q. Does that mean that you are then, in terms of  
9 executive hierarchy, accountable to Mr. Tooredman?

10 A. Yes, sir, I meet with Mr. Tooredman regularly on a  
11 regular basis.

12 Q. I know you are speaking to me because I'm asking you  
13 questions, but try and project your voice out so that  
14 everybody in the court can hear. I see, all right.

15 And are there other executive officials at, say,  
16 approximately at your level?

17 A. Yes, sir, there is someone who holds a light title,  
18 what we call the support services division of the  
19 office.

20 THE COURT: All right, Mr. Synnestvedt, I  
21 apologize for intruding. I just wanted to get a little  
22 more sense of structure here.

23 MR. SYNNESTVEDT: No intrusion, sir. Thank  
24 you.

25 BY MR. SYNNESTVEDT:

1 Q. I ask the reporter to mark a document as Plaintiff's  
2 Exhibit 1. I hand you Plaintiff's Exhibit 1, and ask if  
3 you can identify it?

4 A. Yes, sir, this is my deposition that I signed --

5 Q. Excuse me, your declaration.

6 A. My declaration that I signed on November 27th,  
7 1990.

8 MR. SYNNESTVEDT: Your Honor, you already have a  
9 copy in the papers that we filed.

10 THE COURT: Yes.

11 MR. SYNNESTVEDT: Mr. Moorhead has a copy.

12 BY MR. SYNNESTVEDT:

13 Q. Mr. Hollahan, are the statements made in the  
14 declaration true, to the best of your knowledge,  
15 information and belief?

16 A. Yes, sir, they are.

17 MR. SYNNESTVEDT: Your Honor, I want to now  
18 introduce a copy of the Basic Text. I have only two  
19 copies. I'd like to have one for the Court and retain  
20 one for myself. I'm sure Mr. Moorhead has plenty of  
21 copies.

22 THE COURT: Let's make sure that he does.

23 MR. SYNNESTVEDT: Do you have copies of the  
24 Basic Text?

25 MR. MOORHEAD: I've never purchased the Fifth

1 Edition of the Basic Text, Your Honor.

2 MR. SYNNESTVEDT: We'll supply Mr. Moorhead with  
3 a copy, Your Honor.

4 THE COURT: All right, you don't have one that's  
5 now available to give him?

6 MR. SYNNESTVEDT: I'll give him my copy, Your  
7 Honor. I'm marking this as Plaintiff's 2.

8 BY MR. SYNNESTVEDT:

9 Q. I'll ask the witness to identify it as the Basic  
10 Text of Narcotics Anonymous.

11 A. Yes, this is the Basic Text of Narcotics Anonymous  
12 known as the Fifth Edition.

13 Q. Is that the most recent edition?

14 A. Yes, it is.

15 Q. What is the price of the authorized Basic Text?

16 A. \$8.

17 Q. Will you briefly describe the contents of the Basic  
18 Text for us?

19 A. The Basic Text is divided into two books. Book one  
20 consists of the sharing of experience through a unified  
21 voice of different subjects important to the members of  
22 Narcotics Anonymous. There are descriptions, for  
23 instance, of who is an addict. There are descriptions --  
24 chapters based on our 12 steps with brief essays. There  
25 is also a chapter about our 12 traditions with brief

1. essays. And there's, I believe, a total of ten chapters  
2 in book one.

3           Book one speaks through unified voice,  
4 hopefully, to new members to have them understand a bit  
5 of what they are going through, what they will go  
6 through, and the fact that we understand as one addict to  
7 another.

8           The stories in book two of the Basic Text are  
9 the personal experiences of members that describe the  
10 individual situations that members went through, the  
11 feelings they had when they were using, the despair they  
12 felt, what happened and what brought them to recovery,  
13 and what their experience has been since they've been in  
14 recovery.

15 Q.   What is the approximate per year sales of the Basic  
16 Text?

17 A.   We sell approximately 330,000 copies of the Basic  
18 Text.

19 Q.   Where do the proceeds --

20           THE COURT: Not annually?

21           THE WITNESS: Yes, sir.

22 BY MR. SYNNESTVEDT:

23 Q.   Where do the proceeds of the sale from the approved  
24 literature, including the Basic Text, go?

25 A.   All the income received from the Basic Text is then

1 put back into the operations of the office. Certainly,  
2 the income provides for future printings and future  
3 commitments to printing, more Basic Texts and more  
4 literature, and some of the other things that we  
5 produce.

6 It also allows us to provide group starter kits  
7 to new groups across the world. It also helps us provide  
8 income to help us translate our literature into other  
9 languages. It also provides the income for all the rest  
10 of the operations of the office, including the employment  
11 of each one of the people that work at the World Service  
12 Office.

13 The income from the Basic Text supplies  
14 approximately 90 percent of our operating costs in  
15 serving the Fellowship in a variety of ways through our  
16 other services.

17 Q. You mentioned that the book before you, as Exhibit  
18 Two, is the Fifth Edition.

19 Has the Basic Text been revised from  
20 time-to-time?

21 A. It's been revised a number of times. In the  
22 different revisions of the Basic Text, some of them were  
23 quite small. Some of the other revisions were quite  
24 significant.

25 We've revised -- I believe there's been six

1 editions, including the first, second, third, third  
2 revised, fourth and fifth edition of Basic Text.

3 Q. Was each of these changes made with the review and  
4 approval of the World Service Conference?

5 A. Yes, it was.

6 Q. Is the Basic Text the subject of any U.S. copyright  
7 registration?

8 A. Yes, sir, it is.

9 MR. SYNNESTVEDT: I mark as Plaintiff's Exhibit  
10 three a group of six copyright registrations, and ask the  
11 witness if he can identify them.

12 THE WITNESS: Yes, these are the copyright  
13 registrations of the Basic Text.

14 Q. Are they the copyright registrations that are  
15 attached to the complaint in these proceedings?

16 A. Yes, they are.

17 Q. Is Narcotics Anonymous a registered trademark of  
18 World Service Office?

19 A. Yes, sir, it is.

20 Q. Is Narcotics Anonymous a registered servicemark of  
21 World Service Office?

22 A. Yes, sir, it is.

23 MR. SYNNESTVEDT: I'm marking as Plaintiff's  
24 Exhibit 4 a trademark registration, and I hand it to the  
25 witness being Trademark Registration Number 1,476,774,

1 and I ask if you can identify it?

2 THE WITNESS: Yes, sir, this is the registration  
3 of the words "Narcotics Anonymous" as a trademark and  
4 servicemark of the World Service Office, Incorporated.

5 BY MR. SYNNESTVEDT:

6 Q. And is that a copy of the registration that's  
7 attached to the complaint in these proceedings?

8 A. Yes, sir, it is.

9 Q. Is the mark Narcotics Anonymous used on the  
10 literature of the Fellowship including the Basic Text?

11 A. Yes, sir.

12 Q. How did you first learn about defendant's  
13 activities, which are alleged in the complaint, to be  
14 infringements of the World Service Office copyrights and  
15 trademark and servicemark registration?

16 A. We first received communications from different  
17 locations from around the Fellowship that an illegal  
18 book, consisting of Book One of the Basic Text, was being  
19 produced and distributed. This was in late May, in early  
20 June. We received our --

21 Q. Of what year?

22 A. Of 1990.

23 Q. Excuse me, go ahead.

24 A. We received our first copy at the office in the  
25 first week of June.

1 Q. Was a copy of this version of the Basic Text  
2 examined at World Service Office?

3 A. Yes, sir, it was.

4 Q. Who examined it?

5 A. I did.

6 Q. Did anybody else examine it?

7 A. There were members of my staff that helped me, as  
8 well as Stu Tooredman.

9 Q. The Mr. Tooredman that you already testified about?

10 A. Yes, sir, it is.

11 Q. What did you determine from the examination of this  
12 book?

13 A. We determined that this was a duplication of the  
14 Third Edition revised, the copyrighted Basic Text, with  
15 also the inclusion of language that had appeared in the  
16 Second Edition of the copyright or Basic Text.

17 Q. At this time, did the World Service Office know the  
18 source of this book?

19 A. We had some suspicions, and we did further find out  
20 later on that month from individuals who were  
21 distributing it.

22 Q. When did World Service Office first learn that the  
23 defendant, David Moorhead, was making and distributing  
24 these books?

25 A. Later on in the month of June 1990.

1 Q. By what means did you learn this fact?

2 A. Through direct communication in a telephone call  
3 between himself and Stuart Tooredman with myself in the  
4 room.

5 MR. SYNNESTVEDT: I'm marking a document as  
6 Plaintiff's Exhibit 5, and I'll hand it to the witness  
7 and ask if he can identify it.

8 THE WITNESS: Yes, sir, I can. This is a letter  
9 from David Moorhead that was part of a larger package of  
10 information that was distributed to various sources  
11 throughout the Fellowship.

12 In this letter, I believe in the last few  
13 paragraphs you will see that he openly admits  
14 distributing the production of the Basic Text.

15 BY MR. SYNNESTVEDT:

16 Q. What connects this open letter, Exhibit 5, with Mr.  
17 Moorhead?

18 A. At the bottom, the letter is signed, "With great  
19 sadness, Grateful Dave." Grateful Dave is a name that is  
20 used by Dave Moorhead, and he commonly refers to himself  
21 as Grateful Dave.

22 THE COURT: Excuse me, are you now referring to  
23 a document that is annexed to some of the files and  
24 pleadings?

25 MR. SYNNESTVEDT: Yes, Your Honor. I will hand

1 you a copy.

2 MR. FIELDS: Your Honor, that was an exhibit, I  
3 believe, in the Tooredman declaration, also.

4 THE COURT: Exhibit A of the Tooredman  
5 declaration, a five-page document titled Comments of  
6 Service in N.A.; is that right?

7 MR. SYNNESTVEDT: Yes, sir, Your Honor.

8 BY MR. SYNNESTVEDT:

9 Q. Mr. Hollahan, I direct your attention to the last  
10 four paragraphs of Exhibit 5. I ask if the address and  
11 phone number given there are those of Mr. Moorhead?

12 A. Yes, they are. I have sent both communications by  
13 mail to the street address and also personally called him  
14 at this number.

15 Q. Was this open letter, Exhibit five, the first  
16 written confirmation that you had of the World Service  
17 Office that Mr. Moorhead was the author of the books that  
18 were disturbing you?

19 A. Yes, sir, this was the first time that we received  
20 something by which he openly admitted in writing that he  
21 was part of the distributing and production of the  
22 illegal text.

23 Q. Did World Service Office do anything after the  
24 receipt of the open letter with relation to the contents  
25 of it?

1 A. Well, I believe the first thing that we did is we  
2 began to talk about it among the various boards and  
3 committees, including the board of directors of the  
4 office and the board of trustees.

5 THE COURT: Excuse me, maybe I missed something,  
6 but I don't seem to know when this document, Plaintiff's  
7 Exhibit 5, came to the attention of you, Mr. Hollahan.

8 THE WITNESS: I don't have the exact date with  
9 me, Your Honor. I would have that information back at  
10 the office.

11 BY MR. SYNNESTVEDT:

12 Q. Can you approximate for me, please?

13 A. Sometime in late June, early July.

14 Q. Of 1990?

15 A. 1990, yes.

16 THE COURT: A copy came to the World Service  
17 Office?

18 THE WITNESS: A copy was sent to us by a member  
19 who received it directly from Mr. Moorhead.

20 BY MR. SYNNESTVEDT:

21 Q. Directing your attention again to the last three  
22 paragraphs of this letter, Exhibit 5, is there an  
23 indication there of the number of copies of the  
24 infringing text that Mr. Moorhead had produced?

25 A. Yes. In the third paragraph on the bottom of page

1 five, there is a sentence that states, "I have produced  
2 and distributed 7,000 of these books at the behest of my  
3 home group."

4 In the next paragraph, which is the second to  
5 the last paragraph, he states again that "The current  
6 plans are to produce 50,000 Basic Texts and make them  
7 available to groups for 50 cents a book."

8 Q. Were there approaches made by World Service Office  
9 to David Moorhead with respect to this book?

10 A. Yes, there were.

11 Q. Would you tell us about those, please?

12 A. Stuart Tooredman, on a phone call that I was present  
13 during, approached Dave and they talked about Dave coming  
14 out to a board of directors meeting and presenting his  
15 thoughts and ideas and reasons behind producing this  
16 Basic Text to the board of directors, and then discussing  
17 it.

18 At the time, Mr. Tooredman was also in  
19 conversation with the chairperson of the board of  
20 trustees, and after discussing that with him, they  
21 offered an invitation to Mr. Moorhead to appear in  
22 Arlington, Virginia in the middle of July at a forum that  
23 would be open to the Fellowship to discuss his concerns  
24 and the production of the Basic Text.

25 Q. Were there to be board members at the Arlington

1 meeting?

2 A. Yes, sir.

3 Q. Did you and Mr. Tooredman take any position with  
4 respect to Mr. Moorhead's reproduction of the Basic  
5 Text?

6 A. I think Mr. Tooredman, during that conversation,  
7 made it abundantly clear that he believed that Dave was  
8 in violation of the copyright laws of the U.S.

9 Q. What was Mr. Moorhead's response?

10 A. Mr. Moorhead's response was that he didn't believe  
11 that to be so.

12 THE COURT: This was when? I'm sorry.

13 THE WITNESS: This was in late June, early July,  
14 in a phone call between Mr. Tooredman and Mr. Moorhead.

15 THE COURT: Were you on the phone?

16 THE WITNESS: Yes, sir, I was present in the  
17 room. It was on a speaker phone.

18 BY MR. SYNNESTVEDT:

19 Q. Now, let's come back to the Arlington meeting that  
20 you referred to.

21 Did that meeting, in fact, take place?

22 A. Yes, sir.

23 Q. Did Mr. Moorhead attend?

24 A. No, he did not.

25 Q. Did you personally ever speak with defendant

1 Moorhead regarding his infringing activities?

2 A. Yes, I spoke to him on or about September 14th,  
3 1990.

4 Q. By telephone or in person?

5 A. By telephone.

6 Q. What did Mr. Moorhead tell you during this  
7 conversation?

8 A. Well, he discussed the fact that he planned to  
9 produce -- or it was in the works, the plans to produce  
10 50,000 more copies of the Basic Text, and that there were  
11 also plans to reproduce the informational pamphlets as  
12 well.

13 The other part of that conversation consisted of  
14 my appearance at a Fellowship workshop in Miami the next  
15 weekend.

16 Q. Would you tell us about that appearance, please?

17 A. Yes, sir. On Saturday, I was invited to appear at a  
18 local Fellowship activity to discuss the issue of the  
19 Basic Text and some of the issues --

20 THE COURT: When you say a Saturday, could you  
21 perhaps supply a date?

22 THE WITNESS: I believe that would be Saturday,  
23 September 22nd, Your Honor.

24 BY MR. SYNNESTVEDT:

25 Q. 1990?

1 A. 1990. Both Mr. Moorhead and I discussed the issue.  
2 I discussed the position of the World Service Office  
3 concerning the Basic Text that Mr. Moorhead was producing  
4 and distributing. Mr. Moorhead also addressed the  
5 assembled group and discussed his reasons and so forth.

6 Q. Let's come back to the telephone conversations you  
7 were telling us about.

8 What did you tell defendant Moorhead?

9 A. I told Mr. Moorhead that I believe that the way he  
10 was going about distributing and producing the Basic Text  
11 was wrong.

12 Q. How did he respond to your arguments?

13 A. He responded that he did not believe that to be  
14 true.

15 Q. Did Mr. Moorhead at the meeting that you referred to  
16 in Florida that you attended and Mr. Moorhead attended,  
17 did he give you a copy of the text that he was producing  
18 and distributing?

19 A. On the following day, on Sunday, I believe September  
20 23rd, I appeared at a local workshop in South Miami,  
21 Florida. I was there to provide information about the  
22 current activities of the World Service Office, and  
23 described the activities of the World Service Office to  
24 the members there.

25 It was at that point prior to my addressing the

1 body that Mr. Moorhead walked up to me and handed me a  
2 brown paper bag containing a copy of the illegal Basic  
3 Text.

4 Q. Did he make any remark when he did that?

5 A. He said, "This is hot off the press."

6 MR. SYNNESTVEDT: I've marked as Plaintiff's  
7 Exhibit 6 a copy of the booklet, and I'd like to hand it  
8 to the witness and ask if he can identify it. Your  
9 Honor, it's Exhibit B to the Hollahan declaration.

10 THE COURT: I'm sorry?

11 MR. SYNNESTVEDT: Exhibit B to the Hollahan  
12 declaration, Your Honor.

13 THE WITNESS: Yes, this is the book that Mr.  
14 Moorhead handed me.

15 BY MR. SYNNESTVEDT:

16 Q. Have you had an opportunity to compare this copy  
17 with the authorized text?

18 A. Yes, sir, I have.

19 Q. What did you find from your comparison?

20 A. I found that this was a reproduction of the third  
21 edition revised of the copyrighted Basic Text of NA, with  
22 additional language from the second edition of the Basic  
23 Text included.

24 Q. Did you have an opportunity to examine any  
25 additional copies of Mr. Moorhead's texts?

1 A. Yes, sir. We received a number of different copies  
2 of the text that Mr. Moorhead was distributing.

3 THE COURT: Excuse me, you said this is exhibit  
4 B?

5 MR. FIELDS: I'm sorry, that is Exhibit A. My  
6 mistake.

7 MR. SYNNESTVEDT: I'm now handing the witness  
8 Exhibit B, Your Honor. I'm sorry for the confusion.  
9 I'll mark this as Exhibit 6.

10 BY MR. SYNNESTVEDT:

11 Q. I hand you Exhibit 6, and ask you if you can  
12 identify it?

13 A. Yes, this is a copy of the cover that appeared on a  
14 book that was received at the office on June 7th, 1990.  
15 I believe it was one of the earlier printings of the  
16 Basic Text by Mr. Moorhead.

17 Q. I direct your attention to the circle in the middle  
18 of the page with the words "Fellowship Approved" and  
19 F.L.C. Do the letters F.L.C. stand for anything or mean  
20 anything to you, Mr. Hollahan?

21 A. It can easily be construed to mean Fellowship  
22 Literature Committee, which could easily be confused with  
23 the World Service Conference Literature Committee, which  
24 is actually responsible for the development of Narcotics  
25 Anonymous literature.

1 Q. Now, I believe you testified that you have a  
2 personal responsibility with respect to the work of this  
3 literature committee?

4 A. Yes, sir, I oversee that department and all the  
5 staff assigned to that department. It is also my  
6 ultimate responsibility to see that the activities of the  
7 literature committee are coordinated, that communications  
8 are sent to the committee, and the committee is provided  
9 with the resources that are needed to do the work.

10 Q. Has Mr. Moorhead ever submitted a work for approval  
11 of the committee?

12 A. No, sir, he has not.

13 Q. Are any of the infringing books Fellowship  
14 approved?

15 A. No, sir, they are not currently approved by the  
16 Fellowship. The Fifth Edition of the Basic Text is the  
17 one that is currently distributed by the World Service  
18 Office for the Fellowship.

19 Q. Were additional steps taken by World Service Office  
20 to attempt to get Mr. Moorhead to cease his infringing  
21 activities?

22 A. Yes, sir. We again talked with Mr. Moorhead the end  
23 of September. We also made attempts to communicate to  
24 various other individuals known to be involved in the  
25 production and distribution of a like book, to come to

1 the World Service Office for a joint meeting of the  
2 boards being held the first weekend in October.

3 The other two individuals that we had invited  
4 declined the invitation. Mr. Moorhead accepted.

5 Q. Did you pay Mr. Moorhead's expenses to attend this  
6 meeting?

7 A. Yes, we did. We paid Mr. Moorhead's expenses, and  
8 also the expenses of a personal representative and an  
9 assistant to his personal representative.

