

IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH JUDICIAL CIRCUIT

---

COURT OF APPEALS NO. 87-6486

---

APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA  
Honorable Robert M. Takasugi, Judge

---

GENERAL LEON DEGRELLE,  
Plaintiff-Appellant,

vs.

SIMON WIESENTHAL CENTER,  
Defendant-Appellee.

---

APPELLEE'S EXCERPTS OF RECORD

---

JEFFREY N. MAUSNER  
LAURENCE M. BERMAN  
BERMAN, BLANCHARD, MAUSNER & KINDEM  
4727 WILSHIRE BLVD., SUITE 500  
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Attorneys for Defendant-Appellee  
Simon Wiesenthal Center

LAW OFFICES OF  
MARTIN MENDELSON  
1700 K ST. N.W.  
WASHINGTON D.C. 20006

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IN THE  
UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

**FILED**  
12 16  
JUN 11 1986  
CLERK, U.S. DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
BY *[Signature]*

GENERAL LEON DEGRELLE, )  
Plaintiff )  
v )  
SIMON WIESENTHAL CENTER, )  
Defendant )

Civil Action No. 86 3707 RMT  
COMPLAINT

(B)

STATEMENT OF THE CASE

This case arises out of a million dollar reward offered by the defendant organization to whoever will kidnap the plaintiff.

JURISDICTION

Jurisdiction of this court is invoked under the Constitution and laws of the United States as follows:

A. 28 U.S.C. sec. 1332 (a) (2) in that the plaintiff is a foreign national and the defendant is a California corporation.

B. U.S.C. sec. 1332 (c) in that said corporation is deemed to be a citizen of California for the purposes of invoking jurisdiction under 28 U.S.C. sec. 1332 (a) (2).

C. 18 U.S.C. sec. 1964(c) in that any person injured in his property by reason of a vilolation of the Racketeer Influenced Corrupt Organization (RICO) Act may sue in any appropriate United States District Court.

VENUE

Venue is proper under 18 U.S.C. sec. 1965(a) in that Los

001

*[Handwritten marks]*

*[Handwritten mark]*

1 Angeles in the district in which the defendant "resides, is found,  
2 has an agent or transacts his affairs."

3 Venue is proper under 28 U.S.C. sec. 1391(b) in that Los  
4 Angeles is the judicial district the defendant is located in.

5  
6

PARTIES

7 Plaintiff, General Leon Degrelle, is a resident of 37 Santa  
8 Engracia Madrid 10 Spain. Plaintiff was a Belgian statesman prior  
9 to World War Two. During the said war he volunteered to serve as  
10 a private in the Belgian Wallonia Legion and fought against the  
11 Communist forces on the Eastern Front for four years. During that  
12 period he rose from private to general for his valor as a soldier.  
13 Plaintiff fought for the defense of Christian and Western  
14 civilisation against encroaching Bolshevism along with the armies  
15 of Germany and the volunteer forces of 36 different countries.  
16 The said forces's Commander in Chief was Adolf Hilter, the  
17 democratically elected head of the German State.

18

19 Defendant, Simon Wiesenthal Center, is an organisation based  
20 in Los Angeles with the avowed purpose of locating and capturing  
21 "Nazi War Criminals", said organization having its main  
22 headquarters at 9750 West Pico Blvd., Los Angeles, California 90035.



23  
24

FACTS

25 Defendant, Simon Wiesenthal Center, has offered a million dollar  
26 reward for the kidnapping of the plaintiff.  
27 More than one attempt has been made to collect said reward, by  
28 persons unknown to the plaintiff.

1 Defendant has labeled the plaintiff as "NAZI WAR CRIMINAL", an  
 2 information, along with the reward offered, conveyed to numerous  
 3 European newspapers.  
 4 Plaintiff is severely restricted in his movements and business  
 5 dealings due to all the nuisances attempting to collect said  
 6 "reward".

7  
 8 LEGAL CLAIMS

9 The actions of the defendant constitute the torts of;  
 10 Defamation (libel and slander).  
 11 Harrasment.  
 12 Nuisance.  
 13 Assault.  
 14 False imprisonment.  
 15 Invasion of Privacy (intrusion, false light in the public eye).

