

General Leon Degrelle  
37 Santa Engracia  
Madrid 10, SPAIN

**RECEIVED**

**SEP 29 1986**

**HUFSTEDLER, MILLER  
CARLSON & BEARDSLEY**

*3:00 p.m.*

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

GENERAL LEON DEGRELLE,	)	NO. CV 86 3767 RMT (Bx)
	)	
Plaintiff,	)	OBJECTION TO DEPOSITION
	)	
vs.	)	ANSWER TO REQUEST FOR
	)	PRODUCTION OF DOCUMENTS
	)	
SIMON WIESENTHAL CENTER,	)	
	)	
Defendant.	)	
	)	

---

Comes the plaintiff in the above numbered cause, General Leon Degrelle, and objects to the defendants "notice of deposition" pursuant to Fed Rule Civ Procedure 26(b)(1)(iii) for the reason that said deposition is unduly burdensome and expensive and beyond the limitations of the plaintiff's resources.

DOCUMENTS REQUESTED

1. The documents evidencing, reflecting, or indicating that the Simon Wiesenthal Center offered a one million dollar reward for the kidnapping of the plaintiff are a considerable number of newspapers in Europe, a partial list known to the plaintiff enclosed.
2. Photostat of passport enclosed. Please be more specific in request of other documents.
3. Plaintiff objects to request no. 3 as the Institute for Historical review is not a party to this action and does not believe that such documents will lead to any evidence discoverable under

the federal rules of civil procedure.

4. Same objection as no. 3.

5. Same objection as no. 3.

6. Same objection as no. 6.

7. Plaintiff's record as a Belgian Statesman prior to World War II is documented in the book LETTER TO THE CARDINAL by Leon Degrelle. Plaintiff does not have a copy in his possession at the present time.

8. Plaintiff's record of military service during World War II is in the books DEGRELLE TOLD ME by the Duchess of Valencia, DEGRELLE: PERSISTS AND SIGNS by Jean Michel Charlier, and CAMPAIGN IN RUSSIA: THE WAFFEN SS ON THE EASTERN FRONT by the plaintiff.

9. Plaintiff has no correspondence between himself and the individuals named in (a) through (e).

10. In addition to answer given in no. 8 plaintiff believes that such records would be a matter of public record in Belgium and Germany.

11. Plaintiff does not believe that asking a soldier to turn over his medals is a proper request for discovery and therefore objects.

12. Plaintiff has no such correspondence.

13. Already given in no. 1.

14. Same answer as no. 13.

15. Same answer as no. 13.

16. Same answer as no. 13.

Said newspaper articles are in French, Spanish, and German. Plaintiff will provide untranslated copies if the defendant

will specify the articles from the enclosed list.

17. Same answer as no. 13.

18. Same answer as no. 13.

19. Same answer as no. 13.

20. No such documents exist to plaintiff's knowledge.

21. Same answer as no. 20.

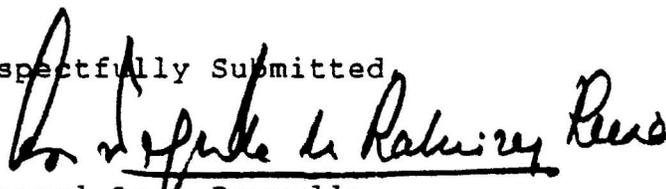
22. Plaintiff is unaware of any outstanding warrants for his arrest issued by any municipality, state, or nation.

23. Plaintiff objects to this request as it has nothing to do with the instant case.

24. Same answer as no. 13.

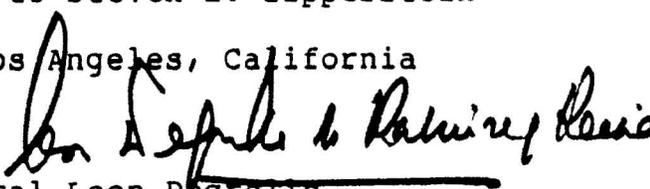
25. Plaintiff does not believe that asking a soldier to turn over his uniforms and insignia is a proper request for discovery and therefore objects.