10 Q. Did Mr. Moorhead refund the money to you at the time  
11 of the meeting?

12 A. Yes, sir, he did.

13 Q. How about the assistants, did they refund the money?

14 A. No, sir.

15 THE COURT: This was an October meeting?

16 THE WITNESS: Yes, sir.

17 THE COURT: Was this in California?

18 THE WITNESS: Yes, sir, it was at our office in  
19 Van Nuys.

20 BY MR. SYNNESTVEDT:

21 Q. Would you tell us in a few words the substance of  
22 the arguments made at those meetings with Mr. Moorhead  
23 present?

24 A. There was a great deal of discussion about the  
25 issues that Mr. Moorhead felt were part of a general

1 concern, both his and other members, and was one of the  
2 primary motivating factors of why he was producing and  
3 distributing the Basic Text.

4 He had time to address both boards. We met for  
5 approximately four hours with all members present, and  
6 Mr. Moorhead along with our attorney in California.

7 THE COURT: Excuse me, Mr. Hollahan, when you  
8 refer to both boards, there is the board of the World  
9 Services Organization; is that correct?

10 THE WITNESS: Yes, sir.

11 THE COURT: One board. And the other board is  
12 the board of --

13 THE WITNESS: Trustees.

14 THE COURT: Trustees of what, the conference?

15 THE WITNESS: It's actually the Board of  
16 Trustees is one of the service arms I described earlier.  
17 That is part of the conference, and actually does a great  
18 deal of the work assigned to the conference during the  
19 year.

20 THE COURT: I see.

21 BY MR. SYNNESTVEDT:

22 Q. Was the position taken that if Mr. Moorhead did not  
23 voluntarily stop, that it would be necessary for the  
24 Fellowship to bring suit against him?

25 A. Yes, we discussed that. We also discussed

1 alternatives to taking or proceeding with a lawsuit, and  
2 trying vigorously to get Mr. Moorhead to come to an  
3 agreement with us without having to go through legal  
4 proceedings.

5 Q. What was Mr. Moorhead's response?

6 A. Well, after the general meeting, there was appointed  
7 a small group who then met with Mr. Moorhead and his  
8 personal representative and our attorney, and tried for  
9 another hour and-a-half to hammer out an agreement.

10 Part of the agreement centered on giving Mr.  
11 Moorhead enough time to seek competent legal counsel.  
12 There was a 30-day provision that was added to the  
13 preliminary agreement.

14 What we tried to do is just get him to stop. We  
15 would agree to stop all legal proceedings until he had  
16 adequate time to seek legal counsel, and without seeking  
17 a preliminary or restraining order with the Court.

18 Mr. Moorhead on Saturday seemed to be agreeable  
19 with that in general, and overnight he was given the  
20 opportunity to think about it and come back the next day  
21 to sign the papers. He came back the next day and  
22 refused to sign the papers.

23 Q. Did Mr. Moorhead indicate how he was financially  
24 supporting his infringing activities?

25 A. Mr. Moorhead indicated that his initial activities

1 were supported by his social security check.

2 Q. Now, you say the agreement that was proposed was  
3 never entered into; is that correct?

4 A. That's true.

5 Q. Were there any additional efforts made to persuade  
6 Mr. Moorhead to cease his activities?

7 A. There were additional efforts made at a workshop --  
8 I believe it was the first weekend of November -- at  
9 which Mr. Moorhead appeared, and members of the  
10 Fellowship who were gathered for the workshop had the  
11 opportunity to address the issue, listen to Mr. Moorhead,  
12 listen to the position of the World Service Office. He  
13 was offered again the opportunity to sign an agreement.

14 Q. Was any agreement ever reached with Mr. Moorhead?

15 A. No, sir.

16 Q. To the best of your knowledge, is Mr. Moorhead still  
17 selling the infringing text?

18 A. To the best of my knowledge, in certain  
19 communications, it would be -- it would lead me to  
20 believe that, yes, he is.

21 MR. SYNNESTVEDT: I'm marking as Plaintiff's  
22 Exhibit 7 a document attached to the Scott Fields'  
23 declaration, Your Honor, which we filed on Monday.

24 THE COURT: Yes.

25 MR. MOORHEAD: Your Honor, I kind of feel

1 riveted in the chair here by my ignorance of how to  
2 proceed, whether I have a right to object to any  
3 particular line of questioning or the introduction of any  
4 evidence.

5 THE COURT: Yes.

6 MR. MOORHEAD: Do I have that right, Your  
7 Honor?

8 THE COURT: Surely.

9 MR. MOORHEAD: What would be the protocol for me  
10 to approach you to do that?

11 THE COURT: Well, at the moment Mr. Synnestvedt,  
12 he's asking the witness to identify something. Mr.  
13 Synnestvedt is not, as I understand it -- has not asked  
14 that anything be admitted into evidence yet. We have a  
15 variety of exhibits.

16 MR. SYNNESTVEDT: I'm proposing to do that at  
17 the end, Your Honor.

18 THE COURT: I assumed that was the case. And if  
19 your concern -- if your concern is with the admission of  
20 documents into evidence, then an appropriate time to  
21 object would be at the point with which Mr. Synnestvedt  
22 offers the documents. But if you are objecting to  
23 particular questions that are being put to a witness,  
24 whether about a document or otherwise, then you make that  
25 objection at the time the question is put.

1           MR. MOORHEAD: I suppose at this point that it  
2 would be appropriate rather to expedite the testimony  
3 that's already been given to say that I would like to  
4 reserve the right to object in part or in full to the  
5 evidence and the testimony that Mr. Hollahan has been  
6 presenting here today.

7           THE COURT: Well, you really ought to make your  
8 objections contemporaneously with the questions that are  
9 being put; otherwise, it gets to be a little difficult,  
10 sort of retrospectively, to knock things out. I don't  
11 say it's impossible, but if there's something now that  
12 Mr. Synnestvedt is asking Mr. Hollahan about that you  
13 think is an inappropriate line of inquiry, then you  
14 better tell me now.

15           MR. MOORHEAD: Yes, sir, Your Honor. The  
16 document that he is putting in front of you for your  
17 consideration, an averment by Scott J. Fields as to the  
18 answering machine message on my telephone. I fail to see  
19 how that particular thing has any relevance here bearing  
20 to the proceedings.

21           THE COURT: Well, I don't yet know myself. I'm  
22 not clear what Mr. Hollahan knows about that, but I'll  
23 let Mr. Synnestvedt ask his question and we'll see what  
24 the question is. So far I think he's just -- he's just  
25 referred to a document. I haven't heard any question.

1           Why don't you go ahead and ask the question, Mr.  
2 Synnestvedt?

3 BY MR. SYNNESTVEDT:

4 Q.    I hand you Exhibit 7, and ask if you can identify  
5 it?

6 A.    Yes. This was the message on the answering machine  
7 when I called Dave Moorhead.

8           THE COURT: Now, wait a minute. Mr.  
9 Synnestvedt, maybe I'm mistaken, but --

10           MR. SYNNESTVEDT: I presented it as a --

11           THE COURT: I thought the exhibit reference was  
12 to an affidavit or declaration by Mr. Fields?

13           MR. SYNNESTVEDT: Yes, Your Honor. I presented  
14 it as an exhibit to the declaration of Mr. Fields because  
15 I didn't know at the time that Mr. Hollahan had personal  
16 knowledge of it himself.

17           THE COURT: Personal knowledge of this exhibit?

18           MR. SYNNESTVEDT: No, personal knowledge of the  
19 message on the answering machine.

20           THE COURT: I don't see how Mr. Fields'  
21 declaration -- if I recall, Mr. Fields was making a  
22 declaration about a phone call that he made.

23           MR. SYNNESTVEDT: Yes, the message on the  
24 answering machine is a recorded message and is repeated  
25 for anybody that calls, Your Honor.

1 THE COURT: It may be that this witness  
2 telephoned Mr. Moorhead and got some answer, but I don't  
3 see the fact that Mr. Fields, if it be the fact, which I  
4 assume it is if Mr. Fields made a declaration -- but the  
5 fact that Mr. Fields made a phone call to Mr. Moorhead  
6 and got a response on the tape doesn't say anything to  
7 what Mr. Hollahan's experience is.

8 MR. SYNNESTVEDT: At the time I was preparing  
9 the case, I did not know that Mr. Hollahan had personal  
10 knowledge of the phone message recorded on Mr. Moorhead's  
11 machine, and I now know that, and I'll have Mr. Hollahan  
12 say that out of his own testimony.

13 THE COURT: This exhibit has nothing to do with  
14 Mr. Hollahan; is that correct?

15 MR. SYNNESTVEDT: That's correct.

16 THE COURT: I suggest that this be withdrawn for  
17 the time being.

18 BY MR. SYNNESTVEDT:

19 Q. Mr. Hollahan, did you yourself call the phone number  
20 of David Moorhead?

21 A. Yes, sir, I did.

22 Q. Did you hear in the recorded message --

23 THE COURT: When? Can we identify in some way?

24 THE WITNESS: It was the same day that Mr.  
25 Fields had called.

1 THE COURT: What day would that be? We have no  
2 testimony about Mr. Fields. We have withdrawn the  
3 exhibit.

4 THE WITNESS: I don't remember the exact day,  
5 Your Honor. It was in towards the middle of December.

6 BY MR. SYNNESTVEDT:

7 Q. And did you reach an answering machine at Mr.  
8 Moorhead's telephone number?

9 A. Yes, I did.

10 Q. And what was the message, can you tell us in a few  
11 words?

12 A. "Happy holidays." It went somewhat like this.

13 MR. MOORHEAD: Your Honor, I must object to  
14 this. He has just had an opportunity to read that  
15 particular piece of information that was given to him and  
16 --

17 THE COURT: I take it you're putting aside the  
18 piece of paper. You'll be asked to give testimony with  
19 respect to what you remember hearing.

20 THE WITNESS: Yes, sir. And that's exactly what  
21 I'm doing.

22 THE COURT: All right.

23 THE WITNESS: To paraphrase it, "I'm so blue  
24 about the baby blue. The World Service Office is blue  
25 because they are going to sue, and if they lose, I own

1 it. God bless you. Keep coming back."

2 BY MR. SYNNESTVEDT:

3 Q. What did you understand from the words, "keep coming  
4 back"?

5 THE COURT: I don't think this witness'  
6 testimony as to what he understood that to mean is going  
7 to be helpful to me.

8 MR. SYNNESTVEDT: Your Honor, I think it has a  
9 bearing on the testimony of this witness, that he had  
10 means of establishing that Mr. Moorhead's infringing  
11 activities were continuing.

12 THE COURT: I'll have to ask for there to be  
13 silence in the courtroom, please.

14 MR. MOORHEAD: Could I have Mr. Synnestvedt --

15 THE COURT: I beg your pardon?

16 MR. MOORHEAD: Could I have Mr. Synnestvedt  
17 repeat what he said?

18 THE COURT: We'll ask the reporter. The  
19 reporter will repeat it.

20 (Whereupon, the court reporter read back the  
21 pending question.)

22 THE COURT: Well, Mr. Synnestvedt, with respect,  
23 I simply don't get that.

24 MR. SYNNESTVEDT: All right, then, I'll move on,  
25 Your Honor.

1 THE COURT: I mean it's susceptible to any -- I  
2 suppose a wide variety of constructions, the simplest  
3 being, call again.

4 BY MR. SYNNESTVEDT:

5 Q. I hand the witness a document and ask if he can  
6 identify it. I've marked it Exhibit 8.

7 A. Yes, sir, this is the reproduction of a letter that  
8 was received on our fax machine on December 7th,  
9 approximately 2:00 in the afternoon.

10 Q. Who is the letter from?

11 A. Well, the letter is not signed, but if you look in  
12 the second to the last paragraph, there is a sentence in  
13 there that certainly leads me to believe that this came  
14 from Mr. Moorhead.

15 Q. Would you read that sentence, please?

16 A. It states, "If WSO is not successful in their  
17 pursuit of this case under these particular and peculiar  
18 circumstances, that would mean that I, David Moorhead,  
19 will become the owner of the copyrights and trademarks in  
20 question since there are no other defendants named."

21 MR. MOORHEAD: Your Honor, I fail to see what  
22 relevancy this has to the proceedings. It may become  
23 relevant at some other point, I don't know.

24 THE COURT: Well, the document has not been  
25 offered in evidence.

1 MR. SYNNESTVEDT: Do you have a copy before you,  
2 Your Honor?

3 THE COURT: I'm trying to -- I know it's an  
4 exhibit --

5 MR. SYNNESTVEDT: I have a copy for the Court.

6 THE COURT: Are you offering this into  
7 evidence?

8 MR. SYNNESTVEDT: I offer it into evidence, Your  
9 Honor.

10 THE COURT: Your objection, Mr. Moorhead, is  
11 that this is not relevant?

12 MR. MOORHEAD: I fail to see under the complaint  
13 that has been lodged against me, and the matter that's  
14 here before us today, how this letter can be relevant to  
15 any of these proceedings. I am assuming that there is  
16 something that Mr. Synnestvedt is trying to do with these  
17 pieces of information that may or may not become apparent  
18 to this at some point. I'm willing to proceed, if it  
19 pleases the Court, to receive this thing. I do not mean  
20 to be dilatory at all, Your Honor.

21 THE COURT: I'm not suggesting that you're  
22 dilatory. I asked Mr. Synnestvedt if you were offering  
23 this into evidence so that we could resolve right now, if  
24 we could, the question of whether this is a relevant  
25 document.

1           If we assume for purposes of discussion that  
2 this document was produced by you, sir, that being a  
3 document which Mr. Hollahan has said that he received at  
4 the WSO offices, then, as I say, if we assume that it is  
5 a communication from you or an expression by you, then I  
6 think it seems to me relevant to know what your attitude  
7 was about litigation which was charging you with  
8 infringement of WSO's interests in the materials which  
9 are the subject of this dispute.

10           MR. MOORHEAD: I'll withdraw my objection, Your  
11 Honor.

12           THE COURT: All right. I will admit it.

13           MR. SYNNESTVEDT: At this point, I'd like to  
14 offer the other exhibits, exhibits one through seven,  
15 Your Honor.

16           THE COURT: All right. Now, Mr. Moorhead, I  
17 think you're acquainted with the other exhibits. Do you  
18 have objections to any one of them?

19           MR. MOORHEAD: I'm not quite sure exactly what  
20 exhibits one through seven are. If they came in the body  
21 of the legal package that I got -- there's nothing in  
22 there that I would object to. If, however, there are  
23 other items, then --

24           THE COURT: Well, Mr. Moorhead, let's try to  
25 focus on them. I believe, according to my notes,

1 Plaintiff's Exhibit one was Mr. Hollahan's declaration.  
2 That is to say that was his written statement on which,  
3 of course, he has now enlarged in testimony.

4 MR. MOORHEAD: Not a problem, sir.

5 THE COURT: Plaintiff's Exhibit 2 was the -- has  
6 been identified as the Fifth Edition of the Basic Text.

7 MR. MOORHEAD: Not a problem, sir.

8 THE COURT: Plaintiff's Exhibit 3 is a list of  
9 copyright registrations of the six editions which the  
10 plaintiff alleges --

11 MR. MOORHEAD: Not a problem, Your Honor.

12 THE COURT: Plaintiff's Exhibit 4 is apparently  
13 a notice of Trademark Registration 1,476,774.

14 THE WITNESS: Not a problem, Your Honor.

15 THE COURT: Plaintiff's Exhibit 5 is a document  
16 captioned, "Comments on service in Narcotics Anonymous."

17 MR. MOORHEAD: Not a problem, Your Honor.

18 THE COURT: Then Plaintiff's Exhibit 6 --

19 MR. SYNNESTVEDT: That's the alternative cover,  
20 Your Honor.

21 THE COURT: Yes, that is the copy of the cover  
22 of the text as received, according to Mr. Hollahan, at  
23 the WSO offices on June 7th, 1990.

24 MR. MOORHEAD: Not a problem, Your Honor.

25 THE COURT: That's the same document that I

1 believe was Exhibit Number B to Mr. Hollahan's  
2 declaration.

3 And I think Plaintiff's Exhibit 7 was withdrawn,  
4 and Plaintiff's Exhibit 8 is the letter that we've just  
5 discussed that I admitted.

6 Was Exhibit A to Mr. Hollahan's declaration --  
7 that is not an exhibit; is that correct?

8 MR. SYNNESTVEDT: Yes, Your Honor. Let's call  
9 it 6A. I offer 6A into evidence, too, Your Honor. I had  
10 a duplicate number 6.

11 THE COURT: 6A, that was the document that  
12 appears by xerox as Exhibit A of the Hollahan  
13 declaration?

14 MR. SYNNESTVEDT: Yes, sir.

15 THE COURT: Has it been identified by Mr.  
16 Hollahan?

17 MR. SYNNESTVEDT: Yes, it has, Your Honor. It's  
18 the little blue book sitting on the witness table.

19 THE COURT: Is there any objection to that?

20 MR. MOORHEAD: No, sir.

21 THE COURT: All right, the exhibits then are  
22 admitted.

23 BY MR. SYNNESTVEDT:

24 Q. Mr. Hollahan, did Mr. Moorhead's infringing  
25 activities have any impact on the Fellowship?

1 A. I believe that there has been a great deal of impact  
2 on the Fellowship.

3 Q. Would you tell us what that impact is, please?

4 A. The impact probably goes at the very core of what  
5 the Fellowship is about and some of our various  
6 principles; one being the principle of unity.

7 For the fact that a number of years we as a  
8 Fellowship have accepted the decisions of the World  
9 Service Conference and the representatives gathered at  
10 that annual meeting as being the decisions that we as a  
11 Fellowship make concerning our literature.

12 The production by an individual member of a  
13 Basic Text that is then constructed in a way to have a  
14 personal incantation to it challenges that principle. It  
15 simply means that if this were allowed to continue, that  
16 any member of Narcotics Anonymous could write a Basic  
17 Text according to what their individual beliefs were, and  
18 the Fellowship would fail to achieve one of its primary  
19 goals, and that is a unified message as a Fellowship to  
20 both new members and to the general public about what NA  
21 is, what Narcotics Anonymous isn't, what FNA consists  
22 of.

23 The other part of the damage, I believe, could  
24 happen, and very possibly has happened already, and that  
25 concerns the income from the Basic Text that is used to

1 provide other services. Part of a loss of income will no  
2 longer allow us to do things like translate our  
3 literature into other languages.

4 MR. MOORHEAD: Your Honor, I don't know if it's  
5 proper, sir, to object at this point. That's  
6 unsubstantiated, and there's no harm, no data, none  
7 whatsoever that Mr. Hollahan --

8 THE COURT: Well, Mr. Moorhead --

9 MR. MOORHEAD: I'll have a chance?

10 THE COURT: You'll have an opportunity to  
11 cross-examine this witness --

12 MR. MOORHEAD: All right, sir. I'll just sit  
13 back.

14 THE COURT: -- when the direct testimony is  
15 concluded.

16 MR. MOORHEAD: I'll sit back then. Thank you,  
17 sir.

18 THE WITNESS: Since all of the services that are  
19 provided by the World Service Office in support of both  
20 the Conference and the Fellowship as a whole are  
21 dependent upon the income of our main book, the Narcotics  
22 Anonymous Basic Text, all those services are subsequently  
23 threatened, as well, in whether or not we will be able to  
24 communicate and provide a message to the addicts who  
25 still suffer who may not be at our door yet to those

1 newly forming groups in countries all over the world and  
2 even in the United States that need this support, the  
3 World Service Office and the services that it gives  
4 them.

5 It threatens us in a great deal to be unable to  
6 provide those services. As a non-profit organization,  
7 there are -- even with the income that we currently have,  
8 there are always things that are left undone. And there  
9 is always more work to do. And the very threatening of  
10 the World Service Office and the unity of our Fellowship,  
11 and the decline and services may mean that some people  
12 may die.

