

Abstract of the Court Decision

Case No: Heisei 16, (WA) No. 22529 damage suit

Civil Court No. 13, Tokyo District Court

Conclusion of oral procedure on Oct. 23, 2006

Judgment rendered on February 26, 2007

by Hiroshi Noyama, Chief Justice,

Ayumi Murata, Justice, and

Atushi Touyama, Justice

Plaintiff: Ms. A

Attorneys to the plaintiff: Masaki Kito, Eri Hironaka, Shuuichi Nomura, Takashi Yamaguchi,
Kie Ohshiro, and Morio Ogiue,

VS

Defendants: Tohru Kurabuchi, Junko Kada, Takako Momoi, and Home of Heart Co., Ltd.

Attorney to the defendants: Hitoshi Sato

Defendants: Kaori Deyama, and Toshi Office Co., Ltd.

Attorneys to the defendants: Shingo Ichikawa, Hidemi Tomita, and 5 other attorneys

Main Text of the Decision

1. Defendants jointly and severally shall pay to the plaintiff the total of 15,434,508 yen and 5% to the same amount calculated from January 27, 2003 until completion of the payment herein.
2. The plaintiff's claims other than the said amount shall be dismissed.
3. One quarter of the litigation cost hereto shall be covered by the plaintiff, and the rest shall be covered by the defendants.
4. Provisional execution of the 1 above is declared.

Facts

I. Claims/Arguments by the Parties

1. The plaintiff requested the decision reading "Defendants jointly and severally shall pay to the plaintiff the total of 21,344,083 yen and 5% to the same amount calculated from January 27, 2003 until completion of the payment herein."

2 . The defendants requested the court to dismiss the plaintiff's claims.

II. Outlines of the case:

The plaintiff participated in self-awareness seminar programs (jointly hosted by the defendant Home of Heart and the defendant Toshi Office that is subservient to Home of Heart) where the plaintiff was subjected to unlawful acts that affected her life in general, e.g. undue mind control, deception, intimidation, and violence in collusion by the defendant Kurabuchi, the trainer of the seminar program, staff members of the defendant Home of Heart (the defendants Kada and Momoi), a staff member of the defendant Toshi Office (the defendant Kaori), and by these acts, the plaintiff was made to believe that quitting the self-awareness seminar would definitely bring her extreme misery and make her life a hell. As a result, according to the plaintiff, the plaintiff was coerced to pay large sums of money ostensibly as seminar fees, for purchasing merchandises, and for opening a retail shop etc. The plaintiff claims damage of ¥2,1344,083, the total of such payments she has made to the defendants and compensation for pain and suffering, to be paid jointly by the defendants on the bases of tort liability (Articles 709 and 719 of the Civil Law) and employers' liability (Article 715 of the Civil Law).

III. Plaintiff's Claims (Causes of Action)

- 1 . Tort liability of the defendants Kurabuchi, Kaori, Kada, and Momoi
- 2 . Liability of the defendant Home of Heart
- 3 . Liability of the defendant Toshi Office
- 4 . Damages

Purported membership fees:	¥1,336,000
Seminar participation fees:	¥4,942,849
Purported cost of Organic Village retail shop:	¥6,100,000
Purchase of merchandises:	¥1,465,234
Compensation for pain and sufferings:	¥5,000,000
<u>Attorneys' fees:</u>	<u>¥2,500,000</u>
Total Damage:	¥21,344,083

- 5 . On the ground of the above, the plaintiff seeks for the court decision ordering the defendants to jointly and severally pay to the plaintiff the total of 21,344,083 yen and 5% to the same amount calculated from January 27, 2003 until completion of the payment herein.

IV. Defendants' Arguments (admission/denial of the plaintiff's cause of action and counterargument)

- 1 . The defendants Home of Heart, Kurabuchi, Kada, and Momoi
 - (1) deny or dispute the Causes of Action 1 and 2,

- (2) deny/admit the payments of the Cause of Action 4 as in the attached list of payments, and deny or dispute the rest.
- 2 . The defendants Toshi Office and Kaori:
deny or dispute the Causes of Action 1, 3, and 4.