16  
 17 Plaintiff also states that defendant and its agents are subject to  
 18 criminal prosecution for conspiracy (18 U.S.C. sec. 371) to comit  
 19 kidnaping (18 U.S.C. sec. 1201).

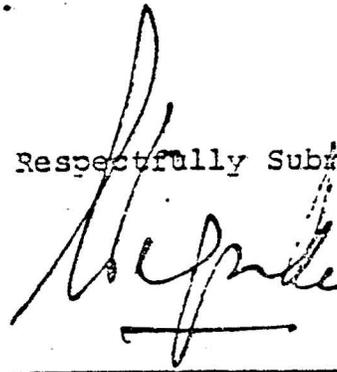
20  
 21 RELIEF REQUESTED

- 22 1. Compensatory damages in the amount of \$1,000,000.00 from the  
 23 defendant, Simon Wiesenthal Center.  
 24 2. Treble damages in the amount of \$3,000,000.00 from defendant.  
 25 Simon WiesenthalCenter, pursuant to the provisions of 18 U.S.C.  
 26 sec. 1964(c).  
 27 3. Punitive damages in the amount of \$10,000,000.00 from defendant,  
 28 Simon Wiesenthal Center.

- 1 4. Trial by jury on all issues triable by jury.
- 2 5. Plaintiff's cost of this action.

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Respectfully Submitted,




---

General León Degrelle  
 Santa Engracia  
 Madrid 10  
 Spain

RECEIVED  
APR 20 1987  
HUFSTEDLER, MILLER,  
CARLSON & BEARDSLEY

IN THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

GENERAL LEON DEGRELLE, )  
 )  
Plaintiff, )  
 ) CIVIL ACTION FILE  
 ) NUMBER CV 86-3767-RMY(Bx)  
vs. )  
 )  
SIMON WIESENTHAL CENTER, )  
 )  
Defendant. )

PLAINTIFF'S FIRST AMENDED COMPLAINT

COMES NOW THE PLAINTIFF in the above styled action and files this his First Amended Complaint, showing the Court as follows:

STATEMENT OF THE CASE

This case arises out of a campaign of harrassment, defamation, threats and other hostile acts carried out by the Defendant against the Plaintiff.

JURISDICTION

Jurisdiction is vested in this Court under the Constitution and laws of the United States as follows:

(a) 28 U.S.C § 1332 (a) (2) in that the Plaintiff is a foreign national and that the Defendant is a California corporation.

(b) 28 U.S.C. §1332 (c) in that said corporation is deemed to be a citizen of California for the purpose of invoking jurisdiction under 28 U.S.C: § 1332 (a) (2).

(c) 18 U.S.C. § 1964 (c) in that any person injured in his property by reason of a violation of the Racketeer Influence Corrupt Organization (RICO) Act may sue in any appropriate United States District Court. .

#### VENUE

Venue is proper under 18 U.S.C. § 1965 (a) in that Los Angeles is the city in which the Defendant "resides", is found, has an agent or transacts his affairs", said city lying within the jurisdiction of this Court.

#### PARTIES



Plaintiff, General Leon Degrelle, is a resident of 37 Engracia, Madrid, 10, Spain. Plaintiff was a Belgian statesman prior to World War II. During the said war he volunteered to serve as private in the Belgian Wallonia Legion and fought against the communist forces on the eastern front for four years. During that period, he rose from private to general for his valor as a soldier. Plaintiff fought for the defense of Christian and Western civilization against encroaching Soviet communism along with the armies of Germany and the volunteer forces of thirty-six different countries.

Defendant, Simon Wiesenthal Center, is an organization based in Los Angeles with the alleged purpose of locating and capturing so-called "Nazi war criminals", said organization having its main headquarters at 9760 West Pico Boulevard, Los Angeles, California 90035.

#### FACTS

1.

Defendant Simon Wiesenthal Center has conducted a campaign against

Plaintiff, including, but not limited to (a) offering rewards for the kidnaping of the Plaintiff; (b) accusing Plaintiff of being a "criminal" and/or "war criminal".

2.