13 MR. SYNNESTVEDT: You may cross-examine.

14 THE COURT: You may want to begin your  
15 cross-examination, Mr. Moorhead. We ought to recess for  
16 lunch fairly soon. Maybe since we've been at it for  
17 quite awhile, why don't we do this? Why don't we recess  
18 for ten minutes and then resume and go on until 1  
19 o'clock? If the cross-examination is going to take  
20 longer than that, then we'll continue it until after  
21 lunch.

22 (Recess was held at 12:27 p.m.)

23 (The Court resumed the proceedings at 12:45  
24 p.m.)

25 THE COURT: Mr. Moorhead, you are entitled to

1 cross-examine Mr. Hollahan. That means that you may ask  
2 him questions about what he has testified with respect  
3 to. That's, broadly stated, the area in which you can  
4 put your questions. So, go ahead.

5 CROSS-EXAMINATION

6 MR. MOORHEAD: I hope you will let me know if I  
7 tread on any procedural protocol that I'm unaware of.

8 THE COURT: I will. If they come to my  
9 attention. Mr. Synnestvedt may make objections.

10 MR. MOORHEAD: I would like to first state that  
11 I've been unable to afford to make copies of some of the  
12 supporting stuff that I have here. It's quite a problem  
13 just to get it altogether today.

14 I would like to ask Mr. Hollahan if he can  
15 identify a piece of paper here that was authored by him.

16 THE COURT: Offered by him?

17 MR. MOORHEAD: Authored by him.

18 THE COURT: You must give copies of anything  
19 that you're going to examine the witness on to Mr.  
20 Synnestvedt.

21 MR. SYNNESTVEDT: Perhaps I can look at it and  
22 let the examination continue, Your Honor.

23 MR. MOORHEAD: Your Honor, I offered to  
24 plaintiff's counsel the unrestricted opportunity to  
25 utilize any of this documentation or information today or

1 at any other time that they might need to.

2 THE COURT: Fine. Well, that's very generous of  
3 you, but with respect to anything that -- in particular  
4 that you're going to make the focus of questioning, then  
5 you have the obligation to let the other side know what  
6 you're doing.

7 MR. SYNNESTVEDT: I have no objection to the  
8 examining of the witness about it. I would like to have  
9 a copy of that at a convenient time.

10 THE COURT: All right.

11 BY MR. MOORHEAD:

12 Q. Could you identify that document as coming from you,  
13 originating from you?

14 A. This is a memorandum that I was requested to write  
15 by the World Service Conference Literature Committee  
16 chairperson.

17 Q. Thank you. It is your authorship; am I right?

18 A. Yes, it is.

19 MR. MOORHEAD: All right, thank you.

20 Your Honor, must I leave it with the witness in  
21 case he needs to refresh his memory?

22 THE COURT: Well, if you're going to be asking  
23 him about things that are in the text, then it would be  
24 appropriate if you would let him see it. If you do not  
25 have a copy yourself, then you can stand next to him and

1 identify what you are going to ask him about.

2 BY MR. MOORHEAD:

3 Q. Mr. Hollahan, in the first underlined section in  
4 there --

5 THE COURT: Excuse me, I think to keep -- so  
6 that the record will show that we know what we're talking  
7 about, we'll have to identify these pieces of paper.  
8 Suppose we call that Defendant's Exhibit number one.  
9 Hereafter, I'll ask you to number these things as they  
10 come along. Use D for defendant and X for exhibit.

11 BY MR. MOORHEAD:

12 Q. Mr. Hollahan, could you explain the statement that  
13 you've written in here, "The myths of NA literature need  
14 to be exposed and brought to light", please?

15 THE COURT: Excuse me. Before we begin to get  
16 into some textual exegesis, I would -- I think the record  
17 should tell us when this was that Mr. Hollahan prepared  
18 this memorandum.

19 MR. MOORHEAD: It was distributed, Your Honor --

20 THE COURT: You're not the witness. You may ask  
21 that question to Mr. Hollahan and then --

22 MR. MOORHEAD: Oh, boy, I am tripping all over  
23 myself here.

24 THE COURT: Mr. Hollahan, do you want to tell us  
25 when that was prepared by you?

1 THE WITNESS: I believe, Your Honor, that this  
2 was prepared and given to the chairperson of the WLC  
3 Literature Committee in June of 1989.

4 BY MR. MOORHEAD:

5 Q. Again, I would like to ask you, please, if you could  
6 -- in very brief detail what you mean about the myths of  
7 NA literature?

8 A. My meaning to the statement simply meant that some  
9 of the ideas and thoughts and references that members  
10 were making to the creation of NA literature and the  
11 development of NA literature were not altogether  
12 correct.

13 Q. Thank you. Going to the next page. The circled  
14 section that says, "Using our skilled member special  
15 workers working with a committee, who make the basic  
16 decisions, only makes sense."

17 MR. SYNNESTVEDT: Excuse me, may I look over the  
18 witness' shoulder?

19 BY MR. MOORHEAD:

20 Q. "Writing by committee or in huge workshops doesn't.  
21 We need only to look at what currently exists."

22 I'm saying that to solicit a question, an answer  
23 to a question, is it not true that all of the literature  
24 that we have up until 1988 was, in fact, written and  
25 produced in large conferences and workshops?

1 A. I wouldn't find that statement altogether true.

2 Q. Well, what part of it is true and what part is not?

3 A. I believe if you examine some of the pamphlets more  
4 carefully, you will find that they were written by  
5 different methods.

6 Q. Thank you.

7 The next line, it says, "Involving the  
8 Fellowship throughout this process is another myth that  
9 needs to be shattered." What do you mean by that?

10 A. Well, there's two opportunities that we have used  
11 the resources of the Fellowship in general to become  
12 involved in literature. My suggestion in this statement  
13 was that that wasn't altogether necessary.

14 Q. Thank you. The attached, which may, in fact, be  
15 attached to yours -- we have a memorandum for a staff  
16 team approach. Would you explain just briefly what a  
17 staff team or skilled special worker is?

18 A. Are you referring to this attachment?

19 Q. I am referring to a question. What is a special  
20 worker or staff team --

21 THE COURT: Well, Mr. Hollahan asked you whether  
22 you are talking about an attachment. I take it that the  
23 phrase you're using comes from some particular place in  
24 the piece of paper.

25 MR. MOORHEAD: Yes, sir, it was read in the

1 previous things. It says, "Using our skilled member  
2 special workers." I'd like to have the witness tell us  
3 briefly what a skilled member special worker is, and then  
4 just referring --

5 THE COURT: Mr. Moorhead, I just want to be sure  
6 that the witness understands where the phrase is that  
7 you're pointing.

8 MR. MOORHEAD: Thank you. Could you answer the  
9 question?

10 THE COURT: Mr. Hollahan, do you know where the  
11 phrase is that's being referred to?

12 MR. MOORHEAD: It's in the circled section here  
13 in the document entitled to.

14 THE WITNESS: The phrase, "Using our skilled  
15 member special workers working with a committee was the  
16 suggestion of a method by which members of NA who are  
17 also employed as special workers by the World Service  
18 Office would be used working with the committee.

19 BY MR. MOORHEAD:

20 Q. The memorandum that is attached dated staff team  
21 approach, would you explain to us what a staff team is?  
22 Is that the same thing as a skilled special worker?

23 A. I do not have that memorandum.

24 Q. It would be this one.

25 A. That's not a part of it. I don't have that one.

1 THE COURT: We're now talking about -- are we  
2 still talking about Defendant's Exhibit one or a  
3 memorandum --

4 MR. MOORHEAD: Sir, I'm sorry, but there are  
5 many, many documents that are confused. I didn't have  
6 copies. I tried to get them prepared as best as I  
7 possibly could today.

8 THE COURT: Mr. Moorhead, we just have to know  
9 for the record what piece of paper it is that Mr.  
10 Hollahan is being examined about, and whether he is  
11 responsible for the piece of paper. You established his  
12 responsibility for a memorandum which he says was  
13 prepared in June of 1989.

14 MR. MOORHEAD: This is dated, "Memorandum:  
15 Staff team approach, guide to service development, June  
16 9th, 1989." Were you the author of that?

17 A. No, I wasn't.

18 Q. All right, thank you. I'm going to dispense with  
19 this line of questioning for the moment, Your Honor.  
20 Would it be fair to say that a staff team and special  
21 worker are people who are paid to work on our literature  
22 or other service materials by the World Service Office?

23 A. I wouldn't --

24 Q. Yes or no, please?

25 A. No.

1 Q. You stated in your testimony earlier that, in your  
2 recanting to the Judge for his information, that there  
3 was a philosophy of Narcotics Anonymous.

4 Do you know what the definition of philosophy  
5 is?

6 A. I couldn't give you one off the top of my head  
7 necessarily.

8 Q. Would it be fair to say that based on minimally 37  
9 years of experience, that we have a proven method of  
10 recovery?

11 A. I believe so, yes.

12 Q. Thank you. In your basic history of Narcotics  
13 Anonymous, you assert that Narcotics Anonymous was formed  
14 in 1953. Are you aware of any other Narcotics Anonymous  
15 that preexisted ours?

16 A. Yes, I am certainly aware of groups that called  
17 themselves Narcotics Anonymous prior to the 1953 group,  
18 that I had described in my testimony, that began in  
19 California, yes.

20 Q. Thank you.

21 I am prepared to submit documents in support of  
22 the line of questioning that I have. Perhaps if I can  
23 get a transcript or something which will let me get an  
24 idea of what it was that I'm trying to do, and maybe  
25 that's right and maybe that's not. I don't know.

1 THE COURT: Mr. Moorhead, I don't think there's  
2 any way of providing you with an instant transcript. The  
3 reporter is a very hard working colleague. The  
4 production of a transcript is something that even for the  
5 ablest of people takes some time. It also is not  
6 automatically prepared. It is prepared at the request of  
7 the parties, but is a somewhat costly matter.

8 Now, how far we're going to go when you spoke of  
9 presenting a lot of documents to illustrate or somewhat  
10 clarify or annotate the line of questioning before we  
11 pursue matters very far, I'm going to have to find out  
12 how this line of questioning is material to the claims  
13 that are being made against you, and most particularly  
14 how they fall within the direct examination.

15 Up to now, you have been inquiring of Mr.  
16 Hollahan, as I understand it, about his very brief  
17 recital of history of Narcotics Anonymous. It was  
18 suggested to you by questions, but there's some  
19 antecedent history by you utilizing that banner.

20 But before we go very far in elaborately  
21 canvassing an earlier history, I would have to say to you  
22 that I don't know where that's going to be material.

23 MR. MOORHEAD: All right. Your Honor, if it  
24 pleases the Court, I'd like to state that there are six  
25 counts of different things that -- the basis for the

1 motion for a Preliminary Injunction and Temporary  
2 Restraining Order. And it is, I believe, incumbent upon  
3 me to put forth in as brief a manner as possible things  
4 that would support a counter or an argument -- a  
5 sufficient argument to be in front of the Court which  
6 would cause Your Honor to deny such orders, temporary or  
7 otherwise.

8 THE COURT: Yes. Well, you will have to be --

9 MR. MOORHEAD: Perhaps, I don't mean to  
10 interrupt you. I should call myself as a witness and  
11 give other testimony to those --

12 THE COURT: Perhaps so. If you want to do that,  
13 that would follow after Mr. Synnestvedt has completed his  
14 presentation of evidence. So far as I know, Mr. Hollahan  
15 is the only witness he plans to call. But he may -- we  
16 have to abide the event on that. That's the only witness  
17 I know of at this point.

18 In thinking about the questions that you put to  
19 Mr. Hollahan on cross-examination, and more broadly in  
20 thinking about what presentation you would want to make  
21 when it becomes your turn to make one on behalf of the  
22 defense, whether through your own testimony or through  
23 the presentation of exhibits or other witnesses, I think  
24 you should have in mind that the central charge here is  
25 that you have been engaged in publication and

1 distribution of materials that are copyrighted and  
2 materials that bear a caption and title which is itself  
3 the subject of a registered trademark. That is to say  
4 that you have been trading on the property rights of  
5 others, namely of WSO, as the holder of the copyright and  
6 the trademark in question.

7 Now, that's sort of the central complaint. It  
8 would be open to you to counter that claim to show that  
9 it's not properly copyrighted, or the material is not  
10 Narcotics Anonymous, is not the subject of a registered  
11 trademark. That would be one line of response.

12 Another would be to show that you have not been  
13 engaged in publication or distribution, and that such  
14 testimony as Mr. Hollahan has given, and such inferences  
15 as might be drawn from some of the exhibits suggesting  
16 was engaged in such distribution and publication, are  
17 inaccurate, misleading, false.

18 Beyond that, you could be a publisher and  
19 distributor of infringing materials and still, I suppose,  
20 try to make the claim -- try to deny would be a fairly  
21 common sense inference -- that the distribution of  
22 infringing materials causes no injury to WSO; at least  
23 the injury is not irreparable. Mr. Hollahan has given  
24 testimony to suggest the nature of that injury. He  
25 hasn't undertaken to qualify the dollar loss income.

1     Nonetheless, I suppose a court would be within its  
2     authority to draw the inference that if somebody who is  
3     not entitled to publish a book publishes it and  
4     distributes it, that publication and distribution are  
5     likely to dilute the market of the authorized publisher.

6             Now, maybe what I've said is not exhaustive, but  
7     those are the main lines of issues to be developed, I  
8     think, in this case. And so you might want to have that  
9     in mind as you think about what further questions you  
10    want to put to Mr. Hollahan, and what defense case you  
11    might want to make.

12            It's now nearly quarter after one, which is  
13    later than I had said we would recess. I think we should  
14    all recess for lunch now, and this will give you an  
15    opportunity to put matters into some focus, Mr. Moorhead,  
16    because we really only have a very limited time, as I  
17    think you know.

18            I had hoped that we would be able to complete  
19    our work this morning, but when we come back -- that's  
20    not the case. When we come back this afternoon, I  
21    certainly want to be sure that we get matters into focus  
22    pretty quickly. All right?

23            MR. MOORHEAD: Thank you.

24            THE COURT: We will recess until 2:00.

25            (Luncheon recess was held at 1:15 p.m.)

1 (The Court resumed the proceedings at 2:08 p.m.)

2 THE COURT: Mr. Moorhead, if you wish to  
3 continue with whatever cross-examination you may have for  
4 Mr. Hollahan.

5 MR. MOORHEAD: Yes, sir.

6 Your Honor, if I may ask a procedural question  
7 before I proceed. If, in expediting this thing for all  
8 of us, if I may ask him a few questions and dispense with  
9 the rest of the testimony for awhile and reserve the  
10 right to call him back at some future point. I have a  
11 number of people here that can answer very quickly the  
12 things that I -- I find myself in a very awkward position  
13 being unable to present things on my own or to have  
14 anyone else present them for me. Is that --

15 THE COURT: Well, you would be free to call Mr.  
16 Hollahan back as a witness in your own case. But the  
17 phase of cross-examination with respect to the matters  
18 that he's been asked about by Mr. Synnestvedt, that  
19 conventionally should be taken as a unit now.

20 If there are matters that Mr. Hollahan can be a  
21 useful witness on that relate to issues other than those  
22 that Mr. Synnestvedt has examined Mr. Hollahan on, then I  
23 say, he can be called as a witness by you. But the unit  
24 which relates to Mr. Synnestvedt's examination is one  
25 that has to be dealt with now.

1 MR. MOORHEAD: All right, sir, I'll do my best.

2 Thank you.

3 BY MR. MOORHEAD:

4 Q. Mr. Hollahan, in your sworn statement under penalty  
5 of perjury, you, in section seven, you state that --

6 THE COURT: Do you have your declaration in  
7 front of you?

8 THE WITNESS: Yes, sir.

9 BY MR. MOORHEAD:

10 Q. "F.L.C. is understood as Fellowship Literature  
11 Committee." Mr. Hollahan, in your ten and-a-half years  
12 with Narcotics Anonymous, has there ever been a branch of  
13 our service structure named the Fellowship Literature  
14 Committee?

15 A. The term Fellowship Literature Committee --

16 Q. Mr. Hollahan, I asked, yes or no, please?

17 THE COURT: Mr. Moorhead, I think that the  
18 witness is -- all right, if you want to answer yes or no  
19 and then expand on the answer.

20 THE WITNESS: Would you repeat the question,  
21 please?

22 BY MR. MOORHEAD:

23 Q. The question is, in your ten and-a-half years of  
24 Narcotics Anonymous, in all these service manuals that we  
25 have over here and all the ones that you are aware of,

1 has there ever been a designation, official designation  
2 called Fellowship Literature Committee?

3 MR. SYNNESTVEDT: I object, Your Honor. The  
4 question refers to all these manuals we have over here,  
5 and I don't know what that encompasses.

6 MR. MOORHEAD: Your Honor, I think it's  
7 pertinent because Mr. Hollahan is intimately familiar  
8 with all of our service materials and manuals, and I  
9 think he knows the answer to that question, Your Honor.

10 THE COURT: Well, Mr. Moorhead, you may say you  
11 think he's intimately acquainted with all these matters.  
12 I don't know what documents are being referred to, and it  
13 simply is too open-ended. If you want to ask Mr.  
14 Hollahan whether some particular responsible entity -- I  
15 don't know who it is, the conference or WSO Board of  
16 Directors or somebody -- has had occasion to establish a  
17 thing called a Fellowship Literature Committee, maybe  
18 that's what you want to do. But let's not leave it in  
19 that openly textured way.

20 MR. MOORHEAD: Okay.

21 BY MR. MOORHEAD:

22 Q. Mr. Hollahan, to the best of your information and  
23 belief, are there any official designations or categories  
24 created by the official service structure of Narcotics  
25 Anonymous that would support any of the statements that

1 you made pertaining to these particular items within the  
2 context of your sworn statement number seven?

3 THE COURT: That's a little bit too -- that's so  
4 vague that I don't know what it means, Mr. Moorhead.

5 MR. MOORHEAD: All right, sir.

6 THE COURT: You started out by inquiring about  
7 the existence of a Fellowship Literature --

8 BY MR. MOORHEAD:

9 Q. Mr. Hollahan, is there a Fellowship Literature  
10 Committee?

11 A. To the best of my understanding, yes, there has  
12 existed a Fellowship Literature Committee.

13 Q. What do you base that understanding on?

14 A. I base that understanding on personal experience and  
15 information that I've received from other members as  
16 well.

17 Q. Is it not true here that you state, "Within the  
18 Fellowship, F.L.C. is understood as Fellowship Literature  
19 Committee"? What do you mean by that?

20 A. I believe that some members commonly refer to the  
21 World Service Conference Literature Committee as the  
22 Fellowship Literature Committee.

23 Q. But is there any official name or title to this  
24 effect that -- your statement here infers, Mr. Hollahan,  
25 that with your supporting documentation Exhibit B covered

1 that looks similar to this, that --

2 MR. SYNNESTVEDT: May I see that, please?

3 MR. MOORHEAD: Well, this is a different one  
4 than the one that was exhibited, but I don't have that.

5 MR. SYNNESTVEDT: Could we use the official  
6 exhibit, Your Honor, instead of this document, whatever  
7 it is? The exhibits are right there.

8 THE COURT: Mr. Moorhead --

9 MR. MOORHEAD: I'm just drawing Mr. Hollahan's  
10 attention to the cover that he submitted in his exhibits,  
11 and in his sworn statement he avers in his testimony that  
12 there is such a thing as the Fellowship Literature  
13 Committee, and that the Literature Committee -- that  
14 literature submitted to this committee is reviewed by the  
15 committee to carefully review and insure an accurate  
16 reflection of the message of the Fellowship.

17 Once the literature is reviewed -- what I'm  
18 trying to establish here is that there isn't a grain of  
19 truth in what Mr. Hollahan claims in this particular  
20 paragraph. And if I need to bring other people up here,  
21 I will do so.