Respectfully Submitted,

  
General Leon Degrelle

CERTIFICATE OF SERVICE

This is to certify that I have on this 20 day of Sept., 1986 placed a true and exact copy of the foregoing objection to deposition and answer to request for production of documents in the mails at Malaga, Spain addressed to Steven E. Zipperstein at 700 South Flower Street 16th Floor Los Angeles, California 90017-4286.

  
General Leon Degrelle

<u>Identity of publications</u>	<u>Country</u>	<u>Dates of publications</u>
(1) DIARIO 16 Andalusia	Spain	11th July 1985
(2) DIARIO 16 Andalusia	Spain	13th July 1985
(3) DIARIO 16 Andalusia	Spain	.... July 1985
(4) EL PAIS	Spain	17th July 1985
(5) EL PAIS	Spain	17th July 1985
(6) EL PAIS (Degrelle's own reply)	Spain	23rd July 1985
(7) EL CORREO CATALAN	Spain	23rd <del>June</del> 1985
(8) TIEMPO	Spain	29th July 1985
(9) LA DENIERE HEURE	Belgium	10th July 1985
(10) LE SOIR	Belgium	10th July 1985
(11) LE SOIR	Belgium	17th July 1985
(12) LA STAMPA	Italy	12th July 1985
(13) IL GIORNALE NUOVO	Italy	12th July 1985
(14) BADISCHE NEUESTE NACHRICHTEN	West Germany	18th July 1985

END OF LIST NUMBER ONE

////////////////////////////////////

BERMAN & BLANCHARD

A LAW CORPORATION

LAURENCE M. BERMAN  
LONNIE C. BLANCHARD III  
JEFFREY N. MAUSNER  
MARTHA A.H. BERMAN

1925 CENTURY PARK EAST, SUITE 1150  
LOS ANGELES, CALIFORNIA 90067  
(213) 556-3011

OF COUNSEL  
RICHARD D. FARKAS  
MAURICE LEVY, JR.

September 30, 1986

BY EXPRESS MAIL

Leon Degrelle  
37 Santa Engracia  
Madrid 10  
Spain

Re: Degrelle v. Simon Wiesenthal Center

Dear Mr. Degrelle:

As you know, your deposition in your lawsuit against the Simon Wiesenthal Center was scheduled to take place in Los Angeles on the morning of September 29. You did not appear for your deposition, and we, the attorneys for the Simon Wiesenthal Center, waited for you for almost an hour. You did not call us to inform us that you would not be appearing for your deposition. On the afternoon of September 29, we received in the mail your "Objection To Deposition."

Because you are a party to this lawsuit, if you object to the taking of your deposition, you must seek a protective order pursuant to Rule 26(c) of the Federal Rules of Civil Procedure. It is not sufficient for you merely to send to us an objection.

It is not clear from your objection whether you are attempting to rely on Rule 45 of the Federal Rules of Civil Procedure in merely objecting to the taking of your deposition, rather than seeking a protective order. If you are relying on Rule 45, your reliance is misplaced. Rule 45 provides that a "person to whom the subpoena is directed may, within 10 days after the service thereof ... serve upon the attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials except pursuant to an order of the court." First of all, this provision by its terms only applies to an objection to inspection or copying of materials; it does not apply to an objection to appearance of the witness at the deposition. Secondly, the case law is clear that Rule 45 does

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Leon Degrelle  
September 30, 1986  
Page 2

not apply to the deposition of a party. Pinkham v. Paul, 91 F.R.D. 613, 614 (D. Maine, 1981) states the following:

"Thus, the provisions of Rule 45(d)(2) as to where a deposition may be taken are not applicable to depositions of parties. See 4A Moore's Federal Practice para. 30.55[1], at 30-67; 5A Moore's Federal Practice para. 45.08, at 45-81 and para. 45.07[1], at 45-60. An 'examining party may set the place for the deposition of another party wherever he wishes subject to the power of the court to grant a protective order under Rule 26(c)(2) designating a different place.' Wright and Miller, supra, at section 2112."

