

☐ EXPEDITE

☒ Hearing is set:

Date: May 10, 2013

Time: 9:00 a.m.

Judge/Calendar: Gary Tabor/Civil

SUPERIOR COURT OF WASHINGTON
FOR THURSTON COUNTY

JZK, Inc., a Washington corporation,

Plaintiff,

vs.

VIRGINIA COVERDALE, JOHN DOES 1-20
and JANE DOES 1-20 a/k/a ENLIGHTEN ME
FREE

Defendant.

) No. 12-2-02241-8

)
) DECLARATION OF DAVID MCCARTHY
) IN SUPPORT OF SPECIAL MOTION TO
) STRIKE

DECLARATION OF MCCARTHY IN SUPP.
SPECIAL MOTION TO STRIKE

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1 I, David McCarthy, declare:

2 1. I am a New Zealand Citizen and Resident. In 1989, I became a student of
3 Ramtha's School of Enlightenment ("RSE") and moved to Yelm. At the time, as now, RSE held
4 itself out as teaching a number of purported techniques that, it claimed, would lead the
5 participants to spiritual enlightenment. Among the "techniques" taught at RSE that I endured
6 were: "Rock Work," "Paradise Beach," "Fieldwork," "Field Run" and "the Tank." Among the
7 features of these "techniques" were: extreme physical exertion, often for very long periods of
8 time, blindfolding and other disorienting techniques, other deprivations, deprivations of food,
9 water, rest and access to bathrooms. Discipline was enforced by Knight and RSE guards known
10 as "The Red Guard". RSE explained that these techniques would help one overcome physical
11 and mental limitations to become spiritually enlightened. I myself experienced extreme
12 exhaustion, disorientation, thundering headaches, cuts and bruises and other illnesses. Many
13 people suffered physical injuries, such as broken bones, and nervous breakdowns. The process
14 was extremely exhausting and disorienting and had the result of placing me into an altered state
15 of consciousness, and into states in which my normal psychological defenses were broken down,
16 and I became susceptible to suggestion, coercion and manipulation. (There are many such
17 techniques that were developed after I left RSE. The promotion of binge-alcohol abuse shown
18 on the Youtube videos was not part of RSE's practices at the time I was a student.) I eventually
19 came to believe that these techniques were a form of physical and psychological abuse, and that
20 RSE was a destructive cult that had interfered with and manipulated my ability to perceive and
21 think with reason and critically. I left RSE in 1995.

22 2. In November 1993, while I was still an RSE student, I apparently signed a
23 document entitled "Conditions of Participation." I say "apparently" because I did not remember
24 the terms of this document as containing anything other than a release of liability for injuries. A
25 copy of this document was attached to the New Zealand complaint, discussed below, and as far
26 as I can tell it appears genuine, and the date corresponds with what I am about to describe. A

DECLARATION OF MCCARTHY IN
SUPP. SPECIAL MOTION TO STRIKE -- 1

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1 true and correct copy of the document attached to the New Zealand Complaint is attached herein
2 as *Exhibit A*. The document was presented to all participants one day without prior notice as we
3 lined up outside the main RSE arena in front of a security booth that had a window with a slot for
4 payment of money. It was common practice for hundreds of students to line up outside all day,
5 and on this day the line was unusually long and slow because, students were for the first time,
6 being asked to sign a document. Word filtered back to me that students were being asked to
7 release RSE from liability for injuries, or they would be expelled from RSE. At that point I had
8 given up four years of my life in New Zealand to attend what RSE advertised and represented
9 was a seven year course, on which I had three years to go to "graduate to Enlightenment" and
10 return to my home and family. By the time I got to the window and the document was pushed
11 through the slot, I was exhausted from waiting on line all day and signed the document without
12 reading it. Prior to this date we had never been asked to sign any document, and so far as I can
13 recall I myself never signed any other. I understand the terminology used in this contract to refer
14 by "techniques" to the techniques described in paragraph 1 above, and I understand "teach" to
15 mean that I should not attempt to set myself up as a teacher who could supervise such
16 techniques. It was certainly never my understanding that participants were not free to discuss
17 anything that ever happened at RSE; on the contrary we were specifically encouraged to share
18 our experiences with friends and family, to recruit new adherents to RSE.

19
20 3. After leaving RSE, I became an outspoken critic of RSE. I held cult-recovery
21 workshops and seminars concerning cults in the Yelm area, and my criticisms of RSE and
22 Knight were reported in the media.

