David Dennis Update: November 1997

Over two million spent already, to postpone the discovery of certain facts. Cannot something be done to stop this ongoing waste?

Before dealing with the latest complexities of the case, it is well to briefly review its earlier history. It is only as we understand the past that we can properly grasp the full import of more recent developments.

In 1967, David Dennis, a hard-working certified public accountant, was elected treasurer of the West Indonesian Union, headquartered in Jakarta. Four years later, in 1971, he was called to head up the auditing department of the Far Eastern Division, with offices in Singapore.

Because of his acknowledged integrity and quick-minded grasp of the work, in September 1975, he was appointed to the position of associate director of the General Conference auditing department (now called the General Conference Auditing Service).

On the retirement of its director in November 1976, Dennis, at the age of 38, was appointed head auditor of the General Conference.

Conflicts began to arise when, instead of being quiet, Dennis spoke up when problems were discovered. Yet, according to his job description, in any other firm—that was what he was supposed to do! This situation continued for several years, but he could have been fired or transferred out; yet that could only happen by vote of a Session nominating committee. The world field recognized that Dennis was the kind of man needed for such a crucial whistle-blowing position.

Over the years, Dennis warned about the Davenport loans, the situation at Harris Pine, and related matters.

The Dennis letter of April 17, 1989, was but one example. Here is the story behind it:

On Wednesday, April 5, 1989, Adventist Health Systems leaders met with our worldwide leaders, gathered at the annual Spring Council, and pled "with tear-filled voices" for immense salary increases for themselves and a sizeable number of other subsidiary AHS managers.

To hear them talk, one would imagine their clothes were threadbare and their children were starving. But not so, they were already receiving fine salaries with a host of perks, including, at the time in some cases, the use of private jets.

The reason they gave for the mammoth salary increases was the need to retain "highly qualified" men in those positions.

In order to fully grasp the ridiculous nature of this request, one must know the shaky financial status of our Adventist Health Systems' facilities by that time. Here is a brief survey of the preceding six years:

• By 1983, these "highly qualified" men had racked up a billion dollars in debt on our formerly debt-free hospitals. It had only taken four years with them in charge to do this.

• By the spring of 1985, the debt was up to $1.5 billion. Like drunken sailors, they continued on their spending spree and had it up to $2 billion by August 1986.

• In the summer of 1985, these capable men were busy selling smaller Adventist hospitals—in a frantic effort to reduce the debt! How is that for managerial efficiency?

• In the fall of 1987, because the financial picture was so desperate, they decided to drop many low-paid workers, in order to save money. But there was no talk about cutting their own excellent salaries.

• By the summer of 1988, AHS had a debt ratio more than double the average of U.S. hospitals or hospital systems.

• In August of that year, the first bond default by a Seventh-day Adventist entity occurred; this one by AHS/Nema [AHS/Northeast and Mid-America].

What to do about such a sordid financial mess? The highly qualified men put their heads together and came up with an excellent solution: raise their own salaries sky high! And what was "sky high"?—just

this: **yearly salaries in amounts of $75,000 for the lowest-level managers, on up through $125,000 for the middle managers, to $150,000 for the upper-level managers! (Today, as I write this, the upper salaries are over $200,000 a year!)**

Was that a plan to save our denominational hospitals, or destroy them? *Lay the hospitals on the table and bleed them to death; and then declare the results cost effective.*

• In the early 1980s, the hospitals were mortgaged to the hilt, and the faithful, old-time, workers were fired.

• In the late 1980s, bankruptcies were declared.

• In the 1990s, what was left was given to the Catholics and the Methodists!

If you don't believe it, read our reports over the years; it is true!

So, after the Spring Council gave the qualified men what they wanted, on April 5, 1989, David Dennis, the head auditor, wrote a six-page letter to president Neal C. Wilson, pleading with him about the matter. (That April 17, 1989, letter is reprinted on pages 17-19 of our book, *Collision Course*.)

Wilson was discomfited that a worker would protest, and looked forward to the 1990 Session when changes might be made not to AHS, but to Dennis' job.