Grounds for the Decision

- I. Acknowledged facts:
- 1 . Standings, titles, objectives etc. of the parties hereto:
(translation omitted)
- 2 . Self-awareness seminar by the defendant Home of Heart:
- (1) The self-awareness seminar by the defendant Home of Heart, to the eyes of ordinary people, makes people believe that they should not be suspicious, should stop thinking, should leave away from personal relations with others and with family, and should give up their jobs and possessions, or else they would end up in agonizing hellish lives. In the seminar, participants are taught that human beings are born as innocent beings, but being imprinted variety of “notions” by parents and other adults, babies grow up as unhappy beings. Therefore, we need to get rid of all these imprinted “notions”, empty ourselves out, and resume the state of pureness in childhood. This process of our state of mind is explained as the way of life that contributes to Banbutsu (all creations). One other aspect of the seminar is that the defendant Kurabuchi, also was called Mashamasha or Kuman, is the absolute leader of the group, and no resistive attitude toward him is allowed. However, to the new participants from outside the group, during the initial stage, such reality of the seminar is hidden. At first, Home of Heart disguises itself as an ordinary company retailing healing products and selling healing music concerts. It solicits people healing music concerts of the defendant Kurabuchi, and then introduces other events i.e. seminars. However, at this point, seminar is explained as an event that would bring healing to the participants just as the defendant Kurabuchi’s music represents itself to the ordinary people.
- (2) As the seminar program continues, mind-controlling tactics are used, and some of the participants begin to believe that they would have to spend hellish life in the society filled with snide words if they would quit the seminar, and thus the participants become unable to leave the seminar. Also notable is that the self-awareness seminar of the defendant Home of Heart dictates the participants to purchase unimaginably exorbitant memberships and merchandises associated with the seminar in addition to comparatively high fees for the seminar programs themselves. In this way, participants are obliged to make one payment after another by obtaining loans, and eventually they end up with paying

extremely large amount of money to Home of Heart in total (and some people even get driven to bankruptcy). It is explained in the seminar that spending money is a wonderful act of contribution to Banbutsu (All Creations), and that reluctance to borrow money for such contribution stems from the wrong notion and irrational anxiety of losing money, and that such a reluctant person cannot become a contributor to Banbutsu. In addition, even when Home of Heart delivers defective products to the participants, such defects are considered attributable to bad energy of the participants themselves and not to Home of Heart. Complaining about defective products is taken as an evidence of the person not being able to make contribution to Banbutsu. During the initial stage, participants are not given any information that they would eventually have to spend very large sums of money and that some participants are forced to go bankrupt.

- (3) The seminar programs include lectures by the defendant Kurabuchi, communicating Kurabuchi's teachings to each other among participants (this is called "Share"), communicating one's ongoing feelings and awareness to each other (this is called "Work"), and other activities involving unimaginable violence.

One of these activities that accompanies physical violence is called "Feed-back". When a participant shows somehow skeptical attitude or expresses reservation to do something during the seminar, under the defendant Kurabuchi's instruction, the participant is subjected to long hours of mass intimidation --- staff members and other participants yells in large voice at the person with condemning and abusive words pointing out her negative elements in a loud voice for hours. Another activity is Therapy --- the participant is made to speak about her own "notions" (that are considered absurd), incited by using some know-how that is unique to Kurabuchi, made to reach a psychological state of being excited to ramp around, taken to the Therapy Room (a soundproof room) where she is made to collapse in tears. If she does not admit her fault, howl and cry out from the very bottom of the heart (i.e. does not show "Shift"), she is considered to be resistive and subjected to Feed Back where she is yelled at with condemning words. Other participants are made to take part in this process until she would admit her fault (being a spooky failed person, unsuccessful to get rid of obstinate notions) and collapse and cry out. Until she reaches such a state, the day's seminar activity does not end.

During the seminars that lasted for multiple days, such activities were continued day by day until late at night or even until the dawn. After a long night, activities of the next day were started in the morning, and participants suffered continued stress and sleep deficit that made them too exhausted to make normal decisions.