22 THE COURT: You will have the opportunity to put  
23 on --

24 MR. MOORHEAD: I guess I'll have to withdraw  
25 this line of questioning and reserve the right to call

1 him later. I'd like to call somebody else to the stand,  
2 if I possibly can.

3 THE COURT: All right.

4 MR. MOORHEAD: Thank you, sir. You are  
5 dismissed for right now.

6 MR. SYNNESTVEDT: I have a question on redirect,  
7 Your Honor.

8 THE COURT: All right, go ahead.

9 REDIRECT EXAMINATION

10 BY MR. SYNNESTVEDT:

11 Q. I direct your attention to the document marked for  
12 identification DX-1, and specifically to the under-  
13 linings, interlineations, marginal notations that are --  
14 that appear there. Do you see those, Mr. Hollahan?

15 A. Yes, I do.

16 Q. Do you know who put those on there?

17 A. I don't know who put those on there.

18 Q. Did you put them on there?

19 A. No, I did not.

20 MR. SYNNESTVEDT: That's all I have, Your  
21 Honor.

22 MR. MOORHEAD: I fail to see what relevance that  
23 has.

24 BY THE COURT:

25 Q. Mr. Hollahan, just one or two very brief questions.

1           As I understood your testimony, the origins of  
2 Narcotics Anonymous back in 1953 in California -- and I'm  
3 putting aside for the purposes of my question whatever  
4 antecedent -- chronologically antecedent movements  
5 towards a Narcotics Anonymous there may have been. But  
6 the movement which got under way in California in 1953,  
7 as I understood from your testimony, was by persons who  
8 were dissatisfied with Alcoholics Anonymous as a  
9 framework for their efforts; is that correct?

10 A. I think that their feeling was that a Fellowship  
11 should be developed specifically to deal with addicts.

12 Q. With addicts of -- that is to say with respect to  
13 narcotics as distinct from alcohol, correct?

14 A. Yes.

15 Q. Without meaning to draw you into any large scale  
16 philosophic discussion, can you tell me, was the general  
17 approach of Alcoholics Anonymous regarded as a model to  
18 be built upon, or was that general philosophic approach  
19 to the problems of addiction being in some sense  
20 repudiated or departed from?

21 A. I believe you would find, Your Honor, a very close  
22 resemblance to the approach that was previously used in  
23 Alcoholics Anonymous with some distinctions, especially  
24 in some of the adaptations to the steps in the traditions  
25 that were made; most notably the first step where

1 Alcoholics Anonymous had specifically mentioned alcohol.  
2 It was Narcotics Anonymous who changed that focus unto  
3 the disease of addiction. So that was one of the main  
4 distinctions between what we adapted from the AA model  
5 and developed for ourselves. That was more appropriate  
6 to us.

7 THE COURT: I see. All right, thank you, Mr.  
8 Hollahan. You may step down, sir.

9 Now, Mr. Moorhead, we must inquire of Mr.  
10 Synnestvedt if he has further presentation to make. He  
11 has not yet addressed it.

12 MR. SYNNESTVEDT: I'd like to make the Tooredman  
13 declaration part of the record, Your Honor. We move  
14 that.

15 THE COURT: I assume you have no objection to  
16 that?

17 MR. MOORHEAD: No, sir.

18 THE COURT: Then the plaintiff has rested. Then  
19 the floor is yours, Mr. Moorhead. You may now put on  
20 such testimony as you wish.

21 MR. MOORHEAD: Do I take the stand now, is that  
22 what I do?

23 THE COURT: Before lunch you spoke about being a  
24 witness yourself. I got the feeling a few minutes ago  
25 that you were telling me that you hoped to have others on

1 the stand, and perhaps I somehow thought that you thought  
2 that that may obviate you having to be a witness  
3 yourself. I don't know what your intention is on that.

4 MR. MOORHEAD: Well, I'm kind of flying by the  
5 seat of my pants, Your Honor.

6 I would like to call Mr. Sewell to the stand, if  
7 I could.

8 VICTOR HUGO SEWELL, JR., was duly sworn.

9 MR. SYNNESTVEDT: Your Honor, we were not  
10 notified of any appearance by Mr. Sewell.

11 MR. MOORHEAD: Your Honor, my recollection of  
12 our conference, I was not required to notify the opposing  
13 counsel of what responses or defenses that I would have  
14 to be doing --

15 THE COURT: I'm not sure that I did make such  
16 requirement. Did I, Mr. Synnestvedt?

17 MR. SYNNESTVEDT: No, Your Honor. It was  
18 implicit that we produce a paper of our witnesses, that  
19 he produce a paper with his witnesses.

20 THE COURT: Well, I'm not sure that it was. At  
21 all events, the time constraints made it a little hard, I  
22 think. Mr. Moorhead wasn't acquainted until presumably  
23 Monday to who you were going to produce and how you  
24 proposed to proceed. So I don't really think we can  
25 insist on Mr. Moorhead's telling us in advance who he

1 would produce to be responsive to your case.

2 MR. SYNNESTVEDT: Very well, Your Honor.

3 THE COURT: If there's yet to be acute  
4 difficulties about looking in the direction of surprise,  
5 or issues are raised that it's going to be hard for you  
6 to be responding to, then we may have to continue this  
7 proceeding. Let's see how far we can go.

8 MR. MOORHEAD: Your Honor, I believe a perusal  
9 of the record of the conversation that your court  
10 reporter took will indicate the efficacy of that  
11 statement that I made. Should I proceed?

12 THE COURT: Yes, go ahead.

13 DIRECT EXAMINATION

14 BY MR. MOORHEAD:

15 Q. Mr. Sewell, would it be fair to say that -- how long  
16 have you been clean, that is without the use of any mind-  
17 altering substances?

18 THE COURT: Do we have this witness' address and  
19 some identification?

20 MR. MOORHEAD: No.

21 THE COURT: Can you tell us where you are from,  
22 sir?

23 THE WITNESS: Allquippa, Pennsylvania. I'll  
24 give the reporter my card. 490 Franklin Avenue,  
25 Allquippa, Pennsylvania, 16 and-a-half years.

1 BY MR. MOORHEAD:

2 Q. So, to the best of your knowledge, could you state  
3 basically for the record here the participation and  
4 involvement that you have had with the literature  
5 development process, particularly the Narcotics Anonymous  
6 Basic Text? And, further, would you identify for the  
7 Court that you were the author of the original 160-page  
8 draft of that Basic Text?

9 THE COURT: Well, let's not have --

10 MR. MOORHEAD: Too many things?

11 THE COURT: Let's concentrate on having the  
12 witness do the testifying. You're doing what is called  
13 leading the witness. What you should be doing is trying  
14 to ask questions which are neutral so that the witness  
15 may not know what you want him or her to say..

16 MR. MOORHEAD: Thank you, sir.

17 BY MR. MOORHEAD:

18 Q. First, could you share with us your involvement?

19 A. Sure. I got clean in 1974. And I appreciated, I  
20 think, at the beginning how wonderful the dream could be  
21 if it were only true.

22 I was very active in the Fellowship in Georgia  
23 for the first three years, and I communicated with WSO on  
24 the west coast by mail and by telephone.

25 One question that kept coming up is who is

1 working on our book and where are they. And that  
2 question drove me to the Seventh World Convention in San  
3 Francisco. I tried to be nice about it, but I kept  
4 asking my question. And I was eventually dragged into  
5 registration where I met most of World Services in five  
6 minutes.

7           They directed me to the chairman of the board  
8 and trustees, and he said nobody is working on our book  
9 anywhere. It took him about six hours to say that, but  
10 that sums it. I said, "Who can?" He said, "Anybody." I  
11 said, "You mean they haven't tried?" He said, "Well,  
12 there's been some efforts."

13           So a year later, I stayed in constant touch with  
14 him, sending him material that I wrote periodically, and  
15 we met in Louisiana and I gave him the balance of the  
16 photocopies. We went to the Eighth World Convention in  
17 Houston, Texas. And I gave -- there was another trustee  
18 in Houston, Bob V. We don't like to break the anonymity  
19 due to the threatening of a subpoena.

20           I showed him the material, and I guess the  
21 strength of that got me the attention of the board of  
22 trustees and the WSO. And about four or five months  
23 later, I was asked to write a letter to the Fellowship as  
24 a member of the WSO Literature Committee and the Board of  
25 Trustees Literature Committee. I was reluctant to do

1 that because I didn't see anything in writing that said I  
2 should be writing such a letter, but I did. It was a  
3 pretty good letter. It went out all over the world.

4 A few months later, I was led to the World Lit.  
5 chair. That was in '79, the spring of '79. And so I  
6 sort of stood between two worlds. One, the world of the  
7 California old-timer NA, and also the world of the east  
8 coast newcomer that only wanted to help. And so I used  
9 my position as chair to write letters and gather input,  
10 and I used Dale Carnegie techniques to write real  
11 friendly responses like, yeah, yeah, this is great, send  
12 us more. And they did, and unbelievable amounts.

13 I finally started describing it in quantities of  
14 feet and pounds to where the west coast would get the  
15 idea. There was real input coming in. So we held a  
16 conference that following Wichita. We, you know, wrote  
17 some guidelines for ourselves, and that resulted in a  
18 booklet called the Handbook for NA Lit Committees, and  
19 that helped because then everybody had the game plan in  
20 hand for newsletters, for IP materials, for stories of  
21 Basic Text, for the Basic Text itself and everything. It  
22 was typeset and printed and it had a good cover.

23 Q. Mr. Sewell, is this a copy of that?

24 A. Yes.

25 Q. Thank you.

1 A. And we were planning to raise funds to support it  
2 because the --

3 THE COURT: Just one moment. The witness has  
4 identified a document, but I think we will have to get  
5 some more documentation.

6 MR. MOORHEAD: An original copy of the original  
7 literature handbook --

8 THE COURT: We're going to let the witness do  
9 the testifying.

10 MR. MOORHEAD: I'm sorry.

11 THE WITNESS: Anyway, the --

12 THE COURT: If you would hold on just one  
13 moment.

14 MR. SYNNESTVEDT: I'm without a copy, Your  
15 Honor.

16 MR. MOORHEAD: I'd be happy to give him a copy  
17 of it, Your Honor.

18 THE COURT: When you introduce a document into  
19 the court proceeding, it is your obligation -- generally  
20 speaking your obligation to furnish a copy to defense  
21 counsel. If you do not have a copy, then you must  
22 provide counsel with time to examine the piece of paper  
23 and make sure whatever it is. It's appropriate to being  
24 in some sense antagonistic to Mr. Synnestvedt and Mr.  
25 Fields because they want to look at a document. If there

1 were other pieces of paper in there that were not  
2 included in what you had in mind to show to a witness,  
3 hence counsel, then I think it's your obligation to make  
4 that separation.

5 MR. SYNNESTVEDT: Can I have a moment?

6 MR. MOORHEAD: With all due respect, Your Honor

7 --

8 MR. SYNNESTVEDT: May I have a moment to go over  
9 this and confer?

10 THE COURT: Let Mr. Moorhead make his statement,  
11 and then, Mr. Synnestvedt, you'll have an opportunity to  
12 take a moment to consult.

13 MR. MOORHEAD: Your Honor, Mr. Hollahan  
14 indicated earlier today that I had used my social  
15 security check to help with printing of things. The  
16 facts are, sir, that -- what I'm trying to say here is, I  
17 don't have any money. There's no way for me to provide  
18 the copies and the documents and the filings and this and  
19 that. And I don't know if this is the proper time, but,  
20 you know, if plaintiff -- I don't know what the hell is  
21 going on, to be quite honest.

22 THE COURT: Mr. Moorhead, the remarks that I  
23 made a moment ago were directed to what seemed, from my  
24 point of observation, to be some resistance on your part  
25 to letting Mr. Synnestvedt and Mr. Fields look at what

1 was in a loose-leaf notebook. I saw you pulling some  
2 documents away from them.

3 Now, maybe I misapprehended the situation. But  
4 I was just trying to explain to you the protocol here in  
5 court. We normally call for giving to opposing counsel  
6 the document which you propose to use.

7 And then I went on to say that if you don't have  
8 a copy to give to Mr. Synnestvedt and Mr. Fields, then  
9 you at least have to give them the opportunity to examine  
10 the document before we can proceed any further. That was  
11 all that I was trying to say. I'm sorry, Mr. Moorhead,  
12 if you had taken my comments in some larger sense. All  
13 that is going on in the courtroom is to try to proceed  
14 with fairness to both sides and without surprise, without  
15 proceeding as we spoke about two centuries ago,  
16 proceeding by what is called the supporting theory,  
17 proceeding by ambush, where one side didn't know what the  
18 other side was going to present, so what one got was not  
19 an inquiry into the truth, but an inquiry into the most  
20 manipulative and most in depth.

21 Now, Mr. Synnestvedt and Mr. Fields already feel  
22 a little handicapped because they did not have in advance  
23 of this hearing a listing from you of who you were going  
24 to call in the way of witnesses, and what kinds of  
25 materials you were going to offer. As you know, I said

1 that I thought you should be allowed to proceed,  
2 notwithstanding that you haven't supplied that advanced  
3 information to Mr. Synnestvedt and Mr. Fields, although  
4 they have, in compliance with my directive, given you  
5 that information. I am just trying to at this point keep  
6 matters as equal as possible.

7 MR. MOORHEAD: I understand.

8 THE COURT: Now, Mr. Synnestvedt has asked for  
9 an opportunity to consult, I take it, with Mr. Hollahan.

10 MR. SYNNESTVEDT: Yes, Your Honor.

11 THE COURT: If you want to take a few minutes to  
12 talk to Mr. Hollahan, that's fine. We'll, I think,  
13 perhaps we should take a recess until quarter of 3. That  
14 will be about seven minutes from now.

15 MR. MOORHEAD: May I ask a procedural question  
16 before you go? Is it proper for me to interrupt the  
17 witness and ask him -- or any witness -- and ask him to  
18 clarify the statement or to --

19 THE COURT: Not by way of interruption. Usually  
20 one goes question by question. So that you can ask then  
21 for a further detail or whatever. If you ask the  
22 witness, as you have, for sort of a narrative, then I  
23 think it's appropriate to break in at a point when it's  
24 becoming more discursive and less illuminating with  
25 respect -- generally, we don't proceed narratively, but

1 sometimes there are reasons to do that.

2 (Recess was held at 2:37 p.m.)

3 (The Court resumed the proceedings at 3:00 p.m.)

4 MR. SYNNESTVEDT: Your Honor, the document I  
5 examined during the recess is a 16-page brochure  
6 entitled, Handbook for Narcotics Anonymous Literature  
7 Committees. There's a copyright 1983 by the World  
8 Service Office, Inc., and I have no objection to  
9 presenting it to this witness.

10 THE COURT: All right.

11 BY MR. MOORHEAD:

12 Q. Mr. Sewell, if you would continue briefly your  
13 narrative for a minute or two, and then we'll get into  
14 more specific questions.

15 THE COURT: Could you, before just launching the  
16 witness again on the generalcy of narrative, could you  
17 focus what it is that you want him to tell us so I can  
18 have an idea of where we are going?

19 MR. MOORHEAD: Well --

20 THE COURT: Put a question to the witness as to  
21 what you want him to tell us.

22 BY MR. MOORHEAD:

23 Q. Mr. Sewell, did you present the first 160-page draft  
24 of the Basic Text of Narcotics Anonymous to the  
25 literature process as it then existed?

1 A. To the board of trustees.

2 Q. Is that a yes?

3 A. Yes.

4 Q. Mr. Sewell, did you ask for any by-line recognition  
5 or royalty for your beginning or creation of that work?

6 A. Not at all.

7 Q. Subsequent to that event, would it be fair to say  
8 that, to the best of your recollection, that there were  
9 over 1500 people who, in fact, participated as authors of  
10 that document?

11 MR. SYNNESTVEDT: I object, Your Honor.

12 THE COURT: That's what is called a leading  
13 question.

14 BY MR. MOORHEAD:

15 Q. To your knowledge, how many others participated in  
16 the development --

17 MR. SYNNESTVEDT: I object, Your Honor. It  
18 assumes a conclusion.

19 THE COURT: What I suggest you inquire, Mr.  
20 Moorhead, is whether the witness knew whether anybody  
21 else got any work from it. If he says yes, then you  
22 might ask him who they were or how many there were or  
23 whatever.

24 BY MR. MOORHEAD:

25 Q. Were there others besides yourself that participated

1 in the authorship of the Basic Text?

2 A. Yes.

3 Q. Do you know who they were?

4 A. We have minutes and records.

5 Q. Do you have the original handwritten drafts of those  
6 original authors, or certified copies thereof in your  
7 possession?

8 A. Yes.

9 Q. Would it be safe to assume that there were more than  
10 900?

11 THE COURT: That is a leading question.

12 MR. MOORHEAD: I'll withdraw the question in  
13 that way.

14 THE WITNESS: There were at least a thousand  
15 direct participants world-wide.

16 MR. MOORHEAD: Thank you, sir.

17 BY MR. MOORHEAD:

18 Q. Was there any material or financial support  
19 whatsoever developed during the development of the Basic  
20 Text from 1978 until 1982, when it was approved at the  
21 World Service Conference?

22 MR. SYNNESTVEDT: I object, Your Honor. That  
23 assumes facts not in evidence.

24 THE COURT: Let's just unpack the question and  
25 not give the historical end. I don't know, Mr. Moorhead,

1 maybe I'm not making it very clear on what the concern  
2 is. You put a question in terms of was there any  
3 financial support during the period from such and such  
4 until such and such when this document was approved by  
5 the World Service Conference. I'm not sure that we know  
6 about the end-point approval. You just confine yourself  
7 to, did somebody provide some substantive support or  
8 whatever. And if the witness -- if you want to get into  
9 the record when this was adopted, by what body, and the  
10 witness knows, then you can ask him that as a separate  
11 question.

12 BY MR. MOORHEAD:

13 Q. Mr. Sewell, during the development of the text, was  
14 there any, based upon your obviously highlighted -- your  
15 leadership position in this and your constant and active  
16 participation, were there any resources given to you from  
17 anywhere other than within the Literature Committee and  
18 the people that were in the groups and areas and  
19 regions?

20 MR. SYNNESTVEDT: I'm going to object, Your  
21 Honor.

22 THE COURT: You're talking about financial  
23 resources? I'll allow that.

24 THE WITNESS: I hate to ask you to repeat the  
25 question.

1 THE COURT: Perhaps you can simplify the  
2 question.

3 BY MR. MOORHEAD:

4 Q. The question is -- I'll try to simply state it.

5 During the initial development of the Basic  
6 Text, up until the time that it was ultimately approved,  
7 were there any donations or financial support from the  
8 World Service Office?

9 A. No.

10 Q. Where did all of the support for the printing,  
11 distribution, writing and development of the Basic Text,  
12 prior to its approval at the World Service Conference,  
13 come from?

14 A. Directly from the Fellowship and from the World  
15 Service Conference, and some of the regions and areas  
16 that provided support.

17 Q. Thank you. Could you tell us upon what date the  
18 copy -- the approval, the final draft copy of the Basic  
19 Text was approved by the World Service Conference?

20 A. You mean the '82 WSC? That's when the book was  
21 basically approved by the Fellowship.

22 Q. And how did the Fellowship get those copies of the  
23 book for which they were able to look at it to determine  
24 whether they would accept the book as their Basic Text?

25 A. The World Lit Committee raised the money, had the

1 books printed, sent a copy of the review form, which had  
2 a gray cover, to every group in the world that we could  
3 locate, including Calcutta, Dublin, Barcelona, all over  
4 the world. And also later sent out the approval form  
5 after several more conferences.

6           The material got as good as we thought we could  
7 do at the time, and we sent it out to every member in the  
8 world again.

9 Q.    So you would say that the groups of Narcotics  
10 Anonymous and the membership around the world were the  
11 persons that either, A, accepted the Basic Text as an  
12 official publication of the Fellowship, or rejected?