• In June 1989, a year after the Spring Council cash handover, Heritage Nursing Homes, Inc., an AHS subsidiary was in such bad financial shape that its bonds were reduced, by the Fitch rating service, from an A to double C rating.

• That same summer, the Arizona Conference filed suit against AHS/West, to recover the $11 million loss it received when AHS/West took the hospital and later sold it!

• In August that year, Imaging Systems, Inc., an AHS subsidiary collapsed financially, producing a $92 million loss to the denomination.

—All that one year after bloating the salaries of the leaders who had been mismanaging the funds for years.

(Someone will ask why, why, why? The answer is that AHS leaders were generally given whatever they asked for, because any time the son of a church leader came to them, he was given a good-paying job. In some instances, a retiring or disgraced church leader was quietly slipped into a high-paid hospital administrator position. The cosy relationships between church leaders and AHS leaders was a matter of mutual self-interest.)

• By August 1989, the total AHS debt ratio was 1 to 2.24! ! ! **Can you grasp what that figure stood for? It meant that the entire AHS system, and all its hospitals, had two dollars and twenty-four cents in debt, for every one dollar in assets!** Who will pay the piper when the whole thing later crashes?

When the time comes for AHS to collapse, it will probably take part of the denomination down with it! The bankruptcy court will reach across, from AHS, to its parent corporation(s) and seize their assets. (No, it will not seize your personal assets, only corporate assets.)

By the way, what is the parent corporation(s) of AHS?

• In the 1980s, it was the General Conference world headquarters and its world subsidiaries.

• In the 1990s, it is the Union conferences and their subsidiaries.

So the mere difference is that now only U.S. offices, institutions, and local churches can be seized; no overseas subsidiaries.

Now back to the subject.

At the 1990 General Conference Session, an effort was made to oust just one General Conference worker: David Dennis—the only man who had dared to speak up when those exorbitant salaries were dished out in April 1989. But a number of good men spoke up and prevented this from happening.

A few months later, Dennis objected to a deal whereby money was laundered through the Columbia Union "worthy student fund," to provide housing and other moneys to Robert Folkenberg's personal family. When the matter became known (not because of Dennis), Folkenberg was deeply humiliated.

By late 1993, Folkenberg was working on a plan to change the system of governance in the General Conference and all the divisions. Dennis again spoke up. **By 1993, every voice in the General Conference had been silenced, fired, retired, or transferred out. Dennis alone was still there.**

You will recall our earlier studies on the false memories syndrome. In addition to our earlier reports, the False Memories Syndrome Foundation, Inc., in Philadelphia can provide you with a wealth of information on this rapidly growing problem in America. They have records of over 17,000 cases of families destroyed by this mind-control takeover and false memory implantation technique. Hypnotism is used to place in the mind pictures and thoughts which never occurred.

A young woman who, years before had known the Dennis family, was having emotional problems, and went to a trained counselor. When her newly planted memories implicated Dennis, and Folkenberg heard about it, he saw this as the opportunity he had been waiting for.

David Dennis' name was blackened over the internet, worldwide, and he was fired.

Immediately after the firing, the young woman drew back and refused to have a part in the lawsuit which followed. She has been reluctant to help support the General Conference.

A month later, on February 22, 1995, Dennis filed suit.

In late April, attorneys sought to have the case dismissed, but the judge denied the motion.

Leaders at the General Conference had made serious charges. They ought to be able to easily defend them; yet, with the passing of time, they consistently sought to avoid letting the case come to trial.

About two weeks before the 1995 GC Session, at which time the delegates would decide whether or not to reelect Folkenberg as president, he sent out a letter to workers throughout the field.

In this June 12 report, Folkenberg declared four things:

(1) He had available to him complete evidence which would fully exonerate him and show the falsity of all Dennis' charges.

(2) He said that he could not then release the evidence in his defense, because a case was in court.

(3) He solemnly promised the workers that, as soon as the trial was finished, he would lay out all the evidence before them publicly.

(4) He said he was extremely anxious that the suit be brought to court as soon as possible, so everything could come out into the open.