The false and defamatory accusations that the Plaintiff is a "criminal" and/or a "war criminal" have been conveyed to numerous newspapers throughout the world together with the offering of a reward. Until discovery may be had of the Defendant, Plaintiff cannot say with certainty whether such communications have been written or oral or both. However, Plaintiff believes that the false, scurrilous and defamatory statements and the offers of the reward have been both oral and written.

3.



As a result of the threats, abuse and defamation directed at Plaintiff by Defendant, Plaintiff has been harmed by being restricted in his movements and business dealings and has been placed in fear for his personal safety and well-being as well as his own life. Plaintiff has had to incur special damages for his defense and has suffered general damages for loss of peace of mind, sleeplessness, etc., and has suffered damage to his reputation.

4.

The Defendant has engaged in the pattern of conduct set out above against this particular Plaintiff against other persons in the United States and throughout the world.

5.

The Defendant has with knowledge of the falsity of its accusations accused numerous persons throughout the world of non-existent crimes. Defendant has further used such false and baseless accusations in mailings of fund-raising solicitations to Jews and persons sympathetic to Jews in order to perpetuate an atmosphere of hate, vengeance and terror throughout the Jewish community and other portions of the American community, thus generating a flow of money to the Defendant to finance its activities. By virtue of the sums raised in this manner, the Defendant has acquired assets.

6.

This Court should issue a permanent restraining order restraining the Defendant, its officers, agents or employees from kidnapping, threatening, and defaming the Plaintiff and others similarly situated, there being no adequate remedy at law for Defendant's conduct.

LEGAL CLAIMS

7.

The actions of the Defendant constitute the following torts or wrongs for which the Plaintiff prays remedy at law:

(1) A violation of 18 U.S.C. § 1962 in that the Defendant has engaged in a pattern of racketeering activity in interstate commerce and foreign commerce through conspiracy to commit offenses against United States law and threats including the mailing of threatening communications.

(2) The torts of assault and false imprisonment.

(3) The tort of invasion of privacy due to the intrusion upon the Plaintiff through exposing him to ridicule, contempt and threats so that he is forced to take special precautions for his personal safety and is denied the peaceful enjoyment of his home and business and by placing the Plaintiff in a false light by groundless and false accusations that he is a "criminal" and/or "war criminal."

(4) The tort of defamation by the dissemination orally and in writing of false and malicious accusations imputing criminality to the Plaintiff.

(5) Plaintiff is entitled to a restraining order restraining the Defendant, its officers, agents and employees from kidnapping, threatening, and defaming the Plaintiff and others similarly situated.

RELIEF REQUESTED

Plaintiff prays this Court for relief against the Defendant as follows:

(1) Compensatory damages for in such amount of special damages as shall be proven at trial;

(2) Compensatory damages in the form of general damages in the amount of \$1,000,000.00 for damage to Plaintiff's reputation;

(3) Compensatory damages in the amount of \$1,000,000.00 for general damages for the loss of privacy, embarrassment, humiliation, lost peace of mind, mental anxiety and distress, and others.

(4) Treble damages in the amount of \$3,000,000.00 pursuant to the provisions of 18 U.S.C. § 1964 (c).

(5) Punitive damages in the amount of \$10,000,000.00.

(6) An award of all attorney's fees incurred herein due to the willfulness of the torts complained of.

(7) For leave to add other parties as Defendants as the identity of those officers, agents and employees of the Defendant who have personally promulgated the wrongs complained of.

(8) For trial by jury on all issues.

(9) For a restraining order permanently restraining the Defendant from harrassing, defaming, abusing, and threatening the Plaintiff and others similarly situated in the future.

This 8<sup>th</sup> day of April, 1987.

GENERAL LEON DEGRELLE

37 Santa Engracia  
Madrid 10  
Spain

8. IV .87

IN THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

GENERAL LEON DEGRELLE, )  
 )  
Plaintiff, )  
 ) CIVIL ACTION FILE  
vs. )  
 ) NUMBER CV 86-3767-RMY(Bx)  
SIMON WIESENTHAL CENTER, )  
 )  
Defendant. )

CERTIFICATE OF SERVICE

This is to certify that I have this day served counsel for the Defendant with a copy of the foregoing Plaintiff's First Amendment by mailing copies thereof addressed as follows:

Law Offices of Martin Mendelsohn  
1700 K Street, N.W.  
Suite 1100  
Washington, D. C. 2006

Laurence M. Berman  
Jeffrey N. Mausner  
Berman and Blanchard  
1925 Century Park East  
Suite 1150  
Los Angeles, California 90067

Hufstedler, Miller, Carlson & Beardsley  
Warren L. Ettinger, P.C.  
Steven E. Zipperstein  
700 South Flower Street  
16th Floor  
Los Angeles, California 90017-4286

This 8 day of April, 1987.

