

Rader loses attempt to prevent deposition

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Stanley R. Rader, defendant in a suit charging him and other leaders of the Pasadena-based Worldwide Church of God with misuse of church funds, has lost another attempt to prevent his deposition to the state attorney general.

U.S. District Court Judge Laughlin Waters denied Friday a motion to block the state from questioning Rader pending an appeal of another court action.

Judge Waters denied the motion without comment.

Rader attorney Allan Browne said Friday that he will file an appeal of Judge Waters' decision in the 9th U.S. Court of Appeals early next week, seeking the same relief denied by Waters: a stay of all discovery proceedings pending appeal of another federal court order.

In that instance, U.S. District Court Judge Robert Firth dismissed a case filed by Browne that charged civil rights violations and asked an injunction enjoining the receivership placed on the church last January.

Browne won one stay of Rader's deposition from the 9th Circuit Court pending the outcome of the motion just decided by Judge Waters.

Browne will seek a similar stay while the 9th Circuit considers the appeal of Firth's decision.

"A stay of Stan Rader's deposition was given by Justices Hufstедler and Ely on the assumption that before the motion is



STANLEY RADER

...to file appeal

decided, discovery shouldn't take place, because that would defeat the motion we seek on the merits," he said.

Judge Waters last week ordered Rader's deposition delayed until Dec. 19. But even though the judge ruled in the state's favor, said Deputy Attorney General Lauren Brainard, he agreed to Browne's request for a further delay until Jan. 22.

While Judge Waters did not issue a written opinion on the discovery motion, Browne said "I think that Judge Waters is

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probably of the mind that since this matter is going to be ultimately decided on the merits by the 9th Circuit Court of Appeals, that court should decide whether or not a stay should issue."

But Brainard sees it differently. "To have ruled otherwise would have in essence been saying there is no civil liability for diverting assets to your own benefit if you are in control of a church," he said.

"Several other courts have said that Mr. Rader's deposition must go forward and that there is civil liability for diversion of church assets and that his constitutional rights have not been violated," Brainard said.

"Many of the courts which have had this before them have considered extraordinary writs (requests to take jurisdiction) and have not heard it on the merits," Brainard acknowledged. "But nothing was put before them that made them want to step into the fray at this point."

But while he agreed to another continuance of Rader's deposition, Brainard said, "We do not agree that Mr. Rader's deposition should be continued indefinitely while he seeks redress in every court of the land. And we also have never agreed that the 9th Circuit Court should have a chance to rule before the deposition is to proceed.

"We put over the deposition for the convenience of the parties, fully recognizing that Mr. Browne will seek relief from the

9th Circuit in the interim," said Brainard.

Rader's attorneys in the appeal of Firth's decision, claim that rights against unlawful search and seizure and invasion of privacy were violated in the attorney general's actions against Rader and other church leaders, including church founder Herbert W. Armstrong.

To give a deposition before that case is resolved, Browne maintains, would mean giving up the very rights that are in question in the Firth appeal.

Rader has avoided answering questions of the attorney general since last April when he walked away from a deposition. He was advised at that time that he had

the right to remain silent, and on the advice of attorneys, chose to do so.

Judge Firth dismissed the case on the grounds that there is adequate remedy in the state courts. Brainard maintains there is remedy in the state courts and so argued before Judge Waters against the motion for a stay of discovery proceedings.

The state has brought suit against Rader and others under Section 9505 of the California Corporations Code that stipulates the attorney general's responsibility to protect the public against diversion of assets of a public "charitable trust." The state is claiming church funds are a charitable trust.