On June 28, Eric A. Korff, a General Conference worker, wrote a letter to the GC staff, ridiculing Dennis. A few days later he was rewarded, when Folkenberg had him elected as the new head of the GC auditing department! Say good-bye to whistle-blowers in the auditing department. They are all gone now.

Shortly before the Session, former president Neal C. Wilson sent an appeal, on Folkenberg's behalf, to the delegates slated to arrive at Utrecht in a few days. He pled with them to ignore the Pilgrims Rest reports which had been mailed to them that month.

The delegates trusted that Folkenberg wanted everything exposed, and they reelected him.

A month later, on July 25, a hearing was held at the courthouse in Rockville, Maryland. Although the story would later be widely circulated, by the General Conference, that the judge threw out the Dennis case—this is what really took place:

1 - The judge threw out Dennis' wrongful discharge claim. He did this, as he stated, because of a Maryland State law permitting an employer to discharge anyone for any, or no, reason. Those states which have these "employment at will" laws on the books permit employers to fire workers without cause. The judge could do no other.

2 - The judge retained Dennis' breach of contract claim which, obviously, was closely related to the wrongful discharge issue.

3 - The judge retained Dennis' defamation of character claim, and requested that the court be provided with additional information on how the defamation applied.

This was the opportunity for the General Conference to step forward with evidence which certain GC workers claimed they had, that Dennis had had affairs with a variety of women. But no such evidence has been brought forward. We predict it never will. It is a responsibility of church leaders to tell the truth.

Although word has gone out that the charges against specific individuals at the General Conference (Robert Folkenberg, GC president; Kenneth Mittleider, vice-president who retired at Utrecht; and Walter Carson, GC attorney) have been thrown out of court, that rumor, although repeatedly stated, is not true either. (The present writer and others heard it, over the phone, from the GC public relations office over a year later.)

On August 18, 1995, Dennis filed an Amended Complaint (Civil Action No. 132721-V) which omitted the employment discharge point which, because of Maryland State law, the judge had voided. The defamation and breach of contract charges remained.

In the complaint, Dennis listed several charges against him which church leaders have consistently refused to substantiate. They could easily have brought forth corroborating evidence in defense of their position, but this they do not do.

Yet they have not been afraid to publish those stories worldwide on the internet, or travel to distant places to spread them in meetings with church officials and workers.

Instead of working to fulfill his June 12, 1985, promise to the world field that he would work to quickly reveal the full facts in the case, Folkenberg has consistently directed his attorneys to stall the court proceedings, or avoid them entirely.

On September 25, 1995, two legal papers were submitted to the Montgomery County Circuit Court.

In one (a seven-page document), Folkenberg tried to have himself removed from the case. **The pathetic reason given was that he was above the law! Since he is a church leader, his actions are not subject to review, surveillance, or censure by the courts of the land! You don't believe it? Read this:**

> "Dennis' defamation claim must be dismissed in order to avoid excessive government entanglement with a religious institution. Certainly, litigation of the instant case will subject church personnel and records to subpoenas, discovery, cross-examination, and the full panoply of legal forces designed to probe the minds of Church officials in the decision to terminate Dennis' denominational employment."—*Robert Folkenberg, Memorandum of Points and Authorities, September 25, 1995, p. 6.*
>
> "Dismissal of the defamation claim must be granted in order to protect the Church from having its religious beliefs, concepts of acceptable moral conduct, and system of ecclesiastical government subjected to public scrutiny by a secular finder of facts.

"For all of the reasons set forth above, this Court should decline to exercise jurisdiction over the defamation claim and grant this motion to dismiss."—*Op. cit., pp. 6-7.*

There it is: The suit must be dismissed, lest Folkenberg's, and the General Conferences', standards of acceptable moral conduct and methods of governing be exposed to the public eye.

The above statements were submitted to the court as his personal reasons for requesting to have his name removed from the case. **Yet only three months earlier, Folkenberg wrote to workers around the world that he was eager to have the case settled, so the full facts could come out in the open.**

Earlier in the legal paper, Folkenberg said that the "religious freedom" of the church was at stake!