GENERAL LEON DEGRELLE

37 Santa Engracia  
Madrid 10  
Spain

00 011

- 8. IV. 87

IN THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

GENERAL LEON DEGRELLE,

Plaintiff,

vs.

SIMON WIESENTHAL CENTER,

Defendant.

)  
)  
)  
) CIVIL ACTION FILE  
)  
) NUMBER CV 86-3767-RMY(Bx)  
)  
)  
)

City of Madrid

Spain

VERIFICATION

I, General Leon Degrelle, Plaintiff in the above styled action hereby swear that the facts in the foregoing Plaintiff's First Amended Complaint are true and correct.

This 8 day of April, 1987.

\_\_\_\_\_  
GENERAL LEON DEGRELLE

Sworn to and subscribed before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 1987:

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires:

1 LAW OFFICES OF MARTIN MENDELSON  
1700 K Street, N.W.  
2 Suite 1100  
Washington, D.C. 20006  
3 (202) 833-1893

4 LAURENCE M. BERMAN  
JEFFREY N. MAUSNER  
5 BERMAN & BLANCHARD  
1925 Century Park East  
6 Suite 1150  
Los Angeles, California 90067  
7 (213) 556-3011

8 HUFSTEDLER, MILLER, CARLSON & BEARDSLEY  
WARREN L. ETTINGER, P.C.  
9 STEVEN E. ZIPPERSTEIN  
700 South Flower Street  
10 16th Floor  
Los Angeles, California 90017-4286  
11 (213) 629-4200

12 Attorneys for Defendant  
Simon Wiesenthal Center  
13  
14

15 UNITED STATES DISTRICT COURT  
16 CENTRAL DISTRICT OF CALIFORNIA  
17

18	GENERAL LEON DEGRELLE,	)	NO. CV 86 3767 RMT (Bx)
		)	
19	Plaintiff,	)	FIRST AMENDED ANSWER OF
		)	DEFENDANT SIMON WIESENTHAL
20	vs.	)	CENTER TO FIRST AMENDED
		)	COMPLAINT
21	SIMON WIESENTHAL CENTER,	)	
		)	
22	Defendant.	)	
		)	

23  
24 Defendant Simon Wiesenthal Center hereby amends its answer  
25 (filed May 15, 1987) to the first amended complaint (the  
26 "Complaint") as follows:

27 ///  
28 ///

1                   ANSWER TO PARAGRAPH ENTITLED "STATEMENT OF THE CASE"

2  
3                   1.     Defendant denies the allegations contained in the  
4 paragraph entitled "Statement of the Case."

5  
6                   ANSWER TO JURISDICTIONAL ALLEGATIONS

7  
8                   2.     Defendant admits that jurisdiction is based upon 28  
9 U.S.C. §1332(a)(2). Defendant denies that jurisdiction exists  
10 based upon 28 U.S.C. §1332(c) or 18 U.S.C. §1964(c).

11  
12                   ANSWER TO VENUE ALLEGATION

13  
14                   3.     Defendant admits that venue in the Central District  
15 of California is proper.

16  
17                   ANSWER TO ALLEGATIONS REGARDING PARTIES

18  
19                   4.     Defendant denies the allegations contained in the  
20 two paragraphs entitled "Parties."

21  
22                   ANSWER TO FACTUAL ALLEGATIONS

23  
24                   5.     Defendant denies the allegations contained in  
25 paragraph "1" of the Complaint.

26  
27                   6.     Defendant denies the allegations contained in  
28 paragraph "2" of the Complaint.

1           7.    Defendant denies the allegations contained in  
2 paragraph "3" of the Complaint.

