

TO: JUDGE
FR: BARBARA
RE: SYNANON V. IRS, NO. 82-2303
DA: OCT. 21, 1983

per 6/1 orders held in
obeyance 'til CRR de-
cides to proceed on
the parties petition to
reopen the matter, for
good cause.
→ watch for ① grand
jury / crim. developments,
& ② Ct. of App. action

This case is currently set for pretrial on November 7th
and trial on November 9th. The following motions are pending:

- 1) cross motions for summary judgment (ripe 7/11 and 8/11)
- 2) defendant's motion for plaintiff to produce information
on hidden/destroyed materials (ripe 8/11) *It's agreed it
states to produce what exists.*
This may have been resolved informally by plaintiff's
promises to cooperate at the Aug. 15th status call, the
court's orders of Aug. 17th and 23rd, and plaintiff's
voluntary compliance (see report filed Aug. 30th)
- 3) plaintiff's motion to suppress the affidavits of Fleish-
man, Arbiter, and Mullen (never opposed)
- 4) plaintiff's motion to require the government to produce
documents regarding Bette Fleishman (ripe 9/1)

all except →
The parties have also submitted memoranda on the propriety of
proceeding by way of mini-trial. The government is strongly in
favor and Synanon strongly opposed. The parties have conferred
and can't resolve their disagreement.

recommendations:

1. Reschedule the trial, possibly for early December. This
will give us time to decide promptly on whether a mini-trial is
feasible and, if not, to consider the massive summary judgment
motions.
2. Ask defendant whether the voluntary discovery compliance
moots its motion to produce.
3. Ask Synanon to respond to the government's alternative
proposal for a mini-trial on the issue of private inurement,

another basis on which the IRS relied in revoking Synanon's tax exempt status.

4. Confirm with the parties that the motions listed above are the only matters now before the court and that none are moot.