

Affidavit

1. WILLIAM E. KEMP, JR., do depose and say:

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been so employed for the past twelve and one-half years. I have conducted an investigation which has disclosed the following facts.

2. On July 31, 1988, STEVEN FISHMAN was arrested by your affiant at the Miami International Airport as he deplaned from Iberia Airlines Flight 965 from Madrid. FISHMAN was arrested based on a criminal complaint warrant issued on July 7, 1988, in the Northern District of California, San Francisco, California for devising a scheme and artifice to defraud over 10 Federal Class Actions lawsuits being heard in Federal Courts in the Northern District of California as well as other Federal Districts throughout the United States, in violation of Title 18, U.S.C. Sections 1343, 1341, 371 and 1001. The amount of the fraud is in excess of \$300,000.

3. On August 1, 1988, FISHMAN appeared before U.S. Magistrate Linnea Johnson, Southern District of Florida, and was released on \$100,000 personal surety bond to be cosigned by his father and also a \$100,000 ten percent bond. FISEMAN has since been indicted in the Northern District of California for the matters described in paragraph two. FISEMAN's attorney in the above matter is Marc Nuriik of the law firm of NURIK and KYLE, 1937 S.W. 27th Avenue, Miami, Florida.

4. Subsequent to FISHMAN's arrest he began receiving packages at his apartment, 3800 Galt Ocean Drive, Fort

5. In January 9, 1989, your affiant served a Federal Grand Jury subpoena on DUSTY HIPPS, 1136 Lincoln Street, Hollywood, Florida relating to the indictment of FISHMAN in San Francisco, California. At this time SHANE JOHNSON introduced himself as HIPPS' boyfriend and advised that he had done a favor for FISHMAN by making a telephone call for him and was paid \$40.00.

6. In January 10, 1989, SHANE JOSEPH JOHNSON advised that STEVEN FISHMAN picked him and his girlfriend, DUSTY HIPPS, up at 5611 Lincoln Street, Hollywood, Florida, at approximately 10:30 p.m. the evening of December 11, 1988, and drove them to Coral Gables, Florida for the purpose of making a telephone call to STEVEN FISHMAN's residence at midnight. JOHNSON advised that during the drive to Coral Gables, Florida, FISHMAN had him rehearse the conversation which he, JOHNSON, was to say. FISHMAN provided JOHNSON with a script of the conversation. Upon arrival at the Denny's Restaurant, Coral Gables, Florida, FISHMAN gave JOHNSON \$20.00 in U.S. currency and \$1.00 in quarters with instructions to call him from the coin telephone at his apartment, #1102, at midnight and repeat the conversation which FISHMAN provided him. After the conversation took place he and DUSTY HIPPS waited for FISHMAN to pick them up and return to Hollywood, Florida, at which time FISHMAN gave him another \$10.00 in U.S. currency and asked for the telephone script back.

7. On January 17, 1989, SHANE JOHNSON listened to a recorded telephone conversation between "SCOTT", last name unknown, and STEVEN FISHMAN, which took place on December 11, 1988. Subsequent to listening to the conversation, JOHNSON stated

Dade, Florida, which contained aerosol cans of insecticides, lubricants and other solvents and documents purported to be from the Church of Scientology of which FISHMAN is an admitted member. According to NURIK and FISHMAN this material was to be used by FISHMAN to "commit suicide" and that the Church of Scientology was responsible for sending the packages.

8. On November 9, 1988, your affiant placed a telephone recording device at the request of MARC NURIK and Steven Fishman on FISHMAN's at his apartment, located at 3800 Galt Ocean Drive, #1102, Fort Lauderdale, Florida, for the purpose of consensually monitoring telephone conversations between STEVEN FISHMAN and unknown and known members of the Church of Scientology.

9. On December 11, 1988, STEVEN FISHMAN said he received a telephone call at approximately 11:00 midnight from a male individual who identified himself as "SCOTT", last name unknown purportedly an operative of the Church of Scientology. FISHMAN provided the original cassette tape and a transcript of the above conversation to your affiant. FISHMAN also furnished an interpretation of the conversation which is, in part, in coded terminology known by members of the Church of Scientology. According to the interpretation by FISHMAN, this conversation was a death threat to MARC NURIK and Dr. UWE SEBERT, FISHMAN's psychiatrist. For example, at one point during the recorded conversation "Scott" tells FISHMAN that Mr. Nuriik's wife "Cindy will be saying 'codish' (sic, Kaddish) for Ward next Thursday at 1".

that that was his voice and the conversation was the one which STEVEN FISHMAN had him to rehearse and paid him \$40.00 to make the call. In the opinion of the undersigned JOHNSON's voice and "SCOTT'S" voice are identical.

10. On January 18, 1989, your affiant learned that after he served the subpoena on DUSTY HIPPS on January 9, 1989, he contacted FISHMAN. Thereafter, on January 10, 1989, FISHMAN came to the residence of Hipps and Johnson and gave Johnson \$10.00 telling him Johnson should not tell the FBI that he had been told by Fishman to make the phone call of December 11, 1988, but, instead, to manufacture a cover story that he was working for the "Ronnie" DNC.

FURTHER AFFIANT SAYETH NAUGHT.

*William E. Kemp*  
WILLIAM E. KEMP, SPECIAL AGENT  
FEDERAL BUREAU OF INVESTIGATION

Sworn to and Subscribed  
Before me on this 12 day  
of January, 1989.

*Lorraine S. Snow*  
LORRANA S. SNOW  
UNITED STATES MAGISTRATE