3  
4           8.    Defendant denies the allegations contained in  
5 paragraph "4" of the Complaint.

6  
7           9.    Defendant denies the allegations contained in  
8 paragraph "5" of the Complaint.

9  
10          10.   Defendant denies the allegations contained in  
11 paragraph "6" of the Complaint.

12  
13                                   ANSWER TO LEGAL CLAIMS

14  
15          11.   Defendant denies the allegations contained in  
16 paragraph "7" of the Complaint.

17  
18                                   AFFIRMATIVE DEFENSES

19  
20            Defendant alleges and avers, as separate, independent  
21 and affirmative defenses as follows:

22  
23                                   FIRST AFFIRMATIVE DEFENSE

24                                   (Failure To State Claims For Relief)

25  
26          12.   The complaint fails to state any claims upon which  
27 relief can be granted.

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SIXTH AFFIRMATIVE DEFENSE

(Laches)

17. Plaintiff's claims are barred by the doctrine of laches in that plaintiff unreasonably delayed the commencement of this action.

SEVENTH AFFIRMATIVE DEFENSE

(Failure To Exercise Care)

18. Plaintiff's recovery is barred by plaintiff's own failure to exercise reasonable care.

EIGHTH AFFIRMATIVE DEFENSE

(Comparative Fault)

19. Plaintiff's recovery should be reduced in proportion to plaintiff's share of fault.

NINTH AFFIRMATIVE DEFENSE

(Unclean Hands)

20. Plaintiff's recovery is barred by the doctrine of unclean hands.

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TENTH AFFIRMATIVE DEFENSE  
(Failure To Mitigate Damages)

21. Plaintiff's recovery is barred by plaintiff's failure to mitigate damages.

ELEVENTH AFFIRMATIVE DEFENSE  
(Consent)

22. Plaintiff's recovery is barred because plaintiff has consented to the alleged conduct of defendant.

TWELFTH AFFIRMATIVE DEFENSE  
(Privilege)

23. Any statements which defendant made or published concerning plaintiff are privileged from liability.

THIRTEENTH AFFIRMATIVE DEFENSE  
(Assisting Law Enforcement)

24. Defendant's alleged conduct, if true, was undertaken to assist law enforcement activity concerning plaintiff.

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WHEREFORE, defendant Simon Wiesenthal Center prays:

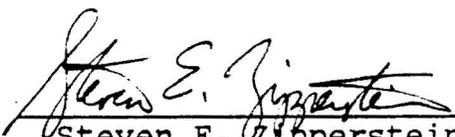
1. That judgment be entered in favor of defendant Simon Wiesenthal Center and against plaintiff on all claims for relief, and that plaintiff recover nothing;

2. That defendant recover its costs of suit and attorneys fees incurred herein; and

3. For such other and further relief as the court may deem just and proper.

DATED: May 19, 1987.

Respectfully submitted,  
LAW OFFICES OF MARTIN MENDELSON  
LAURENCE M. BERMAN  
JEFFREY N. MAUSNER  
BERMAN & BLANCHARD  
HUFSTEDLER, MILLER, CARLSON  
& BEARDSLEY  
WARREN L. ETTINGER, P.C.  
STEVEN E. ZIPPERSTEIN

BY   
Steven E. Zipperstein  
Attorneys for Defendant  
Simon Wiesenthal Center

VERIFICATION

STATE OF CALIFORNIA, COUNTY OF

I have read the foregoing \_\_\_\_\_ and know its contents.

CHECK APPLICABLE PARAGRAPH

I am a party to this action. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

I am  an Officer  a partner \_\_\_\_\_  a \_\_\_\_\_ of \_\_\_\_\_

a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason.  I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.  The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

I am one of the attorneys for \_\_\_\_\_ a party to this action. Such party is absent from the county of aforesaid where such attorneys have their offices, and I make this verification for and on behalf of that party for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

Executed on \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ California. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

\_\_\_\_\_  
Type or Print Name

\_\_\_\_\_  
Signature

ACKNOWLEDGMENT OF RECEIPT OF DOCUMENT  
(other than summons and complaint)

Received copy of document described as \_\_\_\_\_

on \_\_\_\_\_ 19\_\_\_\_.