13 A.    That's how it's done, yes.

14 Q.    Is that currently done to this date, that the  
15 Fellowship, through its group conscience, approves or  
16 rejects a piece of literature?

17 A.    I don't know what the current system is. There's a  
18 written system and then there's another system.

19 Q.    Could you --

20 A.    The two are in conflict.

21 Q.    Could you --

22 A.    To my mind, the answer is yes, because the written  
23 system still stands.

24 Q.    I see.

25 A.    It's in the temporary working guide.

1 Q. I see. So what you're saying, sir, is that in fact  
2 the groups of Narcotics Anonymous are the -- for lack of  
3 a better word, maybe something more descriptive for the  
4 understanding of everyone here -- the buses of service  
5 structure of Narcotics Anonymous?

6 A. That's where the ultimate authority resides.

7 Q. Would you state the tradition for the Court, what  
8 that tradition says where that statement, the ultimate  
9 authority, is?

10 A. For our group purpose, there is but one ultimate  
11 authority, a loving God, as he may express himself in our  
12 group conscience. Our leaders are but trusted servants.  
13 They do not govern.

14 Q. Thank you, sir. Would you say that -- is there any  
15 indication to you, by your understanding of the  
16 traditions upon which our recovery is based, how the WSO  
17 could be engaging themselves in activities that they are  
18 currently in under the 12 traditions?

19 MR. SYNNESTVEDT: Object, Your Honor, since so  
20 many activities occurred and it's not of record.

21 THE COURT: I think Mr. Synnestvedt is concerned  
22 that your question doesn't really identify for us what  
23 you mean by activities of the WSO was currently in.

24 BY MR. MOORHEAD:

25 Q. Taking an individual member to court in violation of

1 their personal anonymity, which is the family principle  
2 of our Fellowship, would it be safe to say that the  
3 traditions prohibit such activities?

4 A. I can't really understand it. I've written the  
5 office about this, and I've recommended that a court  
6 action expand the problems instead of dealing with it  
7 internally. I got a response. It was argumentative.  
8 But, no, I don't understand.

9 World Services is committing funds and time and  
10 resources to engage in a lawsuit on one hand, a primary  
11 service center, against an individual member who is  
12 acting as a member of his home group, and that the legal  
13 defense funds, meaning to be established old-timers --  
14 no, it's very confusing, I do not understand. I don't  
15 think it's structurally proper and correct.

16 Q. Mr. Sewell, can you tell me, having been a trustee  
17 of Narcotics Anonymous for a total of -- how many years  
18 have you been a trustee?

19 A. I served a full five-year term.

20 Q. In your knowledge of our procedures and policies, do  
21 you believe that our service structure has followed its  
22 own guidelines and policies in pursuing this matter?

23 MR. SYNNESTVEDT: Your Honor, this has no  
24 relevance.

25 THE COURT: By pursuing this lawsuit?

1 MR. MOORHEAD: Yes, sir, by pursuing this  
2 lawsuit.

3 THE COURT: You may answer.

4 THE WITNESS: I can't believe so because the  
5 event itself is precedented in my knowledge. World  
6 Service Office, Board and Conference, has not consulted  
7 the regions or areas or groups to get a basis of group  
8 conscience to backup their action. Instead, they are a  
9 bunch of wild rumors flying around a very few facts.

10 Q. Thank you, Mr. Sewell. The next question I have,  
11 you are familiar with a document entitled the WSO  
12 By-laws?

13 A. I've read them several times through the years, but  
14 I don't have them memorized.

15 THE COURT: Be sure that Mr. Synnestvedt knows  
16 the document you're talking about.

17 MR. MOORHEAD: Your Honor, I would like to see  
18 if they would attest that they are true copies of these  
19 documents, if possible. I mean I'm trying to be  
20 responsive.

21 THE COURT: If you gentlemen would take a minute  
22 or two to confer. I don't know whether Mr. Synnestvedt  
23 and Mr. Fields are in a position to stipulate --

24 MR. MOORHEAD: How much of this notebook are we  
25 permitted to see, Your Honor? This particular piece is

1 the original copy of the by-laws filed with the State of  
2 California. It's a document here --

3 MR. SYNNESTVEDT: Can you take them out of the  
4 notebook so we don't get confused with the other  
5 material?

6 MR. MOORHEAD: Yes, I suppose I could. We have  
7 here a copy of the by-laws of the State of California  
8 registered January 23rd, 1977. Mr. Hollahan referred to  
9 those earlier. And here's a copy of the current by-laws,  
10 circa 1990, of the World Service Office of California  
11 Non-profit Public Benefit Corporation.

12 I would be referring to several sections in  
13 these by-laws. For our group purpose, there is but one  
14 ultimate authority, a loving God as he may express  
15 himself in our group conscience. Our leaders are but  
16 trusted servants. They do not govern.

17 MR. SYNNESTVEDT: Neither of the documents that  
18 have been presented to us is the up-to-date by-laws.  
19 They both appear to be superseded editions.

20 THE COURT: I see. All right.

21 MR. MOORHEAD: Your Honor, I would --

22 THE COURT: Does Mr. Hollahan have up-to-date  
23 by-laws with him?

24 MR. HOLLAHAN: Not with me, Your Honor.

25 MR. MOORHEAD: Maybe Mr. Hollahan could answer

1 for the Court, if Section 6 --

2 THE COURT: Why don't you show Mr. Hollahan the  
3 sections that you have in mind you want to examine about  
4 and find out whether his knowledge --

5 MR. MOORHEAD: Section 601--

6 THE COURT: Why don't you sit with Mr. Hollahan  
7 and see if you and plaintiff's counsel can resolve the  
8 matter?

9 (Pause.)

10 MR. SYNNESTVEDT: Your Honor, our position  
11 remains as it was, that these are two superseded versions  
12 of the by-laws, but we have no objection to Mr. Moorhead  
13 continuing to question this witness about the superseded  
14 versions, if he wants to.

15 THE COURT: All right.

16 BY MR. MOORHEAD:

17 Q. Mr. Sewell, in Section 6 of the WSO by-laws, which  
18 is the section on powers of the directors, is there, to  
19 the best of your recollection -- or if I may give them to  
20 you to look at -- is there anything in those powers of  
21 directives that would allow them to be --

22 THE COURT: Suppose you show the witness the  
23 section?

24 MR. MOORHEAD: I would like to state that these  
25 were, in fact, in force at their time and they are --

1 THE COURT: Mr. Moorhead, I'm sorry, but I can't  
2 accept your recital. You're here in your role as  
3 substitute for a lawyer, not a witness.

4 MR. SYNNESTVEDT: Is there a pending question,  
5 Your Honor?

6 BY MR. MOORHEAD:

7 Q. Yes. Is there anything in there that would indicate  
8 to you that the WSO has a right to participate in the  
9 lawsuit against a member?

10 MR. SYNNESTVEDT: In a specific section that you  
11 referred to?

12 MR. MOORHEAD: Yes, Section 6.

13 THE WITNESS: I'm confused by the question.  
14 It's hard for me to give a black and white answer. I've  
15 already stated that within our structure, I think this is  
16 improper because it doesn't have a basis of group  
17 conscience or a precedent for major legal action. There  
18 was some little thing about a group in Hollywood that was  
19 making a little white booklet, but it was small. This is  
20 major.

21 So I would say, yes, I see some things that  
22 would support WSO taking legal action against an outside  
23 agency, and they probably would be supported doing  
24 something by the Fellowship; whereas, they are acting  
25 prematurely in this case.

1 BY MR. MOORHEAD:

2 Q. Thank you. This is the exhibit that was submitted  
3 by -- it's a Fifth Edition of Narcotics Anonymous Basic  
4 Text in the section under the the traditions. Would you  
5 read the highlighted area?

6 A. The 12 traditions of the NA are not negotiable.  
7 That appears in all the versions. That appears in all  
8 the versions.

9 Q. Thank you. Would you read for us out of the WSO  
10 by-laws the body of Article 11 there?

11 A. 11.01. "This corporation is a service entity which  
12 serves a function within the totality of an organization  
13 known as Narcotics Anonymous Society. In so doing, it  
14 endorses the aims, goals and purposes of that  
15 organization, and, in fact, by special endorsement per  
16 Section 11.02 hereinafter, it operates under the  
17 guidelines of the twelve traditions as espoused by the  
18 Narcotics Anonymous Society."

19 1102. "All directors and officers of this  
20 corporation shall be, and are, subject to, and will abide  
21 by, the principles of the twelve traditions of Narcotics  
22 Anonymous Society as set forth in the book identified and  
23 entitled as Narcotics Anonymous and shall further abide  
24 by motions adopted at each World Service Conference  
25 meeting and implement decisions reached by the WSC as

1 they pertain to operation of this corporation. It is  
2 herein specifically acknowledged that this corporation  
3 acts as a fiduciary in its dealings with WSC and the  
4 Fellowship of Narcotics Anonymous. Furthermore, this  
5 corporation shall be subject to the decisions and actions  
6 of the board of directors of the World Service Office,  
7 Inc."

8 Q. On the totem pole, Mr. Sewell, in terms of the  
9 process of decision making in Narcotics Anonymous, is it  
10 fair to assume or to state with fact that the WSO is the  
11 last -- is the person that implements a final decision on  
12 the part of the Fellowship and the World Service  
13 Conference?

14 A. I think you've divided your question.

15 Q. I will try to state it again.

16 Has the World Service Conference met and voted  
17 as a whole and instructed the WSO to pursue legal  
18 proceedings?

19 MR. SYNNESTVEDT: I object, Your Honor. There's  
20 no foundation. There's no indications that this witness  
21 has knowledge.

22 THE COURT: The witness will have to respond  
23 within the limits of whatever his personal knowledge may  
24 be.

25 THE WITNESS: Not yet on this case or on any

1 case like this in the past.

2 MR. MOORHEAD: Thank you. That will be all, Mr.  
3 Sewell.

4 THE COURT: Mr. Sewell, you'll have to hold on  
5 to see if Mr. Synnestvedt has any questions to put to  
6 you.

7 MR. SYNNESTVEDT: No cross, Your Honor.

8 THE COURT: All right, thank you very much, Mr.  
9 Sewell.

10 MR. MOORHEAD: Your Honor, I would like to call  
11 myself, if I could.

12 THE COURT: All right.

13 DAVID MOORHEAD, was duly sworn.

14 THE WITNESS: My name is David Merritt  
15 Moorhead. I am better known as Grateful Dave Addict. I  
16 reside at 1110 East Palmer Street in Philadelphia,  
17 Pennsylvania.

18 I don't know what I should say. I've been a  
19 member of the Fellowship Narcotics Anonymous since March  
20 17th, 1984, and I've been participating in the service  
21 structure, from the world to the area to the region in  
22 literature. I've been regional PI chair. I've been  
23 regional literature vice-chair, and a couple regions  
24 parliamentarian, and the chair of the Philadelphia  
25 region.

1 I'm quite familiar with the structures of the  
2 policies, the guidelines of this Fellowship. I have in  
3 my home and personal archives almost every piece of paper  
4 ever generated by the World Service Conference. If  
5 necessary, at some point, I will, you know -- I can  
6 probably inundate this court with documentation.

7 I would like to go on the record as stating that  
8 the alleged copyright infringements and what have you  
9 that the plaintiff is carrying in my direction, to the  
10 best of my knowledge and belief, it appears to me to be  
11 some kind of a personal vendetta. And the reason I say  
12 that is that the plaintiff has full and complete  
13 knowledge that this activity has been going on in various  
14 sources and with various individuals throughout the  
15 Fellowship. There is even documentation that I can show  
16 that this was a problem in 1984.

17 There is at least -- I have sworn depositions  
18 that people have bought books from other sources. I have  
19 various copies over there. Mr. Hollahan does not show  
20 any supporting data that I, in fact, was the printer.  
21 There's no way that he can prove that. It says, as an  
22 agent of my home group in that testimony, in that letter,  
23 that he offered in testimony. I have a home group member  
24 here.

25 He alleges that I am an individual. I would

1 like to read into the record as part of my testimony,  
2 from the Fellowship's own publication called the World  
3 Service Conference Fellowship Report, a statement from  
4 the chairperson of the board of trustees. In pertinent  
5 part it says, this is not a financial concern. And the  
6 issue is not that this text is going to decrease the  
7 WSO's income.

8           Clearly, there's no supporting documentation.  
9 You know, there is no clear evidence that there's any  
10 harm that has been caused financially. I would like to  
11 ask them, if they have any documentation at this time,  
12 would they please bring it forward.

13           I would say that under the 12 traditions, that  
14 they are -- in our service structure, that they have not  
15 waited for the decision of the Fellowship in proceeding  
16 with this matter. I have feelings that I was  
17 characterized, within the body of the complaint, that I  
18 had unfounded and illogical distrust of the WSO. I can  
19 only infer from that that anyone that questions the WSO's  
20 activities over the past eight years must be somehow  
21 crazy.

22           The WSO has proven consistently over the years  
23 that they -- that they are not, in fact, the protectors  
24 of the integrity of our message; that they have, in fact,  
25 altered our message; that they have ignored the will of

1 the Fellowship and entered into contractual agreements.

2 The copyrights in the body of the complaint that  
3 were submitted by Mr. Hollahan's organization there claim  
4 that the Basic Text was warped, made for hire. I would  
5 question that. I would question again why the copyright  
6 registrations only begin in 1987. I can produce and will  
7 bring documentation forward, if necessary --

8 THE COURT: May I interrupt you at this point?

9 THE WITNESS: Yes.

10 THE COURT: You spoke of a copyright  
11 registration beginning in '87?

12 THE WITNESS: Yes, sir.

13 THE COURT: Are you familiar with the exhibit  
14 attached to -- I believe it's attached to the complaint  
15 that seems to show registrations dating back to 1983?  
16 Maybe I misunderstood the point that you were making.

17 Maybe it's not of importance, but you seem to be  
18 making some point.

19 THE WITNESS: They make a reference --

20 THE COURT: Exhibit F to the complaint purports  
21 to be a copyright registration of the First Edition of  
22 Narcotics Anonymous. It's dated, National First  
23 Publication, April 27th, 1983.

24 THE WITNESS: As you can see, sir, this is wiped  
25 off the page here. It says, effective date of

1 registration, 6-15, and that's wiped off the page. I  
2 believe that you'll see that they registered that  
3 copyright in -- here it is -- 6-15-87, sir. So they are  
4 claiming retroactively -- what I am attempting to  
5 indicate to the Court is that I do not believe that there  
6 was a proper statement in the registration as to the  
7 ownership of that.

8 I believe the validity of the WSO's holdings of  
9 that copyright is in serious question considering the  
10 sworn deposition that I have from a literature chair and  
11 supporting documentation that he, in fact, revoked the  
12 copyrights and the right to print from the WSO. It's my  
13 contention that the WSO has been illegally printing the  
14 Fellowship Basic Text. I'm sorry, turn this thing down.

15 But, you know, sir --

16 MR. SYNNESTVEDT: Now I can't hear you. I'm  
17 getting mixed signals.

18 THE COURT: Just calm down, Mr. Moorhead. Take  
19 it easy.

20 THE WITNESS: Thanks. It's real hard to take it  
21 easy, sir, when I believe that I've been singled out  
22 unfairly, you know. I don't believe, first of all, that,  
23 you know, the number of copies that they allege that I,  
24 in my own volition, printed, that I talked about in that  
25 letter, make it qualified for being in this courtroom. I

1 don't care. They say that it cost 30 cents to produce.  
2 They say I said it was 50 cents. They said I said I was  
3 going to do 50,000 of them.

4 In October, I told them that I was not  
5 currently, and I spoke that to you. I have not currently  
6 been involved in printing and distribution of this  
7 material. I was never -- and I would like to bring a  
8 point of clarification in that last paragraph. It says  
9 that I, as an agent of my home group. My home group is  
10 made up of 56 members, which they failed to name in the  
11 suit, who participated fully in the decision to print.

12 There are ten copies of the, quote, alleged  
13 text, which are all different. My copies, the copies  
14 that my home group had anything to do with, have three  
15 staples in them. The text that Mr. Hollahan had are  
16 two. So I know that that doesn't -- that that doesn't  
17 come from me.

18 He claims that I said to him that it was hot off  
19 the press. What I said to him was that I saw this and it  
20 was -- and this is a most recent copy which I'm sure you  
21 would like to take home to the office to add to your  
22 archives.

23 The introduction of letters and tape recordings,  
24 or transcripts of the tape recordings of my answering  
25 machine in the NA magazine, it says they've been

1 discussing this issue since May. I fail to see what  
2 immediate and imminent harm there is to the Fellowship  
3 based on the support in the November document. In the  
4 November document here, they said how should we proceed.  
5 They are asking for direction from the Fellowship on how  
6 we should proceed with this. But did they wait for that  
7 direction? This came out in the middle of November and  
8 was not distributed to the service structure or service  
9 bodies of the Fellowship until after the lawsuit had  
10 already been initiated.

11           You see, sir, there are many, many, many things  
12 that if I was given further opportunity and some  
13 assistance, legal and financial and otherwise, that I  
14 could bring before this Court that would show that this  
15 matter is improperly brought; that the plaintiff has no  
16 clear right to relief; that there are many factual  
17 misstatements throughout the body of the complaint and  
18 the declarations of Mr. Hollahan and Mr. Tooredman. Mr.  
19 Tooredman's declaration claims that I, in fact -- that  
20 he's known me for five years. Yet, I have a letter that  
21 is written as recently as July 18th over here where Mr.  
22 -- to an attorney in New Orleans, that Mr. Tooredman  
23 calls me David Moorhouse. So, obviously, Mr. Tooredman  
24 doesn't know me or know my name.

25           You know, when you have been threatened with

1 lawsuits, and when cease and desist letters from an  
2 attorney in California have been mailed piecemeal and  
3 willy-nilly to members all over the membership  
4 threatening them with legal action and penalties of  
5 perjury, which is documentations that I'll bring in --  
6 I've got stacks and stacks of letters of support. I've  
7 got stacks and stacks of communications. I have over  
8 there commercial material with the NA name and the NA  
9 logo that have never been sought permission, never been  
10 granted permission and have been used commercially.

11           The name Narcotics Anonymous was registered in  
12 1942 in the books of organizations in Lexington,  
13 Kentucky. It predates this. What the WSO states in  
14 their complaint is that the term Narcotics Anonymous and  
15 the servicemarks and the names are original with the  
16 WSO. That, since 1953, they have been -- spent hundreds  
17 and hundreds and thousands of dollars promoting the name  
18 Narcotics Anonymous, when WSO didn't exist officially  
19 until 1977. You know, I'm not denying that as a member  
20 of a 56 member group that we, in fact, copied material  
21 that belongs to us.

22           I participated in the revisions. WSO claims  
23 that they have revised these things, that the WSO revises  
24 them. There is no way in our literature or any of our  
25 Fellowship procedures or documentations that this is even

1 remote -- can be remotely inferred. They were only  
2 involved in the last stage, and that is to send the thing  
3 in its final approved form, vis-a-vis the entire  
4 Fellowship, to a production house and to publish it.  
5 That is the only point in time that the WSO was involved  
6 in the production and distribution. They are not in any  
7 way involved with the approval.

8 Mr. Hollahan states that he is the director of  
9 the approval, has, you know, responsibilities for the  
10 approval of any literature. I mean I could go on and on  
11 and on and on. But I will submit to a sworn deposition  
12 from Mr. Page Coverton, who released the copyrights upon  
13 the direction of the World Literature Committee to the  
14 World Service Office for production, after the World  
15 Service Conference and the WSO failed to produce the book  
16 in its proper form, made changes in it and deleted it.