See also Grey v. Continental Marketing Associates, Inc., 315 F. Supp. 826, 832 n. 15 (N.D. Ga., 1970).

In fact, Continental Federal S & L Association v. Delta Corp., 71 F.R.D. 697, 699 (W.D. Okla., 1976) specifically states that the party objecting to the place of his deposition must file a motion for a protective order: "It would appear that the proper pleadings should have been the filing originally by Defendant of a Motion for a Protective Order pursuant to Rule 26(c) with the Plaintiff possibly filing a Response thereto."

It is therefore clear that you were obligated to attend the deposition as noticed, unless you moved for and received a protective order pursuant to Rule 26(c). Since you did not move for and receive a protective order, you were required to attend the deposition. Your failure to attend the deposition subjects you to sanctions. However, we are willing to give you one more chance to attend your deposition. Enclosed is a new notice of deposition, scheduled to take place on November 5, 1986, in Los Angeles. As set forth above, if you object to the taking of the deposition, or the place of the deposition, you must file a motion for protective order.

Before you make such a motion, please consider the following: The basis you state for your objection to the deposition is Federal Rule of Civil Procedure 26(b)(1)(iii), which states that the court shall limit discovery if "the discovery is unduly burdensome or expensive, taking into account the needs of the case, the amount in controversy, limitations on the parties' resources, and the importance of the issues at stake in the litigation." Considering the fact that you have filed this lawsuit in Los Angeles, claiming \$14 million in damages, and that this is the only discovery request which has been made by

Leon Degrelle  
September 30, 1986  
Page 3

the defendant, it is clear that the discovery is not unduly burdensome or expensive.

I would also note that the proper place for taking your deposition is in Los Angeles. The general rule is that since the plaintiff has selected the place for trial, he may be called upon to present himself at that place for the taking of his deposition. While federal courts generally require that a defendant be deposed at the place of his residence or at his place of business or employment, "[t]he above statement does not apply to plaintiffs, however, who selected the forum and may therefore be called upon to present themselves at that place for the taking of their depositions, despite any inconvenience this may cause to them." Continental Federal Savings & Loan Association v. Delta Corp., 71 F.R.D. 697, 699 (W.D. Okla. 1976); Grey v. Continental Marketing Associates, Inc., 315 F. Supp. 826, 832 n. 16 (N.D. Ga. 1970). Exceptions from this rule are quite limited.

A document production request was also served on you along with the Notice of Deposition. You objected to almost every request, and responded inadequately to the others. For example, the photocopy of the passport you produced showed that it expired four years ago. We disagree with the objections you raised.

Please call me at the telephone number shown above, or call Steven Zipperstein at (213) 489-9618, to discuss these matters within 15 days of the date of this letter, pursuant to Local Rule 7.15.1 of the U.S. District Court for the Central District of California. If we do not hear from you within 15 days, or if you have not filed a Motion For Protective Order, we will file a motion to compel your attendance at a deposition in Los Angeles and compelling you to produce the documents requested. We have attempted to call you, but your telephone number is not listed with Madrid information.

Sincerely,

BERMAN & BLANCHARD



JEFFREY N. MAUSNER

Degrlet

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

FILED

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

OCT 1 1 30 PM '86

U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES

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

11 Attorneys for Defendant Simon  
12 Wiesenthal Center, Inc.

13  
14 UNITED STATES DISTRICT COURT  
15 CENTRAL DISTRICT OF CALIFORNIA

16  
17 GENERAL LEON DEGRELLE,

Plaintiff,

18 vs.

19  
20 SIMON WIESENTHAL CENTER,

Defendant.