"Regardless of when the alleged defamation occurred, all of the allegations against Folkenberg must be dismissed because they strike at the heart of the Seventh-day Adventist Church's religious freedom."—*Op. cit., pp. 3-4.*

If, in the above sentence, we substitute "leadership freedom" for "religious freedom," the sentence becomes clear.

On the same date, an almost mirror-image second paper was also filed with the court. It requested that the case against the General Conference be dismissed.

In the months that followed, amid rumors that the entire case had already been totally dismissed, the General Conference had its lawyers submit two more petitions for case dismissal. One was handed to the court only days before the judge issued his ruling.

On January 22, 1996, a hearing convened at the courthouse, and attorneys for both sides spoke to Judge William P. Turner.

Four days later, on the 26th, the Judge handed down his decision regarding the various requests to dismiss the case. The case would continue.

Keep in mind that the September 25, 1995, request and subsequent requests for dismissal of the case—followed an earlier request for the same thing! You will recall that, in late April 1995, the attorneys for the General Conference and its personnel had already asked for case dismissal! **Personally, I do not understand how they could ask repeatedly in the same case that the case be thrown out, but they did it anyway.**

Since you have probably heard that the case has been dumped, here is the official word in the matter:

"Therefore, considering all of the above, it is this 26th day of January, 1996, by the Circuit Court for Montgomery County, Maryland, ORDERED, that the defendants' Motions to Dismiss are hereby DENIED."—*Order of Court, William P. Turner, Judge, January 26, 1996 [bold caps his].*

Unfortunately, no time limit had been set for forthcoming events in the case. So, stalling continued.

All this time, money kept falling into the pockets of three (3!) high-priced Washington area law firms. Although Dennis had one attorney defending him, Folkenberg did not want anyone looking too closely at his affairs, so he chose to have two lawyers from one law firm represent him and the General Conference, two other lawyers from another law firm represent Kenneth Mittleider and Walter Carson, and yet another two lawyers from a different Washington area law firm represent the woman in the case—who did not want to have any involvement. It was not necessary to have six lawyers and three law firms, but they did it anyway.

Each firm had lawyers and legal secretaries working on the case. Their assigned task: Keep delaying everything, write petitions, keep postponing the day when the files would be uncovered.

Of the six attorneys retained by the General Conference, the lead attorney is being paid $375 an hour. Each of the other five are receiving in excess of $180 an hour.

In addition, they charge for clerical, filing, and secretarial fees. All this does not include court costs, which the General Conference must also dole out.

The longer the delay, the more tithe money is handed over to the lawyers. Tithe and 13th Sabbath offering is all the General Conference can dip into for such purposes.

The quicker the case is settled, the less that is paid. But, for some reason, Folkenberg and the others are very concerned that everything be delayed as long as possible. If they could postpone the outcome ten years, that would be fine with them. Who cares if God's money is used to keep a variety of facts secret.

By early November 1996, a legal expert told us that the General Conference had probably already paid $1,500,000 on the case which by that time had been in progress 21 months. At the present time, the end of October 1997, another twelve months has elapsed. Is this to go on forever? By the end of this present report, you will begin wondering.

Yet the above figures only include outside legal fees; they do not include the cost of General Conference staff, travel, and speaking appointments. Mittleider, though officially retired, is being paid a full salary and subsidy to travel all over the world field defending Folkenberg. Have they no better way to use the dedicated money?

In addition, four or five people at world headquarters are being paid to work on this matter. This

Continued on the next tract

More WAYMARKS - from —
PILGRIMS REST
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David Dennis Update: November 1997

Continued from the preceding tract in this series

includes at least two in-house lawyers.

All this is being done to keep the facts from being exposed.

What facts? The facts which Folkenberg said, in his worldwide letter of June 12, 1995, he wanted exposed, to set the record straight.

But, ever since, there has only been high-priced stalling.

In July 1996, Judge Turner called all seven attorneys together—and told them the depositions must be completed by the end of the year.

"Depositions" means that, with a court reporter present to take exact notes, attorneys for each side can ask questions of those on the other side who are involved in the case.