17 I mean we've been off and running on it, Judge  
18 Pollak, sir, for years and years and years. You know, I  
19 find myself in a very disadvantageous situation right  
20 now, and I'm unable to really adequately, you know,  
21 prepare. But I am sure the plaintiff claims that they  
22 have a great likelihood of success. I am almost  
23 absolutely assured that they will not, in fact, succeed.

24 You know, this suit seems to be malicious in its  
25 intent, and properly timed in knowing that I would not be

1 able to, through the holidays or because of my financial  
2 condition, to defend this adequately or to seek legal  
3 counsel or to prepare. The only law book I have is that  
4 federal book of procedures that somebody loaned me. God  
5 knows, I've been studying it. But I can say that, you  
6 know, with all clarity, that this issue really has  
7 nothing to do with me as an individual. And I believe  
8 that what it is is an attempt to, by the plaintiff's  
9 corporation, to sever itself from the decision making  
10 body, and any kind of responsibility to the Fellowship of  
11 Narcotics Anonymous.

12 I don't know, but it seems to me to be kind of a  
13 legal -- what do they call it -- legal maneuver to do  
14 that. Kind of like -- let's see, back when I was a  
15 criminal, they said theft by conversion, I believe.

16 I believe that, you know, what we're looking at  
17 here, based upon Mr. Synnestvedt's statement to me  
18 subsequent to that conference that you ordered us to  
19 have, he was totally unwilling to, you know, to change  
20 the TRO phase at all. He indicated to me that any  
21 persons in active concert or participation who receive  
22 actual notice of this -- now, I guess that means a  
23 certified letter with a copy of this stuff sent out by  
24 the voluminous mailing list of the plaintiff to enjoin  
25 and restrain everyone in the Fellowship.

1           You know, I can see this stuff happening. I  
2 mean, I can submit for the record letters and  
3 documentation where I've been called a thief, where I've  
4 been called a liar, where I've been called that I stole  
5 the book, that I mutilated the book. There isn't a  
6 single word in that book, Your Honor, that is any  
7 different from any of the publications that have been  
8 previously produced by the Narcotics Anonymous  
9 Fellowship. It has done nothing to harm the Fellowship  
10 at all. The harm has been created by the plaintiffs.  
11 The plaintiff's activities.

12           If it goes any further than this, Your Honor, I  
13 feel like that, you know, that I will have some -- to  
14 make some -- to answer the complaint and make some  
15 affirmative defenses and counterclaims and bring up new  
16 matters. I would not like to burden the Court with that  
17 frivolous proceeding, with an internal matter. It really  
18 hasn't even gone through the processes, that we, as  
19 members of Narcotics Anonymous in the Fellowship itself,  
20 the plaintiff corporation, have failed to follow our  
21 procedures and guidelines in this matter.

22           I think it's quite a waste of the federal  
23 court. They want their way. They want to do things  
24 their way. And so they bring it here to resolve it  
25 rather than resolving it through the processes and

1 procedures that they have failed to follow.

2 I would like to, you know -- I mean I'm just  
3 kind of trying to wing it here and to give you and the  
4 people out here an idea of what's really going on. But  
5 there are people all over the country that are producing  
6 this.

7 I have a letter that is dated December 3rd,  
8 where they said that people all over the country will be  
9 doing this. It's been an ongoing activity since the  
10 beginning of Narcotics Anonymous. And it's never been --  
11 you know, they sold \$50,000 worth of merchandise at the  
12 New York regional convention, and never once did they get  
13 a royalty. But I can guarantee you this much, if they  
14 are awarded this restraining order and temporary  
15 injunction, that that is exactly what they'll do:

16 We have never had a problem with misuse. We've  
17 pursued a lawsuit as a Fellowship. We were never asked  
18 to have our -- the Fellowship was never asked to have our  
19 trademark and service name registered. They claimed that  
20 they have permission from the World Service Conference to  
21 sue members of Narcotics Anonymous. I have there the  
22 minutes of that. It is specific to a legal matter called  
23 creative arts lawsuit which they entered into without  
24 asking the Fellowship previously. The Fellowship as a  
25 whole has never been asked whether they wanted to pursue

1 legal action against anyone ever, ever.

2 I guess I'm going, you know, to let these  
3 gentlemen cross-examine me or whatever they do now. I  
4 guess I'll reserve the right to recall myself, I guess.  
5 That's essentially what we're about here.

6 THE COURT: Mr. Synnestvedt, do you wish to  
7 cross-examine?

8 MR. SYNNESTVEDT: May I have a moment, Your  
9 Honor?

10 THE COURT: Sure.

11 (Pause.)

12 MR. SYNNESTVEDT: No cross-examination, Your  
13 Honor.

14 THE COURT: All right, thank you, sir.

15 MR. MOORHEAD: I'd like to call to the stand, if  
16 it's possible at this point --

17 THE COURT: You want to call another witness?

18 MR. MOORHEAD: Yes, sir.

19 THE COURT: How many more witnesses do you have  
20 in mind to call?

21 MR. MOORHEAD: Well, I had Ms. Toni Moore  
22 quickly to answer two or three questions, and then Mr.  
23 Allen to wrap-up. I will assume, sir, that that will  
24 take no more than 20, 30 minutes tops.

25 THE COURT: All right.

1 TONI MOORE, was duly sworn.

2 DIRECT EXAMINATION

3 BY MR. MOORHEAD:

4 Q. Toni, are you a member of By The Book Group?

5 A. My home group is at the Book Group Study, which  
6 meets at 2773 Kensington Avenue.

7 Q. Could you briefly describe the surroundings of our

8 --

9 A. We meet in a former shooting gallery on Kensington  
10 Avenue across the street from drug dealers and Guardian  
11 Angels who get beaten up with baseball bats on our  
12 doorsteps and people crawl into our meeting with a  
13 promise of life.

14 Q. Would you say that -- could you estimate our normal  
15 attendance?

16 A. It can go from 45 to 60 newcomers every week, and we  
17 get new people constantly from the halfway houses, not  
18 mandated. They choose our meeting. They choose our NA  
19 meeting to come there on Thursday nights.

20 Q. Have we distributed free books in our meeting?

21 A. Yes, we have. We're a book study meeting, and the  
22 people in attendance need the book to study the steps.

23 Q. Approximately how many free books do you think we've  
24 distributed since June?

25 A. It would have to run in the hundreds, in the

1 hundreds, and we provide them for people who come in who  
2 left their text at home, and they are free to use it  
3 while they are there. We ask them to replace it when  
4 they leave. If they don't have a text, we ask them to  
5 please take it with them so they have the 12 and 12 when  
6 they walk out the door.

7 Q. Have we ever solicited -- has there ever been a  
8 solicitation for funds to pay for such a distribution?

9 A. No, we have only the seven tradition standards in  
10 all NA meetings, and that's a very local action because  
11 our members are from halfway houses. They are on welfare  
12 and they don't have money. They don't have money.

13 THE COURT: Excuse me, maybe I missed something,  
14 but perhaps you're going to elucidate it, Mr. Moorhead.  
15 The reference to books, I don't know whether you're  
16 talking about -- whether we're referring to the volume  
17 sometimes called a Basic Text or another book?

18 MR. MOORHEAD: We are speaking specifically of  
19 the --

20 THE COURT: I'm not asking you as a witness.  
21 I'm asking you as a lawyer to make sure that the witness  
22 who is on the stand identifies what it is that is being  
23 referred to, some common understanding of --

24 THE WITNESS: Yes, that's a form.

25 MR. SYNNESTVEDT: I have not seen this exhibit.

1 MR. MOORHEAD: It's the same exhibit that you  
2 submitted to the Court.

3 THE COURT: Mr. Moorhead, for the purposes of  
4 conducting a lawsuit, if there is an exhibit to which we  
5 are referring by number or otherwise, that would be  
6 fine. If not, if we are introducing a new document which  
7 is not yet an exhibit, perhaps you will identify that.  
8 But you have been -- I'm not saying that you need to  
9 introduce an exhibit. You've been asking the witness  
10 about a book.

11 THE WITNESS: Could I possibly clarify it a  
12 little?

13 MR. MOORHEAD: A free Basic Text, blue copy --

14 THE WITNESS: The same text that I found in the  
15 complaint filed in the federal courthouse here, yes. A  
16 true copy of the book that we distribute is in the  
17 complaint filed by the plaintiff.

18 THE COURT: You're referring then to -- do I  
19 understand that we're referring to the --

20 THE WITNESS: Exhibit A or B?

21 THE COURT: I don't know. Mr. Moorhead, I'm  
22 going to have to ask you.

23 MR. MOORHEAD: Hollahan Exhibit A.

24 THE COURT: Would you make sure that is indeed  
25 what the witness is talking about?

1 MR. MOORHEAD: Yes.

2 THE WITNESS: Yes, this appears to be a  
3 photostat of what actually is a bound book that we  
4 distribute.

5 THE COURT: All right. And that is the -- as I  
6 understand it, that is the same as Exhibit A of the  
7 Hollahan declaration?

8 THE WITNESS: Yes, it is.

9 THE COURT: All right, go ahead.

10 BY MR. MOORHEAD:

11 Q. Could you tell us how we arrived at a decision to --

12 A. In a group conscience meeting of March 8th, the home  
13 group members met. We discussed the financial aspects of  
14 the group. It was apparent that we had tremendous need.  
15 What we didn't have coming to the meeting is finances.

16 We had put out a call to the Fellowship to come  
17 and help us deal with 40 and 50 newcomers a week to bring  
18 knowledge of the steps into this meeting, and the  
19 Fellowship did not respond. It was not a glamour meeting  
20 or a nice area. So we discussed literature and purchase  
21 of literature, and we found the literature sold by the  
22 WSO to be expensive, and we felt that we had a group in  
23 dire need.

24 We sought an avenue to provide the needs for our  
25 members. And the avenue that we voted on that we

1    conscienced in our group conscience was to find a way to  
2    get a cheaper book on the table of our meeting, where we  
3    we could put 50 and 100 texts out for our members.

4    Q.    Subsequent to that, did we submit this particular  
5    document to the Area Service and the Regional Service  
6    Committee for them to study and look at?

7    A.    Our GSR took a report to the river front area  
8    service, and reported that we were producing a book to  
9    put on our tables for our newcomers. As regional  
10   secretary at the time of the Greater Philadelphia Region,  
11   I even made a representation as a home group member and  
12   advised the region, from my status as a member of the  
13   executive board, what my home group was doing. From the  
14   beginning, we advised the area, we advised the region and  
15   we welcomed input and we welcomed interest.

16   Q.    So would it be fair to say that we went through the  
17   proper service channels to bring this book to the  
18   attention of the Fellowship?

19   A.    Yeah, you could call it service channels. It seemed  
20   like a gauntlet at the time because the fear that was  
21   generated in the people that we had to deal with was  
22   pretty frightening.

23   Q.    Would you say that when we first brought that, that  
24   there was a rather good feeling by everyone who saw it  
25   about it?

1 A. Yes, because there are a lot of groups that just  
2 financially don't have the capabilities to get the  
3 message to the addict who still suffers.

4 Q. What was it, in your estimation, that caused --  
5 describe the events following the release of the trustee  
6 letter.

7 A. Well, for me personally, I was thrown off the  
8 region, the Greater Philadelphia Region of Narcotics  
9 Anonymous for my --

10 MR. SYNNESTVEDT: What trustees are you talking  
11 about?

12 MR. MOORHEAD: It was a letter that was sent out  
13 by the World Service Board.

14 MR. SYNNESTVEDT: Could you please identify the  
15 document for us?

16 MR. MOORHEAD: Yes, sir, I can. Let me withdraw  
17 that, to be good to the Court. I'm going to withdraw  
18 that question.

19 THE WITNESS: All right.

20 BY MR. MOORHEAD:

21 Q. Do you have with you any indication, documentation  
22 how our membership -- how the membership of your home  
23 group feels and the support, and could you submit that to  
24 the clerk or to the Court or to Mr. Synnestvedt? I will  
25 thank you for --

1 A. I'm sorry, I have no copies of it at this point.  
2 This is an original. It's undated, but the date that  
3 this document was signed was the first Thursday after the  
4 lawsuit was filed, which was December 6th.

5 At that point, we had 56 members in attendance  
6 at the By The Book Group Study. They signed this, "As  
7 members of NA (By The Book Group), 2773 Kensington  
8 Avenue. We demand WSO cease the federal lawsuit against  
9 one of our members."

10 MR. MOORHEAD: Thank you. One further  
11 question. Do you have knowledge of the date of the  
12 letter that was alluded to by Mr. Hollahan, and Mr.  
13 Tooredman in his deposition, that was distributed shortly  
14 thereafter a June or so conversation, and that they claim  
15 to have been circulated with every copy of the book that  
16 was given out?

17 THE WITNESS: Is that the comments on NA  
18 service?

19 BY MR. MOORHEAD:

20 Q. Yes, that's the one.

21 A. Yes, it was produced along with your resignation as  
22 a policy chair, and your resignation as RSR board  
23 member. I took all three documents to the regional  
24 weekend of August -- it would be the first Sunday in  
25 August. I'm not sure of the actual date; maybe August

1 5th, 4th or 5th, I believe, that weekend. And I took the  
2 documents with me to the region, as the policy chair was  
3 not in attendance that weekend, and distributed them to  
4 all RSR's to take back to their areas.

5 MR. MOORHEAD: Thank you. No further questions  
6 at the moment.

7 MR. SYNNESTVEDT: No questions, Your Honor.

8 BY THE COURT:

9 Q. Ms. Moore, is your group currently engaged in the  
10 distribution of the document that's been identified by  
11 you?

12 A. The group does not distribute. The group puts them  
13 on the table and home group members -- the books that we  
14 have in stock, the home group members read and put back  
15 on the table. There have been no printings in quite  
16 awhile, that I know of. And so, no, there is no active  
17 distribution happening, that I know of.

18 But the members ask about the book and -- we  
19 really had not advised the newcomers of what was  
20 happening legally, because in recovery they don't need to  
21 know outside interest, which is what this is that's  
22 happening. They don't need to know about service  
23 structure, because that's not Narcotics Anonymous. Our  
24 group is Narcotics Anonymous. And what we do in the  
25 group is share the steps with them. And when we did

1 share with them the day that this document was signed by  
2 everyone that a lawsuit had been instituted, one  
3 gentleman just came up to me and picked up a book off the  
4 desk and he said, "You mean they are suing because you're  
5 giving this book to me to read?" And I said, "Yes." He  
6 said, "But this is helping me." I said, "Well, yeah, but  
7 they are not making money for it."

8 Q. Would your group be able to achieve its purposes  
9 adequately by making available the Fifth Edition of the  
10 Basic Text?

11 A. Well, no, it would not be carrying a pure Narcotics  
12 Anonymous message to the conscience of our group, because  
13 we recognize the Third Edition Revised as the last group  
14 that was really clear, and through what we considered to  
15 be the Fellowship channels.

16 We really cannot afford to buy the book at the  
17 price they sell it. They have indicated at the Arlington  
18 Quarterly, which I did attend as a home group member,  
19 they indicated they really had talked about over the  
20 years reducing the price of the text, but they always  
21 decided not to. Several people said they thought it  
22 should cost more.

23 Q. If price were not the problem, the text was  
24 available for distribution, then would you distribute it  
25 or make it available to your members?

1 A. Oh, yes, if World Service Office produced the book  
2 that's been conscienced by the regions in our area.  
3 There were areas that were conscienced when the Fourth  
4 Edition came out, and it came out all wrong. They  
5 conscienced to go back to the Third Edition Revised.  
6 This conscience was ignored.

7 If the WSO would provide us with the book that  
8 we want, the Third Edition Revised, and certainly at a  
9 price that is not exploiting the Fellowship or making our  
10 meeting a storefront for their literature, yes,  
11 absolutely. We're not out to be literature tycoons.  
12 We're just trying to carry the message efficiently, as  
13 inexpensively, as possible, to people who desperately need  
14 it and want it.

15 Q. That is what you would like -- you would be willing  
16 to distribute, if you had it available, or to share with  
17 your members, you would be willing to share the volume  
18 that is called Third Edition Revised?

19 A. Yes, with the original fourth and ninth traditions  
20 which were adulterated by the World Service.

21 Q. Now, of course you're leaving me, Ms. Moore. I'm  
22 talking about a particular book called the Third Edition  
23 Revised.

24 A. Yes, this book.

25 Q. No, that is not the book that the WSO produces as a

1 Third Edition Revised, is it?

2 A. No, it's not, no.

3 Q. I'm asking whether the book that WSO produces, the  
4 Third Edition Revised --

5 A. For that, I would have to consult my group  
6 conscience. This is what my group conscience had at the  
7 table.

8 Q. The one that your group conscience authenticates is  
9 the document that has been produced by your group.

10 A. Yes.

11 Q. Is that correct?

12 A. Yes. But I would have to go back to my group and  
13 tell the group. I would have to take that back to the  
14 group. That's not a decision that I could make. This  
15 decision was already made by the group, and that's why I  
16 was able to say yes on that, because that conscience is  
17 in effect. But this would require a totally new  
18 conscience.

19 Q. And with respect to the current edition, that I  
20 understand to be the Fifth Edition, if that were made  
21 available to you?

22 A. No, I have no interest in it.

23 Q. I see. So the only edition that would possibly be  
24 of interest would be the Third Edition Revised, and that  
25 you're not sure about because you feel it's an

1 adulterated position; is that correct?

2 A. Well, I would have to take that back to the group  
3 conscience.

4 Q. But that is the only edition that would even  
5 potentially be something that your group could share?

6 A. Given the information that we have shared as to the  
7 process of how the Fourth and Fifth Editions happened,  
8 yes, in all conscience, we don't want those books on the  
9 table.

10 THE COURT: I see. All right, thank you, Ms.  
11 Moore.

12 MR. MOORHEAD: I'd like to call one more  
13 witness, please.

14 WILLIAM M. ALLEN, III, was duly sworn.

15 DIRECT EXAMINATION

16 BY MR. MOORHEAD:

17 Q. Would you state for us how long you have been  
18 clean?

19 A. I've been clean for a little over 11 years.

20 Q. Can you state for us briefly your participation in  
21 the World Service structure, Narcotics Anonymous?

22 A. World Service structure, I got involved basically in  
23 1981, when I was given the Mid-Atlantic Regional  
24 Literature vice-chair position, and got involved in the  
25 literature movement of writing Basic Texts for Narcotics

1 Anonymous.

2 I proceeded to stay involved with the World Lit  
3 Committee until 1984, when I went to World Service  
4 Conferences as an RSR, Mid-Atlantic Region.

5 I joined the World Public Information Committee  
6 that year. I was on world H&I, Hospitals and Institution  
7 Committee. I served on the World Convention Committee  
8 for a year. I served on World Public Information for a  
9 five-year period. I served one year as World Public  
10 Information vice-chair.

11 I served three years as an RSR for the  
12 Mid-Atlantic Region. So I have approximately seven years  
13 of actual involvement in the World Service Narcotics  
14 Anonymous.

15 Q. Could you state whether, in your understanding and  
16 knowledge of our policies and procedures, having been a  
17 member and participant of that service structure in that  
18 capacity, could you say that the WSO has properly -- is  
19 properly behaving in a lawsuit against an individual  
20 member?

21 MR. SYNNESTVEDT: I object to that question.  
22 It's vague, confusing.

23 THE WITNESS: It's not confusing to me. It's  
24 very precise to me.

25 THE COURT: Well, it may be, sir, to you, but

1 some of us who are less familiar with the problems that  
2 are being discussed and the organizations that are  
3 involved have a little difficulty assigning much clarity  
4 to that. So I will sustain the objection and ask Mr.  
5 Moorhead to put the question more precise.

6 MR. MOORHEAD: I'll try to rephrase that  
7 statement.

8 BY MR. MOORHEAD:

9 Q. In your opinion, is this a case of the tail wagging  
10 the dog?

11 MR. SYNNESTVEDT: Objection, Your Honor.

12 THE COURT: Sustained.

13 MR. SYNNESTVEDT: This witness is a fact  
14 witness.

15 THE COURT: Sustained.

16 MR. MOORHEAD: I don't quite know how to  
17 elicit. I'm not trying to elicit any response. Would  
18 you just -- you'll have to be patient with me.