) NO. CV 86 3767 RMT (Bx)

) NOTICE OF DEPOSITION OF  
) GENERAL LEON DEGRELLE

21  
22  
23  
24 TO PLAINTIFF, GENERAL LEON DEGRELLE:

25  
26 PLEASE TAKE NOTICE that Defendant, Simon Wiesenthal  
27 Center, Inc., will take the deposition of Plaintiff, whose address  
28 is 37 Santa Engracia, Madrid, 28010, Spain, upon oral examination

HUFSTEDLER, MILLER, CARLSON & BEARDSLEY

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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 10:30 a.m. on Monday, November 5,  
4 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 30(b)(5) and 34, to produce at his deposition and make available  
9 for inspection and copying the documents and tangible things  
10 listed on Schedule A hereto.

11  
12 DATED: September 30, 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.

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SCHEDULE A

Definitions and Instructions

A. "Document" means and includes any printed, type-written or handwritten matter in any language and of whatever character, including, without limitation, correspondence, letters, memoranda, telegrams, cables, reports, charts, business records, personal records, accountant's statements, bank statements, handwritten notes, minutes of meetings, notes of meetings or conversations, diaries, dossiers, journals, telephone logs, and any carbon or photostatic copies of such materials, if plaintiff does not have control or possession of the originals. "Document" also includes all "writings" as defined by Rule 1001 of the Federal Rules of Evidence.

B. "You" or "your" includes Leon Degrelle, General Leon Degrelle, Leon Degrelle de Ramirez Reina, and/or Leon Jose de Ramirez Reina.

Requests For Production

1. All documents evidencing, reflecting or indicating that the Simon Wiesenthal Center has at any time offered a one million dollar reward for your kidnapping.

2. Your passport and all other documents evidencing, reflecting or indicating your citizenship and/or residence.

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  
19           (a) Adolf Hitler

20           (b) Heinrich Himmler

21           (c) Reinhard Heydrich

22           (d) Ernst Kaltenbrunner

23           (e) Hermann Goering

24  
25          10. All documents reflecting, evidencing or indicating  
26 your activities between 1935 and 1945.

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1           11. All medals and any other awards, decorations,  
2 commendations, and/or citations received by you as a result of  
3 your military service during World War II.

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

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

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

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

20  
21           16. All newspaper articles mentioning your name which  
22 you have in your possession.

23  
24           17. All documents relating to the allegation of your  
25 complaint that you have been assaulted as a result of the alleged  
26 conduct of defendant.

27        ////

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1           18. All documents relating to the allegation of your  
2 complaint that you have been falsely imprisoned as a result of the  
3 alleged conduct of defendant.

4  
5           19. All documents relating to the allegation of your  
6 complaint that your privacy has been invaded as a result of the  
7 alleged conduct of defendant.

8  
9           20. All documents reflecting, evidencing, or indicating  
10 your involvement with any Nazi, neo-Nazi, or fascist organization,  
11 anywhere in the world, during the last 20 years.

12  
13           21. All correspondence between you and any local,  
14 national or international law enforcement agency, including Inter-  
15 pol, from 1946 to the present.

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17           22. All documents evidencing, indicating or reflecting  
18 any outstanding warrants for your arrest issued by any municipali-  
19 ty, state or nation.

20  
21           23. All documents relating to the Spanish litigation  
22 between you and Violeta Friedmann.

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24           24. All documents relating to the allegation of your  
25 complaint that you have been harassed as a result of the alleged  
26 conduct of defendant.

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25. All military uniforms and insignia which you used during World War II, including uniforms and insignia of the Waffen 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 September 30, 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
- EXPRESS MAIL--  
Placed in the United States Mail at Los Angeles, California
- FEDERAL EXPRESS--  
Placed in the Federal Express facility at Los Angeles, California
- PERSONAL SERVICE--  
Delivered by hand to the addressee

addressed as follows:

General Leon Degrelle  
37 Santa Engracia  
Madrid, 28010, Spain

EXECUTED on September 30, 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.

  
\_\_\_\_\_  
ROSEANNA L. STEEN

MCII CABLE DISPATCH  
TEL. 800-524-1378  
201-562-9780  
255 OLD NEW BRUNSWICK RD.  
PISCATAWAY, NJ 08854-3712

RE

# MCI Mail

The nation's new postal system.