At that meeting, the six attorneys had been instructed to insist that they be first to depose the other side. They also demanded that they be given permission to question, not only depose Dennis, but also his wife and children!

In September and October, they deposed the Dennis family for nearly ten days. (In contrast, someone told us, the deposition of O.J. Simpson only took nine days.)

Dennis was grilled for four days (September 3-6). Then the high-priced lawyers and their high-priced staff carefully examined the written and videotaped proceedings for most of the rest of the month!

Then they called him back for another two-day session (September 30 and October 1), and again for two more hours on the 11th.

Mrs. Dennis was deposed on October 11, their son on the 8th, and their daughter on the 18th.

Part of their objective was to place the entire family under so much pressure, that Dennis would drop the case.

During the deposition of each person, one lawyer would work him over for a couple hours and then, when exhausted, step back and another of the six lawyers, fresh and ready to go, would jump up and start in. Their bearing was generally antagonistic.

Each battering day was intended to beat them down and wear them out. It appears that, considering the extraneous, irrelevant, things they asked about, they intended to go on and on till they themselves were worn out! Finally they stopped.

Yet the grilling was profitable in another way. **At $1,300 an hour for the six attorneys, they made over $8,000 a day during the depositions. In addition, the General Conference also paid $5,000 each day for court reporters and a complete videotaping of those in the receiving end of the inquisition.**

Those few days alone cost the General Conference $130,000 in tithe funds.

Still more money rolled in during the weeks which the transcripts and videotapes were analyzed.

In retrospect, it is doubtful that the lawyers learned much they could use.

But at least the case was progressing. Next Robert Folkenberg would have the opportunity to disclose, in deposition, that which he had earlier said he was anxious to have come to light. Had he not said he had nothing to hide?

According to the schedule, he, Mittleider, and Carson were slated to be deposed in November 1996.

But then came a great surprise—rather, another stalling tactic. Or to say it more correctly, it was a shocker: On Wednesday, November 4, 1996, the six General Conference attorneys took two documents to the courthouse.

As they had done on September 25, 1995, they did again! The two legal briefs requested the court to drop the case, so as not to infringe on the "religious freedom" of Folkenberg and the General Conference!

The sheer effrontery of this was seemingly beyond belief. First, they had demanded that they be the first to do the deposing. Second, they demanded that they be able to not only question Dennis, but also his entire family.

Next, they continued them for days. The first depositions were taken on September 3, and the last ones on October 18. The rest of the month was spent analyzing the hundreds of pages of questions and answers they had compiled.

Finally, after realizing that the depositions provided them with little or no help, in desperation the General Conference made a bold move—they demanded that the case be thrown out so they themselves could not be deposed!

This was the height of unfairness.

The judge had earlier ordered that all the depositions be com-

pleted by December 31. (By the earlier agreed-upon scheduling, a deposition was to be taken of the woman on November 7; another of Walter Carson, GC in-house attorney, on November 11; of Kenneth Mittleider on November 12; and the final deposition of Robert Folkenberg on November 19.)

The whole process was effectively stopped on November 4, 1996, when the six lawyers submitted a bulky collection of legal documents to the court. By the size of the collection, the papers must have been prepared prior to taking the Dennis depositions. The first document was 24 pages in length, and the second 50 pages!

Those legal papers demanded that the case be terminated, without further depositions, discovery, production of materials, or court trial. (The official name of the request was *Motion for Summary Judgment*.)

However, in submitting those papers, the General Conference overstepped itself. The papers included a very lengthy list of information which Dennis had requested that the General Conference turn over to him.

As the head auditor for 18 years, David Dennis knew a lot about the inside workings of the denomination; and, now by exposing some of the wrongdoings, he apparently hoped to resolve the problems as church members become aroused to what was taking place.

We earlier reprinted that entire Dennis request, as contained in the second of the two legal papers submitted on November 4, 1996. (For a reprint of the Dennis discovery requests, reprinted in those November 4, 1996, documents, read *David Dennis Legal Requests [WM–739-742]*.)

