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LAW OFFICES OF  
**DANIEL C. CARLTON**  
2600 MICHELSON DRIVE, SUITE 1120  
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Legal Assistant  
Heather Dorris

August 24, 2004

**HAND DELIVERED**

LINDA OROZCO  
1805 West Balboa Boulevard, Unit B  
Newport Beach, California 92663

Re: Our Client: Narconon Southern California  
1810 West Ocean Front, Newport Beach

Dear Ms. Orozco:

This office represents Narconon Southern California ("Narconon")

Both state and federal laws protect the identity of any patient being treated at a drug and/or alcohol treatment center such as Narconon which is licensed by the State of California. California Health and Safety Code section 11977, which mirror sections 290dd-3 and 290ee-3 of Title 42 of the United States Code expressly provides that not only the records but the identity of a patient at such a facility is confidential. In fact, the confidentiality of such information is so comprehensive and scrupulous, the federal law prohibits even an acknowledgment of the presence of an identified patient at such a facility without the written consent of the patient. 42 CFR § 2.13(c).

These confidentiality laws serve an important public interest. Congress has expressly stated that the purpose of these laws is to encourage patients to seek treatment for their substance abuse problems without fear that their privacy would be compromised by doing so. This rewards rather than punishes those who seek to fix their problems rather than continue non-productive lives of addiction and despair.

Despite such strict confidential provisions of state and federal laws, you repeatedly video taped Narconon's facility and its clients (patients). The video tapes readily enables Narconon's clients to be identified. Moreover, on several occasions you have distributed the video tapes to the City of Newport Beach where they became public records.

Your video recording of such confidential information also violates California Penal Code section 632 which provides for a fine or imprisonment up to one year for invasion of privacy. Similarly, the federal laws also provide for criminal penalty and that any violation of the confidentiality provisions relating to the identity of drug and alcohol treatment patients may be directed to the United States Attorney.

As you can see, your conduct is extremely serious and carries severe consequences. We encourage you to obtain your own counsel to assess for yourself the seriousness of your reckless conduct.

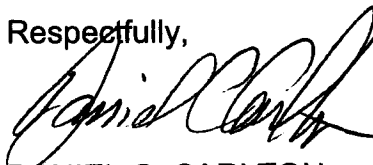
**DEMAND IS HEREBY MADE** that you immediately cease and desist from making any further video tape recordings of Narconon's facility that in any way reveal the identity of any of its clients (patients).

We have prepared a complaint against you (a copy of which is enclosed) for filing with the Orange County Superior Court. We will have no choice but to file it and seek injunctive remedies unless you provide a written unconditional promise not to ever video tape Narconon and to also turn over the original and all copies of video tapes you made of Narconon directly to the Law Offices of Daniel C. Carlton, located at 2600 Michelson Drive, Suite 1120, Irvine, California 92612.

Unless you comply by Friday, **September 3, 2004, by 5:00 p.m.**, we will assume that you are not interested in resolving this matter and we will proceed with the filing of the lawsuit.

Your anticipated prompt attention and cooperation is appreciated.

Respectfully,



DANIEL C. CARLTON

DCC:td  
cc: Narconon Southern California

1 Daniel C. Carlton, Esq., SBN 74223  
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3 2600 Michelson Drive, Suite 1120  
4 Irvine, California 92612  
5 Telephone: (949) 757-0707  
6 Facsimile: (949) 752-2141

7  
8 Attorney for Plaintiff

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
10 COUNTY OF ORANGE

11 NARCONON SOUTHERN CALIFORNIA, )  
12 a California Non-profit corporation, )

13 Plaintiff, )

14 vs. )

15 LINDA OROZCO, an individual; and DOES )  
16 1 through 100, )

17 Defendants. )  
18 )  
19 )  
20 )  
21 )

Case No. UNASSIGNED

**COMPLAINT FOR TEMPORARY  
RESTRAINING ORDER;  
PRELIMINARY AND PERMANENT  
INJUNCTION**

(Invasion of Privacy)

22 COMES NOW Plaintiff NARCONON SOUTHERN CALIFORNIA ("Plaintiff") and  
23 for causes of action against defendants LINDA OROZCO ("Orozco"), and DOES 1 through  
24 100, inclusive, and each of them, allege:

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27 ///

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**PRELIMINARY ALLEGATIONS**

1  
2           1.     Plaintiff is, and at all times relevant herein was, a California non-profit  
3 corporation duly licensed by the State of California Department of Alcohol and Drug Abuse to  
4 operate a residential alcohol and drug abuse recovery treatment center in Newport Beach,  
5 California.