BERMAN Y BLANCHARD  
1925 CENTURY PARK EAST SUITE 1150  
LOS ANGELES CALIFORNIA 90067

MESG ID : WCB470 UWNX  
FROM : SPAIN  
MADRID 38-34 3 1930  
BERMAN Y BLANCHARD  
1925 CENTURY PARK EAST SUITE 1150  
LOS ANGELES CALIFORNIA 90067  
JEFFREY N MAUSNER STEVEN E ZIPPERSTEIN  
IT IS QUITE IMPOSSIBLE FOR ME TO ATTEND THE DEPOSITION ON  
NOV 5TH 1986 YOURS TRULY  
GENERAL LEON DEGRELLE  
COL 1925 1150 5TH  
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6. Attached hereto as Exhibit 5 is a true and correct copy of the second Notice of Plaintiff's Deposition, which we served on plaintiff on September 30, 1986.

7. On November 4, 1986, we received from plaintiff the mailgram attached hereto as Exhibit 6. The mailgram states that plaintiff would not appear for his deposition. On November 5, plaintiff in fact failed to appear.

I declare under penalty of perjury that the foregoing is true and correct, and that I executed this declaration on November 5, 1986 at Los Angeles, California.

  
STEVEN E. ZIPPERSTEIN

FILED  
JAN 13 1987  
CLERK, U.S. DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
BY

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

GENERAL LEON DEGRELLE,	)	No. CV 86-3767-RMT(Bx)
	)	
Plaintiff,	)	ORDER GRANTING IN PART
	)	AND DENYING IN PART
vs.	)	DEFENDANT'S MOTION TO
	)	DISMISS AND COMPELLING
SIMON WIESENTHAL CENTER,	)	PLAINTIFF'S APPEARANCE
	)	FOR DEPOSITION
Defendant.	)	
	)	

This matter has come before the court on the following motions by defendant:

1. to dismiss for failure of plaintiff to appear at deposition and
2. to dismiss for failure to state a claim upon which relief can be granted or, alternatively, for more definite statement as to defamation and privacy claims.

The court having considered the pleadings and other documents filed herein,

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IT IS ORDERED as follows:

1. As to the motion to dismiss for failure to appear for deposition, said motion is denied. However, plaintiff is ordered to appear for deposition in Los Angeles upon sixty days notice thereof by express mail, such notice to include a copy of this order compelling attendance. Plaintiff is advised that if he fails to attend such deposition, this action shall be dismissed. The only way plaintiff can prevent said dismissal is to either appear for such noticed deposition or move for and obtain a protective order relieving him from appearing. This order states no opinion as to whether such a protective order should be granted; and

2. As to the motion to dismiss for failure to state a claim or, alternatively, for more definite statement, said motion is granted in part and denied in part as follows:

- (a) motion to dismiss the RICO claim is granted with leave to amend for failure to allege a RICO violation;
- (b) motion to dismiss the assault and false imprisonment claims is denied;
- (c) motion to dismiss harassment and nuisance claims is granted;

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(d) motion to dismiss the defamation claim is granted with leave to amend for failure to allege:

(1) the falsity of the defamatory statement and

(2) whether the defamatory statement was oral or in writing; and

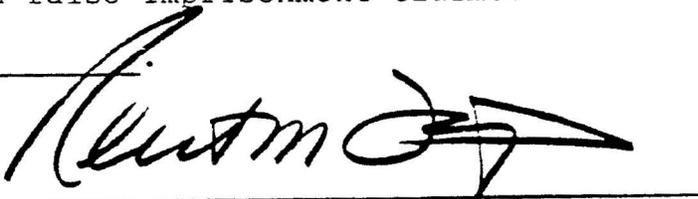
(e) motion to dismiss the invasion of privacy claim is granted with leave to amend for failure to allege:

(1) how there has been an intrusion, and

(2) how plaintiff has been placed in a false light.

Plaintiff shall file with the court and serve upon defendant's counsel a first amended complaint no later than February 27, 1987, which corrects the above-mentioned defects. Failure of plaintiff to file said first amended complaint by February 27, 1987 shall be deemed a dismissal by plaintiff of all of his claims except the assault and false imprisonment claims.