23 4. There is no formal organization called "Enlighten Me Free." In 1997, I created
24 the "Enlighten Me Free," website (currently at URL www.enlightenmefree.com, commonly
25 referred to as "EMF") devoted to debunking RSE and Knight. The EMF website provides
26 resources and a forum to those who were involved with RSE or were recovering from their
involvement, or who had friends and families that were involved or recovering. Attached as

1 **Exhibit B** are true and correct copies of pages from the EMF website. The EMF website
2 features a "Enlighten Me Free Message Board Forum," which is a moderated forum primarily for
3 former RSE students and concerned friends and family. The only sense in which one can "join"
4 EMF is to register to view or to post messages. Approval is automatic, although it may be
5 withdrawn if codes of civility are violated. Although I operate the website openly under my own
6 name and write posts to the message board under my own name, the sign-in system permits
7 people to "join" the message board under pseudonyms. Messages have been posted, often
8 anonymously, both by persons who indicate that they are former students of RSE, and those who
9 have never been students, but rather concerned friends and family. The messages are replete
10 with criticisms of RSE as a manipulative cult that subjects its members to both physical and
11 psychological abuse. Because EMF has become a forum for exchanging and presenting critical
12 information to the public concerning RSE, I have promised readers that they could submit
13 information to me anonymously concerning RSE. I frequently receive messages from persons
14 seeking to share information with me, and frequently for publication on the EMF website. I have
15 thus received word of numerous conditions and circumstances that I consider unsafe, including
16 the matters that were the subject of the Youtube videos discussed below.

17 5. In September and October of 2012, I posted on Youtube the "enlightenmefree"
18 videos that are the subject of this lawsuit, that is to say the videos described in the Complaint at
19 paragraph 3.11 and 3.12 and *attached as Exhibits C, D, E, F, and K to the Wright Declaration*
20 *re Motion for TRO & Order to Show Cause of November 1*, filed in this Court. [Copies of the
21 actual videos will be filed with the Court]. In all of the postings, viewers were directed to the
22 enlightenmefree.com website for further information about RSE.

23 6. I will summarize here the video posted on September 30 was entitled "Fire,
24 Health and Safety Violations at Ramtha's School of Enlightenment (RSE) Video 2 of 3." Wright
25 Decl., Exh. D. Knight is addressing the children/teenagers in attendance at the event, who are
26 shown on the video. She boasts about RSE having gotten a "bad reputation," which is a good

1 thing, because "you can do anything now, nobody cares." She contends that she has become part
2 of the local "culture," and that people in the area are happy that so many people attend RSE
3 because "your parents" buy so much wine, i.e. boosting the economy. She makes fun of the
4 town of Yelm, among other things because it is so small and because the locals go to church. At
5 one point a clip of RSE children being marched around while blindfolded and duct-taped is
6 intercut. Stills of Knight on the arena stage are displayed, with captions indicating that she is
7 drunk. Knight smokes a pipe, and encourages everyone to "light up," and people lighting pipes
8 are shown. The room is full of smoke, and captions point out that the fire and smoke detectors
9 have been turned off. At one point, while lighting her pipe, Knight comments that she has had
10 "three bottles of wine, and can still do this" -- i.e. light her pipe -- but a moment later she checks
11 with someone onstage and corrects herself, saying she has had "five bottles" of wine. People are
12 shown lifting their bottles of wine and toasting her. The video then pans over the arena, full of
13 sleeping students, while a caption states: "As many as 2000 students/Sleep in the RSE
14 Arena/Oftentimes Drunk," and then "Packed into a modified Horse Arena with Blocked Exits
15 and Hallways" and then: "Smoke and Fire Alarms Disabled/--A Death Trap --/Thurston County
16 Officials Have Turned a Blind Eye for Over 12 Years" and then: "JZ Knights (SUP) "Special
17 Use Permit SUP 95-007 to Operate a Fraternity Lapsed February 2000." The video then scrolls
18 the text that was also shown on the Youtube website (shown on Wright Declaration Exhibit D),
19 namely:

20
21 Brought to you by Enlightenmefree.com. Thurston County commissioner Sandra
22 Romero was notified of these violations over and over again for two years and
even as recently as this month and she still proceeded to speak at RSE. JZ Knight
is Sandra Romero's largest campaign donor. ...

23 The text on the Youtube page continues, and among other thing contains a hyperlink back to the
24 EMF website, including copies of complaints that were sent to local and state officials
25 concerning alleged violations at RSE. The text also contains a hyperlink to a comment on the
26 EMF Message Board discussing the fact that Knight had donated \$120, 000 to the Thurston

1 County Fire Department while it was experiencing a severe budgetary shortfall, which comment,
2 in turn, hyperlinked to Knight's own press release touting the gift. (Attached hereto as *Exhibit C*
3 is a true and correct copy of that EMF Message Board Comment, and as *Exhibit D*, of the
4 Knight Press release.) The Youtube text comments that "[a]side from the abuses inflicted upon
5 attendees through the methods used at RSE, we assert that there are grounds to expose, or
6 otherwise pursue safety issues as they relate to the RSE School Facility, and we believe that it
7 would be irresponsible on our part not to do that."

