

Superior Court of the District of Columbia
Washington, D. C. 20001

Chambers of
Leonard Braman
Senior Judge

August 11, 1983

HAND-DELIVERED

The Honorable Charles R. Richey
District Judge
United States District Court
for the District of Columbia
United States Courthouse
Washington, D.C. 20001

Re: Synanon Foundation, Inc. v. Stuart A. Bernstein,
et al., C.A. No. 7189-78

Dear Judge Richey:

The above-captioned matter has been assigned to my calendar and is set for trial beginning September 12, 1983.

There was filed on July 18, 1983, on behalf of two of the defendants a Motion for Dismissal and Related Sanctions and for Expedited Hearing; the remaining defendants have since filed similar motions. The predicate of the motion, which raises serious charges, inter alia, of destruction and concealment of materials sought in discovery, is the Declaration of Bette Fleischman dated July 8, 1983. I understand that the Fleischman Declaration is the basis of a comparable motion filed by the Government on July 11, 1983 in The Synanon Church v. United States of America, Civil Action No. 82-2303, presently pending before you.

Because of the imminence of our trial date, I convened a hearing yesterday on the motions and several derivative motions, including Synanon's motion seeking to take the deposition of Fleischman in Arizona. Since the witness, who has apparently been granted immunity in your case, is key to the main motions in both cases, Thomas Lawler, Esq., defense counsel in your case, was invited to attend the hearing on the deposition motion. Mr. Lawler expressed opposition to the motion, asserting that it would have a "chilling effect" upon Ms. Fleischman's testimony in the District Court case. However, none of my defendants opposed the motion. I ruled that I would grant the motion but, since I was not inclined to force Ms. Fleischman to run a gauntlet of depositions and multiple examinations, I would withhold my order in order that I could properly frame appropriate terms and conditions for the taking of the deposition dependent, among other things, on the course of action taken in the case pending before you. (A trans-

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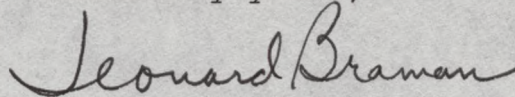
cript of the hearing and my ruling is presently being prepared and should be delivered to you tomorrow. Since I am leaving town today, I am hand-delivering this letter to you in advance of the transcript.)

It would greatly assist us if we had some notion of the approximate time schedule presently contemplated in the case before you. Specifically, if Fleischman's testimony will be taken in the near future, I could then guide myself accordingly. On the other hand, if her examination is to be deferred for a substantial period of time, the course in my case might be different.

I would appreciate your written response at the earliest convenience.

With best wishes, I remain,

Sincerely yours,



Leonard Braman

cc: Geoffrey P. Gitner, Esquire
Warren K. Kaplan, Esquire
John R. Cope, Esquire
Collister Johnson, Jr., Esquire
Thomas M. Lawler, Esquire