

EXHIBIT 2

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

GAWAIN BAXTER, LAURA BAXTER and
VALESKA PARIS,

Plaintiffs,

v.

Case No.: 8:22-cv-00986-TPB-JSS

DAVID MISCAVIGE; CHURCH OF
SCIENTOLOGY INTERNATIONAL, INC.;
RELIGIOUS TECHNOLOGY CENTER, INC.;
IAS ADMINISTRATIONS, INC.; CHURCH OF
SCIENTOLOGY FLAG SERVICE
ORGANIZATION, INC.; CHURCH OF
SCIENTOLOGY FLAG SHIP SERVICE
ORGANIZATION, INC.

Defendants.

_____/

**DECLARATION OF SARAH HELLER
IN SUPPORT OF DAVID MISCAVIGE'S OPPOSITION TO PLAINTIFFS'
MOTION FOR ORDER DECLARING DEFENDANT MISCAVIGE SERVED
WITH PROCESS AND IN DEFAULT**

Pursuant to 28 U.S.C. § 1746, I, Sarah Heller, hereby declare under penalty of perjury that the following is true and correct:

1. I am over 18 years of age, of sound mind, and otherwise competent to make this Declaration. The matters set forth in this Declaration are based on my personal knowledge and I could and would competently testify thereto if called upon to do so.

2. I submit this Declaration in support of Defendant David Miscavige's Opposition to Plaintiffs' Motion for Order Declaring Defendant Miscavige Served with Process and in Default.

3. I am a staff member of the Church of Scientology Flag Service Organization (“FSO”) located in Clearwater. FSO ministers to Scientologists throughout the world who come to Clearwater for Scientology services, including services available only at that Church.

4. I oversee the legal department of FSO. I have held positions at FSO continuously for over 20 years.

5. From my position overseeing legal affairs for FSO, I am familiar with all of FSO’s properties in Clearwater and what those properties are used for in furthering the Church’s religious mission. As part of my duties, I am aware when significant Church figures, including its ecclesiastical leader, Mr. Miscavige, are visiting or working in Church properties.

6. I have reviewed the First Amended Complaint (“Complaint”) and am aware that none of the Clearwater addresses listed therein are Mr. Miscavige’s primary residence or his primary place of business.

7. The Complaint wrongly alleges that 551 N. Saturn Avenue, Clearwater, Florida is Mr. Miscavige’s primary residence. (Am. Compl. ¶ 7a, h). It is not.

8. 551 N. Saturn Avenue, Clearwater, Florida is one of several properties used for housing of Church staff.

9. The Complaint wrongly alleges that 215 S. Ft. Harrison Avenue, Clearwater, Florida is Mr. Miscavige’s primary place of business. (Am. Compl. ¶ 7a, h). It is not.

10. 215 S. Ft. Harrison Avenue, Clearwater, Florida, known as the Flag

Building, is the spiritual headquarters of Scientology, where parishioners from all over the world attend Church services.

11. I am advised of all service attempts and any other legal processes that may occur on any and all FSO properties. Accordingly, I was immediately apprised of the attempts to effectuate service on Mr. Miscavige and I ascertained that he was not present at the time of the service attempts.

12. In general, the Church handles service of process attempts in accordance with applicable statutory and federal law. The Church's security staff is not permitted to accept service for *any* individual or entity because they are not authorized agents who can accept service of process. If a process server attempted to give papers to security staff, the process server would be informed that they are not authorized to accept service.

13. More specifically, I am aware that Mr. Miscavige was not present at the below addresses at any time Plaintiffs' agents attempted to effectuate service of process on the following days:

- a. May 6, 2022: 210 S. Ft. Harrison Avenue, Clearwater, Florida (Am. Compl. ¶ 8b)
- b. May 31, 2022: 210 S. Ft. Harrison Avenue, Clearwater, Florida (Am. Compl. ¶ 8b)
- c. July 5, 2022: 551 N. Saturn Avenue, Clearwater, Florida (Am. Compl. ¶ 8a)
- d. July 5, 2022: 215 S. Ft. Harrison Avenue, Clearwater, Florida (Am. Compl. ¶ 8c)

- e. July 5, 2022: 200 N. Osceola Avenue, Clearwater, Florida (Am. Compl. ¶ 8d)
- f. July 12, 2022: 551 N. Saturn Avenue, Clearwater, Florida (Am. Compl. ¶ 8a)
- g. July 12, 2022: 210 S. Ft. Harrison Avenue, Clearwater, Florida (Am. Compl. ¶ 8b)
- h. July 12, 2022: 215 S. Ft. Harrison Avenue, Clearwater, Florida (Am. Compl. ¶ 8c)
- i. July 12, 2022: 200 N. Osceola Avenue, Clearwater, Florida (Am. Compl. ¶ 8d)
- j. July 26, 2022: 215 S. Ft. Harrison Avenue, Clearwater, Florida (Am. Compl. ¶ 8c)
- k. July 26, 2022: 118 N. Ft. Harrison Avenue, Clearwater, Florida (Am. Compl. ¶ 8g)

14. Plaintiffs also state that they sent waiver packages to the following addresses, at none of which was Mr. Miscavige present at the time of the alleged service:

- a. June 2, 2022: 215 S. Ft. Harrison Avenue, Clearwater, Florida (Am. Compl. ¶ 10b)
- b. June 13, 2022: 215 S. Ft. Harrison Avenue, Clearwater, Florida (Am. Compl. ¶ 10d)

15. I have reviewed Mr. Hector Ramos's Return of Non-Service (ECF No. 91). I have reviewed security camera video footage of the relevant dates and

ascertained that Mr. Ramos's Return on Non-Service is false in the following respects:

- a. Mr. Ramos did not approach the front entrance at 215 S. Ft. Harrison Avenue, Clearwater, Florida on August 16, 2022.
- b. There was no discussion about whether or not Mr. Ramos would be allowed to enter the building.
- c. Mr. Ramos never asked to enter any of the buildings where he attempted to effectuate service of process.

16. I have reviewed the Plaintiffs' Declaration of Compliance (ECF No. 141) and Exhibit 2 to the Declaration. The 2022 postcard is promoting video replays of events that began in late 2020, not in-person events with Mr. Miscavige.

17. I have reviewed Plaintiffs' Exhibit B (ECF No. 152-2), declaration of Aaron Smith Levin. Though Mr. Smith-Levin was a ministerial trainee at FSO in the 1990s, he has never been staff of FSO. Mr. Smith-Levin's experience in the 1990s does not provide him with knowledge of current staff housing arrangements that would be relevant today in 2022.

18. I am aware of Mr. Miscavige's travel schedule when he is in Clearwater and can declare that Mr. Smith-Levin's representation that he witnessed Mr. Miscavige travel from Hacienda Gardens to the Flag Building on or around March 2020 is inaccurate. Mr. Miscavige did not travel from Hacienda Gardens to the Flag Building at any time in March 2020.

19. I am aware that Mr. Smith-Levin has tweeted a number of times about Mr. Miscavige. A true and correct copy of a sampling of his 2017-2022

tweets are attached to Mr. Miscavige's Opposition as Exhibit 5.

20. I am also aware that Mr. Smith-Levin ran for a Clearwater City Council seat in 2022 on an avowedly anti-Scientology platform. A true and correct copy of a sampling of his campaign mailers are attached to Mr. Miscavige's Opposition as Exhibit 6.

I declare under penalty of perjury of the laws of the United States that my statements herein are true and correct.

Executed in Clearwater, Florida this 27th day of December 2022.


Sarah Heller