Dated: 13 JAN 1987



ROBERT M. TAKASUGI  
United States District Judge

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

PLEASE CONFORM  
AND RETURN

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, Inc.

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UNITED STATES DISTRICT COURT

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CENTRAL DISTRICT OF CALIFORNIA

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GENERAL LEON DEGRELLE,

)

NO. CV 86 3767 RMT (Bx)

19

Plaintiff,

)

NOTICE OF DEPOSITION OF  
GENERAL LEON DEGRELLE  
(Pursuant to Order Dated  
January 13, 1987)

20

vs.

)

21

SIMON WIESENTHAL CENTER,

)

22

Defendant.

)

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25

TO PLAINTIFF, GENERAL LEON DEGRELLE:

26

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PLEASE TAKE NOTICE that pursuant to Rule 30 of the Federal

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Rules of Civil Procedure and the Court's Order dated January 13,

1 1987, defendant Simon Wiesenthal Center will take the deposition of  
2 plaintiff, whose address is 37 Santa Engracia, Madrid, 28010,  
3 Spain, at the offices of Hufstedler, Miller, Carlson & Beardsley,  
4 700 South Flower Street, 16th Floor, Los Angeles, California,  
5 90017-4286, commencing on April 2, 1987 at 10:30 a.m.

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Plaintiff is requested, pursuant to Rule 30(b)(5) of the Federal Rules of Civil Procedure, to produce for inspection and copying at his deposition the documents and tangible things listed on Exhibit A hereto.

The deposition will be taken upon oral examination before a Notary Public of the State of California authorized to administer oaths. The deposition will continue from day-to-day until completed.

A true and correct copy of the Court's January 13, 1987 Order is attached hereto as Exhibit B.

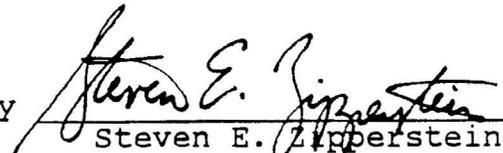
DATED: January 15, 1987

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

EXHIBIT A

000057



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

1           10. All documents reflecting, evidencing or indicating  
2 your activities between 1935 and 1945.

3  
4           11. All medals and any other awards, decorations,  
5 commendations, and/or citations received by you as a result of your  
6 military service during World War II.

7  
8           12. All correspondence between you and any ministry or  
9 minister of the Government of Belgium from 1946 to the present.

10  
11           13. All documents relating to the allegation of the  
12 complaint that an attempt or attempts have been made to collect the  
13 alleged one million dollar reward offered for your kidnapping by  
14 defendant.

15  
16           14. All documents relating to the allegation of the  
17 complaint that your business dealings and movements have been  
18 restricted as a result of the alleged reward offered by defendant.

19  
20           15. All documents evidencing, reflecting or indicating  
21 any injury to your reputation as a result of the alleged conduct of  
22 defendant.

23  
24           16. All newspaper articles mentioning your name which  
25 you have in your possession.

26 ///  
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1           17. All documents relating to the allegation of your  
2 complaint that you have been assaulted as a result of the alleged  
3 conduct of defendant.

4  
5           18. All documents relating to the allegation of your  
6 complaint that you have been falsely imprisoned as a result of the  
7 alleged conduct of defendant.

8  
9           19. All documents relating to the allegation of your  
10 complaint that your privacy has been invaded as a result of the  
11 alleged conduct of defendant.

12  
13           20. All documents reflecting, evidencing, or indicating  
14 your involvement with any Nazi, neo-Nazi, or fascist organization,  
15 anywhere in the world, during the last 20 years.

16  
17           21. All correspondence between you and any local,  
18 national or international law enforcement agency, including Inter-  
19 pol, from 1946 to the present.

20  
21           22. All documents evidencing, indicating or reflecting  
22 any outstanding warrants for your arrest issued by any municipali-  
23 ty, state or nation.

