

IN THE CIRCUIT COURT FOR THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA

STATE OF FLORIDA

Case No. CRC98-20377CFANO-S

v.

CHURCH OF SCIENTOLOGY FLAG
SERVICE ORGANIZATION, INC.
SPN: 01980179

STATEMENT OF PARTICULARS

Comes now, BERNIE McCABE, State Attorney for the Sixth Judicial Circuit of Florida, by and through his undersigned Assistant State Attorney, and hereby files his Statement of Particulars, and as grounds therefore would show:

1. The illegal practice of medicine is based upon the following acts of commission or omission by employees of the defendant corporation:

a. The diagnosis or attempted diagnosis of the cause of Lisa McPherson's symptoms individually or collectively including but not limited to delirium, hallucination, insomnia, failure to eat and drink and other behaviors, including the determination that these symptoms were not the result of physical or medical condition other than mental illness.

b. The treatment of Lisa McPherson's mental condition by the use of isolation, injection of muscle relaxants, oral medications or other substances, and attempted "auditing", said treatment not being done in accord with the religious tenets of the Church of Scientology in that said treatment occurred without a necessary physical examination by a licensed physician, and/or said treatment occurred at a location not equipped with hospital facilities, and /or said treatment occurred at a facility not authorized to treat such a condition, and/or said treatment was administered by force or without the informed consent of the patient or other legal authority and/or injections were administered without medical authority by a person or persons not authorized to do so.

c. The prescription of treatment and treatment of Lisa McPherson by use of diphenhydramine and aspirin administered by use of a irrigation syringe for the apparent purpose of inducing or facilitating sleep without the informed consent of the patient and while the patient was being held onto or restrained to prevent or overcome resistance. This occurred on three occasions between approximately November 23 and November 29, 1995.

d. The diagnosis or attempted diagnosis of dehydration and the prescription of specific treatment for this condition, as evidenced in part by that report and directive dated December 1, 1995 and signed by Janice Johnson. *serious*

e. The diagnosis or attempted diagnosis of insomnia or the underlying cause thereof and the prescription of treatment and treatment of this condition by herbal and over the counter medications without the informed consent patient.

f. The diagnosis of insomnia or the underlying cause thereof and the prescription of ~~of~~ treatment and treatment of this condition through prescription medication without a physician examination or the existence of a doctor patient relationship based upon a diagnosis made by an unlicensed person or persons. CSFSO employees Janice Johnson, Alain Kartuzinski and or David Houghton diagnosed or attempted to diagnose the cause of Lisa McPherson's illness and related that diagnosis to Dr. David Minkoff in order to acquire prescription medication for Lisa's treatment. Minkoff had not examined and did not know Lisa McPherson and relied upon the diagnosis and information provided by these employees to issue a prescription.

g. The diagnosis or attempted diagnosis of a mental or physical condition of Lisa McPherson and the prescription for and treatment of this condition by the intramuscular injection of magnesium or other substances without physician authority and/or by unlicensed or untrained personnel not authorized to make such injections. These injections were administered on multiple occasions by Janice Johnson, Rita Boykin or other CSFSO employees without the informed consent of Lisa McPherson and, on occasion, while she was being physically restrained to prevent her from resisting.

h. The diagnosis of Lisa McPherson on 12/5/95 as suffering from infection or sepsis, and the prescription and attempted treatment of that condition by seeking antibiotics without a

physician examination. The prescription and treatment of this diagnosed condition by determining that immediate emergency medical care was not required.

2. The charge of neglect or abuse of a disabled adult resulting in great bodily harm is based upon the following act or actions of employees of the defendant corporation:

- a. Failure at any and all points during Lisa McPherson's stay to have her diagnosed seen, examined or personally evaluated by a license medical doctor despite serious and potentially life threatening symptoms, including insomnia, delirium.
- b. Forced or other unauthorized ingestion of medications or other substances without lawful consent or authority.
- c. Forced or other unauthorized injection of medicine or other substances without lawful consent or authority.
- d. Forced restraint without lawful authority and without sufficient, personnel, facilities, knowledge, training or medical assistance to prevent injury to the patient.
- e. Failure to hospitalize a patient who was incompetent to handle her own needs and whose needs they could not adequately provide for.
- f. Failure to seek and get timely medical help to insure proper nutrition and hydration of a severely mentally ill patient.
- g. Failure to attend to obvious and serious symptoms, including failure to sleep, delirium, failure to eat, failure to drink, excessive weight loss, loss of strength including the ability to walk or stand, lethargy and unresponsiveness.
- h. Failure to seek immediate emergency medical assistance for a severely ill patient.
- i. Failure to seek and get timely medical help to insure the patient did not injure herself or others.
- j. Keeping patient in isolation without lawful authority for 17 days.
- k. Force medicating her without physician authority or informed patient consent with muscle relaxants and sleep inducing substances.
- l. Maintaining custody and restraint on a physically ill and severely mentally ill patient who was physically resisting, injuring herself and others and defecating and urinating

on herself without appropriate facilities, personnel, medical assistance or lawful authority, amounting in effect to a de facto involuntary hospitalization of the patient.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished to Morris "Sandy" Weinberg, Jr., Esq., Zuckerman Spaeder Taylor & Evans, P.A., 401 E. Jackson Street, Suite 2525, Tampa, FL 33602, by U.S. Mail this 7th day of December, 1999.

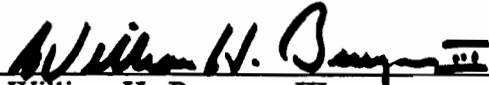
BERNIE McCABE, State Attorney
Sixth Judicial Circuit of Florida

by: 

Douglas E. Crow
Executive Assistant State Attorney

by: 

Mark R. McGarry
Assistant State Attorney

by: 

William H. Burgess, III
Assistant State Attorney