\_\_\_\_\_  
Type or Print Name

\_\_\_\_\_  
Signature

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the county of Los Angeles, State of California.

I am over the age of 18 and not a party to the within action; my business address is: \_\_\_\_\_  
700 South Flower Street, Suite 1600, Los Angeles, CA 90017-4286

On May 19 1987, I served the foregoing document described as FIRST AMENDED ANSWER OF DEFENDANT SIMON WIESENTHAL CENTER TO FIRST AMENDED COMPLAINT

\_\_\_\_\_ on interested parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

General Leon Degrelle  
37 Santa Engracia  
Madrid, 28010, SPAIN

AIR

(BY MAIL) I caused such envelope with postage thereon fully prepaid to be placed in the United States mail at Los Angeles, California.

Executed on May 19, 1987, at Los Angeles, California.

(BY PERSONAL SERVICE) I caused such envelope to be delivered by hand to the offices of the addressee.

Executed on \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_, California.

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

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

SUSAN A. NARDACCI

\_\_\_\_\_  
Type or Print Name

*Susan A. Nardacci*  
\_\_\_\_\_  
Signature

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LAW OFFICES OF MARTIN MENDELSON  
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(202) 833-1893

FILED

JEFFREY N. MAUSNER  
BERMAN & BLANCHARD  
1925 Century Park East  
Suite 1150  
Los Angeles, California 90067  
(213) 556-3011

AUG 15 4 29 PM '86

CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
BY \_\_\_\_\_

HUFSTEDLER, MILLER, CARLSON & BEARDSLEY  
WARREN L. ETTINGER P.C.  
STEVEN E. ZIPPERSTEIN  
700 South Flower Street  
16th Floor  
Los Angeles, California 90017-4286  
(213) 629-4200

Attorneys for Defendant Simon  
Wiesenthal Center, Inc.

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

GENERAL LEON DEGRELLE, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
SIMON WIESENTHAL CENTER, )  
 )  
Defendant. )  
\_\_\_\_\_ )

NO. CV 86 3767 RMT (Bx)  
NOTICE OF DEPOSITION OF  
GENERAL LEON DEGRELLE

4's EXHIBIT #1  
FOR IDENTIFICATION  
LOUIS W. GRANIERI, CSR  
NOTARY PUBLIC  
9/29/86

TO PLAINTIFF, GENERAL LEON DEGRELLE:

PLEASE TAKE NOTICE that Defendant, SIMON WIESENTHAL  
CENTER, INC., will take the deposition of Plaintiff, whose address  
is 37 Santa Engracia, Madrid, 10, Spain, upon oral examination

1 pursuant to Rule 30 of the Federal Rules of Civil Procedure,  
2 before a notary public of the State of California authorized to  
3 administer oaths, commencing at 10:00 A.M. on Monday, September  
4 29, 1986 at the offices of Hufstedler, Miller, Carlson & Beardsley,  
5 700 South Flower Street, 16th Floor, Los Angeles, California, and  
6 continuing thereafter from day to day until completed. Plaintiff  
7 is also requested, pursuant to Federal Rules of Civil Procedure  
8 Rules 30(b)(5) and 34, to produce at his deposition and make  
9 available for inspection and copying the documents and tangible  
10 things listed on Schedule A hereto.

11  
12 DATED: August 15, 1986.

