

## Judge bars couple from dropping part of Scientology suit

By Maya Bell

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OF THE SENTINEL STAFF

DAYTONA BEACH — The former mayor of Clearwater and his wife cannot drop just a part of a lawsuit they filed against the Church of Scientology, a Volusia County circuit judge ruled Monday.

Citing case law, Judge Robert Durden said Gabriel Cazares and his wife Margaret must drop all or none of the three-count suit filed in circuit court against the controversial church.

Arguing against partial dismissal of the suit, church lawyers accused the Cazares' attorneys of trying to drop the suit in circuit court so they can pursue a similar suit in U.S. district court in Tampa.

Church attorney Dan Warren charged that the Cazareses want to move the case back to the Clearwater area because they believe that judges and juries there might be more sympathetic.

The Cazareses sued the church, several of its lawyers and the founder of Scientology, L. Ron Hubbard, in Pinellas County in 1980. The case was transferred to Volusia because of extensive publicity in the Clearwater area.

The suit accused them of malicious prosecution, abuse of power and invasion of privacy. It was filed in response to an unsuccessful suit the church filed against Cazares in federal court.

The federal suit, which claimed that Cazares violated the church's rights by opposing its move to Clearwater from California while he was mayor, was dismissed as "frivolous . . . and groundless."

The Cazareses' countersuit accuses the church of suing him to embarrass and harass him and of abusing the legal system in the process. It also accuses the church of infiltrating and sabotaging his unsuccessful 1976 campaign for a congressional seat.

After the suit was transferred to Volusia, Durden dismissed the charges of malicious prosecution and abuse of process, which stemmed from the federal suit filed by the church. Durden said he dismissed the charges because the dismissal of the federal suit was being appealed.

The Cazareses then appealed Durden's ruling to the 5th District Court of Appeal. After the dismissal of the church's federal court suit was upheld on appeal, the Cazareses then filed a similar three-count complaint in federal court.

In May, attorneys for the Cazareses announced that they were voluntarily dismissing the remaining charge of invasion of privacy pending against the church in circuit court.

But, citing case law, Warren successfully argued Monday that the third count cannot be dropped unless the appeal to the 5th District Court is dropped.

The third count accuses the church of instructing its legal adviser, Merrell Vannier, to solicit Cazares and his wife as clients and inform on them to the Scientologists.

Vannier's wife, Francine, also is accused of acting as a church agent when she volunteered to work for Cazares' congressional campaign.

The Cazareses' lawyer, C. Allen Watts of DeLand, said: "I don't know how you can be made to proceed with a lawsuit you don't want to proceed with."