24  
25           23. All documents relating to the Spanish litigation  
26 between you and Violeta Friedmann.

27 ///

28 ///

1           24.    All documents relating to the allegation of your  
2 complaint that you have been harassed as a result of the alleged  
3 conduct of defendant.

4

5           25.    All military uniforms and insignia which you used  
6 during World War II, including uniforms and insignia of the Waffen  
7 SS.

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EXHIBIT B 000063



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IT IS ORDERED as follows:

1. As to the motion to dismiss for failure to appear for deposition, said motion is denied. However, plaintiff is ordered to appear for deposition in Los Angeles upon sixty days notice thereof by express mail, such notice to include a copy of this order compelling attendance. Plaintiff is advised that if he fails to attend such deposition, this action shall be dismissed. The only way plaintiff can prevent said dismissal is to either appear for such noticed deposition or move for and obtain a protective order relieving him from appearing. This order states no opinion as to whether such a protective order should be granted; and

2. As to the motion to dismiss for failure to state a claim or, alternatively, for more definite statement, said motion is granted in part and denied in part as follows:

- (a) motion to dismiss the RICO claim is granted with leave to amend for failure to allege a RICO violation;
- (b) motion to dismiss the assault and false imprisonment claims is denied;
- (c) motion to dismiss harassment and nuisance claims is granted;

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(d) motion to dismiss the defamation claim is granted with leave to amend for failure to allege:

(1) the falsity of the defamatory statement and

(2) whether the defamatory statement was oral or in writing; and

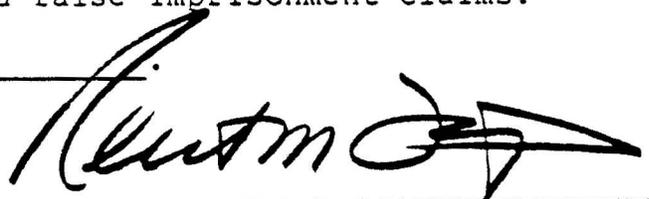
(e) motion to dismiss the invasion of privacy claim is granted with leave to amend for failure to allege:

(1) how there has been an intrusion, and

(2) how plaintiff has been placed in a false light.

Plaintiff shall file with the court and serve upon defendant's counsel a first amended complaint no later than February 27, 1987, which corrects the above-mentioned defects. Failure of plaintiff to file said first amended complaint by February 27, 1987 shall be deemed a dismissal by plaintiff of all of his claims except the assault and false imprisonment claims.

Dated: 13 JAN 1987.



ROBERT M. TAKASUGI  
United States District Judge

000066

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 it 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 have read the foregoing document and know its contents. The matters stated in it 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 have read the foregoing document and know its contents. I am informed and believe and on that ground allege that the matters stated in it 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.

\_\_\_\_\_  
Signature

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

Received copy of document described as \_\_\_\_\_  
on \_\_\_\_\_ 19\_\_\_\_.

\_\_\_\_\_  
Signature

PROOF OF SERVICE BY MAIL

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 January 15, 1987 I served the foregoing document described as  
NOTICE OF DEPOSITION OF GENERAL LEON DEGRELLE (Pursuant to Order Dated  
January 13, 1987): ORDER GRANTING IN PART AND DENYING IN PART DEFENDANT'S  
MOTION TO DISMISS AND COMPELLING, etc. on interested party  
in this action by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid in the United States mail ~~xx~~ VIA FEDERAL EXPRESS at Los Angeles, California

addressed as follows:

General Leon Degrelle  
37 Santa Engracia  
Madrid, 28010, Spain

FEDERAL EXPRESS

- (BY/MAIL) I caused such envelope with postage thereon fully prepaid to be placed in the United States mail at Los Angeles, California.
- (BY PERSONAL SERVICE) I caused such envelope to be delivered by hand to the offices of the addressee.  
Executed on January 15, 1987 at Los Angeles, 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.

000067

Susan A. Nardacci  
Signature  
SUSAN A. NARDACCI