8 7. The video posted on September 10 (Wright Decl., Exh. C) was similar to the
9 video described above in many respects. On the September 10 video, Knight makes obscure
10 threats to people who wish to "argue" with her, that she can "drop the lodestone of manifestation
11 into your life," and claims to be able to do so to "governmental authorities" as well.

12 8. Two other videos I posted on Youtube borrowed footage that RSE had itself
13 posted to Youtube for public viewing. During the 2012 campaign, RSE hosted an event
14 supporting local Democratic candidates, including Commissioner Sandra Romero, and RSE
15 posted a video of that event on its own Youtube channel, titled "JZ Knight on 2012 Election, the
16 Republican deception of 2010, and her support for Democrats." Attached hereto as *Exhibit E* is
17 a printout of the Youtube page on the RSE Youtube channel where RSE posted this event, and
18 where it is still available for viewing. I created two (very similar) videos that intercut and
19 juxtaposed Knight's comments supporting Romero, and Romero's own comments, with
20 segments from the "Fire, Health and Safety" videos discussed above. The Youtube page where
21 these were posted is shown in the Wright Decl., Exh. E, F. I posted both in October 2012.

22 9. The video entitled "Sandra Romero Speaks at a Local Cult" can be summarized as
23 follows. It notes that "JZ Knight is Romero's biggest donor." It complains that the RSE Arena
24 is an overcrowded fire trap and that Romero had been notified and done nothing. Romero is
25 shown discussing her concern for the "most vulnerable," and for "our children and
26 grandchildren," while clips are juxtaposed of children at RSE being marched around while

1 blindfolded and duct-taped. A portion from the video discussed above is shown, where Knight
2 boasts to the children about how RSE "can do anything, nobody cares anymore." The video
3 concludes by claiming that RSE members are brainwashed, are part of a doomsday cult
4 stockpiling food and weapons. It warns that a tragedy is likely to occur at RSE.

5
6 10. On October 18, the video that Plaintiff attributes to Virginia Coverdale ("Romero,
7 Wolfe Protect Ramtha Cult," hereinafter "Coverdale Video") was posted. Wright Decl., Exh. I
8 did not create or post the Coverdale Video. The Coverdale Video also juxtaposed Romero's
9 speech at RSE with clips of Knight, but in this case the clips are of Knight as Ramtha raging in
10 foulmouthed terms (and gesturing obscenely) against Catholics, "homosexual priests," acts of
11 homosexuality in general, and makes a reference to "a fucking Jew." The captions question
12 whether Knight is anti-Catholic, homophobic, and anti-Semitic, and question why Romero would
13 refer to Knight as a "spiritual leader." The video questions whether these are Thurston County's
14 values, characterizes Romero as "bought and paid for" by Knight, and states that Thurston'
15 County's values are "not for sale."

16 11. In the ensuing media and political furor, "a spokesman for Knight and [RSE]"
17 was quoted in *the Olympian* as claiming that the "comments were taken out of context and were
18 in reference to the pedophile scandal involving Catholic priests." Wright Decl., Exh. I. It was
19 partly in response to the claim that Knight's remarks were taken out of context that I posted the
20 video on October 28, entitled "JZ Knight Behind the Mask Part 1 of 4." Wright Decl., Exh. K.
21 It shows more context to the anti-Catholic statements excerpted in the Coverdale Video. In
22 many respects the video is similar to the "Fire Health and Safety" and "Romero" videos
23 discussed above. It also shows Knight making what the video characterizes as abusive
24 comments addressed to her staff and/or to RSE students in the audience. The video shows
25 Knight making various claims to have had independent scientists verify her "channeling," to
26 which the video responds with contrary statements. The video shows Knight generally warning
of an imminent nuclear war to be started by the "teenage" leader of North Korea.

1
2 12. The posting of these videos on Youtube created an immediate political and media
3 furor. Republicans called for Romero and other Democrats to return any money they had
4 received from Knight. Attached hereto as *Exhibit F* are articles in the *Olympian* describing the
5 public exchanges on the subject. As show, at first Sandra Romero at first refused to do so, but
6 after I posted the "JZ Knight Behind the Mask Part 1" video, she changed her tune, and released
7 the following statement:

8 Unlike the other videos that were heavily edited, spliced and taken out of context
9 this most recent one appeared to be undoctored. I am appalled by Ms. Knight's
10 outrageous anti-Mexican, anti-Catholic raging. These vile, racist, and divisive
11 comments against responsible and caring people have no place in Thurston
12 County, or anywhere else. I am particularly stunned by these anti-human rights
13 comments from her, because of her otherwise very positive record of supporting
14 scholarships for students in the Yelm area, her support for positive environmental
15 organizations and policies, her support of local social service agencies and her
16 significant contributions to the economy in southeast Thurston County. However,
17 these hateful comments are the complete opposite of everything I stand for. I
18 denounce them. I condemn them.