It is of interest that the General Conference documents, submitted to the judge, referred to their officers as "reverends."

This latest petition produced yet another delay.

Early in 1997, another court decision was made. On Tuesday, February 25, at a hearing convened at the Montgomery County Courthouse in Rockville, Maryland, a new judge was presiding: James C. Chapin. He would either throw out the case or let it continue.

A number of onlookers were present, including high-placed General Conference personnel, especially Risk Management (all church legal expenses are funneled from church treasuries through their department).

The attitude of the six GC attorneys indicated their certainty that the judge would dismiss the case.

Kevin Baine, considered an expert in First Amendment (separation of church and state) cases, was the first to address the judge. He spoke with an air of assuredness, certain he would win the dismissal.

But Chapin was a different kind of judge. Frequently, he interrupted Baine and the other five GC attorneys with incisive questions and comments. It was clear he had carefully read everything.

Did the church have a right to strike out at a man and not have it heard in a public court? he asked. Baine replied that the

BLUE RIBBON PANEL AHEAD?

On May 5, 1997, Robert Nixon (the GC attorney who was the key liaison between the General Conference and Ramik throughout the trademark lawsuits) wrote this in answer to an inquiry:

"Thank you for expressing your feelings about the David Dennis case. However, I want to remind you that the allegations he made in his complaint are just that—allegations and not proven fact. In fact, the court now has dismissed his two main causes of action, unlawful termination and breach of contract.

"Every church member should be concerned about their integrity of church finances. You are. I am too. Elder Folkenberg has suggested that, when this litigation is over, the General Conference should appoint a Blue Ribbon Panel to look into the allegations and to report to the church its findings."—*Robert W. Nixon, Letter, dated May 5, 1997, to a believer in the Northwest.*

Regarding paragraph 1: The unlawful termination and breach of contract items were only rejected by the court because an existing Maryland State law prohibited the court from considering those just aspects. (In Maryland, an employer can discharge for any reason, without fear of suit.)

Regarding paragraph 2: I predict that no such panel will ever be appointed. Folkenberg would not dare do it. He is spending millions to keep the information hidden right now; why would he later let the church members freely browse through it? Or he may appoint such a panel; and then, when finished, the panel will be dismissed and the report will be quietly buried.

That is what happened to N.C. Wilson's "President's Commission," which reported on the Davenport scandal. The commission was a means of buying a year's delay.

Because there are no more whistle-blowers in the General Conference, we can just imagine what the "blue-ribbon panel" will report.

church was above the law, and the courts did not have the right to second-guess a church's decisions.

Yet, if that is true, everyone else in the land must obey laws, but the churches do not have to. Our new theology teaches a person to be an outlaw; and church leaders, by their own legal statements, are adopting that position.

At one point, Baine said that Dennis, in his legal submissions, had claimed to be a high church official. Immediately, Chapin interrupted him. That is incorrect; let me read what he said! Then Chapin quickly turned to the exact page and read the passage correctly!

The GC attorneys, and the GC personnel in the audience, were stunned. This judge did not appear favorable to their cause,—and he had even read the legal papers carefully!

In contrast, Chapin appeared quite satisfied with the few questions he asked the lone attorney defending Dennis.

It was quite clear that the judge had read the case carefully, and was quite interested in following the case through to its end.

Judge Chapin then ruled that the First Amendment did not apply, that the General Conference *Motion for Summary Judgment* was denied, and that the next meeting would be a pre-trial scheduling conference with the attorneys on Friday, March 7, 1997.

Then, on March 11, 1997, in order to avoid further delays, Judge James C. Chapin gave a court order that the following schedule was to be carried out. There were to be no more delay tactics:

September 15, 1997 - The discovery phase was to be completed.

October 17, 1997 - The final date for the filing of motions (motions filing cutoff). After that date, the General Conference could no longer file delaying motions.

November 20, 1997 - A hearing was to be held at 9 a.m., at the courthouse, on all pending motions.

December 15, 1997 - Motions *in limine* must be filed by this date. [*In limine* is a Latin phrase, and means "on the threshold" or "at the beginning."]