Application for the subsequent seminar programs and sales of merchandises associated with the seminar activities usually took place in midnight or early morning when the participants were thus exhausted. Oftentimes, those participants who were reluctant to

apply or to purchase the merchandises are subjected to Feed Back. It was a usual practice at the seminar facilities or at participants' own homes that participants of the seminar were made to receive Share (e.g. words of the defendant Kurabuchi on the day are communicated) and subjected to Feed Back (e.g. negative elements of the subject participant are repeated in a loud voice in condemning expression over the phone). Again, just as was during an overnight seminar program, resistive attitude prolonged the telephone call (if hanged up, another call followed) until the subject participant admits her failure and cry out. It was very difficult for the participants to hang up the phone for they were made to believe that they would end up living a hellish life filled with agony if they accept such practice.

3. Operations of the defendant Toshi Office

The main business operations of the defendant Toshi Office were show business, i.e. holding concerts of Toshimitsu Deyama (a.k.a. Toshi) at venues around the country, and recruitment of people to Home of Heart e.g. recruiting people to the defendant Kurabuchi's concert. At Toshi Office, the defendant Kaori Deyama has been a board member as well as an employee. In around 2002, beside her, there were a manager who accompanies Toshimitsu Deyama touring around the country as well as several female employees working on quasi part-time status including Yamamoto.

Toshimitsu Deyama and the defendant Kaori Deyama has been devotees to the seminar held by the defendant Home of Heart. To the eyes of the third-party persons, Toshimitsu Deyama even seemed to have been under mind control by the defendant Kurabuchi. Just as other participants of the seminar, both Toshimitsu Deyama and the defendant Kaori Deyama had been transferring the majority of their company's income to Home of Heart ostensibly for some reasons e.g. unimaginably expensive fees for their participation to the seminar activities. In addition, in around 2001, under Toshimitsu Deyama's agreement, the defendant Kaori Deyama renounced the life outside Home of Heart and began to live in Home of Hear located in Nasu region in Tochigi prefecture where she engaged in clerical works of Home of Heart related to seminar events (Plaintiff's Evidences #100 and 71). Because the Defendant Kaori Deyama paid considerable amount of money to Home of Heart ostensibly as participation fees, she was perfunctorily in a position of a participant to the seminar. However, in actuality, she worked as a staff member of the host organization of the seminar, i.e. Home of Heart while, at the same time, she belonged to Toshi Office. This is expressive that Toshi Office collaborated with Home of Heart to organize the seminar, i.e. Toshi Office can be explained as a joint host of the seminar. Furthermore, the defendant Toshi Office ordered its part-time employees to participate in the seminar of the defendant Home of Heart as their job training, in order to give an ostensible reason for paying large sums of money to Home of Heart (employees get fired by Toshi Office if they don't participate in the seminar). Gradually, Toshi Office started to administer mind control to female part-time employees, just as Home of Heart did to the plaintiff, and gradually

made the employees to spend large money on Home of Heart e.g. for seminar programs and merchandises. Thus, the seminar of Home of Heart itself was the business operation of Toshi Office.