6           2.     Plaintiff alleges on information and belief that defendant Orozco is, and at all  
7 times relevant herein was, an individual residing in Newport Beach, California.  
8

9           3.     The true names and capacities, whether individual, corporate, associate or  
10 otherwise of DOES 1 through 100, inclusive, are unknown to Plaintiff. Plaintiff therefore sues  
11 such defendants by such fictitious names and will amend this complaint to insert their true  
12 names and capacities when ascertained. Plaintiff alleges on information and belief that each  
13 such fictitiously named defendant is in some manner, means or degree, connected with the  
14 matters alleged and is liable to Plaintiff thereon.  
15

16           4.     Plaintiff alleges on information and belief that at all times mentioned herein,  
17 each defendant was the authorized agent and joint venturer of each remaining defendant and, in  
18 doing the acts complained of, was acting within the course and scope of such agency, or at the  
19 specific instance, request, direction or with the approval of the remaining defendants, and each  
20 of them, and the acts of each defendant complained of herein were ratified by each remaining  
21 defendant.  
22

**FIRST CAUSE OF ACTION**

(Invasion of Privacy)

23  
24  
25  
26           5.     Plaintiff realleges and incorporates by reference paragraphs 1 through 4,  
27 inclusive.

28     ///

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1           6.       Between approximately February 2004 through May 2004, Orozco repeatedly  
2 video taped Plaintiff's facility and the patients being treated at the facility at the time. In the  
3 video tapes, Orozco describes Plaintiff's facility as a drug treatment center and the clients  
4 (patients) therein as drug abusers and alcoholics. The video tapes reveal the identity of the  
5 clients (patients) being treated at Plaintiff's facility. Orozco subsequently distributed the video  
6 tapes and other written correspondence to the Newport Beach City Planning Commission  
7 where the video tapes and correspondence became a part of its public records.  
8

9           7.       The identify of Plaintiff's clients is confidential information protected by  
10 California Health and Safety Code section 11977 as well as 42 U.S.C. sections 290dd-3, 290ee-  
11 3, and the federal regulations promulgated thereunder, 42 CFR 2. These confidentiality laws  
12 serve an important public interest. Congress has expressly stated that the purpose of these laws  
13 is to encourage patients to seek treatment for their substance abuse problems without fear that  
14 their privacy would be compromised by doing so. This rewards rather than punishes those who  
15 seek to fix their problems rather than continue non-productive lives of addiction and despair.  
16

17           8.       The identify of Plaintiff's clients (patients), which is confidential, was willfully,  
18 deliberately, maliciously, and intentionally recorded by Orozco by means of an electronic  
19 device in violation of Section 632(a) of the Penal Code.  
20

21           9.       At no time did Orozco, or any other person, inform Plaintiff of the recording of  
22 the identity of Plaintiff's clients (patients) which is confidential under the laws of California  
23 and the United States.

24           10.      Injunctive relief is an appropriate remedy expressly authorized by Section  
25 637.1(b) of the Penal Code in order to obtain and preserve the right of privacy as guaranteed  
26 by the laws of California and the United States.

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11. Unless Orozco is restrained by order of this Court, there would be no adequate remedy at law since pecuniary compensation would not afford adequate relief for the irretrievable loss of privacy for the clients (patients) of Plaintiff.

12. Unless Orozco is restrained by order of this court, it will be necessary for Plaintiff or its clients (patients) to commence many successive actions against her to secure compensation for damages sustained, thus requiring a multiplicity of judicial proceedings, and Plaintiff's present and future clients (patients) will be arbitrarily threatened with the continuing invasion of their privacy by having their confidential information wrongfully recorded by means of electronic device and publicly disseminated.

WHEREFORE, Plaintiff prays judgment against defendants as follows:

- 1. For a temporary restraining order, a preliminary and a permanent injunction enjoining Orozco from recording Plaintiff's clients (patients) and revealing their identity;
- 2. For costs of suit herein incurred, and;
- 3. For such other and further relief as the Court may deem proper.

Dated: September \_\_, 2004

LAW OFFICES OF DANIEL C. CARLTON

By: \_\_\_\_\_  
Daniel C. Carlton, Attorney for  
Plaintiff NARCONON SOUTHERN  
CALIFORNIA

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