December 15, 1997 - A joint pre-trial statement is due by this date.

January 5, 1998 - A settlement conference is to occur at 9 a.m.

February 23, 1998 - A jury trial is to take place. Three weeks have been blocked off for this purpose.

Delays were expected to occur, which would alter the above schedule.

They surely did.

They filed a *Motion for Reconsideration*, for the judge to reconsider his February 25, 1997 denial of their request to throw out the case. On July 25, Chapin rejected that motion as well.

In the above schedule list, handed down by the judge, the discovery phase was to be completed by September 15, 1997. That means that all the documents Dennis had requested were to be turned over to him by that date.

But the General Conference did not do this. They just ignored the court order. Dennis' attorney then filed a motion to compel them to to give it by the end of the year.

Chapin accepted it, but did not rule on it—because all the scheduled dates were canceled by a bold action by the General Conference in August.

THE LATEST DEVELOPMENTS

Everything mentioned above has essentially been noted in previous Pilgrims Rest publications, stretching over the past 34 months. Yet the new developments can seem puzzling, if not connected with earlier ones. Hence the review.

Here is the latest development. It is as remarkable as all that has gone before.

The General Conference and its six attorneys found themselves in a crisis. They now had a judge which was not favorable to letting them crush a man and then walk away with no questions asked.

At first, they considered petitioning Judge Chapin, to certify an appeal from his decision to throw out the case on First Amendment grounds. But, after carefully discussing the matter, they decided there was only a remote possibility he would agree to it.

So they did something remarkable—even rare—in judicial proceedings. ***On August 25*** *they filed an appeal directly to the appeals court before the case was concluded!* One attorney commented that he had never heard of such a thing being done in all his years of practice *(printed on the next page).*

They were, in effect, appealing the case before the case was heard! They were asking the appeals court to make a decision before the case had gone through the lower court.

In one full swoop, the General Conference wiped out the completion of the above schedule of events, and possibly postponed the case for 12 to 18 months.

And all the while, the clock keeps ticking and more money keeps flowing to the three high-priced law firms, their attorneys, and staff.

Remember that the next time you see a picture of an orphan on the cover of the *Review.*

Judge Chapin will be unlikely to give any rulings until the Appeals Court rules on whether or not it will accept the petition by the six lawyers.

Within the next few months, the Appeals Court will rule on whether or not it will accept this strange, unfinished, case.

If it accepts it for consideration, there may be a waiting period of up to 18 months before it does hear it. Then more time before its decision is handed down.

If it refuses to hear the case, it will be remanded back to the lower court—where Judge Chapin will once again call for a new scheduling conference.

To summarize this forthcoming timing, about the end of the year or somewhat after, the Appeals Court will probably hand down a decision as to whether or not they will accept the case.

If they do not, it will return to Judge Chapin, and he will impose another schedule. If he chooses, he can require that the schedule be adhered to—and if not done, the General Conference can be held in contempt of court.

If the Appeals Court does accept the case on appeal right now, then a delay of 12 to 18 months could easily occur before they hear it.

And what is it that is being appealed? The General Conference is appealing the latest (February 25, 1997) denial by Judge Chapin, of their Motion for Summary Judgment (that is, their request to throw the case out of court). and his second denial to reconsider the motion (July 25, 1997).

How far, indeed, men will go to avoid being questioned under oath (deposed) and having to turn over documents for public exposure.

Here is a handy little *look-it-up quiz* for you to do when you have spare time on your hands:

Go back through this brief historical overview, and count the number of legal petitions the General Conference has submitted to have this case thrown out of court. Careful now, two are less easy to find.

— Vance Ferrell
for Pilgrims Rest

At the present time, a legal authority has estimated that the General Conference has already spent over $2 million on their fleet of three (3) high-priced law firms. They have six lawyers, when they only need one. Why should they need to have six outside lawyers, when they also have two in-house lawyers working on the case? Aside from sorting and counting the money as it comes in, what are all those lawyers doing with their time? Are six lawyers needed to keep the case delayed until Folkenberg retires?