- 4 . Initial recruitment: *(translation omitted)*
- 5 . MASAYA Concert: *(translation omitted)*
- 6 . Recruitment and collection of personal information by O. Suzuki under the disguise of a close friend: *(translation omitted)*
- 7 . Beginning of mind control at MASAYA Private Work: *(translation omitted)*
- 8 . Proposal of setting up a sales agency that made the plaintiff to get into it: *(translation omitted)*
- 9 . First and sudden Feed Back at the Concert Rehearsal: *(translation omitted)*
- 1 0 . Toyohara Tour and intensified mind control: *(translation omitted)*
- 1 1 . Communal living of the defendant Kurabuchi (a.k.a MASAYA) and multiple women: *(translation omitted)*
- 1 2 . Morino Okashiya-san (Sylvan Confectioner): *(translation omitted)*
- 1 3 . The first experience of Therapy and the plaintiff's run-a-way from home: *(translation omitted)*
- 1 4 . Payments for merchandises etc.: *(translation omitted)*
- 1 5 . Izu Tour – Feed Back and coerced purchasing of paintings etc.: *(translation omitted)*
- 1 6 . A proposal of setting up a shop (“Harvest Farm”) -- preliminary step toward Organic Village project: *(translation omitted)*
- 1 7 . Hawaii Tour: *(translation omitted)*
- 1 8 . Ohanano Komichi (Flowery Path) Homeward-bound Tour and payment of large sums subsequent to the tour: *(translation omitted)*
- 1 9 . Money Training and revisions of the plan to setting up a shop (Organic Village): *(translation omitted)*
- 2 0 . Yakushima Braver Training: *(translation omitted)*
- 2 1 . Yamano Gakkou (Mountain School) Optionally Tour (the incident of mixed bathing) and subsequent seminar activities: *(translation omitted)*
- 2 2 . Purchasing of health foods and water: *(translation omitted)*
- 2 3 . The path to bankruptcy under the name of Fall-in-Debt Training: *(translation omitted)*
- 2 4 . In extremis at year-end Master Training: *(translation omitted)*
- 2 5 . In extremis at Yamano Gakko (Mountain School): *(translation omitted)*
- 2 6 . Enrollment Training and breakaway from Home of Heart: *(translation omitted)*
- 2 7 . Credibility of the statements by the defendants and their witness: *(translation omitted)*

II. Illegality of the acts by the defendants

1. Defendants Kurabuchi, Kada, and Kaori Deyama:

(1) Based on the afore-stated acknowledged facts, the following facts can be presumed:

It is adequate to view that the defendants Kurabuchi, Kada, and Kaori Deyama colluded together and schemed together in making the seminar participants give up all of their fortune to the defendant Home of Heart, not to say, including money loaned/borrowed from multiple money lenders (including sales of merchandises on installment credit). The defendants used the participants' ability to loan/borrow money to the fullest extent (the credit limit is calculated somewhat mechanically by money lenders without considering one's actual repayment ability). In other words, the defendants colluded to make the participants to give up their whole fortune as well as credit to Home of Heart.

In order to materialize the scheme, the defendants disguised Home of Heart as a company marketing healing goods and services, made their staff get close to women with distress, found out details and reasons for the distress, obtained their background, family, and other personal information. Then, they invited such women to Kurabuchi's concert, and on the bases of the collected personal information, at the concert, Kurabuchi made convincing guesses on their distress as well as its cause and solution by making illicit use of psychiatry/psychology-based know-how of self-awareness seminars. By doing so, they enhanced their anxiety and made them get confused. It is appropriate to view that the defendants were conspiring to wait and find some people who would get entrapped in such a scheme.

Then, once a person gets entrapped and participate in the seminar, the defendants further jointly administered mind-control on her by illicitly using expertise of self-awareness seminars, making her believe that she would have to suffer hellish and agonizing life if she would not follow Kurabuchi or would quit the seminar. The defendants further imprint her the attitude that she should not have suspicion, should stop thinking, and should get rid of any fear of financially running out or becoming unable to repay loans. Thus, it is appropriate to view that the defendants thus convert such a participant to a person who would pay her own money as well as borrowed money to Home of Heart as instructed by Kurabuchi et al.

It is appropriate to view further that, in order to maintain the state of mind control, the defendants made the participants continue thought-stopping training and subjected them to Feed Back and Therapy to continuously make them to believe in Kurabuchi's words.

(2) The act of intentionally driving someone into mind-controlled state for the purposes and by the means as stated in (1) above obviously constitute an illegal and impermissible act according to any socially accepted idea.

As a matter of course, knowledge of psychiatry and psychology should never be abused. There is no logical doubt that hurting someone emotionally by abusing such knowledge should be called a heartless act. Collectively denouncing one person continuously for hours based on a specific ideas and values without admitting any argument and without allowing a room to think is no different than psychological torture that leaves the victim's mind a deep wound forever.

It also is a matter of course that such an act should be called an utterly inhumane act.