19 As shown in the press reporting, she eventually announced that she would donate all money
20 received from Knight/RSE to charity, as did her fellow Democratic candidates as well as the
21 local Democratic party itself.

22 13. On November 1, I wrote, under my own name, to JZK, demanding that they
23 produce the contract upon which they were relying in the Complaint. (At the time I did not
24 recall that the document I had signed in 1993 was anything other than a release of liability for
25 injuries.) JZK immediately acknowledged receipt of the communication, but did not otherwise
26 respond to this or subsequent communications from me, until it filed the New Zealand lawsuit.
Attached hereto as *Exhibit G* are true and correct copies of my email correspondence with
Plaintiff JZK on the subject. I also promptly identified myself as the poster of the videos in
response to Digital Millennium Copyright Act (DMCA) take-down notices sent by Plaintiff to
Youtube. However, Youtube refused to honor my counter notification on the grounds that it had
been served with the Court's injunction in this case. Attached hereto as *Exhibit H* are true and
correct copies of my correspondence with Youtube regarding the DMCA takedown notices.

DECLARATION OF MCCARTHY IN
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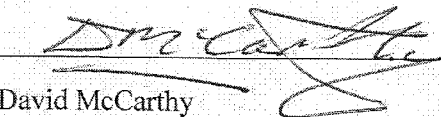
1 Youtube has, without further explanation, blocked my access to my own Youtube account,
2 preventing me from being able to post any videos to Youtube.

3 14. On February 22, 2013, Knight and Plaintiff (JZK) served me with a New Zealand
4 lawsuit at my home in New Zealand. Attached hereto as *Exhibit I* are copies of the pleadings
5 with which I was served (without the exhibits thereto). I have never been served with the
6 Complaint or the injunction in the Thurston County case.

7 15. I have received copies of subpoenas and correspondence from Plaintiff that have
8 been sent to a variety of websites, in an effort to learn the identities of anonymous posters on the
9 enlightenmefree.com website, as well as to intimidate those posters, and the hosts of the
10 enlightenmefree.com website to cease posting criticisms of Plaintiff. For example, attached
11 hereto as *Exhibit J* is a copy of correspondence I received from the webhost of the
12 enlightenmefree.com site concerning correspondence that they had received from Plaintiff JZK,
13 forwarding this Court's injunction. Attached hereto as *Exhibit K* is a copy of a subpoena that
14 was sent to Automattic to identify the creator of a French blog concerning RSE, the creator of
15 which also posts criticisms on the enlightenmefree.com message board under the name
16 "delavie." "Delavie" has never described himself as a former student of RSE, but rather as a
17 concerned outsider.

18
19 I declare that the foregoing is true, under penalty of perjury of the laws of the State of
20 Washington.

21 Executed on March 22 , 2013 at Kaiwaka, Northland, New Zealand.
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23
24 
25 David McCarthy
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DECLARATION OF MCCARTHY IN
SUPP. SPECIAL MOTION TO STRIKE -- 8

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DECLARATION OF SERVICE

Darlyne De Mars affirms and states:

That on this day, I caused to be served a true and correct copy of Declaration of David McCarthy in Support of Special Motion to Strike, by the method indicated below, and addressed to the following:

Jeffrey C. Grant, WSBA #11046 Skellenger Bender, P.S. 1301 5 th Avenue, Suite 3401 Seattle, WA 98101-2630 T (206) 623-6501 F (206) 447-1973 Attorneys for Plaintiff/Petitioner, JZK, Inc.	<input checked="" type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile Transmission <input checked="" type="checkbox"/> Email jgrant@skellengerbender.com
Andrea H. McNeely, WSBA #36156 Gordon Thomas Honeywell Wells Fargo Plaza 1201 Pacific Avenue, Suite 2100 Tacoma, WA 98402 T (253) 620-6486 F (253) 620-6565 Attorneys for Plaintiff/Petitioner, JZK, Inc.	<input checked="" type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile Transmission <input checked="" type="checkbox"/> Email amcneely@gth-law.com
Shawn Timothy Newman, WSBA #14193 Newman Law 2507 Crestline Drive NW Olympia, WA 98502-4327 T (360) 866-2322 F (866) 800-9941 Attorneys for Defendant Virginia Coverdale	<input checked="" type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile Transmission <input checked="" type="checkbox"/> Email newmanlaw@comcast.net

I declare under penalty of perjury under the laws of the State of Washington, that the foregoing is true and correct to the best of my knowledge.

EXECUTED this 22nd day of March 2013, in Seattle, Washington.


Darlyne De Mars

Legal Assistant to Judith A. Endejan

DECLARATION OF DAVID MCCARTHY
IN SUPPORT OF SPECIAL MOTION TO
STRIKE -- 9

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