19 THE COURT: My problem is when you say to the  
20 witness, is this a case of the tail wagging the dog,  
21 that's an illusion uncommon in the world of general  
22 speech. But for the likes of a person myself, who really  
23 is external to this dispute and external to personae,  
24 external to the institutions, it's a little hard to  
25 assign very concrete meaning to that. If you can try to

1 shape it in some simpler way..

2 BY MR. MOORHEAD:

3 Q. Would you, in your own words, describe the process  
4 of decision making in Narcotics Anonymous, and at what  
5 point along that path that the WSO comes in?

6 A. What happens, there's a group conscience process  
7 that starts which is broad base of our Fellowship. My  
8 home group participates in the decision making process by  
9 coming up with ideals, and dealing with situations of the  
10 World Service of our Fellowship. We send motions to our  
11 area. The motions get approved through our area process,  
12 and from the area they go to the region and get approved  
13 through the region.

14 Then they go to World Service Conference, which  
15 the conference agenda comes out once a year. A  
16 conference agenda is supposed to be prepared already this  
17 month and be out to the Fellowship by February 1st.

18 In our conference agenda, we go through the  
19 agenda process of collecting group conscience for our  
20 conference at the end of April, beginning of May.

21 MR. SYNNESTVEDT: Your Honor, the witness has  
22 been referring to a document which has been laid on his  
23 desk.

24 THE WITNESS: I didn't refer to this document at  
25 all.

1 THE COURT: Fine.

2 BY MR. MOORHEAD:

3 Q. During that entire process, in your opinion and  
4 belief and experience, do the groups of Narcotics  
5 Anonymous always get referred to in the process of  
6 decision making? I mean, in other words, in that process  
7 that you described, starting with the group, then to the  
8 area, do the groups submit something to the area and then  
9 it goes back to the groups?

10 A. Yes.

11 Q. Would you kindly describe that, how that back and  
12 forth discussion and --

13 A. What happens in my home group, my home group makes  
14 -- what happens in the conscience, somebody will submit  
15 an ideal or concept to the group, and the group will  
16 discuss it, and we'll send it to the area, and the area  
17 sends it out to all the groups that are participating  
18 with the area service structure.

19 Then all the groups participate in collecting a  
20 conscience on that and make a decision. And then we go  
21 from there to the region. Then the region sends it back  
22 out to all the areas, and all the areas within that  
23 region send it to the groups. Then it comes back to the  
24 region, and then we submit it to the World Service  
25 Conference agenda that deals with conference stuff.

1           It's supposed to be put in the agenda and sent  
2 out to the Fellowship. And then we go back through the  
3 process again of approval of motions.

4 Q.    Based upon that process in this particular situation  
5 with a lawsuit instituted by the WSO, has that process  
6 occurred?

7 A.    This process has not occurred, and my group has not  
8 received the conference agenda yet to be able to deal  
9 with this situation. So my group itself is unaware of  
10 the actual case itself. We've been aware of the  
11 propaganda and threats of our World Service Office, which  
12 has affected Narcotics Anonymous as a whole.

13 Q.    Does your home group in that group conscience  
14 process, decision making process, do you and your home  
15 group provide free books to addicts?

16 A.    My home group has not accepted a Basic Text from  
17 World Service Office since 1988, and do pass out a free  
18 Basic Text because of the violations of process of our  
19 conference and our World Service Office with interference  
20 with our Fellowship.

21 Q.    Can you tell us whether your group is a part of an  
22 area service structure? That area service structure, has  
23 it ever voted to accept the fourth or fifth editions of  
24 Narcotics Anonymous?

25 A.    No, the area service has never approved the fourth

1 or fifth edition. We have disapproved the process of the  
2 fourth edition, and sent a letter to World Service  
3 Conference concerning that.

4 Q. Would you say that Ms. Moore's group and your group  
5 are only two -- how many groups would you estimate are  
6 currently providing free literature to addicts as a  
7 result of the alleged infringements that were submitted  
8 --

9 THE COURT: Mr. Moorhead, you'll have to find  
10 out from this witness whether he has any information with  
11 respect to what other groups do. We can't just take an  
12 estimate.

13 BY MR. MOORHEAD:

14 Q. Do you have information that you could share with us  
15 about the number of other groups across the country that  
16 -- or that in fact -- do you have knowledge of other  
17 groups in other places doing similarly alleged violations  
18 of laws, copyright ownerships?

19 A. I have knowledge of groups participating in, taking  
20 care of their own, not violation of set laws because the  
21 Fellowship does not feel that it's in violation of a  
22 law. It's how can the Fellowship sue itself. I mean  
23 your question ended real --

24 THE COURT: I think the problem is with the  
25 question. Weren't you trying to elicit information, Mr.

1 Moorhead, as to whether there were other groups besides  
2 the witness' and Ms. Moore's groups that were  
3 distributing or making available free Basic Texts?

4 MR. MOORHEAD: Yes, sir.

5 THE COURT: Do you know, do you have any  
6 information?

7 THE WITNESS: Yes, I do.

8 THE COURT: What is that information?

9 THE WITNESS: There's a broad coalition of  
10 groups in Narcotics Anonymous that will not participate  
11 in the purchase of Fifth Edition Basic Text, and will  
12 make available a free Basic Text to its membership. And  
13 that coalition stems from here to California, from Miami  
14 up to Alaska, and it's happening overseas. This is not  
15 something that is a minimal thing, as the plaintiff wants  
16 to put it into one human being.

17 BY MR. MOORHEAD:

18 Q. Would you say, Mr. Allen, that there is a -- has  
19 been, and is a growing sentiment -- let me rephrase  
20 that. Do you have knowledge of a growing sentiment and  
21 discontent of the Fellowship, the activities of the World  
22 Service Office?

23 A. There's been a growing dissent since I've been  
24 involved with World Service Conference. It now has  
25 become more broader based than ever before, because it

1 brought old members back out of California that got  
2 disenchanted years ago that are getting back involved  
3 since this happened, and have some feeling of being able  
4 to grasp their service structure back from who stole it  
5 from them. This hurts my heart to be here and not in the  
6 Conference where this belongs.

7 Q. Do you see how -- can you imagine --

8 MR. SYNNESTVEDT: Objection, Your Honor. The  
9 beginning of a question, can you imagine. It's just --

10 THE COURT: It's unlikely going to be a feasible  
11 question.

12 MR. MOORHEAD: All right, I need to confine  
13 myself.

14 BY MR. MOORHEAD:

15 Q. Is there any possible way -- in your opinion, is  
16 there --

17 MR. SYNNESTVEDT: Objection, Your Honor, calling  
18 for the witness' opinion as a fact witness is improper.

19 THE COURT: I don't think that's going to do  
20 it.

21 BY MR. MOORHEAD:

22 Q. Can you see any way in which this lawsuit could be  
23 beneficial to the public trust or to the Fellowship and  
24 membership of Narcotics Anonymous, or to the primary  
25 purpose of our Fellowship, as stated in the Fifth

1 Edition?

2 A. Let's just say that I took this case to my business  
3 law professor. My business law professor told me it  
4 sounds -- and told our class -- it sounds like your World  
5 Service Organization has violated your primary purpose,  
6 and it's a sad situation for the day of your Fellowship.  
7 I didn't mention Narcotics Anonymous. I went over the  
8 facts, information that was provided by World Service  
9 Office, the facts of everything presented, and the law  
10 professor told me that this is a sad day for your  
11 Fellowship to even have to take this into a court of law,  
12 and it will not benefit either side of an issue. All it  
13 will do is to tear apart something that is out to help  
14 addicts throughout the world.

15 MR. SYNNESTVEDT: I object on the grounds of  
16 hearsay, and move that the answer be stricken.

17 THE COURT: Overruled. I don't think it helps  
18 us very much, but I'm not going to start manicuring the  
19 record. Let's move to something else.

20 BY MR. MOORHEAD:

21 Q. Were you in attendance at the 1988 World Service  
22 Conference?

23 A. Yes, I was.

24 Q. And what was your World Service position at the  
25 time?

1 A. World Public Information Vice-chair.

2 THE COURT: Let me say that in overruling the  
3 objection, I am not accepting the evidence of what the  
4 unidentified business law professor had to say as  
5 substantive evidence. I'm accepting it as a statement  
6 made by the professor on the basis of facts as reported  
7 to him by the witness. That was the professor's  
8 reaction, and that's what has been reported. It doesn't  
9 weigh with me as substantive evidence of the rightness or  
10 wrongness of the legal contentions made here. Basically,  
11 for that reason, it has very little materiality at all.

12 BY MR. MOORHEAD:

13 Q. In your position as World Public Information Vice-  
14 chair, are you required by the duties of that position to  
15 pay strict attention to the events that occur at that  
16 World Service Conference?

17 A. Yes.

18 Q. In Mr. Hollahan's testimony as to the Fellowship  
19 giving permission to sue, do you know, in your best  
20 estimation -- do you recollect the events or the  
21 discussions pertaining to that?

22 A. Yes.

23 Q. Do I need to provide the minutes of the World  
24 Service Conference to refresh your memory?

25 A. No, you don't.

1 THE COURT: I hope we're bringing this to a  
2 conclusion pretty quickly.

3 MR. MOORHEAD: Yes.

4 BY MR. MOORHEAD:

5 Q. Would you tell us, to the best of your recollection,  
6 what was asked and what was granted?

7 A. Well, what happened at World Service Conference that  
8 year, basically we passed a motion on providing jewelry  
9 and other types of merchandise like that by World Service  
10 Office. And then a board of trustee member brought a  
11 motion to the floor that was not in our Conference agenda  
12 that violated our Conference procedures, to take an  
13 action against a set jewelry company outside the  
14 Fellowship that provided merchandise. And with that,  
15 they took a voice vote, which was violation of our  
16 contractual agreement with Narcotics Anonymous, and how  
17 to proceed with anything. The voice vote was taken and  
18 it was for that case only. It had nothing to do with  
19 anything. It was an external matter.

20 THE COURT: It's 5 o'clock. There are two  
21 matters that I have to take care of by five, so I'm going  
22 to -- we're going to recess for about seven minutes.

23 (Pause.)

24 BY MR. MOORHEAD:

25 Q. Would you state what the Fifth Tradition of

1 Narcotics Anonymous is? I'll refresh your memory. It's  
2 tough sometimes.

3 MR. SYNNESTVEDT: Excuse me, I couldn't hear  
4 you, Mr. Moorhead.

5 MR. MOORHEAD: I said, perhaps it would be  
6 better if you would read it out of this book here. Would  
7 you read the Fifth Tradition for -- this is not a  
8 document that's in dispute, is it? Just the italicized.

9 THE WITNESS: "Each group has but one primary  
10 purpose - to carry the message to the addict who still  
11 suffers."

12 BY MR. MOORHEAD:

13 Q. Thank you. Could you state what the document -- the  
14 book that you have there, the alleged infringing copy,  
15 Exhibit A in the Hollahan declaration, would you state --  
16 I guess I'm going to have to do this. I wish I didn't  
17 have to.

18 A. Can I ask one question? Is this the exact copy --  
19 is this the exact copy of what the case is being  
20 considered on?

21 MR. MOORHEAD: Well, that's a good question.

22 THE WITNESS: For me to read this whole document  
23 and say this is it --

24 THE COURT: Mr. Allen, a document which has been  
25 submitted as an exhibit, attached to the declaration by

1 Mr. Hollahan, whose testimony you heard today and is in  
2 his declaration, in paragraph five of the declaration,  
3 Mr. Hollahan recites that on the 23rd of September, he  
4 attended -- of 1990, he attended a workshop in Florida,  
5 at which Mr. Moorhead gave him in a brown envelope a  
6 document that he said was "hot off the press." And that  
7 material which you have in your hand, which is Exhibit A,  
8 is a photocopy of what Mr. Moorhead gave him at that  
9 time.

10 THE WITNESS: See, what I'm trying to find out,  
11 is this a copy of that one, or is it a copy of the one  
12 that actually reflects on what he says he changed,  
13 because I didn't read this one?

14 THE COURT: The document is the document which  
15 Mr. Hollahan says was handed to him in a brown envelope  
16 by Mr. Moorhead.

17 MR. MOORHEAD: I think I can help straighten  
18 this out.

19 BY MR. MOORHEAD:

20 Q. The copy that your home group and other home groups  
21 distribute, has that been altered in any way from the  
22 Basic Text that was developed and approved by the  
23 Fellowship between 1978 and 1982?

24 THE COURT: I think you'll have to confine the  
25 question to what it is that Mr. Allen distributes, what

1 his group distributes.

2 THE WITNESS: My home group distributes a baby  
3 blue form of First Edition Basic Text of Narcotics  
4 Anonymous, with the original fourth and ninth traditions  
5 in it, with the changes that make the Third Edition  
6 Revised, which are minimal of 20 to 25 different changes  
7 of cleaning up language.

8 BY MR. MOORHEAD:

9 Q. I want to ask you to clarify something. You said  
10 that it was a copy of the First Edition. When is it, in  
11 fact, not a copy of the approval, what the groups  
12 approved, the white copy?

13 A. Right. What it is, is the approval form of Basic  
14 Text of Narcotics Anonymous that we approved in 1982.

15 Q. Okay, thank you.

16 Now, the Third Edition Revised changes affected  
17 approximately how many words?

18 A. Approximately, 20 to 25.

19 Q. So I guess the book that your home group is  
20 distributing -- I would be sure that Ms. Moore would say  
21 the same thing --

22 THE COURT: Let's not -- put aside what Ms.  
23 Moore would say.

24 BY MR. MOORHEAD:

25 Q. Is, in fact, a true copy of the pre-'82, approved by

1 the group's Basic Text with 20 or so words, minor changes  
2 that created the Third Edition Revised? Would that be a  
3 fair description?

4 THE COURT: I'm afraid I don't understand the  
5 question.

6 MR. MOORHEAD: It's a very difficult question,  
7 Your Honor, and it goes back to something that was said  
8 earlier about when the book was, and the copyrights and  
9 who held it and who owned it, and whether it's, in fact,  
10 been changed, as the plaintiffs indicate --

11 THE COURT: Well, Mr. Moorhead --

12 MR. MOORHEAD: -- of their copyrighting stuff,  
13 is the best way I can say it, I guess.

14 THE COURT: If you're going to ask the witness  
15 to compare texts, then let's just ask him that, and give  
16 him a document or show him a document and ask him, is  
17 this the same as that other document, or how does it --  
18 it differs how?

19 MR. MOORHEAD: Hopefully, this is not going to  
20 cause a bad scene. These are infringed, I guess, copies  
21 of --

22 THE COURT: Please, let's not have you  
23 characterize what it is.

24 MR. SYNNESTVEDT: Could I have a moment, please,  
25 to look at this?

1 THE COURT: Yes. I asked you before to show Mr.  
2 Fields and Mr. Synnestvedt documents that they have not  
3 seen.

4 MR. MOORHEAD: I indicated to him that there  
5 were a few things on here, but, as you can see, some of  
6 them might have escaped my mind at this point.

7 THE COURT: Are there going to be any other  
8 documents that we are going to be looking at?

9 MR. MOORHEAD: Well, I certainly would hope  
10 not. I don't know if it's appropriate, but I'm sure Mr.  
11 Synnestvedt could object. I would, you know -- I would  
12 like to say to everybody further, you know -- save  
13 further agony and embarrassment and confusion. And, if  
14 it's appropriate, I would like to make a motion to  
15 dismiss this matter and have us go back and settle.

16 THE COURT: Well, you're moving too fast for us,  
17 Mr. Moorhead. In the setting that we are now, which  
18 we're about to examine the witness on the document, which  
19 apparently had not been made available to counsel before,  
20 I wanted to inquire whether there were other documents  
21 that you wanted to ask about, taking advantage of the  
22 fact that Mr. Synnestvedt is talking to Mr. Hollahan.  
23 We'll find out what he thought that document was.

24 Mr. Synnestvedt, have you now consulted with Mr.  
25 Hollahan?

1 MR. SYNNESTVEDT: Yes, Your Honor. This appears  
2 to be, as it says on the front, Basic Text Approved for  
3 Unpublished Literary Work.

4 MR. MOORHEAD: Approval.

5 MR. SYNNESTVEDT: Approval, excuse me. Basic  
6 Text Approval for Unpublished Literary Work. And it has  
7 a copyright notice, World Service Conference Literature  
8 Subcommittee of Narcotics Anonymous, 1981. We have no  
9 objection to the witness being interrogated on this  
10 subject.

11 THE COURT: All right, go ahead.

12 BY MR. MOORHEAD:

13 Q. Hopefully, this will not lead us down another  
14 trail. I am not going to ask the witness this, but I  
15 would like to at some point, if possible, submit some of  
16 this stuff for the record, if it's appropriate, and I'm  
17 sure you will advise me on how to accomplish that.

18 THE COURT: It will either have to be done -- if  
19 you're going to put a document into evidence -- if you're  
20 going to offer a document into evidence, you will have to  
21 do it by -- you'll have to do it either by getting a  
22 witness to identify it, or by getting agreement with your  
23 colleagues here, if you can get that. I certainly hope  
24 we don't have to go through a lot more tortuous work to  
25 identify documents.

1 MR. MOORHEAD: I hope so, too.

2 BY MR. MOORHEAD:

3 Q. Is this a copy of the document that was voted on by  
4 all the groups in Narcotics Anonymous, and approved at  
5 the '82 World Service Conference?

6 A. Yes.

7 Q. Between this document and the book that you  
8 distributed in your home group, how many words, actual  
9 words have been -- are different from that document?

10 A. Approximately, 20, 25.

11 THE COURT: Is a copy of your document, your  
12 book, is that here? It's not an exhibit, is it?

13 MR. MOORHEAD: Yes, sir. These are all books,  
14 and there are more from different sources and different  
15 places.

16 THE COURT: Mr. Moorhead, all I'm trying to  
17 identify is what Mr. Allen was talking about. You asked  
18 him some questions, and the question is up in the air,  
19 unless we relate it to a particular document, of which  
20 you will show a copy to Mr. Synnestvedt.

21 MR. SYNNESTVEDT: I need to see a copy of it,  
22 Mr. Moorhead.

23 MR. MOORHEAD: Yes, I'd be delighted.

24 THE WITNESS: Yes.

25 THE COURT: That is the book which is made

1 available by your home group?

2 THE WITNESS: Right.

3 THE COURT: Currently made available?

4 THE WITNESS: Yes.

5 MR. MOORHEAD: Your Honor, is it possible for me  
6 to have Mr. Sewell aver to that, and Ms. Moore aver to  
7 that, and Ms. Jackson from Virginia to aver to that?

8 THE COURT: It's sufficient for Mr. Allen to  
9 tell us what his home group shares.

10 MR. MOORHEAD: Yes.

11 THE COURT: Ms. Moore presumably isn't  
12 personally involved in what happens in Mr. Allen's home  
13 group, and Mr. Sewell isn't; is that correct?

14 MR. MOORHEAD: Correct.

15 THE COURT: Ms. Moore has told us what happens  
16 in her home group. Mr. Allen is telling us what happens  
17 in his home group.

18 MR. MOORHEAD: I don't really believe I have any  
19 further questions, unless there's any data that Mr. Allen  
20 would like to provide to the Court.

21 THE WITNESS: There's one thing I need to set  
22 clear. It's not my home group. It's the group that I  
23 belong to. I'm just an anonymous member that's been  
24 basically --

25 THE COURT: Where is that group?

1           THE WITNESS: Allentown, Pennsylvania, 15th and  
2 Walnut, Wednesday night; 6th and Walnut on Tuesday night;  
3 15th and Walnut on Saturday morning. I'm a member of a  
4 home group that says my anonymity is to be respected at  
5 all times. My group is to be allowed to be autonomous.  
6 It's in the traditions under Narcotics Anonymous which  
7 are not negotiable.