(3) Upon these acknowledgements, recruitment to MASAYA Concert in July 2002 and the subsequent seminar programs, sales of merchandises, memberships, and Organic Village project were activities on one string intended to mind-control the plaintiff and to maintain her mind-controlled state. Therefore, all of the acts by the defendants concerning the plaintiff starting from July, 2002 should be considered as illegal. Therefore, the expenditures by the plaintiff as acknowledged in preceding sections herein including the payment for the concert in July, 2002 (Attachment 2-1) were materialized only by the illegal acts by the defendants Kurabuchi et al, and, to the extent that caused actual financial loss to the plaintiff, the total sum of such damage should be considered to be in reasonable causal relationship with the illegal acts by the defendants as stated above.

(4) The defendants assert that the defendant Kurabuchi does not hold the executive power and is merely a producer and trainer of the seminar.

However, according to the acknowledged facts hereto, Kurabuchi is not just a trainer of the seminar, but rather, he is in the position to give important directions to the staff members in other activities of Home of Heart beside the seminar. It is obvious that he had the authority for making final decisions in various business activities e.g. to whom the membership to Toyohara facility is offered, and to whom retailing of merchandises of Home of Heart should be permitted. In addition, according to the above acknowledged facts, it is also obvious that staff members of Home of Heart including the defendants Kada and Momoi, both being board directors of Home of Heart, have been taking Kurabuchi's directions as absolute. The fact that Kurabuchi gave intimidating words of condemnation to Kada, president of Home of Heart (Plaintiff's Evidence #22), and there is a person who heard Kurabuchi himself saying that he has the authority to make decisions at Home of Heart (Plaintiff's Evidence 24-1) are substantiating.

(5) about Defendant Kada *(translation omitted)*

(6) about Defendant Deyama *(translation omitted)*

2. About Defendant Momoi *(translation omitted)*

3. About Defendant Home of Heart *(translation omitted)*

4. About Defendant Toshi Office *(translation omitted)*

III. Damages

1. Financial losses *(translation omitted)*

2. Compensation for pain and suffering

(1) According to the acknowledged facts stated herein, the plaintiff was made to suffer extremely large mental anguish by the series of illegal acts by the defendants – intentionally

driven to the mind-controlled state, subjected to collective condemnation (Feed Back) where she was yelled at with harsh condemning words, continuously beaten in the posture of touching the ground with her hands, knees and forehead.

Needless to say, abusing knowledge of psychiatry and psychology, and intentionally making people mind-controlled are extremely anti-social acts. Collectively condemning one person for hours with intimidating words without allowing any room to think and without admitting any argument equal to psychological torture. It surely leaves a serious psychological wound on the victim almost permanently. There is no choice than to call such an act as extremely inhumane.

The compensation to console the psychological damage inflicted by the violent and intimidating acts by the defendants on the plaintiff should not be less than 1 million yen considering the term, degree, antisocial intent of the perpetrators as well as their attitude of never admitting the facts of the case at all even in the court proceedings.

- (2) According to the afore-stated acknowledged facts, damages of the plaintiff inflicted by the series of defendants' illegal acts are not limited to theses explained in (1) above. As a result of mind-control that affected the plaintiff's life in all aspects, the plaintiff's family was disintegrated; the plaintiff was divorced and lost her parental prerogatives over her daughter and was even denied to visit the daughter by her ex-husband for the reason of having been, albeit temporarily, a member of an antisocial group such as Home of Heart. In addition, being under mind-control, the plaintiff was forced to purchase merchandises by borrowing large sums of money and by using credit cards etc. recklessly and without prospect for repayment. She became unable to repay the debt, and had no choice but to file for personal bankruptcy.

The compensation to consolidate the psychological damage due to inability to see her own daughter and due to personal bankruptcy should not be less than 1 million yen considering the degree of damages, antisocial intent of the perpetrators, their attitude of never admitting the facts of the case at all even in the court proceedings. Considerations to the losses due to repayment to credit companies which cannot be proven precisely in details should also be taken into account for the compensation.

- (3) Thus, there are grounds for the consolation payment of 2 million yen i.e. the total of (1) and (2) above.