13  
14 Respectfully submitted,

15  
16 LAW OFFICES OF MARTIN MENDELSON

17 JEFFREY N. MAUSNER  
18 BERMAN & BLANCHARD

19 HUFSTEDLER, MILLER, CARLSON & BEARDSLEY  
20 WARREN L. ETTINGER P.C.  
21 STEVEN E. ZIPPERSTEIN

22 By

  
Steven E. Zipperstein

23 Attorneys for Defendant  
24 Simon Wiesenthal Center, Inc.



- 1           3. All correspondence between you and the Institute  
2 for Historical Review.
- 3
- 4           4. All correspondence between you and Truth Missions.
- 5
- 6           5. All correspondence between you and David McCalden.
- 7
- 8           6. All correspondence between you and Willis Cardo.
- 9
- 10          7. All documents evidencing, indicating or reflecting  
11 the fact that you were a "Belgian Statesman" prior to World War  
12 II.
- 13          8. All documents evidencing, reflecting or indicating  
14 your record of military service during World War II.
- 15
- 16          9. All correspondence between you and the following  
17 individuals:
- 18               (a) Adolf Hitler
- 19               (b) Heinrich Himmler
- 20               (c) Reinhard Heydrich
- 21               (d) Ernst Kaltenbrunner
- 22               (e) Hermann Goering
- 23
- 24          10. All documents reflecting, evidencing or indicating  
25 your activities between 1935 and 1945.
- 26
- 27          11. All medals and any other awards, decorations,  
28 commendations, and/or citations received by you as a result of

1 your military service during World War II.

2  
3 12. All correspondence between you and any ministry or  
4 minister of the Government of Belgium from 1946 to the present.

5  
6 13. All documents relating to the allegation of the  
7 complaint that an attempt or attempts have been made to collect  
8 the alleged one million dollar reward offered for your kidnapping  
9 by Defendant.

10  
11 14. All documents relating to the allegation of the  
12 complaint that your business dealings and movements have been  
13 restricted as a result of the alleged reward offered by Defendant.

14  
15 15. All documents evidencing, reflecting or indicating  
16 any injury to your reputation as a result of the alleged conduct  
17 of Defendant.

18  
19 16. All newspaper articles mentioning your name which  
20 you have in your possession.

21  
22 17. All documents relating to the allegation of your  
23 complaint that you have been assaulted as a result of the alleged  
24 conduct of Defendant.

25  
26 18. All documents relating to the allegation of your  
27 complaint that you have been falsely imprisoned as a result of the  
28 alleged conduct of Defendant.

1           19. All documents relating to the allegation of your  
2 complaint that your privacy has been invaded as a result of the  
3 alleged conduct of Defendant.

4  
5           20. All documents reflecting, evidencing, or indicating  
6 your involvement with any Nazi, neo-Nazi, or fascist organization,  
7 any where in the world, during the last 20 years.

8  
9           21. All correspondence between you and any local,  
10 national or international law enforcement agency, including Inter-  
11 pol, from 1946 to the present.

12  
13           22. All documents evidencing, indicating or reflecting  
14 any outstanding warrants for your arrest issued by any municipali-  
15 ty, state or nation.

16  
17           23. All documents relating to the Spanish litigation  
18 between you and Violeta Friedmann.

19  
20           24. All documents relating to the allegation of your  
21 complaint that you have been harrassed as a result of the alleged  
22 conduct of defendants.

23  
24           25. All military uniforms and insignia which you used  
25 during World War II, including uniforms and insignia of the Waffen  
26 SS.

PROOF OF SERVICE

STATE OF CALIFORNIA     )  
                                  )    ss.  
COUNTY OF LOS ANGELES   )

I, the undersigned, declare: I am employed in the County of Los Angeles, State of California; over the age of 18; and not a party to the within action. My business address is 700 South Flower Street, 16th Floor, Los Angeles, California 90017. I am employed in the office of a member of the bar of this court, at whose direction the service was made.

On August 15, 1986, I served the foregoing:

NOTICE OF DEPOSITION OF GENERAL LEON DEGRELLE

on all interested parties in said action, by placing a true copy thereof in a sealed envelope and by causing such envelope, with all postage or other applicable charges thereon fully prepaid, to be sent:

- BY MAIL—placed in the United States Mail at Los Angeles, California;
- BY EXPRESS MAIL—placed in the United States Mail at Los Angeles, California;
- BY FEDERAL EXPRESS—placed in the Federal Express facility at Los Angeles, California;
- BY PERSONAL SERVICE—delivered by hand to the addressee at the address appearing on such envelope,

addressed as follows:

GENERAL LEON DEGRELLE  
37 Santa Engracia  
Madrid, 10, Spain

EXECUTED on August 15, 1986, 1986, at Los Angeles, California.

I declare under penalty of perjury under the laws of the United States of America and of the State of California that the foregoing is true and correct.

  
ALICE LUNA

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

GENERAL LEON DEGRELLE,  
Plaintiff,

vs.