8           THE COURT: All right, Mr. Allen.

9           THE WITNESS: The group has been violated. I  
10 won't ask anymore questions.

11          THE COURT: Mr. Synnestvedt?

12          MR. SYNNESTVEDT: No questions, Your Honor.

13          THE COURT: Thank you, Mr. Allen. Do you have  
14 further witnesses?

15          MR. MOORHEAD: Well, I really don't see how  
16 anymore witnesses would shed anymore light on the subject  
17 matter before us at this point, Your Honor. However, I  
18 do have a couple of things I would like to submit and I  
19 would -- it's sworn statements. Upon review of these  
20 documents, they are sworn statements from the past World  
21 Literature chair that was the holder of the -- personal  
22 holder of the copyrights and supporting documentation,  
23 and a deposition from -- or a sworn statement and a  
24 photostatic copy of a --

25          THE COURT: Are these materials that you've

1 shown to Mr. Synnestvedt?

2 MR. SYNNESTVEDT: No, sir.

3 MR. MOORHEAD: No, sir, but I would like to.  
4 I'm just saying that I would like to do that at this  
5 point.

6 THE COURT: All right. I'll ask that these  
7 documents -- while they are being studied by one of you,  
8 Mr. Synnestvedt or Mr. Fields, in conjunction with Mr.  
9 Hollahan -- perhaps we can save a little time rather than  
10 take another recess -- I think there's one additional  
11 question or a couple of questions that I'd like to put to  
12 Ms. Moore.

13 Ms. Moore, if you would return to the witness  
14 stand.

15 BY THE COURT:

16 Q. Ms. Moore, thank you for returning. I meant to ask  
17 a question, a further question or two about the book  
18 which you have testified is made available to persons at  
19 your home group meetings. You identified that, I  
20 understand -- as I understood your testimony -- as the  
21 photostat -- the same as the photostat documents which is  
22 Exhibit A to that Hollahan declaration.

23 A. Yes, it's just a version with a more updated cover,  
24 is what's available. But the text is unchanged.

25 Q. I see. Now, I believe you said that your group

1 hasn't received any additional printed copies of that in  
2 some time. I'm not sure --

3 A. That's correct.

4 Q. For some months. Do you have any personal knowledge  
5 of what the source was of the copies that you have had  
6 and which you have shared of those coming to your  
7 meetings?

8 A. I never have seen anything being printed. I mean  
9 they just are. We just sort of save them for God. I  
10 know that doesn't go with the legal system.

11 Q. You were not involved in procuring them from some  
12 source somewhere?

13 A. No, I'm not.

14 Q. And they just -- so far as you know, they just  
15 physically turned up at some point?

16 A. Home group members do collating, do stapling and  
17 things such as that. I have been involved with the  
18 handling, with the physical processing. But as to  
19 securing printed matter, purchasing things, no. No, this  
20 is --

21 Q. Were you involved in collating or stapling?

22 A. Yes, I've done it.

23 Q. But you have no information as to where the pages  
24 came from that you collated?

25 A. No, no, because it's just something that was

1 considered rather sensitive, and it's just not  
2 information that we felt needed to be known.

3 But when asked to donate time from my business,  
4 I've donated my time to do what I could to put books  
5 together for my home group, to get them on the table and  
6 to keep the cost down.

7 THE COURT: All right, thank you very much.

8 THE WITNESS: You're welcome.

9 THE COURT: Did counsel have any opportunity to  
10 examine the materials?

11 MR. SYNNESTVEDT: Just one moment, Your Honor.

12 We object to the admission of these on the  
13 ground of hearsay.

14 MR. MOORHEAD: On what ground?

15 MR. SYNNESTVEDT: On the ground of hearsay.

16 MR. MOORHEAD: If Mr. Synnestvedt can object to  
17 these sworn statements on the ground that they are  
18 hearsay, then I must also enter an objection to the sworn  
19 statements of Mr. Hollahan, brought in on the same  
20 ground.

21 THE COURT: Of course, Mr. Hollahan is here.  
22 Mr. Hollahan is here.

23 MR. MOORHEAD: Mr. Tooredman --

24 THE COURT: Mr. Tooredman has submitted a  
25 declaration which is part of the pleadings in this case.

1 This has been presented -- it's been filed for some  
2 time. We, of course, are aware of its status, and it's  
3 been relied on by the plaintiff in presenting its request  
4 for injunctive relief.

5 Now, I don't know what the documents are that  
6 you are offering, but I think if you're going to ask for  
7 statements by people that -- whose contributions have  
8 been unknown to the plaintiff up until this moment, if  
9 you're going to ask for them to be admitted into  
10 evidence, then I think you're going to have to bring  
11 those persons to the witness stand so that they be  
12 available for examination. That, I think, is really only  
13 going to be fair. Otherwise, we have out-of-court  
14 statements, which the plaintiff hasn't done anything  
15 about up until this moment, that it's confronted with.  
16 It makes it a little hard to deal with.

17 MR. MOORHEAD: If I may. The notice and  
18 holidays prevented me from having these individuals here  
19 today. However, they said that they would be willing to  
20 come should this matter go any further and they were  
21 served a subpoena. They would be delighted to come.  
22 That would satisfy the requirements of their boss.

23 I would say to the judge at this point, if I may  
24 be so frank, is that the plaintiff's attorneys and the  
25 plaintiff has, in fact -- the plaintiff has printed these

1 documentations in their own printings and mailings to the  
2 publisher over the past eight months that they have been  
3 threatening to do things. These are from the plaintiff's  
4 own documents. The only thing that is not, in fact, is  
5 that, I declare under penalty of perjury this gentleman,  
6 who was a World Literature Chair and the holder of the  
7 release letter of the copyrights that they refer to in  
8 their statements, has sent this to me to support the  
9 claims that I made. And this other thing is to show --

10 THE COURT: Mr. Moorhead, I guess I'm not  
11 getting the gist of what you're saying. You're not  
12 saying to me that the documents that you want to submit  
13 are documents that you received from plaintiff or from  
14 plaintiff's counsel, are you?

15 MR. MOORHEAD: No, sir. Over the course of the  
16 past eight months, the WSO has sent out packet after  
17 packet after packet of information and documents. These  
18 supporting documents were in those packets, Your Honor.  
19 The plaintiff knows full well that these documents are,  
20 in fact, true and correct. And he is aware of this  
21 individual. He knows them. He's from Florida. He knows  
22 this person. He knows that my activities are not the  
23 only activities going on around the world; that people  
24 are printing and publishing. I believe it's just an  
25 attempt to frustrate the truth in this proceeding here.

1 I guess I'll just have to let it go.

2 THE COURT: If these people aren't available to  
3 you as witnesses today, but you say they can be at a  
4 later time, then they will presumably be available at the  
5 consideration of the application for a preliminary  
6 injunction. So why don't you hold those documents until  
7 that time?

8 MR. MOORHEAD: All right, sir. I'm going to  
9 trust the good judgment of this Court as to whether there  
10 should be a restraining order issued. I'm prepared to  
11 defend this case in full unless -- I don't want to call  
12 anymore witnesses. I don't want to get into anymore "he  
13 said, she said" stuff. If the Judge thinks that I need a  
14 restraining order, then, you know, that's the way it  
15 goes. I'll have to say that I plan to vigorously pursue  
16 all rights under law, but I would like to, at this point,  
17 if it's appropriate, make a motion for dismissal.

18 THE COURT: Mr. Hollahan, would you return to  
19 the witness stand, please?

20 BY THE COURT:

21 Q. Mr. Hollahan, you were here during Ms. Moore's  
22 testimony?

23 A. Yes, sir, I was.

24 Q. Does the WSO have some inventory of Third Revised  
25 Editions of the Basic Text?

1 A. No, sir, we don't have an inventory of prior  
2 editions of the Basic Text. When a decision is made by  
3 the Conference to change the editions, the WSO is  
4 expected to distribute whatever remaining inventory is  
5 left, and to no longer carry a stock or an inventory of  
6 that edition, and then carrying the edition that was much  
7 used and approved by the Conference.

8 Q. Do you have any inventory of editions prior to the  
9 Fifth Edition?

10 A. I would say a small number; maybe five of each  
11 edition that we keep for archive purposes.

12 Q. Do you have any policy, Mr. Hollahan, with respect  
13 to the distribution of copies of the Basic Text for  
14 persons who are unable to pay the charge, which I think  
15 you said is now \$8 per volume?

16 A. Certainly, for a number of years the offices have  
17 had a policy of working with the Hospital and Institution  
18 Committee, the Group Services Department and the  
19 International Department. We have sent out Basic Texts  
20 free when individuals have requested.

21 We usually try to judge somewhat the need when  
22 those requests come in, but we have been pretty free with  
23 fulfilling those requests.

24 Q. You heard Ms. Moore describe a situation in which  
25 her group serves a constituency, many of whose members

1 are, it would appear, indigent or at least not in the  
2 position to send several dollars for a book.

3           Is that a situation in which it would be part of  
4 your policy to make Basic Texts available on a free  
5 basis?

6 A. I certainly feel that the board of directors would  
7 consider that request. Perhaps, first the members of  
8 that group would be encouraged to talk to their area  
9 service committee and to the regional committee before  
10 coming to the World Service Office.

11           We have a literature distribution network in  
12 groups that have special requests like that. It first  
13 goes to the local committee, and then to the regional  
14 committee, and then to the world. At other times, the  
15 requests come directly to the World Service Office.

16 Q. If such a request came to you and was approved by  
17 your directors, or who would be in a position to make  
18 that decision, the text that you would have available for  
19 distribution would be the Fifth Edition; is that correct?

20 A. Yes, sir.

21 Q. I take it you have no plans to republish any of the  
22 prior editions prior to the Fifth Edition; is that  
23 right?

24 A. Well, there's no plans by the office itself to  
25 republish them in addition. That would be a decision

1 that the Conference would have to make. Certainly, I do  
2 not believe the office would stand in opposition to any  
3 proposal of that nature.

4 THE COURT: I've just taken the liberty of  
5 calling Mr. Hollahan back to the stand. I don't know if  
6 there are any questions that either of the parties would  
7 like to ask him, addressed to the particular issue that I  
8 put to Mr. Hollahan?

9 MR. MOORHEAD: I would like to ask him a couple  
10 questions.

11 THE COURT: Go ahead, Mr. Moorhead.

12 BY MR. MOORHEAD:

13 Q. What do you think the possibilities are that the  
14 board --

15 MR. SYNNESTVEDT: Excuse me, I can't hear you.

16 BY MR. MOORHEAD:

17 Q. What do you think the possibilities are, George, in  
18 view of everything that's gone on, that the board of  
19 directors or Conference would entertain such an idea?

20 A. It would be very hard for me sitting here where I  
21 sit, as a member of this Fellowship and a special worker,  
22 to calculate that percentage. I certainly feel in my  
23 heart that the question itself is one that would be  
24 addressed, and addressed fairly.

25 Q. How, in the face of all the one-way communication,

1 could you possibly draw such an inference that the issue  
2 would be treated fairly?

3 THE COURT: That I won't allow. I won't let you  
4 pursue that kind of argumentative question.

5 MR. MOORHEAD: I don't really guess I have  
6 anymore questions, George. I mean, you know, whatever  
7 you guys got to do, you got to do.

8 THE COURT: Well, Mr. Moorhead, I'm perfectly  
9 happy to have you ask Mr. Hollahan factual questions that  
10 flow from the questions that I put to him. All that I'm  
11 asking, that you not get into simple argument between  
12 counsel and witness. For this purpose, I'm regarding you  
13 as counsel. I'm not asking you to go ahead and put  
14 questions.

15 MR. MOORHEAD: I don't quite know how to -- what  
16 to say or what to ask. I can just say that based on my  
17 experience, that is never going to happen. That's all I  
18 can say, so there's no point in my bothering him because,  
19 you know -- you know, I can go through here and go  
20 through here and go through here and go through here and  
21 go through -- it gets pointless after awhile, Your  
22 Honor. It's just not applicable.

23 THE COURT: Mr. Synnestvedt, do you have any  
24 questions for Mr. Hollahan?

25 MR. SYNNESTVEDT: No, Your Honor, I do not.

1           THE COURT: Thank you, Mr. Hollahan, you may  
2 step down. I realize, in calling Ms. Moore back to the  
3 stand, I didn't give either the plaintiff or the  
4 defendant an opportunity to question her on questions  
5 that I put to Ms. Moore. And if either you, Mr.  
6 Moorhead, or you, Mr. Synnestvedt, wish to question Ms.  
7 Moore with respect to the matters I asked her about, I  
8 will ask you to come back again.

9           MR. SYNNESTVEDT: No thank you, Your Honor. No  
10 further questions of Ms. Moore.

11          MR. MOORHEAD: It's not necessary, Your Honor.  
12 Thank you.

13          THE COURT: We have spent the day hearing  
14 testimony in this matter. It is not the kind of a  
15 controversy that a court welcomes. It is, quite  
16 evidently, a controversy which is essentially internal to  
17 a group with many, many members, many dispersed  
18 subentities, a common purpose, a common purpose of great  
19 social consequence.

20          It is evident that the Fellowship has engaged  
21 over the years the devoted participation of tens of  
22 thousands, now maybe hundreds of thousands, of people,  
23 people who have in their own lives been deeply troubled,  
24 and who have striven very hard to liberate themselves in  
25 the course of time, to help liberate others to brave this

1 sort of peril.

2           For a controversy to arise in an enterprise of  
3 that kind is regrettable, certainly one that is  
4 controversy that seems to be deeply schismatic. It is  
5 more regrettable, and it appears to be beyond the  
6 capacity of the participants to resolve their differences  
7 internally, recognizing the larger importance of common  
8 purposes than the areas of disagreement. That is to say,  
9 the more regrettable one. An appeal is made to the  
10 secular authority of the courts to make dispositions.

11           I asked the parties to try their best to reach  
12 some resolution, at least on an interim basis, not on a  
13 final basis, and the efforts on the 27th and 28th of  
14 December evidently were not fruitful. Today's testimony  
15 only underscores for me the importance of some serious  
16 attention being given to reconciliatory activity rather  
17 than activity of a divisive kind. I rather appreciate  
18 that with people feeling deeply, as evidently people do  
19 on each side of this issue, it is the tendency of each  
20 side to think, well, I am the reconciler, and it's the  
21 people over there who are being divisive.

22           I suppose in this courtroom right now, Mr. Wolfe  
23 and I are the only people who are in a position to say,  
24 maybe both sides suffer a little from the sins of  
25 inflexibility and certainty that virtue is mine and

1 vice is thine.

2 I would ask you all to give some close attention  
3 to the possibility that there is more that you have in  
4 common than that divides you, and to carry on  
5 controversies of this kind is only destructive of, and  
6 diversionary from, your common purposes.

7 One point that I find particularly disturbing is  
8 to be told, as, in effect, Ms. Moore was telling me, that  
9 we have poor people who are greatly in need of guidance.  
10 They can't afford \$8 a book and, therefore, we want to  
11 make texts available to them for little or nothing, or at  
12 least we want to make access to such texts available.

13 I hear from Mr. Hollahan that, in principle, the  
14 WSO has no difficulties with furthering what would seem  
15 to be such a clearly laudable goal, assuming one believes  
16 in the purposes of Narcotics Anonymous. But, of course,  
17 the resolution which would flow from an assent by the  
18 directors of the WSO to making texts available; free to  
19 Ms. Moore's home group, and possibly to other groups  
20 which have constituencies which really can't pay, afraid  
21 of \$8 a volume, that resolution begins to seem remote  
22 when one is told, yes, but the text that WSO has in  
23 stock, its Fifth Edition, is not a text that we in  
24 conscience could accept. It's a little curious to be  
25 told by Ms. Moore that maybe the Third Revised Edition

1 might be acceptable. They would have to talk to the  
2 group about that. But it's certainly not the Fifth  
3 Edition.

4           That was apparently beyond the pale in  
5 discussion with the group. I have not inquired into, and  
6 I do not intend to inquire into, what the debates are  
7 with respect to what texts are appropriately within the  
8 compass of the revered 12 traditions, and what are not.  
9 Debates of that sort have a habit of being unproductive.  
10 Yet, I can't believe that if you people on both sides of  
11 the aisle, both sides of the litigation, really have a  
12 shared earnest commitment to people gripped by addiction,  
13 that you cannot find a way of reconciling your  
14 differences, recognizing that shadings of verbal meaning  
15 may usefully be the subjects of honest debate rather than  
16 insuperable obstacles to getting on with your real  
17 business of saving people who are desperately ill.

18           I guess I'm saying to you that after listening  
19 all day, I think there's an awful lot of  
20 self-righteousness on both sides of this case. And for  
21 people who are trying to save others, that sort of self-  
22 righteousness is not entirely attractive.

23           So now you have my preachment. I'm going to  
24 leave you for some hours with that preachment to chew  
25 over. I'm going to challenge you, both sides, to have

1 the courage of your convictions to talk with one another,  
2 not against one another, but with one another, with a  
3 view, at least for the moment, of reaching accommodations  
4 -- maybe small accommodations arrived at now -- to  
5 obviate the need for going forward one way or another  
6 with an application for a Temporary Restraining Order,  
7 and beyond that a Preliminary Injunction.

8           Maybe accommodations arrived at right now could  
9 pave the way for larger accommodations so that you could  
10 then use more fruitfully the machinery of the World  
11 Conference and get back to reasoned collective debate  
12 rather than imposing solutions on one another.

13           I don't know whether you really have the courage  
14 of your conviction. I wonder whether each side isn't  
15 simply taking a refuge in its self-described virtue.  
16 Maybe if I talk long enough in this vein you can  
17 recognize me as a common enemy, and that will give you  
18 something to unite about.

19           You're not the only people who recognize the  
20 evils of narcotics addiction. A person in my line of  
21 work sees it every day in this courtroom, and these  
22 courtrooms are replicated by the tens of thousands  
23 throughout the country. For every one of your home  
24 groups, there are scores and scores and scores of  
25 courtrooms. So if you want to work at these problems,

1 work at them.

2 Work at them for the balance of this evening and  
3 tomorrow morning. You can come back here tomorrow at  
4 11:30, and you can tell me whether you've been able to  
5 manage to talk constructively together.

6 As I understand it, the conversations up to now,  
7 on the 27th and 28th, were between Mr. Moorhead on the  
8 one hand, and Mr. Synnestvedt and Mr. Fields on the  
9 other. Mr. Synnestvedt and Mr. Fields are lawyers. I  
10 was about to say only lawyers. I don't mean that in a  
11 disparaging sense, or I would disparage myself. I'm only  
12 a lawyer, too. But we're instrumentalists in this  
13 business. It's Mr. Hollahan and his colleagues on the  
14 one hand, and Mr. Moorhead and his colleagues on the  
15 other hand who are going to have to decide whether they  
16 can do something constructive.

17 I think the next set of conversations -- and I'm  
18 going to leave you here in this courtroom. This is a  
19 good venue to start. Its neutral ground has a certain  
20 severity that may remind you of your common obligations.  
21 I think it should be the attorneys and the litigants, Mr.  
22 Hollahan as well as his attorneys, Mr. Moorhead -- and I  
23 hope, Mr. Moorhead, your colleagues with you -- talk here  
24 in the courtroom, go out and have supper, talk more  
25 there. If you can't work something out this evening,

1 then you'll have a few hours in the morning. But take  
2 your responsibilities seriously.

3           Forget the posturings of this courtroom. If you  
4 come up empty-handed by tomorrow morning at 11:30, then I  
5 will go forward to consider the motion for a Temporary  
6 Restraining Order. Good night.

7           (Court adjourned the proceedings at 6:10 p.m.)

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