SIMON WIESENTHAL CENTER,  
Defendant.

No. CV 86 3767  
RMT (Bx)

RECEIVED

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HUFSTEDLER, MILLER  
CARLSON & BEARDSLEY

TRANSCRIPT OF PROCEEDINGS

Los Angeles, California

September 29, 1986

REPORTED BY:  
LOUIS W. GRANIERI,  
CSR NO. 645

COLEMAN, HAAS, MARTIN & SCHWAB, INC.

*Certified Shorthand Reporters*

2140 WEST OLYMPIC BOULEVARD, SUITE 201  
LOS ANGELES, CALIFORNIA 90006

TELEPHONE (213) 480-1234

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

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GENERAL LEON DEGRELLE,		)	
		)	
Plaintiff,		)	
		)	
vs.		)	No. CV 86 3767
		)	RMT (Bx)
		)	
SIMON WIESENTHAL CENTER,		)	
		)	
Defendant.		)	
<hr/>		)	

Reporter's transcript of proceedings at the proposed taking of the deposition of LEON DEGRELLE, taken on behalf of Defendant, at 700 South Flower Street, 16th Floor, Los Angeles, California 90017-4286, commencing at 10:45 A.M., Monday, September 29, 1986, before Louis W. Granieri, CSR No. 645 and Notary Public, pursuant to Notice.

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APPEARANCES OF COUNSEL:

FOR THE DEFENDANT:

HUFSTEDLER, MILLER, CARLSON & BEARDSLEY  
BY: STEVEN E. ZIPPERSTEIN, ESQ.  
700 South Flower Street  
16th Floor  
Los Angeles, California 90017-4286

BERMAN & BLANCHARD  
BY: JEFFREY N. MAUSNER, ESQ.  
1925 Century Park East  
Los Angeles, California 90067

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1 MR. ZIPPERSTEIN: I am Steven Zipperstein, attorney  
2 for the defendant Simon Wiesenthal Center. With me is my  
3 co-counsel Jeffrey Mausner.

4 I am handing to the reporter and asking him to  
5 mark as Exhibit 1 a conformed copy of the Notice of  
6 Deposition of Plaintiff Leon Degrelle and Request for  
7 Production of Documents, dated August 15, 1986 and served  
8 on plaintiff in Madrid, Spain, via United States Express  
9 Mail.

10 Exhibit 1 indicates that the deposition was  
11 scheduled to begin this morning at 10:00 o'clock here in  
12 the offices of Hufstedler, Miller, Carlson & Beardsley. It  
13 is now 10:46 A.M. Plaintiff has not appeared for his  
14 deposition nor has he produced any of the requested  
15 documents. We have not received any request from him to  
16 reschedule the deposition. He has not applied for a  
17 protective order.

18 (Defendant's Exhibit 1 was marked  
19 for identification by the notary  
20 public and is attached hereto.)

21 MR. ZIPPERSTEIN: Off the record.

22 (Discussion off the record.)

23 MR. ZIPPERSTEIN: Back on the record.

24 Therefore, pursuant to Rule 37(d) of the  
25 Federal Rules of Civil Procedure we will move the court for

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1 an order dismissing this action with prejudice and entering  
2 a default judgment against plaintiff and in favor of  
3 defendant on the grounds, among others, that plaintiff has  
4 failed to appear for his deposition. We will also seek an  
5 order awarding sanctions against the plaintiff under Rule  
6 11 and Rule 37 of the Federal Rules of Civil Procedure.

7 Off the record.

8 (Discussion off the record.)

9 MR. ZIPPERSTEIN: Back on the record.

10 Thank you, Mr. Granieri.

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1 STATE OF CALIFORNIA )  
 ) SS:  
 2 COUNTY OF LOS ANGELES )

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I, Louis W. Granieri, CSR No. 645 and Notary Public in and for the County of Los Angeles, State of California, do hereby certify that the foregoing pages comprise a full, true and correct transcript of the proceedings had.

I am neither related to any parties involved nor interested in the outcome of the action.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my seal this 24<sup>th</sup> day of September 19 86.

*Louis W. Granieri*  
 \_\_\_\_\_  
 CSR and Notary Public for the  
 State of California

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